



Who can be considered as public servants?  
Which area can be declared as smaller urban area?

What are the disqualifications of a councillor?

Who shall intimate the defection of a councillor?

Can the Government inquire into municipal matters?  
How the Municipal immovable assets shall be accounted?

Where the claims on property be settled?  
How is the Municipal Council formed?



How should the voting be?

How the accounts of the Municipal Council Fund shall be maintained?

Can the Government inquire into municipal matters?

Who can cast vote in the Municipal Council election?

What is the purpose of the Standing Committee?

What are the duties assigned to the Municipalities?  
Can the officers help the candidate?

**Sponsored by**



**Urban Development Department**  
Government of Karnataka

**Implementation**



**State Institute for Urban Development**  
ATI Campus, Lalita Mahal Road, Mysore- 570 011

Tel: +91-821-2520116, 2520163 Fax: +91-821-2520164  
Email: dirsiud@yahoo.com Website: <http://www.siudmysore.gov.in>

# **A GUIDE TO KARNATAKA MUNICIPALITIES ACT-1964**

(Question – Answer)

## **Honorary Editor**

**Dr. (Smt) Amitha Prasad., I.A.S.**

Director General,  
Administrative Training Institute  
Mysore.

## **Editor**

**Pranalinga Sivasali, K.M.A.S.**

Director  
State Institute for Urban Development  
Mysore.

## **Author**

**C N Manjappa**

Chairman  
Karnataka State Open University  
Mukthagangotri, Mysore- 570 006

## **Publisher**

**State Institute for Urban Development**  
ATI Campus, Lalithamahal Road,  
Mysore

ಡಾ|| (ಶ್ರೀಮತಿ) ಅಮಿತಾ ಪ್ರಸಾದ್,  
ಭಾ.ಆ.ಸೇ.,  
ಮಹಾ ನಿರ್ದೇಶಕರು

**Dr. (Smt) Amita Prasad,**  
**I.A.S.,**  
**Director General**



**ಆಡಳಿತ ತರಬೇತಿ ಸಂಸ್ಥೆ**

ಲಲಿತ್ ಮಹಲ್ ರಸ್ತೆ, ಮೈಸೂರು-570011

Administrative Training Institute  
Lalitha Mahal Road, Mysore-570011

## Foreword

The 214 Urban local Bodies in Karnataka play an important role in providing various services to the urbanites. The demand for services is on the increase, given the rate of urbanisation and the increase in citizen's expectations. Karnataka is becoming more urbanised and is fifth most urbanised State in the country at present. It is projected that 50% of its population would be urban by 2040. The increased demand for urban facilities has resulted in certain bottlenecks in administration, to ease which the urban local bodies should gear up their service delivery capacities. This can happen when the elected representatives gain knowledge on various aspects of urban governance such as urban finance, functions and functionaries.

The State Institute of Urban Development has been conducting various programmes on urban governance over years, and with the vast experience that it has gained, it is bringing out this volume which can be used as a performance aid. I am happy to see the painstaking work done by Sri C.N. Manjappa, Chairman, Karnataka State Open University (KSOU), Mukthgangotri, Mysore and to publish it. The novelty of this book is that it is in a simple to understand question and answer format which would help in easy understanding of the Municipality Act. This work would not have been possible without the effort of Sri Pranalinga Sivasali, Director, State Institute of Urban Development.

**Director General**

ಪ್ರಾಣಲಿಂಗ ಶಿವಸಾಲಿ,  
ಕೆ.ಎಂ.ಎ.ಎಸ್  
ನಿರ್ದೇಶಕರು

**Pranalinga Sivasali,**  
K.M.A.S  
**Director**



ರಾಜ್ಯ ನಗರಾಭಿವೃದ್ಧಿ ಸಂಸ್ಥೆ,  
ಆಡಳಿತ ತರಬೇತಿ ಸಂಸ್ಥೆ ಆವರಣ,  
ಲಲಿತಮಹಲ್ ರಸ್ತೆ, ಮೈಸೂರು-570011

**State Institute for Urban Development**  
ATI Campus, Lalitha Mahal Road, Mysore-570011

## Preface

The constitutional mandate for the urban local bodies ensured by the passing of the 74<sup>th</sup> Constitutional Amendment has resulted in devolving funds, functions and functionaries from the State to the 214 urban local bodies in Karnataka. To build the capacities of the elected representatives who are at the helm of affairs in the urban local bodies, we at the State Institute of Urban Development have been conducting various training programmes. Our learning from trainings made us realise that easy to read and understand material would help the elected representatives to absorb the various tenets of the Municipality Act. This book is therefore brought out using a question and answer format and has tried to answer various topics and issues related to urban governance.

This book would not have seen the light but for the constant encouragement, support and guidance of Dr (Smt) Amita Prasad, I.A.S., Director General, Administrative Training Institute, Principal Secretary, Urban Development, Shri P.N Srinivasa Chary, I.A.S, Secretary, Urban Development, Shri T.K. Anil Kumar, I.A.S., Managing Director KIUDFC, Shri Darpan Jain, I.A.S., and Commissioner, Directorate of Municipal Administration, Shri M.S. Ravishankar I.A.S., have supported the various activities of the training institute. I am indebted to them.

I am grateful to Sri Vinay Kumar Sorake, the Honourable Minister for Urban Development, Government of Karnataka and also thankful to Sri Qamarul Islam, the Honourable Minister for Municipalities and local bodies, Department of public enterprises and Minorities welfare, Haj and wakf department for their continuous encouragement and support to get this book printed.

At our request, Shri C.N. Manjappa, Chairman, Karnataka State Open University (KSOU), Mukthgangotri, Mysore took the effort to translate the Kannada version to English. My special thanks goes to Dr.B.S.Shankar, Faculty, S.I.U.D in incharge of Urban Governance Training Programme in SIUD, for his contribution to improve the contents and also thanks to Sri Nagaraja, Deputy Director, SIUD and all our faculty for co-operation to bring this edition.

**Director**

## Author's note

Democracy is the mantra of Indian political system. The people are the chieftain of administration from village to capital. The dos or don'ts shall be determined in their aegis. The available resources shall be distributed equitably. No discrimination shall creep in to ensure Socio-economic and political justice to thrive. Legal norms need to be evolved in this regard. Then only the democracy will have valuable footing in the real sense and add meaning to the words of Abraham Lincoln i.e. "by the people 'for the people and of the people'. The concept of Local Self Government/ Institutions is originated on these principles. The Karnataka Panchayat raj Act 1993 and Karnataka Municipalities Act, 1964 are its offshoot.

On a close perusal of the Karnataka Municipalities Act 1964, one can feel it as an independent and comprehensive legislation. It is analogous to the canons and policies prevalent during the pre-independence India. The administration of Harappa-Mohenjo-Daro, Pataliputra and other famous cities still remains a model for us. On these archaic models, with desirable modifications if the Karnataka Municipal Act 1964 is employed, possibly, the objectives of the 74<sup>th</sup> Amendment could be attained with ease. Categorically, the City State concept of the Greece may also be synchronized here. Our thoughts shall move on this direction. In this regard, the elected representatives, officers and we the people shall act upon by appraising the pros and cons of the relevant Act, Rules and Regulations corresponding to the Karnataka Municipalities Act. This is the intention of the Legislature. I made a humble attempt to write "A Guide to Karnataka Municipal Administration" with an ambition to make the fellow citizens to give meaningful voice to the intention of the Legislature. A panoramic view of the Karnataka Municipalities Act 1964 and connected Act, Rules and Regulations bye-laws have been jotted down in question-answer form. Dr. Amita Prasad, IAS, Director General, Administrative Training Institute, Mysore and Mr. Pranalinga Shiavsali, Director, State Institute of Urban Development, Mysore is instrumental in coaching my ideas, I am highly indebted to their encouragement and co-operation. The guidance and support of Mr.Chandrashekar, Chief Officer, Town Municipal Council, Srirangapatna, has aided me in accomplishing this work, I acknowledge it with gratitude. This work would not have completed in the absence of thrust from R G Narasimha Iyengar, S Shankar Gunaraj and M.Nagaraj, Advocates, Mysore, I remember their service. I owes to Mr. Yognath Singh, Dr. Shashikala Sitaram, Mr.Ashok and Dr.Shankar, instructors, State Institute of Urban Development, Mysore for their help.

**C.N. Manjappa,**

Chairman

Karnataka State Open University  
Mukthagangotri, Mysore- 570 006

## TABLE OF CONTENT

Chapters	Subjects	Page No
Chapter -1	<b>STRUCTURE OF MUNICIPAL COUNCIL</b> - Number of councillors, reservation, nomination, qualification, Constitution, Administrator, dissolution, consequences of dissolution, Town Panchayat, functions of the Municipal Council, elections, election corruption, disqualifications of a councillor, Office of Profit, election petition, removal of councillor, rights and privileges of the Councillor, responsibilities of Councillors, Karnataka Local Authorities (Prohibition of Defection) Act, 1987, resignation of the - President, Vice –President, no confidence motion, functions of the President, Vice –President, powers and functions - of the Chief Commissioner, Chief Officer, Revenue Officer, Engineer, Health Officer, Environment Engineer, Assistant Executive Engineer,, Assistant Engineer/ Junior Engineer of Technical Branch, honorarium of the President, Vice-President and Councillors	
Chapter -2	<b>COUNCIL MEETING</b> – Time of the meeting, notice, agenda, providing information to the meeting, questions, rules of speaking, point of order, procedures of the meeting, presentation of resolution, minutes of the meeting, approval of resolution, modification or cancellation of resolution.	
Chapter -3	<b>STANDING COMMITTEE</b> – purpose, constitution, election, agenda, resolution, review of resolution on contract, attendance of members to the meeting.	
Chapter -4	<b>MUNICIPAL PROPERTIES AND FUNDS</b> – Municipal properties, funds, sources, sale of immovable property, sale/ purchase of movable properties, contract, levy of tax, self declaration of tax, taxable capital value, action against the defaulting assessee, who shall pay the tax, recovery of Municipality claims, demand notice of tax, distraint.	
Chapter -5	<b>BYE – LAW</b> – subjects to frame bye-laws by the Government, subject to frame bye-laws by the Municipal Council. Violation of bye-law, publication, execution and repealing of bye-law	
Chapter -6	<b>DEVELOPMENTAL PROGRAMS</b> – Nature of improvement schemes, publication, sanction of the Government, betterment fees, arbitrator, formation of new lay-out, industrial township, Industrial Township Authority, raising of loans, District Planning Committee	
Chapter -7	<b>LICENSE AND CONTROL</b> – Building construction material, building construction – re-construction, rejection of permission, powers of the Municipal Commissioner/Chief Officer, fit for human habitation certificate, Building and Other Construction Workers'	

	Welfare Cess, exterior design of a building, disposal of rain water, house number, street name, offensive buildings, well, stream, channel, tank, action against lifting of Municipal properties, public street, mining, unmuzzled dogs, pig, solid waste disposal, Vector borne diseases, service of Women Self Help Groups [WSHGs], bathing ghats, action against Fouling water, construction of a new tank or pond, regulation of cultivation, regulation of stray cattle, nuisance, establishment of mall, market, shops, stall etc, slaughter house, prevention of infectious diseases, regulation of irritant business-profession , construction of drains, sewer, watercloset, water supply, advertisement, Bus stands.	
Chapter -8	<b>PROCUREMENT AND MANAGEMENT OF GOODS AND MATERIALS</b> - procurement of goods and materials, Karnataka Transparency in Public Procurements Act, 1999, invitation of tender, qualification of tenderer, Two cover tender, Tender Inviting Authority, Bulletin Officer, tender notice, tender document, time for the submission of tender, conditions of tender, duties of the Tender Accepting Authority, opening of tender, acceptance of tender , punishment, distribution of goods/materials, undertaking the civil works, piece contract, work file, administrative approval, particulars of tender for approval, photograph of execution of work.	
Chapter -9	<b>MUNICIPAL AUDIT AND FINANCIAL ADMINISTRATION</b> – Method of keeping books of accounts, books of accounts, correction in an entry passed in the books of account, basis of accounting, receipts and payment of Municipal Fund, duties of Bill Collector, duties of Cashier, accounting of collections, dishonour of a cheque, action against misappropriation, claims against Municipal Fund, using of cheques, Unrealised Taxes, DCB registers, valuation of fixed assets, accounting of establishment costs, accounting of stores and other expenses, accounting of deposits, financial status, functions of the Municipal Council, payments out of the Municipal fund, Budget, Public Consultation, subjects of Public Consultation, budget preparation, submission of budget, budget sectioning Authorities, Additional Budget or Re-appropriation of Budget, audit report, Municipal Commissioner or Chief Officer report, action against the wrong doer, public access, annual administration report.	
Chapter -10	<b>POWERS AND OFFENCES</b> - Powers in respect of streets, construction of building, flag hoisting, punishment, Sexual harassment, police action against bye-law violation	

Chapter -11	<b>PROSECUTIONS, SUITS AND POWERS OF POLICE</b> – initiation of proceedings, distraint, action in good faith, particulars of a suit, appeal, particulars of an appeal, revision, property claims, compounding of offences, suspension of order, Government inquire , disputes between the Municipal Councils, appeal against the order of the Municipal Commissioner or Chief Officer, issue of summons.	
Chapter -12	<b>RIGHT TO INFORMATION</b> – application for information, Appropriate Government, Public Authority, information, Right to information, Who can seek Information, third party information, application fee, time limit for providing information, punishment for non- supply of information, rejection of application, appeal, exempted Institutions from providing information, complaint to the Lokayukta.	
Chapter -13	<b>ANNEXURES -</b>	
	<b>Annexure -1</b>   Computation of property tax	
	<b>Annexure -2</b>   Residential houses	
	<b>Annexure -3</b>   Non-residential properties	
	<b>Annexure -4</b>   Application for license to construct building	
	<b>Annexure -5</b>   Application for industry license	
	<b>Annexure -6</b>   Application for the supply of tap water	
	<b>Annexure -7</b>   Application for No Objection Certificate for electrical connection	
	<b>Annexure -8</b>   No Objection Certificate for electricity	
	<b>Annexure -9</b>   Application for residential certificate	
	<b>Annexure -10</b>   Residential certificate	
	<b>Annexure -11</b>   Application for the transfer of khata	
	<b>Annexure -12</b>   Public notice for transfer of khata	
	<b>Annexure -13</b>   Office note for transfer of khata	
	<b>Annexure -14</b>   Property register – C	
	<b>Annexure -15</b>   Application for the obtaining house No	
	<b>Annexure -16</b>   Application for NOC to convert the land	
	<b>Annexure -17</b>   Application for birth certificate	
	<b>Annexure -18</b>   Application for death certificate	
	<b>Annexure -19</b>   Application for display of banner/cut-out/advertisement	
	<b>Annexure -20</b>   Application for certified copy	
	<b>Annexure -21</b>   Enclosure of documents to various applications	
	<b>Annexure -22</b>   Complaint before the lokayukta	
	<b>Annexure -23</b>   Complainant's affidavit	
<b>Annexure -24</b>   Application for information		



## PRELUDE

The Municipality is one of the civil administration systems. It has been devised, to assist the State Administration to make it to function more effectively and efficiently, endowing subordinate powers through an enactment to the people of defined area with a view to regulate the local and internal business. Thus, it is –

- An incorporation process, in consonance with the requirement of the Constitution or Legislation;
- A delegation of power to the people of a defined area;
- Having an incorporated name and seal to certify the functions of the corporation; and
- A right of Local Autonomy, although it is not considered as an absolute right.

In fact, the origin of the concept of Municipality is found in Roman law. The Municipality of Athens, Municipium of Rome and the Municipality of England is having extensive history. However, the Municipality of India came into being about 300 years ago, the Historians' opines.

The Corporation was established in 1688 at Madras, on the recommendation of the East India Company. Thereafter, in 1726 Municipality was founded in Calcutta and Bombay. In the very year new dimension was given to the Madras Corporation. With the introduction of Act X, 1842 a conventional momentum was accorded, for the first time, to the Municipal organization. Further, the Act XXVI, 1850, has empowered the Municipal Council to frame Bye-Laws, road repair, street light, sanitation, levying of tax to execute such programs and imposition of penalty.

The Municipality system in India was given with a facelift during the regime of Lord Rippen. The Resolution, 1882, was passed by him, has occupied a significant place in the annals of Development of Representative form of Municipal Administration system in India. Identification of political education, as primary function of the Local Government, is the key factor. The Resolution, 1882 states thus –

“This move has not been initiated and supported primarily to bring administrative reform, but mainly designed as a tool to the political and popular education”

The Resolution, 1882 is intending to make the Municipal Committee to shoulder the responsibility to administer the local work and services by generating the required resources. In the words of K M Panikkar “The Local and Municipal Self Government provides solid base by reforming the Rippen's Local Self Government and facilitated to have the swift footing to foster the superior democratic institutions”.

The Royal Commission, on decentralisation, constituted in 1906, has made several recommendation concerning to the decentralisation of powers and functions. This has been accepted by the Government of India and placed a proposal, in this behalf, to have a systematic advancement of Local Government in India. The Government of India Act, 1919 has empowered the Local Government, as an Authority, to levy the tax. It includes, land tax, building tax, trade tax, tax on animals, octroi, terminals tax, business tax, professional/occupational tax, private market tax, Municipal service tax – i.e. water tax, electricity tax, drainage tax and public amenities tax. However, after the Government of India Act, 1919 no significant move was found. The Government of India Act, 1935, has put an end to the diarchic system by handing-over the Local Self Government to the

newly constituted, federal system, Provincial Government. Consequently, the powers and functions of the Local Government have moved towards the Provincial Government.

**Scenario of Karnataka:** Akin to the other States of India the Karnataka too had Local Government. During the then Mysore Empire regime the concept of Local Government was in vogue. The Government of India Act XXVI, 1850, (an Urban Development Act) was extended to the State of Mysore. For the first time the Municipal Administration Board was started in 1862 at Bangalore and Mysore simultaneously. Thereafter, in about 1870, the Municipal Administration Committee was constituted at small towns. The Bangalore Town Municipal Regulation, 1871, empowered these Institutions to levy octroi, tax on land, building, bricks, tiles, and license fees.

Election to the Bangalore Municipality was held in 1882. The provision to contest and to cast vote in the election was bestowed only to such citizen who has paid the tax. Initially, the Deputy Commissioner/ District Collector became the President. The Mysore Regulation, 1906 has provided a stable base to the Municipalities by regulating it. Amaldar was its head. The Mysore Regulation, 1906 was repealed in 1933, by introducing three different enactments viz The Mysore City Municipality Act, Mysore Town Municipal Act and Mysore Small Municipalities Act. The Municipalities has been classified in to three categories on the basis of population and prominence of the area. The Bangalore Urban Development Board Act, 1945 has been promulgated with a view to better the Bangalore city. As a result, the Bangalore was divided into 50 wards and created the post of Mayor and Deputy- Mayor. Correspondingly, the Mysore Town Municipality Act, 1951 has weeded-out the distinction between the big and small Municipalities by repealing the Act, 1933.

The Municipalities in Mumbai-Karnataka were constituted as per the then Bombay District Municipality Act, 1901. The Director, Local Authority and District Collectors were having a control over these Municipalities. Quite a few Boroughs were given with more powers by upgrading it to the Municipality. At the time of State Re-organisation the Municipalities of Bombay area were functioning as per the Bombay Municipal Borough Act, 1920.

South canara, Ballary District and Kollegala was in the then Madras Province. The Municipalities of this region were regulated as per the Town Development Act X, 1865. However, the Madras District Municipalities Act VI, 1865 has made a provision to constitute Municipal Council.

Hyderabad region was consisting of Gulbarga, Bidar and Raichur. The Local Duty Act, 1900 has given a scope for the formation of Sanitation Committee in the town which is having more than 5000 population. However, in 1924 a room was given for the establishment of Municipal Committee instead of Sanitation Committee in the District head quarters and big towns.

The Kodagu region was under the grip of the Commissioner for more than a century. In 1890, Municipal Committee was created at Madikeri and Virajapet. The Notified Area Committee was founded in smaller towns under the aegis of Revenue Officer.

The Municipal system prevalent in the British regime was continued even after India became independent in 1947. The Municipal Laws which are in currency in the then States of Mysore, Bombay, Hyderabad and Madras were continued unabatedly even after the Re-organisation of States. The Karnataka Municipalities Act, 1964, a uniform legislation, was introduced enveloping the State of Karnataka in its entirety. Subsequently, Karnataka Corporation Act, 1976, was brought into force as the Government has decided to bring an exclusive legislation for bigger cities.

By placing reliance on the Government of India Act, 1935, the Constitution of India has distributed the powers and functions between the Centre and the State. The Central Government may make legislation on the subjects mentioned in the Union List i.e. List-I, Schedule – VII and both the Central Government and the State Government may go for a legislation on the subjects enlisted in the Concurrent List i.e. List –III, Schedule – VII. In this regard, Schedule – VII, Article 246, has bestowed additional power to the Central Government.

The Municipal Corporations, Improvement Trusts, Districts Boards, Mining Settlement Authorities and other Local Authorities for the purpose of Local Self Government or Village Administration are the subjects of the State List i.e. List –II (i.e. Entry No -5). Resultantly, many entries in the State List become the part of the functional jurisdiction of the Local Government to regulate these Authorities.

The State Government is empowered to make rules concerning to functions, powers and responsibilities of the Municipalities in accordance with Entry 5, State List. Consequently, the State Government has delegated certain powers and functions to the Municipalities, which includes Public health and sanitation, hospitals and dispensaries (Entry-6), burials and burial grounds; cremations and cremation grounds (Entry-10), Libraries, museums and other similar institutions controlled or financed by the State (Entry-12), Communications, that is to say, roads, bridges, ferries etc (Entry-13), Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I. (Entry-17), Markets and fairs (Entry-28). Generally, services will come along with the main functions of the Municipalities, which may be divided into two parts. They are – 1.Private utility e.g. - water supply, drains, underground sewerage, sanitation etc., and 2. Public utility e.g. – street lights, roads, etc.

Along with these the Municipalities owes a duty to develop the market, commercial complex etc and various regulatory responsibilities. Consequently, today many Municipalities are laying its hand to establish hospital, dispensary, production and distribution of electricity, bus transport and such other sectors. Despite of these facts, it is being emerged as lose knitted system. Because, it was not having defined programs and it became name sake Local Self Government without having timely election. Thus, with a view to give “Certainty, Continuity and Strength” Constitution (74<sup>th</sup> Amendment) Act, 1992 has been promulgated on 1. June.1993. the objectives of this Amendment run thus –

**1. Between the State and Local Authority –**

- The functions and taxation powers;
- Arrangements for revenue sharing;
- Ensuring regular conduct of elections;
- Ensuring timely elections in the case of supersession; and
- Providing adequate representation for the weaker sections like Schedule Caste, Schedule Tribes and Women.

**2. To provide new dimension to the Municipalities –**

a) Constitution of three types of Municipalities, they are –

- Nagara panchayats for areas in transition from a rural area to urban area;
- Municipal Councils for smaller urban areas;
- Municipal Corporations for larger urban areas.

b) Composition of Municipalities will be decided by the State Legislature, which runs thus –

- Persons to be chosen by direct election;

- Representation of chairpersons of the Committees, if any, at ward or other levels in the Municipalities;
  - Representation of persons having special knowledge or experience of Municipal Administration in Municipalities ( without voting rights)
- c) Election of president /vice-president of a Municipality in the manner specified in the State law.
- d) Constitution of Committees at ward level or other levels within the territorial area of Municipality as may be provided in the State law.
- e) Reservation in every Municipality –
- For Schedule Castes and Schedule Tribes in proportion to their population of which shall not be less than one-third shall be for women;
  - For women which shall not be less than one – third of the total number of seats;
  - In favour of backward class of citizens if so provided by the Legislature of the State;
  - For Schedule Castes, Schedule Tribes and Women in the office of Chairpersons as may be specified in the State law.
- f) Fixed tenure of 5 years for the Municipality and re-election within six months of end of tenure. If Municipality is dissolved before the expiration of its duration, elections shall be held within a period of six months of its dissolution.
- g) Devolution by the State legislature of powers and responsibilities upon the Municipalities with respect to preparation of plans for economic development and social justice, and for the implementation of development schemes as may be required to enable them to function as institution of self-government.
- h) Levy of taxes and duties by Municipalities, assigning of such taxes and duties to Municipalities by State Governments and for making grants-in-aid by the State to the Municipalities as may be provided in the State law.
- i) A Finance Commission to review the finances of the Municipalities and to recommend principles for –
- Determining the taxes which may be assigned to the Municipalities;
  - Sharing of taxes between the State and Municipalities; and
  - Grants-in-aid to the Municipalities from the Consolidated Fund of the State.
- j) Audit of accounts of the Municipal Corporations by the Comptroller and Auditor General of India and laying reports before the Legislature of the State and the Municipal Corporation concerned.
- k) Making of law by a State Legislature with respect to elections to the Municipalities to be conducted under the superintendence, direction and control of the Chief Electoral Officer of the State.
- l) Application of the provisions of the Bill to any Union Territory or part thereof with such modifications as may be specified by the President.
- m) Exempting Schedule areas referred to in clause (1), and tribal areas referred in clause (2), of Article 244, from the application of the provisions of the Bill. Extension of provisions of the Bill to such areas may be done by the Parliament by law.
- n) Disqualification of membership of a Municipality.
- o) Bar of jurisdiction of Courts in matters relating to elections to the Municipalities.

The objectives of 74<sup>th</sup> Amendment is noble. The 18 program enlisted in the appendix-12 annexed to it has defined the functional jurisdiction of the Municipality. It is the Constitutional obligation of the State to strengthen the Urban Local Authorities by constituting the Municipalities (Article 243P to 243ZG). We the citizens owe a duty to realize these objectives.

# Chapter 1

## Structure/formation of Municipal Council

**What are the main objectives of the Constitution (74<sup>th</sup> amendment) Act, 1992 regarding Urban Local Authorities/ Bodies (municipalities).**

They are as under -

- Strengthening the relationship between the State Government and Urban Local Bodies on a solid edifice with respect to -
  - i. The functions and taxation powers; and
  - ii. Arrangements for revenue sharing.
- Ensuring regular conduct of elections;
- Providing adequate representation for weaker sections like schedule caste, scheduled tribes and women; and
- Formation of three kinds of municipalities. They are -
  - i. Nagar Panchayats for areas in transition from rural area to urban area;
  - ii. Municipal Councils for smaller urban areas;
  - iii. Municipal Corporations for larger urban areas.

[Statement of Objects and Reasons, constitution (74<sup>th</sup> amendment) act]]

### **How is the Municipal Council formed?**

The strength of elected members of the Municipal Council is determined on the basis of population, which is as under -

Municipal Council	Number of councillors
10000-20000	11-20
20000-40000	23
40000-50000	27
50000-100000	31
100000-300000	35

The area with population above 3 lakhs has been converted into Municipal Corporation (Sec .349-352, Karnataka Municipal Act)

### **Is there a provision for reservation in the Municipal Council?**

Percentage of reservation to every Municipal Council shall be determined on the basis of population. The government shall resolve and notify the seat to SC/ST and women. If no person belonging to the SC is found in the municipal area, reservation must be provided to ST's. Similarly, if no person is found in Category 'A' then reservation shall be given to Category 'B', if no one is available from ST then reservation shall be

given to SC and if none is found in Category 'B' then reservation shall be given to Category 'A' (Sec 11, KMA).

#### **Is there any scope to nominate members to the Municipal Council?**

The government can nominate, maximum of 5, members to the Municipal Council, who are having experience in municipal administration, health, planning or education field or is a social worker. The nominated members can actively participate in the functions and meetings of the Council. However they have no voting rights (Sec 11, KMA).

#### **Can the members of the Parliament and State Legislature participate in the Municipal Council?**

The member of Rajya Sabha, Lok Sabha, State Legislative Assembly and Legislative Council of respective municipal areas shall be the members of that Municipal Councils. They can participate in the functions and meetings of the Municipal Council. They also have voting rights. However, the members of Rajya Sabha and state legislative council will get voting right only when they are permanent residents of such municipal area and their names are included in the voters list. (Sec11, KMA).

#### **Which area can be declared as smaller urban area?**

The Governor may declare any area which is having a population of not less than 10,000 but not more than 20,000, possessing density of 1,500 residents for every square kilometre, with at least Rs. 9 lakhs annual tax or non tax revenue or Rs. 45 annual per capita income – whichever is more and having at least 50% non – agricultural employment out of its total employment as **smaller urban area** (Sec 3 KMA).

#### **Can the Municipality delimit be amended?**

The Governor in consultation with the Municipal Council concerned can increase or decrease delimitation of such Municipality area (Sec 4, KMA).

#### **How delimitation of a ward is determined?**

The government shall determine the area of every ward, number of councillors and the reservation on the basis of population of the area(Sec 4, KMA).

#### **Who can cast vote in the Municipal Council election?**

The person who has enrolled his/her name in the electoral roll of the Karnataka Legislative Assembly Constituency can cast vote to elect Councillor/s from his ward, wherein his/her name is registered (Sec 4, KMA).

#### **What is the qualification of a candidate?**

An individual who wish to contest in the election of councillor shall register his/her name in electoral roll of the Legislative Assembly Constituency of the respective municipality. A person who intends to seek election from a reserved constituency shall belong to the respective category. However, there is no restriction that he/she shall be a voter of a ward from where he/she is contesting (Sec 15, KMA).

**When the Municipal Council is deemed to be duly constituted?**

The Municipal Council comes into being the moment 2/3 of the total number of councillors is get elected (Sec 18 KMA).

**What shall be done if the Municipal Council ignores to discharge its duties?**

On the receipt of complaint or information or otherwise if the Government is convinced, on an enquiry, that the Municipal Council is in default in discharging any of its duties imposed, it may ask the Municipal Council concerned to perform it within the time specified, failing which, it may appoint a person to take care of such duties and pass an order to pay him the expenses incurred and remuneration for the service rendered in this behalf (Sec 313, KMA).

**Can the government appoint an Administrator to the Municipality?**

The government may appoint, in the following circumstances, an Administrator by issuing a notification in the Official Gazette, where -

- Any general election to a municipal council under this Act or any proceedings consequent thereon have been stayed by an order of a competent court or authority; or
- The election of all the councillors or more than two-thirds of the whole number of councillors of the municipal council has been declared by a competent court or authority to be void; or
- All the councillors or more than two-thirds of the whole number of councillors of the municipal council have resigned. In this situation president and vice-president of the Council and Committees shall transfer the charge to the Administrator (Sec 315 KMA).

**Can the Municipal Council be dissolved before the completion of its tenure?**

If, in the opinion of Government any municipal council is not competent to perform, or persistently makes default in the performance of the duties imposed on it or undertaken by it by or under this Act, or any other law, or exceeds or abuses its power or refuses to carry out the directions given to it under the provisions of this Act or any other law or is functioning in a manner prejudicial to the Municipal council, the Government may, by an order published, together with a statement of the reasons therefor, in the official Gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve it before the completion of its tenure (Sec 316 KMA).

**What are the consequences of dissolution of the Municipal Council?**



They are as under -

- All the councillors of the municipal council shall, on such date as may be specified in the order vacate their office. However they are eligible to contest in the ensuing election.
- During the period of dissolution of the municipal council, all powers and duties conferred and imposed on the municipal council by or under this Act or any other law shall be exercised and performed by such officer as the Government may from time to time appoint in that behalf.
- All property vested in the municipal council shall, until it is reconstituted, vest in the Government.
- The Municipal Council shall be reconstituted within six months from the date of its dissolution, which shall function for the remaining period.
- Order of dissolution, along with the statement of the reasons there for, shall be laid before the State Legislature shall be laid for its kind consideration (Sec 316 KMA).

## **TOWN PANCHAYAT**

### **What are the factors shall be taken into account while identifying an area as Town Panchayat?**

They are as follows -

- The population in the area shall be not less than 10,000 but not more than 20,000.
- The density of population shall be at least 400 inhabitants per one square kilometre.
- The percentage of employment in non-agricultural activities is not less than fifty percent of the total employment
- If an area is a Taluka head quarter, then there is no objection even if the total population is ten thousand.
- The Governor may declare such area as transitional area although it contains less than ten thousand population.
- The Government may declare such area as Town Panchayat and Municipal Area by making notification in the Official Gazette(Sec 349,350,351, KMA).

### **What shall be the constitution of Town Panchayat?**

They are as under -

- A minimum of eleven and not more than twenty Councillors, as may be determined by the Government, by notification.
- Not more than three persons nominated by the Government from amongst the residents of the transitional area and who are having special knowledge and experience in municipal administration or matters relating to health, town planning or education; or social workers.
- The members of House of the people and the members of the State Legislative Assembly, representing a part or whole of the transitional area whose constituencies lie within the transitional area; and

- The members of the Council of States and the members of the State Legislative Council registered as electors within the transitional area (Sec 352, KMA)

**Under which Act should the Town Panchayat function?**

The Town Panchayat shall function in accordance with any provision of this Act or any rule or bye-law is applied with or without modification, unless a different intention appears. The Government is empowered to introduce any modification in this behalf (Sec 353,354, KMA).

**On the declaration of an area as Town Panchayat, what is the position of the Gram Panchayats which are coming under its fold?**

All the Gram Panchayats, Revenue villages will be merged with the Town Panchayat. Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made or issued or imposed under the Panchayat Raj Act in respect of such Panchayat area, which was in force, immediately before the date of merger will continue unabatedly. Properties of GramaPanchayat will become the property of the Town Panchayat. All prosecutions instituted by or on behalf of the Grama Panchayat and all suits or other legal proceedings instituted by or against Grama Panchayat or any officer of the Grama Panchayat pending on the said date shall be continued by or against the Town Panchayat(Sec 354,355A, 356 -360, KMA).

**Can the Town Panchayat be converted into as Municipality and Municipality is converted into as City Corporation?**

In consultation with the Town Panchayat/ Municipal Council concerned and considering objections, if any, the Governor may declare by notification an urban area as Municipality or City Corporation (Sec361, 362, KMA).

**What are the duties assigned to the Municipalities?**

They are –

<b>Functions enlisted in the Twelfth Schedule of the Constitution of India</b>	<b>Obligatory functions of Municipal Councils</b>	<b>Discretionary functions of Municipal Councils</b>
1. Urban planning including town planning. 2. Regulation of land-use and construction of buildings. 3. Planning for economic and social development. 4. Roads and bridges.	(a) lighting public streets, places and buildings; (b) watering public streets and places; (c) cleansing public streets, places and sewers, and all spaces not being	(a) laying out, whether in areas previously built upon or not new public streets and acquiring the land for that purpose, including the land requisite for the construction of

<p>5. Water supply for domestic, industrial and commercial purposes.</p>	<p>private property, which are open to the enjoyment of the public, whether</p>	<p>buildings or cartilages thereof, to abut on such street;</p>
<p>6. Public health, sanitation conservancy and solid waste management.</p>	<p>such spaces are vested in the municipal council or not, removing noxious</p>	<p>(b) constructing, establishing or maintaining public parks, gardens,</p>
<p>7. Fire services.</p>	<p>vegetation and abating all</p>	<p>libraries, museums, mental</p>
<p>8. Urban forestry, protection of the environment and promotion of ecological aspects.</p>	<p>public nuisances; (d) extinguishing fires and protecting life and property when fires occur;</p>	<p>hospitals, halls, offices, dharmasalas, choultries, musafirkhanas, rest-houses, homes for the disabled and destitute persons</p>
<p>9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.</p>	<p>(e) regulating or abating offensive or dangerous trades or practices;</p>	<p>and other public buildings; (c) providing shelter for destitute women;</p>
<p>10. Slum improvement and up gradation.</p>	<p>(f) removing obstructions and projections in public streets, bridges, and</p>	<p>(d) constructing and maintaining, where necessary, suitable sanitary</p>
<p>11. Urban poverty alleviation.</p>	<p>other public places, and in</p>	<p>houses for the habitation of</p>
<p>12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.</p>	<p>spaces not being private property, which are open to the enjoyment of the public, whether such spaces</p>	<p>are vested in the municipal council or belong to the Government;</p>
<p>13. Promotion of cultural, educational and aesthetic aspects.</p>	<p>are vested in the municipal council or belong to the Government;</p>	<p>(e) providing accommodation for any class of servants other than</p>
<p>14. Burials and burial grounds; cremations, cremation grounds; and electric crematoriums.</p>	<p>(g) securing or removing dangerous buildings or places and reclaiming unhealthy localities;</p>	<p>sweepers and scavengers employed by the municipal council or granting</p>
<p>15. Cattle pounds; prevention of cruelty to animals.</p>	<p>(h) acquiring and maintaining, changing and regulating</p>	<p>loans to such servants for construction of houses,</p>
<p>16. Vital statistics including registration of births and deaths.</p>	<p>places for the disposal of the dead; (i) constructing, altering and</p>	<p>subject to the rules prescribed in this behalf; (g) planting and maintaining</p>
<p>17. Public amenities including street lighting, parking lots,</p>	<p>maintaining public streets, culverts,</p>	<p>roadside and other trees; (h) taking statistics and</p>

<p>bus stops and public conveniences.</p> <p>18. Regulation of slaughter houses and tanneries. (Article 243W, Constitution (Seventy-fourth Amendment) Act, 1992, s. 4 (w.e.f. 1-6-1993).</p>	<p>municipal boundary marks, markets 1[(including separate and suitable place for vending vegetables)]1, slaughter houses, latrines, privies, urinals, drains, sewers, drainage works, sewage works, baths, washing places, drinking fountains, tanks, wells, dams and the like;</p> <p>(j) obtaining supply of or an additional supply of water proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;</p> <p>(k) naming streets and numbering houses;</p> <p>(l) registering births and deaths;</p> <p>(m) public vaccination;</p> <p>(n) providing suitable accommodation for calves, cows, or buffaloes required within the municipal area for the supply of animal lymph;</p> <p>(o) maintaining schools for pre-primary education;</p>	<p>granting rewards for information which may tend to secure the correct registration of vital statistics;</p> <p>(i) making a survey;</p> <p>(j) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 256;</p> <p>(k) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever on or for the use of private premises for receiving and conducting the sewage thereof into a sewer under the control of the municipal council;</p> <p>(l) providing of music or other entertainments in public places or places of public resort;</p> <p>(m) the promotion of public health or child welfare;</p> <p>(n) contribution towards any public funds for the relief of human suffering, within or without the municipal area;</p> <p>(o) by a resolution passed at a general meeting and supported by one half of the total number of councilors and with the</p>
--	--	---

	<p>(p) arranging for the destruction or the detention and preservation of such dogs within the municipal area as may be dealt with under the law in force relating to police or under section 222 of this Act;</p> <p>(q) providing facilities for anti-rabic treatment and treatment of lepers and mental patients and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits;</p> <p>(r) providing covered metallic receptacles and covered metallic receptacles mounted on wheels for use by servants employed by the municipal council for the removal of night soil and rubbish and disposing of night-soil and rubbish and, if so required by the Government, preparation of compost manure from such night-soil and rubbish;</p> <p>Explanation.—In this clause, “rubbish” includes dust, ashes, broken bricks, mortar, sewage, dung, dirt, decomposed substances and refuse of</p>	<p>previous sanction of the Deputy Commissioner in the case of a town municipal council and of the Director of Municipal Administration in the case of a city municipal council organizing any public reception, public ceremony, public entertainment or public exhibition within the municipal area:</p> <p>Provided that the expenditure on such reception, ceremony, entertainment or exhibition shall not exceed such limits as may be generally or specially prescribed;</p> <p>(p) the organization or maintenance during scarcity, of shops or stalls for the sale of necessaries of life;</p> <p>(q) housing and maintaining destitute orphans and destitute cripples;</p> <p>(r) subject to the provisions of any law regulating the establishment of warehouses, constructing, establishing and maintaining warehouses;</p> <p>(s) establishment and maintaining of dairy farms and breeding studs;</p> <p>(t) provision of transport facilities within the municipal</p>
--	---	--

	<p>any kind.</p> <p>(s) providing accommodation for municipal sweepers and scavengers and granting of loans to such sweepers and scavengers for construction of houses, subject to rules prescribed in this behalf;</p> <p>(t) printing such annual reports on the municipal administration of the municipal area as the Government, by general or special orders, requires the municipal council to submit;</p> <p>(u) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purpose of this Act or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police.</p> <p>(u1) vital statistics including registration of births and deaths;</p> <p>(u2) regulation of taneries;</p> <p>(v) maintenance of up-to-date record of all buildings and</p>	<p>area;</p> <p>(u) maintenance of an ambulance service;</p> <p>(v) supply of water beyond the limits of the municipal area;</p> <p>(w) the acquisition and maintenance of grazing grounds;</p> <p>(x) guaranteeing the payment of interest on money expended for the construction of a telephone line subject to the previous sanction of the Government when the line extends beyond the limits of the municipal area;</p> <p>(y) promoting the well-being of municipal employees or any class of municipal employees and of their dependents;</p> <p>(z) the construction, purchase, organization, maintenance extension and management, of mechanically propelled transport facilities for the conveyance of the public;</p> <p>(aa) the construction, maintenance, repairs, purchase of any works for the supply of electrical energy;</p> <p>(bb) making contributions</p>
--	---	--

	<p>sites within the municipal area ; and  (w) planting and maintaining of road-side trees.(Sec 87 KMA)</p> <p style="text-align: center;"><b>Special function</b></p> <p>(a) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak or suppress and prevent the recurrence of the disease;</p> <p>(b) giving relief to and establishing and maintaining relief works in times of famine or scarcity for destitute persons within the limits of the municipal area.(Sec 88 KMA)</p>	<p>towards the construction, establishment or maintenance of educational institutions including libraries and museums,  any hospital, dispensary or similar institution providing for public medical relief, or any other institution of a charitable nature;</p> <p>(cc) construction, maintenance and provision of public bathing houses;</p> <p>(dd) revival or promotion of cottage industries;</p> <p>(ee) improvement of cattle and live-stock including construction and maintenance of veterinary hospitals;</p> <p>(ff) maintenance of maternity homes and child welfare centres;</p> <p>(gg) maintenance of art galleries;</p> <p>(gg1) slum improvements and up-gradation;</p> <p>(gg2) urban forestry, protection of environment and promotion of ecological aspects;</p> <p>(gg3) urban poverty alleviation;</p> <p>(gg4) promotion of cultural, education and aesthetic aspects;</p>
--	--	--

		<p>(hh) promotion, formation, extension or assistance of co-operative societies; and</p> <p>(ii) any other matter not hereinbefore specifically named which is likely to promote education or public health, safety or general welfare or convenience, or the advancement of the economic condition of the inhabitants or which is necessary for carrying out the purposes of this Act, expenditure whereon is resolved by the municipal council by the votes of not less than two-thirds of the total number of councilors and with the approval of the Government, to be an appropriate charge on the municipal fund. .(Sec 91 KMA)</p>
--	--	---

**Can the municipalities come forward to encourage sports activities?**

Yes, the Municipality can design necessary programs which helps to motivate and encourage youths to take part in sports activities. In this connection, it may reserve 1% of its resource in its budget. (ಸುತ್ತೋಲೆ ಸಂ.

ಪೌ.ನಿ./ಲೆಕ್ಕ/ಎಸ್‌ಎಫ್‌ಸಿ/28/2002-03/ದಿನಾಂಕ 11-12-2002 ಪೌರಾಡಳಿತ ನಿರ್ದೇಶನಾಲಯ )

**Can the Municipality formulate suitable action plan for the welfare of the child laborers?**

It is the ambition of the Government of Karnataka to make Karnataka into a 'Child labor free state'. The Municipality shall come out with a suitable action plan in support of the policy of the government and to realize its objectives. (Sec17. Child labor (prohibition and control) Act, 1986; (ಪೌರಾಡಳಿತ ನಿರ್ದೇಶನಾಲಯದ

ಸುತ್ತೋಲೆ ಸಂ. ಪೌ.ನಿ :ಕೇಂಸ:ಇತರೆ:ಸಿಆರ್: 12:2001-02ದಿನಾಂಕ 19-10-2001)



## **Elections**

### **Should the candidate provide the accounts of the election expenditure?**

Each and every candidate, by himself or through his election agent, shall submit a true statement of accounts of expenditure incurred, from the date of announcement of elections to the date of declaration of election result, to the Returning Officer within 30 days from the date of publication of result/s. failing which he /she may be declared as disqualified to contest in the election up to 3years from the date of announcement[ Sec.16A,16C,16(1)(1-B)KMA].

### **What may be considered as election corruption?**

The following acts may be considered as election corruption:

- Bribe ( Section 123 Representation of the Peoples Act , 1951);
- Undue influence;
- the systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of caste, race, community or religion or the use of or appeal to, religious symbols or, the use of or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election;
- the publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal from contest of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election;
- the hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector (other than the candidate himself and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act;
- However, hiring of a vehicle or vessel by an elector or by several electors at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice;
- Holding of any meeting in which intoxicating liquors are served or issuing of any circular, placard or poster having a reference to the election which does not bear the name and address of the printer and publisher thereof;
- any other practice which the Government may by rules specify to be a corrupt practice (Sec 29 KMA).

### **How should the voting be?**

It shall be through secret ballot. The officer/s concerned shall maintain secrecy of voting. Failing which he/she shall be punished with imprisonment for a term which may extend to three months, or with fine, or with both (Sec 30, KMA).

**Can the officers help the candidate?**

No officer/s shall participate in the election process to aid or to encourage any candidate. Failing which he/she shall be punished with fine which may extend to two hundred and fifty rupees (Sec 31 KMA).

**Can action be taken against officials who does not perform election duty?**

If any Officer, without reasonable cause, is guilty of any act or omission in breach of his official duty, he shall be punished with fine which may extend to five hundred rupees.

(Sec 35, KMA).

**Can action be taken against individuals who do not co-operate for peaceful elections?**

Any person who campaigns, within 100 yards of the polling booth to woo the voters, using megaphone or loudspeaker or shout or otherwise act in a disorderly manner or interfere with the work of the officer and other persons on duty at the polling station or misconducts himself or fails to obey the lawful directions of the presiding officer shall be

punished with imprisonment for a term which may extend to three months, or with fine, or with both (Sec 33,34, KMA).

**.What is the consequences of dereliction of election duty?**

If any officer without reasonable cause commits or omits any act in breach of his official duty, shall be punished with fine which may extend to five hundred rupees (Sec 35, KMA).

**What should be done if ballot papers are stolen?**

The presiding officer of a polling station may direct a police officer to arrest a person who at any election fraudulently takes or attempts to take a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act. The wrong doer shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both. It is a cognizable offence (Sec 36, KMA).

**What should be done if the ballot paper or other official papers are destroyed?**

If any person fraudulently defaces or fraudulently destroys any nomination paper; or fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot

paper; or without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts be punished with imprisonment for a term which may extend to two years, or with fine, or with both. However, the Court shall take cognizance only when the complaint is made by, order of, or under authority from, the Deputy Commissioner (Sec 31:35:37, KMA).

**What are the factors to be kept in mind while conducting election to the Town Panchayat/Town Municipality/City Municipality?**

They are as follows-

- At least one seat each shall be reserved in a municipal council for the persons belonging to the Scheduled Castes and the Scheduled Tribes if no person belonging to the Scheduled Castes is available the seat reserved for the category shall also be filled by the persons belonging to the Scheduled tribes and vice versa.
- One-third of the total number of seats to be filled by direct election in a municipal council shall be reserved for the persons belonging to the Backward Classes. Out of which eighty per cent of such seats shall be reserved for the persons falling under category "A" and the remaining twenty per cent of the seats shall be reserved for the persons falling under category "B". In case no person falling under category "A" is available, the seats reserved for that category shall also be filled by the persons falling under the category "B" and vice versa.
- Not less than one-third of the seats reserved for each category of persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those of the non-reserved seats to be filled by direct election in a municipal council shall be reserved for women.
- The seats so reserved shall be subjected to rotation.
- The persons belonging to reserved category may contest to the non-reserved seats. On the election of two-third of the total number of councillors the Town Panchayat/Town Municipality/ City Municipality is deemed to be have been duly constituted under this Act(Sec 10,11,352, KMA).

**Can the Municipality Requisition premises, vehicles, etc., for election purposes?**

Municipal Commissioner or Chief Officer of a municipal council his own motion or at the instance of the Government requisitioning of premises, vehicles, vessel or animal etc., that are needed or are likely to be needed for the purpose of election. The authority may require information for the purpose of requisitioning the property or determining the compensation payable. If any person fails to respond to the call may be punished with imprisonment for a term which may extend to one year or with fine or with both. The requisitioning authority municipal council shall pay compensation to the owner of such premises, vehicle etc., any dispute in respect of compensation shall be decided by the arbitrator (Sec 262, 270, 171, 272, 273, 175, KMA).

**Till what time can names be added to the voters list?**

One can enrol one's name in the electoral list till the last day of filing nomination (Sec 22, 23, Peoples Representative Act, 1950).

**Can the errors in the voters list be questioned?**

No, all stages of the elections have to be conducted as per the electoral list approved by the designated authority. The election shall be conducted as per the calendar notified by the returning officer. The government is not empowered to annul it. (Ganghalli Nagappa v/s State of Karnataka, ILR 1975, Karnataka 1089; (1965), Mysore Law Journal, 289).

**Can the errors in the voters list be rectified after the notification of election calendar?**

No. The election shall be held as per the voters list and the calendar which is in force at the relevant time. Any attempt to rectify the error crept therein will vitiate entire calendar of election (Abdul and others v/s State and another A.I.R, 1985, Karnataka 66).

**Can the errors in the notified calendar of election be questioned?**

Yes. In such event the returning officer may be requested to notify new calendar to hold election and act accordingly (Panchaksharappa v/s returning officer, Haveri Municipal Election, Act 1968, Mysore, 78)

**What are the disqualifications of a councillor?**

General disqualifications for becoming a councillor is as under –

- if he has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months, provided that the offence is one which involves moral turpitude and such sentence has not been reversed or quashed or the offence pardoned[Sec 16 (1) (a) KMA] ;

- if he has committed a punishable offence under Sec 20, 21 or 22 Karnataka Marriage (Registration and other Provisions) Act 1976, (Honnagiri Gowda v/s Returning Officer (DB) 1972, Mysore Law Journal ed.en. 272]
- if he is convicted of an offence under the provisions of the Untouchability Offences Act, 1955 (Central Act 22 of 1955) or the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954) [Sec 16 (1) (b) KMA] ;
- if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, or of any local or other authority subject to the control of any of the said Governments other than such offices as are declared by rules made under this Act not to disqualify the holder[Sec 16 (1) (c) KMA] ;
- if he has been dismissed from service under a local authority or Government service[Sec 16 (1) (d) KMA] ;
- if having been a legal practitioner, he has been dismissed or suspended from practice by order of a competent authority the disqualification in the latter case being operative during the period of such suspension[Sec 16 (1) (e) KMA] ;
- if he has been removed from office under section 41 of this Act[Sec 16 (1) (f) KMA] ;
- if he is unsound mind and stand so declared by competent court[Sec 16 (1) (g) KMA] ;
- if he is an undischarged insolvent[Sec 16 (1) (h) KMA] ;
- if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State[Sec 16 (1) (i) KMA] ;
- if he is so disqualified by or under any law for the time being in force for the purpose of election to the State Legislature: Provided that no person shall be disqualified on the ground that he is less than twenty-five years, if he has attained the age of twenty-one years[Sec 16 (1) (j) KMA] ;
- If he has directly or indirectly by himself or his partner any share or interest in any work done by order of the municipal council, or in any contract or employment with or under, or by or on behalf of the municipal council[Sec 16 (1) (k) KMA] ;
- A person shall be disqualified for being a Councillor if he is so disqualified under the Karnataka Local Authorities (Prohibition of Defection) Act,1987[Sec 16 (1-A) KMA] ;
- if he is employed as paid legal practitioner on behalf of the municipal council or accepts employment as legal practitioner against the municipal council[Sec 16 (1) (l) KMA] ;
- if he is a licensed surveyor, or plumber or water supply contractor of the municipal council or is a partner of a firm of which any such licensed person is a partner[Sec 16 (1) (m) KMA] ;
- if he fails to pay any arrears of any kind due by him, otherwise than as an agent, receiver, trustee or an executor, to the municipal council within three months after a notice in this behalf has been served upon him[Sec 16 (1) (n) KMA] ;

- if he has in proceedings questioning the validity or regularity of an election been found to have been guilty of any corrupt practice, or any offence punishable under section 171-E or section 171-F of the Indian Penal Code, or any offence punishable under section 36 or clause (a) of sub-section (2) of section 37 of this Act, unless a period of five years has elapsed since the date of the finding, or the disqualification has been removed by order by the Government[Sec 16 (1) (o) KMA] .
- if he votes or takes part as a councillor in the discussion of any matter,— in which he has directly, or indirectly, by himself, or his partner, any such share or interest as is described in sub-clause (i), (ii), (iii) or (v) of clause (d) of the proviso to sub-section (1) whatever may be the value of such share or interest, or in which he is professionally interested on behalf of a principal or other person, or in which he is engaged at the time in any proceeding against the municipal council [Sec 16 (2)KMA].
- If he absents himself from the meetings of the municipal council, during three consecutive months except with the leave of the municipal council[Sec 16 (2)KMA].:
- If he has failed to submit the statement of account of election expenses within the time and in the manner required by or under this Act [Sec 16C KMA].
- The order of disqualification will remain in force for a period of three years from the date of the order [Sec 16C KMA].

### Exceptions

The following act will not be treated as disqualification -

- the disqualification shall cease to operate after the expiry of the period during which a person is ordered to furnish security [Proviso(a)16(1)];
  - a person shall not be deemed to have incurred any disqualification by reason only of his receiving,- any pension, or any allowance or facility approved by the Government for serving as president or vice-president or as councillor [Proviso(b)16(1)];
  - the disqualification in clauses (a), (d) and (f) shall cease to operate after the expiry of four years from the date of such sentence, dismissal, or removal or earlier by an order of the Government[Proviso(c)16(1)];
- i. a person shall not be deemed to have incurred disqualification for the reason that he is having a share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same; or
  - ii. having a share or interest in any joint stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Act or in any co-operative society which shall contract with or be employed by, or on behalf of the municipal council; or
  - iii. having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or holding a debenture; or
  - iv. being otherwise interested in any loan raised by, or on behalf of the municipal council; or

- v. having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding in any one official year, such amount as may be prescribed; or
- vi. having a share or interest in the occasional letting out on hire to the municipal council, or in the hiring from municipal council, of any article for an amount not exceeding in any official year fifty rupees or such higher amount not exceeding five hundred rupees as may be prescribed[Proviso(d)16(1)].

**What is deemed as ‘Office of Profit’ under the Government?**

The post held by person under the services of State is said to be ‘Office of Profit’ when it is capable of generating profit. For the purpose of disqualification, one shall hold a post in the Government. The position in the non-governmental organization will not be treated as disqualification. Following factors shall be kept in mind while determining the question whether a person is holding ‘Office of profit’ in the Government –

- Did the government have appointed him?
- Does the government have the power to remove or dismiss him?
- Is the government paying him the remuneration?
- Is he functioning on behalf of the government?
- Does the government have control over the functions and duties that he is carrying on?  
(Sathrucharla Chandrashkar raju V/s Vyaricharla Praveen Kumar Dev, AIR, 1992, SC, 1954).

**Can the councilor himself absent from the council meetings?**

The councilor is required to attend the meeting of the Council without fail. No one shall be absent from the meeting of the Council during three consecutive months. However, on securing the leave of the Council he may absent from the meetings of the Council. Failing which the Deputy Commissioner either by suo motu or on a report made to him, after holding such inquiry as he deems fit, shall declare the seat of the person concerned become vacant(Sec 16 (2)(c ) KMA).

**What step the councilor shall take when he find hard to attend the Council meeting?**

In such event, he shall submit an application to the Council seeking leave. If the Council fails to inform him of its decision on the application within a period of one month from the date of the application, the leave applied for shall be deemed to have been granted by the Council (Sec 16 (2) KMA).

**Can an appeal be sought against the order of the Deputy Commissioner?**

The person aggrieved by the decision of the Deputy Commissioner may prefer an appeal, before the following Appellate Authority, within a period of thirty days from the date of such decision -

Municipality	Appellate Authority
City corporation	Government
Town panchayat	Director, Municipal Administration Directorate.

(Sec 16 (2) KMA).

**What is the term of office of a Councilor and when does it begin?**

The term of a councilor is of five years. It begins to run from the date of the first meeting. However, nominated members will hold the office subject to the pleasure of the Government but not exceeding five years. The term of office of a councilor elected to fill a casual vacancy shall continue so long only as the councilor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred (Sec 18 KMA).

**Can the casual vacancies be filled?**

Whenever vacancy occurs through the resignation or non-acceptance of office by a person elected to be a councilor, or through such person becoming disqualified to be a councilor, or through any election being set aside or through the death, removal or disability of a councilor previous to the expiry of his term of office, the vacancy shall be filled up as soon as may be after the occurrence of such vacancy by the election of a person thereto. However, no election need be held to fill a casual vacancy occurring within six months prior to the expiry of the term of office of councilors (Sec 18,19,23, KMA).

**Where the names of the elected councilors shall be notified?**

The names of persons elected such as councilors, president or vice-president, including the nominated members, of the Municipal Council shall be notified in the official Gazette (Sec 20, KMA)

**Can an election of a councillor be called in question?**

Yes, in this regard an election petition may be presented, by the candidate or a voter, before the Election Tribunal within fifteen days from the date of the declaration of the result of the election on any of the following grounds –

- that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen as a councilor under this Act, or
- that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent, or
- that any nomination paper has been improperly rejected, or
- that the result of the election, in so far as it concerns a returned candidate, has been materially affected,—
  - I. by the improper acceptance of any nomination, or
  - II. by any corrupt practice committed in the interests of the returned candidate by an agent or by any other person acting with the consent of such candidate or agent, or
  - III. by the improper acceptance or refusal of any vote or reception of any vote which is void, or



- IV. by the non-compliance with the provisions of this Act or of any rules or orders made there under (Sec 21; 23 KMA)

### **Can an appeal be preferred against the order of the Election Tribunal?**

An appeal may be preferred against the order of the Election Tribunal to the High Court within a period of thirty days from the date of the order of the Tribunal, excluding the time requisite for obtaining a copy of the order, and the decision of the High Court on such appeal shall be final and conclusive. (Sec 27 KMA)

### **When can a councilor be removed?**

The Government on the recommendation of the municipal council, may remove any councilor elected from his office on the following ground -

- Mis-conduct in discharge of his duties; or
- Disgraceful conduct; or
- Incapable to perform his duties as a councilor.

A Councilor shall be removed only after holding enquiry and providing due opportunity to submit his averments (Sec 41, KMA).

### **What are the rights and privileges of a councilor?**

Rights and privileges of a councilor are as under –

- To draw the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.
- To interpellate and to move resolutions on matters connected with the municipal administration, subject to such rules as may be prescribed.
- To secure the copies of the proceedings of the meetings from the Director of Municipal Administration or the Chief Officer along with the notice of the next meeting.
- To have access to the records of the municipal council after giving due notice to the chief officer or the municipal commissioner, as the case may be, provided that the chief officer or the municipal commissioner may for reasons given in writing forbid such access. The councilor may appeal from the order of the chief officer or the municipal commissioner to the president whose decision shall be final (Sec 45, KMA).

### **Who shall initiate action when a Councilor is responsible for the loss, waste or misapplication of any money or other property of the Municipal Council?**

In such event, after giving due notice to and providing sufficient opportunity to the councilor or councilor concerned, if the following authority is satisfied, make an order in writing with a direction to such councilor

or councilors to pay to the municipal council before a fixed date, the amount required to reimburse it for such loss, waste or misapplication, failing which the authority may recover it as an arrear of land revenue and credit it to the Municipal Fund.

City Municipality	Municipality/Town Panchayat
Director and Municipal Administration Directorate	Deputy Commissioner.

He can submit an appeal to the Government against their orders. (Sec 308; 309 KMA)

**When an interest of the Councilor in the affairs of the Municipality does not disqualify him?**

Possessing of an interest or share worth not more than Rs.500 in casual sale of any material or rent process does not disqualify the Councilor. (Rule 2-Karnataka Municipalities (General disqualification to become a councilor) 1981)).

**Whether the commission of act in series or on single occasion makes the Councilor disqualified?**

Commission of single act is enough to disqualify a Councilor. However, before declaring him as disqualified he shall be given with an opportunity to present his version. Failing which such declaration will be considered as null and void. (RC Patil v/s Ilakal Municipality, ILR 1962, Mysore 383; K R Venkatesh v/s Deputy Commissioner, Chitradurga and others, 2000 (5), Karnataka Law Journal 79).

**Can the tenure of a Councilor be increased or decreased?**

The Government is having the discretionary power to extend or cut short the tenure of a councilor only on assigning a valid reason. However, such extension shall not exceed the tenure prescribed by the Municipalities Act, 1964. (V Subbareddy v/s State of Karnataka, ILR 1989, Karnataka 101; Nirmal Kumara V/s State of Mysore (1974) 2 Karnataka Law Journal short notice 16; Shivanna v/s state of Karnataka 1980 (1) Karnataka Law Journal short note 137)

**Can the relatives or such other persons known to a woman councilor work at her instance?**

The woman councilors are independent unlike male councilors. Nobody can interfere with her office or with the Municipal Administration including her husband, children and such other relatives, friends either at her instance or otherwise. In corollary, they shall neither accept any petitions from the public nor review the public works nor render any suggestions. (Department of Urban Development, Secretariat, Karnataka of Government Circular No.ನಅಇ(NAE): 485ಜಿಇಎಲ್(GEL) 2003 date 3.9.2003)

### **What are the responsibilities of the Town Panchayat/ Municipality/ Municipal Corporation/ Councilors?**

The Urban Local Authorities/ members shall -

- Act in consonance with the Karnataka Municipalities Act, 1964 and other relevant law, circulars etc., which are applicable from time to time;
- Actively involved in the development activities ensuring the participation of the people;
- Understand the decency, dignity and decorum of the office;
- Well informed with his/her duties;
- Reasonably safeguard his/her rights;
- Well informed with the law and regulations which are in force;
- Remember that he/she is a representative of the people; and
- Design a development plan.

### **Does the Karnataka Local Authorities (Prohibition on Defection) Act, 1987 apply to the Councilor?**

Yes, it applies to the Municipalities Councilors. Thus, he is required to vacate the office the moment he/she is declared as disqualified under this Act.(Karnataka Local Authorities (Prohibition of Defection) Act, 1987).

### **In what circumstances can the councilor be declared as disqualified?**

The Authority designated may declare the Councilor as disqualified under the following circumstances-

- A councilor who has been elected as an independent candidate, joins a political party after expiry of six months from the date of commencement of his/her term of office;
- if he/she votes or abstains from voting in, or intentionally remains absent from any meeting of the Council, contrary to any direction(whip) issued by the political party to which he/she belongs or by any person or authority authorized by it in this behalf without obtaining the prior permission of such party, person or authority and such voting, abstention or absence has not been condoned by such political party, person or authority within fifteen days from the date of voting or such abstention or absence;
- If the nominated councilor joins any political party after expiry of six months from the date of commencement of his/her term of office; and
- If any councilor deserts the party from which he has been elected and joins another party (Sec 3, Karnataka Local Authorities (Prohibition of Defection) Act, 1987).

### **In what circumstances can defection be pardoned?**

Defection by the councilor can be pardoned in the following situations-

- Where a councilor or a member makes a claim that he/she and any other members of his/her political party constitute the group representing a faction which has arisen as a result of a split in

his/her political party and such group consists of not less than one-third of the members of such political party;

- that he has voted or abstained from voting in, or intentionally remained absent from, any meeting of the Council, contrary to any direction (whip) issued by the political party to which he belongs or by any person or authority authorized by it in this behalf and when the same has been condoned by such political party, person or authority within fifteen days from the date of voting or such abstention or absence.
- Where a councilor claims that his/her political party merges with another political party and has become member of such other political party, or has formed a new political party by such merger or did not accept the merger and opted to function as a separate group. However, not less than two-thirds of the members of such political party or new political party or group, as the case may be, shall agree to such merger or for the formation of new political party or group. (Sec 3A & 3B, Karnataka Local Authorities (Prohibition of Defection) Act, 1987).

#### **Can the defection of a councilor be questioned?**

A complaint may be made by a member, councilor or a political party to the Chief Executive Officer of the local authority concerned. On the receipt of a complaint the Chief Executive Officer of the local authority concerned shall within twenty-four hours from its receipt, shall refer for decision to the Divisional Commissioner in the case of Municipal Corporation or to the Deputy Commissioner in the case of a City or Town Municipal Council, which shall be decided within thirty days after the receipt of the reference and his decision shall be final. (Sec 4, Karnataka Local Authorities (Prohibition of Defection) Act, 1987).

#### **Who shall intimate the defection of a councilor?**

It shall be intimated by the member, councilor or a political party to the Chief Executive Officer of the local authority concerned and in turn the Chief Executive Officer of the Local Authority concerned communicate the same to the Divisional commissioner or Deputy Commissioner, as the case may be. (Sec 4, Karnataka Local Authorities (Prohibition of Defection) Act, 1987).

#### **What is the term of the President or Vice- President?**

The term for President or Vice-President is 30 months. On the election of a new president or vice-president the retiring president or vice-president in whose place the new president or vice-president has been elected and on the removal of a president or vice-president shall hand over charge of his office to such new president or vice-president, as the case may be, failing which he/she shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both. (Sec 42,46, KMA).

**To whom should the President or Vice-president submit their resignation?**

A president or a vice-president may resign his membership or office as president or vice-president by giving notice in writing to the Authorities mentioned below -

City Municipal Council-	Director, Municipal Administration
Town Municipal Council	Deputy Commissioner
Town Panchayat	

The resignation shall take effect on the expiry of the tenth day after the receipt of the notice of resignation unless withdrawn in the meanwhile. (Sec 40, KMA).

**Can the President and Vice-President be removed?**

They can be removed from their office under the following circumstances -

- If the president who, for a period exceeding two months and every vice-president who for a period exceeding one month, absents himself from the municipal without securing the permission of the Council. No such permission shall be granted for a period exceeding six months.
- if he/she has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct; or
- If he/she has become incapable of performing his/her duties; or
- If he/she is unable to pay dues he/she owes to the Municipal Council; or
- If he/she has suffered an order for commitment to civil prison for non-payment of any decretal debt.

The president and vice-president so removed, who does not cease to be a councillor, shall not be eligible for re-election as president or vice-president during the remainder of his term of office of councillor. However, no such order shall be made except after the president or the Vice-President has been given an opportunity to submit explanations. (Sec 42, KMA).

**Who shall discharge the function of a president when his Office becomes vacant and no vice – president is designated?**

In such circumstances, the officer mentioned below shall perform the functions of the president -

City Municipal Council	Deputy Commissioner or the person performing the duties of the Deputy Commissioner.
Municipal Council in the District centre	Assistant Commissioner or the person performing the duties of the Assistant Commissioner
Other Municipal Council	Tahsildar or the person performing the duties of Tahsildar

(Sec 42 KMA)

**Can a no-confidence resolution be moved against the President / Vice-President?**

While passing a no confidence motion against the President / Vice-President, following procedures shall be followed-

- The notice of no-confidence shall be given in writing;
- The notice shall be signed at least by one-third of the total number of councillors having voting right;

- The notice shall clearly express the intention to move no confidence resolution;
- The notice shall be of at least ten days' prior notice;
- The resolution expressing want of confidence shall be passed by a majority of not less than two-thirds of the councillors having voting right present and voting at a special general meeting convened for the purpose. (Sec 42, KMA).

#### **Can a no-confidence resolution be moved again when it fails?**

If the no confidence resolution fails once, a notice shall not be given to pass similar resolution in respect of the same president or vice-president within one year from the date of the decision of the municipal council. (Sec 42, KMA).

#### **Who can cast a vote when the resolution of no confidence is put to vote?**

The councillors who are duly elected may cast their vote, either in favour or against the motion, in the meeting. The members of Lok Sabha, Rajya Sabha, Legislative Assembly and the Legislative Council who represent the municipality area completely or partially, are being treated as members of the Municipal council members and possess voting rights. However, nominated members are not entitled to vote to the no confidence resolution. Savitri v/s state of Karnataka and others 2003 (6) Karnataka Law Journal 268A (DB); B Kamamma Vs The Director of Municipal Administration, government of Karnataka and others, 1998 (4), Karnataka Law Journal 106A).

#### **In which meeting of the Council the no confidence resolution shall be moved?**

The no confidence resolution shall be moved only in special general meeting. At least one-third of the total number of councillors having voting right shall give 10 days' prior notice in writing expressing their intention in this behalf. no such resolution shall be moved in other meetings. (Munilingiah M. Vs. Town Municipal Council, Kanakapura, ILR, 1978, Karnataka 505)

#### **What are the functions of President?**

The functions of the president are as under -

- To chair all the meetings of the council
- To supervise the administration and financial transactions of the municipal administration.
- To fulfill all the duties given or assigned officially.
- To send all notifications passed in every meeting and its copies to the Director, Municipal Administration or any officer appointed for the purpose within 15 days.
- To provide the minutes of the proceedings of the council or any other meeting or other documents and information to the Director, Municipal Administration or the officers when asked under Sec 36.

- He can give directions in emergency situations to start or stop any public works which needs approval from the council. Also, if he feels it is necessary to carry out or continue doing a particular work in view of public service and security, then he can direct the municipal fund to bear all the expenses incurred for the above said works. In such circumstance, he cannot direct the implementation of such works banned by the council and should submit a report on the works undertaken to the Standing Committee in the next meeting.
- To chair in all meetings of the council and to regulate the conduct of business at such meetings;
- To watch over the financial and executive administration of the municipal council;
- To perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him;
- To furnish a copy of every resolution passed at any meeting of the Council within fifteen days to the Commissioner or to such other officer as the Director of Municipal Administration shall from time to time nominate in this behalf;
- To furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Director of Municipal Administration or other officer calls for under section 304.
- To direct, in cases of emergency, the execution or stoppage of any work or the doing of any act which requires the sanction of the municipal council, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the municipal fund. However, he shall not undertake such works which are specifically prohibited by the Council. Further, he shall report forthwith the action taken and the reason therefor to the standing committee at its next meeting.

#### **Additional powers**

- To issue directions to the Municipal Commissioner or the Chief Officer to implement the resolutions of the Council or the Standing Committees;
- To require the Administration Report and the Annual Report of the Council prepared and placed before the end of the year;
- To issue directions to the concerned officers to comply with the points made out in the audit report;
- To undertake inspection and supervision of the works taken up by the Council;
- To call for any record but the same to be returned within one month.
- To be an ex-officio member of all the standing committees but without the power of vote on any question. ( Sec 43,45,53 KMA)

#### **What are the functions of Vice-president?**

The functions of vice-president is as under -

- To exercise such of the powers and perform such of the duties of the president as the president from time to time delegates to him in accordance with the general or special orders of the Government issued in this behalf.
- To preside at the meetings of the Council - in the absence of the president for any period exceeding seven days or pending the succession or appointment or election of a president;
- To be an ex-officio member of all the standing committees but without the power of vote on any question (Sec 44, 45, 51, KMA)

#### **Can the President delegate his powers to the Vice-President?**

The President may delegate his powers to the Vice-President subject to the following conditions-

- The powers which shall be exercised by the President cannot be delegated to the Vice-President;
- The delegation of power shall be in writing;
- The order of delegation of power may subject to review; and
- The power delegated may be revoked assigning reasons in writing.(Rule 6 Municipalities (General disqualifications for becoming a Councilor) Rules, 1981)

#### **Can the President or Vice-President give instructions to the municipality officers?**

For the purposes of promoting the objectives of the Municipality the President and the Vice-President may give instructions to the officers/ employees of the Municipality, which is required to be respected by them.(Rule 6 Municipalities (General disqualifications for becoming a Councilor) Rules, 1981)

#### **If the President / Vice-President, on laying down office, do not hand over the documents, money or other properties belonging to the Municipality to his/her successor, what shall be done?**

In such situation he/she may be punished with fine which may extend to one thousand rupees. (Sec 368, KMA).

#### **What are the powers of the Municipal Commissioner?**

The Municipal Commissioner shall -

- Exercise the powers specifically conferred on him by the provisions of this Act and such other executive powers as may be delegated to him by the municipal council;
- Perform and exercise the duties and powers of the president subject to section 43 of the Act;
- Exercise all the powers specifically conferred on the Chief Officer by the provisions of this Act;
- Make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a municipal council. (Sec 338, KMA).



### **What are the limits to the powers of the municipal commissioner?**

The limitation on the powers of the Municipal Commissioner is as under are -

- the powers conferred on the municipal council by or under section 139, 182, 203(1), 208, 216(1), 236, shall not be exercised by the Municipal Commissioner except subject to the general or special orders of the municipal council or, in the absence of such orders, with the previous approval of the municipal council;
- the powers conferred on the municipal council by or under any of the provisions of this Act (i) to make bye-laws; and (ii) to authorize the president or the vice-president, or a committee or a councilor to do anything, shall not be exercised by the Municipal Commissioner;
- The property, whether movable or immovable, vested in or belonging to or otherwise held by the municipal council, shall not be deemed to vest in or belong to or otherwise to be held by the Municipal Commissioner. (Sec 338, KMA).

### **What are the duties of the Chief Officer?**

The Chief Officer shall -

- Subject to the control of the municipal council, perform all the duties and exercise all the powers specifically imposed or conferred upon him by or delegated to him under this Act;
- Subject to the orders of the municipal council, or of the standing committee of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditor;
- Report to the president, the standing committee and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property;
- Supply any return, statement, estimate, statistics, account, or report or a copy of any document in his charge called for by the municipal council or the standing committee and shall comply with any orders passed by the municipal council or the standing committee thereon; and
- Subject to rules prescribed in this behalf exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council and to dispose of all questions relating to the officers and servants subordinate to the Chief Officer and their pay, privileges and allowances. (Sec 329, KMA).

### **What are the powers of the Chief Officer?**

The chief Officer subject to the control of the Municipal Council shall exercise the, following, powers specified in the Act and such other powers as may be delegated to him by the municipal council -

- He may subject to the provisions of this Act and of the rules and bye-laws for the time being in force there under, to grant, give or issue under his signature all licenses and permissions which may be granted, or given or issued by a municipal council under this Act;

- He may subject to the provisions aforesaid, suspend, withhold or withdraw any license;
- He shall receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid;
- He may subject to the control of the municipal council and to the provisions of section 72 enter on behalf of the municipal council into contracts which do not involve an expenditure of over five hundred rupees; and invite on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council:
- He may conclude a contract involving expenditure exceeding one hundred rupees. However every such contract shall be reported by him, within fifteen days after it is concluded, to the municipal council;
- He may make such requisitions, by written notice give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council. However, that the power conferred by section 276 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the Act shall be exercised by him after securing approval of the Deputy Commissioner.( Sec 330 KMA)

#### **What are the other duties of the Municipal Commissioner or Chief Officer?**

They are as under -

- Inspection of immovable properties of the Municipality at least once in six months to ensure good maintenance and see that rules and bye- laws are being enforced true to its spirit;
- Periodical inspection to remove obstructions, encroachments with a view to make thoroughness or every public street and place as user friendly and keep streets, drains, latrines, dustbins, etc., in good condition;
- Periodical inspection of all streets and buildings against which an action is initiated or to be initiated under section 177 to 187;
- Monthly test inspection of quite a few places, in respect of which orders are issued, to ensure whether the terms of the order are complied with or not;
- Quarterly test inspection of quite a few premises, in respect of which licenses are issued, to ascertain whether the terms and conditions of the license are duly carried out;
- Inspect the work of one or more Inspectors at least once in a week to see that work of each one of them is tested at least once in three months;
- Cross check, every month, at least 5% of the original receipts issued to prevent and to detect the cases of fraud in tax collection. (Rule 9, Karnataka Municipalities (Delegation of powers, executive functions, duties, powers and determination of staff) Rules, 1973).

#### **What are the common duties of the Municipal Commissioner or Chief Officer?**

They are as follows-

- In charge of municipal administration and Custodian of all records and documents of the Municipal Council;
- Supervise the service of entire staff of the Municipal Council;
- Supervise the and updating of maintenance of accounts and records;
- Supervise the collection of taxes, fees etc., due to the Municipal Council and receive , recover and credit it to the Municipal fund;
- Issue, suspend, withhold, withdraw any license or permission, under his signature, subject to the provisions of the Act, Rules and Bye –Laws;
- Requisition of securities which are duly furnished or renewed by the officers and servants and maintenance of register of such security;
- Due execution of all contracts entered by the Municipal Council and requisition of security bonds from the contractors;
- Accountable for all receipts and expenditure and for all work on hand;
- Supervise the conservancy, health engineering, town planning and survey, water supply and drainage staff of the Municipal Council;
- Report all cases of neglect, illegality and breach of rules and bye –laws and disobedience on the part of all subordinates or contractors.
- Attending of audit objection to remove irregularities and reporting of all cases of embezzlement, theft or loss of Municipal money or property.
- Supervise and periodically inspect all properties of the Municipal Council and draw the attention of the controlling authorities such cases which requires repairs, improvements, new works or other measures and report nuisances, breach of the relevant provisions of Act, rules and bye-laws;
- Examine the genuineness of the claims made against the Municipal Council, budgetary provision and before making settlement of claim place all papers, vouchers and completion certificate for the consideration of the controlling authority.
- May pass such executive orders to ensure good governance. (Rule 7, Karnataka Municipalities (Delegation of powers, executive functions, duties, powers and determination of staff) Rules, 1973).

#### **What are the duties and powers of the Revenue Officer?**

They are as follows-

- Compliance of the general or special orders of the Municipal Commissioner or Chief Officer;
- Collection/ recovery of property, vehicle – tax, cess, toll, rate, duty, license fee building rent and other miscellaneous items;
- Collection of Municipal receipts. (Rule 9, Karnataka Municipalities (Delegation of powers, executive functions, duties, powers and determination of staff) Rules, 1973).

### **What are the powers and the duties of the Engineer?**

They are as follows-

- Compliance of the general or special orders of the Municipal Commissioner or Chief Officer;
- Accountable to the public works, parks and roadside trees of the Municipal Council;
- Preparation of budgetary plan estimate, execution, maintenance and supervision of civil work and keeping of accounts.
- Responsible to every civil work or reasonable custody and efficient maintenance of the building;
- \responsible for all machinery, plants and stock, except those belonging to the department of sanitation;
- Discharging of all other duties of the department. (Rule 9, Karnataka Municipalities (Delegation of powers, executive functions, duties, powers and determination of staff) Rules, 1973).

### **What are the power and duties of the Health Officer?**

- He shall supervise and regulate the functions of the health department including sanitation. Further he shall comply the general or special orders of the Municipal Commissioner or chief officer (Rule 9, Karnataka Municipalities (Delegation of powers, executive functions, duties, powers and determination of staff) Rules, 1973,ಪತ್ರ ಸಂಖ್ಯೆ ಪೌನಿ/ವಿನ/ಘವನಿ/ಸಿಆರ್ 12:05-06 ದಿನಾಂಕ: 1.12.2005)

### **What are the duties and responsibilities of the Environmental Engineer?**

It includes:

1. Discharge of his duties under the Commissioner/ Municipal Commissioner/Chief Officer and Superintendent Engineer/ Executive engineer ( if any) of the town/city local bodies concerned;
2. See that the health staff and paurakarmikas of the Municipality (except the city corporation) is working under him;
3. Management of the solid waste coming under the urban local bodies. i.e -
  - a) Door to door primary collection of waste
  - b) Second level of storage
  - c) Transportation and disposal
4. Budget estimation, tender etc., for the purchase of equipments and tools that are needed for the management of solid waste.
5. Management of all files of comprehensive solid waste disposal and it shall be presented to the Municipal Commissioner/ Chief Officer
6. Management of all files of comprehensive solid waste disposal of Urban Local bodies and it shall be presented to the Municipal Commissioner/ Chief Officer.

7. Involve NGOs, Resident Welfare Associations, SHGs, and members of the public to work hand-in-hand with community based organizations/Rajiv Gandhi Yuva Shakti Sanghas/ Swarna Jayanthi Shahari rojgaar yojana groups in disposal of solid waste and formation of groups of interested persons to secure waste from door-door and sort it out.
8. Production of manure from solid waste with the aid of small industries and supervision of the same.
9. Work in association with the KCDC for the establishment of organic manure unit.
10. Identification of second level solid waste collection sites.
11. Motivation of SHGS/ community based organization/ NGO's to seek loans from the urban savings and loan groups and urban women and child development groups for purchase of vehicles to collect solid waste from door to door.
12. In the absence of consultant who has designed planning report, he himself shall analyze and implement the action plan.
13. Rearing of plants in and around the waste dumping pits in association with the forest department, horticulture and local people.
14. Report on the actions initiated to raise the confidence level of the people in the urban local bodies on daily basis to the Municipal Commissioner/ Chief Officer and to the Directorate of Municipal Administration from time to time.
15. Ensure the establishment of city school sanitation club and organic manure pits within the school premises in coordination with the officers of education department.
16. Launching of sanitation campaign etc through school children and the public with the assistance of high school teachers.
17. Supervision of attendance of pourakarmika supervisors and health staff between 5.30 am to 6.30 am deploy
18. Deployment of every pourakarmika on assignment and ascertain that they are working at a designated place.
19. Supervise the attendance again on discharge of days' work.
20. Deployment and supervision of solid waste management vehicle and its staff.
21. Any other work, concerning to solid waste disposal and environment, assigned by the commissioner or municipal commissioner or chief officer.(ಪತ್ರ ಸಂಖ್ಯೆ ಪೌನಿ/ವಿನ/ಘವನಿ/ಸಿಆರ್ 12:05-06 ದಿನಾಂಕ: 1.12.2005)

**What are the duties and responsibilities of the assistant executive engineer?**

It includes-

1. Responsibility of all civil works of the technical branch (drinking water, developmental works, electricity works, etc).
2. Supervision of geographical information survey works.
3. Supervision of SJSRY clean city, IDSMT and other projects.
4. Review of building license files and inspection of connected files as per laws.

5. **Cross verification of measurements of all kinds of public works.**
6. **Regular inspection** of stock of goods and materials and its distribution connected to technical branch.
7. Supervision and management of vehicles of urban local bodies and utilisation of fuel.
8. Issuance of direction and guidance to the assistant engineers and junior engineers for the execution of civil works subject to the Karnataka municipal and PWD (Code) Rules.
9. Supervision and guidance, to the assistant engineer, junior engineer and subordinate staff concerned, on drinking water – storage, and repairing of distribution pump set and pipeline at the urban local bodies.
10. Supervision and guidance, to the assistant engineer and junior engineer to ensure that illegal water connections are regularised and no more unauthorised water connections are raised in future at the urban local bodies.
11. Pass order to disconnect the water connection to such properties which fails to pay water tax and see that such water connections are disconnected.
12. Pass order to disconnect unauthorised drainage connection and see that such unauthorised connections are disconnected.
13. Supervision of stock of materials concerned to drinking water, electricity and other civil works.
14. Consideration of the grievances of the elected representatives and the public, issuance of instruction to the technical branch and the staff concerned, issue of licenses to the building within the limits of the local body, and see that no illegal constructions are raised and on notice of any illegal construction, initiate legal action to demolish such construction in accordance with law.
15. Initiation of suitable action on the reports of the engineers regarding the demands on basic civic amenities like drinking water, roads, parks, play grounds etc., within the limits of the local bodies.
16. Submission of reports, on the 'C and D' group staff of the technical branch, to the higher authorities.
17. Supervision and guidance of sanitation works of the environmental engineer in the local bodies.
18. Grant technical sanction to the budgetary estimate of civil works and plan subject to the jurisdiction.
19. Initiation of action, as per the rules, on the reports submitted by the subordinate staff.
20. Initiation of suitable step to attend and resolve the objections raised, in the inspection reports connected, to the technical branch.
21. Attending to any other work assigned by the municipal commissioner from time to time. (ಪತ್ರ ಸಂಖ್ಯೆ ಪೌನಿ/ವಿನ/ಘವನಿ/ಸಿಆರ್ 12:05-06 ದಿನಾಂಕ: 1.12.2005)

**What are the duties and responsibilities of the assistant engineers and junior engineers of the technical branches?**

It includes -

1. Designing of plan estimates of all developmental works, Management and supervision of civil works of the local bodies, maintenance of measurement book as per rule, 2004 and responsibility of materials.

2. Management and supervision of developmental works, water supply, electricity and street lights of the technical branch of the local bodies.
3. Geographical information survey, census and management of election works.
4. Responsibility to manage and supervise the construction of community hall under the urban labour employment schemes through the Swarna Jayanthi Shahara Rojgar Yojana, clean city, IDSMY and other schemes.
5. Management of parks and roadside trees of Municipality and conservation of environment.
6. Qualitative management of all civil works and maintenance of buildings of the Municipality.
7. Responsibility to manage all plant/ machinery, stock of materials (useful and un- useful) of the water supply and electricity department.
8. Management and supervision of Municipality vehicles and of fuel consumption.
9. Conducting of spot inspection and reporting as to the - building licences, prevention of illegal construction of buildings subject to the provisions of law.
10. Regularisation of unauthorised water connection to prevent illegal water connections in future or registration of case/suit subject to the provisions of law.
11. Preparation of an action plan for developmental schemes
12. Processing of tender in accordance with the Karnataka Municipalities Act and transparency Rules.
13. Maintenance of various registers in accordance with the Karnataka Municipality Account Rules 1966, like civil works execution register, estimate grant register, grant register, royalty register, tender register, work order register, measurement book register and technical and administrative sanction register.
14. Submission of utilisation certificate.
15. Management and implementation of Government schemes
16. Implementation of Rain water harvesting program.
17. Submission of all information of technical branch in the Council meeting and action taken report on the decision of Council.
18. Submission of reports regarding the management of war footing relief work during the contagious diseases/downpour.
19. Management of cemetery, buildings, playgrounds and parks of the Municipality.
20. Submission of report on the action initiated in consideration of grievances, submitted by the public and the elected representatives but, connected to the technical branch.
21. Initiation of action within 24 hours on receipt of public complaint from the PGR.
22. Report the reservation of civic amenities sites for roads, play ground and parks in new lay -outs.
23. Report regularly to the Asst. Executive Engineer through higher authority regarding the service of water supply staff and initiation of disciplinary action on the staffs who manage water supply works.
24. Supervision and management of Ashraya and Ambedkar scheme.

25. Attending to the objections raised in the inspection reports connected to the technical branch and initiation of needful action.

26. Maintenance of quality in the works undertaken in the local bodies limits and making the Assistant Superintendent/ Junior Engineer responsible for poor quality work.

27. Respecting the other works assigned from time to time by the Municipal Commissioner/Assistant Executive Engineer/Chief Officer.

**Note:** The above rules shall equally apply totally to the Civil and Electrical Assistant Engineers/Junior Engineers of the Local Bodies. Electrical and Civil Assistant Engineers/Junior Engineers, if any Local body employs separately, shall comply the above mentioned duties. (ಪತ್ರ ಸಂಖ್ಯೆ ಪೌನಿ/ವಿನ/ಘವನಿ/ಸಿಆರ್ 12:05-06 ದಿನಾಂಕ: 1.12.2005)

#### **Who can be considered as public servants?**

The President, Vice-President, Councilor, Auditor, Officers and employees are considered as public servants. (Sec 79, KMR Art. 21, Indian Constitution, 1860)

#### **Who is the head of the office of Municipality Administration?**

The Municipal Commissioner and the Chief Officer shall be the head of the office of Municipality Administration. Thus, he alone is empowered to disburse money to meet salary of the staff and purchase of material. The President shall have the power to supervise the Municipal Administration. (Sec 43, 329, KMA, ಪತ್ರ ಸಂಖ್ಯೆ ಪೌನಿ/ವಿಚಾರಣೆ/ಸಿಎನ್‌ಬಿ 20:93-94 ದಿನಾಂಕ: 15.03.1997)

#### **Who shall appoint the Chief Officer of the Municipality?**

The Chief Officer shall be appointed by the Director, Directorate of Municipal Administration. He is empowered to initiate disciplinary action against the Chief Officer. (327, KMA)

#### **Who can appoint the Municipal Commissioner?**

The Municipal Commissioner may be appointed to any Municipal area by the Government. It is empowered to initiate disciplinary action against him. He shall offer his/her service to promote the cause of the Municipal Council. He shall not involve in any private business. (331, KMA)

#### **Can the Municipal Council take action to transfer the Chief Officer?**

It may recommend the government to transfer the Chief Officer only when a resolution is passed, by  $\frac{3}{4}$  majority, in the general meeting of the council. (327, KMA)

#### **Can the administrative functions, powers and duties of the Municipal Council be delegated to others?**



Yes, the law makes provision for the delegation of administrative functions, powers and duties of the Municipal Council. However, before making such delegation a resolution shall be adopted in the Council meeting, which shall be approved by 50% of the total Councilors. The delegation of authority shall be in the order mentioned below -

- i. President;
- ii. Vice-President;
- iii. President, Standing Committee;
- iv. President, any other Committee;
- v. Councilor;
- vi. Any other person.

- The Municipality President is empowered to supervise the style of function of every delegate and shall draw the attention of the Council whenever he notices any defect in the functioning of the delegate. If the Council is of the opinion that the delegate is negligent or dilatory in discharging his/her duties, it may withdraw any particular matter from such delegate and either dispose of itself or refer it to any other delegatee.( Rule 3;4;5, Karnataka Municipalities (Delegation of powers, executive functions, duties, powers and determination of staff) Rules, 1973).

#### **Can an honorarium be paid to the President, Vice-President and Councilors?**

Yes, it may be paid, on monthly basis, to them in accordance with following schedule -

	City Municipality* whose Annual income is More than Rs 5000 cr	All other City Municipality	All Municipalities	All town Panchayats
President	3000.00	2000.00	1200.00	800.00
Vice-President	2000.00	1000.00	900.00	400.00
Councilors	1000.00	500.00	300.00	200.00
Sitting fee to the members of the Standing Committee**	100.00	100.00	75.00	50.00

\* Excluding the grants released from the Government

\*\*Not exceeding Rs 500 monthly.

(Urban Development Department, Karnataka Government Order No ಆದೇಶ ಸಂಖ್ಯೆ ನಆಇ:114 ಎಂಎಲ್ಆರ್ 2962 ಬೆಂಗಳೂರು ದಿನಾಂಕ: 3.5.2005)

## Chapter 2

### Council Meeting

#### **When should the Council Meeting be held?**

The ordinary general meeting of the Council shall be held at least once in a month. On the written request of not less than one-third of the whole number of councillors, a special general meeting shall be held, by the president, within fifteen days from the date of receipt of such request. On his failure, the vice-president or one-third of the whole number of councillors may call that meeting within thirty days after the receipt of such representation and ask the chief officer or the municipal commissioner to convene the said meeting. (Sec 47, KMA).

#### **When should the meeting notice to be given?**

The meeting notice of the ordinary general meeting shall be of seven clear days', in case of great urgency, the period of notice may be of three clear days' or of such shorter period as is reasonable. The notice shall be sent to the official address of the councillors. It shall contain the date, time, place and agenda of the meeting. The meeting shall be held in the building used as a municipal office by such municipal council. The president or in his absence, the vice-president shall preside at every meeting of the municipal council and in the absence of both the president and the vice-president from the meeting, the members present shall elect one from among themselves to preside. (Sec 48, 49; 51 KMA, Rule-3 Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

#### **Who shall decide the meeting of the Municipal Council?**

The President shall decide the date, time and place of the meeting. The Municipal Commissioner or the Chief Officer, as the case may be, shall notify and intimate it to the councillors. (Rule-3 Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

#### **Who should prepare the agenda of the meeting?**

The Municipal Commissioner or Chief Officer, as the case may be, shall prepare the agenda under the direction of the President (Rule 4 Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

#### **What kind of issues shall be given priority at the meeting?**

The president shall give priority to the subject mentioned in the meeting notice, private resolution moved by any member, any particular proposition/ proposal guided by the majority of votes and interpellations ,which shall not exceed half an hour. (Sec 53, KMA).

#### **Who has the power to accept/reject the question?**

The power to accept /reject the question is with the president. His decision is final.

(Sec 62, KMA).

**Who shall answer the questions?**

Generally, the Municipal Commissioner or the Chief Officer shall answer questions raised in the meeting. On the direction of the president any other officer/person may answer the question. As far as possible, written answer to admitted questions shall be given to the councillors one hour before the meeting. Unanswered questions shall be treated as lapsed. (Sec 62, KMA).

**Who shall prepare notes on agenda etc., of the meeting?**

Municipal Commissioner or Chief Officer, Engineer, Health Officer or other subordinate officers shall prepare notes and arrange all papers giving full information with regard to business and financial aspects on the agenda of the meeting and keep all record for ready reference. (Rule 28, Karnataka Municipality (guidance of officers, grant copies and miscellaneous provisions) Rules, 1966)

**Can the Municipal Council ask the Municipal Commissioner to furnish any document, report etc?**

The Municipal Council and the President may ask the Municipal Commissioner to furnish any return, statement, estimate, statistics, report, document or other information connected to the administration or to the municipal area which are in his charge. He shall hand over the same without unreasonable delay. (Sec 337, KMA)

**What information shall be supplied to the Municipal Council or Committee ?**

They are -

- The provisions of laws or rules or bye-laws or standing orders connected to the subject;
- full financial implication of the proposal and proposed ways and means of financing the same as far as possible;
- Authority competent to sanction the proposals;
- Precedents and course of action;
- A report of the proper execution of public works in the Municipality; and
- A report of Public health in the Municipality. (Rule 28, Karnataka Municipality (guidance of officers, grant copies and miscellaneous provisions) Rules, 1966)

**What is the first duty of the councillors who attend the meeting?**

Every councillor on arrival to the meeting shall his signature in the attendance book. At the end of the meeting, the President shall enter the total number of councillors who attended the meeting and put his signature. (Rule 5 Karnataka Municipalities (procedure and conduct of business) Rules, 1966)

**Can the officers of other departments attend council meeting?**

Any officer, on the direction of the Council, may attend the meeting of the Council and participate in the discussion or consideration of any question. He is bound to attend such meeting on the receipt of fifteen days prior intimation to the proposed meeting. In case of his inability to attend the said meeting, he may instruct his deputy or assistant or other competent subordinate to attend it. (Sec 61, KMA).

**When the meeting of the council is considered as valid?**

The meeting is said to be valid when there is a quorum from the beginning to the end. Presence of one-third of the total number of councillors, in the meeting, constitute quorum. In the absence of quorum the president shall wait for thirty minutes and adjourn the meeting to such hour on the following or some other future day as he may reasonably decide. The agenda of the original meeting alone shall be transacted in the adjourned meeting. The meeting once adjourned may further be adjourned. (Sec 47, 50, 56, KMA)

**Can the councillor who has a personal interest in the meeting attend the meeting?**

Neither the president nor the councillor shall participate and vote at a meeting of the municipal council or of any committee thereof on any question in which he is directly or indirectly interested, either as a manager or as an agent. In that event, any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion. However, he may take part in the discussion and vote on such matter which generally affect the residents of the town or city or of any particular ward (Sec 55 KMA).

**What action shall be initiated when a Councillor/President/ Vice-President/ member who have personal interest, directly or indirectly, on any question of the meeting?**

Such persons shall be punished with fine which may extend to Rs 500 (Sec 55, 369 KMA)

**Whether the disqualification or defect in the election or appointment of the President/Vice-President /Councillor vitiates the proceeding of the meeting?**

No such disqualification or defect in the appointment or election of the President/Vice-President /Councillor or vacancy or the non- issuance of meeting notice to the Councillors or members will invalidate the meeting of the Municipal Council or the Standing Committee which are convened as per rules unless irregularity is proved. (Sec 80 KMA)

**Should the minutes of the previous meeting be read and recorded in the next meeting?**

Yes, the minutes of the previous meeting shall be read and confirmed. In the event of incorrect or incomplete recording of the proceedings the president shall rectify/amend the error after considering the objection of the Councillors, if any and put signature on the minutes. (Rule 8 Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

**What can be done if the councillor, President, Vice-President continues to function even after being disqualified?**

Councillor who participate and votes in the meeting even after he is disqualified shall be punished with fine of fifty rupees for every day on which he sits and votes as a member.

Similarly, despite of his disqualification if the President or Vice- President of a municipal council acts or exercises any of his functions shall be punished with fine of two hundred rupees for every day on which he acts or functions as such. (Sec 368 KMA)

**What rules shall be complied while asking question in the meeting?**

They are -

- The questions shall be limited to the Municipal administration;
- The questions shall be in writing and sent ten days before the meeting;
- Only two questions shall be answered at any ordinary meeting;
- no question shall,—
  - (i) Bring in any name or statement not strictly necessary to make the question intelligible,
  - (ii) Contain arguments, ironical expressions, imputations, epithets or defamatory statements,
  - (iii) Ask for an expression of opinion or the solution of a hypothetical proposition,
  - (iv) Ask as to the character or conduct of any person except in his official or public capacity,
  - (v) Relate to a matter which is not primarily the concern of the municipal council or of any of the municipal authorities,
  - (vi) Make or imply a charge of a personal character,
  - (vii) Raise questions of policy too large to be dealt with within the limits of an answer to a question,
  - (viii) Repeat in substance questions already answered or to which an answer has been refused,
  - (ix) Ask for information on trivial matters,
  - (x) Ordinarily ask for information on matters of past history,
  - (xi) Ask for information set forth in accessible documents or in ordinary works of reference,
  - (xii) Raise matters under the control of bodies or persons not primarily responsible to the municipal council, or
  - (xiii) Ask for any information on matter which is under adjudication by a court of law.(Sec 62 KMA)

**What are the rules to be followed while speaking in the meeting?**

They are -

- A Councillor desiring to make any speech or observation on the subject placed before the meeting shall speak from his place, shall rise when he speak and shall address the chair.
- The Councillor shall resume his seat the moment the President rises to speak;

- All questions from one Councillor to another, concerning to the business of the Council, shall be put through the chair.
- No Councillor shall speak more than once on any topic. However, the proposer may speak to conclude it after listening all others who wish to speak;
- A written speech shall not be read without the permission of the Chair.
- Every speech shall be connected to the subject placed for the consideration of the meeting. While speaking, the Councillor shall not -
  - i. Refer to any matter or fact on which a judicial decision is pending;
  - ii. Make personal charge against a Councillor or officer or other employee of the Government of Karnataka or any officer of the Government of India or any other State or the Municipal Council;
  - iii. Make use of offensive expression regarding the Parliament or any State Legislature or any Public Institution;
  - iv. Reflect upon the conduct of the President of India, Vice-President of India or any Governor, Minister or Administrator or Head of any Foreign State, Presiding Officers of the House of Parliament of a State Legislature, a Judge of the Supreme Court or a Judge of a High Court in discharge of their duties or any Court of Law acting in the exercise of its judicial functions;
  - v. Utter treasonable, seditious or defamatory words;
  - vi. Use his right of speech for the purpose of wilfully and persistently obstructing the business of the Municipal Council.

The president of the meeting may direct the Councillor, who acts in contravention to the above mentioned rules or persists in irrelevance or in tedious repetition of either of his own arguments or of the arguments used by any other Councillor in debate, to discontinue his speech and on such instruction the Councillor concerned shall discontinue it forthwith. However, a Councillor may, with the permission of the chair, make personal explanation although there is no question before the meeting, but in which case no debatable matter may be brought forward and no debate shall arise. (Rule 9 Karnataka Municipalities (procedure and conduct of business) Rules, 1966)

### **Can a Councillor raise the Point of order in the meeting?**

Any councillor may at any time, during a meeting of the Municipal Council submit a point of order for the decision of the chair and the decision of the chair is final. (Rule 10 Karnataka Municipalities (procedure and conduct of business) Rules, 1966)

### **What is the Point of Order?**

Discussion in the house on any matter which is - beyond the consideration of the meeting or out of the jurisdiction of the Municipality or leading to breach of privilege of the legislature or amounting to contempt of Court be treated as 'point of order'.

### **How long can a councillor speak in a meeting?**

No Councillor shall speak for more than 5 minutes. However, the Councillor who moves any motion or amendment may speak for 10 minutes to initiate debate. The chair may, at its discretion, allow the Councillor to speak for 30 minutes (Rule 16 Karnataka Municipalities (procedure and conduct of business) Rules, 1966)

### **What procedures are generally followed in a meeting?**

They are -

- The minutes of the previous ordinary meeting and of any special meeting held since shall be read and confirmed;
- Business deferred at the previous meeting shall be considered;
- Subjects noted on the agenda shall then be considered;
- A councillor may propose any resolution connected with or incidental to the subjects included in the list of business;
- the president may propose any urgent subject of a routine nature not included in the list of business if no councillor objects to it;
- All points of order shall be decided by the chair with or without discussion as he may deem fit and his decision shall be final;
- Any question of procedure not herein provided for in this Act or the rules made there under shall be decided by a majority of the councillors present and voting.

( Sec 59 KMA)

### **Can the resolution of the Standing Committee be presented in the Council Meeting?**

Yes, it shall be presented by a member and it shall be seconded by another member of Standing Committee concerned. (Rule 17 Karnataka Municipalities (procedure and conduct of business) Rules, 1966)

### **Can any councillor propose amendment to such motion which has been moved and seconded?**

Yes, but, no Councillor shall propose amendment more than once to any motion, except when such motion is for passing of a budget or of a set of general rules or is otherwise of such nature as to require the making of any amendment to different parts of it. Even amendment to the amended provision may be moved. Every amendment to be proposed shall be sent in writing to the President before hand. However, no amendment shall be proposed - towards which resolution is already adopted and to such amendment which has already

been negative. (Rule 18, 22,23,24,25, 26, 27, Karnataka Municipalities (procedure and conduct of business) Rules, 1966)

### **Can the Councillor withdraw the motion mooted?**

Yes, but no discussion shall be allowed for granting permission to withdraw it except with the consent of the chair. Any resolution mooted, if not discussed in that meeting or adjourned meeting shall be treated as withdrawn. (Rule 40, 42, Karnataka Municipalities (procedure and conduct of business) Rules, 1966)

### **How the debate on the budget shall be?**

The debate on the budget or re-appropriation statement shall be as under -

- The President shall read each item of the abstract of receipt and expenditure and place the item without the mover or seconder before the meeting.
- Any proposal to reduce or increase or strike off the item moved by the Councillor shall be seconded and be treated as a question of the meeting.( Rule 29, Karnataka Municipalities (procedure and conduct of business) Rules, 1966)

### **What procedure the Councillor shall follow while moving a resolution?**

The Councillor who wishes to move any resolution shall give notice in writing at least ten days before the meeting to the Municipal Commissioner or the Chief Officer. The President shall take decision to admit or to amend or to disallow it. The decision on amendment informed to him. Any disallowance shall be intimated to the Councillor concerned along with reasons. His decision, in this regard, is final. (Rule 31;33, Karnataka Municipalities (procedure and conduct of business) Rules, 1966)

### **How are the resolutions approved?**

All matters shall be decided by the majority of the votes of the members present and voting. The voting shall be by show of hands, but the municipal council may resolve that any question or class of questions shall be decided by ballot, only when it is demanded by at least four members. However, an entry shall be made in the minutes of the proceedings. Then only it becomes an official document. (Sec 52 KMA)

### **What are the aspects shall be considered while admitting the resolution of a councillor?**

The resolution to be admitted shall -

- Be the form of a declaration of opinion of the Municipal Council.
- Be clearly and precisely expressed and shall raise substantially one definite issue.
- Not relate to a matter which is not primarily the concern of the Municipal Council or any of the Municipal Authorities.
- Not be in contravention of any of the provisions of the Act, rules or bye-laws.



- Not contain arguments, inferences, ironical expressions, or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity. And
- Not relate to any matter which is under adjudication by a Court of law.( Rule 32, Karnataka Municipalities (procedure and conduct of business) Rules, 1966)

#### **What is the further procedure to be followed after admitting the resolution moved by the Councillor?**

The Municipal Commissioner or the Chief Officer shall enlist/arrange the resolutions admitted in order and send them along with the notice of the meeting to each Councillor. When the resolution is put for discussion the Councillor concerned or any other member , who has been authorised by him in writing, shall speak with the permission of the chair for 10 minutes. The discussion shall be limited to the subject of the resolution. The President shall read the terms of original motion and amendment when the mandment is mooted in the meeting.( Rule 34-39, Karnataka Municipalities (procedure and conduct of business) Rules, 1966)

#### **How the minutes of the meeting shall be recorded?**

The minutes of the meeting shall be recorded in Kannada or in English, either in lieu of or in addition to Kannada, if the municipal council so resolves. The names of the Chairperson, Councillors and the Government officers, if any, present in such meeting and of the proceedings at each meeting shall be recorded in a book provided for this purpose and they shall put their signature. It shall remain open at all reasonable times for inspection by any councillor, and on payment of a fee of twenty naye paise by any other person. (Sec 54 KMA)

#### **Can the resolution once approved be modified or cancelled?**

The resolution of a municipal council shall not be modified or cancelled within three months after the passing it unless a resolution is passed by not less than one-half of the total number of councillors at a general meeting after giving notice to all the Councillors. The notice shall contain the resolution which is proposed to be modified or cancelled at such meeting, and the motion or proposition for the modification or cancellation of such resolution. Every motion or any amendment of such resolution shall be received in writing and then duly moved. Every motion shall be seconded, and until seconded no debate thereon shall take place nor shall it be put to vote. No amendment which merely negatives an original motion shall be allowed. Any motion or amendment may be withdrawn by its proposer with the consent of the municipal council. An amendment to an amendment may be moved at any stage of the debate. (Sec 57; 58 KMA)

## Chapter 3

### Standing Committee

#### **What is the purpose of the Standing Committee?**

It is very hard - to make thorough discussion to understand the implications and arrive at a judicious decision on all the matters which are placed for the consideration of the ordinary/special meetings. In the absence of detailed and meticulous observation on the issues on hand the Authorities may find many obstacles in implementing the decision of the Council. With a view to overcome these bottlenecks and to examine the viability of the subject on hand the Karnataka Municipalities Act, 1964 has made a provision for the constitution of Standing Committee. Resultantly, the Municipality can make better appraisal of the subjects using the expertise of the Councilors. Further, it would help the Municipality to design action plan to promote people friendly programs, even with short notice.

#### **On what subjects should the Standing Committee be constituted?**

In every Municipal, a Standing Committee shall be constituted on the following subjects.

- I. Tax, Finance and Appeals;
- II. Public Health, Education and Social Justice;
- III. Town Planning and improvement; and
- IV. Accounts ( Sec 63, KMA)

#### **What shall be the constitution of Standing Committee?**

The Standing Committee shall have at least 5 members but not more than 11 members. They shall be elected by the Municipal. They hold office for a period of one year. On the creation of casual vacancy, at the earliest, new member shall be appointed by the Council for the remaining period. The Chairman of the Standing Committee shall be elected by its members. The President and Vice-President is ex-officio member of all the Standing Committees without any voting right.(43,44,63,65,66, KMA)

**What is the status of the Standing Committee?**

The Standing Committee is subordinate to the Municipal Council. It shall comply to the instructions given, from time to time, by the municipal council. The municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorized or directed to deal and the same shall be furnished by it without causing unreasonable delay. Every order passed by a standing committee shall be subject to such revision and open to appeal. (Sec 69, KMA)

**When the elections to the Standing Committee shall be conducted?**

The elections shall be held, immediately preceding the month in which the term of the members expires, at the meeting of the Municipal Council. (Rule-52 Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

**Who shall conduct election to the Standing Committee?**

The President or in his absence Vice-President or in their absence any Councilor who is not willing to contest in the election but chosen by the members present, of the Municipal Council, shall conduct the election.( Rule 53 Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

**What shall be the procedure of election of the Standing Committee?**

Every candidate for election shall be proposed by a Councilor and seconded by another Councilor. The President of the meeting shall read out the names of the candidates. If the number of candidates is more than the number of vacancies the election shall be held thro’ secret ballot. The names of the candidates shall be printed in alphabetical order, i.e. -

Sl No	Names	Votes
1		
2		
3		
4		

The councilors shall cast their vote by putting ‘X’ mark against the name of a candidate in the ballot paper. If he/she put ‘X’ mark to more candidates than required, then the said ballot shall be treated as invalid. (Rule 54, 55,56,57,59 Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

**How the Standing Committee shall function?**

The Standing Committee shall meet at least once in fifteen days and at such intervals as may be found necessary. Business rules of the Council stand applicable here as well. proposal to be placed for the consideration of the Standing Committee need not be seconded. There is restriction for modification or withdrawal of proposal. Minutes of the meeting shall be placed in the ensuing meeting for consideration, which may be rectified, if required. The minutes shall be placed before the

ensuing meeting of the Municipal Council. The Municipal officer may be appointed as secretary to the Standing Committee.( Rule 62,63,64,68, Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

**Who shall prepare the agenda of the meeting of the Standing Committee?**

The Chairman or on his direction the Secretary of the Standing Committee shall prepare the agenda of the meeting, which shall be circulated to all the members at least one day before the meeting. With the consent of the members, present, any other matter may be taken up for discussion in the meeting. (Rule 65, Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

**How the meetings of the Standing Committee shall be conducted?**

The procedure and business of the meeting of the Standing committee is akin to the procedure and business of the Council meeting. The minutes of the meeting shall be recorded either in English or kannada as they may think fit. No other language shall be used. The meeting may be conducted on any day and adjourned to any date as it deems fit. A special meeting shall be convened within two days from the date of receipt of request from the members. The meeting shall be held only when 1/3 of the members are present.( Sec 67 KMA)

**Can the meeting of the Standing Committee be adjourned?**

Yes, in the absence of quorum the meeting may be adjourned to some other day but not exceeding seven days from the date of such adjournment. The business scheduled in the said meeting shall be discussed in the adjourned meeting. However, with the consent of the members, present, any other matter may be taken up. ( Rule 66, Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

**Can the Standing Committee adopt a resolution thro' circulation?**

Yes, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own or of any other member of the committee or of the Municipal Commissioner or Chief Officer of the municipal council for the observation and votes of the members of the committee. If necessity warrants, the Chairman may seek the opinion of the Executive Engineer or the Assistant Executive Engineer or other officers concerned. The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it. Every decision arrived at section shall be recorded in the minute book. (Sec 60, 61, 68, KMA)

**What are the limitations of the Standing Committee to sanction plan and estimate and to enter into contract?**

It shall not sanction plans and estimates of works or enter into contracts when the value of it exceeds the limits mentioned below -

<b>Details</b>	<b>Finance Limit</b>
In case the average normal income of a Town Municipal Council in the last 3 years is less than Rs 3 lakhs.	Rs. 7 thousand
In case the average normal income of a Town Municipal Council in the last 3 years is less than Rs 3 lakhs and above	Rs 10 thousand
In case of a City Municipal Council	Rs 20 thousand

The Standing Committee shall exercise its power subject to the Schedule, Rule, 1977(Rule 3, 4, Karnataka Municipalities (limitation of powers of Standing Committee) Rules, 1977).

**Can the Standing Committee review its decision?**

Yes, it shall be done by the same members or majority of them. However, it cannot alter the decision of the previous Standing Committee unless the Municipal Council gives consent.(Rule 67, Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

**Should the Standing Committee members attend all the meetings?**

Yes, it is desirable. However, owing to ill health or with prior intimation to the Committee, either orally or in writing, one may absent himself for three months. In the absence of such permission if he remained absent for consecutive meetings, it is deemed that he has vacated the office permanently and the Council shall appoint another member for the remaining period. (Rule 70, Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

**Can a member of the Standing Committee peruse the records?**

Yes, he can peruse or inspect any paper or document or records of the Municipal Council. He can take the copies of it with permission of the President. (Rule 71, Karnataka Municipalities (Procedure and conduct of Business) Rules, 1977).

**Can the Standing Committee continue its functions even after the expiry of its term?**

The term of the Standing Committee is of one year. It can function only during this period. On the expiry of the term it cannot function and take any decision till it is reconstituted. (Kariappa V/s State of Mysore) (1974) 2 KLJ 28).

## Chapter- 4

### Municipal Properties and Funds

#### **Can the Municipality own property?**

Yes. It can acquire and hold movable and immovable properties, both within or outside the limits of the Municipal area. (Sec 81 KMA)

#### **On what property can the Municipality exercise its rights?**

It includes -

All public town-walls, gates, markets, slaughter houses, manure and night-soil depots, and public buildings of every description, all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works and all

bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto, and also any adjacent land not being private property appertaining to any public tank or well, all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water courses, in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere, all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto, all lands and buildings transferred to it by the Government, by gift or otherwise, for local public purposes, all public streets and the pavement, stones and other materials thereof and also all trees, erections, materials, implements and things provided for such streets.( Sec 81 KMA)

#### **Where the claims on property be settled?**

Any claim with respect to any property, other than the agricultural land, or any right by or on behalf of the municipal council, or by any person as against the municipal council, shall be decide by the Deputy Commissioner after holding due enquiry. (Sec 82 KMA)

#### **What are the sources of revenue of the Municipal fund?**

The Municipal fund includes - All moneys received by or on behalf of the municipal council by virtue of this Act or any other law; all taxes, tolls and other imposts, fines, fees penalties paid to or levied by it under this Act; all proceeds of land or other property sold by the municipal council, and all rents accruing from its land or property; also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise(Sec 83, KMA)

**For what purpose the Municipal fund and property shall be used?**

It shall be used to implement obligatory and general/special functions of the Municipal Councils (Sec 84,87,88,91 KMA)

**What shall be done with the surplus income of the Municipal fund?**

All surplus funds over and above what may be required for current expenses shall be deposited or invested, with the sanction of the Government, in any scheduled bank or a central co-operative bank in the State, public securities or Government treasury or such other place, approved by the Government. (Sec 85, KMA)

**Can the Municipal Council raise a loan?**

Yes, it can raise loan, with the previous sanction of the Government, from the Government or from any bank, corporation or person for constructing any work of a permanent nature or for acquisition of land. (Sec 86, KMA)

**Can any public street or other land vested in the municipal council be used temporarily?**

Yes, for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal council may be used. However, before securing licence or permission from the municipal council prescribed fee shall be paid.(Sec 138 KMA)

**What shall be done if anyone unauthorisedly enters and uses or occupies any land belonging to a City Municipal Council?**

In such circumstances, whoever intentionally aids or abets the commission of such an offence shall be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees (Sec 262A, KMA, Sec 5, the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974).

**Can the Municipality grant its immovable property?**

Any such grant be treated as valid only when the Municipal Council secure clearance from the Government, adopt resolution in the Council meeting and obtain approval of the Government to its proposal.(City Municipal Council, Mandya v/s Mysore ILR, 1974, Karnataka 1345)

**Can the Municipality make a lease or sale regarding its immovable property?**

After securing approval from the Government and subject to the conditions and restrictions as may be specified in the general or special order of the Government the Municipal Council may grant, lease, sell or otherwise transfer any movable or immovable property which belongs to, or has been acquired by it.

.Approving Authority	Term of lease of immovable property	Value of immovable property
Government	Term exceeding 5-years	25,000

Municipal Council	Term exceeding 1-year	Any value
-------------------	-----------------------	-----------

In case of every contract which will involve expenditure not covered by a budget grant and the performance of which cannot be completed within the official year current at the date of the contract, the sanction of the municipal council by a resolution passed at a general meeting is required, including the sanction of such committee, or of such competent authority. (Sec 72, 73, KMA)

**How the contract of sale /lease /purchase of movable property be done?**

Approving Authority	Value of movable property	Value of goods/material/work	Notification of Tender
Town Panchayat Council	Exceeding Rs 1,000/-	-	
Town Municipal Council	Exceeding Rs 1,000/-	-	
City Municipal Council	Exceeding Rs 2,000/-	-	
Respective Municipal Council		Up to Rs 5000	Necessary
Government		Exceeding Rs 5,000/-	Necessary

- Sanction of such committee or of such person, empowered in this behalf, is required.
- Every contract shall be signed by the President/ Vice-President and two Councillors and shall be sealed with the common seal of the municipal council.(Sec 72, 73,86, KMA)

**Who shall meet the expenses in respect of any contract or agreement?**

The Municipality shall meet the expenses out of the municipal fund. Any loss, waste or misapplication is caused by the conduct of councillor, president, vice-president Municipal Commissioner, Chief Officer or other employee of the municipal council the person responsible for such loss or waste or misapplication shall bear it out of his pocket. .(Sec 76,KMA)

**Can they possess interest in such contract or agreement?**

No Municipal officer or servant including the President and Vice-President shall possess, directly or indirectly, any share or interest by himself or his partner in any such contract. In the event of acquisition of such interest they may be treated as disqualified to continue in the said post. However, before initiating action him a reasonable opportunity shall be provided. On the establishment of allegation he may be removed from the office and punished with fine which may be extended to five hundred rupees. (Sec 16,41,77,78 KMA)

**Can the Municipal Commissioner conclude contract on behalf of the Municipal Council?**

Yes, but subject to the following -

- Every such contract on behalf of the municipal council shall be made by the Municipal Commissioner;



- No such contract shall be made until or unless some other municipal authority give such approval or sanction to the Municipal Commissioner;
- No contract for the purchase, sale, lease, mortgage or other transfer of immovable property, shall be entered into by the Municipal Commissioner except with the approval or sanction of the municipal council;
- No contract which will involve an expenditure exceeding two thousand rupees shall be made by the Municipal Commissioner except with the approval or sanction of the municipal council;
- Every contract made by the Municipal Commissioner involving an expenditure exceeding five hundred rupees shall be reported by him, within fifteen days after the same has been made, to the municipal council;
- The foregoing provisions shall apply to every variation or discharge of a contract as to an original contract. (Sec 345, 72 KMA).

#### **How the contract shall be concluded?**

While concluding the contract or other instrument on behalf of the Municipal Council the common seal of the municipal council shall be affixed in the presence of two members of the standing committee and their signature shall be distinct from the signature of any witnesses.

Any contract which will involve an expenditure exceeding five hundred rupees for the execution of any work or the supply of any materials or goods shall be in writing and shall specify the following –

- Work to be done
- Materials or goods to be supplied
- Price to be paid for such work, materials or goods
- Time within which it shall be completed. (Sec 346 KMA)

#### **If any officer or servant of a municipal council knowingly possess, directly or indirectly, interest in any contract concluded by or on behalf of the municipal council, what action can be taken?**

Yes. Such officer or servant of a municipal council may be transferred or removed from his office. Before initiating disciplinary action or removing him from the office, a reasonable opportunity shall be provided to him. On the proof of allegation he shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both. (Sec 77, 370 KMA, 168 Indian Penal Code, 1860)

#### **Can any officers or employee of the Municipality participate in the bidding?**

No employee or any officer of a municipal council, having any duty to perform in connection with the sale of movable or immovable property shall, directly or indirectly, participate in the bid to acquire interest in any property sold at such sale. Any person who violates it shall be punished with fine which may extend to five hundred rupees and may also be dismissed from service. (Sec 371, KMA)

### **Can the Municipal Council levy tax?**

Yes, Subject to the general or special orders of the Government it can impose tax. (Sec 94, KMA)

### **On what items tax may be levied?**

It includes -

- buildings or vacant lands or both situated within the municipal area;
- transfers of immovable property in the form of an additional stamp duty, advertisements (other than advertisements published in newspapers) erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or displayed to public view in any manner whatsoever visible from a public street or public place including any advertisement exhibited by means of cinematograph. (Sec 94 KMA)

### **What items are exempted from tax?**

The following buildings and vacant lands shall be exempted from the property tax, namely -

- places set apart for public worship and either actually so used or used for no other purpose;
- choultries for occupation of which no rent is charged and choultries the rent charged for the occupation of which is used exclusively for charitable purpose;
- places used for the charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the State Government;
- such ancient monuments protected under the Karnataka Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961 (Karnataka Act 7 of 1962) and Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958) or parts thereof as are not used as residential quarters or public offices;
- charitable hospitals and dispensaries but not including residential quarters attached thereto;
- such hospitals and dispensaries maintained by railway administration as may from time to time be notified by the State Government, but not including residential quarters attached thereto;
- burial and cremation grounds included in the list published by the Municipal Commissioner or Chief Officer;
- Government lands set apart for free recreational purposes and such other Government land as may be notified by the Government which in the opinion of the State Government no income could be derived;
- buildings or vacant lands exclusively used for,- student hostels, which are not established or conducted for profit; educational purposes by recognized educational institutions;

- buildings or vacant lands belonging to the Central Government or any State Government used for the purposes of Government and not used or intended to be used for residential or commercial purposes;
- buildings or vacant lands belonging to the Bangalore Development Authority, the Karnataka Housing Board, the Urban Development Authorities constituted under the Karnataka Urban Development Authorities Act, 1987 or any local authority, the possession of which has not been delivered to any person, in pursuance of any grant, allotment or lease;
- land which is registered as land used for agricultural purpose in the revenue accounts of State Government and is actually used for cultivation of crops; ( Sec 94 KMA)

#### **What is the procedure for self declaration of tax?**

The owner and beneficiaries of all immovable properties shall submit the self declaration of tax, in duplicate, every year on or after April 1 but before April 30 in the proform provided by the Municipal Council enclosing advance tax paid challan and statement of accounts of properties.( Notification No UDD 26 TCT 2000 ( P-II) Date: 19.11.2001)

#### **Which properties are coming under tax?**

Tax may be levied on all buildings, lands, land appended to the buildings and non-agricultural land except the properties which are exempted from tax under the law. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

#### **Which properties are exempted from tax?**

Buildings owned by the State and Central government but being used only for government purposes, public place and buildings used for worship and charitable purposes are exempted from tax. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

#### **How the capital value of land or building is determined?**

The Committees constituted under the Sec 45B, Karnataka Stamps Act, will determine and notify the approximate market value of land and different kind of buildings located in various parts within the Municipal area.

The amount derived after multiplying the market rate published in Annexure -I of this hand book, considering area and road in which such property is located, with the extent of the property which is subjected to the declaration is the capital value of the property.

While determining the capital value of the building, one shall, multiply the extent of the building with the construction cost quoted to such kind of building and shall deduct the amount of depreciation after

employing depreciation as prescribed depending upon the age of the building. The amount so derived is the capital value of the building, which is taxable.

If any vacant land annexed to the building is 3 times higher than the extent of the building then the tax shall be determined after separately calculating the capital value of such vacant land. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

**How the tax is determined on the basis of capital value?**

After calculating the capital value of vacant land and the building, the amount derived shall be multiplied with the tax rate prescribed by the Municipal Council to get the original revenue payable by us. The sum derived on the addition of 24% cess (i.e. 15% health cess, 6% library cess, and 3% beggar cess) to the original revenue will be the net property tax. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

**How the declaration shall be submitted?**

After calculating the tax on vacant sites and buildings, net tax including cess shall be remitted in the scheduled banks, specified by the Municipal Council, in the 4 copies of the challans provided for the purpose. Duly filled declaration, containing true information, shall be submitted, on or before June, 30 every year, to the designated officer enclosing certified copy of the challan, statement of property tax and shall obtain an endorsement. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

**Is there any tax rebate on property tax?**

Yes, an assessee is entitled to have 5% rebates on property tax if he remits the tax on April, 1 but before April 30 of every financial year along with declaration. One may get 50% rebate on property tax if he uses own building for personal residential purpose. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

**Within what time tax remittance declaration shall be verified and certified?**

Within one year from the date of submission of the declaration the authorised officer of the Municipal Council shall verify and certify it subject to the provisions of law. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

**What shall be the content of Property Tax Register?**

It shall contain details of tax paid by the owner or possessor in respect of building and land, held by them, located in every revenue division of a Ward. Person interested may peruse it at free of cost and certified copy may be had on payment of fee prescribed. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

**Can any action be initiated against an assessee who fails to submit declaration before June 30?**

Yes, on the receipt of false or incomplete declaration from an assessee, the authorised officer shall make spot inspection to verify the veracity of the declaration and issue an order to such an assessee by doing re – assessment. In case, it is found that the declaration is well thought-out and made with a view to evade the tax, then double the differential amount of the re-assessed tax and the self assessed tax shall be imposed on such assessee as penalty. Along with this amount 50% of re assessed tax shall be imposed as penalty when he fails to submit the declaration. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

**What is the action shall be initiated against illegal and unlawful construction?**

Where any construction is undertaken without securing licence and constructed in violation of directions a penalty shall be imposed, it shall continue every year till such violation continues, which shall be double amount equivalent to tax levied including the tax determined by the authorized officer. This step never prevents the authorities from initiating legal action against such illegal construction. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

**Whether the property subjected to the self declaration of tax confers any right on the property to the assessee?**

No, the all lands and building coming within the Municipal area shall be subjected to tax. No one is needed to possess record of rights or kahta or any document for payment of tax. The owner of a property shall pay tax although the Municipal Council did not allot number to the respective property. Order of property tax and certified copy of the property tax register will only evidence payment of tax. Separate step is required for securing record of rights or kahta. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

**Can an appeal be preferred against the tax determined by the authorised officer?**

Yes, the owner or possessor of the property either prefer an appeal by assigning reasons, before the designated officer, against the order of determination of tax and penalty, within 30 days of the receipt of the order, or he can accept the order and make payment of tax and penalty. The appellate authority shall dispose the appeal within 60 days, either revising the tax and penalty or confirming the order. The order so passed shall be communicated to the owner of the property and such order is final. When an order is passed imposing tax and penalties i.e. double the tax amount, against the unlawful construction, the aggrieved may prefer an appeal before the Deputy Commissioner within 30 days of the receipt of the order.

One may prefer an appeal, under section 150, before the Judicial Magistrate against the demand notice issued under section 142(2), Karnataka Municipality Act, 1964. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

**What action shall be initiated against the defaulters or tax evaders?**

Owner or possessor of land and buildings coming within the Municipal area shall voluntarily make self declaration of property tax within June, 30, every year and submit the tax paid challan along with statement of properties. Demand notice will be issued, under section 142(3), Karnataka Municipality Act, 1964, against all the owner or possessor of the property who fails to make self declaration. Both movable and immovable property of such persons, who fails to remit the tax and penalty within 30 days from the date of receipt of demand notice, will be seized and movable properties will be sold in auction to square up the unpaid tax and penalty. Further, the Municipal Council may approach the Competent Judicial Magistrate to obtain order to recover the arrears including the penalty up to the tune of 2% of arrears of revenue and costs of the proceedings. An action in this regard may be initiated within 6 years from the relevant financial year. This is a simple system, designed in the interest of the public. Thus, the public are hereby called on to appraise transparency and cooperate with the Municipal Council to ensure the promotion of overall development and proper civic amenities in the city by paying tax on time and submitting true statement of properties. (Notification No UDD 26 TCT 2000 (P-II) Date: 19.11.2001)

**Can different Municipalities take up any programme jointly?**

With the approval of the Government any Municipal Council may join with any other municipal council or with any Town Panchayat, cantonment authority, Taluk Panchayat or Grama Panchayats or with any combination of such municipal councils or panchayats to promote any activities/ projects by constituting a Committee and levying tolls jointly within the limits of the area of such bodies. (Sec 71 KMA).

**Can the Municipal Council stop the contributions promised?**

The Municipal Council, with the approval of the Government, may finance from the municipal property or fund any educational or charitable institution for a term of years or for an unlimited period. It may cancel such arrangement or promise, or discontinue or diminish such yearly contribution by giving at least twelve months' notice, disclosing its intention to do so, to the manager or managers of such institution. (Sec 92 KMA)

**On what kind of advertisements tax cannot be levied?**

It includes such advertisement which -

- Is exhibited with the window of any building if the advertisement relates to the trade, profession or business carried on in that building;
- Relates to trade, profession or business carried on within the land or building upon or over which such advertisement is exhibited or to sale or letting of such land or building or any effects therein or any sale, entertainment or meeting to be held on or upon or in, the same; or
- Relates to the name of the land or building, upon or over which the advertisement is exhibited or to the name of the owner or occupier of such land or building;

- Relates to the business of a railway administration and is exhibited within any railway station or upon any wall or other property of a railway administration;
- Relates to any activity of the State Government;
- Relates to any public meeting.

However, the Municipal Council may collect service charges, from the institution or person who publicised the advertisement, for providing civic amenities and for general or special services rendered at such rates as may be prescribed. (Sec 94 KMA)

### **Can the rate of tax be modified?**

Yes, A municipal council by passing resolution at a general meeting levy any tax and specify the classes of persons or properties which shall be made liable and the amount or rate at which the tax shall be levied. Further, at any time for any sufficient reason it may suspend, modify or abolish any existing tax. However, such Suspension, modification or abolition will come into effect only on the approval of the Government. (Sec 97, 98, KMA)

### **Can the duty be imposed on transfer of immovable property?**

The duty on transfers of immovable property shall be levied in the form of a surcharge at the rate of two percent of the duty imposed by the Karnataka Stamp Act, 1957, on instruments of sale, gift, mortgage, exchange and lease in perpetuity, of immovable property situated within the limits of Municipal area. Duty shall be determined on the basis of market value of the property. In case of lease 10 years rent shall be taken into consideration. Duty shall be levied in respect of a mortgage if the amount secured by the mortgage exceeds two thousand and five hundred rupees.

No duty shall be chargeable,—

- In respect of any instrument executed by or on behalf of or in favour of the Government in cases where but for this exemption the Government would be liable to pay the transfer duty under this section in respect of such instrument;
- In respect of any instrument exempt from stamp duty under the Karnataka Stamp Act, 1957. ( Sec 99 KMA)

While levying the tax one shall have regard to –

- The lay-out, location, type of construction of the building, nature of use to which the vacant land or building is put, area of the vacant land, plinth area of the building, age of the building and such other criteria as may be prescribed:
- taxable capital value of the buildings or vacant land or both;
- population of the Municipal area shall not exceed one lakh;
- the vacant land situated around, a maximum of 50 Sq.meters, the residential building on 225 Sq.meters site shall be exempted from tax;

- The Municipal Council, from time to time, shall publish guidelines for the purpose of determining the taxable capital value and property tax payable. In this regard it shall maintain a separate register and revise it from time to time. It shall permit people to inspect the Property tax register at reasonable hours or grant certified extract of the entries in the register or certified copies thereof on the payment of prescribed fee. ( Sec 101;105;106;107A KMA)

#### **How the Taxable capital value is assessed?**

The taxable capital value of the building shall be assessed together with the land occupied by it. The taxable capital value of such land shall be assessed having regard to the market value guidelines of properties published under section 45B of the Karnataka Stamp Act, 1957. The taxable capital value of the building shall be equivalent of fifty percent of the market value guidelines of properties published under section 45B of the Karnataka Stamp Act, 1957 minus depreciation at the time of assessment as may be notified by the Government from time to time. (Sec 102, KMA)

#### **What rules shall be followed while levying tax as per taxable capital value system?**

1. The taxable capital value of the building and vacant land shall be equivalent of fifty percent of the market value of properties published under section 45B of the Karnataka Stamp Act, 1957;
2. Residential building and buildings other than commercial at such percentage not being less than 0.3 percent (rupees three per thousand) and not more than one per cent (rupees ten per thousand) of taxable capital value of the building;
3. The maximum limit of property tax levied in the case of a residential building within a Municipal Council whose population does not exceed one lakh shall be 0.6 percent;
4. Commercial building at such percentage not being less than 0.5 percent (rupees five per thousand) and not more than two per cent of taxable capital value of the building;
5. The maximum limit of property tax levied in the case of a commercial building within a Municipal Council whose population does not exceed one lakh shall be 0.9 percent;
6. No property tax shall be levied on a vacant land situated within the Municipal Council having a population of less than one lakh;
7. The land appurtenant to a building shall be exempted from levy of Property Tax;
8. Once in three years the rate of property tax, from financial year 2005-06, may be increased between 15% to 30% depending upon to layout, location and nature of building;
9. The tax once resolved shall remain in force for a period of three years. Thus, the rate of tax to be slated shall not be not less than the rate of tax fixed during 2004-05. The Commissioner or Chief Officer, as the case may be, shall guide the Council to safeguard the revenue of the local bodies;



10. While determining the rate of tax the local bodies shall make use of the illustration given in Appendix 'A' & 'B'. Calculation of rate of property tax, at 2% -5%, relating to different locality be made on the basis of those illustrations and submit it for the consideration of the Council;
11. Attention of the Council shall be drawn towards an award, given from the State Finance Corpus (SFC) for 2005-06, which will be bestowed on such local bodies which show greater progress in tax collection with a view to encourage it. It is a golden opportunity to bag this incentive. The local body which fails to achieve the desired progress will not qualify for the award. (Appendix -2)

### **What factors shall be considered regarding residential buildings?**

While explaining the example (1), Appendix 'A' (residential property) following factors shall be considered -

1. The tax including cess to be paid on the basis of Annual Rental Value (ARV) for the year 2001-02, is of Rs 75.
2. Addition of twice the Annual Rental Value (ARV) including cess is of Rs 150.
3. When the rate of tax is fixed at 0.3%, on the addition of 24% cess under the taxable capital value, as per as per 45(B) i.e. 100% of the property value and 50% of the property value, the tax payable will be Rs 309 and Rs 155 respectively.
4. If the rate of tax is fixed at 0.3% by giving 50% concession to the self occupied building, then, the tax payable will be Rs 155 and Rs. 78, respectively
5. In case rate of tax is fixed at 0.6%, the tax payable will be Rs 7180 and Rs 3590 respectively.

On the perusal of the above it is found that the income of the local bodies will come down considerably, when it fix the rate of tax on buildings for self occupation at 0.3% based on 50% of property value (as per Section 45(b)) and give a rebate of 50% again.

However, if the rate of tax is fixed at 0.6 % based on 50% of the property value as per Section 45(b)) and provide 50% concession for self occupied buildings, the tax being currently paid(two times of ARV) could be maintained(ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಪೌನಿ:ಎಸ್‌ವಿಎಸ್ 56/05-06 ದಿನಾಂಕ: 02.01.2005)

### **What are the factors to be kept in mind for non-residential buildings?**

They are -

1. The tax including cess payable on the basis of Annual Rental Value (ARV) for 2001 -02 will be of Rs 720.
2. Twice the Annual Rental Value (ARV) including the cess will be of Rs 1440.
3. When the rate of tax is fixed at 0.5%, on the addition of 24% cess under the taxable capital value, as per as per Section 45(b) i.e. 100% of the property value and 50% of the property value, the tax payable will be Rs 4123 and Rs 2061, respectively.

4. If the rate of tax rate is fixed at 0.9 %, the tax payable including the cess will be of is Rs 7422 and Rs 3711 respectively.
5. If the rate of tax is fixed at 1.00%, the tax payable including the cess will be of Rs 8246 and Rs 4122 respectively.

On the perusal of the above the local bodies themselves may decide which is the best rate of tax to be adopted to safeguard property tax income. Following steps may be undertaken, as explained in para 3, to determine the rate of tax -

1. Considering good number of cases within the Municipal area the rate of property tax shall be computed before 15.09.2005.
2. A special meeting of the Council shall be convened to determine a reasonable rate of tax by placing several illustrations for its consideration.
3. The information regarding the fixation of rate of tax and its implementation shall be communicated to the Directorate before 15-9-2005.

In Consideration of the above, the Commissioner / Municipal Commissioner / Chief Officer of the Local Urban Bodies shall determine which will be the reasonable rate of tax to enhance the income of the local bodies and enable it to obtain incentive. (ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಪೌನಿ:ಎಸ್‌ವಿಎಸ್ 56/05-06 ದಿನಾಂಕ: 02.01.2005)

**What are the remedies available to the aggrieved against the determination and collection of penalty?**

Any person aggrieved by the determination and collection of penalty may within thirty days from the date of receipt of the order may prefer an appeal. After hearing to the plea of both the petitioner and the Municipal Council, a suitable order shall be passed.( Sec 107 KMA)

**What action shall be taken if a building or any portion of it is demolished or removed?**

When any building or any portion of a building which is liable to the payment of property tax on buildings or vacant lands or both is demolished or removed, otherwise than by order of the municipal council, the person primarily liable for the payment of the said tax shall give notice thereof, in writing to the municipal council. Failing which he shall remain liable to every such tax. However, he can avail tax exemption when a building or portion of a building has fallen down or been burnt down.(Sec 108 KMA)

**Can the Property tax be increased?**

The property tax assessed and levied shall not be assessed each year thereafter but shall stand enhanced by 15 percent once in every three years commencing from the financial year 2005-2006. However, the Municipal Council may enhance such property tax up to 30 percent once in three years and different rates of enhancement may be made to different areas and different classes of buildings and lands. Further, the non assessment of property tax during the block period of three years shall not be applicable

to a building in respect of which there is any addition, alteration or variation to it. The Government may direct the Council to go for earlier revision of property tax. (Sec 102 A. KMA)

### **Will there be a rebate in property tax?**

A rebate at the rate of fifty percent of the property tax shall be allowed in respect of any residential building or part of a residential building which is occupied by the owner of such building. In this regard the owner shall provide information, failing which he is not entitling for the rebate. (Sec 103; 104 KMA)

### **When the Property tax shall be paid?**

Every owner or occupier who is liable to pay property tax under this Act shall submit every year to the Municipal Commissioner or the Chief Officer, as the case may be or the officer authorised by the Municipal Commissioner or the Chief Officer in this behalf , a return in such form, within 90 days from the commencement of financial year. In this event, a rebate of five percent on the tax payable up to April. However, no penalty would be imposed if the tax is paid between May-June. (Sec 105 KMA)

### **Can an action be taken on the defaulting assessee?**

They are -

Sl. No.	Particulars	Penalty
1	failure to pay amount of property tax due and to submit a return	at the rate of two per cent per month of the amount of property tax assessed and due
2	Knowingly submitting an incorrect or incomplete return.	not exceeding two times the amount of difference between the tax assessed and the tax paid
3	Failure to submit return after payment of property tax in full	Penalty of Rs Hundred
4	If part of property tax is due	at the rate of two per cent per month on the remaining tax

### **Who shall pay the tax?**

They are -

Sl. NO	Nature of Property control	Assessee
1	Property held by the Government or Municipal Council or Town Panchayat.	Actual occupier
2	Property held by the owner	Owner
3	Let out Property	Lessor
4	Sub - let Property	Superior Lessor
5	Non- let out Property	The person in whom the right to let the same vests

6	let for any term exceeding one year to a tenant and such tenant has built building upon the vacant land	Tenant
7	Property vests in multiple owners	All owners jointly/ severally

(Sec 110 KMA)

#### **What action shall be taken when property is transferred?**

On the transfer of a building of land or both the assessee shall give notice, to the Municipal Commissioner or the Chief Officer, within three months from the date of such transfer. In the event of the death of any person primarily liable to pay the tax, the person on whom the title of the deceased devolves, shall give notice of such devolution within six months from the date of death of the deceased. Failing which the liability to pay all taxes continues until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council. On the receipt of such notice the name of the transferee shall be entered in the property tax register. The model notice is annexed in Appendix – (VIII); (IX). (Sec 111; 112; 113; 114 KMA)

#### **Can the Property Tax or assessment or penalty be questioned?**

The aggrieved assessee may file objection to the Municipal Commissioner or the Chief Officer, as the case may be, or the authorised officer within a period of thirty days from the date of receipt of a copy of the order. The officer concerned shall consider the objections and pass such order either confirming or revising the assessment of such tax and penalty if any, within a period of sixty days from the date of filling objections and a copy of the order shall be sent to the owner or occupier concerned. (Sec 105 KMA)

#### **What shall be done if the tax payer escapes from assessment of tax?**

In such situation the Municipal Commissioner or the Chief Officer as the case may be, or the authorised officer shall serve demand notice on such person asking him to pay the tax within fifteen days from the date of such service. (Sec 115 KMA)

#### **Can the Municipality levy a fee for making special arrangements?**

Subject to the previous sanction of the Government, A municipal council may levy a fee not exceeding fifty naye paise per capita on persons over twelve years of age resorting to Shrine, Jatra or Urus when it is of the opinion that it is necessary to make special arrangements for the health and comfort of persons resorting to such Shrine, Jatra or Urus. The fee so collected shall be utilized exclusively for the health and comfort of persons resorting to such area or the improvement or development of such area. (Sec 137 KMA)

#### **Can the Municipality charge fee on bus owners for using bus stand maintained by it?**

By providing adequate facilities to the travellers the municipal council may charge such fees, not exceeding five rupees per bus, for the use of a bus stand maintained by it. In this regard it shall have bye-laws under section 324. (Sec 138 KMA)

**Can collection of fee be given on contract by the Municipality?**

The municipal council may, by public auction or private contract, authorize a person to collect such fees from the users of such facilities. Further, subject to conditions of contract, he may be empowered to expel a person who refuses to pay the fee prescribed, from the place or deny him the facilities. (Sec 138 KMA)

**Can the Municipality levy fixed charges in lieu of tax for providing civic amenities?**

Where a municipal council has made provision for the cleansing of any factory, hotel, club or any group of buildings or vacant lands used for any one purpose and under one management and vehicles or animals used for riding, draught or burden and kept for such use within the municipal area, instead of levying any special sanitary cess it may, by written agreement with the person concerned and subject to the rules of the bye-law made under Section 323, collect fixed charge. (Sec 139, 223, 323, 324 KMA)

**Can the Municipality levy objectionable taxes?**

No, the tax levied by the Municipality shall always be people friendly. On the receipt of complaint or otherwise, the Government, may suspend or prohibit such tax which is unfair to the interests of the general public. (Sec 140 KMA)

**Can the government request the Municipality to levy taxes?**

The government can ask the Municipal Council or Town Panchayat to levy any new tax on the citizens (Sec 94; 141 KMA)

**Recovery of Municipality Claims****What is the procedure to claim the taxes to be paid to the Municipality?**

Whenever tax is levied the bill shall be given to the assessee specifying the following particulars –

- the period for which the tax is levied;
- the property, occupation or thing in respect of which, the tax is levied;
- the liability incurred in default of payment, and
- The time within which an appeal may be preferred provided against such claim.

(Sec 142, KMA)

**In which cases tax bill need not be given?**

No such bill shall be necessary in the following cases -

- tax on vehicles;
- tax on dogs;

- tax on advertisements;
- property tax including penalty;
- Professional tax. (Sec 142, KMA)

**When the tax shall be paid?**

The tax shall be paid within 15 days from the date of receipt of the bill and the tax on vehicles or dogs or advertisement or the property tax including the penalty shall be paid within 15 days from the date on which it fell due. Failing which notice of demand in the form annexed in Schedule X shall be served to him. (Sec 142 KMA)

**What shall be done if an assessee ignores such Demand notice?**

Within thirty days from the date of service of such notice of demand if an assessee does not, either, -

- Pay the tax; or
- Give satisfactory explanation for non payment of tax; or
- Prefer an appeal.

Then the Municipal Council shall serve warrant in the form annexed in Schedule XI on the defaulter and recover from him, such sum not exceeding twenty per cent of the amount of the tax as may be determined by the Municipal Commissioner or the Chief Officer, by way of penalty, in addition to the amount of tax as an arrear of tax along with all costs of the recovery or by distress and sale of the movable property or attachment and sale of the immovable property of the defaulter.(Sec 143 KMA)

**What shall be done if the property to be distressed and sold is in another Municipal area?**

In such a situation, the warrant shall be served through the Municipal Commissioner or Chief Officer concerned.( Sec 143 KMA)

**What are the aspects shall be considered while distraining the property?**

They are as under -

- The copy of the order of distress shall be affixed on a conspicuous part of the property and upon the notice board of the municipal office;
- The order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode;
- Prohibit the defaulter from transferring or charging the property;
- The attachment shall be made at any time between sunrise and sunset;
- The officer concerned shall not enter or break open the door of any apartment occupied by women, until he has given three hours' notice of his intention, and has given such women an opportunity to withdraw;

- The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable;
- Immediately after distraining the property an inventory shall be prepared;
- After preparing the report of distraining the property the signature of witnesses shall be obtained. .( Sec 143 KMA)

### **What property shall not be distrained?**

The following property shall not be distrained:—

- Necessary wearing apparel, bedding, cooking and eating utensils of the defaulter, his wife and children;
- Tools of artizans;
- Books of account; or
- When the defaulter is an agriculturist, his implements of husbandry, seed, grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood; ( Sec 143 KMA)

### **What shall be done if the property seized is subject to speedy and natural decay?**

In such a situation, it may be sold in by public auction. If the proceeds is in excess of the sum recoverable, the remainder shall be paid to the defaulter. (Sec 144 KMA)

### **What are the steps to be followed when the property destrained is being sold?**

It includes -

- proclamation of sale;
- The proclamation of the intended sale shall specify the time and place of sale, together with any other particulars as he may think necessary. Such proclamation shall be made by beat of drum or such other customary mode;
- A notice of the intended sale of immovable property and of the time and place thereof shall be affixed on the notice board of the municipal office, the office of the Tahsildar of the taluk in which the immovable property is situated;
- No sale shall be held on a public holiday;
- The sale shall be made on the expiry of at least thirty days in case of immovable property or seven days in case of movable property, from the latest date on which any of the notice has been published;
- If the defaulter or any person on his behalf pays the sum due and all other charges, at any time before the property is knocked down, to the officer conducting the sale, the sale shall be stayed;
- In respect of sale of movable property, the person who is a successful bidder/ purchaser shall deposit immediately twenty-five per cent of the amount of his bid. Remaining amount shall be paid on

receiving the information as to the confirmation of sale from the Municipal Commissioner or Chief Officer and obtain receipt;

- In respect of sale of immovable property, the person who is a successful bidder/ purchaser shall deposit immediately twenty-five per cent of the amount of his bid and the remaining amount shall be paid within sixteenth days from that on which the sale of the property took place;
- In default of payment of the full amount of purchase money within the period specified the deposited may be forfeited, after deducting the expenses of the sale;
- Process of resale of property shall be commenced, complying the aforesaid process afresh;
- If any person makes an application claiming ownership or any interest in immovable property, the Municipal Commissioner or Chief Officer may set aside the sale or dismiss the application on holding summary enquiry;
- The claim application shall be made within thirty days from the date of the sale;
- If the claim application is allowed by the Municipal Commissioner or Chief Officer the applicant shall deposit in the municipal office –
  - (i) A sum equal to ten per cent of the purchase money; and
  - (ii) A sum equal to the sum due for which the immovable property was sold together with interest at nine per cent per annum thereon and the expenses of attachment, management, and sale and other costs due in respect of the sum due;
- After receiving payment from the claimant, subject to the aforementioned provisions, the sale set aside;
- On the expiration of thirty days from the date of sale, if no application is received, the Municipal Commissioner or Chief Officer shall make an order confirming the sale;
- At any time within thirty days from the date of sale of immovable property, an application may be made to the Municipal Commissioner or Chief Officer to set aside the sale on the ground of some material irregularity, or mistake or fraud, in publishing or conducting it;
- On the establishment of material irregularity, or mistake or fraud the Municipal Commissioner or Chief Officer may set aside the sale by recording the reasons thereof;
- Where the municipal council itself purchases any immovable property, the defaulter may, within one year from the date of sale, take back the said property within one year from the date of sale by making the payment of the bid amount offered by the Municipal Council and the expenses of attachment, management, sale and other costs together with interest at nine per cent per annum thereon;
- After the confirmation of sale the Municipal Commissioner or Chief Officer hand over the possession of the property along with certificate;
- With the previous approval of the Deputy Commissioner the Municipal Council may participate in auction sale of any immovable property;



- The surplus of the sale proceeds, if any, shall immediately after the sale of the property be credited to the municipal fund, and notice of such credit shall be given at the same time to the owner or person in whose possession the property was at the time of distraint or attachment;
- A written claim application shall be made by such person within three years from the date of the notice. Failing which said sum shall become the property of the municipal council.( Sec 145 KMA)

#### **How the distrained or attached property shall be sold outside the district?**

Where the warrant is addressed outside the municipal area, the Municipal Commissioner or Chief Officer may, by endorsement direct the officer to whom the warrant is addressed, to sell the property distrained or attached. Such officer shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Municipal Commissioner or Chief Officer by whom it was issued. (Sec 144; 145; 146 KMA)

#### **What shall be done if distraint is impracticable?**

If distraint is impracticable, the Municipal Council may prosecute the defaulter before the Judicial Magistrate of the First Class. (Sec 147 KMA)

#### **What shall be done if prevention of distraint is established?**

In such event the Magistrate can order the assessee to pay –

A fine not exceeding twice the amount which may be due by him on account of,—

- (i) The tax and warrant fee, if any,
- (ii) If the distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained; and
- (iii) Cost of the prosecution. (Sec 147 KMA)

#### **What shall be done if there is a possibility of an assessee to move out of the Municipality limits?**

If the municipal council has reason to believe that an assessee is about to leave the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof. If the said assessee fails to pay forthwith the sum due or about to become due by him, a warrant for distress or attachment and sale may be issued and executed without any delay. (Sec 148 KMA)

#### **How to determine the fees in regard to notice, issue of warrant and distress or attachment?**

The fees in this regard shall be levied in accordance with the rules made in this behalf and the costs of recovery may be recovered from the assessee. .( Sec 143,144,149 KMA)

**Where the aggrieved assessee shall prefer an appeal?**

Within fifteen days from the date of receipt of demand notice the aggrieved assessee shall file objection, stating the reasons thereon, to the Chief Officer or the Municipal Commissioner, as the case may be, or the authorised officer. If no determination is made then the aggrieved assessee the appeal is brought within one month next from the date of service of demand notice may prefer an appeal to the made to the judicial magistrate having jurisdiction over the area concerned by depositing the amount admitted by him. The decision of the judicial magistrate is final. (Sec 142; 148; 150 KMA)

**What shall be the priority while recovering the liability with respect to vacant land, building, etc?**

All sums due on account of any tax imposed in the form of property tax shall subject to prior payment of land revenue, if any, be a first charge upon the building or vacant land, in respect of which such tax is leviable. This shall be paid by the occupier. However, if it is due for more than three years and such property is not in the occupation of occupier during this period then it shall be recovered from the owner of the property in the form of land revenue. (Sec 110; 151 KMA)

**Can the power to recover by distress and sale be kept under suspension?**

The Government may, at any time by notification, suspend the power to recover by distress and sale. During this period every amount due shall be recovered by making application to the Judicial Magistrate of First Class. (Sec 152; 276 KMA)

**Is it necessary to give receipt for the sum paid?**

The officer who receives payment of tax shall pass a receipt under his signature. (Sec 153 KMA)

**Can the Municipal Council recover rent on land which is vested in it or managed by it?**

Yes, when an occupier of such land fails to pay the rent prescribed the Municipal Council I may recover it, as if it were an arrear of land revenue, with the approval of the Deputy Commissioner. (Sec 154 KMA)

**What shall be done if the Municipal Council fails to the pay the Government dues?**

In such a situation the Government may make an order directing the person who is in custody of municipal fund to pay it. (Sec 314 KMA)

**Can a fee be levied during Jathra, festivals, urs etc?**

Yes, it can be collected either through the officers and servants of the Municipal Council or by letting the other person on contract basis. However, following persons shall be exempted from levy of fees namely -

- Government servants on duty;
- Municipal officers and servants on duty; and

- Permanent residents of the locality whose place of residence is the place of shrine, jatra or urs and who are certified to that effect by the Chief Officer or Municipal Commissioner ( Rule 4,5,6 Karnataka Municipalities ( Levy and Collection of Fees in Respect of Jathra, Urs), Rules, 1966).

#### **Can the property tax of an assessee be revised?**

The property tax may be revised. However, before revising the tax objections shall be invited from the assessee and provide an opportunity to air their grievances. Failing which any revision will be treated as unlawful.( M.B. Noor Ahmed V/s The Chief Officer, Town Municipal Council, Mulki, Mangalor Taluk, 2002(5) Karnataka Law journal 127 A)

#### **What are the duties of the transferor while transferring the property of an assessee?**

While transferring any taxable property, the transferor shall give a notice to the Municipal Council and the Transferee shall provide information in this regard to it. Syed Sahada Fatavula Alvi V/s City Municipal Council, Bidar and Others 2000 (4) Karnataka Law Journal 272)

#### **Can the Municipal Council obtain loan from various sources for the implementation of its projects?**

With the prior sanction of the Government the Municipal Council may raise loans from various sources to implement its projects. (Rule 3, Karnataka Municipalities (Conditions for Borrowing) Rules, 1966)

#### **What shall be done if an assessee refuses or delays in making the payment of taxes, duties etc levied by the Municipal Council or directly or indirectly incite or prevents others from paying it?**

In such a situation, the wrong doer shall be punished with rigorous imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees, but such rigorous imprisonment shall not be less than two years and such fine shall not be less than three thousand rupees. (Sec 2, Karnataka Prevention of Incitement to Refuse or to Defer Payment of Tax Act, 1981)

## Chapter -5

### Bye - Law

#### Can the government frame rules to meet the purposes of this Act?

The Government may by notification make rules, for carrying out all or any of the purposes of this Act,

- for regulating the conduct of business and delegation of any of the powers or duties and the appointment and constitution of the committees of a municipal council;
- for determining the executive functions to be performed by the president, vice-president, the chairman of any committee, or the Municipal Commissioner and the Chief Officer and the delegation of any of the powers or duties of a municipal council to such persons;
- for determining the staff of officers and servants to be employed by municipal council, their respective designations, and duties, and the powers and duties to be delegated (section 70);
- for the guidance of the officers and servants of a municipal council in all matters relating to its administration;
- as to the amount and nature of the security to be furnished by any officer or servant;
- prescribing the assessment, levy and collections, exemption, remissions of taxes etc(section 139,144);
- prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted;
- for regulating the recruitment and conditions of service of officers and servants;
- as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers etc;
- the powers and duties of the auditors and the procedure to conduct audit;
- as to preparation of plans and estimates for works;
- as to the transfer to municipal councils of the management of any institution;
- as to the intermediate offices, if any, through which correspondence between municipal council and the Government or Government officers shall pass;
- in regard to the incurring of expenditure from the municipal fund and the mode of payments from the municipal fund;
- for the levy of interest on arrears of municipal taxes;
- for submission of returns, statements, and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports;
- for the regulation of all matters connected with the grant of licences and permissions under this Act;
- any other matters (including prescribing appellate authorities, limitation period, fees or charges payable).( Sec.323 KMA)

#### What shall be done if the rules are violated?

The person who acts in contravention to the rules shall be punished with fine which may extend to five hundred rupees and where the contravention is a continuing one with further fine which may extend to twenty-five rupees for every day after the first on which the contravention continues).( Sec.323 KMA)

#### What are all the matters on which the Municipal Council may frame bye - law?

The Municipal Council may make, alter or rescind bye-laws, (in brief) -

- for the regulation and inspection of markets;
- prescribing the conditions on which licenses may be granted, refused, suspended or withdrawn on various matters like - slaughter house, for the manufacture, preparation, storing, sale or supply for the purpose of trade of any article or thing intended for human food or drink, whether such food or drink is to be consumed in such place or not, market or shop for the sale of animals and birds intended for human food, or of meat, fish, egg, fruits, vegetables etc. (section 256);
- for the registration of births and deaths;
- regulating the disposal of the dead;
- for enforcing the supply of information as to any cases of dangerous disease;
- for enforcing the supply of such information by inhabitants of the municipal area as may be necessary to ascertain their respective liabilities to any tax imposed therein;
- for regulating the advertisement and its exhibition;
- for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water;
- for securing an adequate supply of pure water to persons occupying residential premises;
- regulating the use of public bathing and washing places within municipal limits;
- regulating sanitation and conservancy;
- regulating the conditions for the construction, use and disposal of houses intended for the poor;
- regulating the disposal of carcasses of dead animals;
- regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets;
- regulating the erection or use of buildings for grain shops or grain stores, the use of sites for erection of buildings, localities, erection or use of buildings for shops, market places, manufactories, places of public resort, prevention of construction of buildings in which no adequate provision is being made for the laying out and location of streets;
- for ensuring the adequate ventilation of buildings for free air circulation;
- regulating the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals, etc;
- determining the information and plans on the construction of new - building, layout, private street (sections 170 and 187);
- prohibiting vehicular traffic in any particular street, so as to prevent danger, obstruction or inconvenience to the public;
- securing the protection of public parks, gardens, and open spaces, vested in or under the control of the municipal council;
- prescribing the qualifications of surveyors, plumbers, contractors;

- prescribing the conditions on or subject to which and the circumstances in and the areas or localities in respect of which licenses may be granted, refused, suspended, or withdrawn for establishment in any premises, or any factory, as defined in the Factories Act, 1948;
- prescribing the conditions on or subject to which permission may be granted, renewed, refused, suspended or withdrawn for erecting, exhibiting, fixing or retaining any advertisement liable to tax under this Act, over any land, building or structure or upon or in any vehicle or for displaying in any other manner;
- the fees to be charged for licenses or permissions granted by the municipal council or for the inspection of records or grant of copies of documents or duplicate licenses or permits;
- Generally for the regulation of all matters relating to municipal administration.  
(Sec 324 KMA)

**What shall be done if the bye - law is violated?**

In such event, the wrong doer may be punished with fine which may extend to five hundred rupees and in case of continuing contravention, with an additional fine which may extend to fifteen rupees for every day during which such contravention continues after conviction for the first such contravention or with fine which may extend to ten rupees for every day during which the contravention continues, even after the receipt of a notice. (Sec 324 KMA)

**Can the bye - law be put into force immediately after its publication?**

No, before making the bye – law the Municipal Council shall notify the draft inviting objection from the people who are likely to be affected thereby. On the expiry of 30 days from the date of notification the Municipal Council shall consider any objection or suggestions received and place the same for the approval of the Government. On securing the approval of the Government it shall be published and put into force from such date as may be specified by the Municipal Council and where no date is specified on the date of such publication. (Sec 324 KMA)

**What shall be done if any Municipal Council fails to have its own Bye - laws?**

In such situation the Municipal Council may by resolution adopt the model bye-laws in respect of any matter with or without any modifications. Where any model bye – law is adopted with necessary modifications it shall obtain the approval of the Government. (Sec 325 KMA)

**Do the public have access to the bye - laws?**

Copies of all such rules and bye-laws shall be kept at the municipal office and shall be sold to the public at cost price either singly or in collection at the option of the purchaser. The people of the Municipal area shall be allowed to peruse it at free of cost. (Sec 326 KMA)

**Can a Municipal Council have its own by-law?**

The Municipal Council may frame its own bye – law subject to the provisions of the Act. In such event it shall invite objections from the public who are likely to be affected thereby. After considering the objections and suggestions of the public and it shall adopt a resolution in meeting of the Council with needful modifications, if any, it shall obtain the approval of the Government. On securing the approval of the Government the same shall be published in the Karnataka Gazette specifying the date on which it is approved and the date on which it shall come into force. (Rule -3 Karnataka Municipalities (Adoption and Publication of Bye - Law) Rules, 1965)

**Can any Municipal Council adopt and enforce the model bye-laws prepared by the Government?**

Before adopting and enforcing the model bye – law it shall be notified to the public inviting objections, look into its pros and cons, make needful modifications, if required, and be published in the Karnataka Gazette. (Rule -3 Karnataka Municipalities (Adoption and Publication of Bye - Law) Rules, 1965)

**Can a Bye-Law of a Municipal Council be cancelled or modified?**

The Government may, at any time by notification repeal wholly or in part or modify any bye-law made by any municipal council. However, before taking any action the Government shall publish a draft of the proposed notification and communicate the same to the municipal council, fix a reasonable period for the municipal council and the members of the public to show cause against the proposal and consider the explanation and objections, if any, of the municipal council and the public. The repeal or modification of any bye-law shall be published in the Karnataka Gazette before it is enforced. (Sec 319 KMA)

## Chapter 6

### Developmental Programs

#### **Can the Municipal Council take up improvement schemes?**

The Municipal Council may undertake any new or additional improvement schemes, subject to the control of the Government, on its own initiative if it is having sufficient resources. Even the Government may direct the municipal council to take up any improvement scheme or work and execute it subject to such terms and conditions as may be specified by it. (Sec 155 KMA).

#### **What are the improvement schemes the Municipal Council may take up?**

They are as under -

- Relaying out all or any land;
- The construction and reconstruction of buildings and the formation and alteration of streets;
- Raising any land which the municipal council may deem expedient to raise for the better drainage of the locality,
- Forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area,
- Undertaking sanitary arrangements required,
- The establishment or construction of markets and other public requirements or conveniences;
- Construction of buildings for the accommodation of the poorer and working classes, including the displaced; and
- The acquisition of any land for the execution of the above schemes (Sec 156 KMA).

#### **What steps shall be taken on the preparation of improvement Scheme?**

Upon the completion of any improvement scheme, invite objections from the public by publishing notification in the official Gazette and pasting it in some conspicuous part of the Municipal Council and the Tahsildar's office. The notification shall contain –

- Limits of the area of the scheme;
- Place of the scheme;
- Map;
- Particulars of the land to be acquired; and
- Proposed betterment fee to be recovered.

The Municipal Council shall keep the above mentioned particulars to the public access during office hours and shall serve a notice on every person who is liable to pay the property tax or land revenue assessment on



any building or vacant land. On considering the response submitted by them the Municipal Council shall place the proposal before the Government seeking sanction of the scheme. (Sec 157; 158 KMA)

**What is the next step after the Government sanction the improvement Scheme?**

On receipt of the sanction of the Government, the Municipal Commissioner or Chief Officer shall forward a declaration for notification by the Government, stating the fact of such sanction and that the land proposed to be acquired by the municipal council for the purpose of the scheme is required for a public purpose. After the publication of the notification in the in the official Gazette the Municipal Council shall acquire the land and go ahead with the scheme. (Sec 155; 159 KMA; Sec 6; 16 Land Acquisition Act, 1894)

**Whether the beneficiaries required to pay separate fees for the improvement Scheme?**

In the opinion of the Municipal Council the value of the land, which is not required for the execution the scheme, has been increased with the introduction of improvement scheme, then the Municipal Council may levy betterment fee to the owner of the land or any person having an interest therein. However, no such betterment fee shall not be collected from the owners or interested persons who don't fall within this ambit. The betterment fee to be levied shall be one-third of such increase in value. (Sec 160 KMA ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ ನಂ 10ಟಿಪಿಟಿ2003 ದಿನಾಂಕ25.03.2003)

**Can the Municipal Council unilaterally determine the betterment fee?**

When it appears to the municipal council that an improvement scheme is sufficiently advanced it shall by a resolution determine the betterment fee payable and shall give notice in writing to every person or to the successor in interest of such person of such property. On providing opportunity to the persons concerned the Municipal Council shall then assess the amount of betterment fee payable and such person shall within three months from the date of receipt of notice in writing of such assessment from the municipal council, inform the municipal council in writing whether or not he accepts the assessment. Once he accepts it within the period specified, such assessment shall become final. (Sec 157, 160, 161, KMA)

**What shall be done if the betterment fee determined is not reasonable?**

In such a situation the aggrieved person shall file objection to the Municipal Council, which shall be heard by the arbitrator appointed by the Government. His award is final and conclusive and binding on all persons (Sec 162 KMA)

**Is there any scope to prefer appeal against the award of an Arbitrator?**

Any party aggrieved by an award may, within thirty days from the date of the communication of award, prefer an appeal to the District Judge having jurisdiction over the municipal area and any order or decision of the said District Judge shall be final and conclusive and binding on all persons.(Sec 162 KMA)

**Who can be appointed as an Arbitrator by the government?**

The Government may appoint such person as an arbitrator who -

- (i) Has held a judicial office in the State for at least five years; or
- (ii) Has been an Advocate for at least five years.

The Government may remove him from the office if it is satisfied, after such inquiry, that he has misconducted himself. (Sec 162 KMA)

### **What are the powers of an Arbitrator?**

The arbitrator shall have all the powers of a civil court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects. Further, he is empowered to give notice to the parties of his proceedings and determine by whom or out of what property and to what extent the costs of the proceedings are to be paid including all necessary directions for the purpose. (Sec 164 KMA)

### **What shall be next step after the final determination of betterment fee?**

When the amount of the betterment fee payable in respect of land in the area comprised in the scheme has been determined, the municipal council shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four per cent per annum upon any amount outstanding shall be payable from that date. Any person liable to pay a betterment fee may, instead of paying the same to the municipal council execute an agreement with the municipal council to leave the payment outstanding as a charge on his interest in the land, subject to the payment for a period not exceeding five years of interest at the rate of six per cent per annum. In such a situation, the property of such person shall be subjected first charge on every due. This could be recovered unlike any other taxes. (Sec 165; 166; 167; 168 KMA)

### **Can the property subjected to betterment fee be acquired for public purposes?**

Yes, the payment of betterment fee or any agreement made in this behalf will never prevent the Municipal Council to make fresh declaration to acquire the said land for public purpose. (Sec.169 KMA)

### **Can any individual form a new layout in the Municipal Council limits?**

On securing the sanction of the Municipal Council in writing a person may form any extension or lay-out for the purpose of constructing buildings thereon or make any new private street. In this regard he shall make an application in writing, along with plans, showing the following particulars -

- The laying out of the sites of the area upon streets, lanes, or open spaces;
- The intended level, direction and width of the streets;
- The street alignment, and the building line, and the proposed sites abutting the streets;
- The arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting the streets and for adequate drinking water supply; and

- The level and width of streets and the height of buildings abutting thereon, subject to the provisions of this Act and of any rules or bye-laws of the Municipal Council. ( Sec 170 KMA)

**When the Municipal Council may refuse sanction for the formation of new layout?**

Such sanction may be refused,—

- if the proposed street would conflict with any arrangements which have been made or which are, in the opinion of the municipal council, likely to be made, for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the municipal council;
- if the proposed street does not conform to the provisions of this Act, or the rules or bye-laws;
- if the proposed street is not designed so as to connect at one end with a street which is already open;
- if the lay-out in the opinion of the municipal council cannot be fitted with any existing or proposed expansion or improvement schemes of the municipal council.(Sec 170 KMA)

**Is there any time limit for the disposal of an application for the formation of new layout extension?**

The application shall be disposed within six months from the date of its receipt, failing which such sanction deemed to have been granted and the applicant may proceed to form new extension or layout or to make the street subject to the provisions of this Act or the rules or bye-laws. The applicant shall furnish all the information sought by the Municipal Council. Accordingly he shall deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water supply and lighting and the charges for such other purposes whenever the Municipal Council require him. (Sec 170 KMA)

**What action shall be done if any alteration or demolition of extension, lay-out or street is undertaken without obtaining the prior sanction?**

In such situations, he shall be punished with fine which may be extended up to one thousand rupees after holding enquiry and pass an order requiring him to set right the wrong. (Sec 170; 172 KMA)

**What shall be done if the layout is formed in contravention of the Act or Rules?**

The Municipal Council may by notice, require the person forming the extension or lay-out or the owners of such of buildings and lands to carry out any work which, in its opinion, may be necessary and within such time as may be specified in such notice. If any such work is not carried out within the time specified in the notice then the Municipal Council may by itself execute such works and ask the wrong doer to meet the expenses incurred thereon. (Sec 170; 172 KMA)

**Can the government establish an Improvement Board to launch improvement schemes in any Municipal area?**

The Government may establishment of an Improvement Board, in consultation with the Municipal Council, for the purpose of undertaking and executing improvement schemes in any Municipal area. The Improvement Board, thus established, may function as an autonomous institution by mobilizing its own resources independently.(Sec 173; 174 KMA)

**Can an Industrial Township be established in any Municipal area?**

The Governor may, having regard to one or more of the following may issue notification for the establishment of Industrial Township –

- the size of the area and the municipal services deemed to be provided or proposed to be provided by the industrial establishment;
- the public infrastructure facility established by the Government or any other agency ;
- the industrial and residential buildings or other buildings providing public infrastructure facility in the area;
- the income generated in the area from tax and non tax sources for local administration;

No such notification shall be issued unless the local authority, if any, concerned is consulted and objections and suggestions are invited, by giving one month time from the date of publication, from all persons who are likely to be affected thereby. (Sec.364 (A) KMA)

**Who shall take care of the management of Industrial Township?**

The Industrial Township Authority shall be established in this regard (Sec 364(B) KMA)

**What are the functions of Industrial Township Authority?**

They are as follows:

- Regulation and construction of buildings;
- Planning for economic and social development;
- Roads and bridges;
- Water supply for domestic, industrial and commercial purposes;
- Public, health, sanitation, conservancy and solid waste management and fire services;

- Urban forestry, protection of environment and promotion of ecological aspects;
- Safeguarding the interests of weaker sections of society, including handicapped and mentally retarded and improvement of slums;
- Provision for urban amenities and facilities such as parks, garden and playgrounds;
- Burial grounds and crematoriums;
- Public amenities including street lighting, parking lots, bus stops and public conveniences;
- Regulation of slaughter houses and tanneries;
- Any other matter as may be prescribed. (Sec 364(F) KMA)

### **What are the powers of the Industrial Township Authority?**

The Industrial Township Authority for the purpose of carrying out its functions under Section 364 (F) shall exercise all such powers vested in the Municipal Council under sections 175 to 275 both inclusive. (Sec 364(G) KMA)

### **How the Industrial Township Authority shall mobilise its resources?**

The Industrial Township Authority may levy Property Tax on all buildings and lands situated within the Industrial Townships. The provisions of sections 94 to 115 shall mutatis-mutandis apply to the Industrial Township Authority for the levy and collection of Property Tax on the buildings and lands. (Sec 364 (I); 364 (-J) KMA)

### **Can the Municipal Council raise loans?**

By obtaining prior sanction of the Government through the Commissioner the Municipal Council may raise loan to undertake improvement schemes.(Rule -3 Karnataka Municipalities (Conditions for Borrowing) Rules, 1966)

### **Can the Municipal Council construct shopping complex by narrowing down the roads/ streets?**

There is a scope to widen the roads/streets but not to narrow down them. Similarly, there is no room to construct shopping complex on footpath or public roads for private use. Before deviating the road or closing it down the Municipal Council shall invite objections from the public who are likely to be affected and obtain approval from the Government. (M.A. Rajagopalaiah and others V/s Chief Officer, Town Municipality, Doddaballapur, Bangalore District and another 1995 (4) Karnataka Law Journal 570).

### **Who shall be given with priority during the reallocation of shopping complex which are removed and reconstructed by the Municipal Council?**

In such a situation, the Municipal Council owes a duty to give priority to the former tenants who are carrying on petty trade or profession. They are having a right to secure it again at a reasonable rate prescribed. (The

Town Panchayat, Harapanahalli, Davanagere District V/s State of Karnataka and others 2000 (4) Karnataka Law Journal 232 (DB)

**What are the objectives of the District Planning Committee?**

It is the duty of the State Government to constitute the District Planning Committee with a view to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole. It shall be constituted by giving representation, on the basis of population, both to the members of the Panchayat and Municipality. (Constitution of India 243ZD)

## Chapter 7

### License and Control

#### **What shall be done while permitting construction at a site where the corner of two streets meets?**

While giving permission to construct building at site where the corner of two streets it may round off or splay off the building or site to such height and to such extent or otherwise as it may determine and acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity and shall pay compensation in proportion to the loss caused. (Sec 183 KMA)

#### **Can the roof and walls of a building be constructed with inflammable material?**

No one shall construct the external roofs and walls of a building using grass, wood, cloth, canvas, leaves, mats or other inflammable materials except with the written consent of the Municipal Council. It may require a person, who goes with such construction without obtaining the consent, to remove such roof or wall within such reasonable time as shall be specified in the notice. Failing which he may be punished with fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction. (Sec 184 KMA)

#### **How the level of a building shall be?**

No building shall be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or proposed by the municipal council, or into some stream or river, or into the sea or some cesspool or other suitable place which may be approved by the municipal council. (Sec 185 KMA)

#### **How the warehouse for storing food grains shall be constructed?**

The construction of warehouse for the storage of grain shall be in accordance with the prescribed the plan and the design to make it rat-proof. (Sec 186 KMA)

#### **What step shall be initiated while undertaking construction or reconstruction or renovation or alteration of a building?**

Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building all information required by the bye-laws or demanded by the municipal council regarding the limits, dimension, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets and cesspools, if any, to be used and the location of the building shall be furnished along with a notice disclosing intention to undertake such construction. If the Municipal Council fails to communicate its order

within one month of the receipt of notice it is deemed that it has permitted the intended construction. (Sec 187 KMA)

**Can the Municipal Council impose conditions on the construction or reconstruction etc., of a building?**

It may impose conditions in writing, in accordance with this Act and the rules and bye-laws made there under, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows, and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or proposed, or the purpose for which the building is to be used and direct that the work shall not be proceeded with, unless and until such conditions are complied with to its satisfaction. Such order shall be in force for one year from the date on which it is given. (Sec 187 KMA)

**When the permission for construction or re-construction or renovation or alteration to any building shall be rejected?**

Permission may be refused under the following circumstances -

- that the work or the use of the site for the work or any of the particulars comprised in the site-plan, ground-plan, elevations, sections, or specifications would contravene some specified provision of any law or some specified order, rule, declaration or bye-law made under any law;
- that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or byelaws;
- that any of the documents have not been signed as required under rules or bye-laws;
- that any information or documents required by the municipal council under the rules or bye-laws have not been duly furnished;
- that streets or roads have not been made as required by section 170;
- that the proposed building would be an encroachment upon Government or municipal land;
- that the site of such building does not abut on a street or a proposed street, and there is not access to such building from any such street by a passage or pathway appertaining to such site and not less than twelve feet wide at any part;
- that the person so applying has no right to the land in question or has no right to construct, alter, add or reconstruct;
- that the land on which any building is proposed to be erected or any building situated is required by the municipal council and action to acquire it is being taken.(Sec 187 KMA)

**What action shall be taken against a person who undertakes unlawful construction of a building?**

Sl. No.	particulars of unlawful construction	Penalty
---------	--------------------------------------	---------



1	Putting construction on his land without obtaining permission under this Act or in contravention of any condition attached to such permission	He is liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building so long as it remains as unlawful construction without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction.
2	Putting construction on a site belonging to him which is formed without approval under the relevant law relating town and country planning	
3	Putting construction on his land in breach of any provision of this Act or any rule or byelaw made there under or any direction or requisition lawfully given or made under this Act or such rules or by-law	

(Sec 107 KMA)

**Within what time the construction or re-construction etc., of a building shall be completed?**

The construction or re-construction etc., of a building shall be completed within one year from the date of obtaining the permission. Failing which he shall make a fresh application. (Sec 187 KMA)

**What are the powers of the Municipal Commissioner or the Chief Officer regarding construction or re-construction etc., of a building?**

They are as follows -

- He may make spot inspection;
- If any construction is not in accordance with the approved plans or specifications or contravenes any of the provisions of this Act or any rule, bye-law, order or declaration made under this Act, he may by notice require the owner of the building to rectify the lapses. Failing which he may cancel the permission;
- He may stop the construction, reconstruction or erection of any building, at any time, if in his opinion the work in progress endangers human life;
- If the construction, reconstruction or erection of a building has been commenced without obtaining the permission of the municipal council or is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which the permission was granted; or is being carried on, or has been completed in breach of any of the provisions of law or any direction or requisition lawfully given or made under this Act, he may make a provisional order requiring the owner or the builder to demolish the work done, or or make such alterations as may be necessary to bring the work into conformity with this Act;
- He may serve the notice on the owner of a building requiring him to show cause within than three days of its receipt;
- He may confirm the order give here before if the owner fails to show cause to the satisfaction of him;

- He may recover any reasonable expenses incurred, in this regard, from the owner of a building/ person to whom the order was addressed.(Sec 187 KMA)

**What shall be the next step if permission is refused owing to the acquisition of land?**

In such a situation, the said property shall be acquired within a period of six months from the date on which permission is refused or an application shall be made, within such a period, to the Deputy Commissioner for compulsory acquisition under the provisions of the Land Acquisition Act, 1894. In the absence of which, the person to whom such permission has been refused shall be intimated stating that his application for the construction or reconstruction of a building will be considered on merits. (Sec 187 KMA)

**What shall be done if permission has been obtained by misrepresentation?**

If the Municipal Commissioner or Chief Officer is satisfied that such sanction was accorded in consequence of any material misrepresentation or fraudulent statement, he may by order in writing cancel such sanction for reasons to be recorded in writing after

Giving a reasonable opportunity to the aggrieved person. (Sec 188 KMA)

**Can the Municipal Council prohibit the construction of a building in a specified area?**

The Municipal Council may, by notification, prohibit the construction any building within a specified area in a municipal area with the permission of the Government. However, no such prohibition be imposed in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification. He who constructs any building contrary to the notification shall be punished with fine which may extend to two hundred rupees. (Sec 189 KMA)

**Can the building be occupied or used as soon as it is completed?**

After the completion of construction of a building the owner or a person concerned shall serve a notice in writing to the Municipal Council seeking the grant of completion certificate or fit for human habitation certificate. The Municipal Council shall grant or refuse to grant such certificate within one month from the date of receipt of notice, failing which it is deemed that the permission has been granted.(Sec 190 KMA)

**When the Municipal Council may refuse to grant completion or fit for human habitation certificate?**

The Municipal Council may refuse to grant the said certificate in case such building has been constructed in contravention to any provision of this Act, or of any rule or bye-law made under this Act. If any person who shall be punished with fine which may extend to one hundred rupees and in the case of a continuing

contravention or non-compliance, with an additional fine which may extend to ten rupees for every day during which such contravention or noncompliance continues.(Sec 190 KMA)

**Is there any scope to construct huts and sheds?**

Before constructing any hut, shed or range or block of huts or sheds one shall obtain permission of the Municipal Council. It shall grant permission only after ensuring provisions for free passage or way for proper ventilation, scavenging, privies, drainage etc. If any hut/shed is constructed without giving notice to the Municipal Council, it may require the owner or builder thereof or to the owner or occupier of the land to make such alterations, failing which the huts/sheds may be removed. (Sec 191; 192 KMA)

**What step shall be initiated by the Municipal Council to safeguard the interest of the building and other construction workers?**

With a view to safeguard the interest of the workers involved in building or other construction work like the construction, alteration, repairs, maintenance or demolition of or in relation to, buildings, streets, roads, railways, tramways, airfields, irrigation, drainage, embankment and navigation works, flood control works etc., as their life is susceptible to risk, a cess shall be paid by an employer at such rate not exceeding two per cent, but not less than one per cent, of the cost of construction incurred by him to the Secretary-cum-Chief Executive Officer, Karnataka State Building and Other Construction Workers' Welfare Board, 3rd stage, Karmika Bhavan, Bannerghatta Road, Bangalore-560 029. (The Building and Other Construction Workers' Welfare Cess Act, 1996 No. S.O.2899, dated 26th September, 1996, Gazette of India, Extraordinary, dated 12-10-1996, Government Order No. LD 300 LET 2006, Bangalore Date: 18 January 2007, Karnataka Building and other Construction Workers' (Regulation of Employment and Conditions of Service) Rules, 2006, Sec. 191,192, KMA)

**When does the Building and Other Construction Workers' Welfare Cess Act, 1996 apply?**

This Act only when an employer employs or had employed on any day of the preceding 12 months, 10 or more workers in any building or other construction work. However this provision is not applicable individual residential house whose total cost does not exceed Rs. 10 Lakhs. (Sec.2, 3, the Building and Other Construction Workers' Welfare Cess Act, 1996, G.O.No.LD 300 LET 2006, Bangalore, dated 18th January, 2007)

**Will the Municipal Council get any benefit for having collected cess for the building or other construction workers?**

Yes, the Board shall give back 1% of such total collection to the local body for the services rendered. (Sec.2, 3, the Building and Other Construction Workers' Welfare Cess Act, No. LD 300 LET 2006 Bangalore, dated 28-2-2007)

**What action shall be taken if huts/sheds are built before - this Act could come into force or it fell in to the Municipality limits?**

In such situation, the Municipal Commissioner or Chief Officer may issue direction to the owner or occupier to pull down such huts or sheds. In case of their failure, the Municipal Council may itself may pull down such huts or sheds and shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner is unknown or the title disputed, shall be held in deposit by the municipal council until the person interested therein shall obtain an order of a competent court for the payment of the same. If anyone is aggrieved by such direction, may file an application to the Municipal Council to cancel or modify or revise the said direction. Else he may prefer an appeal to the Assistant Commissioner or Deputy Commissioner, as the case may be. (Sec 192 KMA)

**Powers regarding the exterior designs etc:**

**Can the exterior design of a building be constructed with a projection?**

With written permission of the Municipal Council, owner or occupier of a building in public streets may put up open verandahs, balconies or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by bye-laws from time to time. However, the extent of such projection shall not exceed four feet beyond the line of the plinth or basement wall. The Municipal Council may prescribe the extent to which and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets. Any such owner or occupier who put up such without obtaining permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

If any such projection, encroachment or obstruction has been made, as afore mentioned, before the date on which such place became part of a municipal area, or after such date with the written permission of the municipal council, make reasonable compensation to every person who suffers damage by such removal or alteration. (Sec 208:268 KMA)

**Can the Municipal Council require the owner a building to make needful provision for the disposal of rain water?**

The Municipal Council may, by written notice, require the owner of every building in any street to put up and keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street. (Sec 209 KMA)

**Can the Municipality erect or fix brackets to the exterior portion of any building to provide lighting?**

The Municipal Council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or electricity or otherwise, or for telegraph wires or telephonic wires, or for locomotive or other purposes, or such pipes as it may deem necessary for proper ventilation of sewer and water works, and such brackets and pipes without causing any inconvenience or nuisance to the occupant of the said building or any others in the neighbourhood or to the public. (Sec 210 KMA)

**Can the Municipality give house number and street name?**

The municipal council may, from time to time, may put up or paint on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may, from time to time, fix a number in a conspicuous place on the outer side of any building, or at its entrance. (Sec 211 KMA)

**What actions shall be taken if the owner or occupier keeps the building or site in a filthy and unwholesome condition?**

In such a situation, if the Municipal Council opines that it is causing nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation may issue notice in writing calling upon him to cleanse, clear or otherwise put the same in a proper condition, failing which he shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction. Further, if it renders unfit for human habitation, the Municipal Council may by written notice, prohibit the using such place for that purpose until it is rendered fit. . (Sec 228 KMA)

**Can an action be taken against Deserted and offensive buildings?**

If any building, by reason of dilapidation, neglect, abandonment, misuse or disputed ownership, or of its remaining untenanted and thereby becoming a resort of idle and disorderly persons or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or coming into use for any insanitary or immoral purpose, or affording a shelter to snakes, rats or other dangerous or offensive animals and causing nuisance, discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the Municipal Council may require the owner or occupier to demolish such building and remove the materials thereof. If such person fails to comply the said notice within 7 days or the time specified, the Municipal Council on its own may demolish such building and remove the materials thereof and may sell such materials and apply the proceeds to defray any expenses incurred by it in so doing and all such expenses not thereby defrayed shall be recovered in the form of tax. ( Sec 229 KMA)

**What shall be done if any Building or rooms in the building is unfit for human habitation?**

If the Municipal Council is of the opinion that any building or rooms in the building is 'Unfit for Human Habitation' (UHH), it may issue a notice inviting objection from the owner of such building. If the Standing Committee is not satisfied with the explanation given by him, then the said building can be declared as 'Unfit for Human Habitation (UHH). An order shall be issued in this behalf and a copy of the declaration should be pasted in conspicuous part of the building. If the owner comes forward to repair the said building and make it fit for human habitation, then the Municipality shall give him an opportunity to do so.(Sec 230 KMA).

### **Can the Municipality demolish the building which is unfit for human habitation?**

Where the Municipal Council is satisfied that any building is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, it shall serve upon the owner of the building and upon any other person having an interest in the building, whether as a lessee, mortgagee or otherwise a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made. On the receipt of the notice if the person concerned gives an undertaking stating that the required improvement will be made within the period specified, he shall be permitted to do so. In the absence of an undertaking or where no improvement is made within the specified period the Municipal Council shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order not being less than thirty days from the date of the order, and that it shall be demolished within six weeks after the expiration of that period. (Sec 231 KMA)

### **What is the yardstick to determine whether a building is fit for human habitation or not?**

They are as under -

- repair;
- stability;
- natural light and air;
- water supply;
- drainage and sanitary conveniences;
- facilities for storage, preparation and cooking of food and for the disposal of rubbish, filth and other polluted matter;

On the basis of these factors one shall determine whether the building is reasonably suitable for occupation. (Sec 231 KMA)

### **Which factors will decide the “work of improvement” of a building?**

They are as follows -

- Necessary repairs;
- Structural alterations;
- Provision of light points and water taps;

- Construction of drains, open or covered;
- Provision of latrines and urinals;
- Provision of additional or improved fixtures and fittings;
- Opening up or paving of courtyard;
- Removal of rubbish, filth and other polluted and obnoxious matter;
- Any other work including the demolition of any building or any part thereof which, in the opinion of the municipal council, is necessary for executing any of the works specified above. (Sec 231 KMA)

**Can the officers of the Municipal Council enter the building to inspect?**

The Municipal Commissioner or Chief Officer or any other officer authorised by the Municipal Council, by giving such notice to the owner or occupier, may at any time between sunrise and sunset enter and inspect all buildings and lands and may by written notice direct all or any part thereof to be forthwith internally and externally lime washed or otherwise cleansed for sanitary reasons. (Sec 232 KMA)

**What action shall be initiated if the owner or occupier of any building or vacant site does not undertake any works as required by the Municipal Council?**

In such circumstances the Municipal Council may itself execute such works and recover the expenses incurred thereon from the said owner or occupier of the building or vacant land. In case the occupier himself has carried the desired work he can set-off the expenses against the rentals. (Sec 193:195:196:200:264:265 and chapter VII KMA)

**If the owner does not undertake the works as required by the Municipal Council, can an occupier undertake the same?**

With the prior approval of the Municipal Council, the occupier of such building or vacant land may execute the required work and recover the expenses incurred thereon from the owner or the same may be deducted out of the rent, which becomes due from time to time from him to such owner. (Sec 265 KMA)

**What action shall be taken, if an occupier opposes the work to be undertaken as required by the Municipal Council?**

In such circumstances, the owner shall give a notice to the occupier disclosing his intention to undertake the work required by the Municipal Council in respect of such building or vacant land. In the absence of any response to the notice the owner may make an application to the Magistrate seeking an order to enable him to execute the all such works. On proof the Magistrate may make an order in writing requiring such occupier to permit him to execute all such works, with respect to such building or vacant land, and may also, if he thinks fit, order the occupier to pay to him the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continues to refuse to permit such owner

to execute such work, such occupier, shall for every day, during which he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. (Sec 266 KMA)

**Can the Municipal Commissioner, the Chief Officer or any officer given the powers by the Municipal Council enter any vacant building or site and inspect the same?**

With prior, twenty-four hours, notice to the owner or occupier or with their consent the Municipal Commissioner, Chief Officer or any officer authorised by the Municipal Council may enter any building or vacant land between sunrise and sunset for any purpose of this Act. However, if the buildings is used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers and no apartment in the actual occupancy of a woman shall be entered until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing. (Sec 266 KMA)

**What action shall be taken against the ruinous or dangerous buildings?**

The Municipal Council shall issue a notice to the owner or occupier of such building directing him to place a hoarding or put up fence or to demolish, secure or repair such building to prevent the occupants or passersby or neighbourhood from danger. If he fails to put up proper hoarding or fence within two days from the service of such notice, the Municipal Council may itself may do it and recover the expenses from such owner or occupier. Even it can demolish, secure or repair the building on its own and recover the expenses from the said owner or occupier in the form of tax.(Sec 213 KMA)

**Can the Municipal Council take action to maintain well, stream, channel, tank or other source of water which is under the control of the owner or of any person?**

The Municipal Council may issue notice to such person to -

- Keep and maintain any such source of water supply, other than a stream, in good repair, or
- Cleanse any such source of water supply from silt, refuse and decaying vegetation, or
- Protect any such source of water supply from pollution by surface drainage, or
- Repair, protect or enclose in such manner, within twenty-four hours of such notice, such source of water supply which is dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or
- Desist from using and from permitting others to use for drinking purposes any such source of water supply which, not being a stream in its natural flow, is proved to be unfit for drinking, or
- Close either temporarily or permanently or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water supply as aforesaid, or



- Drain off or otherwise remove from any such source of water supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which is injurious to health or offensive to the neighbourhood.

If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required, the municipal council may proceed to execute the work required by such notice and all the expenses incurred therein by it shall be paid by the owner of, or person having control over such water supply and shall be recovered in the form of tax or it may be paid out of Municipal Fund.(Sec 214 KMA)

**What shall be done if the pavement, gutter, flags, or other materials, of any public street, fences, lamp, lamp-post, bracket, water-post, hydrant etc., is lifted?**

Any person who, has displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fence, walls, posts, municipal lamps, lamp-posts, brackets, etc., of any public street without the written consent of the municipal council or other Municipalities lawful authority and fails to replace or restore the same to the satisfaction of the Municipal Council even after the due notice shall be punished with fine which may extend to one hundred rupees and shall pay any expenses which may be incurred in restoring the same and such expenses shall be recoverable in the form of tax. (Sec 215 KMA)

**What shall be done if the building is constructed encroaching the public road or drainage or materials are unlawfully stored there?**

In such a situation the Municipal Council may such obstruction or encroachment and the wrong doer shall be punished with fine which may extend to twenty-five rupees. If the space is vested in the Government, the permission of the Deputy Commissioner shall have first been obtained and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recovered in the form of tax. (Sec 216 KMA)

**What action can be taken if mud, sand and other materials from open space belonging to the Municipal Council is removed unlawfully?**

In such circumstances such person shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence. (Sec 216 KMA)

**Can a provision be made for temporary occupation of or erection in, any public street on occasions of festivals and ceremonies?**

The Municipal Council may allow any temporary occupation of or erection in, any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days without causing any inconvenience the public or any individual. (Sec 216 KMA)

**What are the desired steps to be taken while constructing or altering or repairing a building?**

While constructing or altering or repairing the outward part of any building, if there is a likely chance of causing any obstruction, danger or inconvenience in any street, the owner or occupier shall put up hoardings or fences before the commencement of such works by obtaining licence from the Municipal Council and shall place the light sufficiently during the night. The person who contravenes it shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues after the date of the first conviction. (Sec217 KMA)

**What precaution shall be taken while carrying on civil works by the Municipal Council?**

The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses while such works are carried on and such place shall be sufficiently lighted and guarded during the night. The person who takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.(218KMA)

**Can timber, stone, brick, earth or other material be deposited on public roads?**

No person shall, without the written permission of the Municipal Council make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other materials. In case he is permitted to do so he shall at his own expense shall secure such materials or such hole with proper fence and enclosed it until the materials are removed or the hole is filled up and ensure that the place is sufficiently lighted during the night. In case he fails to comply it he shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues after the date of the first conviction. (Sec 219 KMA)

**What action can be taken if the roads are damaged due to excessive weight or extraordinary - traffic?**

In such a situation the Municipal Council may ask such person, who is responsible for plying excessive weight or extraordinary – traffic, to meet the expenses incurred thereon. Even it may be recovered through the Civil Court or it may enter in to an agreement with such person for the payment to it of any amount by way of composition in respect of such weight or traffic. (Sec 220 KMA)

**What shall be done if any person undertakes dangerous quarrying in the Municipality limits?**

In such cases notice may be issued to the owner of quarry requiring him to stop such quarrying. If such quarry or place is vested in the Government no action shall be initiated without obtaining the consent of the Deputy Commissioner. On granting the permission to carry on quarrying the Municipal Council shall require him to put up immediately proper hoarding or fencing for the protection of passengers near such quarry or place. The Municipal Council may take needful action on the failure of the owner to comply it and recover the expenses incurred thereon shall be recovered from him in the form of tax. (Sec 221 KMA)

**Should the Municipal Council take action against any dog found wandering unmuzzled in any public?**

The Municipal Council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it. Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days. No damage shall be payable in respect of any dog destroyed. Any dog which is found to be rabid may be destroyed at any time.(Sec 222 KMA)

**What action can the Municipality take against keeping of pigs?**

Only with the written permission of the Municipal Council one can keep pigs within the Municipal area. Failing which he shall be punished with fine which may extend to fifty rupees. The Municipal Commissioner or Chief Officer may direct to destroy pigs if it is found straying and to dispose it's the carcass. However, no claim is maintainable for compensation for any pigs so destroyed. (Sec 223 KMA)

**Can an action be initiated against depositing or hurling of any dust, dirt, dung or ashes, or garden, kitchen or stable refuse etc., at public place?**

Whoever deposits or hurls any dust, dirt, dung or ashes, or garden, kitchen or stable refuse, or filth of any kind, or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any drain or on any open space or on the bank of any river, water-course or nallah, except at such places prescribed by the Municipal Council shall be punished with fine which may extend to twenty-five (Sec 224 KMA).

**Can anybody let the water of any sink or sewer or any other liquid etc., under his control into open drainage, or spaces?**

No one shall let such offensive materials like - any sink or sewer or any other liquid which are under his control without obtaining the permission in writing from the Municipal Council and shall let it subject to the conditions prescribed. Failing which he shall be punished with fine which may extend to twenty-five rupees. (Sec 225 KMA)

**What shall be done if any dirt, dung, bones, ashes, night-soil, filth etc., has not been properly disposed off?**

The owner or occupier of any building or vacant land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or vacant land, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction. (Sec 226 KMA)

**How the night soil shall be disposed off?**

One shall dispose the night soil or other such offensive in accordance with the guidelines prescribed by the Municipal Council. Failing which he shall be punished with fine which may extend to twenty-five rupees.(Sec 227 KMA)

**When a disposal of night soil or other offensive materials is considered as an offence?**

When a person -

- has disposed/ disposing it along any street beyond the time prescribed by the Municipal Council;
- uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom;
- wilfully or negligently slops or spills any such offensive matter in the removal thereof;
- does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled;
- places or sets down in any public place any vessel containing such offensive matter;
- drives or takes any cart, carriage, receptacle or vessel used for any such purpose as aforesaid through any street or by any route, other than the route / time prescribed by the Municipal Council.(Sec 227 KMA)

**From whom the Municipal Council shall obtain technical approval to the proposed Solid Waste Management [SWM]?**

It is as under -

Technical Approval Authority	Value of proposal
Subject to the recommendation of the Technical Sub-Committee of the Directorate of Municipal Administration, the Superintendent Engineer, Directorate of Municipal Administration.	Up to Rs 2.00 crore
Subject to the recommendation of the Main Technical Committee of the Directorate of Municipal Administration, the Superintendent Engineer, Directorate of Municipal	Above Rs 2.00 crore

Administration.	
-----------------	--

(ಆದೇಶ ಸಂಖ್ಯೆ: ನ.ಅ.ಇ. 60 ಜಿಇಎಲ್ 2009, ದಿನಾಂಕ 27.02.2009)

**What factors shall be borne in mind by the Municipal Council while giving outsourcing contract for the solid waste management and disposal?**

They are as under -

- All other works except the works that can be carried on by the Paurakarmika of the Municipal Council can be given on outsource;
- An approval shall be obtained from the competent authority, in this regard, for the classification of works to be carried on by the outsourced workers and Paurakarmikas and package designed to allocate, ward and zone wise, the works;
- Preparation of package estimation in accordance with the guidelines of the Directorate of Municipal Administration;
- The documents to be enclosed to the proposal submitted seeking technical approval to the Directorate of Municipal Administration are -
  - i) The resolutions of the Council meeting regarding outsource contract;
  - ii) Package wise ward maps;
  - iii) Details of roads, open place, public place, playground, premises of government office, markets (as applicable) and such other details;
  - iv) Details regarding the amount to be borne for outsourcing contract mentioned in the budget and proposal of the Urban Local Bodies;
  - v) The details of the time table of the works of scavenging the roads and the works enlisted in the proposal shall be enclosed in the form of appendix;

The aforementioned information shall be submitted to the Directorate of Municipal Administration in triplicate which shall be bounded in spiral.

Accessory, tool and name of the vehicle	Annual Minimum quantity	Minimum quantum of man power
Collection of waste from door to door		
One Command Area= 1000 houses/ shops		
Push cart of 6 bins	1 number for every 200 houses/shops	One person for every push cart
Push cart of 8 bins	1 number for every 250 houses/shops	One person for every push cart
Auto Tipper	1 number for every 1000 houses/shops	One driver for every auto tipper And one assistant
<b>Road Sweeping</b>		
Long handle broom	for every sweeper 4 in number	One sweepers for every 1000 meter

Pushcart of 8 bins	for every 250 houses/shops 1 in number	road
Pushcart of 8 bins	for every 250 houses/shops 1 in number	
Ghamela	for every loader's / sweeper 1 in number	
Hand gloves	4 pairs for every 250 houses/shops	
Face mask	1 pair for every worker	
Gum Boots	1 pair for every worker	
Uniform	2 pairs for every worker	
Tractors with trailers	sweeping of road for every 25 km, 1 in number (life of vehicle is 7 years)	1 driver and 3 loaders (everyday 2-3 trips. 2.0 - 2.5 tons of waste per trip @ 200-300 Kgs of waste per km)
Tipper Trucks	sweeping of road for every 40 km, 1 in number (life of vehicle is 7 years)	1 driver and 4 loaders (everyday 2-3 trips. 4.0 - 4.5 tons of waste per trip @ 200-300 Kgs of waste per km)
<b>Secondary Collection and Transport</b>		
3.0 cubic meter container	1 container for every 1000 houses Or app. 1.0 tons waste, whichever is more	
4.5 cubic meter container	1 container for every 1500 houses Or app. 1.6 tons waste, whichever is more	
Double containers - Dumper places	1 container, 3.5/4.5 cubic meter, for every 10-14 numbers. Everyday 5-7 trips.	1 driver and 1 assistant
<b>Cleaning of Market/ Slaughter House</b>		
Tools – Equipment	As prescribed for the road sweepers	One person for every 400 sq.mts. Cleaning twice in a day.
Tractor with trailer	For every 6-8 tons of waste 1 in number. Everyday 3-4 trips.	1 driver and 3 loaders, if the waste disposal site is less than 10 km
Tipper Truck	For every 10 - 14 tons of waste 1 in number. Everyday 3-4 trips.	1 driver and 3 loaders, if the waste disposal site is more than 10 km
<b>Cleaning of Govt. office premises, gardens , public places etc</b>		
Tools – equipments	As prescribed for the road sweepers	Two persons for every 7500 sq.mts
Tipper Truck( big)	For every 08 - 12 tons of waste 1 in number. Everyday 3-4 trips.	1 driver and 3 loaders, if the waste disposal site is more than 10 km
<b>Cleaning of Public Toilets</b>		
Brooms/Brushes	for every worker, 4 in numbers, per year	1 person for 3 toilet blocks having 10 seats. Cleaning thrice in a day.
Hand Gloves	for every worker, 4 pairs, per year	
Boots	for every worker, 1 pair, per year	
Uniforms	for every worker, 2 sets, per year	

(ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಪೌ.ನಿ: ಘವನಿ: ತಾಂತ್ರಿಕ ಸಮಿತಿ: ಸಿಆರ್ 17/08-09, ದಿನಾಂಕ 27.02.2009)

### **What are the factors to be considered to plan and implement the eradication of Vector borne diseases?**

They are as follows:

1. To convene a meeting of the builders, educational Institutions, Health organisations, voluntary organisations, Resident Welfare Associations, NGO's and other stake holders to develop appropriate measures to check mosquito menace during and after the construction of building;
2. To take appropriate measures to require the implementation of building license and Municipal bye-laws of the local urban bodies compulsorily;
3. To ensure the affixing of mosquito regulators to the coolers, if 'Desert Coolers' are being used within the limits of the Urban Local Bodies and issuance of scrupulous orders in this behalf;
4. To prevent stagnation of water in and around open spaces, drainages and taps and to transport everyday all the garbage to the place prescribed and take appropriate measures to keep the water tanks, sumps etc, which are being used in the residences, as clean as possible and affixing of lid/top to it;
5. To develop perfect process using advanced technology for the implementation of anti disease transmitting agents and regulation scheme by preparing Micro Level Mapping of vector borne transmitting agents applying Geographical Information System (GIS) with the assistance of National Information Centre or any other like organisation;
6. To avail service of Pestologists for the implementation of 'Regulation of Mosquito and Vector Borne Diseases (V.B.D.) Scheme' by the Urban Local Bodies.(ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಪೌ.ನಿ: ಎನ್‌ಎನ್/ಎಮ್‌ಐಎಸ್‌ಸಿ/44/04-05, ದಿನಾಂಕ 02.08.2007)

### **What factors shall be considered while availing the service of Women Self Help Groups [WSHGs] for collection and disposal of Solid Waste?**

They are as under -

1. To take measures to manage the collection of waste from door-to-door in towns/cities, through interested WSHGs;
2. To adopt a resolution by the Municipal Council to authorize them, after concluding an agreement with the WSHGs, to collect waste and service fees from the producers of waste of the areas prescribed;
3. To enable them to collect service fees, from the producers of wastes of a prescribed area, a receipt book shall be printed by the local urban bodies;
4. To continue the cleaning work by, re-organising jurisdiction of the WSHGs who are currently facing problems, collecting service fees from the houses and commercial complexes;
5. To obtain particulars of fee collected and dues every month from the WSHGs and measures shall be taken in support of WSHGs to recover the dues from the defaulters;

6. To pay, if need be, Rs. 5/- per house or total amount of unpaid service fees of the command area whichever is lower out of the Municipal Fund if it is convinced that WSHGs has failed to collect prescribed service fees from houses of the command area which are allocated to it even after it has evinced sincere interest in collecting it;
7. To organize information education and public contact programme to create awareness among the public as to the separation of waste at source, handing over collected and separated waste to the WSHGs who comes for collection every day, payment of fees prescribed without fail, scientific treatment and disposal of waste and make adequate provision in the budget. To Convene awareness programs to the elected representatives;
8. To prevent nuisance (Section224), Municipal Commissioner or Chief Officer shall inspect the city and impose penalty under section 263, Karnataka Municipalities Act, 1964 to any person offending against the provisions of this Act, or of any rule or bye-law made there under. Further, he may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties;
7. To make primary collection of waste from door to door as successful the Urban Local Bodies shall provide all necessary support, apart from the above mentioned measures, for a period of two years to WSHGs and other NGO's which are involved in collection of waste. .(ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಪೌ.ನಿ: ಫವನಿ:ಉಪಕರ: ಸಿಆರ್ 03:07-08, ದಿನಾಂಕ 04.11.2008)

#### **Can the Municipal Council make arrangements for bathing and other facilities?**

The municipal council may make provision for bathing places, tanks or runs of water for the inhabitants to bathe in, tanks or reservoirs or runs of water for washing animals or clothes and direct the people to use these places only for the said purposes. The copy of order shall be kept open for the public to view. (Sec 223 KMA)

#### **Can the Municipality take action against Fouling water?**

It is the duty of everyone to use any stream, pool, tank, reservoir, well, cistern, conduit and aqueduct belonging to the municipal council only for the purpose prescribed and keep it clean. Whoever, throws, puts or casts any offensive materials to foul or corrupt the water shall be punished with fine which may extend to fifty rupees. (Sec 234 KMA)

#### **Can the Municipal Council make provision for the washermen to wash clothing?**

The municipal council shall invite objections from the public who are likely to be affected from such provision and considering objections, if any, it may set apart a separate place for the washermen to enable them to undertake their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by it with the approval of the Government.(Sec 235 KMA)



**Can the Municipal Council take action against pool, ditch, quarry etc, which is or is likely to cause nuisance?**

If any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course or any collection of water, is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance and which is situated within a distance of one hundred yards from any building used as a dwelling house, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off in the manner prescribed.(Sec 236 KMA)

**Can any individual construct a new tank or pond within the Municipality limits?**

An individual may construct or dig a new tank or pond with the previous permission in writing of the Municipal Council in the manner prescribed. Failing which the Municipal Council may by written notice require the owner or other person who has done such work to fill up or demolish such work in the manner prescribed. (Sec 236 KMA).

**Can the cultivation which is injurious to the public health be regulated?**

The Municipal Council, on the report of Director of Public Health, the Health Officer, or the local Medical Officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipal area is injurious to the public health may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious. However, when such cultivation or irrigation has been practised during the five years preceding the date of such public notice, it shall pay compensation from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.(Sec 237 KMA)

**What action shall be taken, if offensive manure or other substances is stored or is being used?**

Only with the written permission of the Municipal Council nightsoil or other manure or substance emitting an offensive smell may be stored or used in the prescribed manner, failing which the wrong doer shall be punished with fine which may extend to twenty-five rupees. (Sec 238 KMA)

**Can action be taken against stray cattle?**

Whoever tethers cattle or other animals in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.( Sec 239 KMA)

**Can action be taken against feeding animals on filth?**

Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed on such matter, shall be punished with fine which may extend to fifty rupees.( Sec 240 KMA)

### **Can action be taken to control smoke emanating from the furnaces?**

The Municipal Council may issue notice to the owner or occupier of the furnace directing that every furnace employed shall emit the smoke within the limits prescribed by it. Failing which he shall be punished with fine which may extend to fifty rupees and upon any subsequent conviction with fine which may extend to five hundred rupees. However , it shall not be applied to the locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.( Sec 241 KMA)

### **Which act is considered as nuisance?**

Where any person in any public street or public place -

- Eases himself; or
- loiters or begs importunately, for alms; or
- exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or
- carries meat exposed to public view; or
- without proper authority pickets animals, or collects carts; or
- without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or
- without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing; or
- without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder; or
- makes any grave or burns or buries any corpse at any place not set apart for such purpose; or
- at any time or place at which the same has been prohibited by the municipal council by public or special notice, beats any drum or TOM-TOM, or blows as horn or trump, or beats any utensil, or sounds any brass or other instrument, or plays, any music; or
- without proper authority disturbs the public peace or order by singing, screaming or shouting, or by using any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or lets loose any animal so as to cause, or negligently allows any animal to cause injury, danger, alarm or annoyance to any person; or
- save with the written permission of the Municipal Commissioner or Chief Officer and in such manner as he may authorise, stores or uses night soil, cow-dung, manure, rubbish or any other substance emitting an offensive smell; or
- uses or permits to be used as a latrine any place not intended for that purpose;

Shall, be punished with fine which may extend to one hundred rupees. (Sec 242 KMA)

### **Regulation of goods, merchandise etc., of the market**

#### **What step shall be initiated to establish mall, market, shops, stall etc.,?**

Before establishing an undertaking to carry on any business like mall, market, grocery shop, fruits, flowers and vegetables, or meat, fish, eggs – stall, slaughter house, hotel, restaurant, lodge etc., one shall obtain license from the Municipal Council. Failing which he shall be punished with fine which may extend to twenty-five rupees. On the application of the Municipal Council the Magistrate may pass an order to close it down. Further, he shall be punished with fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed. (Sec 243, 324 KMA).

#### **What step shall be taken to dispose stall or space in the public markets and slaughter house?**

The Municipal Council may sell by public auction or otherwise any stall or space in the public market or slaughter house to the bidders. Even it may authorize the any person to collect rent or fees from such stall or space by lease or private contract, for a period not exceeding one year at a time. With the permission or license of the Municipal Council one may sells or exposes for sale any articles in the said market place by paying the stallage or other rents or fees prescribed. The Municipal Council shall require a person who is in unauthorised occupation of such stall or space to vacate it within the time prescribed failing which he shall be summarily removed from the stall or space apart from imposing penalty. (Sec 244 KMA)

#### **What shall be done if a person, suffering from leprosy or any dangerous disease is involved in the market activities?**

In such event the officer in charge of a market shall prevent the entry to a person who is suffering from leprosy in whom the process of ulceration has commenced, or from any dangerous disease and shall expel him therefrom. (Sec 245 KMA)

#### **Can the slaughter house be established beyond municipal limits?**

With the previous permission of the Deputy Commissioner the Municipal Council may establish slaughter houses, or places for the disposal of carcasses of animals beyond the limits of the municipal area. All provisions of this Act and of bye-laws in force shall apply in this behalf. (Sec 246 KMA)

#### **Can action be taken against the storage or sale of unwholesome articles of food and drink?**

The Municipal Commissioner or Chief Officer or any person authorised by the municipal council in this behalf, may at any reasonable time, enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or used for the slaughter of animals, and examine any article of food or drink or any animal which may be kept therein, and if any article of food or

drink or any animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same. If such article is of a perishable nature, it may be disposed of without the consent of the person in possession. On the production of the animal or article so seized during inspection the Magistrate may direct the owner or person in possession of such article or animal to dispose it in the manner in which it is prescribed and punish the wrong doer with fine which may extend to one hundred rupees. However, if a person who is in possession of any article or animal as a carrier or bailee thereof, is ignorant of its nature shall be exempted from punishment.(Sec 247 KMA)

### **Prevention of dangerous diseases**

#### **What measures shall be taken to Prevent infectious diseases?**

It is the duty of every person to draw the attention of the Municipal Council the moment infectious disease is start off to enable the authorities to act swiftly to prevent it. Thus, the Municipal Council may require the officer concerned of the hospital, factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a infectious disease, to give information of the same without causing delay. It may inspect with or without notice such places and initiate needful action. It may prohibit the removal of water for the purpose of drinking from any well, tank or other place, on the advice of the medical officer, likely to endanger or cause the spread of any infectious disease and may direct the person concerned to admit a person, who is ailing with such infectious disease, to a hospital and forbid the his removal of from the hospital until he recovers. It may provide suitable conveyance for the free carriage of such person. It may require, by written notice, the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or at the expense of the municipal council. It may prohibit any person suffering from any infectious disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharmasala, theatre, market or other place of public resort. With the previous permission of the Magistrate it may destroy any insanitary huts or sheds in which is a stockpile of infectious disease. The Municipal Council may pay compensation to any person who sustains substantial loss by the destruction of such property. Any person who, in a municipal area, disobeys any order of the Municipal Council shall, be punished with fine which may extend to two hundred rupees. (Sec 248 KMA).

#### **What shall be done if there is a serious threat or actual outbreak of infectious disease?**

In such event the Government may, by special notification, declare such area as an 'area of infectious disease'. The Municipal Council shall take following preventive measures without causing any delay to mitigate or suppress such attack -

- Evacuate the person or persons residing, habitually or temporarily, from an infected building or adjacent to such building with the permission of a magistrate;
- Direct the medical officer to examine the patient and suspected person arriving from outside, and disinfect clothing, bedding or other suspicious articles, belonging to such persons for a period not exceeding ten days;
- Prohibit either generally, or by special order, the assembly of any number of persons exceeding fifty, when the District Health Officer or other senior medical or health officer of the district or other medical or health officer is of the opinion that such assembly would likely to become a means of spreading the disease or of rendering it more virulent;
- Disburse compensation to any person who sustains substantial loss by the destruction of any property;
- The Government may by notification at any time, may cancel or modify any limitation, restriction or condition prescribed or cancel any order passed by the Municipal Council;
- If any person knowingly disobeys any order or obstructs any officer or other person acting under the authority of the Municipal Council in this behalf shall be punishable with fine which may extend to one thousand rupees.(Sec 248; 249; 250 KMA)

**What shall be done if the domestic animals are infected with contagious disease?**

The municipal council shall take all necessary measures to regulate such infectious disease the moment it is found among horses, dogs, cattle, sheep or goats etc. (Sec 251 KMA)

**What action shall be initiated to abate the overcrowding of interiors of buildings?**

On the certification of the Medical Officer or Health Officer the Municipal Council may require the owner of the building to abate the number of lodgers, tenants or other inmates of the said building to such extent as prescribed when it considers that the interior of a building is so overcrowded or likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building. Any owner who act in contravention to such requisition shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.(Sec 252 KMA)

**What shall be done if any buildings, or blocks is overcrowded and impracticable to cleanse?**

In such the Municipal Council shall issue a written notice to the owner or occupier, affixing in the conspicuous part, of such building requiring him to either pull down or remove it reasonable time, failing which the Municipal Council or other agency may take step to pull down or remove the said building. It may pay reasonable compensation to the persons who have sustained damage thereby. (Sec 253:268 KMA)

**Can anyone be allowed to make a vault or grave to bury the corpse in the place of worship?**

Generally no one shall be allowed to make a vault or grave, to bury the corpse within the walls or underneath any place of public worship. However, the Municipal Commissioner or Chief Officer, subject to the general or special orders of the Government, may authorise the making of a vault or grave within the precincts of or underneath any place of public worship and the burial of priests, sanyasis or ministers of religion in such vault or grave, or in an existing vault or grave. Whoever contravenes this provision shall be punished with fine which may extend to one hundred rupees. (Sec 254 KMA)

**.What shall be done if the cemetery becomes injurious to health?**

In such a situation, after making an enquiry the Government shall issue a notification, placing reliance on the report of the Municipal Council, directing that such place is remain closed until further orders. The said notification shall be affixed in one or more conspicuous spots in or near the place to which the same relates. Whoever contravenes this direction shall be punished with fine which may extend to one hundred rupees (Sec 255 KMA)

***Nuisances from certain trades and occupations.***

**Can the Municipal Council decline to permit to undertake business or calling in any premises?**

The Municipal Council may decline to continue such license if any person who is carrying on any business or calling in any premises, either without obtaining license or contrary to the terms/ conditions of the license or to the following -

- Any of the purposes specified in Part I of Schedule XIII;
- Any purpose which is, in the opinion of the Municipal Commissioner or Chief Officer dangerous to life, health or property or likely to cause a nuisance;
- Keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof;
- Storing any of the articles specified in Part II of Schedule XIII except for domestic use of any of those articles.(Sec 256 KMA)

**What action shall be taken if any business undertaking like Banking, Cinematograph films, Hair-dressing saloon, Laundry shop, Sweetmeat shop Gold smithy, is to be established in any place?**

Before carrying on any business or calling, specified in Part I of Schedule XIII in any premises, one shall obtain license from the Municipal Council and shall comply the terms and conditions mentioned thereon. The Government may by notification direct that no premises within a distance of two miles of the limits of a municipal area shall be used for any one or more of the purposes mentioned in Part I or II of Schedule XIII except in accordance with the conditions specified in such licence. (Sec 256 KMA)

**What action shall be taken if any person undertakes any such business or professions without obtaining any license or in violation of terms/conditions of the license?**

In such event he shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such contravention is continued after the date of first conviction. Further an application may be made to the Magistrate for the closure of such undertaking apart from preventing him from using such premises for the said purposes. (Sec 256 KMA)

**How much license annual fee shall be levied to the license for having permitted to carry on an undertaking/ calling/ business, specified in Part I of the Schedule XIII?**

No such fee shall exceed five hundred rupees per annum for the commencement and continuance of any such undertaking/ calling/ business. (Sec 256 KMA)

**How can the Municipal Council prevent the undertaking of irritant business-profession in a particular area?**

In this regard the Municipal Commissioner or Chief Officer shall give one month public notice, disclosing his intention, inviting objection from the public, giving opportunity of being heard to the person affected, may declare that no person shall carry on any irritant business in the area specified in the notice. The person who uses any premises for any such the purposes shall be punished with fine which may extend to five hundred rupees. (Sec 257 KMA)

**Can any area within the Municipality limits be reserved for Industrial purposes?**

Yes, however before declaring and reserving any area for the specified industrial purposes the Municipal Council shall give one month public notice of its intention in this behalf, inviting objections from the public and providing opportunity of being heard to the affected persons. The grantee uses the place for any purpose other than those specified in such declaration the Municipal Commissioner or Chief Officer shall prevent him from using it and may be punished with fine which may extend to five hundred rupees.(Sec 258 KMA)

**Can factories be established in crowded localities?**

No one shall establish factory in the crowded localities without the previous written permission of the Municipal Council. Whoever act in contravention to it shall be punished with fine which may extend to five hundred rupees and with further fine which may extend to fifty rupees for every day on which such establishment or contravention is continued after the date of first conviction. (Sec 259 KMA)

**Can a siren or whistle be used for summoning or dismissing workers in any factory?**

Subject to the conditions of the license granted by the Municipal Council any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons

employed. Whoever act in contravention to this provision shall be punished with fine which may extend to fifty rupees.

(Sec 260 KMA)

**What shall be done in regard to any fire mishap in the Municipality limits?**

No one shall set a naked light on or near any building in any public street or other public place in such manner as to cause danger of fire. One shall extend all possible help to the fire-brigade, if burning fire is found, to extinguish it. Using of lights for the purpose of illumination on the occasion of a festival or public or private entertainment is allowed.

(Sec 261 KMA)

**Power connected with drainage, water works, etc.**

**What action can be initiated while supplying water through pipes?**

The Municipal Council shall ascertain the condition of the water so supplied, from time to time, by inspection and analysis at a laboratory approved by the Government in that behalf. Appropriate remedial measures shall be taken if the water is found foul.

(Sec 90 KMA)

**Who has control over all sewers, drains, privies, water-closets, cesspools etc?**

The Municipal Council possess control over all sewers, drains, privies, water-closets, house-gullies and cesspools within the Municipal area. (Sec 193 KMA)

**Can the Municipality construct drains, sewer, etc?**

After giving reasonable notice in writing to the owner or occupier of any land the Municipal Council may undertake any drainage scheme to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street or any place or street, or under any cellar or vault. It shall pay compensation to the person who has sustained damage by such scheme. (Sec 194 KMA)

**What shall be done if If any building or vacant land is underdrained, or not drained?**

The Municipal Council may by written notice require the owner to construct or lay from such building or vacant land a drain or pipe of such size and materials, at such level, and with such fall, if any building or vacant land is at any time underdrained, or not drained to the satisfaction of the municipal council. Until the construction of drain upto the satisfaction of the Municipal Council said building is not fit for occupation.

(Sec 195 KMA)

**Can the owners and occupiers of buildings or vacant lands connect his drain into municipal drains?**



With the written permission of the Municipal Council and subject to the conditions prescribed the owner or occupier of any building or vacant land within the municipal area is entitled to cause his drain to empty into sewers of the municipal council.

(Sec 196 KMA)

**Can the owner of any building or vacant land carry drain through land or into drain belonging to other persons?**

The owner or occupier of any such building or vacant land shall make an application, to the Municipal Commissioner or Chief Officer, seeking permission to connect the drain with any municipal drain by means of a drain to be constructed through the land belonging to or occupied by or in the use of some other person. Thereupon the Municipal Commissioner or the Chief Officer after giving reasonable opportunity to such other person to file objections, if any, and may make suitable order in writing authorising the applicant to carry his drain into, through, or under the said land, or into the said drain subject to the conditions annexed thereon. On the receipt of the order he shall undertake the work at his own cost and paying the rent or compensation, as specified in the order, to the said other person. Work of connecting drains shall be undertaken at any time between sunrise and sunset, causing as little damage as possible. Thereupon, the Municipal Commissioner or the Chief Officer, subject to the control of the standing committee, shall, by written notice require the owner or occupier of the building or vacant land, for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as he may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building. (Sec197:198 KMA)

**Can the Municipal Council ask to - provide or shift or remove the privy, or cesspool, water closet?**

Yes, it can, by written notice, require the owner or occupier of any building or vacant land to - provide privy, or cesspool, water closet or to shift or remove privy, or cesspool, water closets. (Sec 199 KMA)

**Can the employers be asked to provide latrines and urinals?**

The Municipal Council, may, by written notice, require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as it may direct, and keep the same in serene conditions. (Sec 199 KMA)

**Who shall bear the of Cost of altering, repairing and keeping in proper order privies?**

The owners of the land and buildings shall bear the cost of management, alteration, or repair all sewers, drains, privies, water-closets, house-gullies and cesspools within the municipal area when it is constructed at the cost of the Municipal Council. Further it, by written notice, may require the owner to demolish or close any privy or cesspool which is inaccessible for the purpose of scavenging or incapable of being properly cleansed or kept in good order. (Sec 200, 201 KMA)

**What action shall be initiated in respect of sewers, privy, urinal, watercloset etc., unauthorisedly constructed, rebuilt or unstopped?**

The Municipal Council may, by written notice, require the person concerned to demolish, or alter. If he fails to comply it, he shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees. (Sec 202 KMA)

**What action shall be initiated if municipal drains, etc, are encroached?**

Whoever, without the written consent of the Municipal Council, encroaches any drain or sewers vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and it may, by written notice, require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit. (Sec 203 KMA)

**Can sewer, drain, privy etc are subjected to inspection?**

The municipal council or any officer appointed by it for such purposes may inspect any sewer, drain, privy, water closet, house-gully or cesspool, at any time between sunrise and sunset, and may enter upon any vacant lands or buildings with assistants and workmen and undertake required work causing as little damage as may be. The cost of such work may be recovered from the owner of such building or vacant land in the form of tax if he is found responsible for keeping it in bad order or condition. (Sec 204 KMA)

**Can the Municipal council undertake any works for the purpose of drains etc, by suomoto?**

Yes, in this regard a general or special order or resolution shall be passed to sanction the execution of such work at the charge of the municipal fund. Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or vacant lands shall, if supplied, constructed or erected at the expense of the municipal council, be deemed to be municipal property, unless the Municipal Council transfers its interest therein to the owner of such buildings or vacant lands.(Sec 205 KMA)

**What step shall be taken in regard to water supply system?**

The same procedure, as narrated here before for carrying, renewing and repairing drains, shall be applied even to water supply system. (Sec 206 KMA)

**From whom the water supply works shall be executed?**

The work concerning to drainage or water supply shall be done only by a licensed plumber or licensed water supply contractor. Failing which the Municipal Council dismantle such work and punish the person

responsible with fine which may extend to twenty-five rupees. On requisition the information about the plumber or contractor shall be furnished to the Municipal Commissioner or Chief Officer. (Sec 207 KMA)

**What shall be done if anyone destroy or remove or deface building, wall, compound, lamp post?**

Whoever, without the consent of the owner or occupier affixes any poster, bill, placard, or other paper or means of advertisement against or upon any building, wall, board, fence or pale, post, lamp post or the like or destroy, remove, deface or in any way injure or alter the name of the street or number of the house, shall be punished with fine which may extend to twenty rupees. (Sec 211 KMA)

**Can the hedges, trees be removed or trimmed?**

The municipal council may, by written notice, require the owner or occupier of any land to trim or prune the hedges, bordering any public street, not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct any public street or causing damage thereto, or polluting or likely to pollute any public tank, well or other provision for water supply. (Sec 212 KMA)

**License**

**When the publication of advertisement may be prohibited?**

The Municipal Council may prohibit the publication of an advertisement if -

- No written permission is obtained from the Municipal Council
- The advertisement contravenes any bye-laws made under this Act;
- No tax in respect of the advertisement has been paid. (Sec 133 KMA)

**When the permission granted does become void?**

It is as under -

- if the advertisement contravenes any bye-law made under this Act;
- if any material change is made in the advertisement or any part thereof without the previous permission of the municipal council;
- if the advertisement or any part thereof falls otherwise than through accident;
- if any addition or alteration be made to, or in the building, wall, hoarding, frame, post or structure upon or over which the advertisement is exhibited, erected, fixed or retained, if such addition or alteration involves the disturbance of the advertisement or any part thereof;
- If the building, wall, hoarding, frame, post or structure upon or over which the advertisement is exhibited, erected, fixed or retained is demolished or destroyed.

(Sec 134 KMA)

**What action shall be initiated against unlawful advertisements?**

Where any advertisement has been exhibited, in contravention of the provisions of the Act or without the written permission or even after - the expiry of specified period or it became void the Municipal Commissioner or Chief Officer may, by notice in writing, require the owner or the person concerned to remove such advertisement.

(Sec 135; 136 KMA)

**What shall be the content of the license or written permission issued by the Municipal Council?**

They are -

- The date of the grant;
- The purpose and the period (if any) for which it is granted;
- Restrictions or conditions, if any, subject to which it is granted;
- The name and address of the person to whom it is granted; and
- The fee, if any, paid for the licence or written permission.

Such license or written permission shall be issued under the seal and signature of the Officer concerned or the Municipal Commissioner or Chief Officer. (Sec 135; 136 KMA)

**Can the license or written permission be suspended or revoked?**

Any licence or written permission granted may at any time be suspended or revoked by the Municipal Commissioner or the Chief Officer or the officer by whom it was granted, on the satisfaction that it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee is convicted for the contravention of any of the provisions of this Act or any rule or byelaw made thereunder relating to any matter for which the licence or permission has been granted. Before making any order of suspension or revocation reasonable opportunity shall be afforded to the grantee of the licence or the written permission to show cause why it shall not be suspended or revoked;

(Sec 374 KMA)

**Whether the provisions relating to the license or written permission would apply in respect of any property which is in the occupation or under the control of the Central or the State Government?**

No (Sec 377 KMA)

**Whether any license is required for the construction of Bus stands, and bus shelters etc?**

No licence or permission shall be necessary for the Karnataka State Road Transport Corporation in respect of the fixation or erection of posts showing places of stoppage of buses or erection or construction of passenger-shelters, ticket booths and bus stands on any road or land vested in the Municipal Council, when it is done with the previous sanction of the Government. In this regard, the Karnataka State Road Transport

Corporation is liable to pay annual ground rent as per the terms of the agreement to the Municipal Council. However, the provisions of Chapter VIII, Karnataka Municipalities Act, 1964 is not applicable to any market or other premises subjected to the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 and to the area which is coming under the City of Mysore Improvement Act, 1903 (Mysore Act 3 of 1903).

(Sec 378:379:380 KMA)

**Whether the Municipal Council undertake any work within its limits in the interests of the general public?**

It can undertake any such work only when the authorities are of the opinion that the execution of any work is warranted in the interest of the general public. The expenses, in this behalf, shall be paid out of the Municipal Fund. The following Officers is empowered to form opinion in this regard -

<b>City Municipal Council</b>	<b>Town Municipal Council</b>
Director, Directorate of Municipal Administration	Deputy Commissioner

## Chapter -8

### Procurement and Management of Goods And Materials

**Should there be provision for in the budget of the Municipal Council for the procurement of goods and materials?**

The Municipality shall make suitable provisions in the budget, while discharging its duties, for the purchase of goods and materials for varied purposes. Eg: Furniture, books, chemicals, medicines, machinery, tools and equipments and cement, iron etc, for the construction of buildings. These can be divided into 3 parts.

1. Procurement 2. Stock 3. Distribution and delivery

**What are the factors shall be kept in mind while procuring goods and materials?**

The following factors shall be borne in mind, while procuring goods and materials:

1. Right quality 2. Apt quantity 3. Correct source 4. Best price 5. Timely procurement 6. Planning of goods/materials requirement 7. Procurement from such establishment recognised by the government 8. Ensuring the compliance of the Karnataka Transparency in Public Procurements Act, 1999.

**How the goods required shall be procured by Municipal Council?**

Preferably all procurement shall be made only from the government or semi-government Institutions subject to the Karnataka Transparency in Public Procurements Act, 1999 and in the pursuance of the agreement, if any. Procuring of any goods/ materials in accordance with estimated requirement with defined quality, quantity and need of the hour will avoid unnecessary delay in accomplishing the work and accumulation of unwanted goods/materials.

**How the goods or services shall be procured?**

The Goods or services shall be procured only through tenders.(Sec-5 Karnataka Transparency in Public Procurements Act, 1999)

### **To which kind of procurement does the Act apply?**

The Act applies to following two -

1. Construction
2. Supply of goods services

( Rule 3, Karnataka Transparency in Public Procurements Rules, 2000)

### **When the provisions of Karnataka Transparency in Public Procurements Act, 1999 (KTPP Act, 1999) do not apply?**

1. The provisions of this Act in so far as they are inconsistent with the procedure specified in respect of the Projects funded by International Financial Agencies or Projects covered under International Agreements, shall not apply to procurement of goods or services for such project. (Sec.3 **KTPP Act, 1999**)
2. During the period of natural calamity or emergency declared by the Government ;
3. Where the goods or services are available from a single source or where a particular supplier or contractor has exclusive rights in respect of the goods or services or construction work and no reasonable alternatives or substitutes exist. Exclusively for this purpose a committee of three experts shall be constituted, which shall consists of one technical representative of the procuring entity one technical representative of the Government organisation dealing with similar procurement and one representative from a reputed Academic or Research Institution or Non-Commercial Institution having expertise in such line to examine and declare that the goods or services are available from a single source;
4. Where the procuring entity having procured goods, services or technology from a supplier or contractor determines that additional supplies must be procured from the same supplier or contractor for reasons of standardization and compatibility with the existing goods, service or technology;
5. Where the goods or services are procured from certain Departments of Government, public sector undertakings, statutory boards and such other institutions specified by the Government and such goods are manufactured or services are provided by them, for a period not exceeding three years from the date of commencement of this Act;
6. Construction works of all types the value of which does not exceed rupees five lakhs;
7. Goods or services other than construction works the value of which does not exceed rupees one lakh;
8. for the purpose of implementing mini water supply scheme or construction of school rooms and the value of such procurement does not exceed rupees two lakhs;
9. Where the goods or services are procured under rate contracts from the Director General of Supplies and Disposals or from the Stores Purchase Department of the State; and

10. In respect of specific procurements as may be notified by the Government from time to time. (Sec.4, **KTPP Act, 1999**)

**Who shall invite and accept the tender?**

For inviting and accepting tenders for any specified area, specified procurement or specified class of goods or services a separate Committee of Officers may be constituted. The Committee may consist of one or more Officers. (Sec.9, **KTPP Act, 1999**)

**Whether on the basis of previous qualification goods or services can be procured?**

The tender inviting Authority may, by recording the reasons in writing, allow the tenderer to participate in the tender for the supply of goods or services subject to the following conditions -

- Experience and past performance in the execution of similar contracts;
- Capabilities with respect to personnel, equipment and construction or manufacturing facilities; and
- Financial status and capacity.

(Rule-27 KPPP Rules 2000)

**When the 'Two cover' tender can be allowed?**

When the construction or supply and installation of equipment, tenders exceeding Rs. 50 lakhs in value where the prequalification procedure or Turn Key Tender System are not being followed the tender inviting authority shall follow the two -cover tender system. The first cover shall contain the following information about the tenderer –

- Experience and past performance in the execution of similar contracts;
- Capabilities with respect to personnel, equipment and construction or manufacturing facilities; and
- Financial status and capacity
- any other information considered relevant.

The second cover shall contain the prices quoted by the tenderer. The tender inviting authority shall first open the first covert and evaluate the tenderer's capacity on the basis of criteria specified in the tender document and on this basis, prepare a list of qualified tenderers. Thereafter, it shall open the Second cover containing the price quotations of only those tenderers found. The tender inviting authority shall follow the procedure outline in rule 25 and 26. (Rule-28 KPPP Rules 2000)

**What are the duties of the Tender Inviting Authority?**

The duties of the Tender Inviting Authority are as under –

- To take out notice inviting tenders at the behest of the Procurement Entity in the prescribed manner;



- To communicate the notice inviting tenders by marking a copy thereof to the Tender bulletin Officer concerned immediately after issue of the notice;
- To cause publication of notice inviting tenders in the prescribed manner; and
- To supply the Schedule of Rates and Tender Documents to every intending tenderer who has applied to get such documents. ( Rule 12 KTPP Rules 2000 )

### **Can the tender be scrutinised?**

Yes, the Tender Scrutiny Committee can scrutinize the tenders above five crores in the case of the Public Works, Irrigation and Minor Irrigation Departments of the Government and above rupees one crore in other cases. The Tender Accepting Authority may constitute a Tender Scrutiny Committee consisting of such persons as it deems. (Sec 12 KTPP Act1999)

### **Who shall be the Tender Bulletin Officer?**

The Government may designate an officer not below the rank of a Deputy Secretary to Government of the concerned department as the State Tender Bulletin Officer for the State in respect of that Department where the procurement of that department covers more than one district. Deputy Commissioner of the District shall be the District Bulletin Officer. (Sec 2 (k): 7 KTPP Act1999)

### **What are the functions of the Bulletin Officer?**

The Bulletin Officer shall publish District/ State Tender Bulletin at least once in every week. The Tender Bulletin Officer shall include all notices inviting tenders and intimations of acceptance of tenders received upto forty eight hours prior to the actual publication of the bulletin. In case of urgency they may publish an extraordinary issue of the tender bulletin. The copy of the Tender bulletin shall be sent to the concerned office of the Government department, local authority statutory board, public sector undertaking, university or cooperative institution. (Sec 4, 5, KTPP Act1999)

### **What kind of information shall be provided to which type of Tender Bulletin?**

Relaying on the value of the goods or services to be procured the decision shall be made concerning to what information shall be given to which Bulletin, thus -

<b>Sl.No.</b>	<b>Value of materials/ service procured</b>	<b>Bulletin</b>
a)	exceeds rupees ten crores	Indian Tender Journal
b)	one rupees crore and above	State Tender Bulletin
c)	Less than rupees one crore	District Tender Bulletin

In addition to the publication in the Bulletin the notice inviting tender shall be published in the newspapers and be affixed on the notice boards in the District Offices.

(Rule 8 and 10 KTPP Rules 2000)

**What shall be the content of notice inviting tenders?**

They are as under –

- (a) The name and address of the procuring entity and the designation and address of the Tender Inviting authority;
- (b) Name of the scheme, project or programme for which the procurement is to be effected;
- (c) The date upto which and places from where the tender documents can be obtained;
- (d) The amount of earnest money deposit payable;
- (e) The last date and time for receipt of tenders;
- (f) The date, time and place for opening of tenders received; and
- (g) Any other information which the Tender Inviting authority considers relevant.

(Rule – 9, KTPP Rules 2000)

**What technical points the tender document shall contain?**

The technical specifications contained in the tender documents shall include a detailed description of what is proposed to be procured. It shall be Unbiased. The Use of brand names and catalogue numbers shall be avoided and where it becomes unavoidable, along with the brand name the expression "or equivalent" shall be added. Wherever possible the appropriate Indian Standards with the number shall be incorporated. In the case of construction tenders, detailed estimates shall be prepared by the competent technical authorities based on the schedule or rates and standard data as revised from time to time.

The tender documents may be sent by registered post or courier to any prospective tenderer who makes a request for the documents on payment of cost along with postal charges at his risk and responsibility by the Tender Inviting Authority.

(Rule- 11, 13 KTPP Rules 2000)

**What are the commercial conditions be incorporated in the tender?**

They are as under -

- The method of payment of earnest money - The tender documents shall clearly state that any tender submitted without depositing the earnest money by means of a demand draft, bankers, cheque, be summarily rejected.
- Irrevocable bank guarantee.
- The tender documents shall specify the period for which the tenderer can hold the prices offered in the tender valid. The initial period of validity shall not be less than ninety days.

- The tender documents and the contract shall include a clause for payment of liquidated damages and penalty payable by the tenderer in the event of non-fulfilment of any of the terms or whole of the contract.
- The tender documents shall indicate the quantity proposed to be procured in the tender, and the Tender Accepting authority shall be ordinarily permitted to vary. The quantity finally ordered only to the extent of twenty five percent either way of the requirement indicated in the tender documents.  
(Rule -12 KTPP Rules 2000)

### **How much time shall be given for the submission of tender?**

The minimum time allowed for the submission of tender depends on the value of goods or services to be procured, is as follows -

<b>Value</b>	<b>Period</b>
Up to Rs two crore	30 days
Rs Two crore and above	60 days

The time begins to run from the date of publication of the Notice Inviting Tenders in the relevant tender Bulletin. (Rule 17 KTPP Rules 2000)

### **Who shall open the tender?**

The Procurement entity may authorise either the Tender Inviting Authority or the Tender Accepting Authority or any other Officer to open the Tenders and draw up a list of Tenderers responding to the notice inviting tender, in each case.

(Sec 11- KTPP Act 1999)

### **What are the duties of the Tender Accepting Authority?**

They are as follows -

- a. The Tender Accepting Authority shall, after following such procedure as may be prescribed pass order accepting the tender and shall communicate the information relating to acceptance of tender together with a comparative analysis and reasons for accepting of tender to the procurement entity and the Tender Bulletin Officer. (Sec 14- KTPP Act 1999)
- b. The Tender Accepting Authority may, at any time before passing an order of acceptance, reject all the tenders on the ground of changes in the scope of procurement, failure of anticipated financial resource, accidents, calamities or any other ground as may be prescribed which would render the procurement unnecessary or impossible and report the same to the Procurement Entity.

(Sec 14- KTPP Act 1999)

### **When the tender shall be opened and what procedure shall be complied with?**

The tender shall be opened on the date, time and place mentioned in the Notice Inviting Tenders. Following procedure shall be complied while opening the tender -

- All the envelopes received containing tenders shall be counted;
- All the tenders received in time shall be opened;
- A record of the corrections noticed at the time of the bid opening shall be maintained;
- The name of the tenderers and the quoted prices should be read out.
- The fact whether earnest money deposit has been made and other documents required have been produced may be indicated, but this shall be merely an examination of the documents and not an evaluation;
- Minutes of the tender opening shall be recorded. The signatures of the tenderers present shall be obtained unless any of the tenderers or his representative refuses to sign the minutes. (Sec 11 KTPP Act 1999 Rule 19 KTPP Rules 2000)

#### **Who shall scrutinize the tender and what shall be looked into at that time?**

Tender Accepting Authority may constitute a Tender Scrutiny Committee. The Tender accepting authority shall constitute the Tender Scrutiny Committee, where the value of tender exceeds rupees five crores in respect of public works, irrigation department and minor irrigation department and one crore in respect of all the other departments. While scrutinizing the tender following factors may be looked into –

- Whether the tenderer meets the eligibility criteria laid down in the tender documents;
- Whether the crucial documents have been duly signed;
- Whether the requisite earnest money deposit has been furnished;
- Whether the tender is substantially responsive to the technical specifications set out in the bidding documents including the testing of samples where required.

The Tender Accepting Authority may reject the tenders when found, on initial examination, that they are not substantially complying the conditions aforementioned. A report in this behalf shall be made to the Tender Accepting Authority. Steps shall be taken to publish the decision taken thereon in the Tender Bulletin. The tenderer aggrieved by an order passed by the Tender Accepting Authority may prefer an appeal to the prescribed authority within thirty days from the date of receipt of the order.

(Sec 10, 14, 16 KTPP Act 1999 Rule 20, 24, 26, 29 KTPP Rules 2000)

#### **How to determine the lowest evaluated price?**

The following factors shall be considered while determining the lowest evaluated price -

- The quoted price shall be corrected for arithmetical errors;
- In case of discrepancy between the prices quoted in words and in figures, lower of the two shall be considered;

- adjustments to the price quoted shall be made for deviations in the commercial conditions such as the delivery schedules. and minor variations in the payment terms which are quantifiable but deemed to be non-material in the context of the particular tender;
- The evaluation shall include all central duties such as customs duty and central excise duty inclusive of local levies as a part of the price.
- In the case of purchase of equipment, the operation and maintenance and spare part costs for appropriate periods as may be specified in bid documents may be quantified, where practicable and considered.

(Rule 25 KTPP Rules 2000)

#### **Can the action be taken against the order of tender acceptance?**

The aggrieved tenderer may prefer an appeal, before the authority designated, against the order of the Tender Accepting Authority within 30 days from the date of the receipt of the order. the authority prescribed may in its discretion allow further time not exceeding 30 days to prefer such appeal. The order of the appellate authority is final. (Sec 16 KTPP Act 1999 Rule 29 KTPP Rules 2000)

#### **What action shall be taken for violation of the Karnataka Transparency in Public Procurement Act 1999/ Rules 2000?**

The wrong doer shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

(Sec 23 KTPP Act 1999)

#### **What precautions shall be taken while distributing goods/materials?**

The precautions to be taken while distributing the goods /materials are as under -:

- Demand: Goods/materials shall be given only on the basis of letter of indent.
- The letter of indent shall contain the details of the work, purpose and the required quantity.
- The goods/materials shall be stocked in such a way to make it convenient to give the first come first deliver basis. and
- The annual stock shall be reviewed.

#### **Who shall carry out the public works of the Municipal Council?**

It shall be undertaken by the Government or by any other agency as specified by the Government only when the Government, on consultation with the Municipal Council, forms an opinion that the work demands professional skills. All other works of the Municipal Council shall be executed by such agency and subject to such supervision as the Municipal Council thinks fit, subject to the rules prescribed in this behalf. When any work is executed for a municipal council by the Government or by any other agency under the orders of the

Government, the expense incurred on such work including the charges for supervision and for tools and plant, unless waived by the Government, shall be paid by the Municipal Council. (Sec 366 KMA)

**What are the factors shall be borne in mind while undertaking the civil works?**

It should be seen whether approval/ sanction has been obtained for the said works:

- Budgetary Provisions
- Administrative approval
- Grant
- Technical approval
- Inviting tender and acceptance.

(ಖಂಡಿಕೆ 3, ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಪೌನಿ: ಉ.ನಿ: ಕಾಮಗಾರಿ: ಸುತ್ತೋಲೆ:88:2002-03 ದಿನಾಂಕ 19.08.2002)

**What procedure shall be followed while concluding an agreement with respect to Works or supply of goods/materials?**

When the value of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees, the Municipal Commissioner shall give notice by advertising in the local newspapers, inviting tenders for such contract at least seven days before entering into any contract. He may accept the most advantageous tenders and reject the rest which are submitted to him. He may enter into a contract without inviting tenders or without accepting any tender when the Municipal Council authorised him, in this regard, for reasons which shall be recorded in its proceedings. He may require security for the due performance of every contract.

(Sec72, 347,348, KMA)

**What aspects shall be considered while inviting tenders?**

The Karnataka Transparency in Public Procurements Act, 1999 and Rules,2000, shall be strictly adhered when the value of any civil work, procurement of goods and services is more than Rs. 5000/-. (Sec 72 KMA, ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ ಪೌನಿ/ತಾಂತ್ರಿಕ/ಟೆಂಕ/ಸುತ್ತೋಲೆ/92/2004-05 ದಿನಾಂಕ: 02.11.2004)

**What action shall be taken in regard to the works to be carried out by the Public Works Department?**

In this regard the Municipal Council shall send a letter to the Executive Engineer or the Assistant Executive Engineer concerned detailing the nature of work, agenda of the meeting and the decision likely to be arrived at. In case of emergency these formalities need not be complied with but reasons shall be recorded in this behalf.

(Sec 60 KMA)

**Can the works be entrusted on piece contract?**

Under any circumstances or for any reason, the works shall not be entrusted on piece contract. Correspondingly, in any situation, any work shall not be divided into two or more works. In case of such division no administrative and technical approval shall be given. (ಖಂಡಿಕೆ 8, 12, ಅದೇ ಸುತ್ತೋಲೆ ದಿನಾಂಕ: 19.08.2002; ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ನಅಇ 136 ಸಮನ್ವಯ 2001:ದಿನಾಂಕ 10.07.2001)

**Can the tenders be received by hand?**

No. The contractors shall submit, the duly filled in, tender forms by dropping it in the Tender box kept in the office. On the expiry of the last date and time of submission of tender the officer concerned shall seal the tender box putting his signature and official stamp with date. (ಖಂಡಿಕೆ 13(ii), ಅದೇ ಸುತ್ತೋಲೆ ದಿನಾಂಕ: 19.08.2002)

**What are the documents the 'work file' shall contain?**

They are as follows -

- The Xerox copy of the letter approved in the Work Action Plan;
- The approved estimation list;
- Administrative estimation list;
- Tender Notification;
- Copy of the Work Order;
- Date of completion of work and report on the work completion;
- Photographs of three stages of the completion of works- i.e. Photographs before the commencement of work, during the work in progress and after its completion; and
- All correspondence related to the work.

(ಖಂಡಿಕೆ 17, ಅದೇ ಸುತ್ತೋಲೆ ದಿನಾಂಕ: 19.08.2002)

**What steps shall be followed before procuring required goods/materials?**

Before procuring any goods/material, an approval of the Municipal Council shall be obtained to the proposal. The proposal shall contain the following –

Sl. No	Particulars of the goods/Material	No's/quantity procured in the preceding 3 years	No's/quantity of goods/Material in the current stock	No's/ quantity for the quarter of the current year	Value of the minimum quantity to be procured	To be procured
1	2	3	4	5	6	7

(ಖಂಡಿಕೆ 19, ಅದೇ ಸುತ್ತೋಲೆ ದಿನಾಂಕ: 19.08.2002)

### Which Authority can give administrative approval for the works?

According to the Karnataka Municipalities (Plan and Preparation of Estimate and Execution of Works) Amendment Rules 2002, (ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂ: ಯುಡಿಡಿ.92ಟಿಎಂಎಸ್/2004 ದಿನಾಂಕ: 16.11.2004) it is as under -

Sl No	Urban Local Body	Jurisdiction to accord administrative approval				
		Government	Directorate of Municipal Administration	Deputy Commissioner	Urban Local Body	
1	City Municipal Council	Rs. 2 crore	More than Rs 1 crore to Rs 2 crore	Above Rs 30 lakh to Rs 1 crore	Up to Rs 30 lakhs	In every case
2	Town Municipal Council	Rs. 2 crore	More than Rs 1 crore to Rs 2 crore	Above Rs 15 lakh to Rs 1 crore	Up to Rs 15 lakhs	In every case
3	Town Panchayat	Rs. 2 crore	More than Rs 1 crore to Rs 2 crore	Above Rs 5 lakh to Rs 1 crore	Up to Rs 5 lakhs	In every case

### What is the method for opening the tender?

On the receipt of tenders, of every work, the Tender Opening Officer shall open it in the presence of all the tenderers or their representatives and put his signature along with the date by recording as –‘I have opened the tenders’. He shall read out the percentage wise rates of the tenders received and shall put his signature aside of the corrections or overlap, if any. Certification shall be made on the first page of the tender book mentioning that whether the same rates have been quoted in the original and the duplicate copies of the tender. Percentagewise and item wise comparative statement of work shall prepared in accordance with the form detailed in annexure -7 and annexure -8 respectively. (ಖಂಡಿಕೆ 13(viii,ix), ಅದೇ ಸುತ್ತೋಲೆ ದಿನಾಂಕ: 19.08.2002)

### What particulars shall be provided while submitting the tender for approval?

They are as under -

- Name of the tenderer/contractor;
- Class of the contractor and details of renewal for the current year;
- Whether EMD been remitted or not, if yes, particulars regarding as to the mode of payment of money;
- Certification letter certifying that the rates mentioned in the original and the duplicate are identical and the rates are written both in words and in digit.

(ಖಂಡಿಕೆ 13(x), ಅದೇ ಸುತ್ತೋಲೆ ದಿನಾಂಕ: 19.08.2002)



**When the Work Order to commence the works shall be given?**

The work order shall be given, subject to the rules, after the approval of tender and conclusion of contract with the approved contractor on a stamp paper of proper value.

(ಖಂಡಿಕೆ 14, ಅದೇ ಸುತ್ತೋಲೆ ದಿನಾಂಕ: 19.08.2002)

**Can the public express their opinion on the execution of work?**

Opinion of the public of the locality about the quality of every work shall be recorded, when it is- in progress, about to be completed and completed. The complaint, opinion and suggestions of the public as to the execution of road, drainage, and asphaltting of roads, which have been already completed, shall be recorded in a register and information shall be provided regarding the action taken in this behalf.

(ಖಂಡಿಕೆ 16, ಅದೇ ಸುತ್ತೋಲೆ ದಿನಾಂಕ: 19.08.2002)

**Whether the photograph is required to be taken regarding the execution of work?**

Yes, photographs of every work shall be taken, and documented, before its commencement, when it is in progress and on its completion. Minimum 3 and in toto 10 photographs shall be made available at every stage.

(ಖಂಡಿಕೆ 15, ಅದೇ ಸುತ್ತೋಲೆ ದಿನಾಂಕ: 19.08.2002)

**What are the limits of expenses to be made on various subjects by the Municipal Council?**

They are as under -

Sl. No	Items of expense	Town Panchayat and Town Municipality	City Municipality	Deputy Commissioner	Director of Municipal Administration
1	2	3	4	5	6
1	Expenditure for journeys performed outside the State but Within India	-	-	-	Full powers
2	Expenditure to alleviate distress caused by accidental fire or floods	Rs. 5,000 in each case	Rs. 20,000 in each case	Full powers	Full powers
3	Grants for reading rooms, Libraries, Educational and medical Institutions.	Rs. 10,000 in each case	Rs. 10,000 lump sum grant in each case per annum	-	Full powers
4	Purchase of stationery	Rs. 50,000 annually	Rs 1,00,000 annually	Full powers	Full powers
5	Expenditure in connection with the prevention and	Rs.50,000 annually	Rs 1,00,000 annually	Full powers	Full powers

	suppression of epidemics				
6	Contribution towards District, State or Inter-State Conferences relating to Local Self Government	Rs.50,000 annually	Rs 25,000 annually	Full powers (For district level Conferences)	Full powers (For State or Inter-State level Conferences)
7	Contribution to Conference and movements whose objects , include medical relief, education, improvement of sanitation and Public safety and convenience	Rs.5000 annually	Rs 25,000 annually	Full powers	Full powers
8	Payment of rewards for detection of smuggled goods	Rs.5,000 in each case	Rs20,000 in each case	Full powers	Full powers
9	charge for printing in private press	Rs.20,000 per annum	Rs.100,000 per annum	Full powers	Full powers
10	Payment of rent for occupation of building for Municipal purposes for short term not exceeding one year the whole	Rs.5,000 per month	Rs.10,000 per month	Full powers	Full powers
11	Expenditure for employment of conservancy carts for the removal of street rubbish or for carrying on any other bonafide work of the Municipality for a period no exceeding two years on the whole	Rs.5,000 Per month on each item of work	Rs.10,000 Per month on each item of work	Full powers	Full powers
12	contribution to the Indian Red Cross Society and Scout movements	Rs.5,000 Per annum	Rs 10,000 Per annum	Full powers subject to the budget provisions having made in the UKB budget	Full powers
13	Grant of scholarships	Rs.500 Per annum in each case	Rs 1000 Per annum in each case	Full powers	Full powers
14	Law Charges	Full powers as per approved rates	Full powers as per approved rates	-	-
15	Expenditure in connection with National celebrations like	Rs 5,000 in each case	Rs 15,000 in each case	Full Powers	Full Powers

	Republic Day, Independence day Mahatma Gandhi's Birthday and such other celebrations as may be notified by the State Government for this purpose.				
16	Contributions to exhibitions Within Municipal limits	Rs 5,000 Per annum	Rs 25,000 Per annum	Rs 50,000 Per annum	Full Powers
17	Expenditure for receptions or for presentation of address provided that no expenditure be incurred for purchase of caskets for presentation of address	Rs 300 for every occasion	Rs 500 for every occasion	Full powers but subject to the budget provision of ULBs	Full Powers
18	Expenditure on laying of foundation stone for water works, roads, buildings and opening ceremonies, has been made in the estimate of the scheme	Rs 1000 for each case	Rs.2000 for each case	Full powers	Full powers
19	tea and light refreshment charges at meetings of the Municipal Council and its committee	Rs 1000 in each case	Rs 2000 in each case	Full powers	Full Powers
20	Purchase of car, van, jeep, road roller, tractor or other vehicles or mechanical equipments	-	-	Full powers for hiring vehicles	Full powers
21	Major overhauls and repairs of vehicles and other machinery	Rs 10,000 in in each case	Rs50,000 in each case	Full powers	Full powers
22	conducting of exhibition, fair, etc.	Rs 10,000 Per annum	Rs 10,000 Per annum	Full powers	Full powers
23	Making contributions to Sports Clubs, fine arts associations and Other cultural and literary associations	Rs. 5,000 in each case	Rs. 5,000 in each case	Full powers to the Town Panchayats and Town Municipalities subject to the budget provision in ULB's budget	Full Powers
24	Purchase of furniture	-	-	Full powers	Full powers

(Rule 3, Karnataka Municipalities (Powers on expenditure) Rules, 1986, ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಯುಡಿಡಿ 01 ಟಿಎಂಎಸ್ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 03. ಫೆಬ್ರವರಿ.2004)

### When any work can be executed?

After obtaining the technical approval from the Authority concerned a work can be executed. (Rule 8, Karnataka Municipalities (Preparation of Plans and Estimates and Execution of Municipal Works) Rules, 1966)

### Who shall grant technical approval for the Works of the Municipal Council?

They are as follows -

Sl No	Name of the Officer	Approximate Expenditure
1	Chief Engineer, PWD	More than Rs.1 crore in each case
2	Superintend Engineer (technical) Directorate of Municipal Administration	Up to Rs. 1 crore in each case
3	Executive Engineer concerned, District Urban Development Cell	Up to Rs 50,000 lakhs in each case
4	Assistant Executive Engineer, serving in the City Municipality or Urban Development Cell	Up to Rs 10 lakhs in each case
5	Assistant Engineer, Municipalities	Up to Rs.20,000
6	Junior Engineer, Municipality	Up to Rs 10,000 in each case

(Rule 8, Karnataka Municipalities (Preparation of Plans and Estimates and Execution of Municipal Works) Rules, 1966)

### Who shall approve the plans and estimates?

They are -

Sl. No	Approving Authority	Authority to execute the work			
		Govt. or its agency	City Municipal Council	Town Municipal Council	Town Panchayat
1	Municipal Council	-	Rs 30 lakhs in each case	Up to Rs 15 lakhs in each case	Up to Rs 5 lakhs in each case
2	Deputy Commissioner	Upto Rs 1 crore in each case	Rs. 30 lakhs to Rs. 1 crore in each case	Upto Rs 1 crore in each case	Upto Rs 1 crore in each case
3	Directorate of Municipal Administration	Rs 1 crore to 2 crore in each case	Rs 1 crore to 2 crore in each case	Rs 1 crore to 2 crore in each case	Up to Rs 1 crore in each case

4	Government	above Rs 2 crore in each case	above Rs 2 crore in each case	above Rs 2 crore in each case	above Rs 2 crore in each case

(Rule 8, Karnataka Municipalities (Preparation of Plans and Estimates and Execution of Municipal Works) Rules, 1966)

**Can the Municipal Council conclude a contract to - procure goods or services or execute any work?**

While concluding any such contract the approval of the authority, mentioned below, shall be obtained -

Municipalities	Approval Authority		
	Government	Director, Municipal Directorate *	Deputy Commissioner**
City Municipal Council	Above Rs. 2 crores	Rs.1 crore - 2 crore	Rs 30lakh - Rs 1 crore
Town Municipal Council	Above Rs. 2 crores	Rs.1 crore - 2 crore	Rs 30lakh - Rs 1 crore
Town Panchayat	above Rs 2 crore	Rs. 1 crore - 2 crore	Rs 30lakh - Rs 1 crore

When the value of the estimate of each work, procurement of goods/ material or service does not exceed, in case of City Municipal Council, Town Municipal Council and Town Panchayat respectively, Rs 30 lakhs, Rs 15 lakhs and Rs 5 Lakhs , the respective Municipal Council may execute such work or procurement by complying tender process on its own, subject to the condition that the tender rate shall not exceed 8% of the sanctioned estimate.

- \*Subject to the conditions that the tender rate shall not exceed 15% of the sanctioned estimate.
- \*\*Subject to the conditions that the tender rate shall not exceed 12% of the sanctioned estimate

(Rule -2 Karnataka Municipalities (Limitation on the Powers of Contract) Rules, 1966, ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆಯಡಿ 59 ಟಿಎಂಎಸ್ 2004 ದಿನಾಂಕ: 16. ನವೆಂಬರ್.2004)

**Whether technical approval is required for any work to be undertaken by the Municipal Council?**

Technical approval, from the Officers mentioned below, is required when the cost of any original work exceeds Rs. 20,000 -

Name of Officer	Estimated Cost
Municipal Engineer of the rank of an Executive Engineer of the Public Works Department, Command Area Development and Electricity Department.	Not exceeding Rs.20,000 in each case
Municipal Engineer of the rank of an Assistant Executive Engineer of the Public Works Department, Command Area Development and Electricity Department.	Not exceeding Rs.5,00,000 in each case
Engineer sub-ordinate of the rank of an Assistant Engineer of the Public Works Department, Command Area Development and Electricity Department	Not exceeding Rs.2,00,000 in each case

(Rule 8, Karnataka Municipalities (Preparation of Plans and Estimates and Execution of Municipal Works) Rules, 1966)

**What action shall be taken to execute the emergent works - utilizing the Open Fund Grants of the State Finance Commission (SFC) - in an effective, efficient and qualitative manner within the scheduled?**

After adopting a resolution and securing the assent of the Deputy Commissioner the Municipal Council may execute the work on hand in time through the Engineering Department, Zilla Panchayat/ Karnataka Land Army which is having expertise and competency. The Karnataka Transparency in Public Procurements Act, 1999 and Rules, 2000, shall be strictly adhered in this behalf.

(ಆದೇಶ ಸಂಖ್ಯೆ ನ.ಆ.261 ಜಿಇಎಲ್.2009, ದಿನಾಂಕ: 21.02.2009)

**Who shall accord technical approval to the work estimate, up to Rs. 50 lakhs, in the absence of recruitment of an Executive Engineer at the District Urban Development Cell?**

In such circumstances the technical approval shall be obtained from the nearby District Urban Development Cell, which has an Executive Engineer.

(ಆದೇಶ ಸಂಖ್ಯೆ ನ.ಆ.ಇ.02 ಜಿಇಎಲ್.2009, ದಿನಾಂಕ: 20.01.2009)

**What action shall be initiated by the Municipal Council to ensure the execution of any work and the quality of the materials being used?**

In such situations the following steps may be initiated -

- The Urban Local Bodies shall put all works to be undertaken/ all goods- materials to be procured under SFC Grants, 12th Commission Grants including the Municipal Fund to the third party scrutiny.
- With a view to have good quality of supervision the Deputy Commissioner shall invite tenders from the reputed agencies through the District Urban Development Cell to designate Third Party Scrutinizing Agency and pass an order of appointment within the prescribed fee limits.
- Initially the term of office of such agency shall be of one year.
- If the performance of such agency is satisfactory, the term of office of such agency may further be extended, on the basis of the report of the Urban Local Body, for two years subject to the scrutiny fee agreed upon here before.

- Number of minimum visit by the Third Party Scrutinizing Agency to the work spot and the scrutiny fee shall be commensurate with the value of the work, i.e.

SI No	estimation of the work	Number of minimum visit	Maximum scrutiny fee that can be accepted in the tender ( including all taxes)
1	Up to to Rs 2 lakhs	One visit on the completion of the work	0.5% of the sanctioned estimation
2	Rs 2 lakhs to Rs 10 lakhs	First visit to scrutinize the materials at the commencement stage of works and second visit on the completion of the work.	0.7% of the sanctioned estimation
3	Exceeding Rs 10 lakhs	First visit to scrutinize the materials at the commencement stage of the work, second visit when the work is in progress and third visit on the completion of the work.	0.8% of the sanctioned estimation

- The number of visits stipulated above is the minimum. However, the number of visits payable may be increased at the time tender.
- On the identification and reporting of any defects by the Agency the Urban Local Bodies shall not make the payment against the bill unless they are cured.

(ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ನಅಇ 21ಜಿಇಎಲ್ 2009 ದಿನಾಂಕ 11.02.2009)

#### Can Security Deposit be taken from the Contractor?

On the acceptance of tender and entrustment of work to a contractor, a security deposit equal to 7 ½ % of the total estimated cost shall be taken from him to ensure due performance of contract, subject to recovery of –

- 2 ½ % of the estimated cost as EMD at the time of tender; and
- 5% of the estimated cost at the time of payment of work bills.

(Rule 21, Karnataka Municipalities (Preparation of Plans and Estimates and Execution of Municipal Works) Rules, 1966)

#### Can an agreement be concluded with the Contractor for the execution of work?

To ensure the due performance of the contract an agreement shall be made with the contractor asking him to bring the stamp paper when the estimated value of the work is as under -

Municipalities	Estimated value of the Work
City Municipal Council	Above Rs 500
Town Municipal Council	Above Rs 200
Town Panchayat	

(Rule 22, Karnataka Municipalities (Preparation of Plans and Estimates and Execution of Municipal Works) Rules, 1966)

## Chapter 9

### Municipal Audit and Financial Administration

#### How the books of accounts shall be maintained by the Municipal Council?

It shall be maintained by using the double entry system of bookkeeping and following the accrual system of accounting. (Rule 3, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### What are the funds the Municipal Council shall maintain?

They are:

1	General Fund	All activities which do not fall under the heads mentioned below.
2	Water Supply and Sewerage Fund	Provisions for supply of water and sewerage systems.
3	Enterprise Fund	All activities of commercial nature which can generate surplus over costs or recover costs e.g. municipal shopping complex or layout development.

(Rule 4, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### How the accounts of the Municipal Council Fund shall be maintained?

It is thus -

- All vouchers shall be prepared separately for each fund.
- Separate bank accounts shall be maintained for each Fund. If maintenance of separate bank accounts for each Fund is found hard, then the transaction may be made by maintaining single bank account with the approval of the Director of Municipal Administration. In such case the Municipal Council shall follow the inter-fund transfer procedures as may be prescribed by the Government.
- In case any receipt or payment is transacted in another fund's bank account, it shall be treated as an 'inter-fund transfer' and accounted accordingly.

(Rule 4, Karnataka Municipalities Accounting and Budgeting Rules, 2006)



### **How to identify the accounting entries?**

Accounting entries shall be identified with a standard Chart of Accounts, it runs thus -

- Fund Code,
- Function Code
- Account Code

The account code has been further classified into four divisions they are –

1. Major code,
2. Minor code,
3. Sub-minor code and
4. Detail code.

These codes are indicated through following Schedules -

- (a) Schedule IVA, in respect of income account heads;
- (b) Schedule IVB, in respect of expense account heads;
- (c) Schedule IVC, in respect of liability account heads;
- (d) Schedule IVD, in respect of asset account heads.

(Rule 5, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **In Which language the books of account and records of the Municipal Council shall be maintained?**

The books of account, forms and registers shall be maintained in Kannada. However, the headings or titles may be both in Kannada and English and the figures may be in Hindu Arabic numerals. (Rule 9, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **Which are the Books of Accounts the Municipal Council shall maintain?**

It includes -

- i) Cash Book;
- ii) Bank Book;
- iii) Journal Book; and
- iv) General Ledger and Sub ledger.

(Rule 9, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **How the Corrections in accounts shall be effected?**

Any correction in an entry passed in the books of account shall be authorised by the head of the office or by an officer duly authorised by him and effected only through another rectification entry. Any correction or alteration in the forms or registers shall be made in red ink and attested by the dated initials of the head of office or the authorised officer. All corrections and alterations in bills and vouchers shall be similarly attested by the Officer drawing the bill or person preferring the claim, while those in the pay orders shall be similarly attested by the Officer signing them. No erasures shall be made and no document with an erasure shall be

accepted. No correction or alteration in figures in the receipts shall be made. Whenever errors occur in writing up of receipts, copies of all such receipts shall be cancelled and preserved. (Rule 18, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

**On what basis the revenue shall be accounted?**

All items of revenue which fulfil the following criteria shall be taken as income on accrual basis:

- a. The income is earned or the right to receive it is established;
- b. The amount due is determined or determinable; and
- c. No significant uncertainty exists about its realisation.

In all such cases, a summary statement of demand raised or income accrued shall be submitted by the concerned department. (Rule 18, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

**How the income accounted on cash basis shall be accounted?**

Incomes which do not fulfil the criteria of accrual, as mentioned above, shall be accounted as and when they are actually collected or received by the Municipality.

(Rule 20, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

**How the receipts and payment of Municipal Fund shall be made?**

All money transactions to which any member, officer or employee of a Municipality in his official capacity is a party shall be remitted in a Government treasury or a nationalised bank account or, with prior permission of the Council, in a scheduled bank's account to the credit of the Municipality. Accordingly, the money required for disbursement shall be drawn from the treasury or banks by cheques. No moneys received on behalf of the Municipality shall be utilised for its expenditure without first being brought into account and remitted into the treasury or banks. (Rule 21, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

**Who owes the responsibility to handle cash and maintenance of accounts?**

As far as possible, cashier shall handle the cash and accountant shall maintain the accounts of such transactions.

(Rule 22, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

**What the Municipal Council shall do against the money received from individuals or Institutions?**

The Municipal Council shall issue receipt against the money or cheque received. The receipts shall be pre-numbered and written up by using double sided carbon paper. The receipt shall be in triplicate. The original receipt shall be given to the payer and duplicate handed over to the concerned department for updation of records or processing. The triplicate shall be maintained in the receipt book and used to write collection register by the person who collects the money. No duplicate or copy of a receipt shall be issued on the

ground that the original has been lost. In case of necessity for such a document, a certificate may be given stating that on a specified day a certain sum on certain account was received from a certain person. (Rule 22, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **Can the Municipal Council accept cheques towards the Municipal dues?**

It can accept the Crossed cheques on local banks subject to realisation. However, it can accept the Demand Draft. The Municipal Council shall maintain a Register of Cheques, demand drafts and bank instruments received. (Rule 23, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **What are the duties of Bill Collector?**

He shall -

- Collection of the Municipal Council tax, excise;
- Issue receipts for having received the revenue, tax etc;
- Make an entry of particulars of receipts in the Collection Register;
- Remit his collections daily to the Cashier before 4.30 PM;
- Take with him his Collection Register as well as the Receipt Books in his charge to the First Grade Revenue Inspector or the Revenue Officer or a staff of the Municipal Council duly authorised to get it verified by him. In case such First Grade Revenue Inspector or Revenue Officer or the authorised staff is not available at the appointed time, he shall first remit the cash to the Cashier on the same day of collection obtaining Cashier's acknowledgement in the Collection register and then get his Collection Register and receipts verified by the First Grade Revenue Inspector or the Revenue Officer or the authorised staff within the closing hours of next working day.

(Rule 25, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **Where the Municipal revenue tax etc shall be paid?**

The citizen or the person concerned may pay the Municipal revenue, tax, etc., to the Bill Collector or in the Office of the Municipal Council or at the designated Banks subject to the directions of the Municipal Council.

(Rule 25,26,27, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **What are the duties of Cashier of the Municipal Council?**

The cashier shall -

- Collect cash from the bill collector or any other employees of the Municipal Council or from private persons at the Municipal Office;
- Issue receipt/endorsement/ acknowledgement;
- Make entries everyday of the cash received in the Chitta and cash book;

- Get verification daily the cash balance in the Chitta and certification to its correctness both in the Chitta and Cash Book from the Manager or the Staff nominated in this behalf by the Municipal Commissioner or Chief Officer as the case may be;
- Remit the cash to the treasury or bank on the very day of collection;
- Not retain cash in hand, without valid reasons;

The Office Manager and the Municipal Commissioner or Chief Officer to verify the Remittance Book on a daily basis and weekly basis respectively to ensure the remittance of cash to the treasury or bank. He shall at least once a month examine in detail the items in the Chitta and the cash books. (Rule 28, 32, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### **How the accounting of collections shall be made?**

The amount collected during the day shall be accounted based on the summary statements, through a receipt/voucher as follows -

1	Cash receipts	Debit in cash book and credit to respective heads of account.
2	Cheque receipts	Debit to cheques in hand and credit to respective heads of account.
3	Direct bank or treasury receipts	Debit to the bank or treasury account and credit to respective heads of account.
4	Any amount collected by the Municipal Council is in respect of future years	It shall be treated as a liability and recorded through an 'advance collection account'. Such amount shall be transferred to income or adjusted with "receivables" in the year when the amount becomes due for payment to the Municipality.

(Rule 30, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### **Where cash balance shall be deposited at the end of each day?**

The cash balance shall be deposited in a strong cash chest at the end of each day. The cash chest shall be secured by two locks of different patterns. The key of one lock shall be in the custody of the Municipal Commissioner or Chief Officer as the case may be, and the key of the other lock shall be in the possession of the Cashier. He may delegate this function to Office Manager, and in the absence of Office Manager to any regular staff not below the rank of a Second Division Assistant. (Rule 30, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### **What action shall be taken by the Municipal Council if the cheque is dishonoured?**

In the event of a cheque being dishonoured by the bank, the fact shall be intimated immediately to the tenderer of the cheque asking him to make payment of such amount in cash or demand draft only. The Accountant shall retain the dishonoured cheque. In such event, necessary entries shall be made in the books of account based on a payment voucher to reverse the effect of the original entry. Appropriate entries shall

also be made in all the registers where such transaction has been posted to reverse the effect of the original entry. e.g.: DCB Register with proper reference to the above mentioned voucher.

(Rule 34, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **What shall be done if Municipal money is misappropriated?**

On the discovery of misappropriation of municipal monies, store or any property the Municipal Commissioner or Chief Officer as the case may be, shall initiate the following action -

- Initiate an enquiry of the offender;
- Immediately report it to the Controller and also to the Deputy Commissioner who shall, in turn report the same to the Director of Municipal Administration;
- Submit complete report, on the conclusion of enquiry, showing the total sum of money misappropriated, the method in which misappropriation was effected and steps taken to recover the monies, cost of stores or property and punish the offenders to the Government through the Deputy Commissioner and Director of Municipal Administration.

(Rule 33, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **How the claims against Municipal Fund shall be made?**

The Municipal Council shall observe the following procedure while honouring a claim against the Municipal Fund -

- The person having a claim against the Municipal Fund shall present a bill at the Municipal Office;
- The Departments or Sections concerned shall examine such bill;
- The bill shall be in order and supported by sanction of the competent authority;
- The bill shall be sent to the Accounts Department along with duly prepared Payment Order;
- The bill shall be submitted, on the satisfaction of all the conditions, to the Municipal Commissioner or Chief Officer as the case may be, with due noting in the note sheet as well as the payment order, for approval;
- When the bills are approved for payment by the Municipal Commissioner or Chief Officer as the case may be, he shall make an order of approval at the foot of the payment order and also in the note sheet of the file and send the bill and payment order along with the file immediately to the Accountant for payment;
- The Accountant shall prepare a payment voucher for both accruable and non accruable expenditure at the time of making payment. He shall also prepare a cheque for the amount payable as per the bill and payment order and submit them to the Municipal Commissioner or Chief Officer or the officer authorised by him for signature.

- On receipt of the cheque duly signed, the Accountant shall issue it to the concerned party after obtaining the signature in the payment voucher or shall immediately remit it to the bank account of the concerned party.
- The Officer and or staff preparing and forwarding the payment order shall be personally responsible for the lapse, if any.

(Rule 33, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### **Within what time the claims against the Municipal Council are claimed?**

All the claims shall be made within one year from the date it becomes due. However, the belated claims may be entertained only when the Municipal Council condone the delay on sufficient cause. (Rule 38, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### **How the Payments from Municipal Funds shall be made?**

All payments from the Municipal Funds shall be made by cheques signed by the Municipal Commissioner or Chief Officer or the officer authorised by him. However, the payments less than rupees five hundred may be paid in cash.

(Rule 38, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### **What steps shall be taken while using cheque for payment?**

It includes -

- Cheque books shall always be kept under lock and key in the personal custody of the Municipal Commissioner or the Chief Officer;
- On relieving the Municipal Commissioner or the Chief Officer he shall take a receipt for the number of cheques made over to the relieving Officer;
- A specimen signature of the relieving officer shall be forwarded to the treasury or banks concerned, under the signature of the Officer relieved;
- On receiving a new cheque book from the treasury or bank, the cheque leaves shall be counted and recorded on the back of the cheque book a certificate that "this cheque book contains \_\_\_\_ leaves";
- The unused cheques shall be verified on a daily basis;
- No signed cheques shall be issued except under exceptional circumstances which shall, in each case, be recorded;
- Every cheque shall be drawn by an Accountant;
- Every cheque may be written either in English or Kannada;
- The stamp 'Account Payee' shall be invariably affixed on these cheques.
- The details shall be written on the counterfoil or record slip or transaction sheet available in the cheque book and initialled by the person who signs the cheque. Using of red ink is desirable.

- Payments to be covered by receipts — Every payment made, either in cash or in cheque, shall be covered by a receipt, stamped, if necessary, and signed by the person to whom the money is due.
- Particulars of the cheque shall be written on the bill and the invoice if the payment is made through cheque. If the payment is made by cash the same shall be recorded;
- The voucher or an acknowledgment of the payment shall be obtained from a person for whom or on whose behalf the claim is put forth.
- The entry for payments shall be made by credit to the cash or bank account;
- If a cheque is cancelled an entry shall be made in the Bank Book by recording the cheque number and the words “cancelled”. The cheque so cancelled shall be preserved;
- If a cheque is lost before payment, a fresh cheque can be issued to the party on after obtaining a certificate from the Treasury Officer or Bank that it has not been paid;
- A fresh cheque may be issued only after the return of stale cheque.

(Rule 41 - 51, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### **How the accounting of property and taxes shall be made?**

On accrual and cash basis, the property and other taxes shall be accrued at the beginning of the year. The demand, collection and balance under property tax shall be monitored through the DCB Register. A suitable adjustment entry shall be passed after the end of the half year. A rebate may be allowed on prompt payment of property tax and shall be treated as an expense in the accounts through a journal voucher. The cess collected on behalf of the Government shall be treated as a liability. (Rule 19, 20, 57, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### **What action can be taken against the Unrealised Taxes?**

At the end of the year it shall be treated as an amount of ‘receivable’ and make provision in the following order -

- (i) 25% of taxes outstanding for more than 2 years, but not exceeding 3 years;
- (ii) 50% of taxes outstanding for more than 3 years, but not exceeding 4 years;
- (iii) 75% of taxes outstanding for more than 4 years, but not exceeding 5 years;
- (iv) 100% of taxes outstanding for more than 5 years.

Above provision is made on an overall basis in the books of account, and no change shall be made in the DCB Register or shall treat it as a reduction of demand or write-off. Action shall be continued to collect the outstanding amounts by legal means..

(Rule 19, 20, 57, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **What shall be done for the maintenance of accounts of taxes, rent, balance etc?**

A register which, head wise like – tax, rent, fees etc, maintains Municipal dues to be paid, the dues recovered and the balance from the assesses is named as Demand, Collection and Balance Register. It shall be updated either at the commencement of the year or throughout the year by the department concerned. In the absence of adequate details about the receipt of any tax, fees or other charges such amounts shall be recorded in a Suspense Register. The department concerned shall then make all efforts to get the details of the amount so received within 15 days of the receipt of the amount, and record the details in the relevant DCB Register, by making suitable remarks in the Suspense Register. Every municipal demand shall be recovered as expeditiously as possible. The Municipal Commissioner or Chief Officer as the case may be, shall review the registers every month and initial them. (Rule 53, 55, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **What shall be done to alter the entries in the Demand, Collection and Balance (DCB) register?**

No entries in any of the DCB registers shall be altered without the express orders of the person authorised to order such change. All such orders shall give reasons for such alterations. These alterations shall always be made in red ink and initialled by the authorised person making such an order. However, in case of clerical errors pertaining to posting of collection figures, necessary alteration can be made by striking out the entered figures in red ink and entering the correct figures in red ink under the initials of the Officer or staff responsible for the posting of the figures. (Rule 54, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **How the Municipal immovable assets shall be accounted?**

Following category wise register shall be maintained for the Municipal land, building and other infrastructural properties e.g. roads, bridges, culverts, drains, etc , movable and immovable assets –

1. Register of Land (KMF NO 44)
2. Register of Land under Roads (KMF NO 44A)
3. Register of Immovable Properties (other than land) (KMF NO 45)
4. Register of Movable Properties (KMF NO 46)

The valuation shall be made by adding depreciation to the value of the of above properties, considering the following -

- a. Fixed assets shall be recorded at historical cost including directly attributable expenses such as freight, insurance etc. for bringing the asset to its working condition.
- b. In case a fixed asset is acquired at a concessional rate, it shall be recorded at the acquisition cost incurred;
- c. In case a fixed asset is acquired free of cost, it shall be recorded at a nominal value of Rupee One

(Rule 86 - 89, Karnataka Municipalities Accounting and Budgeting Rules, 2006)



### **Can the fixed assets of the Municipal Council be revaluated?**

With prior permission of the Director, Directorate of Municipal Administration the Municipal Council may revalue its assets in any of the following cases -

1. Commercial development of the fixed assets is taken up after the land use and architectural control have been approved by the competent authority;
2. At the time of lease;
3. At the time of issue of Municipal Bonds.

However, the revaluation shall be made uniformly to all the assets of the Municipal Council or at least for a complete class of assets of the Municipal Council, but not for any particular asset. Any increase in value of the fixed assets due to revaluation shall be recorded in a 'Revaluation Reserve' account. The portion of depreciation on the re-valued asset which is attributable to revaluation can be set off against the revaluation reserves. (Rule 86 - 89, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **How Municipal Council shall account the establishment costs?**

Pay bills shall be, as far as practicable, prepared distinctly based on functions as shown in the budget, using Function Codes prescribed in Schedule III. The establishment includes both permanent and temporary employees. The Pay of the Establishment of a Municipal Council shall be drawn and paid on the last working day of the month during which it has been earned. However, if the last working day happens to be a Sunday or a public holiday, the pay of the establishment may be drawn and paid on the previous working day. Arrears of pay and all supplemental claims, if any, may be claimed by the employees. Cheques in payment of pay bills shall be drawn for the net amounts payable.

The Pay and other claims due to and claimed on behalf of a deceased municipal employee may be paid without the production of the usual legal authority to the extent of Rs.5,000.00 (Rupees five thousand only) under the orders of the Municipal Commissioner or Chief Officer as the case may be and above Rs. 5,000/- (Rupees five thousand only) under the orders of the Municipal Council and on the execution of an indemnity bond with such surety or sureties by the legal heirs of the deceased. Annual Return of establishment shall be submitted to the Controller, Department of State Accounts. The pay of the establishment shall be made on accrual basis.

(Rule 19, 20, 91 -105, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **What step shall be followed for accounting of stores and other expenses?**

Different registers shall be maintained for different types of stores as classified in the Chart of Accounts prescribed. The following procedures shall be followed for accounting of stores transactions –

1. Material Receipt Note;
2. Material Issue Note;

3. Monthly Summary Statement;
4. Half-Yearly Statement of Closing Stock;
5. In the case of material issued to contractors, Accounts Department shall account the issues on daily basis;
6. Materials issued shall be valued as per the First-in First-Out Method of valuation.

The motor vehicles of a Municipal Council shall be used only with the permission of the competent authority. The movement of each vehicle shall be recorded in a log book. All motor vehicles maintained by the Municipal Council shall be insured.

At the end of each half-year, the department concerned shall prepare a Statement of Bills Pending for Approval in KMF No 60, and send it to Accounts Department for making provision in the books of account. The same procedure shall be followed in case of stamps and stationary stocks. (Rule 106 – 109, 112, 113, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### **What steps shall be taken for accounting advances made to the establishment?**

Advances may be made to a Municipal Council employee up to an amount not exceeding one month's basic pay plus the travelling allowance last drawn. Correspondingly, with the approval of the Deputy Commissioner, the Municipal Commissioner or Chief Officer may sanction permanent advances to meet petty expenses of the office. A step shall be taken to recoup the advances so made and a register of permanent advances shall be maintained. The Register of Advances shall be reconciled with corresponding ledger accounts on monthly basis. At the close of the year, a certificate of balance of permanent advance with the various officers shall be taken and reconciled with the balance appearing in the accounts. (Rule 102, 110, 111, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

#### **How to account the deposits received by Municipal Council?**

The Municipal Council shall maintain a register of deposits, for all deposits received or recovered. Separate sets of pages may, if necessary, be set apart for each of the following classes of deposits –

1. Deposits by tenants or lessees;
2. Deposits by suppliers, contractors' etc;
3. Other deposits.

Accordingly, a separate register of securities and investments are also shall be maintained. Deposits shall be refunded on the expiry of stipulated period or on the accomplishment of the purpose or terms/ conditions. If any deposits remains unclaimed for three consecutive financial years after their refunds have fallen due, will be lapsed. A separate bank account shall be maintained when loans, charitable and other funds are reserved for specific purpose. (Rule 115 - 118, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **How the different financial transactions shall be accounted?**

Reconciliation Statement - The bank books shall be closed daily. The entries in the book shall be compared, item wise, with the entries in the treasury or bank statement. The closing balance, according to the bank books shall be reconciled with the closing balance of the treasury or bank statement on monthly basis. The Municipal Commissioner or Chief Officer or an Officer authorized by him shall adhere the procedures made in this behalf. (Rule 115 - 118, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **How to know the financial status of the Municipal Council?**

Monthly Receipts and Payments Account of not later than 20th day of the subsequent month shall be prepared to provide a comprehensive picture financial status of the Municipal Council. Accordingly, a monthly Trial balance and Consolidated DCB statement including financial statements for each year shall be finalized. The Financial Statements shall contain –

1. Receipts and Payments Account for the year;
2. Balance Sheet as on 31st March of the year;
3. Income & Expenditure Account for the year;
4. Significant accounting policies followed in presentation of the financial statements;
5. Notes to Accounts which shall disclose Contingent Liabilities, and such other information as may be useful in understanding the financial statements clearly.

(Rule 123 - 125, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **How to know the functions of the Municipal Council?**

The Municipal Council shall, not later than six months after the end of the financial year, or within such other date as the State Government prescribes publish Annual Performance Report and upload it in its official website. The report shall comprise of the following –

1. City Management Report;
2. Auditor's Report on the Financial Statements;
3. Audited Financial Statements;
4. Cost and Performance Indicators;
5. Budget Variance Statement;
6. discussion and analysis of the financial performance;
7. future plans of the Municipal Council and the projects currently in progress;
8. Explanations for any adverse comments and qualifications, if any.

(Rule 126 - 128, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **When the Financial Statements prepared by the Municipal Council be considered as final?**

The financial statements would be treated as final when it is certified and signed by a Financial Statements Auditor. He will be appointed by the Director, Directorate of Municipal Administration in consultation with the Controller, Department of State Accounts. (Rule 129, 130, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

**What shall be confirmed before making payments out of the Municipal fund?**

One may make payment only after confirming whether the required provision is made in the budget approved or not. Failing which the payment is considered as unlawful.

( Sec 286: 289 KMA)

**Do the above rules apply to all the payments?**

No budget approval is needed to the following payments –

- Refunds of taxes and other moneys which the municipal council is authorised by this Act or the rules made there under to make;
- Repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;
- Sums which the municipal council is required or empowered by this Act, to pay by way of compensation;
- The payment required to be made under sections 307 and 317 by order of the Deputy Commissioner or Government or Director of Municipal Administration and under sections 310, 366 and 367 by order of the Government,
- The payment required to be made under a decree or order of a civil court passed against the municipal council,
- The payment required to be made under a compromise of any suit or other legal proceeding or claim;
- Expenses incurred in the exercise of powers conferred by clause Of section 88 and sections 248, 249 and 251;
- All contributions payable by the municipal council to the Government for the maintenance of water supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal councils and any other local authority or authorities.

(Sec 286 KMA)

**Who shall prepare the Budget and what does it contain?**

The Municipal Commissioner or Chief Officer as the case may be, shall prepare an annual Budget on cash basis. The Budget shall contain the following statements –

1. Estimate of Revenue Receipts;

2. Estimate of Revenue Payments;
3. Estimate of Capital Receipts;
4. Estimate of Capital Payments;
5. Estimate of Extraordinary Receipts; and
6. Estimate of Extraordinary Payments.

(Rule 129, 130, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **What are the aspects shall be considered while preparing the budget?**

It includes –

1. Expected receipts and payments in the current year;
2. All existing liabilities expected to be paid in the current year;
3. Gross receipts and gross payments shall be entered for each head of account in the Budget;
4. The figures mentioned in the Budget shall be based on detailed working sheets showing the basis of arriving at various figures in the Budget Statements;
5. The principal explanations required shall be in connection with the differences between the estimates proposed for the ensuing year and the current year. The explanation shall be short and consistent with the subject-matter;
6. If there are any abnormal receipts or payments that are likely to be very different from the average trends, they must be explained fully in explanatory notes to the Budget.
7. Its normal expenditure is well within its normal receipts and shall show separately all special items of receipts and expenditure. Any increase of expenditure shall be carefully considered with reference to resources, to avoid excess over normal resources;

(Rule 133, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **Is there any scope for the public to offer suggestions for the preparation of budget?**

Every Municipality shall have two rounds of public consultation when preparing the Budget. First should be in the month of November and the next in December. The Public

Consultations shall be in a structured manner inviting representatives from Registered Resident Welfare Associations, Registered NGOs, Trades and Industry Associations and such other Associations and prominent citizens that the Municipal Council may like to invite. The meeting of Public Consultation shall be chaired by the President of the Municipality or in his absence by Vice President or in their absence by the Municipal Commissioner or the Chief Officer. (Rule 133, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

### **What are the subjects shall be presented in the pre- budget Public Consultation?**

The subjects to be placed before the public consultation are –

- The Annual Performance Report of the previous financial year;
- The budget performance of the current year;
- The capital expenditure budget;
- Action plans;
- Current status of capital works;
- New works suggested;
- Major repair and maintenance budget;
- Additional revenue measures.

In the second round of public consultation -

- the draft of the Budget likely to be placed before the Council;
- The details of the capital works most likely to be taken up in the next year.

The suggestions received during the public consultation shall be recorded and placed before the Council along with the note of the Municipal Commissioner or the Chief Officer about financial and administrative feasibility of the suggestions.

(Rule 133, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

**When the budget of the Municipal Council shall be approved?**

The final form of the Budget shall then be placed before the Council before the 15th of January. Once the Budget has been passed by the Council, it shall be immediately published under the seal of the Municipal Council signed both by the President and the Municipal Commissioner or the Chief Officer, as the case may be, and copies forwarded to the Director of Municipal Administration, the Deputy Commissioner, the Controller and the Assistant Controller of the local audit circle. It shall be published in two local newspapers having maximum circulation in the district announcing the sanction of the budget and that detailed copies may be obtained from the office of the Municipality on payment of necessary fees or may be downloaded from the website of the Municipality.

(Rule 133, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

**Is there any scope for Additional Budget or Re-appropriation of Budget?**

Such scope may be given, only when there is sufficient savings shown under other budget heads or unless additional revenue measures are shown to cover the additional budget sought. Thus, the Municipal Council shall, as far as possible, act in accordance with the sanctioned budget. (Rule 134, 135, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

**Who shall prepare the budget?**

The Municipal Commissioner or the Chief Officer shall prepare the budget.

(Sec 287 KMA)

**When the budget shall be presented?**

The budget shall be presented on or before the fifteenth day of January each year, before the Municipal Council to get its approval. (Sec 287 KMA)

**What shall be the content of the budget?**

The budget shall contain a detailed estimate of income and expenditure of the Municipal Council for the ensuing year commencing on the first day of April next following together with a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following. The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of April next following.

(Sec 287 KMA).

**For what headings in the budget basically should finance be provided?**

They are:

- Make adequate and suitable provisions for such service as may be required for the fulfilment of the several duties imposed on the municipal council by this Act or any other law;
- Provide for the payment, as they fall due of all instalments of principals and interest for which the municipal council may be liable in respect of loans contracted by it;
- Provide for the payment of all sums payable to the Government under sections 366 and 367 and of all contributions for the maintenance of water supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council and any other local authority or authorities.
- Allow for a balance at the end of the said year of not less than such sum as may be required to meet the establishment charges for a period of three months

(Sec 287 KMA)

**To whom the approved budget shall be sent?**

A copy of the budget approved by the Municipal Council shall be sent to the following Authorities for further action:

City Municipal Council/ Town Municipal Council	Town Panchayat
Government	Government
Director, Directorate of Municipal Administration	Director, Directorate of Municipal Administration
-	Deputy Commissioner

(Sec 287 KMA)

**Can the Government modify the budget approved by the Municipal Council?**

Yes. (Sec 287 KMA)

**Is there any scope for Re - appropriation between the headings of the approved budget?**

the Standing Committee or any other Committee of the Municipal Council may, within the approved budgetary provisions, sanction re-appropriations not exceeding five hundred rupees from one sub-head to another or from one minor head to another minor head under the same major head and controlled by the same committee. A statement of such re-appropriation shall be submitted to the Municipal Council at every quarterly general meeting. (Sec 287 KMA)

**Can the approved budget be revised?**

The Municipal Council may modify the figures shown in the budget, in the course of the official year, with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes with the approval of the Government,-

- (a) Any reduction in the amounts allotted for the several items specified in Section 287(3) (b) and (c); and
- (b) However, such reduction shall not entail in reducing the closing balance below the sum fixed under Section 287(3) (d). (Sec 288 KMA)



**Do the accounts of the Municipal Council be audited?**

The accounts of the Municipal Council shall from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the Municipal Council. It shall pay the charges, as may be agreed upon, to the auditors from the Municipal Fund and in the case of a Government auditor, such charges as may be prescribed by the Government.

(Sec 290; 299 KMA)

**When the auditor shall commence auditing of accounts of the Municipal Council?**

The auditor shall, generally, commence auditing by giving two weeks' notice in writing to the Municipal Council on such date on which he proposes to commence the audit. However, he may, for special reasons which shall be recorded in writing give shorter notice than two weeks or commence a special or detailed audit on the direction of the Director of Municipal Administration without giving notice. (Sec 291 KMA)

**Can an auditor require the production of documents and attendance of persons concerned?**

The auditor may require the attendance, in writing, of Officers and staff of the Municipal Council. In addition to this he can also insist the attendance of the president or other honorary officer, or member of the Municipal Council. In such event he specify, in writing, the point on which his explanation is required. (Sec 291 KMA)

**What action can be taken if the requisition of the Auditor is ignored?**

With the written sanction of the Director of Municipal Administration, the person he who wilfully neglects or refuses to comply with any such requisition shall be punished with fine which may extend to one hundred rupees. However, before giving such sanction the Director of Municipal Administration shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

(Sec 292 KMA)

**When the auditor shall prepare his report?**

As soon as practicable after the completion of the audit, but not later than three months thereafter, the Auditor shall prepare a report on the accounts audited and examined and shall send such report to the Municipal Council concerned and to the Director of Municipal Administration and the Controller, State Accounts Department.

(Sec 293 KMA)

**What the audit report shall contain?**

It includes -

- Every payment which appears to him to be contrary to law;
- The amount of any deficiency or loss which appears to have been caused by the gross negligence or misconduct of any person;
- The amount of any sum received which ought to have been but is not brought into account by any person; and
- Any material impropriety or irregularity which he may observe in the accounts other than those mentioned above. ( Sec 294 KMA)

**What action the Municipal Council shall take on the receipt of the Auditor's report?**

On receipt of a report, the Municipal Commissioner or Chief Officer shall remedy any defects or irregularities which may have been pointed out in the report, and shall place the said report, within two months of its receipt, before the Municipal Council meeting along with a statement of the action taken or proposed to be taken thereon and an explanation in regard thereto. He shall also, within three months of the receipt of the report, send intimation for having remedied the defects or irregularities, if any, pointed out in the report, or any further explanation in regard to such defects or irregularities, as the Municipal Council may wish to give, to the Controller, State Accounts Department.

(Sec 295 KMA)

**What aspects the Municipal Commissioner or Chief Officer shall include in his report?**

It shall include -

- Steps taken to remedy any defects or irregularities pointed out in the report; and
- Explanation in regard to such defects or irregularities as the municipal council may wish to give. ( Sec 295 KMA)

**What action the Controller, State Accounts Department can take on the receipt of the report?**

He can ask for details form the Municipal Commissioner or the Chief Officer regarding the defects or irregularities and initiate following action -

- Accept the intimation or explanation given by the Municipal Commissioner or Chief Officer and withdraw the objection;

- Direct that the matter be re-investigated at the next audit or at any earlier date;
- Hold that the defects or irregularities pointed out in the report or any of them have not been removed or remedied;

The Controller, State Accounts Department, shall send a report of his decision to the Director of Municipal Administration within one month of the date of the receipt by him of the intimation or explanation of the Municipal Commissioner or Chief Officer. (Sec.295, KMA)

**What action the Director, Directorate of Municipal Administration can take against the wrong doer?**

The Director, Directorate of Municipal Administration may, after considering the recommendation of the Controller, State Accounts Department, and after taking the explanation of the person concerned, or making such further enquiry, as he may consider necessary, disallow any item which appears to him to be contrary to law and surcharge the same on the person making, or authorising the making of the illegal payment. He shall state, in writing, the reasons for his decision in respect of every surcharge or charge and shall send by registered post a copy thereof to the person against whom it is made. If a person, to whom a copy of the decision is sent, refuses to take delivery thereof he shall be deemed to have duly received it on the day on which it was refused by him.

(Sec 296; 297 KMA)

**Can an application be filed against the order of the Director, Directorate of Municipal Administration?**

The person aggrieved by the order of the Director, Directorate of Municipal Administration may make an application, within one month from the receipt of the order, to the District Court to set aside such order. (Sec 298 KMA)

**Can the public have access to the receipts and expenditure, and the budget estimates of the Municipal Council?**

The public may have access to the quarterly and annual accounts of receipts and expenditure, and the budget estimates when sanctioned. The Municipal Council shall publish it in a manner prescribed. (Sec 301 KMA)

**Do the Municipal Council required to submit annual administration report?**

The Municipal Commissioner or Chief Officer shall prepare and submit the annual administration report after the first day of April in every year, at the earliest, but not later than the date prescribed by the Government to the following Authorities –

City Municipal Council/ Town Municipal Council	Town Panchayat
Government	Deputy Director, Directorate of Municipal Administration

Director, Directorate of Municipal Administration	Director, Directorate of Municipal Administration
---	---

(Sec 302 KMA)

**Can the Municipal Council have its own Development Plan?**

Every municipal council shall prepare every year a development plan and submit to the District Planning Committee. (Sec 302A, KMA)

**How to determine the share of net proceeds of the taxes, duties, tolls and fees leviable by the Government between the state and Municipal Council and Town Panchayats?**

The Finance Commission shall review the financial position of the municipal councils and Town Panchayats and make recommendations to the Governor as to the distribution between the State and Municipal Council and Town Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the Government. The Governor will act upon and place an explanatory memorandum, as to the action taken thereon, before both the Houses of the State Legislature. (Sec 302B, KMA)

**Which is the Chief Controlling Authority to the Municipal Council?**

The Director, Municipal Administration (DMA), subject to the control and orders of the Government, is to be the Chief Controlling Authority in respect of all matters relating to the administration of this Act and for that purpose may exercise all powers necessary in that behalf. (Sec 303 KMA)

**Who has the powers to inspect and supervise the activities of the Municipal Council?**

The Director of Municipal Administration, Deputy Commissioner, or any officer of the Government authorised by the Government by a general or special order, will have power to inspect and supervise the activities of the Municipal Council. (Sec 304; 305 KMA)

**How the Municipal Council shall receive and disburse the money?**

All money received, by any member, officer or employee of a Municipal Council in his official capacity, on its behalf shall be remitted in a Government treasury or a nationalised bank account or, with prior permission of the Council, in a scheduled bank's account to the credit of the Municipal Council. Receipts shall be issued to the payer. No duplicate or copy of a receipt shall be issued on the ground that the original has been lost. Instead, a certificate may be issued stating that on a specified day a certain sum on certain account was received from a certain person. All payments shall be made, only through cheque, from the Municipal Fund. However, payments less than rupees five hundred may be paid in cash. (Rule 3, 6, 7, 14, 19, 21 - 23, 39, Karnataka Municipalities Accounting and Budgeting Rules, 2006)

# Chapter 10

## Powers and Offences

### **Powers in respect of streets**

#### **Can the Municipal Council undertake the construction, repair, improvement of public streets etc?**

The Municipal Council may undertake the laying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street. In addition to it may acquire / purchase the land required or the houses and buildings to form the said street. However, no public street vests in the Municipal Council shall be diverted, discontinued or closed without inviting objections, hearing their grievances and obtaining the approval of the Government. (Sec 72; 175 KMA)

#### **Can the Municipal Council permit the construction of roads on any private land?**

In view of public health, convenience or safety the Municipal Council may undertake any work for levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning of any street, not being a public street, or in any part of such street, within the municipal area. In this regard the Municipal Council may by written notice require the respective owners of the vacant lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in such manner and within time prescribed in the notice. In the vent of non –compliance of the notice the Municipal Council may itself undertake such work and the expenses thereby incurred shall be apportioned by the municipal council, between such owners and declare such street as public road.(Sec 176; 264 KMA)

#### **Can any street not maintained by the Municipal Council be taken to its fold and declare it as a public street?**

Before declaring any such street as public street the Municipal Council shall issue a one month notice in writing, disclosing its intention to keep open such street to the public, inviting objections from the owner or the majority of several owners of such street or such part of a street. Only after it is convinced that the action contemplated is fair and prevails over the private interest it can such street within its fold and declare as Public Street. (Sec 177 KMA)

#### **Can any street be closed down temporarily?**

The Municipal Council may, by an order in writing, temporarily close down any street to traffic for repair, or in order to carry out any work connected with drainage, water supply or lighting or any such other purposes. However, it shall complete such work within a reasonable time. (Sec 178 KMA)

#### **Can the regular line of Public Street be changed?**

The Municipal Council shall notify month notice in the official Gazette, and display the copy of it in the street in which fresh line is proposed, inviting objections or suggestions from the owners or occupiers of the lands

who are likely to be affected by such alignment. After considering such objections or suggestions it can change the regular line of Public Street. The Municipal Council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public. (Sec 179 KMA).

**Can anyone construct a building within regular line of streets?**

No one shall construct any building or reconstruct any portion of any building within the regular line of the public street without the permission of the Municipal Council. Whoever contravenes it, shall be punished with fine which may extend to two hundred rupees; and the Municipal Council may,—

- (a) Direct that the building be stopped, and
- (b) By a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary. (Sec 180 KMA)

**Can projections be constructed close the regular line of streets?**

With the written permission of the Municipal Council the owners or occupiers of buildings in public streets may construct roofs, eaves, weather-boards, shop-boards to project from any upper storey thereof, at such height from the surface of the street -subject to the rules of the bye-laws - to an extent not exceeding four feet beyond the line of the plinth or basement wall. Whoever contravenes it shall be punished with fine which may extend to twenty-five rupees, and for the continuance of such contravention he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues. (Sec 208 KMA)

**What shall be done if such projection is constructed, subject to the permission, close the regular line of streets before or after the site of such building became part of a municipal area?**

The Municipal Council may remove or alter any such projections when it is of the opinion that such overhangs or juts is an obstruction to safe and convenient passage along such street or encroaches upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof and make reasonable compensation to every person who suffers damage by such removal or alteration. The amount of such compensation shall be ascertained and determined by the following officers -

Town Municipal Council /Town Panchayat	Assistant Commissioner. In his absence the Deputy Commissioner
City Municipal Council	Deputy Commissioner

(Sec 108; 208; 268 KMA)

**What shall be done if the amount of compensation awarded is not fair?**

In such circumstances, the aggrieved party may approach civil court of competent jurisdiction. (Sec 268 KMA)

**Which flag shall be hoisted in the office of the Municipal Council?**

No person shall fly any flag other than the National Flag or a flag approved by the Government. Whoever contravenes it 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.

(Sec 372 KMA)

**What shall be done if no specific punishment is prescribed, for the commission of any offence, in this Act or any rule or bye-law there under?**

In such event the wrong doer shall be punished with fine which may extend to one hundred rupees, and in the case of a continuing failure or contravention with an additional fine which may extend to ten rupees for every day after the first during which he has persisted in the failure or contravention. (Sec 263 KMA)

**Whether an action is required to be initiated to prevent the commission of sexual harassment against the women in the office of the Municipal Council?**

Yes, to safeguard the interest of women folk the Municipal Council shall constitute a Sexual Harassment Enquiry Committee to hear and redress the complaint on sexual harassment. (Vishaka vs. State of Rajasthan, (1997) 6SCC 241, AIR 1997 SC 3011 ಪೌರಾಡಳಿತ ನಿರ್ದೇಶನಾಲಯದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಡಿಎಂಆ/ಹೆಚ್‌ಕ್ಯೂಎ/ಮಿಸ್/16/2001-02ದಿನಾಂಕ 22.10.2001)

**What act shall be treated as sexual harassment?**

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as -

- a. physical contact and advances;
- b. a demand or request for sexual favours;
- c. sexually-coloured remarks;
- d. showing pornography;
- e. any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

(ಪೌರಾಡಳಿತ ನಿರ್ದೇಶನಾಲಯದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಡಿಎಂಆ/ಹೆಚ್‌ಕ್ಯೂಎ/ಮಿಸ್/16/2001-02ದಿನಾಂಕ 22.10.2001)

**Can the police take action against any person who commits an offence under this Act, or rule or bye-law there under?**

Yes, any police officer may arrest any such person after making primary enquiry and produce him within 24 hours, from the time of his arrest excluding the time necessary for the journey from the place of arrest, before the court of such magistrate. (Sec 285 KMA)



## Chapter 11

### Prosecutions, Suits and Powers of Police

**Can the Municipal Council take action against any person who acts in violation of this Act or of any rule or bye-law made thereunder?**

Yes. The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any person offending against the provisions against the provisions of this Act, or of any rule or bye-law made thereunder. (Sec 276 KMA)

**Through which Authority can such action be taken?**

In the absence of designation of any Authority, in this behalf, any prosecution under this Act or under any rule or bye-law made thereunder may be instituted before any Magistrate of the First Class. The expenses of such prosecutions or other proceedings shall be paid out of the municipal fund. (Sec 276 KMA)

**What action shall be initiated if the offender is in default of payment of any fine, costs, tax or other sum of money imposed?**

In such cases he shall be punished subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code, 1860 and recover any such fine, costs, tax or sum imposed, assessed or recoverable shall be covered by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1898 (Central Act V of 1898), and the same shall on recovery be paid to the municipal council. (Sec 276 KMA).

**Can any offence committed under this Act or any rule or bye-law there under be compounded?**

Offence may be compounded only when the notice, orders or directions given by the Municipal Commissioner or Chief Officer has been complied with to a possible extent. The disputes concerning other issues can be settled through compromise with the consent of both the parties. (Sec 277 KMA)

**Can any case filed under this Act or any rule or bye-law there under be withdrawn?**

The Municipal Council may, with the sanction of the Deputy Commissioner, withdraw from prosecutions instituted as per the law. (Sec 277 KMA)

**Is there any limitation for distraint?**

The Municipal Council cannot go for distraint after the expiry of three years from the date on which such distraint might have been made in respect of such sum.

(Sec 278 KMA).

**Can any distraint become infructuous on account of any defect or want of form in any summons, conviction or warrant of distress, or other proceeding relating thereto?**

No distress levied shall be treated as unlawful, owing to neither any defect mentioned above nor such party is deemed as trespasser ab initio on account of any irregularity afterwards committed. However, all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction. (Sec 279 KMA)

**What action shall be initiated if any person causes damage to the property of the Municipal Council?**

Such person shall be asked to make good such damage as well as to pay such penalty. Any dispute as to the amount of damage /penalty shall be determined by the magistrate.

(Sec 280 KMA)

**What shall be done if the Municipality fails to realise the amount recoverable or of any compensation, expenses, charges or damages payable under this Act or any rule or bye-law there under?**

The Municipal Council may sue in any court of competent jurisdiction to realise the same. (Sec 281 KMA)

**Can any suit instituted in respect of any claim or demand arising out of any contract be compounded or compromised?**

Yes, if any sanction, of the Government/ Deputy Commissioner/ Authority concerned, in the making of any contract is required by this Act, the like sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(Sec 282 KMA)

**Can any action be initiated, in respect of an act done in good faith, by an aggrieved person against the Municipal Council or its Officers?**

In such event no action can either be initiated against the Municipal Council or its Officers. (Sec 283 KMA)

**What procedure shall be followed to institute a suit against the Municipal Council or its Officers?**

In the absence of any response to the notice from the Municipal Council or the Officer concerned within sixty days from the date of despatch of notice a suit may be filed, in respect of any act done or purporting to have been done in pursuance of this Act or any rule or bye-law made there under, furnishing the following particulars –

- Name of the plaintiff and address;
- Cause of action
- Nature of relief he claimed

- Amount of compensation claimed
- The relief sought

Place:

Date:

Signature

Sixty days notice is not required if the relief claimed is only an injunction.

(Sec 284 KMA)

### Where an appeal can be preferred against the orders passed by the Officers of the Municipal Council?

They are as under -

Sl.No.	Order of the presiding Officer	Appellate Authority
1	President or Vice-President	Municipal Council
2	Committee	Municipal Council
3	Order given by the Municipal Commissioner as per following Act/Rules - <ul style="list-style-type: none"> <li>• Construction of Building in the regular line of public street - Sec 181 (1) (2)</li> <li>• Construction of Building - Sec 187 (9)(c)</li> <li>• Drainage scheme - Sec 194 (1)</li> <li>• carrying drain through land or into drain belonging to other persons - Sec 197 (2)</li> <li>• Action against filthy building or vacant land - Sec 228 (2)</li> <li>• Actions against Buildings or rooms in buildings unfit for human habitation - Sec 230</li> <li>• Using of Premises for certain purposes without licence. - Sec 256</li> <li>• Recovery of expenses from defaulting owner or occupier of building or vacant land - Sec 264 (1) (b)</li> <li>• Order of dismissal - Sec 342 (1) (c)</li> </ul>	Municipal Council
4	The Chief Officer in exercise of powers conferred upon him by or under the Act or Rules	Municipal Council
5	Orders issued by a person, other than the President/Vice-President, to whom the powers has been delegated.	Designated Authority
6	Orders issued by the Municipal Commissioner other than the cases aforementioned at Sl. No.3	Commissioner

(Rule – 3, Karnataka Municipalities (Appeal and Revision) Rules, 1967)

**What is the procedure to submit an application/appeal?**

They are as under -

- Name of the applicant/appellant:
- Address:
- Name of the Respondent:
- Address:
- Precise facts of the case:
- Grounds of appeal/ application:
- Order of which Authority or Officer is complained of:
- Date of Order:
- If the application/appeal has been filed after the stipulated time, the reasons for the delay:
- Nature of relief claimed by the applicant/ Appellant:

The application/appeal may be typed or handwritten and it shall bear court fee stamp of seventy five paise court stamp. It shall be duly attested

(Rule – 5, Karnataka Municipalities (Appeal and Revision) Rules, 1967)

**Within how many days the application/appeal shall be filed?**

The application/appeal shall be filed within 30 days from the date of receipt of the order. While computing the limitation period the time taken for obtaining the copy of the order shall be excluded. If the period of limitation expires on a holiday the next working day shall taken into account. The Authority may condone the delay in filing the application/appeal if the reasons adduced are satisfactory.

(Rule – 6, Karnataka Municipalities (Appeal and Revision) Rules, 1967)

**Can an order passed by an Officer of the Municipal Council be subjected to revision?**

An application may be filed to the Municipal Council, seeking the revision of an order passed by an Officer of the Municipal Council.

(Rule – 8, Karnataka Municipalities (Appeal and Revision) Rules, 1967)

**Where an application be filed, claiming right over any property coming within the Municipal area?**

The application claiming a right over the property, within the Municipal area, may be filed by or on behalf of the Municipal Council or by any person against the Municipal Council before the following Authority -

<b>Municipality</b>	<b>Authority</b>
City Municipal Council	Deputy Commissioner
Town Municipal Council	Deputy Commissioner
Town Panchayat	Assistant Commissioner

The applicant shall furnish the details as to names and address of all the parties, nature of claim or interest over the property, grounds of claim, documents submitted in support of claim, list of document enclosed to the application. (Rule-3, 4, 5, 6, Karnataka Municipalities (Claims to Property (Procedure) Rules, 1965)

**Can offences be compounded?**

The offences detailed in the schedule alone may be compounded. However, before compounding any offence an opportunity shall be provided to the wrong doer to comply with the notice, order or requisition issued by the Municipal Council to the extent possible. Further, an enquiry shall be made, giving him a reasonable opportunity, to satisfy itself that there is reasonable ground to believe that the alleged offence has been committed. (Rule 3,4,5,6 Karnataka Municipalities (Compounding of offences) Rules, 1966).

**Who shall represent the Municipal Council in proceedings before the Court?**

Any suit be filed in the name of the Municipal Council concerned and it shall be represented by the Municipal Commissioner or Chief Officer. (Rule 10 Karnataka Municipalities (Delegation of Powers etc) Rules, 1973)

**Can an order of the Municipal Council be kept under suspension?**

Any order or resolution of the Municipal Council may be kept under suspension, by the following Authorities by passing an order in writing, if it is found that it is unlawful or is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace. The copy of the said order shall be sent to the Government. After giving the Municipal Council, a reasonable opportunity of showing cause against the said order, the Government may rescind, confirmed, revised or modified the said order either permanently or for such period as it thinks fit

<b>City Municipal Council/ Town Municipal Council</b>	<b>Town Panchayat</b>
Director, Municipal Administration Directorate	Deputy Commissioner

(Sec 306:309 KMA)

**Can the Government inquire into municipal matters?**

The Government may order an inquiry by designating an officer concerning to the following matters -

- Any matters concerning the municipal administration;
- Any act or conduct of any municipal authority, officer or servant, or
- Any matter with respect to which the sanction, approval or consent of the Government is required under this Act.

The officer holding such inquiry shall have the powers which are vested in a court under the Code of Civil Procedure, 1908, in respect of - discovery and inspection; enforcing the attendance of witnesses and requiring the deposit of their expenses; compelling the production of documents; examining witnesses on oath; granting adjournments; reception of evidence taken on affidavit; and issuing commissions for the examinations of witnesses. (Sec 310 KMA)

**Who can take action if the Municipal Council recruits staff in excess?**

In such event Director of Municipal Administration may require the Municipal Council to reduce the number of the excessive staff or their remuneration. The aggrieved Municipal Council may prefer an appeal against any such requirement to the Government.

(Sec 311, KMA)

**How to resolve the disputes between the Municipal Councils?**

It is as under -

<b>Dispute</b>	<b>Adjudicating Authority</b>	<b>Appellate Authority</b>
*if it is between two or more town Municipal Councils in the same district or a town Municipal Council and a town panchayat in the same district	Deputy Commissioner	Director, Municipal Administration.
* In all other cases, in the same Revenue Division except when the Municipal Corporation of any City is a party to the dispute	Director, Municipal Administration	Government
* if a Municipal Corporation of a City is a party to the dispute or if the dispute is between municipal bodies in two or more Revenue Divisions.	Government	High Court

\*No suit shall be entertained by a civil court in respect of any dispute mentioned above. (Sec 317 KMA)

**Can an order of assessment and revision of assessment and record of any proceedings be revised?**

The Director of Municipal Administration may call for and examine the record of any proceedings including orders of assessment and revision of assessment, and after such enquiry as is deemed fit, if he is satisfied that the order of the subordinate officer is contrary to law and has resulted in a miscarriage of justice, pass such orders thereon as he deems just. (Sec 322 KMA)

**Where an appeal shall be filed against the order of the Municipal Commissioner or Chief Officer?**

On the following issues an appeal shall be preferred before the Municipal Council -

- Setting back projecting buildings - Sec 180 (1) 92)
- New Building - Sec 187 (9) (C)
- Construction of drains - Sec 194 (1)
- Carry drain through land or into drain belonging to other persons - Sec 197 (2)
- Filthy buildings etc - Sec 228 (2)
- Buildings or rooms in buildings unfit for human habitation - Sec 230
- Using of premises without license - Sec 256
- Factories in crowded localities - Sec 259
- Municipal council in default of owner or occupier may execute work and recover expense - Sec 264 (1) (b)
- Costs or expenses determination and recovery - Sec 269
- Dismissal of employees - Sec 342 (1) ( c )

In other cases the appeal shall be filed before such Authority as designated by the government. (Sec 343 KMA)

**What shall be done if any Company commits an offence under this Act?**

In such cases the person who is in charge of the company shall be liable to be punished (Sec 372 KMA)

**How the notice, bill, summons order, requisition or other document issued by the Municipal Commissioner or the Chief Officer or the Municipal Council shall be served?**

It is as under-

<b>Particulars</b>	<b>To whom and place of service</b>	<b>Mode of service</b>
Company	Secretary, Registered office/ principal office/ Place of business	Registered post or by hand
Partnership Firm	Principal place of business	Registered post or by hand
Public Body/ Corporation/Society/ or other body	Secretary/Treasurer/ other head officer	Registered post or by hand
Individual	Personally/to an adult member Of the family	Registered post or by hand or , affixed on some conspicuous part of his last known place of residence or business

The notice may be published in such local newspaper or in such other manner, as the Municipal Council in bye-laws in this behalf prescribes. In the event of non-compliance with the terms of the notice, the Municipal Council may take steps to recover all the expenses incurred thereon. (Sec 262: 269 KMA)

**Who shall determine the compensation or damages in the absence of an agreement?**

In such event, in the case of town municipal areas, the Assistant Commissioner in charge of the taluk in which the municipal area is situated and in his absence the Deputy Commissioner and, in the case of city municipal areas the Deputy Commissioner shall ascertain and determine amount of any compensation or damages payable or the apportioned. The person aggrieved by such determination may approach the civil court of competent jurisdiction to redress his grievances. However, in case where the compensation is claimed in respect of any land or of building, the compensation payable shall be determined, by the District Court, in accordance with the Land Acquisition Act, 1894. The Municipal Council may take possession of such vacant land or building after paying the compensation determined by the District Court to the party concerned. If such party refuses to accept such compensation, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the municipal council shall deposit the amount of the compensation in the District Court. (Sec 257:268 KMA)



# Chapter 12

## Right to Information

### Can a citizen obtain information from the Municipal Council?

Any information required by the citizen can be obtained from the Municipal Council or the Authority. It is his rightful right. (Sec 3, Right to Information Act 2005 **(RTI)**)

### How the desired information shall be obtained?

The citizen who desires to obtain information shall submit an application in Form 'A' along with the fee prescribed to the Authority concerned. The application shall contain the following:

1. Full Name of the Applicant :
2. Address :
3. Details of the document/Inspection/Samples required :
4. Year to which the above pertains :
5. Designation and Address of the Public Information :  
Officer from whom the Information is required

Place

Date

Signature of the applicant

Receipt/ Indian postal Order/DD/banker's Cheque/ Remittance to the Treasury

No:                      Date:                      Amount:                      (In words)

On the receipt of the application the Authority shall give an endorsement to the applicant and enter the same in the Register (Sec: 6(1): 7(1) Right of Information Act 2005 **(RTI)**)

### **What does 'Appropriate Government' mean?**

When an Institution is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly by the Central Government or the Union territory administration or by the State Government then such Government be treated as an "appropriate Government" in relation to a public authority. (Sec 2 (a) RTI, 2005)

### **What is the meaning of 'Public Authority'?**

When any authority or body or institution of self- government is established or constituted -

- by or under the Constitution;
- by any other law made by Parliament;
- by any other law made by State Legislature;
- by notification issued or order made by the appropriate Government and includes any –
  - (i) body owned, controlled or substantially financed;
  - (ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

Then such Institution or Body is considered as 'Public Authority. (Sec 2 (h) RTI, 2005)

### **What is information?**

"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force. (Sec 2 (f) RTI, 2005)

### **What is "Record"?**

"Record" includes—

- (a) Any document, manuscript and file;
- (b) Any microfilm, microfiche and facsimile copy of a document;
- (c) Any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
- (d) Any other material produced by a computer or any other device; (Sec 2 (i) RTI, 2005)

### **What is 'Right of Information'?**

"Right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to -

- (i) Inspection of work, documents, records;
- (ii) Taking notes, extracts or certified copies of documents or records
- (iii) Taking certified samples of material

- (iv) Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device; (Sec 2 (j) RTI, 2005)

### **Who can have the Right to Information?**

The Right to Information is available to all the citizens of India. (Sec 3, RTI, 2005)

### **To whom the application seeking information shall be submitted?**

The application shall be made to the Central Public Information Officer or State Public Information Officer, or Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be. The application shall be in writing or print and it may be either in English or Hindi or official regional language. If the applicant find hard to write the application the officials, mentioned herein, shall extend all reasonable assistance to the person making the request orally to reduce the same in writing. (Sec 6, RTI, 2005)

### **Can information of third party be requested?**

Yes, however, before disclosing the information the Public Information Officer concerned shall give a written notice, inviting objections either in writing or orally, to such third party of the request within five days from the receipt of the request. The third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure. After taking into consideration of the submission of the third party, the Public Information Officer disclose the information sought only when he is of the opinion that the disclosure of information requested will be in public interest and outweighs in importance any possible harm or injury to the interests of such third party.(Sec 11, RTI, 2005)

### **Does the applicant is required to give reasons for the information requested?**

An applicant making request for information need not give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. (Sec 11, RTI, 2005)

### **Whether fee shall be paid along with the application for information?**

Any person desirous of obtaining information shall make an application in Form-A or in any other format as far as possible containing the particulars specified under the format to the Public Information Officer or State Assistant Public Information Officer concerned along with an initial fee of Rs.10 with his application. However, a person belonging to the Below the Poverty Line category need not pay the fee mentioned here under

### Right to Information (Regulation of Fee and Cost) Rules, 2005 of the Central Government

Sl.No.	Particulars	Fees
1	Application fee	Rs Ten
2	Copy on A-4 or A-3 size paper - for each page	Rs two
3	Larger size paper	Actual charge or cost price
4	Samples or models	Actual charge or cost price
5	Inspection of records	No fee for first one hour and Rupees five for each fifteen minutes (or fraction thereof)
6	Per diskette or floppy	Rs 50
7	a) Printed information or b) Photocopy	Price fixed for such publication or Rupees two per page of photocopy

The fee shall be paid against proper receipt or by demand draft or banker's cheque payable to the Accounts Officer of the Public Authority. (Rule 3, 4, 5, Right To Information (Regulation of Fee and Cost) Rules, 2005 of the Central Government)

### Karnataka Right to Information Rules, 2005

Sl.No.	Particulars	Fees
1	Application fee	Rs Ten
2	For providing information under Sec.7 (1) in A4 size paper. Per page	Rs Two
3	For providing information Sec.4 (4) in A4 size paper. Per page	Rs One
4	Maps, Plans, Reports, a Partial record or any Technical data or Sample or Models	A reasonable fee as fixed by the State Public Information Officer in each case depending upon the cost of labour and material required to be employed.
5	Inspection of records and documents	No fee for the first hour. For every subsequent half an hour or fraction thereof, rupees ten.
6	Inspection of works	A reasonable fee shall be fixed by the State Public Information Officer in each case depending upon the cost of labour and material required to be employed apart from initial fees as prescribed under rule 4(1).
7	information in Diskette or Floppy or C.D. or in any other Electronic mode	Rs. Fifty

The fee shall be paid to the Public Information Officer of the Public Authority concerned. This rule may be followed as it is easy to comply. In any event, the Authority levy an unreasonable fee, information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access

provided, including the particulars of the appellate authority, time limit, process and any other forms. (Sec. 7, 18, RTI, 2005, Rule 4,

### **Karnataka Right to Information Rules, 2005)**

#### **What shall be done if the applicant under pays the fee along with the application?**

Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Public Information Officer concerned shall send an intimation to the person making the requesting him to deposit that fees by giving the details of further fees. In such event, the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days. If the Public Authority fails to provide the information sought within the time limits then it shall supply it at free of charge.

(Sec. 7, RTI, 2005)

#### **What shall be done if the information requested is more closely connected to another Public Authority?**

In such event, such application shall transferred to the appropriate Public Authority, within five days from the date of receipt of the application, and inform the applicant immediately about such transfer. (Sec. 6, RTI, 2005)

#### **Within how many days the application shall be disposed off**

The application shall be attended within thirty days of its receipt by taking a decision either to provide the information on payment of such fee as may be prescribed or reject the request mentioning the reasons thereof. However, the information concerning to the life or liberty of a person shall be provided within forty-eight hours of the receipt of the application. If the Public Authority fails to provide the information sought within the time limits then it shall supply it at free of charge. (Sec. 7, RTI, 2005)

#### **What are the consequences if the information requested is not provided?**

The Public Information Officer who has without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, shall be punished with a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees. Further he may be subjected to disciplinary action as per the service rules applicable to him. (Sec. 20, RTI, 2005)

### **Can the application seeking information be rejected?**

The Public Information Officer owes no obligation to give any citizen -

- 1) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- 2) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- 3) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- 4) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- 5) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- 6) information received in confidence from foreign Government;
- 7) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- 8) Information which would impede the process of investigation or apprehension or prosecution of offenders;
- 9) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers. However, the decisions of Council of Ministers, the reasons assigned thereon and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over.
- 10) Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be is satisfied that the larger public interest justifies the disclosure of such information.
- 11) Information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.
- 12) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.
- 13) Information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made shall be provided to any

person making a request. However, if any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the appeal.

14) Information, disclosure of which, leads to an infringement of copyright subsisting in a person other than the State.

Where the information requested contains both exempted and un-exempted part then the un-exempted part of the information shall be provided to the applicant after severing it from the exempted part, only when it is possible to separate. (Sec.8, 9, 10, RTI, 2005)

### What is the next step when the application is rejected?

On the rejection of the application the Public Information Officer concerned shall communicate to the applicant -

- a) The reasons for such rejection;
- b) The period within which an appeal against such rejection may be preferred; and
- c) The particulars of the appellate authority. (Sec.7, RTI, 2005)

### Where and within what time the appeal shall be filed?

Sl.No.	Appellate Authority	Appeal	Limitation period
<b>i)</b>	<b>Central Government Public Authority</b>		
	a) Officer who is senior in rank to the Central Public Information Officer	First Appeal	30 days from the date of the decision
	b) Central Information Commission	Second Appeal	90 days from the date of the decision
<b>ii)</b>	<b>State Government Public Authority</b>		
	a) Officer who is senior in rank to the State Public Information Officer	First Appeal	30 days from the date of the decision
	b) State Information Commission	Second Appeal	90 days from the date of the decision

The Appellate Authority may admit the appeal after the expiry of the aforementioned period only when it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (Sec.19, 23, RTI, 2005)

### To which institutions the Right to Information Act 2005, is not applicable?

The following Institutions are exempted from the application of the Right to Information Act, 2005 –

#### SECOND SCHEDULE

(See section 24)

Intelligence and security organisation established by the Central Government

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
7. Aviation Research Centre.
8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.
15. Special Service Bureau
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.
19. Special Protection Group
20. Defence Research and Development Organization
21. Border Road Development Board
22. National Security Council, Secretariat

\*F.No.34012/12/(S)205-Estt, (B), Dated 28<sup>th</sup> September, 2005, Gazette of India dated 8-10-2005

\*F.No.1/7/2007-1R Dated 27 March, 2008, Karnataka Gazette dated 13-11-2008.

### **Intelligence and security organisation established by the Government of Karnataka**

No. DPAR, 44 RTI 2004, Bangalore dated 5<sup>th</sup> December, 2005, Karnataka Gazette, Extraordinary No.2155, dated 14-12-2005

1. State intelligence of Police Department in Karnataka State
2. Special Branches in Commissionerates and District Police Offices in the Police Department in the State.
3. Corps Of Detectives (COD) in Police Depot Unit

Generally the information pertaining to the above Organisations will not be provided. However, the information connected to the allegations of corruption and human rights violations shall be supplied subject to the approval of the Central Information Commission and such information shall be provided



within forty-five days from the date of the receipt of the application. (Sec.24, Second Schedule, RTI, 2005)

**What shall be done if the general public found corruption, favouritism, nepotism and official indiscipline in administration of the Municipal Council?**

In such circumstances the aggrieved person or any other person on his behalf may lodge a complaint with the Karnataka Lokayukta, to realize the objectives of the Constitution of India and to uphold the democratic values by curing the defects.

The complaint shall be made in Form-1 by enclosing an affidavit in Form 11. This affidavit will become complete only after taking oath in front of the First Class Judicial Magistrate, Notary or any Gazetted Officer duly authorized to administer oaths. Address of the Karnataka Lokayukta is as under -

**Registrar**  
**Office of the Karnataka Lok Ayukta**  
**Multi Storied Buildings**  
**Ambedkar Veedi, Bangalore-1**

Or the complaints may be mailed by registered post or given by hand to the Offices of Lokayukta located in the District Centres. (Rule 4, Karnataka Lokayukta Rules, 1985)

**On what issues a complaint cannot be lodged with the Lokayukta?**

They are as follows –

- 1) Action taken for the purpose of investigating crimes relating to the security of the State.
- 2) Action taken in the exercise of powers in relation to determining whether a matter shall go to a Court or not.
- 3) Action taken in matters which arise out of the terms of a contract governing purely commercial relations of the administration with customers or suppliers, except where the complainant alleges harassment or gross delay in meeting contractual obligations.
- 4) Action taken in respect of appointments, removals, pay, discipline, superannuation or other matters relating to conditions of service of public servants but not including action relating to claims for pension, gratuity, provident fund or to any claims which arise on retirement, removal or termination of service.
- 5) Grant of honours and awards.
- 6) If the complainant has or had, any remedy by way of appeal, revision, review or other proceedings before any Tribunal, Court Officer or other authority and has not availed of the same.
- 7) Any action in respect of which a formal and public inquiry has been ordered with the prior concurrence of the Lokayukta or an Upa-lokayukta, as the case may be.
- 8) Any action in respect of a matter which has been referred for inquiry, under the Commission of Inquiry Act, 1952 with the prior concurrence of the Lokayukta or an Upa-lokayukta, as the case may be.

- 9) Any complaint involving a grievance made after the expiry of a period of six months from the date on which the action complained against becomes known to the complainant.
- 10) Any complaint involving an allegation made after the expiry of five years from the date on which the action complained against is alleged to have taken place.

The Lokayukta may entertain the complaint after the expiry of the aforementioned period (i.e. Sl. No. 9 &10) only when it is satisfied that the complainant was prevented by sufficient cause from filing the complaint in time. (Sec. 8 Schedule-2, Karnataka Lokayukta Act, 1984 Rule 4, Karnataka Lokayukta Rules, 1985)

**Model Form**

Computation of Property tax.

**Illustration: 1**

An owner has a 60'x40' site in Chamalapura Street, Nanjangud Town Municipal Council. He has constructed a RCC, red oxide bricks building on the said site and has been using the building for self occupation. The plinth area of the building is 1500 sq ft and it is of 15 years old. The computation of property tax of the said building is as under -

Site dimension 60 x 40 = 2400 sq ft.

According to notification – 1 (Sl. No. 5), the market price of residential site in this area is Rs. 140/- per Sq ft. Land value 2400 x 140 =		33,600.00
According to Schedule – 2 the market price for the said building per sq. Ft		350.00
Basic property tax		1354.00
Building value = approximate building price X plinth area = 350 x 1500 =		5,25,000.00
According to Schedule -3, depreciation value for a 15 year building depreciation 0,13,994		73,500.00
Building value that will be taxed According to Schedule 4, the tax rate fixed for residential buildings is 0.3% (Rs. 3.00 for every Rs. 1000)		4,51,500.00
Basic property tax	1354.00	
Rebate for own occupation 44% cess	677.00	
Health cess 15%	101.00	
Library cess 6%	41.00	
Beggars cess 3%	20.00	
Water Supply 20%	20.00	
Total cess	182.00	
The total property tax to be paid to the town municipality is Property tax 677.00, 182.00		859.00

If the tax is paid before April 30, a 5% discount will be given and the remaining Rs. 929/- shall be remitted in the bank through the Challan issued by the municipal Council.

**Special Note:** If the tax is not paid before the month of June every year, then a penalty of 50% of tax amount is required to be paid.

**Illustration - 2**

An owner has built a RCC roof, red oxide flooring house behind the Kaballi hostel, Nanjangud Town Municipal Council and has been using the said house for self occupation. The computation of property tax of the said building is as under -

Site dimension 60 x 40 = 2400 sq ft.

According to Schedule – 1 (Sl. No. 13), the market price of residential site in this area is Rs. 120/- per Sq ft.Land value 2400 x 120 =		2,88,000.00
According Schedule – 2 the market price for the said building per sq. Ft Rs.350 building price X plinth area 350 =00 x 1200 =		4,20,000.00
According to Schedule -3, depreciation value for a 15 year building depreciation 58.000.00		3,61,200.00
Total value of the land and building		
Land value	4,20,000.00	73,500.00
Building value	3,61,200.00	
Original price	7,81,200.00	
The tax levied according to Schedule 4, for residential buildings Rs. 3.00 for every Rs. 1000.00		4,51,500.00
Basic property tax	2344.00	
<b>Add:</b> 44% cess on the tax of this original property		
Health cess 15%	352.00	
Library cess 6%	141.00	
Beggars cess 3%	70.00	
Water Supply 20%	469.00	
Total cess	3376.00	
<b>Less:</b> 50% rebate for self occupation on property tax	1688.00	
5% rebate if the tax is paid before April	84.40	
Total Property tax	1604,40	

**Note:** The tax shall be remitted in the bank through the Challan issued by the Municipal Council.

### Schedule – 1

The market price of sites & houses at the layout, left to the Nanjangud town Temple.

Sl.No	Particulars	Non – Commercial site Per Sq. Ft.
01	From RP Road – up to the commencement of Gundlapet Road ( Commercial purposes)	800.00
02	Halladakeri	40.00
03	Thammadageri	110.00
04	Behind palace Road	130.00
05	Vakkalageri –I including Rammandir	100.00
06	Vakkalageri –II Rakshasa Mantapa	120.00
07	Narasannana Agrahara	90.00
08	Cinema Road(sweepers colony)	40.00
09	1 <sup>st</sup> Cross to 12 <sup>th</sup> Cross	150.00
10	Srirampur	60.00
11	Shankapura	60.00
12	13 <sup>th</sup> - up to the commencement of Gundlapet Road	180.00
13	From Neelakanta to behind Arogyashram	80.00
14	From Gundlapet Road – up to Mahadeshwara layout(N H)	100.00
15	From Mahadevappa layout – upto Kalale Road	100.00
16	Srikantamantapa Block	160.00

Market price of sites & houses at the layout, right to the Nanjangud town Temple, 2001-2002

Sl.No	Particulars	Non – Commercial site Per Sq. Ft.
01	From the temple – up to Hullahalli circle (Main road) from Gowri ghatta street towards Chamaraja nagar road.	800.00
02	From Kurubagere towards Chamarajanagara Road. From Town Police Station road towards Chamarajanagara Road	60.00
03	From Urdu school & towards Chamarajanagar.	60.00
04	From Aryavaishyara beedi to Chamarajanagara Road & towards Madigara beedi	130.00
05	From Chamalapura street towards Chamalapura road	140.00
06	From Municipality to APMC (around)	150.00
07	Ashokapuram	90.00
08	Tyagaraja colony	120.00
09	From Gundlupet Hullahalli circle up to Sujata Mills, Mysore road (Till Taluk Panchayath Office) NH Road	200.00
10	Chamalapura Hundi	55.00
11	Basavanagudi Block	160.00

12	From Main Road of Hullahalli road to till Handuvinahalli	80.00
13	Layouts behind kabahalli hostel	120.00
14	Layouts behind Hanumantappa Cotton mill	120.00
15	Housng Board colony	110.00
16	Layouts behind housing board colony	100.00
17	Sites in Devirammana village	35.00
18	Vidyanagar, Devinagar, Balaji nagar	45.00

**Note:**

1. The price of sites at Devirammana village will be fixed after spot inspection, as the price of sites and houses may vary, although it is coming under Gram Panchayath limits since it is close to the town.
2. 10% extra value will be added to the price of residential corner sites while determining the price.
3. 20% extra value will be added to the price of commercial corner sites while determining the price.

**Schedule -2**

2001 - 2002

Sl.No	Particulars	Per Sq. Ft.
01	Mattale shed	5000.00
02	Zinc Sheet, Kalnar Sheet	12,000.00
03	Tile Roof	8,000.00
04	Mangalore tile roof (Mud wall)	18,000.00
05	Mangalore tile roof (Brick wall)	22,000.00
06	RCC Red oxide	35,000.00
07	RCC Mosaic	50,000.00
08	RCC Super Granite	80,000.00

The above rates will come into force from 01.01.2022

The property tax shall be remitted in any bank mentioned below –

Sl.No	Name of the Bank	Account No.
01	State Bank of Mysore, Nanjangud Branch, Nanjanagud	SB A/c No. 01000050687
02	Canara Bank, Nanjangud Branch, Nanjanagud	SB A/c No. 26369
03	Vijaya Bank, Nanjangud Branch, Nanjanagud	SB A/c No. 22514

**Schedule – 3**

Rate of Depreciation

@ 1% per annum depreciation in the cost of construction shall be determine While determining the estimation of construction cost of a building.

Depreciation amount per Rupee building value.

**Schedule – 4**

Rate of tax

S l . N o	Utili ty of Pro pert y	rate of per cent age of orig inal valu e	Year	Depreciation	Year	Depreciation	Year	Depreciation
			1	0.10000	21	0.19027	41	0.33722
1	Vac ant site with out buil ding	0.3	2	0.01990	22	0.19837	42	0.34434
			3	0.02970	23	0.20639	43	0.35090
			4	0.03940	24	0.21432	44	0.35739
			5	0.04901	25	0.22218	45	0.36381
			6	0.05852	26	0.22996	46	0.37018
			7	0.06973	27	0.23766	47	0.37647
			8	0.07723	28	0.24528	48	0.38271
			9	0.08648	29	0.25283	49	0.38888
			10	0.09562	30	0.26030	50	0.39499
			2	Resi dent ial Buil ding	0.3	11	0.10466	31
12	0.11361	32				0.27502	52	0.40703
13	0.12248	33				0.28945	53	0.41296
14	0.13125	34				0.28945	54	0.43040
15	0.13994	35				0.29655	55	0.42464
16	0.14854	36				0.30359	56	0.43040
17	0.15706	37				0.31055	57	0.43609
18	0.16549	38				0.31745	58	0.44173
19	0.17383	39				0.32427	59	0.44732
20	0.18209	40				0.33103	60	0.45284
3	Non - Resi dent ial, Com mer cial Buil ding	0.35 (3 ½ )						>60.45284
4	Indu stria l Buil ding	0.4						

**Model**  
Residential houses

**Illustration – 1**

Property belonging to xyz, within the limits of the Urban Local Body of Kolar District.

Sl.No	Particulars	Sq. Ft./ Rs.
A	Site dimension in Sq. Ft.	334
B	Building dimension in Sq. Ft	334
C	Market Price (Per Sq. Ft) of a site in this area as per Sec 45(b), Karnataka Stamps Act 1957	
D	Market Price (Per Sq. Ft) of a building in this area as per Sec 45(b) Karnataka Stamps Act 1957	372
1	Property tax as per 2001-02 under ARV System	
a	Basic Property tax	40.00
b	<b>Cess as per Schedule – 1</b>	
c	Government duties	35.00
d	Total Property tax remitted (including duty)	75.00
10	Including twice the ARV tax duties	150.00

(Maximum tax to be paid in 2002 – 03, 2003 – 04, 2004 – 05)

**The calculation details according to the CVS is as follow:**

Sl.No	Particulars	Sq. Ft.	Rs.
a	Specific dimension of site in Sq. Ft	334	
b	Dimension of the area where building will come up in Sq. Ft.	334	
c	Total area of the building in Sq. ft. (Including all floors)	334	
	<b>100% 45 (b) Value</b>		
	<b>50% 45(b) Value</b>		
d	Market price of site in Sq. ft. as per 45 (b)	45	23
e	Building construction value in Sq. Ft as per 45 (b)	375	186
f	Capital value of the building site with building	15030	7515
g	Building capital Value CXe	12448	62124
h	Capital Value after deduction of depreciation gxi (depreciation rate)	67984	33992
i	Total capital value (f+h)	83014	41597
j	The tax rate fixed by the council under the self declared property tax for 2004-05	.3%	
k	Property tax to be remitted under the capital value system (Tax rate x Capital value)	249	25
l	24% duty for 2004-05 = .024 yk	60	30
m	Property tax including duties = k + l	309	155
n	Property tax including duties + 50% rebate for self occupation.	155	78
o	If the property tax rate is fixed @ 0.6% including duties, them the tax amount be paid.	620	310

Comparative Table

As per ARV	Two times of ARV	100% of Market Value	50% of Market Value	@ 50% Market value when 50%	@ 50% Market value when 50%
------------	------------------	----------------------	---------------------	-----------------------------	-----------------------------



		(0.3%)	(0.3%)	rebate is given for self occupation (0.3%)	rebate is given for self occupation (0.6%)
75	150	309	155	78	155

In 2004-05, under twice of ARV the total amount of tax paid for the above property is Rs. 150.00. The amount payable under self declaration property tax system, Sec.45 (b) subject to 100% Market value, on the addition of cess would be Rs. 309.00 and Rs.155.00 on the addition of cess, subject to 50% Market value. If the rebate is given @50% for the self occupation subject to 50% of the Market value the amount payable would be Rs.75.00. On the analysis of this, taking Market value @50% as per Sec.45 (b), determining the tax @ 0/3% and providing rebate @50% for the self occupation, would hinder the tax recovery of the Urban Local body. Thus, by taking 50% of the Market value as per Sec.45 (b) and stipulating the rate of tax @0.6%, would enable the Urban Local Body to increase the tax revenue for the year 2004-05

### Illustration – 2

Property belonging to xyz, within the limits of the Urban Local Body of Uttara Kannada District.

Sl.No	Particulars	Sq. Ft./ Rs.
A	Site dimension in Sq. Ft.	504
B	Building dimension in Sq. Ft	504
C	Market Price (Per Sq. Ft) of a site in this area as per Sec 45(b), Karnataka Stamps Act 1957	
D	Market Price (Per Sq. Ft) of a building in this area as per Sec 45(b) Karnataka Stamps Act 1957	35
1	Property tax as per 2001-02 under ARV System	
a	<b>Basic Property tax</b>	
b	<b>Cess as per Schedule – 1</b>	
c	Government duties	20.00
d	Total Property tax remitted (including duty)	50.00
10	Including twice the ARV tax duties	100.00

(Maximum tax to be paid in 2002 – 03, 2003 – 04, 2004 – 05)

**The calculation details according to the CVS is as follow:**

Sl.No	Particulars	Sq. Ft.	Rs.
a	Specific dimension of site in Sq. Ft	504	
b	Dimension of the area where building will come up in Sq. Ft.	504	
c	Total area of the building in Sq. ft. (Including all floors)	504	
	<b>100% 45 (b) Value</b>		
	<b>50% 45(b) Value</b>		
d	Market price of site in Sq. ft. as per 45 (b)	35	18
e	Building construction value in Sq. Ft as per 45 (b)	153	77
f	Capital value of the building site with building	17640	8820

g	Building capital Value CXe	77112	38556
h	Capital Value after deduction of depreciation gxi (depreciation rate)	45725	22863
i	Total capital value (f+h)	63335	31683
j	The tax rate fixed by the council under the self declared property tax for 2004-05	.3%	
k	Property tax to be remitted under the capital value system (Tax rate x Capital value)	249	25
l	24% duty for 2004-05 = .024 yk	46	23
m	Property tax including duties = k + l	236	118
n	Property tax including duties + 50% rebate for self occupation.	118	59
o	If the property tax rate is fixed @ 0.6% including duties, them the tax amount be paid.	472	236

### Comparative Table

As per ARV	Two times of ARV	100% of Market Value (0.3%)	50% of Market Value (0.3%)	@ 50% Market value when 50% rebate is given for self occupation (0.3%)	@ 50% Market value when 50% rebate is given for self occupation (0.6%)
75	150	309	155	78	155

In 2004-05, under twice of ARV the total amount of tax paid for the above property is Rs. 100.00

The amount payable under self declaration property tax system, Sec.45 (b) subject to 100% Market value, on the addition of cess would be Rs. 236.00 and Rs.118.00 on the addition of cess, subject to 50% Market value. If the rebate is given @50% for the self occupation subject to 50% of the Market value the amount payable would be Rs.59.00. On the analysis of this, taking Market value @50% as per Sec.45 (b), determining the tax @ 0/3% and providing rebate @50% for the self occupation, would hinder the tax recovery of the Urban Local body. Thus, by taking 50% of the Market value as per Sec.45 (b) and stipulating the rate of tax @0.6%, would enable the Urban Local Body to increase the tax revenue for the year 2004-05

### Illustration – 3

Property belonging to xyz, within the limits of the Urban Local Body of Mandya District.

Sl.No	Particulars	Sq. Ft./ Rs.
A	Site dimension in Sq. Ft.	1500
B	Building dimension in Sq. Ft	1410
C	Market Price (Per Sq. Ft) of a site in this area as per Sec 45(b), Karnataka Stamps Act 1957	460
D	Market Price (Per Sq. Ft) of a building in this area as per Sec 45(b) Karnataka Stamps Act 1957	410
1	Property tax as per 2001-02 under ARV System	
a	Basic Property tax	80.00
b	Cess as per Schedule – 1	112.00
c	Government duties	33.00
d	Total Property tax remitted (including duty)	225.00
10	Including twice the ARV tax duties	1450.00

(Maximum tax to be paid in 2002 – 03, 2003 – 04, 2004 – 05)

**The calculation details according to the CVS is as follow:**

Sl.No	Particulars	Sq. Ft.	Rs.
a	Specific dimension of site in Sq. Ft	1500	
b	Dimension of the area where building will come up in Sq. Ft.	1410	
c	Total area of the building in Sq. ft. (Including all floors)	1410	
	100% 45 (b) Value 50% 45(b) Value		
d	Market price of site in Sq. ft. as per 45 (b)	460	230
e	Building construction value in Sq. Ft as per 45 (b)	410	205
f	Capital value of the building site with building	648600	324300
g	Building capital Value CXe	578100	289050
h	Capital Value after deduction of depreciation gxi (depreciation rate)	316313	158157
i	Total capital value (f+h)	964913	482457
j	The tax rate fixed by the council under the self declared property tax for 2004-05	.3%	
k	Property tax to be remitted under the capital value system (Tax rate x Capital value)	695	347
l	24% duty for 2004-05 = .024 yk	46	23
m	Property tax including duties = k + l	3590	1795
n	Property tax including duties + 50% rebate for self occupation.		
o	If the property tax rate is fixed @ 0.6% including duties, them the tax amount be paid.		

### Comparative Table

As per ARV	Two times of ARV	100% of Market Value (0.3%)	50% of Market Value (0.3%)	@ 50% Market value when 50% rebate is given for self occupation (0.3%)	@ 50% Market value when 50% rebate is given for self occupation (0.6%)
225	450	3590	1795	898	155

In 2004-05, under twice of ARV the total amount of tax paid for the above property is Rs. 450.00

The amount payable under self declaration property tax system, Sec.45 (b) subject to 100% Market value, on the addition of cess would be Rs. 3590.00 and Rs.1795.00 on the addition of cess, subject to 50% Market value. If the rebate is given @50% for the self occupation subject to 50% of the Market value the amount payable would be Rs.898.00. On the analysis of this, when the rebate is given @50% for the self occupation subject to 50% of the Market value the tax payable would be more than the ARV. Thus this tax (Rs.898.00) shall taken into consideration.



**Non-Residential Properties****Illustration 4-6****Example – 4**

Property belonging to xyz, within the limits of the Urban Local Body of Mandya District.

Sl.No	Particulars	Sq. Ft./ Rs.
A	Site dimension in Sq. Ft.	2800
B	Building dimension in Sq. Ft	21610
C	Market Price (Per Sq. Ft) of a site	36
D	Market Price (Per Sq. Ft) of a building	300
1	Property tax as per 2001-02 under ARV System	
a	Basic Property tax	320.00
b	Cess as per Schedule – 1	280.00
c	Government duties	120.00
d	Total Property tax remitted (including duty)	720.00
10	Including twice the ARV tax duties	1440.00

(Maximum tax to be paid in 2002 – 03, 2003 – 04, 2004 – 05)

**The calculation details according to the CVS is as follow:**

Sl.No	Particulars	Sq. Ft.	Rs.
a	Specific dimension of site in Sq. Ft	2800	
b	Dimension of the area where building will come up in Sq. Ft.	2126	
c	Total area of the building in Sq. ft. (Including all floors)	2126	
	<b>100% 45 (b) Value</b>		
	<b>50% 45(b) Value</b>		
d	Market price of site in Sq. ft. as per 45 (b)	36	18
e	Building construction value in Sq. Ft as per 45 (b)	300	150
f	Capital value of the building site with building	76536	38268
g	Building capital Value CXe	637800	318900
h	Capital Value after deduction of depreciation gxi (depreciation rate)	588530	294265
i	Total capital value (f+h)	665066	332533
j	The tax rate fixed by the council under the self declared property tax for 2004-05	0.5%	
k	<b>Property tax to be remitted under the capital value system (Tax rate x Capital value)</b>		
l	24% duty for 2004-05 = .024 yk	399	
m	Property tax including duties = k + l	4123	2061
n	Property tax including duties + 50% rebate for self occupation.	8246	4122
o	<b>If the property tax rate is fixed @ 0.6% including duties, them the tax amount be paid.</b>		

**Comparative Table**

ARV	Two times of ARV	100% of capital Value (0.3%)	50% of capital Value (0.3%)
-----	------------------	------------------------------	-----------------------------

720	1440	4123	2061
-----	------	------	------

The tax payable under Sec.45 (b) subject to 100% of the value @ 0.5% rate of tax would be Rs. 4123.00 and Rs.2061.00 @ 50% of the value.

The tax payable under Sec.45 (b) subject to 100% of the value, if the rate of tax is determined @ 1% including the cess would be Rs. 8246.00 and Rs.4122.00 @ 50% of the value.

On the analysis of this, it understand that the under Sec. 45(b) 50% of tax would be two times higher than the ARV tax. Thus, in this type of situations tax @ 50% of the value shall be taken into consideration.

To the non-residential properties the rate of tax shall be stipulated @ 1% - 2% in such towns where the population is more than one lakhs to safeguard current Tax Policies. The rate of tax shall be stipulated @ 0.5% - 0.9% in such towns where the population is less than one lakh.

#### **Illustration – 5**

Property belonging to xyz, within the limits of the Urban Local Body of Bangalore Rural District.

Sl.No	Particulars	Sq. Ft./ Rs.
A	Site dimension in Sq. Ft.	1677
B	Building dimension in Sq. Ft	1444
C	Market Price (Per Sq. Ft) of a site	180
D	Market Price (Per Sq. Ft) of a building	300
1	Property tax as per 2001-02 under ARV System	
a	Basic Property tax	1000
b	<b>Cess as per Schedule – 1</b>	
c	Government duties	800
d	Total Property tax remitted (including duty)	1800
10	Including twice the ARV tax duties	3600

(Maximum tax to be paid in 2002 – 03, 2003 – 04, 2004 – 05)

**The calculation details according to the CVS is as follow:**

Sl.No	Particulars	Sq. Ft.	Rs.
a	Specific dimension of site in Sq. Ft	1677	
b	Dimension of the area where building will come up in Sq. Ft.	1444	
c	Total area of the building in Sq. ft. (Including all floors)	1444	
	100% 45 (b) Value 50% 45(b) Value		
d	Market price of site in Sq. ft. as per 45 (b)	90	
e	Building construction value in Sq. Ft as per 45 (b)	150	
f	Capital value of the building site with building	259920	129960
g	Building capital Value CXe	433200	216600
h	Capital Value after deduction of depreciation gxi (depreciation rate)	693120	346560
i	Total capital value (f+h)	665066	332533
j	The tax rate fixed by the council under the self declared property tax for 2004-05	0.5%	
k	Property tax to be remitted under the capital value system (Tax rate x Capital value = (j) x(i))		
l	24% duty for 2004-05 = .024 yk	832	416
m	Property tax including duties = k + l	4298	2149
n	Property tax including duties + 50% rebate for self occupation.	7735	3868
o	If the property tax rate is fixed @ 0.6% including duties, then the tax amount be paid.		

### Comparative Table

ARV	Two times of ARV	100% of capital Value (0.5%)	50% of capital Value (0.5%)	50% of capital Value (0.9%)
1800	3600	4298	2149	3868

The tax payable under Sec.45 (b) subject to 100% of the value @ 0.5% rate of tax would be Rs. 4123.00 and Rs.2149.00 @ 50% of the value.

It understands that, if the rate of tax is determined @ 0.5% under Sec.45 (b) subject to 50% of the value would hinder the tax recovery of the Urban Local body.

If the rate of tax is determined @ 0.9%, under Sec.45 (b) subject to 50% of the value would protect the tax revenue level. Further, in certain circumstances if the rate of tax is determined @ 0.9%, the revenue of the Urban Local body could be increased.

To the non-residential properties the rate of tax shall be stipulated @ 1% - 2% in such towns where the population is more than one lakhs to safeguard current Tax Policies. The rate of tax shall be stipulated @ 0.5% - 0.9% in such towns where the population is less than one lakh.

### Illustration – 6

Property belonging to xyz, within the limits of the Urban Local Body of Bangalore Rural District.

Sl.No	Particulars	Sq. Ft./ Rs.
-------	-------------	--------------

A	Site dimension in Sq. Ft.	1060
B	Building dimension in Sq. Ft	1050
C	Market Price (Per Sq. Ft) of a site	1200
D	Market Price (Per Sq. Ft) of a building	350
1	Property tax as per 2001-02 under ARV System	
a	Basic Property tax	2500
b	Cess as per Schedule – 1	
c	Government duties	1400
d	Total Property tax remitted (including duty)	3900
10	Including twice the ARV tax duties	7800

(Maximum tax to be paid in 2002 – 03, 2003 – 04, 2004 – 05)

**The calculation details according to the CVS is as follow:**

Sl.No	Particulars	Sq. Ft.	Rs.
a	Specific dimension of site in Sq. Ft	1060	
b	Dimension of the area where building will come up in Sq. Ft.	1050	
c	Total area of the building in Sq. ft. (Including all floors)	4200	
	100% 45 (b) Value		
	50% 45(b) Value		
d	Market price of site in Sq. ft. as per 45 (b)	1200	600
e	Building construction value in Sq. Ft as per 45 (b)	350	175
f	Capital value of the building site with building	1260000	630000
g	Building capital Value CXe	1470000	735000
h	Capital Value after deduction of depreciation gxi (depreciation rate)	935200	467600
i	Total capital value (f+h)	2195200	1097600
j	The tax rate fixed by the council under the self declared property tax for 2004-05	0.5%	
k	Property tax to be remitted under the capital value system (Tax rate x Capital value = (j) x(i))	2634	1317
l	24% duty for 2004-05 = .024 yk	2634	1317
m	Property tax including duties = k + l	13610	6805
n	Property tax including duties + 50% rebate for self occupation.	24498	12250
o	If the property tax rate is fixed @ 0.6% including duties, then the tax amount be paid.	27220	13610

### Comparative Table

ARV	Two times of ARV	100% of capital Value (0.5%)	50% of capital Value (0.5%)	50% of capital Value (0.9%)
3900	7800	13610	6805	12250



The tax payable under Sec.45 (b) subject to 100% of the value @ 0.5% rate of tax would be Rs.13610.00 and Rs.6805.00 @ 50% of the value.

If the rate of tax is determined @1%, under Sec.45 (b) subject to 50% of the value, the tax payable including the cess would be Rs. 24498.00 and Rs.12250.00 @ 50% of the value.

It understands that, if the rate of tax is determined @ 0.5% under Sec.45 (b) subject to 50% of the value would hinder the tax recovery of the Urban Local body.

If the rate of tax is determined @ 0.9%, under Sec.45 (b) subject to 20% of the value would protect the tax revenue level. Further, in certain circumstances if the rate of tax is determined @ 1%, subject to 50% of the value, the revenue of the Urban Local body could be increased.

To the non-residential properties the rate of tax shall be stipulated @ 1% - 2% in such towns where the population is more than one lakhs to safeguard current Tax Policies. The rate of tax shall be stipulated @ 0.5% - 0.9% in such towns where the population is less than one lakh.

It is hereby instructed to take required steps within the time prescribed in our Circular to give effect to the aforementioned Circular of the Director, Municipal Administration.

**Model Form**

**To**

Municipal commissioner / Chief Officer

City Municipal Council / Town Municipal Council / Town Panchayat

**Sub: Application for license to construct New/ Extension of  
/ Renovation / Repair of - building reg.,**

1	Current residential address of the Applicant	
2	Postal address & telephone number of the Applicant	
3	Details of the site of building construction :	Khata No
		Survey No
		Ward No
4	Road Layout	
5	Boundaries of building construction. East : West : North : South	
6	Documents enclosed : 1. Copy of Khata 2. Possession certificate of the site 3. tax paid Receipt 4. Consent letter of neighbourers 5. Layout Plan / Map 6. Blue print (5 copies) 7. Other documents.	
7	Height of foundation above road level	
8	Method of connecting the public drains to let the used water.	

I am committed to –

1. Construct the building as per the approved blue print.
2. Comply the all terms of the license and the instructions given, from time to time, by the Municipal Council.
3. The approved blue prints without transgressing it and resolve the disputes with the adjacent people at my own risk.

Date

Signature of applicant.

**Model Form**

**To**

Municipal commissioner / Chief Officer  
 City Municipal Council / Town Municipal Council / Town Panchayat  
**Sub: Application for industry new license / renewal reg.,**

1	Name	
2	Father's Name	
3	Age	
4	Purpose of license	
5	Place of industry to be established	
	Ward No	
	Khata Assessment No.	
	House No.	
	Name of the Street	
6	The said undertaking is own/ rental	
7	Period of license, required	
8	License No.	

Receipt No. .... Date: .....

Fees ..... Rs...

I do hereby certify that the above mentioned details are true to best of my knowledge and the fee paid receipt is enclosed herewith.

Place:

Date:

Signature of applicant

**Annexure – 5**

**Model Form**

**To**

Municipal commissioner / Chief Officer  
 City Municipal Council / Town Municipal Council / Town Panchayat

**Sub:** Application for the supply of tap water reg.,

- 1) I Sri//Smt..... do hereby requesting your good self to sanction supply of drinking water through ..... diameter pipe and affixing of water meter. I hereby designate Sri..... as plumbing contractor to connect the tap line with main line.
- 2) I have paid the tax / self declaration of property tax as prescribed, up to current year, in the ..... Bank, vide receipt No... Date... with respect to the building Vide Khat No...
- 3) I hereby certify that I know the rules and by-laws in force .I agree to pay the water rate and meter charge @ such rate as prescribed for every 100 litres.

4) I have enclosed two copies of plan to identify the pipe connection and paid Regulation fee Rs.....vide receipt No....Date...

5) Particulars of the place to which supply of drinking water has been sought -

- a) Division No.
- b) Street
- c) Cross :
- d) Name of the Khata Holder :
- e) Khatha No :
- f) Boundary -
  - East:
  - West:
  - North:
  - South:

6) Non-domestic purpose, if any, details -

- I. Registration of Tax :
- II. Commercial building (Hotel / bakery / workshop / etc):
- III. Building construction:
- IV. Supply outside the Municipal Council limits:

Witnesses:

1).....

2).....

Signature of Khatha Holder

Place :

Date :

Address of Khatha Holder

### **Declaration of Plumbing licensee**

1. I do hereby declare that I..... have obtained plumbing license, in the year..... vide No.....

2. I do hereby tender my consent to connect the water pipeline and enclosed the rate list.

Place :

Date :

Signature of plumbing licensee

Report of the Engineer, water supply division, City Municipal Council / Town Municipal Council / Town Panchayat.

Signature of the Engineer  
Water supply division

**Annexure – 6**

**Model Form**

**To**

Municipal commissioner / Chief Officer

City Municipal Council / Town Municipal Council / Town Panchayat

**Sub:** Application for no objection certificate for electrical connection reg.,

1	Name of the applicant	
2	Address	
3	Building number	
4	Ward Number	
5	Whether Self Assessment of Property Tax paid receipt of current year	Yes / No
6	Whether the electricity connection is obtained till date	Yes / No
7	Reasons for not getting the electricity connection	

Place:

Date:

Signature of the Applicant.

**Note:**

- 1) The application shall obtain the application form by paying Rs.25.00 at the office of the Treasury, Administration Section.
- 2) For further details may be obtained from the Office Manager or Revenue Officer.

**Model Form**

**To**

Municipal commissioner / Chief Officer

City Municipal Council / Town Municipal Council / Town Panchayat

No. C7. CR.NO :

Date:

**No Objection Certificate for Electricity**

**Sub:** No Objection Certificate for Electricity reg.,  
**Ref:** 1) Application, vide No... Date:  
2) Revenue Inspector Report, vide No... Date:

In pursuance to the above, the..... City Municipal Council / Town Municipal Council / Town Panchayat have no objection to give electricity connection to Sri/Smt.... vide Ward No... Property No..... for domestic purpose.

Boundary -

East:

West:

North:

South:

Signature of the Municipal commissioner / Chief Officer  
City Municipal Council / Town Municipal Council / Town Panchayat

**Model Form**

**To**

Municipal commissioner / Chief Officer

City Municipal Council / Town Municipal Council / Town Panchayat

**Sub:** Residential certificate reg.,

1	Name of the Applicant	
2	Address	
3	Building number	
4	Ward Number	

5	Nature of building	Own/rental/Govt. quarters/ quarters of the Private Institution
6	Purpose of obtaining the certificate	
7	Photo copy of the documents enclosed -	
	Self Assessment of Property Tax paid receipt of the current year	
	Notarized Rental agreement	
	Ration card	
	Voters identity card	

I do hereby declare that the above mentioned details are true to my knowledge and good belief.

Place:

Date:

Signature of the Applicant.

**Note:**

- 1) The application form may be obtained by paying Rs. 5.00 at the office of the Treasury, Administration Section.
- 2) For further details may be obtained from the Office Manager or Revenue Officer.

**Model Form**

No. C7. CR.NO :

Date:

**RESIDENTIAL CERTIFICATE**

**Sub:** Residential certificate reg.,

**Ref:** 1) Application, vide No... Date:

2) Revenue Inspector Report, vide No... Date:

This is to certify that Sri/Smt.....is, as per the report of the Revenue Inspector, residing at Door No.....Main....Cross.....Extension.....Ward No..... This Certificate has been issued..... Purpose only.

Signature of the Municipal commissioner / Chief Officer  
City Municipal Council / Town Municipal Council / Town Panchayat

**To**

Sri/Smt.....

.....

.....

**Model Form**

Affix Rs. 2.00  
Non –Judicial stamp

**To**

Municipal commissioner / Chief Officer

City Municipal Council / Town Municipal Council / Town Panchayat

**Sub:** Application for the transfer of khata in the property tax Register reg.,

(As per vide No. ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂ:ವ್ಯ:ಶಾ: ಇ: 35:ಶಾಸನ2003:ಪುರಸಭೆ ಕಾಯಿದೆ ಹಾಗೂ ತಿದ್ದುಪಡಿ 31:2003, the Application for the transfer of katha in favour of another in the Register of Self Assessment Declaration of Tax)



1	The Name of a person in whose name the entry about the present property is found in the Tax Register of the Municipal Council	
2	Name of a person in whose name the transfer shall be affected.	
3	House -site	
4	Municipal Property tax No.	
5	Extent	
6	Boundary East West North South	
7	Whether Register Deed is enclosed?	Yes/ No
8	Remarks	

I do hereby vouch that the information furnished above are true to my knowledge and good belief.

Signature of the  
Current property tax assessee

Signature of the Applicant

Place:

Date:

**Annexure – 11**

**Model Form**

Municipal commissioner / Chief Officer  
City Municipal Council / Town Municipal Council / Town Panchayat  
Sl. No C3( ).C.R.No.

Dated.....

**Public Notice**

**Sub:** Transfer of khata in the Property Tax Register, vide Ward No..... Khata No..... Extent.....

**Ref:** (1) Application of Sri./Smt..... Date:

(2) ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ. ಪೌನಿ.ಎಸ್.ಎ.ಎಸ್.38/04-05 ದಿನಾಂಕ: 14.10.2004

It is hereby notified to the residents of..... Municipal Council that Sri/Smt..... has submitted an application seeking the transfer of Khata of ..... property vide No..... in favour of Sri/Smt.....Any person who is likely to be affected by such transfer may file his/her objections, in writing, along with necessary documents within 30 days from the date of this notification. In the absence of any objections the application will be disposed by doing the transfer of Khata. The belated objections will never be entertained.

Municipal commissioner / Chief Officer  
City Municipal Council / Town Municipal Council / Town Panchayat

**Copy to:**

1. Notice board
2. Office file

**Model Form**

Municipal commissioner / Chief Officer  
City Municipal Council / Town Municipal Council / Town Panchayat  
Sl. No C3 ( ).C.R.No.

Dated.....

**Office Note**

**Sub:** Transfer of khata in the Property Tax Register, vide Ward No..... Khata No..... Extent.....

**Ref:** (1) Application of Sri. /Smt..... Date:

On the examination of records, the Khata No. Assessment No. Extent and the name of the Khata hoder are found correct. The scheduled property is devolved on the Khata hoder through..... and registered in the Office of the Sub-Registrar, Sagara. The tax has been paid with respect to the scheduled property up to 2013-14 vide receipt No... On the basis of these records the transfer of the scheduled property may be made in favour of the applicant, Sri/Smt..... leaving apart the affairs of the City Municipal Council / Town Municipal Council / Town Panchayat,

**SCHEDULE**

Ward No..... Khata No..... Extent.....

**Boundary**

East :  
West :  
North :  
South ;

Submitted for orders.

Revenue Officer]

**Model Form**

**Property Register – C**

Determined (MAR 19)

Undetermined

I. Property identification details

Name of the ward and No		Name of the Division and No.	
Khata No.		Survey No.	
Name of an existing Road		Name of anew road and No.	
Name of an existing House		Number of new house.	
Address of the property			

## 2. Details of ownership

No.	Name	Last Name/ surname of the family	Name of the Father / Mother / Husband
1			
2			
3			
4			

### 3 Name of occupant, in the absence of owner.

No.	First Name	Last Name/ surname of the family	Name of the Father / Mother / Husband
1			
2			
3			
4			

### 4 Details of Classification of property (Select one)

1	Vacant Site	2	residence	3	Commercial
4	Residence & Commercial	5	Institutions	6	Industry
7	Central Govt.	8	State Govt.	9	Urban Local Body
10	Panchayat	11	Religious Institutions	12	Monuments
13	Others				

### 5 Extent of site. (All models of the town shall be in the same extent - metres or foot)

Extent of site as per the records of the Local Body:

Length  Breadth  Extent

Factual area of the site

Length  Breadth  Extent

### 6 Details of Building - No. of floors of the apartment

No. of Floors	built-up area	Year of Construction	Structure of building vide table -I	Utility of property Select from Section 4)	Self occupation of the tenant	Nature of the property vide table - II

Total built-up area

**Note:** the details of additional floors shall be provided in a separate sheet if the property is having more than 36 floors.

7. Property tax source new DCB and Model Register III – KMF

1	2	3					
		Property tax under the Self Declaration of Property Tax System					
		DCB 2002/03	DCB 2003/04	DCB 2004/05	2005-06	2006-07	2007-08
Source of demand	Demand	CAL / 2ARV SAS	CAL / 2ARV SAS	CAL / 2ARV SAS	CAL / 2ARV SAS	CAL / 2ARV SAS	CAL / 2ARV SAS
Property tax demand including the arrears	Property tax						
	Sub cess						
Remitted unto the day of remittance	Property tax						
	Sub cess						
Remitted unto the day of remittance	Property tax						
	Sub cess						

7E Annual Rental Value till end of 2001- 02

Original property tax	Total cess	ARV Property tax to be remitted	two times of total ARV property tax to be remitted

8 Use of amenities

Water Meter No.		Water supplied by the Municipal Council	Yes / No.
availability of drains	Yes/ No		

Notes: Mention objections, if any, in the box

Name of the Survey Asst..... signature..... date.....

Name of the bill collector..... signature..... date.....

Name of the Engineer..... signature..... date.....

For office use only

Conclusive Property Identification Number.

**Annexure – 14**

**Model Form**

Municipal commissioner / Chief Officer

City Municipal Council / Town Municipal Council / Town Panchayat

**Sub:** Application for the obtaining House No.reg.

1	Name of the Applicant	
---	-----------------------	--

2	Address	
3	Village/Ward No. where the building is located	
4	Dimension	
5	Survey No.	
i)	If the building license has been obtained - *Copy of the Building construction license *Copy of the residential certificate	
ii)	If the building license has not been obtained – *Copy of the RTC * Site sketch * Copy of the sanctioned layout( if it is a vacant land) * Copy of the order of conversion of land * Building plan and extent	
iii)	Building model	RCC/Tiled house/ Temporary shed/ thatched/ Others
6	Documents enclosed	

I do hereby swear that the above mentioned information are true to my knowledge and good belief.

Place:

Date:

Signature of the applicant

**Note:**

1. The application form may be obtained by paying Rs. 5.00 at the office of the Treasury, Administration Section.
2. For further details may be obtained from the Office Manager.

**Model Form**

**To**

The Municipal commissioner / Chief Officer

City Municipal Council / Town Municipal Council / Town Panchayat

**Sub:** Application for NOC to convert the land reg.

1	Name of the Applicant			
2	Address			
3	Surrvey No. and extent of the agricultural land proposed for conversion	village	Survey No.	extent
4	Is there any approach road to the proposed land, if so, provide details			
5	Are they willing to give the land, required for road construction, to the Municipal Council by executing gift deed	Yes/No		
6	Documents enclosed			
i)	Original copy of the RTC			
ii)	Sketch of the proposed conversion site (Road shall be identified)			
iii)	others			

I do hereby swear that the above mentioned information are true to my knowledge and good belief.

Place:

Date:

Signature of the applicant

**Note:**

1. The application form may be obtained by paying Rs. 25.00 at the office of the Treasury, Administration Section.
2. For further details may be obtained from the Office Manager

**Model Form**

**To**

The Municipal commissioner / Chief Officer

City Municipal Council / Town Municipal Council / Town Panchayat

**Sub:** Application for birth certificate reg.

1	Name of the Applicant	
2	Address	
3	Details of the birth certificate	

a)	Name of the child	
b)	Date of Birth	
c)	Name of the Father	
d)	Name of the Mother	
e)	Place of Birth	Hospital/ Home
i)	Name of Hospital	
ii)	Complete address of the Home	
4	No. Of copies required	
5	Relationship of the child with the applicant [Self/ Father/ Mother/ Others (Others shall clearly mention the nature of relationship. If he/she do not possess any relationship, it shall be specifically be stated.)]	

I do hereby swear that the above mentioned information are true to my knowledge and good belief.

Place:

Date:

Signature of the applicant

**Note:**

1. Rs.10/ shall be remitted per copy at the counter.
2. The certificate will be given within 24 hours if the records avail.
3. The certificate will be issued within 7 days from the date of receipt of the application, if no records are available.
4. further details may be obtained from the Office Manager

**Annexure – 17**

**Model Form**

**To**

The Municipal commissioner / Chief Officer

City Municipal Council / Town Municipal Council / Town Panchayat

**Sub:** Application for birth certificate reg.

1	Name of the Applicant	
2	Address	
3	Details of the death certificate	
a)	Name of the deceased	
b)	Date of death	
c)	Name of the Father	
d)	Name of the Mother	
e)	Place of death	Hospital/ Home
i)	Name of Hospital	
ii)	Complete address of the Home	
4	No. Of copies required	
5	Relationship of the child with the applicant [Self/ Father/ Mother/ Others (Others shall	



	clearly mention the nature of relationship. If he/she do not possess any relationship, it shall be specifically be stated.]	
--	---	--

I do hereby swear that the above mentioned information are true to my knowledge and good belief.

Place:

Date:

Signature of the applicant

**Note:**

1. Rs.10/ shall be remitted per copy at the counter.
2. The certificate will be given within 24 hours if the records avail.
3. The certificate will be issued within 7 days from the date of receipt of the application, if no records are available.
4. further details may be obtained from the Office Manager

**Annexure – 18**

**Model Form**

**To**

The Municipal commissioner / Chief Officer

City Municipal Council / Town Municipal Council / Town Panchayat

**Sub:** Application for display of banner/cut-out/advertisement reg.

1	Name of the Applicant	
2	Address	
3	Details of the banner/cut-out/advertisement	
a)	Length and breadth	
b)	Place of display	
c)	Period of display [ from which date to which date]	
d)	Security deposit paid	

I do hereby swear that the above mentioned information are true to my knowledge and good belief.

Place:

Date:

Signature of the applicant

**Note:**

1. The fee prescribed shall be paid at the cash branch for display of banner etc.,
2. The banner etc, shall be removed after the expiry of the time prescribed.
3. The City Municipal Council / Town Municipal Council / Town Panchayat reserve the right to remove it without any prior notice. The person concerned shall be responsible for all the objections, if raised. On the expiry of the time prescribed the organizer shall withdraw the banner etc, at their cost.
4. Further details may be obtained from the Office Manager.

**Model Form**

**To**

The Municipal commissioner / Chief Officer  
City Municipal Council / Town Municipal Council / Town Panchayat

**Sub:** Application for certified copy reg.

1	Name of the Applicant	
2	Address	
3	Details of the certified copy	
a)	Copy of the Property Tax Register	
i)	Building No./ Ward No.	
b)	Copy of the building license	
i)	File No.	
ii)	Year ( copy of the license, plan etc.)	
c)	Copy of others	
i)	File No.	
ii)	Year	
4	No. of copies required	

Place:

Date:

Signature of the applicant

**Note:**

1. Rs. 75.00 per copy shall be paid at the cash counter of the Office.
2. Enquire with the Manager, Municipal Council for additional copies of plan etc.

**Model Form**

**ENCLOSURE OF DOCUMENTS TO VARIOUS APPLICATIONS**

<b>Sl. No.</b>	<b>Subject of application</b>	<b>Documents to be enclosed with application prescribed</b>	<b>Maximum time for the disposal of application</b>
1	Building license	1. Copy of Khatha record 2. Title deed / RTC 3. Site sketch 4. Order copy of the single site design, If need be. 5. Approved plan 6. six copies of blue print of the building 7. Budget estimate of the building 8. Submission of application through the architect approved by the Municipal Council. 9. Land revenue paid receipt/ challan copy	30 days
2	Renewal of Building license	Copy of order of the building license and approved plan	30 days
3	license for the repair of building	1.Copy of the Khata in the Municipal Council 2. Copy of tax paid receipt / challan 3.RTC 4.Building plan of the existing building and particulars of the parts of the building to be repaired	30 days
4	Construction of compound wall	1.Copy of Khata in the Municipal Council 2. Single site design 3. Approved plan 4. Sale deed/ title deed 5. Sketch of the place 6. Six copies of the blue print.	15 days
5	Business establishment license	1. SAS paid receipt if it is an own building. 2. Rental deed and SAS paid receipt until current year.	10 days
6	Business establishment license renewal	Copy of Business establishment license and tax paid challan	7 days

Sl. No.	Subject of application	Documents to be attached along with prescribed application	Maximum time period for disposal of application.
7	a) Change of Khata of a building	1. Registered title deed 2. The No and extent of the building shall be recorded in the title deed 3. Self Declaration of Property Tax paid receipt – until the current year	15 days
	b) Vacant land/ site	1. Registered title deed 2. Title deed/ RTC 3. Copy of the order of conversion 4. copy of the order and sanction of layout of the Urban Development Authority 5. Self Declaration of Property Tax paid receipt – until the current year	
	c) Inheritance/Succession certificate	1. Death certificate of the khata holder 2. Living certificate of members obtained from the Thashildar 3. Self Declaration of Property Tax paid receipt – until the current year	
8	No Objection Certificate (NOC) for electricity	Self Declaration of Property Tax paid receipt – until the current year	7 days
9	Residential certificate	1. Self Declaration of Property Tax paid receipt – until the current year 2. Copy of rental/ lease agreement, if the building is rented 3. copy of ration card 4. copy of voters' ID	7 days
10	No Objection Certificate (NOC) for conversion of land for non-agricultural purposes	1. Original copy of the RTC of the land 2. Map of the land	30 days
11	Drinking water connection (subject to the availability of pipeline)	1. Self Declaration of Property Tax paid receipt – until the current year 2. Land revenue paid receipt	10 days
12	Certified copy	1. Self Declaration of Property Tax paid receipt – until the current year 2. file No. and year	3 days
13	Birth and Death certificate	1. Rs. 10.00 per copy, if the record is readily available.	1 day
		2. Examination/ search of records, if not readily available on the file. 3. when the birth or death occurs at the place of abode, the birth records shall be in Form – 1, the death records shall be in Form -2 and the still born records shall be in Form -3 be submitted within 21 days from the date of the incident to the Municipal Council. 4. No amendment shall be made to the original document of birth/death including the name and date.	7 days
14	Building utilization certificate	1. Copy of the building license 2. Building completion certificate from the authorised S B surveyor 3. Tax paid receipt/challan of new building	30 days

**Model Form**

**COMPLAINT**

[See Rule 4(1)]

Before the Lokayukta/Upa-lokayukta for  
Karnataka

1. Name and address of the complainant for all correspondence in respect of the complaint;
2. Name and address of the Public Servant complained against;
3. Brief facts relating to the action complained of;  
(Complainant's affidavit in the Form II to be enclosed)
4. If the complainant or the person for whom he is acting is aggrieved, the nature of the grievance should be specifically mentioned;
5. Name and addresses of the witnesses whom the complainant desires to examine in support of the allegations;
6. Particulars of the documents relied upon by the complainant in support of the allegation;
7. If the documents relied upon or their true copies are available with the complainant they should be enclosed and details thereof should be furnished;
8. If the documents relied upon are not in the custody of or cannot be produced by the complainant, the office or other place or individual from whom they may be secured, should be specified.
9. Were the facts stated in Item 3 the subject matter of any previous complaint to any authority including the Lokayukta or the Upa- lokayukta or of any suit, petition or other proceeding whatsoever before a Court of Law or other Tribunal or an Officer of a Government if so give particulars of the [remedies sought or granted].
10. Remarks, if any:

Place:

Signature or the thumb mark of the complainant.

Dated:

**Form 2**

**COMPLAINANT'S AFFIDAVIT**

[See Rule 4(i)]

Before the Lokayukta / Upa-lokayukta for Karnataka

I,..... son of Shri..... Aged..... years, profession..... resident  
of Taluka..... District..... at present at..... Taluka..... District. do  
hereby solemnly affirm and state as follows.

1. That I am the complainant in this case.
2. I have enclosed hereto a complaint making allegations against Sri/Srimathi. The contents of my complaint may be read as part and parcel of this affidavit.
3. That the statements of this complaint petition have been read by/read over to me and understood by me and that I declare and affirm that they are true to the best of my knowledge, information and belief.

Dated:

Signature of the Deponent.

Solemnly affirmed before me this.. day of.. 2013 at

Signature.

**Annexure – 23**

**Model Form**

**(Sec. 6(1) and 7(1), Right to Information Act. 2005)**

<b>1</b>	Full Name of the Applicant	Ganesh S/o Bangarappa
<b>2</b>	Address:	No. 774, 2 <sup>nd</sup> Cross, 1 <sup>st</sup> Main road, DK Road, Vijayanagara Extension, Sagar.
<b>3</b>	Details of the document/Inspection/Samples required	Number of houses built under ashraya scheme and details of beneficiaries
<b>4</b>	Year to which the above pertains	
<b>5</b>	Designation and Address of the Public Information Officer from whom the Information is required	Manager, Sagar City Municipal Council, Sagara, Shimoga – 577 401

Place: Sagara

Date: 12.06.2013

signature of the applicant

Receipt/ Indian postal Order/DD/banker's Cheque/ Treasury remittance No. 2435

Date: 12.03.2012 Amount: Rs. 10.00 (In words: Rs. Ten only.)

The Authority who receives the application shall give an endorsement to the applicant and enter in the register.