

DRAFT

BANGALORE METROPOLITAN GOVERNANCE BILL

*Incorporating governance recommendations of the ABIDe
Task Force as well as the Dr.Kasturirangan Committee*

BANGALURU METROPOLITAN GOVERNANCE BILL, 2010.

STATEMENT OF OBJECTS AND REASONS

It is considered expedient in exercise of the powers conferred under 74th Constitution of India Amendment Act, 1993 to formulate a model and umbrella legislation for the constitution, functions and responsibilities of the Metropolitan Planning Committee and such committees as may be deemed necessary under it and inter alia to foster shared responsibility among the various authorities in Bangalore Metropolitan Region aiming

- (a) direction for planning future growth of populated areas of the metropolitan region with a view to ensuring desirable standards in the matters of
 - (i) environmental health and hygiene, and creating facilities for the orderly growth of industry and commerce for promoting general standards of living in the state;
 - (ii) future growth and regulation and traffic and transportation with emphasis on public transport systems and pollution control measures
 - (iii) conservation and protection of heritage precincts
 - (iv) maintain central spatial information repository for continued planning and growth

It is considered expedient to provide for responsive, democratic, transparent, accountable local governance framework organized according to the rational structure that promotes responsiveness and accountability and fosters greater citizen participation in municipal corporation and the municipalities established in the Bangalore Metropolitan Region.

The various provisions of the Bill generally follow the provisions of the enactments now in force relating to the local authorities in the Bangalore Metropolitan Region. However, it is necessary to provide for several consequential amendments to the following legislations:

- (a) Karnataka Town and Country Planning Act, 1961

- (b) Bangalore Metropolitan Region Development Authority Act, 1985
- (c) Bangalore Development Authority Act, 1985
- (d) Karnataka Municipal Corporation Act, 1976.
- (e) Karnataka Municipalities Act, 1964
- (f) Karnataka Land Revenue Act, 1964
- (g) Bangalore Water Supply and Sewerage Board Act, 1964
- (h) Karnataka Industrial Development Board Act, 1966

Hence this Bill.

CHAPTER I

Preliminary

1. Short title and commencement.- (1) This Act may be called the Bangalore Metropolitan Governance Act, 2010.

(2) Every Part of this Act shall come into force on such a date or dates as the State Government may by notification appoint except as provided by subsection (3).

(3) A date appointed under subsection (2) for amendment of any other law in this Act shall not be a day occurring before the commencement of this Act.

(4) It will extend to the whole of Bangalore Metropolitan Region notified under the provisions of this Act.

PART 1

CHAPTER II

METROPOLITAN GOVERNANCE

2. Definitions.- In this Part, unless the context otherwise requires.-

- (1) “Bangalore Metropolitan Region” means conglomeration all Local Authorities

in Bangalore Urban District, and Bangalore Rural District and Ramanagaram District.

- (2) “Local Authority” means each of the units of local authorities constituted under the Karnataka Municipal Corporation Act, 1976, Karnataka Municipalities Act, 1964 and Panchayat Raj Act, 1993 centred on Bangalore Metropolitan Region referred to in sub-section (1).
- (3) “Local Planning Area” means area co-terminous Local Authority referred to in sub-section (2).
- (4) “Bangalore Metropolitan Region Development Authority” means the authority constituted under Bangalore Metropolitan Region Development Authority Act, 1985.
- (5) “Metropolitan Commissioner” means the Metropolitan Commissioner appointed under Bangalore Metropolitan Region Development Authority Act, 1985.
- (6) “Metropolitan Planning Committee” means the Metropolitan Planning Committee constituted for the Bangalore Metropolitan Region and referred to in section 3.
- (7) “Metropolitan Planning Board” means the Metropolitan Planning Board constituted for the Bangalore Metropolitan Region and referred to in section 6.
- (8) “Metropolitan Sectoral Committee” means a Committee constituted under the Metropolitan Planning Committee and referred to in section 7.
- (9) “Metropolitan Traffic and Transport Authority” means the Authority constituted and referred in section 8.
- (10) “Metropolitan Urban Art and Heritage Authority” means the Authority constituted and referred to in section 9.

CHAPTER III

CONSTITUTION OF METROPOLITAN PLANNING COMMITTEE, OTHER COMMITTEES AND AUTHORITIES

3. Constitution of Metropolitan Planning Committee.- As soon as may after the date of coming into force of this Part, the State Government by notification, constitute the Metropolitan Planning Committee for governing Bangalore Metropolitan Region.

4. Composition of the Metropolitan Planning Committee.- (1) Metropolitan Planning Committee shall consist of such number of members as may be notified by the state government.

(2) such number of persons, not being less than two thirds of members of the Committee shall be elected in the prescribed manner by, and amongst the elected members of the municipal corporation and municipalities and Chairpersons of the Gram Panchayats in proportion to the ratio between the population of the Municipalities and of the Panchayats of that area.

(3) such number of persons not exceeding one third of the members notified under sub-section (1) shall be nominated by the state government as may be prescribed who may include.-

(4) the representatives of the Government of India and the Government of Karnataka and of such organizations and institutions as may be deemed necessary for carrying out the functions assigned thereto.

(5) Metropolitan Commissioner, Bangalore Metropolitan Region Development Authority shall be the member-secretary of the Metropolitan Planning Committee.

5. Chairperson and Vice-Chairperson of Bangalore Metropolitan Planning Committee.- Chief Minister of Karnataka shall be the Chairperson any person specified by the Chairperson shall be the Vice-Chairperson of the Metropolitan Planning Committee.

6. Metropolitan Planning Board.- (1) The State Government may, by notification, constitute a Bangalore Metropolitan Planning Board by specifying not more than seven persons amongst the members of the Metropolitan Planning Committee.

(2) Chairperson of the Metropolitan Planning Committee shall be the Chairperson of the Metropolitan Planning Board. Vice-Chairperson of the Metropolitan Planning Committee shall be the Vice-Chairperson of the Metropolitan Planning Board.

(3) Metropolitan Commissioner shall be the member secretary of the Board in subsection (1).

7. Constitution of Sectoral Committees.- (1) The Bangalore Metropolitan Planning Board as soon as may be shall constitute, as may be specified by the Metropolitan Planning Committee such number of sectoral committees as deemed fit to transact business on the following matters:

- (a) Spatial Planning and Economic Development
- (b) Traffic and Transportation
- (c) Environment and Ecology
- (d) Water, drainage and sanitation
- (e) Urban Art and Heritage
- (f) Urban Poverty Alleviation.

Provided the Metropolitan Planning Committee may specify committees for any matter other than specified in sub-section (1) whenever it is deemed necessary.

(2) Each Sectoral Committee shall have a Chairperson and not less than two elected members of the Metropolitan Planning Committee and such number of experts appointed by the state government as deemed necessary by the Metropolitan Planning Committee.

8. Bangalore Metropolitan Traffic and Transportation Authority.- Bangalore Metropolitan Traffic and Transportation Authority shall be constituted comprising Chairperson and members of the Sectoral Committee for Traffic and Transportation under Section 7 (1) (b).

(2) Bangalore Metropolitan Traffic and Transportation Authority shall exercise such powers as laid down by the Metropolitan Planning Committee and shall function in the manner prescribed.

9. Bangalore Metropolitan Urban Art and Heritage Authority.- (1) Bangalore Metropolitan Urban Art and Heritage Authority shall be deemed to have been constituted comprising Chairperson and members of the Sectoral Committee for Urban Art and Heritage under Section 7(1)(e) and

(2) such number of members nominated by the Metropolitan Planning Committee comprising eminent architect, artist, environmentalist, historian and any other relevant fields.

(2) Bangalore Metropolitan Urban Art and Heritage Authority shall exercise such powers as laid down by the Metropolitan Planning Committee and shall function in the manner prescribed.

10. Powers and functions of the Metropolitan Planning Committee.- (1) The Metropolitan Planning Committee shall cause preparation of Draft Development Plan for Bangalore Metropolitan Planning Region and in preparing such plan,-

(a) having regard to.-

(i) the plans prepared by the local authorities in the metropolitan region

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

(iii) the overall objectives and priorities set by the Government of India and the Government of Karnataka.

(iv) the extent and nature of investments likely to be made in the Bangalore Metropolitan Region by agencies of Government of India and of the Government of Karnataka and other available resources whether financial or otherwise.

11. Powers and functions of Metropolitan Planning Board.- (1) The Metropolitan Planning Board shall be the executive head of Metropolitan Planning Committee and shall have superintendence and control over all the committees and authorities constituted under the Metropolitan Planning Committee.

(2) Notwithstanding anything in subsection (1), the Bangalore Metropolitan Planning Board shall exercise the powers of State Planning Board in accordance with the provisions of the Karnataka Town and Country Planning Act, 1961 for the purpose of co-coordinating, supervising and directing the local planning authorities in the Bangalore Metropolitan Region in connection with the preparation of the local authority development plans.

(3) Metropolitan planning board may consult such institutions and organizations as the Governor, may by order, specify.

(4) Metropolitan Planning Board shall forward the development plan recommended by the Metropolitan Planning Committee to state government for approval.

(5) Metropolitan Planning Board shall formulate guidelines for compliance by the local authorities under Metropolitan Region for preparation of local planning area development plans having such components of economic and social planning as may be determined and the manner and format of such plans to be prepared and submitted to the Metropolitan Planning Committee.

12. Functions of Sectoral Committees.- Functions of Sectoral Committee in the manner prescribed shall include.-

(a) Preparation sectoral development plan in consultation with experts in respective fields in time

- (b) Formulation of procedures and methodology for performance for their duties and responsibilities in consultation with the Metropolitan Planning Board
- (c) Coordinating amongst the sectoral committees and authorities in consideration of inter-sectoral interdependence
- (d) Monitoring progress and reporting

13. Power of the Government to make rules.- (1) The Government may after previous publication by notification make rules for carry out the purposes of this Chapter.

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

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

- (a) provide for all matters expressly required or allowed by this Act to be prescribed;
- (b) prescribe the accounts to be kept and the manner in which such accounts shall be audited and published and the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered therein or omitted there from;
- (c) provide for conduct of business and proceedings of the meetings
- (d) prescribe the forms of all registers, reports and returns, the manner in which such registers shall be maintained, the dates on which the reports and returns shall be made and the officers to whom they shall be sent, as also of warrants and notices of sale;
- (e) prescribe the powers of auditors, inspecting and superintending officers authorised to hold inquiries to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence.

PART II
CHAPTER IV
MUNICIPAL GOVERNANCE

14. Definitions.- (1) In this Part, unless the context otherwise requires.-

- (a) “Municipal Corporation” means a Municipal Corporation referred in Section 15
- (b) “Municipal Corporation Council” means a Municipal Corporation Council referred to in Section 16.
- (c) “Corporation Council Committee” means Municipal Corporation Council Committee constituted referred to in Section 23.
- (d) “Municipal Corporation Authorities” means a municipal corporation authorities referred to in Section 17
- (e) “City Commissioner” means City Commissioner referred to in section 38 under this Chapter.
- (f) “Municipalities” means Municipalities referred in Section 17.
- (g) “Municipality Council” means a Municipality Council referred to in Section 18.
- (h) “Municipality Council Committee” means Municipality Council Committee constituted referred to in Section 31
- (i) “Municipality Authorities” means municipality authorities referred to in Section 26
- (j) “Officer specified” means Municipal Commissioner or Chief Officer or any other officer specified for the purposes of functions provided under the Karnataka Municipality Act, 1964.

(2) Definitions made under Section 2 of Karnataka Municipal Corporation, 1976 and Section 2 of Karnataka Municipalities Act, 1964 shall continue to mean as such for the purposes of this Act.

CHAPTER V

CONSTITUTION OF MUNICIPAL CORPORATION AND MUNICIPALITIES

15. Constitution of Municipal Corporation .- For the purposes of this Part, in the Bangalore Metropolitan Region constitution of municipal corporation is governed by the provisions contained in Karnataka Municipal Corporation Act, 1976.

16. Constitution of Municipal Corporation Council.- (1) The Councillors elected in general election or a by-election of a municipal corporation and the members nominated by the State Government referred to in section 14 shall constitute the Municipal Corporation Council.

Provided that the Municipal Corporation Council, unless dissolved earlier, shall continue in office till the next Municipal Corporation Council assumes office.

(2) The Municipal Corporation Council unless dissolved earlier, shall hold office for a period of five years from the date appointed for its first meeting after the general election and no longer:

17. Constitution of Municipalities.- For the purposes of this Part, in the Bangalore Metropolitan Region, constitution of a municipality and election of councillors thereto and oath of allegiance to be taken by the councillors is governed by the provisions contained in Karnataka Municipalities Act, 64.

18. Constitution of municipality council.- (1) The Councillors elected in general election or a by-election of a municipal corporation and the members nominated by the State Government referred to in section 16 shall constitute the Municipality Council classified in accordance with the provisions of Karnataka Municipalities Act, 1964.

Provided that the Municipality Council, unless dissolved earlier, shall continue in office till the next Municipal Corporation Council assumes office.

(2) The Municipal Corporation Council unless dissolved earlier, shall hold office for a period of five years from the date appointed for its first meeting after the general election and no longer:

CHAPTER VI

AUTHORITIES IN MUNICIPAL CORPORATION

19. Authorities of Municipal Corporation.- (1) The following shall be the municipal authorities having executive powers of the Municipal Corporation referred in section 15 charged with carrying out the provisions of this Act, namely.-

- (a) Municipal Corporation Council
- (b) Mayor
- (c) Mayoral Committee
- (d) City Commissioner

20. Election of Chairperson and Deputy Chairperson of Municipal Corporation Council.- (1) Municipal Corporation Council shall, at its first meeting after a general election of councillors and at its first meeting in the same month in each year thereafter, elect,-

- (a) one of its councillors to be the Chairperson
- (b) one other councillor to be the Deputy Chairperson

(2) Seats of Chairperson and Deputy Chairperson under subsection (1) shall be reserved on rotation basis for Scheduled Castes, Scheduled Tribes and Backward Classes and Women in accordance with the rules made in this behalf.

(3) The Chairperson or the Deputy Chairperson elected under subsection 1(a) and 1(b) shall hold office, for a period of twenty months from the date of his or her election and shall, notwithstanding the expiry of the said period, continue in office till his

or her successor is elected, provided that in the meantime he does not cease to be a councillor.

(4) The retiring Chairperson or the Deputy Chairperson shall be eligible for re-election.

(5) If any casual vacancy occurs either by resignation or otherwise in the office of the Chairperson or Deputy Chairperson, the Municipal Corporation Council shall, elect one of the councillors to fill the vacancy to hold office so long as the person in whose place he is elected would, but for the occurrence of the vacancy, have held office in the manner prescribed.

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

21. City Mayor and City Deputy Mayor.- (1) As soon as may be after the general election of councillors to the municipal corporation but not later than six months of the first general election, there shall be a general election to elect the City Mayor and the City Deputy Mayor conducted under the superintendence and control of the State Election Commission in the manner prescribed.

(2) City Mayor shall co-nominate his or City Deputy Mayor.

(3) City Mayor and City Deputy Mayor shall be deemed to be elected as Councillors.

(4) The City Mayor and City Deputy Mayor shall hold office till the expiry of four years from the date of their election and notwithstanding the expiry of the said period, continue in office till successors are elected, provided in the meantime either or both of them cease to hold such office by way of resignation or otherwise.

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

(6) If any casual vacancy occurs in the office of the City Mayor or City Deputy Mayor, the municipal corporation, shall after the occurrence of the vacancy, choose one of the Councillors to fill the vacancy as Acting City Mayor and Acting City Deputy Mayor in the manner prescribed to hold office until such vacancy is or vacancies are filled in a general election.

(7) No person shall be qualified for election as the City Mayor or the City Deputy Mayor unless his or her name is included in the electoral roll of any ward in the city.

(8) General disqualification for becoming a City Mayor or the City Deputy Mayor shall mutadis mutandis be governed by section 26 of the Karnataka Municipal Corporation Act, 1976 which is applicable to disqualification for becoming a Councillor.

22. City Mayoral Committee.- (1) There shall be a City Mayoral Committee for the municipal corporation which shall consist of such number of members not exceeding fifteen persons.

(2) Mayoral Committee constituted under sub-section (1) shall consist of not more than seven from amongst elected members of the municipal corporation and remaining amongst the nominated members notified by the government from amongst the persons having experties in the fields of traffic and transportation, public health, municipal administration, architecture and engineering in civil, mechanical or electrical discipline.

(3) the City Mayor and the City Deputy Mayor elected under section 20 shall be the Chairperson and Deputy Chairperson of the City Mayoral Committee respectively.

(4) Members of the City Mayoral Committee under sub-section (1) shall be as nominated by the City Mayor and they shall continue to hold office at his or her pleasure.

23. Allocation of business to Mayoral Committee.- The City Mayor shall allocate the business for himself or herself, City Deputy Mayor and among the members of the Mayoral Committee for any of the following matters:

- (a) Taxation and Finance
- (b) Economic Development and public works
 - a. traffic and transportation
 - b. environment and Ecology including parks, lakes and takes
 - c. water supply distribution, drainage and sanitation
 - d. Urban Art and Heritage
 - e. Urban Poverty Alleviation
 - f. Markets and buildings
- (c) Education and social justice
- (d) All other matters specifically not assigned above.

24. Corporation Council Committees.- (1) There shall be the following a Corporation Council Committee for Accounts and Audit and a Corporation Council Committee for welfare of Scheduled Caste, Scheduled Tribe and weaker sections of society.

(2) Each Corporation Council Committee under subsection (1) shall consist of not more than fifteen councillors elected at its first meeting after general elections according to the principle of proportionate representation by means of a single transferable vote and to hold office for a period of twenty months from the date of election.

Provided Corporation Council Committee shall consist of not less than three Councillors belonging to the Scheduled Caste or Scheduled Tribe or women.

(3) No councillor shall be a member of more than Corporation Council Committee at the same time.

(6) Where a casual vacancy occurs by resignation or otherwise in the membership of a Corporation Council Committee it shall be filled by the Corporation by the election of another Councillor in the manner prescribed to hold office only so long as the person in whose place he is elected would, but for the occurrence of the vacancy, have held.

(7) Functions, duties and responsibilities of the Corporation Council Committees and procedure of conduct of business of such committees shall be as may be prescribed in the regulations made in this regard.

25. Chairperson of the Corporation Council Committee.- (1) Each Corporation Council Committee shall elect one of its members as Chairperson in the manner prescribed.

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

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

(4) If any casual vacancy occurs in the office of Chairperson, the Corporation Council Committee concerned, after the occurrence of such vacancy, elect one of its members to fill such vacancy in the manner prescribed to hold office so long as the person in whose place he is elected would, but for the occurrence of the vacancy have held.

(5) Conduct of business of the Corporation Council Committee shall be as prescribed.

CHAPTER VII

AUTHORITIES AND COMMITTEES IN MUNICIPALITIES

26. Authorities of Municipality.- The following shall be the municipal authorities having executive powers of the Municipalities referred to in section 17 charged with carrying out the provisions of this Act, namely.-

- (e) Municipality Council
- (f) Municipality President
- (g) Municipality Presidential Committee
- (h) Other officers specified under the Karnataka Municipalities Act, 1964.

27. Election of Chairperson and Deputy Chairperson of Municipality Council.- (1) Municipality Council shall, at its first meeting after a general election of councillors and at its first meeting in the same month in each year thereafter, elect,-

(a) one of its councillors to be the Chairperson

(b) one other councillor to be the Deputy Chairperson

(2) The seats of officers of Chairpersons and Deputy Chairpersons of Municipality Council shall be reserved on rotation basis in the manner prescribed for Scheduled Castes, Scheduled Tribes and Backward Classes and women in the manner prescribed under the rules made in this behalf.

(3) The Chairperson or the Deputy Chairperson elected under subsection 1(a) and 1(b) shall hold office for a period of twenty months from the date of his or her election and shall, notwithstanding the expiry of the said period, continue in office till his or her successor is elected, provided that in the meantime he or she does not cease to be a councillor.

(4) The retiring Chairperson or the Deputy Chairperson shall be eligible for re-election.

(5) If any casual vacancy occurs by way of resignation or otherwise in the office of the Chairperson or Deputy Chairperson, the Municipality Council shall, after the occurrence of the vacancy, elect one of the councillors to fill the vacancy and every Chairperson or Deputy Chairperson in the manner prescribed to hold office so long as the person in whose place he is elected, would but for the occurrence of the vacancy, have held office.

28. Municipality President and Municipality Vice-President.- (1) As soon as may be after the general election of councillors to the municipality but not later than six months of the first general election, there shall be a general election to elect the Municipality President and the Municipality Vice President conducted under the superintendence and control of the State Election Commission and administered oath of secrecy in the manner prescribed.

(2) Municipality President shall co-nominate his or her Municipality Vice-President.

(3) Municipality President and Municipality Vice-President shall be deemed to be elected as Councillors.

(4) Municipality President and Municipality Vice-President shall hold office till the expiry of four years from the date of their election and notwithstanding the expiry of the said period, continue in office till successors are elected, provided in the meantime either or both of them cease to hold such office.

(5) The retiring Municipality President or the Municipality Vice-President shall be eligible for re-election.

(6) If any casual vacancy occurs in the office of the Municipality President or Municipality Vice President, the municipality, shall after the occurrence of the vacancy, choose one of the Councillors to fill the vacancy as Acting Municipality President and Acting Municipality Vice-President in the manner prescribed to hold office until such vacancy is or vacancies are filled by way of general election.

(7) No person shall be qualified for election as the Municipality President or the Municipality Vice-President unless his or her name is included in the electoral roll of any ward in the municipality.

(8) General disqualification for becoming a Municipality President or the Municipality Vice-President shall mutadis mutandis be governed by the provisions of the Karnataka Municipalities Act, 1964 which is applicable to disqualification for becoming a Councillor.

29. Municipality Presidential Committee.- (1) There shall be a Municipality Presidential Committee for every municipality which shall consist of such number of members not less than three and not exceeding seven councillors either elected or nominated by the government depending upon the class of municipality.

(3) Municipality President and the Municipality Vice-President elected under section 20 shall be the Chairperson and Deputy Chairperson of the Municipality Presidential Committee respectively for each of the municipality.

(4) Members of the Municipality Presidential Committee under sub-section (1) shall be as nominated by the Municipality President and they shall continue to hold office at his or her pleasure.

30. Allocation of business to Municipality Presidential Committee.- The Municipality President shall allocate the business for himself or herself, Municipality Vice-President and among the members of the Presidential Committee for any of the following matters:

- (e) Taxation and Finance
- (f) Economic Development and public works
 - a. traffic and transportation
 - b. environment and Ecology including parks, lakes and takes
 - c. water supply distribution, drainage and sanitation
 - d. Urban Art and Heritage
 - e. Urban Poverty Alleviation
 - f. Markets and buildings
- (g) Education and social justice
- (h) All other matters specifically not assigned above.

31. Municipality Council Committees.- (1) There shall be the following a Municipality Council Committee for Accounts and Audit and a Municipality Council Committee for welfare of Scheduled Caste, Scheduled Tribe and weaker sections of society.

(2) Each Municipality Council Committee under subsection (1) shall consist of not less than five Councillors and not more than ten councillors depending upon the classification of municipalities, elected at its first meeting after general elections according to the principle of proportionate representation by means of a single transferable vote and to hold office for a period of twenty months from the date of election in the manner prescribed.

Provided Municipality Council Committee shall consist of not less than three Councillors belonging to the Scheduled Caste or Scheduled Tribe or women.

(3) No councillor shall be a member of more than Municipality Council Committee at the same time.

(6) Where a casual vacancy occurs by resignation or otherwise in the membership of a Municipality Council Committee it shall be filled by the election of another Councillor in the manner prescribed to hold office only so long as the person in whose place he is elected would, but for the occurrence of the vacancy, have held.

(7) Functions, duties and responsibilities of the Municipality Council Committees and procedure of conduct of business of such committees shall be as may be prescribed in the regulations made in this regard.

32. Chairperson of the Municipality Council Committee.- (1) Each Municipality Council Committee shall elect one of its members as Chairperson in the manner prescribed.

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

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

(4) If any casual vacancy occurs in the office of Chairperson, the Corporation Council Committee concerned, after the occurrence of such vacancy, elect one of its members to fill such vacancy in the manner prescribed, to office so long as the person in whose place he is elected would, but for the occurrence of the vacancy have held.

(5) Conduct of business of the Municipality Committee shall be as prescribed.

CHAPTER VIII

**POWERS AND FUNCTIONS OF MUNICIPAL CORPORATION ITS OTHER
AUTHORITIES**

33. General powers of the municipal corporation.- (1) Notwithstanding anything contained in the Karnataka Municipal Corporation Act, 1976 after the commencement of this Chapter, subject to the rules, the regulations and the byelaws made thereunder, the municipal government of the city shall vest in the Corporation.

Provided the provisions of Karnataka Municipal Corporation Act, 1976 in chapter V shall continue to be applicable until commencement of this Chapter.

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

34. Obligatory functions of the Municipal Corporation.- It shall be incumbent on the municipal corporation to make reasonable and adequate provision by any means or measures which it is lawfully competent to use or to take for each of the following matters.-

(1) Unless the context otherwise requires all matters specified under 58 of the Karnataka Municipal Corporation Act, 1976.

(2) Preparation of draft development plan for the purposes of integration with the metropolitan development plan.

(3) Protection and maintenance of the historical and heritage precincts, including monuments, statues and museums and other related aesthetic structures.

(4) Design, development and of traffic and transportation objects like tunnels, underpasses, flyovers, elevated roads, pedestrian sub-ways and bridges with or without mechanical support systems like lifts, travelators, conveyors, escalators, bus bays, bus stops, junctions, pedestrian paths, and other related objects by providing reasonable accessibility to the physically challenged persons.

(5) Design, development and maintenance of objects of solid waste management infrastructure like scientific land fill and resource recovery systems, transfer stations with or without mechanical support systems.

(6) Design, redevelopment and maintenance of structures and amenities which are structurally or hygienically unsafe for human habitation provided for the urban poor in slums and other poorly developed and congested areas.

35. Discretionary functions of the municipal corporation.- The municipal corporation may, at its discretion, provide, either wholly or partly, out of the municipal property and fund, for all matters specified under section 59 of the Karnataka Municipal Corporation Act, 1976 within the limits of the municipal corporation area or outside municipal corporation in the property vest with the municipal corporation.

36. Powers and functions of City Mayor and City Mayoral Committee.- (1) Subject to the allocation of business under section 23, all the powers and functions vested with the municipal corporation under this Act or any other law for the time being in force, shall be examined and performed as the case may be, by the City Mayoral Committee or City Deputy Mayor or the Member of the Mayoral Committee either collectively or individually in accordance with the rules of transaction of business made in this behalf.

37. Functions of Corporation Council Committees.- (1) Subject to regulations of transaction made in this behalf functions of Corporation Council Committees for Accounts shall broadly include

(a) control of the utilization of the budgetary grants

(b) to place its report for consideration before the Municipal Corporation Council

(3) and in the case of Corporation Council Committee for Welfare

(a) control of utilization of budgetary grants for the benefit of Scheduled Castes, Scheduled Tribes and Women

(b) to place its report for consideration before the Municipal Corporation Council.

38. Appointment of City Commissioner.- (1) State government shall in consultation with a three member Selection Committee constituted in this behalf for this purpose, considering amongst a panel of candidates appoint a City Commissioner by notification for the municipal corporation referred to in Section 17. as may be prescribed.

(2) Qualification of the candidates eligible for appointment under Sub-section (1) shall be as may be prescribed by the Government.

(3) City Commissioner appointed under sub-section (1) shall subject to the pleasure of the government shall hold office for a period of not less than two years.

(4) City Commissioner shall perform all duties and exercise all the powers specifically imposed or conferred upon him by or under this Act or under Karnataka Municipal Corporation as Commissioner of a municipal corporation, by any other law for the time being in force and in accordance with the regulations of transaction of business.

Provided all references to be made by the Commissioner under the provisions of Karnataka Municipal Corporation Act, 1976 to the Corporation and Standing Committee in as much as they relate to exercising the powers and functions in the capacity of municipal authorities constituted under Section 6 of the said Act shall be deemed to be made by the City Commissioner to the Mayor, Mayoral Committee or Members of the Mayoral Committee as specified in this Act.

39. City Commissioner to carry on correspondence.- All correspondence relating to any matter dealt with, by or under this Act or under any other law between the corporation and the Government or other authority shall be conducted by the City Commissioner and such classes of correspondence.

40. Administrative organisation of the Corporation.- (1) For the purposes rationality of providing municipal services effectively, the administrative organization of the corporation may be prescribed for administering either into zones or departments hierarchically or functionally as considered necessary.

(2) Notwithstanding anything contained in sub section (1) such number of zones as required shall within the municipal corporation, such number of divisions within a zone and such number of sub-divisions within a division for different departments can be prescribed.

(3) For coordination and such other policy formulation and implementation and for the conduct of business in municipal corporation and various committees, Commissioner's secretariat and Council Secretariat may be prescribed.

(4) Commissioner shall issue notifications for the purposes of subsections (1), (2) and (3) from time to time whenever it is deemed necessary with the approval of the Mayoral Committee.

41 Rules of transaction of business.- Rules of transaction of business in the administrative organization of the Corporation shall be made.

42. Cadre and Recruitment Rules.- As soon as may be from the commencement of this Chapter cadre and recruitment rules shall be framed prescribing appointments and conditions of service of various corporation officers and servants.

Provided until rules made under this section comes into force, the provisions of Karnataka Municipal Corporations Act, 1976 and rules made thereunder shall apply mutadis and mutandis.

43. Regulations for delegation of powers.- (1) As soon as after the commencement of this Chapter, delegation of statutory powers under the provisions of this Act, administrative and financial powers shall be prescribed in the regulations made in this behalf.

(2) Nothing in sub-section (2) will restrict delegation of administrative and financial powers provided under any other law for the time being in force.

Provided the schedule of delegation of powers shall be notified in the manner prescribed.

44. Regulations for classification, standardization, custody and maintenance of forms and records.- As soon as may be after the commencement of this Chapter, classification, standardization, custody and maintenance of forms and records shall be prescribed in the regulations made in this behalf.

CHAPTER IX

POWERS AND FUNCTIONS OF MUNICIPALITIES AND OTHER AUTHORITIES

45. Obligatory functions of municipality councils.- Obligatory functions in accordance with section 87 of Karnataka Municipalities Act, 1964 shall mutadis mutandis apply in the case of municipalities councils under this Act.

46. Special functions.- Special functions in accordance with section 88 of Karnataka Municipalities Act, 1964 shall mutadis mutandis apply in the case of municipalities councils under this Act.

47. Analysis and inspection of water supplied through pipes.- If any municipal council supplies water through pipes, it shall take steps, at such intervals, and on the payment of such fees, as may be determined by a general or special order made by the Government, to ascertain the condition of water so supplied, by inspection and analysis at a laboratory approved by the Government in this behalf.

48. Discretionary functions of municipality councils.- Obligatory functions in accordance with section 91 of Karnataka Municipalities Act, 1964 shall mutadis mutandis apply in the case of municipalities councils under this Act.

49. Arrangements purporting to be binding permanently or a term of years.- When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipality property or fund, it shall be lawful for the municipal council, or its successors, with the sanction of the Government, to cancel such arrangements or promise, or to discontinue or to diminish such yearly contribution provided that it shall have given at least twelve months notice of its intention so to do to the manager or managers of such institution.

50. Management of public institution maintained by municipal council to vest in it.-

The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained:

Provided that the extent of the independent authority of any municipal council in respect of public education, health and sanitation and its relations with the department of public instruction and the department of public health of the government, shall from to time be prescribed by the Government.

CHAPTER X

ALL OTHER MATTERS FOR THE GOVERNANCE OF MUNICIPALITIES

51. All other matters for the governance of municipalities.- Without prejudice to the provisions made in this Act, all other provisions of Karnataka Municipalities Act, 1964 shall mutadis mutandis apply in the case of municipalities in the Bangalore Metropolitan Region.

CHAPTER XI

NEIGHBOURHOOD AREAS AND WARD COMMITTEES IN MUNICIPAL CORPORATION

52. Definitions.- In this Chapter, unless the context otherwise requires.-

- (1) "Neighbourhood area" means as referred to in Section 54.
- (2) "Neighbourhood area committee" means as referred to in Section 55
- (3) The "Representative of Neighbourhood Area" means as referred to in section 55.
- (4) "Ward Committee" means "Ward Committee" referred to in section 57

53. Participatory governance..-Unless the context other requires the term participatory governance for the purposes of this chapter means providing a rational structure that

promotes responsiveness, accountability and fosters greater citizen participation in municipal corporation.

54. Specifying Neighbourhood Areas in a ward.- (1) The Municipal Corporation shall cause specifying such number of neighbourhood areas and the names of such neighbourhood areas in the manner prescribed.

(2) Neighbourhood areas in a ward specified under sub-section (1) shall be co-termininous of three or more electoral parts in the ward.

55. Neighbourhood Area and its Representative (1) As soon as may be but not later than three months after the first day of meeting of the Corporation Council, for every neighbourhood area specified under Section 35, a Neighbourhood Area Representative shall be elected by voters within the neighbourhood.

(2) Every Neighbourhood Area Representative elected under sub-section (1) shall be a member of the Ward Committee, and shall participate in the meetings of the Ward Committee constituted under Section 42.

(3) There shall be a Neighbourhood Area Committee to assist the Neighbourhood Area Representative. The committee shall be formed as prescribed.

56. Functions of Neighbourhood Area Representative and Neighbourhood Area Committee - Subject to the general supervision and control of the corporation, the neighbourhood area committee shall within the neighbourhood area shall supervise and suggest corrective steps to be taken in respect of the following:

(a) Timely pick up of door to door collection of garbage and collection from the designated collection points to the carrier of garbage.

(b) Periodic removal of obstruction in storm water drains, footpaths, pavements and roads.

(c) health immunization services programmed from time to time with special emphasis on coverage in slums and underdeveloped areas.

(d) organizing people's participation with regard to the functions allocated to the Ward Committee.

(e) house numbering.

(f) volunteering in conduct of such events as the ward committee may consider it necessary.

(g) Coordinating on public grievance redressal on the complaints received subject to supervision of Chairperson of the Ward Committee.

(h) Such other functions as may be assigned by the ward committee.

57. Ward Committee.- (1) For every ward in the municipal corporation, a Ward Committee shall be constituted for performing such functions and consisting of Councillor as Chairperson and Representatives of Neighbourhood Area as members.

58. Powers and functions of the Ward Committee.- (1) Subject the general supervision and control of the corporation, every Ward Committee shall supervise and monitor implementation of decisions of the Mayoral Committee, Mayor and other authorities of the corporation and suggest corrective steps or record acknowledgement of performance in respect of the following matters:

(a) Timely assessment of properties for tax, collection of property tax, assessment of advertisement tax and collection of advertisement tax, alert default of collection of rents, license fees and other fees payable to the corporation for cause of issue of notice and other enforcement measures by the authorities of the corporation.

(b) construction and maintenance of roads, bridges, drains and culverts and alert default or non-compliance of performance under contract conditions in the inspection book prescribed for the purpose.

(c) collection of garbage and welfare services provided to the pourakarmikas

(d) monitor implementation of urban poverty allegation schemes

(e) arboriculture and tree sapling planting and tree planting in public places other than parks and play grounds.

(f) Horticulture and gardening in parks and play grounds and corporation open spaces.

(2) Every ward committee shall cause filing of at least one return or report annually on the performance of programmes and works in the ward which shall be placed for the municipal corporation council for consideration and record.

(3) Conduct of business in the ward committee and in its meetings shall be minuted and made available publicly as prescribed.

PART III

MUNICIPAL CORPORATION SERVICES

CHAPTER XII

PUBLIC STREETS

59. Development and maintenance of public streets and appurtenances.- (1) Subject to the Local Area District Plan prepared in this behalf, development and maintenance of public streets and appurtenances and its protection shall be in accordance with Sections 265 to 294 of Chapter XIV of Karnataka Municipal Corporation Act, 1976 and any other law for the time being in force.

60. Regulation of construction of buildings.- Regulation of buildings shall be in accordance with the building byelaws made in this behalf and until such time in accordance with the provisions of Sections 295 to 321 of Chapter XV of Karnataka Municipal Corporation Act, 1976 and any other law for the time being in force.

CHAPTER XIII

MUNICIPAL CORPORATION ESTATES

61. Management of municipal corporation estates.- Management of municipal corporation estates shall be in accordance with the regulations made in this behalf and until such time in accordance with provisions of Chapter XII of Karnataka Municipal

Corporation Act, 1976 in as much it relates to municipal property or any other law for time being in force.

62. Inventory of properties of the Municipal Corporation.- (1) The City Commissioner shall maintain an inventory of the movable and immovable properties of the Municipal Corporation in such form and in such manner as may be prescribed.

(2) The City Commissioner shall, in the case of the inventory of an immovable property, prepare an annual statement along with references therein and place the same before the Municipal Corporation Council

(3) The City Commissioner shall, have the inventory of parks and open spaces maintained separately in accordance with the provisions of Karnataka Parks and Open Spaces Act and rules made thereon

(3) Such statements shall be included as an appendix to the annual administration report of the Municipal Corporation

CHAPTER XIV

WATER SUPPLY DISTRIBUTION FACILITIES

63. Definitions.- For the purposes of this Chapter unless the context otherwise means

(a) “water supply distribution facilities” means and include facilities for water supply distribution by gravitation or by use of energy or by use of structures erected, pipes and channels laid from reservoirs either underground or above ground, wells and borewells.

(b) “right of way water supply distribution facilities” means access to water supply distribution facilities either below the ground or above the ground on public streets and other municipal assets.

64. Maintenance of water supply distribution facilities.- (1) Subject to regulations made in this behalf, responsibilities of maintenance of water supply distribution shall vest in the municipal corporation which may include.-

(a) closure any such works

(b) substitute such works to be closed by construction or reconstruction as the case may be

(2) Provisions for such restrictions of grant of right of way for providing water supply distribution facilities shall be as may be prescribed.

Provided until commencement of this Chapter, provisions of Bangalore Water Supply and Sewerage Board Act, 1964 and the byelaws made thereunder shall mutadis and mutandis apply.

65. Applicability of Bangalore Water Supply and Sewerage Board Act, 1964.-

Unless it is provided contrary under this Chapter, for all other matters with regard to the distribution of water supply provisions of Sections 30, 31, 32, 33, 34, 35, 36, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 61-A of Bangalore Water Supply and Sewerage Board Act, 1964, rules and regulations made thereunder shall apply under this Act.

CHAPTER XV

PRECAUTIONS FOR PUBLIC HEALTH CARE AND SAFETY

PUBLIC NUISANCES

66. Applicability of Karnataka Municipal Corporation Act, 1976.- Provisions of Karnataka Municipal Corporation Act, 1976 under Section 92 and 93 in Chapter VIII on essential services, under Sections 322 to 341 in Chapter XVI on Nuisances, Sections 342 to 400 in Chapter XVII on Licences and fees and Sections 401 to 420 in Chapter XVIII on prevention of dangerous diseases and the byelaws made thereon shall apply mutadis mutandis under this Act in the matter of precautions for public health care and safety and public nuisances.

CHAPTER XVI

TAXATION

67. Applicability of Karnataka Municipal Corporation Act, 1976.- Provisions of Karnataka Municipal Corporation Act, 1976 under sections 103 to 148 in Chapter X on enumeration of taxes and rules made thereon shall apply mutadis mutandis under this Act in the matter of taxation and enumeration of taxes.

CHAPTER XVII

FINANCE, ACCOUNTS AND AUDIT IN MUNICIPAL CORPORATION

68. Applicability of Karnataka Municipal Corporation Act, 1976.- Provisions of Karnataka Municipal Corporation Act, 1976 under sections 149 to 173 in Chapter XI on Finance, Accounts and Audit shall apply mutadis and mutandis under this Act in the matter of Finance, Accounts and Audit.

CHAPTER XVIII

CONTRACTS IN MUNICIPAL CORPORATION

69. Power of Municipal Corporation to determine whether works shall be executed by contract.- (1) Without prejudice to the provisions of Karnataka Transparency in Public Procurement Act, 1999 and rules and notifications made there under, the municipal corporation may determine either generally for any class of cases or specially for any particular case, whether the City Commissioner shall execute works by contract or otherwise.

(2) Nothing prevents the municipal corporation to enter into a contract for a panel of consultants, agencies for procurement of services and goods in the area of any specialization or in the case of emergencies and such other contingencies as may be determined.

70. Contracts for public works at ward-level, including maintenance.-

(1) Contracts between the municipal corporation and any contracted parties in respect of road infrastructure (these to include roads, water drains, sidewalks, pedestrian crossings whether under or above ground, and any other works as may be identified by the municipal commissioner) shall be awarded for an entire ward or a group of wards together, for a multi-year period through competitive bidding.

(2) Contracts between the municipal corporation and any contracted parties shall be so designed that in respect of any proposed new infrastructure, or improvements to existing infrastructure (these to include roads, water drains, sidewalks, pedestrian crossings whether under or above ground, and any other works as may be identified by the municipal commissioner), the contract shall include a provision for the maintenance of the different aspects of the said infrastructure for a minimum period, which may be specified according to cost, expected wear and tear, and other criteria.

71. Power to transfer any function of Municipal Corporation under the Act to any organisation.- Without prejudice to the provisions of Karnataka Transparency in Public Procurement Act, 1999 and rules made there on, and notwithstanding anything contained in this Act or in any other law for the time being in force, the Municipal Corporation may, if it is of opinion that it is necessary so to do in the public interest transfer by contract or otherwise with the prior approval of the State Government, any function or functions of the Municipal Corporation under this Act to any individual or organisation, including a Government organisation, under public private partnership or in such manner, and on such concessions, terms and conditions, as may be determined by the Municipal Corporation and approved by the State Government

Provided that such transfer of function or functions of the Municipal Corporation to such organisation shall not absolve the Municipal Corporation from the responsibility of carrying out the provisions of this Act in relation to the function or functions so transferred.

Explanation.-"Government organisation" shall mean an organisation maintained or managed by the State Government.

72. Powers of the Municipal Corporation to enter into any business or venture.-(1)

Without prejudice to the provisions of Karnataka Transparency in Public Procurement Act, 1999 and any rules or notification made thereon and notwithstanding anything contained in this Act or in any other law for the time being in force, the Mayoral Committee may, with the prior approval of the Corporation Council and the State Government, enter into any business alone, or a Joint Venture, or Partnership Business with any individual or organisation, on such terms and conditions as may be decided by the Municipal Corporation and agreed to by the partner or partners of such Joint Venture or Partnership Business after being approved by Corporation Council and the State Government.

(2) The Municipal Corporation may, with the prior approval of the State Government, invest the Municipal Corporation Estate, under Section 54 in the Joint Venture or Partnership Business mentioned in sub-section (1).

(3) For financial investment from the Municipal Fund, either in any business proposed to be done by the Municipal Corporation alone or in the Joint Venture or Partnership Business mentioned in sub-section (1), existence of one of the following conditions shall be mandatory.-

(a) the Municipal Corporation shall not have any deficit budget in the three preceding consecutive financial years; or

(b) the Municipal Corporation shall be sure of earning profit from such Joint Venture or Partnership Business before completion of one year from the date of entering into such venture or business; or

(c) the fund is required to be used for saving a certain Municipal Property, and the Municipal Corporation is sure of earning profit within a period of five years from the date of such investment.

(4) For capital investment in the form of tenure of land and buildings to be given on lease for reasonable term not exceeding thirty years.

(4) After entering into any business alone or Joint Venture or Partnership Business, the Municipal Corporation shall send report once in every six months to the State Government detailing the progress of such business or Joint Venture or Partnership Business.

(5) If the Municipal Corporation, without showing proper reason, fails to fulfill the conditions specified in sub-section (3), the State Government may, by order, withdraw the Municipal Corporation from such business or Joint Venture or Partnership Business, and State Government may compensate, the other partner or partners of such business or Joint Venture or Partnership Business or any other person or organisation affected by the loss made in such business or Joint Venture or Partnership Business by deducting from the fund of the Municipal Corporation after being satisfied that such loss has been caused by the default of the Municipal Corporation.

Notwithstanding anything contained in this Chapter, the provisions of Sections 180, 181, 182, 183 and 184 of Chapter XII of Karnataka Municipal Corporation for the time being in force shall continue to be in force.

CHAPTER XIX

TRANSPARENCY AND PUBLIC DISCLOSURE IN MUNICIPAL CORPORATION

73. Definitions.- In this Chapter unless the context otherwise requires

(a) "Public disclosure of information" means public disclosure of information referred to in Section 74.

74. Transparency and contract for procurement of goods and services- (1) Every contract for procurement of goods and services of every authority and every officer authorized to make contract under this law shall be entered into and enforced only in

accordance with the provisions of Karnataka Transparency in public procurement Act and rules and notifications made thereunder from time to time.

75. Transparency and selection beneficiaries under the welfare schemes.- (1) Transparency in welfare, development and grant schemes either financial or otherwise for the benefit of the citizens or non-governmental organization or charitable institution or any other institution established statutorily or otherwise under any other law shall be as may be prescribed.

Provided the coverage welfare schemes for the benefit of the Scheduled Castes and Scheduled Tribes shall be in accordance with the guidelines made in this behalf by the authority, the state government and government of India.

Provided notwithstanding anything contained in sub-section (1) shall not be necessary when any measure is taken up when there is a natural calamity or disaster.

76. Public disclosure of information.- (1) Without prejudice to the provisions of the Right to Information Act, 2005 or any rules made thereon, every authority, every committee and every officer in any matter in accordance with this Act shall make a public disclosure of information by way of dissemination.

(2) Public disclosure of information shall be structured, regular and standardized in the manner prescribed under the rules made in this behalf.

(3) The rules made under sub-section (2) shall in the ambit of disclosure contain such information that includes administrative structure, finances and operations of municipal services and municipal services provided to the citizens and the periodicity of such information to be publicly disclosed.

CHAPTER XX

PARTICIPATORY GOVERNANCE IN MUNICIPAL CORPORATION

77. Participatory Governance.- (1) For the purposes of this Act, and without prejudice to the provisions of Right to Information Act subject to the manner in which it is prescribed participatory governance means a mechanism for participation in the decision

making process of every person representing a committee constituted in accordance with the provisions of this Act in that committee where his right to vote is reserved under this Act and taking part in any act or inspection or study that such a committee undertakes.

Provided every local authority notified under this Act shall as soon as may be notify a schedule of participatory governance in the manner prescribed.

78. General applicability of Karnataka Municipal Corporation Act, 1976 in this Act.-

Wherever the words “standing committee” occur in any of the Chapters of Karnataka Municipal Corporation Act, 1976 reference to “Mayor” or “Mayoral Committee” as the case may be shall be deemed to have been construed.

79. General applicability of this law in other laws.- (1) Unless anything contrary is provided in this law, wherever the word “Commissioner” occur in any of the Chapters Karnataka Municipal Corporation Act, 1976 reference to “City Commissioner” shall be construed under this Act.

CHAPTER XXI

TRANSITORY AND TRANSIENT PROVISIONS

xxx. Transitory and Transient provisions and removal of difficulties provision will be constructed in this chapter after the conceptual draft is frozen for process.

CHAPTER XXII

xxx. Amendment to other laws for Bangalore Metropolitan Region.- (1) Amendment such other laws for application in Bangalore Metropolitan Region is as set out in Schedule I

(2) each amended acts commence on a day or days to be appointed by the government, except as provided in sub-section (3).

(3) A day appointed under sub-section (2) must not be a day occurring before the commencement of this Act.

All Consequential amendments to various acts will be drafted in this chapter conceptual draft is acceptable and frozen for process.

The amendments would inter alia include the following :

- *To amend BMRDA Act to facilitate new role of BMRDA as a metropolitan level regulator and strengthened part.*
- *To amend KMC Act, KTCP Act, the KLR etc with a view to harmonize them to be in consistent with the constitutional provisions for the MPC*
 - *To Amend Section 81-C of the KTCP Act to enable the BMRDA to exercise the functions of Director of Town Planning in BMR Region.*
 - *To amend KTCP Act and other statutes to accommodate the primacy of MPC in matter of preparing and regulating Metropolitan Development Plan.*
 - *To amend Section 95 of Karnataka Land Revenue Act and relevant provisions of Panchayat Raj Act to change power presently given to the revenue authorities of district administration or rural development in the BMR to vest of power of authorization of conversions by the Metropolitan Commissioner or the local authority.*
 - *To provide for power to create and enforce the master plan (presently being called) (spatial plan to be called) to BBMP in its jurisdiction and on the BMRDA in other areas of the BMR. (Amendment to Sections 14, 15,16,17 and 18 of KTCP Act.*
 - *To amend Section 79A/B of the Karnataka Land Reforms Act to give overall control over the use of the land within the territorial jurisdiction of local authorities to the local authorities concerned under the guidance of the MPC and in conformity with the MDP.*
 - *To amend KIADB Act to actualize the regulatory domain of the MPC for land acquisition for industrial purposes by the KIADB.*
 - *To amend BWSSB Act to enlarge the jurisdiction of BWSSB to entire BMR region.*

- *To amend BDA Act, BWSSB Act to restructure those parastatals. BDA to be restructured as mainly a infrastructure development authority and planning functions should be divested to either MPC or BBMP or other local authorities as the case may be.*
- *To amend BMRDA Act to energize or strengthen the same as an apex body with regulatory and enforceable powers.*

Check : This is a conceptual draft basically to provide for reorganization of authorities and political structure of the municipal governance. To amend all legislations with a special emphasis for removal of doubts, overlapping jurisdictions, mutually contradictory functions, and such other conflicts after conducting a special audit including Karnataka Municipalities Act, 1964.

Following recommendations have not been presented in this Bill.

- *Constitution of a municipal corporation regulatory tribunal (on the lines discussed as Karnataka Municipal tribunal). This is necessary to divest all powers with a statutory committee for appeals whose role is mainly regulatory and is conflicting with the enforcement machinery.*
 - *Constitution of Municipal Service Commission.*
-

Alternate Provision

**ALTERNATIVE PROVISIONS OF BMR BILL, TO BE USED IF CITY MAYOR AND
CITY DEPUTY MAYOR ARE INDIRECTLY ELECTED AMONG THE COUNCILLORS
OF THE MUNICIPAL CORPORATION.**

Section 19 will have to be substituted with such modification as may be considered necessary (term of City Mayor and Deputy City Mayor) as mentioned below:

19. City Mayor and City Deputy Mayor.-

(1) The Corporation, at its first meeting after a general election of Councillors, shall elect

(a) one of its Councillors referred to in clause (a) of sub-section (1) of Section 7 of Karnataka Municipal Corporation Act, 1976 to be the City Mayor.

(b) one other Councillor referred to in clause (1) of Section 7 of Karnataka Municipal Corporation Act, 1976 to be the City Deputy Mayor.

Provided that the Mayor and the Deputy Mayor shall each secure the supporting votes of at least a simple majority of the total membership of the Council.

(2) The City Mayor and City Deputy Mayor shall hold office till the expiry of four years from the date of their election and notwithstanding the expiry of the said period, continue in office till successors are elected, provided in the meantime either or both of them cease to hold such office by way of resignation or otherwise.

(3) If any casual vacancy occurs in the office of the City Mayor or City Deputy Mayor, the municipal corporation shall, after the occurrence of the vacancy, choose one of the Councillors referred to in clause (a) of sub-section (1) of Section 7 of Karnataka Municipal Corporation Act to fill the vacancy and every City Mayor or City Deputy Mayor so elected shall hold office so long as the person in whose place he is elected would, but for the occurrence of vacancy, have held office.

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

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