

DEPARTMENT OF PARLIAMENTARY AFFAIRS AND LEGISLATION SECRETARIAT**NOTIFICATION****NO: DPAL 32 SHASANA 2020, BENGALURU, DATED:22.10.2020**

Ordered that the translation of ಕರ್ನಾಟಕ ಗ್ರಾಮ ಸ್ವರಾಜ್ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2020 (2020 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 49) in English language, be published as authoritative text as required by clause (3) of Article 348 of the Constitution of India in the Karnataka Gazette for general information.

The following translation of ಕರ್ನಾಟಕ ಗ್ರಾಮ ಸ್ವರಾಜ್ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2020 (2020 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 49) in English language, is published in the Official Gazette under the authority of the Governor of Karnataka under clause (3) of Article 348 of the Constitution of India

KARNATAKA ACT NO. 49 OF 2020

(First Published in the Karnataka Gazette Extra-ordinary on the 22nd day of October, 2020)

**THE KARNATAKA GRAM SWARAJ AND PANCHAYAT RAJ
(AMENDMENT) ACT, 2020**

(Received the assent of Governor on the 22nd day of October, 2020)

An Act further to amend the Karnataka Gram Swaraj and Panchayat Raj Act, 1993.

Whereas, it is expedient further to amend the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the seventy first year of the Republic of India, as follows:-

1. Short title and commencement.-(1) This Act may be called the Karnataka Gram Swaraj and Panchayat Raj (Amendment) Act, 2020.

(2) It shall be deemed to have come into force with effect from 31st day of March, 2020.

2. Amendment of section 2.- In section 2 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) (hereinafter referred to as the Principal Act), in clause (18), the word "leprosy" shall be omitted.

3. Amendment of section 5.- In section 5 of the Principal Act, in sub-section (4), in the first proviso, for the words "ten years", the words "five years", shall be substituted.

4. Amendment of section 7.- In section 7 of the Principal Act, in sub-section (2), for the words "on non party basis", the words "on non party basis", shall be substituted.

5. Amendment of section 12.- In section 12 of the Principal Act,-

(i) in clause (l) the following shall be inserted at the end, namely:-

“or while holding any office of panchayat”

(ii) in the proviso, after item (d), the following shall be inserted, namely:-

“(e) the disqualification under clause (l) shall cease to operate after the expiry of six years from the date of the order.”

6. Amendment of section 43-A.- In section 43-A of the Principal Act, in sub section (1),-

(i) after the words “the Government”, the words “or an Authority authorised by the Government”, shall be inserted;

(ii) after clause (iii), the following shall be inserted, namely:-

“Provided that where an application is made by a member to the Grama Panchayat for leave to absent himself and Grama panchayat fails to inform the applicant of its decision on the application within a period of seven days from the date of the application, the leave applied for shall be deemed to have been granted by the Grama Panchayat.”; and

(iii) after clause (v), the following shall be inserted namely:-

“(vi) if a former Adhyaksha or Upadhyaksha or member of Grama Panchayat has been accused and proved guilty for misconduct or misappropriation in an Inquiry”.

7. Amendment of section 44.- In section 44 of the Principal Act, in sub-section (2), in clause (c) after the proviso, the following shall be inserted, namely:-

“Provided further that the duration of the offices reserved under this sub-section shall be thirty months”.

8. Amendment of section 46.- In section 46 of the Principal Act, in sub-section (1), for the words “five years”, the words “thirty months” shall be substituted.

9. Amendment of section 48.- In section 48 of the Principal Act,-

(i) in sub-section (1), the third proviso shall be omitted; and

(ii) in sub-section (4), after the word “Government” the words “or an authority authorised by the Government” shall be inserted.

10. Amendment of section 49.- In section 49 of the Principal Act,-

(i) in sub-section (1),-

(a) in the second proviso, for the words “thirty months” the words “fifteen months” shall be substituted;

(b) in the third proviso, for the words “within two years” the words “six months” shall be substituted; and

(ii) sub-section (2) shall be omitted.

11. Amendment of section 58.- In section 58 of the Principal Act, in sub-section (1A),-

(i) after clause (i), the following shall be inserted, namely:-

“(i-a) providing sanitary latrines to all new house constructed every year”; and

(ii) in clause (xiii), for the words “and owner less dogs” the words “and to conduct animal birth control measures to control the number of street dogs, ownerless dogs”. shall be substituted;

12. Amendment of section 64.- In section 64 of the Principal Act, in sub-section (1), after the words “any existing building” the words “or erect advertisement hoarding” shall be inserted.

13. Amendment of section 111.- In section 111 of the Principal Act, in sub-section (3), after the clause (f), the following shall be inserted, namely:-

“(g) to execute all lawful decision and resolutions taken by the Grama Panchayath under the Act and sign all the orders of the Grama Panchayath”

14. Amendment of section 123.- In section 123 of the Principal Act, in the proviso to sub-section (3), for the words “ten years” the words “five years” shall be substituted.

15. Amendment of section 128.- In section 128 of the Principal Act, in sub-section (1),

(i) after clause (k), clause (l) shall be inserted, namely:-

“(l) if he is found guilty, directly involved in any act of misuse or abuse of power or authority as member of the panchayat in executing any scheme, plan or project of the panchayat or of misappropriation of funds or other assets of the panchayat during the term of his membership or while holding any office of panchayat.”

(ii) in the proviso,-

(a) in item (cc), for the words “after expiry of three years”, the words “after expiry of six years” shall be substituted; and

(b) after item (d), the following clause shall be inserted, namely:-

“(e) the disqualification under clause (l) shall cease to operate after the expiry of six years from the date of the order.”

16. Amendment of section 136.- In section 136 of the Principal Act, in sub-section (1),-

(i) after the words “Government” the words “or the authority authorized by the Government by order in this behalf.” shall be inserted;

(ii) after clause (i), the following shall be inserted, namely:-

“Provided that where an application is made by a member to the Taluk Panchayat for leave of absence to himself and Taluk Panchayat fails to inform the applicant of its decision on the application within a period of seven days from the date of the application, the leave applied for, shall be deemed to have been granted by the Taluk Panchayat”.; and

(iii) after clause (v), the following shall be inserted, namely:-

“(vi) if a former Adhyaksha or Upadhyaksha or member of Taluk Panchayat has been accused and proved guilty of misconduct or misappropriation in an Inquiry.”

17. Amendment of section 138.- In section 138 of the Principal Act,-

(i) in sub-section (2), after clause (a), the following shall be inserted, namely:-

“Provided that, the duration of the offices reserved under this sub-section shall be thirty months”; and

(ii) in sub-section (3), for the words “five years” the words “thirty months” shall be substituted.

18. Amendment of section 140.- In section 140 of the Principal Act,-

(i) in sub-section (3),-

(a) in the first proviso, for the words “Thirty months” the words “fifteen months” shall be substituted;

(b) in the second proviso, for the words “two years” the words “six months” shall be substituted; and

(ii) in sub-section (4), after the words “Government” the words “or an authority authorized by the Government in this behalf ” shall be inserted.

19. Amendment of section 141.- In section 141 of the Principal Act, for sub-section (6), the following shall be substituted, namely:-

“(6) the Deputy Commissioner shall preside over the meeting in which no confidence motion against Adhyaksha or Upadhyaksha is being considered by the Taluk Panchayat.”

20. Amendment of section 160.- In section 160 of the Principal Act, in the proviso, item (ii) shall be omitted.

21. Amendment of section 162.- In section 162 of the Principal Act, in sub-section (3), in the proviso, for the words “ten years” the words “five years” shall be substituted.

22. Amendment of section 167.- In section 167 of the Principal Act, in sub section (1),-

(i) after clause (k), the following clause (l) shall be inserted, namely:-

“(l) if he is found guilty, directly involved in any act of misuse or abuse of power or authority as member of the panchayat in executing any scheme, plan or project of the panchayat or of misappropriation of funds or other assets of the panchayat during the term of his membership or while holding any office of panchayat.”

(ii) in the proviso,-

(a) in item (cc), for the words “three years” the words “six years” shall be substituted.

(b) after item (d), the following shall be inserted, namely:-

“(e) the disqualification under clause (l) shall cease to operate after the expiry of six years from the date of the order.”

23. Amendment of section 175.- In section 175 of the principal Act, in sub-section (1),-

(i) after the word “Government” the words “or an authority authorized by the Government in this behalf” shall be inserted;

(ii) after the clause (iii), the following shall be inserted, namely:-

“Provided that where an application is made by a member to the Zilla Panchayat for leave of absence to himself and Zilla Panchayat fails to inform the applicant of its decision on the application within a period of seven days from the date of the application, the leave applied for shall be deemed to have been granted by the Zilla Panchayat”.

(iii) after clause (v), the following shall be inserted, namely:-

“(vi) if a former Adhyaksha or Upadhyaksha or member of Zilla Panchayat has been accused and proved guilty for misconduct or misappropriation in an enquiry.”

24. Amendment of section 177.-In section 177 of the principal Act,-

(i) in sub-section(2), in clause (c), after the proviso the following shall be inserted, namely:-

“Provided further that the duration of the offices reserved under this sub-section shall be for thirty months”; and

(ii) in sub-section(3), for the words “five years” the words “thirty months” shall be substituted.

25. Amendment of section 179.- In section 179 of the principal Act, in sub-section (3),-

(i) in the beginning the words “Subject to such rules as may be prescribed” shall be inserted;

(ii) in the first proviso, for the words “thirty months” the words “fifteen months” shall be substituted; and

(iii) in the second proviso ,for the words “two years” the words “six months” shall be substituted.

26. Amendment of section 180.- In section 180 of the principal Act, for sub-section (6), the following shall be substituted, namely:-

“(6) The Regional Commissioner or any other equivalent officer authorized by the Government shall preside over the meeting in which no confidence motion against to Adhyaksha or upadhyaksha is being considered.”

27. Amendment of section 196.- In section 196 of the principal Act, in sub-section (1), in the proviso, the words, brackets and figures “for a period of three year from the date of commencement of the Karnataka Panchayat Raj (Amendment) Act, 1998” shall be omitted.

28. Amendment of section 197.- In section 197 of the principal Act, in the proviso to sub-section (3), for the words “fifteen days” the words “thirty days” shall be substituted.

29. Amendment of section 237.- In section 237 of the principal Act, in sub-section (1), after the words “on behalf of Gram panchayat” the following shall be inserted, namely:-

“other than law full resolutions and decisions taken by the authorities specified in section 64, 70, 113 and 269 of this Act.”

30. Amendment of section 308AA.- In section 308AA of the principal Act,-

(i) in the heading and in section for the words “the schedule of elections” occurring in two places, the words “schedule of elections” shall be substituted; and

(ii) for the words “announced” the words “published” shall be substituted.

31. Amendment of section 308 AB.- In section 308AB of the principal Act, in sub-section (1),-

(i) in clause (a), for the words, “the third day” the words “the fourth working day” shall be substituted; and

(ii) in clause (d), for the words “not earlier than” the words “not earlier than” shall be substituted.

32. Amendment of section 308 AC.- In section 308AC of the principal Act, in sub section (1),-

(i) in clause (b), for the word “each” the words “hyper sensitive” shall be substituted; and

(ii) in clause (c),-

(a) for the words “the entire period during which code of conduct of election is in force” the words “during the period of forty eight hours before closing the polling of election” shall be substituted; and

(b) for the words “the code of conduct is in force” the words of “forty eight hours before closing the polling of election” shall be substituted.

33. Amendment of section 308B.- In section 308B of the principal Act, for the figures and letter “308A” the figures and letters “308 AD” shall be substituted.

34. Amendment of section 309D.- In section 309D of the principal Act, in sub-section (1), in the Table,-

(i) after clause (i), the following entry shall be inserted, namely:-

i-a	the member of the Legislative council registered as voter in that Taluk.	Vice chairman
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(ii) in clause (ii), (iii) and (iv) for the words “Co chairman, Co-chairperson and Vice chairperson” the word “Member” shall respectively be substituted.

35. Amendment of section 310.- In section 310 of the principal Act, in sub – section (2), for clause (e), the following shall be substituted, namely:-

“(e) such number of person not less than four fifth of the total number of members of committees as may be specified by the Government elected in the prescribed manner from amongst the members of the Zilla Panchayats, Taluk Panchayats, Town Panchayats and Councilors of the Municipal corporations and Municipal councils in the district in proportion to the ratio between population of the rural areas and urban areas in the District”.

36. Amendment of schedule IV.- In the schedule IV of the Principal Act,-

(i) under the heading ‘A Tax on building’ in item (ii), for the entries in column (3), the following shall be substituted, namely:-

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- “(a) Small Scale Industry - 0.40 percent
 - “(b) Medium Scale Industry - 0.50 percent
 - “(c) Large Scale Industries - 0.60 percent
- on the capital value of the property

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(ii) after the entries relating to “B.Vacant land measuring” the following shall be inserted, namely:-

“C	(1)	Run way area of an Airport	-	0.10 percent on the Capital value of the property
	(b)	In case of vacant Land in Airport or Industrial area where plantations are grown	-	No tax ”

37. Repeal and savings.- (1) The Karnataka Gram Swaraj and Panchayat Raj (Amendment) Ordinance, 2020 (Karnataka Ordinance No. 2 of 2020), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under principal Act, as amended by this Act.

The above translation of ಕರ್ನಾಟಕ ಗ್ರಾಮ ಸ್ವರಾಜ್ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2020 (2020ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 49) be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

VAJUBHAI VALA
GOVERNOR OF KARNATAKA
By Order and in the name of
the Governor of Karnataka,

(K. DWARAKANATH BABU)
Secretary to Government
Department of Parliamentary
Affairs and Legislation