



**KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
SECOND SESSION**

**KARNATAKA PANCHAYAT RAJ (SECOND AMENDMENT)
BILL, 2013
(L.A. Bill No. 22 of 2013)**

A Bill further to amend the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993).

Where it is expedient further to amend the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) for the purposes hereinafter appearing:

Be it enacted by the Karnataka State Legislature in the Sixty fourth year of the Republic of India as follows;

1. Short title and commencement.-(1) This Act may be called Karnataka Panchayat Raj (Second Amendment) Act, 2013.

(2) Section 2 and 3 shall be deemed to have come into force with effect from the 3rd day of September, 2003 and the remaining sections shall come into force at once.

2. Amendment of Section 136A.- In the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) (hereinafter referred to as the Principal Act),-

- (1) In sub-section (1) the words, “the State Election Commission or” shall be omitted;
- (2) In sub-section (2) the words, “State Election Commission or” shall be omitted;

- (3) In sub-section (3) for the words, "shall cease to be member" the words, "the Competent Authority shall issue a notice, calling upon such member to file the declaration, or make good any incorrect declaration, within one month from the date of receipt of such notice. On failure to do so it shall be construed as misconduct and the Competent Authority shall send such information to the Government which may take action under section 136" shall be substituted; and
- (4) Sub-section (4) shall be omitted.

3. Amendment of sub-section 175A.- In section 175A of the Principal Act,-

- (1) In sub-section (1) the words, "the State Election Commission or" shall be omitted;
- (2) In sub-section (2) the words, "the State Election Commission or" shall be omitted;
- (3) In sub-section (3) for the words, "shall cease to be a member" the words, "the Competent Authority shall issue a notice, calling upon such member to file the declaration, or make good any incorrect declaration, within one month from the date of receipt of such notice. On failure to do so it shall be construed as misconduct and the Competent Authority shall send such information to the Government which may take action under section 175A" shall be substituted; and
- (4) Sub-section (4) shall be omitted.

4. Validation.- Notwithstanding anything contained in any judgment, decree, order of any Court, Tribunal or Authority no member shall cease to be a member unless action is taken under section 136A and section 175A of the Principal Act as amended by this Act, Which shall be deemed to be valid

and effective, as if, the provisions of section 136A and 175A of Principal Act as amended by this Act were in force at all relevant time and accordingly,-

- (a) no suit or other proceedings shall be maintained or continued in any Court or Tribunal or before any Authority; and
- (b) no Court shall enforce any decree or order directing the ceasure of membership of any member otherwise than in accordance with the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

In section 136A and 175A of the Karnataka Panchayat Raj Act, 1993 a member automatically ceases to be a member in case, if he fails to file the declaration of assets owned by him and any member of his family before the State Election Commission or the Competent Authority. But no provision has been made for calling explanation or giving an opportunity of hearing to the member in this regard moreover there is no provision in the Constitution of India for cessation of membership.

Therefore, it is considered necessary to provide for the reasonable opportunity to such member and it is considered necessary to amend the provisions accordingly.

Hence the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed Legislative measure.

H.K. PATIL
Minister for Rural Development
and Panchayat Raj

P. OMPRAKASHA
Secretary
Karnataka Legislative Assembly

Annexure

Extract from the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993)

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136-A. Members to declare assets.- (1) Every member shall within three months from the date of commencement of his term of office and until the expiry of his term, in every calendar year file a declaration of assets owned by him and any member of his family, in such manner and in such form as may be prescribed, before the State Election Commission or the competent authority as may be notified by the Government.

(2) Where a member, after filing a declaration under sub-section (1), acquires or disposes any asset he shall file further declaration to this effect before the State Election Commission or competent authority, within three months from the date of such acquisition or disposal, as the case may be.

(3) Any member, who fails to file the declaration under sub-section (1) or sub-section (2) or files the same knowing it to be false or incorrect shall cease to be member.

(4) Any question whether a member has ceased to be a member under sub-section (3), shall, on a reference made by the Taluk Panchayat to the State Election Commission be decided by it and the decision of the State Election Commission thereon shall be final. 1993: [KAR. ACT 14] Panchayat Raj 371 **Explanation:** For the purposes of this section "Family" means the spouse and dependent children of the member.

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175A. Members to declare assets.- (1) Every member shall within three months from the date of commencement of his term of office and until the expiry of his term in every calendar year file a declaration of assets owned by him and any member of his family, in such manner and in such

form as may be prescribed, before the State Election Commission or competent authority as may be notified by the Government.

(2) Where a member, after filing a declaration under sub-section (1), acquires or disposes any asset he shall file further declaration to this effect before the State Election Commission or the competent authority, within three months from the date of such acquisition or disposal, as the case may be.

(3) Any member, who fails to file declaration under sub-section (1), or sub-section (2) or files the same knowing it to be false or incorrect shall cease to be a member.

(4) Any question whether a member has ceased to be a member under sub-section (3) shall on a reference made by the Zilla Panchayat, to the State Election Commission be decided by it and the decision of the State Election Commission thereon shall be final.

Explanation: For the purposes of this section 'family' means the spouse and dependent children of the member.

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