



KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
FIRST SESSION

THE KARNATAKA PANCHAYAT RAJ (AMENDMENT) BILL, 2013
(L.A. Bill No. 03 of 2013)

A Bill further to amend the Karnataka Panchayat Raj Act, 1993.

Whereas 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 Sixty fourth year of Republic of India as follows:-

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

(2) It shall come into force at once.

2. Amendment of section 3.- In section 3 of the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) (hereinafter referred to as the principal Act),-

(i) for sub-section (1), the following shall be substituted, namely:-

"(1) Subject to the general orders of the Government, the Ward Sabha shall meet once in six months. The calendar of dates for meeting of the Ward Sabha for the entire year shall be discussed, decided and approved in the meeting of the Grama Panchayat at the beginning of every financial year. Every meeting of the Ward Sabha shall be held atleast seven days before the meeting of the Grama Sabha. Every member of Grama Sabha representing the ward shall convene the meetings of the Ward Sabha:

Provided that, where a ward is represented by more than one member, the members shall convene the said meeting by rotation in the prescribed manner.

(1A) In case the Grama Panchayath member responsible to convene the meeting fails to convene the meeting of the Ward Sabha, the Adhyaksha

of the Grama Panchayath shall nominate any other member of the Grama Panchayath to convene the meeting.

(1B) Whenever any member of the Grama Panchayath fails to convene the meeting of the Ward Sabha in accordance with sub-section (1A), the Commissioner shall suo-moto or on the recommendation of the Grama Panchayath or on a complaint made by any member of the Ward Sabha shall conduct an enquiry and initiate action under section 43A within forty five days."

(ii) in sub-section (5), for the words "nominated by it" the words "nominated by the Adyaksha of Grama Panchayat" shall be substituted;

3. Amendment of Section 3A. - In section 3A of the principal Act,-

(i) for sub-section (1), the following shall be substituted, namely:-

"(1) The Grama Sabha shall meet at least once in six months. The calendar of dates for meeting of the Grama Sabha for the entire year shall be discussed, decided and approved in the meeting of the Grama Panchayat at the beginning of every financial year. The Adhyaksha shall convene the meeting of Grama Sabha in accordance with the calendar of dates so approved. The procedure for convening and conducting the meeting of the Grama Sabha shall be such as may be prescribed.

Provided that, if the Adhyaksha is unable to convene the meeting of the Grama Sabha on the calendar of dates approved for reasons to be recorded in writing, he shall convene the meeting of the Grama Sabha within next seven days of the calendar of dates approved.

Provided further that, a special meeting of the Grama Sabha shall be convened, if, a request is made by not less than ten percent of the members of the Grama Sabha with items of agenda specified in such request and there shall be a minimum three months period between two special meetings of the Grama Sabha.

Provided also that, in case of request for convening special meeting or whenever Government directs that a special meeting of the Grama Sabha is required to be held, the Adhyaksha shall convene a special meeting within next seven days of the said request or direction for the said purpose."

(ii) for sub-section (6), the following shall be substituted, namely:-

"(6) where the Adhyaksha fails to convene the meeting of the Grama Sabha in accordance with sub-section (1), or Ward Sabha under sub-section (2) of section 3, the Commissioner shall suo-motu or on report of the Executive Officer of Taluka Panchayat or on complaint made by any member of the Grama Sabha shall conduct an enquiry and initiate action under sub-section (4) and (5) of Section 48 within forty five days."

4. Amendment of Section 43A.- In section 43A of the Principal Act,-

(i) for the word "The Government if it" the word "The Commissioner if he" shall be substituted.

(ii) for the word, "as it deems" the words "as he deems" shall be substituted.

(iii) the following proviso shall be inserted at the end, namely:-

"Provided that, the Commissioner shall complete the enquiry within a period not exceeding forty five days."

5. Amendment of Section 48.- In section 48 of the Principal Act, in sub-section (4) and (5), for the word "Government" the word "Commissioner" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

With a view to bring awareness and discipline in the functioning of the Grama Panchayats and also to make them responsible in discharging their statutory duties and responsibilities it is considered necessary to amend the Karnataka Panchayat Raj Act, 1993 to provide for,-

- (i) member to convene meetings of Ward Sabhas and Adhyaksha to convene meetings of Grama Sabhas at least once in six months and also to convene special meetings on the direction of the State Government or when a request is made by not less than ten percent of the members of the Grama Sabha for discussing specific issues;
- (ii) disqualification or removal of a member of Grama Panchayat who fails to convene the meeting of the Ward Sabha and removal of Adhyaksha of Grama Panchayat who fails to convene meetings of the Grama Sabha; and
- (iii) delegate power to the Regional Commissioner to remove a member or Adhyaksha of Grama Panchayat under section 43A or section 48.

Certain consequential amendments are also proposed.

Hence the Bill.

FINANCIAL MEMORANDUM

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2	In the proviso to sub-section (1) of section 3 sought to be inserted empowers the State Government to make rules regarding the manner of rotation of members to convene the meeting of Ward Sabha where there are more than one member representing a ward.
Clause 3	In sub-section (1) of section 3A sought to be inserted empowers the State Government to make rules for convening and conducting the meetings of the Grama Sabha.

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

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(7) "Commissioner" means the Regional Commissioner or such other officer as may be appointed by the Government to exercise the powers of Commissioner under this Act;

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3. Ward Sabha.- (1) Subject to the general orders of the Government, Ward Sabha shall meet atleast once in six months.

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3A. Grama Sabha.- (1) The Grama Sabha shall meet at least once in six months:

Provided that a Special meeting of the Grama Sabha shall be convened if a request is made by not less than ten percent of the members of the Grama Sabha with items of agenda specified in such request and there shall be a minimum three months period between two special meetings of the Grama Sabha.

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(6) The procedure for convening and conducting the meeting of the Grama Sabha shall be such as may be prescribed.

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43A. Removal of members for misconduct.- The Government if it thinks fit, on the recommendation of the Grama Panchayat, or otherwise, may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member.

XX**XX****XX****48. Resignation or removal of Adhyaksha and Upadhyaksha.-****XX****XX****XX**

(4) Every Adhyaksha and Upadhyaksha of Grama Panchayat shall, after an opportunity is afforded for hearing him, and if necessary after obtaining a report from the Taluk Panchayat and considering the same be removable from his office as Adhyaksha or Upadhyaksha by the Government for being persistently remiss or guilty of misconduct in the discharge of his duties and an Adhyaksha or Upadhyaksha so removed who does not cease to be a member under sub-section (2) shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office as member of such Grama Panchayat.

(5) An Adhyaksha or Upadhyaksha removed from his office under sub-section (4) may also be removed by the Government from the membership of the Grama Panchayat.

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CORRIGENDUM

In English version of the Karnataka Panchayat Raj (Amendment) Bill, 2013 (L.A. Bill No. 03 of 2013),-

Clause 2

In clause 2, in sub-clause (i), in sub-section (1) sought to be substituted, for the words "Every member of Grama Sabha", the words "Every member of Grama Panchayat" shall be substituted.

Clause 3

In clause 3, in sub-clause (ii), in sub-section (6) sought to be substituted, for the words, figures and brackets "or Ward Sabha under sub-section (2) of section 3", the words, figures and brackets "or Ward Sabha under sub-section (1A) of section 3" shall be substituted.

P.OMPRAKASH
Secretary
Karnataka Legislative Assembly