

**KARNATAKA ACT NO. 40 OF 2003
THE KARNATAKA MUNICIPALITIES (SECOND
AMENDMENT) ACT, 2002**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 16
3. Insertion of new sections 16A, 16B and 16C

STATEMENT OF OBJECTS AND REASONS

Considering the complaints received from general public that candidates contesting in elections to urban local bodies spend huge sum of money on publicity and other things concerning campaigning which amounts to corrupt practice, the State Election Commission has proposed for bringing suitable amendment to the Karnataka Municipalities Act, 1964 to insert a new provision providing for disqualification for failure to lodge account of election expenses.

Hence the Bill.

[LA Bill No.22 of 2002]

[Entry 5 of List-II of the Seventh Schedule to the Constitution of India]

KARNATAKA ACT NO. 40 OF 2003

(First published in the Karnataka Gazette Extra-ordinary on the Fourth day of September, 2003)

THE KARNATAKA MUNICIPALITIES (SECOND AMENDMENT) ACT, 2002

(Received the Assent of the Governor on the Third day of September, 2003)

An Act further to amend the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty third year of the Republic of India as follows:-

1.Short title and commencement.- (1) This Act may be called the Karnataka Municipalities (Second Amendment) Act, 2002.

(2) It shall come into force on such ¹[date], as the State Government may, by notification, appoint.

2. Amendment of section 16.- In section 16 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) (hereinafter referred to as the principal Act) after sub-section (1A), the following shall be inserted, namely:-

“(1B) A person shall be disqualified for being chosen as and for being a Councillor if he is disqualified under section 16C:

Provided that the disqualification under this sub-section shall cease to operate after the expiry of three years from the date of the order made under section 16C.”

(Published in the Karnataka Gazette Part IV-A Extra Ordinary No. 1050 dated 4-9-2003 in Notification No. ಸಂವ್ಯಶಾಇ 32 ಶಾಸನ 2002)

1. The Act has come into force on 10th day of November, 2003, vide Notification No. UDD 35 MLR 2003 dated 10th November 2003 (Karnataka Gazette Extraordinary No. 1402 dated 14-11-2003)

3. Insertion of new sections 16A, 16B and 16C.-

After section 16 of the principal Act, the following shall be inserted, namely:-

“16A. Account of election expenses and maximum thereof.- (1) Every candidate at an election under this Act shall either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

(2) Any expenditure incurred or authorised in connection with the election of the candidate under this Act by a political party or by any other association or body or persons or by any individual (other than the candidate or his election agent) shall not be deemed to be the expenditure in connection with the election incurred or authorised by the candidate or by his election agent for the purpose of sub-section (1).

Explanation 1: For the purpose of this sub-section “political party” shall have the same meaning as in the Election Symbols (Reservation and Allotment) Order, 1968 for the time being in force.

Explanation 2: For the removal of doubts, it is hereby declared that any expenditure incurred in respect of any arrangement made, facilities provided or any other act or thing done by any person in the service of the Government or the service of the Municipal Council in the discharge or purported discharge of his official duty for, or to, or in relation to, any candidate or his election agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason) shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purpose of this section.

(3) The account shall contain such particulars as may be prescribed.

(4) The total of the said expenditure shall not exceed such amount as may be prescribed.

16B. Lodging of account with the returning officer.-

Every contesting candidate at the election under this Act shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of the election are different, the later of those two dates lodge with the Returning Officer appointed at an election under this Act an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 16A.

16C. Failure to lodge an account of election expenses.- If the State Election Commission is satisfied that any person,-

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and
- (b) has no good reason or justification for the failure;

The State Election Commission shall by order published in the official Gazette declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.”

By Order and in the name of the
Governor of Karnataka

M.R.HEGDE
Secretary to Government,
Department of Parliamentary
Affairs and Legislation.