

KARNATAKA ACT NO. 23 OF 2003
THE KARNATAKA MUNICIPALITIES
(AMENDMENT) ACT, 2002
Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 11
3. Amendment of section 50
4. Amendment of section 352

STATEMENT OF OBJECTS AND REASON

It is considered necessary to amend the Karnataka Municipalities Act, 1964 to provide for Minimum representation of the persons belonging to the Scheduled Castes and Scheduled Tribes in the Municipal Councils and Town Panchayats.

The 74th Constitutional Amendment provides that in every Urban Local Bodies the members of House of the People as well as members of the State Legislative Assembly be represented in the concerned Municipalities. When the Acts were amended in 1994, the provisions of section 11 were amended to ensure that the members of the House of the People and Member of the State Legislative Assembly and Members of the Council be permitted to participate in the deliberations of the Municipalities and also to vote in the Council. This particular provision was not incorporated in respect of Town Panchayats. It is therefore proposed to amend section 352 for the purpose.

Hence the Bill.

[LA Bill No.20 of 2002]

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

KARNATAKA ACT NO. 23 OF 2003

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

**THE KARNATAKA MUNICIPALITIES
(AMENDMENT) ACT, 2002**

(Received the assent of the Governor on the Seventh day of May, 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 (Amendment) Act, 2002.

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

2. Amendment of section 11.- In section 11 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) (hereinafter referred to as the principal Act), after sub-section (2), the following provisos shall be inserted, namely:-

“Provided that atleast one seat each shall be reserved in a municipal council for the persons belonging to the Scheduled Castes and the Scheduled Tribes:

Provided further that, if no person belonging to the Scheduled Castes is available the seat reserved for that category shall also be filled by the persons belonging to the Scheduled tribes and vice versa”.

(Published in the Karnataka Gazette Part IV-A Extra Ordinary No. 505 dated 12-5-2003 in Notification No. ÉâªÀâΧμÖE 67 μÖÉâ}â 2000)

1. The Act has come into force on 10th November 2003 vide notification No. UDD 35 MLR 2003 dated 10.11.2003 (Karnataka Gazette Part IV Extraordinary No. 1403 dated 14.11.2003)

3. Amendment of section 50.- In section 50 of the principal Act, the following proviso shall be inserted, namely:-

“Provided that if any meeting called for the purpose of election of President or Vice-President is adjourned to the following day or to a future day for want of quorum, it shall not be necessary to have a quorum for such adjourned meeting”.

4. Amendment of section 352.- In section 352 of the principal Act,-

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

“(1) A Town Panchayat shall consist of,-

(a) not less than eleven and not more than twenty Councillors as may be determined by the Government, by notification.

(b) not more than three persons nominated by the Government from amongst the residents of the transitional area and who are,-

(i) persons having special knowledge and experience in municipal administration or matters relating to health, town planning or education; or

(ii) social workers

(c) the members of House of the people and the members of the State Legislative Assembly, representing a part or whole of the transitional area whose constituencies lie within the transitional area; and

(d) the members of the Council of States and the members of the State Legislative Council registered as electors within the transitional area:

Provided that the persons referred to in clause (b) shall not have the right to vote in the meetings of the Town Panchayat.

(2) after sub-section (4), the following provisos shall be inserted, namely:-

“Provided that atleast one seat each shall be reserved in a Town Panchayat for the persons belonging to the Scheduled Castes and the Scheduled Tribes:

Provided further that, if no person belonging to the Scheduled Castes is available the seat reserved for that category shall also be filled by the persons belonging to the Scheduled Tribes and vice versa”.

By Order and in the name of the
Governor of Karnataka,

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