

**KARNATAKA ACT NO. 37 OF 2003
THE KARNATAKA PANCHAYAT RAJ (AMENDMENT)
ACT, 2002**

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STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Karnataka Panchayat Raj Act 1993,-

- (i) to have a Ward Sabha in respect of each Grama Panchayat constituency and a Grama Sabha for the whole panchayat area and to entrust them with more responsibilities to ensure that participation of people at village level will be more meaningful and intense.
- (ii) to provide for disqualification of members of Grama Panchayats, Taluk Panchayat and Zilla Panchayat for a period of three years for failure to lodge an account of election expenses.
- (iii) to ensure that as far as possible one-third members of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat attending the meeting will be women members.
- (iv) to require every member of Grama Panchayat, Taluk Panchayat and Zilla Panchayat to disclose any pecuniary interest that he has in any question coming up for consideration at a meeting of Grama Panchayat, Taluk Panchayat or Zilla Panchayat.
- (v) to make Adhyaksha of the Grama Panchayat as executive Head.
- (vi) to re-difine the powers and duties of the Secretary of Grama Panchayat.

- (vii) to provide for pooling of officers and officials of the State Civil Services and post them to Grama Panchayat and to empower the Grama Panchayat to engage the services of technical staff not belonging to State Civil Services for specific work.
- (viii) to entrust to the State Election Commission powers of the State Government relating to determining the elected members, reservation of seats and delimitation of territorial constituencies of Taluk Panchayat and Zilla Panchayats.
- (ix) to require the members of the Taluk Panchayat and Zilla Panchayat to declare their assets and to provide for cessation of membership for filing false or incorrect declaration.
- (x) to provide for appointment of the Chairman of the Standing Committee of social justice to exercise the powers and perform the duties of the Adhyaksha and Upadhyaksha of Taluk Panchayat or Zilla Panchayat in case both the officers are vacant.
- (xi) to provide for maintenance of account of election expenses, lodging of the same, etc.,

The Bill also provides for certain other incidental and consequential matters.

Hence the Bill.

[L.A. Bill No. 27 of 2002]

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

KARNATAKA ACT NO. 37 OF 2003

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

THE KARNATAKA PANCHAYAT RAJ (AMENDMENT) ACT, 2002

(Received the assent of the Governor on second day of September, 2003)

An Act 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 the fifty third year of the Republic of India as follows:-

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

(2) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different provisions of the Act.

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

(1) in clause (16), for the words "electoral roll relating to a village comprised within the area of Grama panchayat", the words "voters list of a Gramapanchayat" shall be substituted;

(2) after clause (42), the following clause shall be inserted, namely:-

(Published in the Karnataka Gazette Part IV-A Extra Ordinary No. 1132 dated 22-9-2003 in Notification No. ಸಂವ್ಯಶಾಇ 33 ಶಾಸನ 2002)

1. All the provisions of the Act have come into force with effect from 1.10.2003 vide Notification No. ಗ್ರಾಆಪ 204 ಜಪಸ 2003 dated 1.10.2003 (Karnataka Gazette Part IV-A Extraordinary No. 1151 dated 1.10.2003)

“(42A) “Ward Sabha” means a body consisting of persons registered in the voters list of each Grama Panchayat constituency.”

3. Substitution of Chapter II and section 3.- For chapter II and section 3 of the principal Act, the following shall be substituted, namely:-

“CHAPTER II

WARD SABHA AND GRAMA SABHA

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

(2) The quorum for the meeting of a Ward Sabha shall be not less than one tenth of the total number of members of the Ward Sabha or twenty members whichever is less. As far as may be, not less than thirty percent of the voters attending the Ward Sabha, shall be women. As far as may be the persons belonging to the Scheduled Castes and Scheduled Tribes shall be represented in proportion to their population in the Ward Sabha.”

(3) Ward Sabha shall, subject to such rules as may be prescribed, exercise the following powers and discharge the following functions, namely:-

(a) to generate proposals and determine the priority of schemes and development programmes to be implemented in the area of the Ward Sabha and forward the same to place it before the Grama Sabha for inclusion in Grama Panchayat development plan;

(b) to identify the most eligible persons from the area of Ward Sabha for beneficiary oriented schemes on the basis of criteria fixed and prepare list of eligible beneficiaties in the order of priority and forward the same to the Grama Panchayat for inclusion in its development plan;

(c) to verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies;

(d) to get information from the officers of the Grama Panchayat as to the services they will render and the works they propose to do in the succeeding period of six months after the meeting of the Ward Sabha;

(e) to get information from the Grama Panchayat on the rational of every decision of the Grama Panchayat concerning the area of the Ward Sabha;

(f) to get information from the Grama Panchayat on the follow up action taken on the decisions of the Ward Sabha;

(g) to provide and mobilize voluntary labour and contributions in cash and kind for development work and supervise such development works through volunteer teams;

(h) to make efforts to ensure that the members of Ward Sabha pay taxes and repay loans to the Grama Panchayat;

(i) to suggest the location of streetlights, street or community water taps, public wells, public sanitation units, irrigation facilities and such other public amenity schemes within the area of the Ward Sabha;

(j) to identify the deficiencies in the water supply and street lighting arrangements in the area of Ward Sabha and suggest remedial measures;

(k) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution;

(l) to assist the employees of the Grama Panchayat in sanitation arrangements in the area of Ward Sabha and render voluntary service in the removal of garbage;

(m) to promote programme of adult education within the area of Ward Sabha;

(n) to assist the activities of public health centers in the area of Ward Sabha especially in disease prevention and family welfare and to create arrangements to quickly report the incidence of epidemics and natural calamities;

(o) to promote harmony and unity among various groups of people in the area of the Ward Sabha and to arrange cultural festivals and sports meets to give expression to the talents of the people of the locality; and

(p) to exercise such other powers and discharge such other functions as may be prescribed.

(4) The procedure for convening and conducting the meetings of the Ward Sabha shall be such as may be prescribed.

(5) Every meeting of a Ward Sabha shall be presided over by the member of the Grama Panchayat elected from the area of the concerned Ward Sabha and in his absence by any other member of the Grama Panchayat nominated by it.

(6) All resolutions in respect of any issue in the meeting of the Ward Sabha shall be passed by a majority of the members present and voting.

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.

(2) The quorum for the meeting of a Grama Sabha shall be not less than one tenth of the total number of members of the Grama Sabha, or hundred members, whichever is less. As far as may be, at least ten members from each Ward Sabha within the Panchayat area shall attend the meeting and not

less than thirty percent of the members attending the Grama Sabha shall be women. As far as may be the persons belonging to the Scheduled Caste and Scheduled Tribes shall be represented in proportion to their population in the Grama Sabha.

(3) Subject to such rules as may be prescribed, the Grama Sabha, shall exercise powers and discharge functions as hereinafter provided, namely:-

(a) to consider and approve the annual plan prepared by the Grama Panchayat;

(b) to generate proposals and determine the priority of all schemes and development programmes to be implemented in the Panchayat area by the Zilla Panchayat or Taluk Panchayat after considering the recommendations and suggestions of the Ward Sabhas through the Grama Panchayat;

(c) to identify and select the most eligible persons from the Panchayat area for beneficiary oriented schemes on the basis of criteria fixed by the Grama Panchayat, Taluk Panchayat, Zilla Panchayat or the Government and to prepare list of beneficiaries in the order of priority after considering the priority lists of individual beneficiaries sent by the Ward Sabhas. Such list shall be binding on the concerned Grama Panchayat, Taluk Panchayat, Zilla Panchayat or the Government, as the case may be;

(d) to disseminate information on development and welfare programmes and to render assistance in effective implementation of development schemes by providing facilities locally available and to provide feed back on the performance of the same;

(e) to render assistance to the Grama Panchayat in collection and compilation of details required, formulation of development plans, collection of essential socio-economic data

and canvassing participation in health, literacy and similar development campaigns;

(f) to get information from the officers of the Grama Panchayat as to the services they will render and the works they propose to do in the succeeding period of six months after the meeting of the Grama Sabha;

(g) to get information from the Grama Panchayat on the rationale of every decision of the Grama Panchayat concerning the Panchayat area;

(h) to get information from the Grama Panchayat on the follow up action taken on the decisions of the Gramasabha;

(i) to provide and mobilize voluntary labour and contributions in cash and kind for development works and to supervise such development works through volunteer teams;

(j) to resort to persuasion of Grama Sabha members to pay taxes and repay loans to the Grama panchayat;

(k) to decide, after considering the suggestions of the ward sabhas the location of street lights, street or community water taps, Public wells, Public sanitation units, irrigation facilities and such other Public amenity schemes and to identify the deficiencies in them and after considering the suggestions of the ward sabhas to suggest the remedial measures and to report the satisfactory completion of the works;

(l) to impart awareness on matters of public interest such as cleanliness, preservation of environment and prevention of pollution;

(m) to assist employees of the Grama panchayat in sanitation arrangements in the panchayat area and to render voluntary service in the removal of garbage;

(n) to promote the programme of adult education within the Panchayat area;

(o) to assist the activities of school betterment sanghas, Anganawadi, Mahilasamaja, Youth associations, self help groups, women activities in the Panchayat area;

(p) to assist the activities of public health centres in the panchayat area, especially in disease prevention and family welfare population control and control of cattle diseases and create arrangement to quickly report the incidence of epidemics and natural calamities;

(q) to promote communal harmony and unity among various groups of people in the Panchayat area and to arrange cultural festivals literary activities and sports meets to give expression to the talents of the people of the locality; and

(r) to conserve and maintain public properties such as Gomala, tanks, tank beds, ground water, grazing grounds of the cattle, mines etc., within the limits of the Gram Panchayats;

(s) to take action to prevent discrimination on the basis of caste, religion and sex etc., and to direct the Gram Panchayaths to not to grant license to shops vending liquor or narcotic drugs or place of gambling or any other activities prejudicial to public interest;

(t) to identify the child labourers if any, present within the limits of the Grama Panchayaths and to take action to rehabilitate them and to assist in implementation of the legal action specified by the Central and State Governments;

(u) to exercise such other powers or discharge such other functions as may be prescribed.

(4) The Grama Sabha shall in its ordinary meeting or a special meeting convened for the purpose, discuss the budgetary provisions, the details of plan outlay and the subject wise allocation of funds and also the details of the estimate and cost of materials of the works executed or proposed to be executed in the Panchayat area.

(5) The annual statement of accounts of the preceeding financial year, the last audit note and replies thereto and the panchayat jamabandi report and action taken thereto shall be placed by the Grama Panchayat for the consideration of the Grama Sabha in its meeting. The views, recommendations or suggestions of the Grama Sabha shall be communicated to the Grama Panchayat. The Grama Panchayat shall give due consideration to the views, recommendations and suggestions of the Grama Sabha.

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

(7) Every meeting of a Grama Sabha shall be presided over by the Adhyaksha of the concerned Grama Panchayat and in his absence by the Upadhyaksha and in the absence of both Adhyaksha and Upadhyaksha, by any member of the Grama Panchayat nominated by it.

(8) The officers of the Grama Panchayat shall attend the meetings of the Grama Sabha as may be required by the Adhyaksha and an officer specifically nominated by the Grama Panchayat as convener of the Grama Sabha meeting shall assist in convening and conducting its meetings and recording its decisions in a minute book and also in taking follow up action thereon.

(9) The Grama Sabha may constitute sub-committees consisting of not less than ten members of whom not less than half shall be women, for in-depth discussion on issues and programmes for effective implementation of decisions of the Grama Sabha and in furtherance of exercise of powers and discharge of functions of Grama Sabha.

(10) All resolutions in respect of any issue in the meetings of the Grama Sabha shall be passed by the majority of the members present and voting.”

4. Amendment of section 13.- In section 13 of the principal Act,-

(1) in sub-section (1),- (i) in clause (c), the words “or is absent from the Panchayat area for more than four consecutive months” shall be omitted;

(2) in sub-section (2),-

- (i) for the words, “Assistant Commissioner”, the words “State Election Commission” shall be substituted;
- (ii) for the words “either suomoto or on a report made to him” the words “either suomoto or on a report made to it” shall be substituted.

5. Amendment of section 52.- In section 52 of the principal Act,-

- (i) in sub-section (1), for the words, “once in two months” the words “once in a month” shall be substituted;
- (ii) in sub-section (4), for the words, “be entitled to attend every meeting of the Grama panchayat and to take part in the proceedings” the words “attend every meeting of Grama panchayat and take part in the proceeding” shall be substituted.

6. Amendment of section 53.- In section 53 of the principal Act,-

- (i) in sub-section (1), for the words “one-third” the words “one-half” shall be substituted.
- (ii) after sub-section (4), the following shall be inserted, namely:-

“(4A) It shall be the duty of every member of a Grama Panchayat to disclose to the Grama Panchayat any pecuniary interest that he has, direct or indirect, in any question coming up for consideration at a meeting of a Grama Panchayat.”

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

“(6) Every member of Grama Panchayat or any committee thereof shall be paid a sitting fee, per day of sitting at such rate, as may be prescribed.”

7. Amendment of section 55.- In section 55 of the principal Act,-

(1) in sub-section (1), the following shall be inserted at the end, namely:-

“A copy of the proceedings shall be displayed within three days from the date of the meeting on the notice board of the Grama Panchayat along with the details of the names of the members voting respectively for or against the resolutions passed in the meetings.”

(2) at the end of sub section (2) the following shall be inserted, namely:-

"and copies of the minutes of the meeting shall be furnished to all members".

8. Amendment of section 58.- In section 58 of the principal Act,-

(i) in sub-section (1A), after clause (xvi), the following shall be inserted, namely:-

“(xvii) protecting the biodiversity.”

(ii) in sub-section (3), the words, “and with the prior approval of the taluk panchayat” shall be omitted.

9. Omission of section 61B.- Section 61B of the principal Act, shall be omitted.

10. Amendment of section 62.- In section 62 of the principal Act, in sub-section (1),-

(i) after the words "The Adhyaksha of the Grama Panchayat shall" the words "be the executive head of the Grama Panchayat and he shall" shall be inserted.

(ii) in clause (b), after the words "access to the record of the Grama Panchayat", the following shall be inserted, namely:-

"and may call for records and files, and pass orders thereon in accordance with the provisions in the Act, rules and other standing orders and in pursuance to resolution passed by the Grama Panchayat to that effect:

Provided that the Adhyaksha shall not call for the files and records which are directly related to the exercise of independent statutory powers by the Secretary or any other officer of the Grama Panchayat;"

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

"(d) have power to place under suspension any officer or employee under the control of the Grama Panchayat where a disciplinary proceeding against him is contemplated or pending or where a case against him in respect of any criminal offence is under investigation or trial."

11. Amendment of section 63.- In section 63 of the principal Act,-

(i) in clause (d), the words "with the previous sanction of the Taluk Panchayat" shall be omitted.

(ii) For the proviso, the following shall be substituted, namely,-

"Provided that no road or bridge shall be diverted, discontinued or closed before the Grama Panchayat publishes its intention of doing so".

12. Substitution of section 79.- For section 79 of the principal Act, the following section shall be substituted, namely:-

“79. Appointment of Joint Committees.- (1) Two or more Grama Panchayats within a Taluk, or within two or more Taluks in a district, or a Grama Panchayat and one or more other local authority or statutory body, for any specific purpose common to all of them, or for any purpose in which they are jointly interested or for which they are jointly responsible, may by like resolution passed by each of them, appoint a Joint Committee for such purpose.

(2) A Committee constituted under sub-section (1), shall be competent to co-opt in such manner as may be prescribed, the residents of the Panchayat areas concerned.

(3) The Joint Committee may, include persons who are not members of the local authorities or statutory bodies concerned but who may in their opinion possess special qualifications or special interest for serving on such committee:

Provided that the number of such persons shall not exceed one-third of the total number of members of the Joint Committee.

(4) The Government may by general or special order provide for the following matters, namely:-

- (a) the procedure of the Joint Committee;
- (b) The total number of members of the Committee;
- (c) The number of members to be appointed or elected under sub sections (2) and (3);
- (d) The manner of election or appointment under sub-sections (2) and (3);
- (e) The term of Office;
- (f) The powers of the committee which shall not be in excess of the powers that can be exercised

by the local authorities or statutory bodies concerned;

(g) the provisions of funds to the Joint Committee and its administration;

(h) the manner of selection of the chairperson of Joint Committee;

(5) The Joint Committee may be dissolved after serving the purpose for which it was constituted.

(6) The Government may issue such direction as it thinks necessary in regard to the distribution of its assets and liabilities when the Joint committee is dissolved”.

13. Substitution of section 111.- For section 111 of the principal Act, the following shall be substituted, namely:-

“111. Secretary.- (1) Every Grama Panchayat shall have a whole time Secretary who shall be an officer of the Government and shall draw his salary and allowance from the fund of the Grama Panchayat, after the same is credited to the Grama Panchayath fund by the Government.

(2) The Secretary shall perform all the duties and exercise all the powers imposed or conferred upon him by or under this Act or any rules or bye-laws made thereunder.

(3) Without prejudice to the generality of the provisions under sub-section (2), the Secretary shall perform the following functions, namely:-

(a) submit to the Grama Panchayat the monthly accounts of the Grama Panchayat before the tenth day of succeeding month;

(b) furnish returns, statement of accounts and such other information when called for, by the Government or the auditor;

(c) inspect or cause to be inspected the accounts of institutions under the control of the Grama Panchayat;

(d) keep records of the Grama Panchayat. Standing committees, and other committees, Grama Sabha and Ward Sabha;

(e) co-ordinate the preparation of the annual plan and five year plan so that the approved plan is submitted to the District Planning Committee in time;

(f) disburse Grama Panchayat fund and plan fund to the officers concerned and furnish utilization certificate in the manner prescribed.”

14. Amendment of section 113.- In section 113 of the principal Act,-

- (1) in sub-section (2), the words “suspend” shall be omitted;
- (2) in sub-section (4), the words “and whose decision shall be final” shall be omitted.

15. Insertion of new section 113A.- After section 113 of the principal Act, the following section shall be inserted, namely:-

“113A. Arrangements for additional technical staff for Grama Panchayat.- (1) The Government may, if required, pool the officers and officials of the State Civil Service including engineering or technical staff and post them to one or more Grama Panchayats:

Provided that if there is dearth of officers or officials for such posting under this sub-section, the Grama Panchayat may in the exigencies of service engage the services of technical staff including engineers not belonging to State Civil Service for specific work, on terms and conditions as may be specified by the Government in this regard.

(2) The officers and employees posted to a Grama Panchayat under sub-section (1) shall perform functions and discharge duties as if they are officers and employees of that Grama Panchayat and they shall attend to, in addition to their

normal duties any other duty assigned to them by the Grama Panchayat subject to the guidelines, if any, issued by the Government.

(3) The officers and employees posted to a Grama Panchayat under sub-section (1) shall execute works, discharge functions or perform duties involving implementation of any scheme, project or plan of the Government, not assigned to the Grama Panchayat under this Act or any other law.

(4) The Government shall continue to pay the salary, allowances and other dues to officers and officials posted to the Grama Panchayat under sub-section (1)".

16. Amendment of section 121.- In section 121 of the principal Act, for the words "by the Government" the words "by the State Election Commission" shall be substituted.

17. Amendment of section 122.- In section 122 of the principal Act, for the words "Government" the words "State Election Commission" shall be substituted.

18. Amendment of section 123.- In section 123 of the principal Act, for the word "Government" wherever it occurs, the words "State Election Commission" shall be substituted.

19. Amendment of section 124.- In section 124 of the principal Act, for the words "Deputy Commissioner", the words "State Election Commission" shall be substituted.

20. Amendment of section 128.- In section 128 of the principal Act, in sub- section (1),-

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

"(j-1) if he is disqualified under section 308C or"

(ii) in the proviso at the end after clause (c), the following shall be inserted, namely:-

“(cc) the disqualification under clause (j-1) will cease to operate after the expiry of three years from date of order by the State Election Commission under section 308C.”

21. Amendment of section 129.- In section 129 of principal Act, in sub-section (1) or in clause (d) the words “or absents from the taluk for more than four consecutive months” shall be omitted.

22. Insertion of new section 136A.- After section 136 of the principal Act, the following shall be inserted, namely:-

“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.

Explanation: For the purposes of this section “Family” means the spouse and dependent children of the member.”

23. Amendment of section 140.- In section 140, of the principal Act, after sub-section (5), the following shall be inserted, namely:-

“(6) Where the offices of both Adhyaksha and Upadhyaksha of Taluk Panchayat are vacant, the Chairman of the Standing Committee on Social Justice shall exercise the powers and perform the duties of the Adhyaksha, until an Adhyadsha or Upadhyaksha is duly elected”.

24. Amendment of section 141.- In section 141 of the principal Act,-

(1) in sub-section (2),-

(i) in clause (c) for the words "one-third" the words "one half" shall be substituted;

(ii) in clause (g), the following shall be inserted at the end, namely:-

“It shall be the duty of every member of the Taluk Panchayat to disclose to the Taluk Panchayat any pecuniary interest that he has, direct or indirect, in any question coming up for consideration at a meeting of the Taluk Panchayat”

(2) in sub-section (3), after the words “The Executive Officer shall be the custodian of the minute book” the following shall be inserted, namely:-

“A copy of the proceedings shall be displayed on the notice board within three days from the date of meeting of the Taluk Panchayat along with the details of the names of the members voting respectively for or against the resolutions passed in the meeting.”

(3) at the end of sub-section (4), the following shall be inserted, namely:-

"and copies of the minutes of the meeting shall be furnished to all members".

(4) after sub-section (5), the following shall be inserted, namely:-

“(6) Notwithstanding anything contained in this Act where a meeting is convened to consider a motion expressing want of confidence,-

- (i) in the Adhyaksha, it shall be presided over by the Upadhyaksha,
- (ii) in the Upadhyaksha, it shall be presided over by the Adhyaksha,
- (iii) in both the Adhyaksha and Upadhyaksha, it shall be presided over by a member elected from amongst the elected members present at the meeting.”

25. Amendment of Section 152.- In Section 152 of the principal Act,-

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

“(c) exercise supervision and control over the Executive Officer for securing implementation of resolutions or decisions of the Taluk Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act or any general or specific directions issued under this Act,”

(d) in clause (d) after the words "overall supervision" the words "and control" shall be inserted.

26. Amendment of Section 156.- In section 156 of the principal Act, in sub-section (1),-

(i) for the words and figures “Subject to the general powers of the Adhyaksha under section 152” the words “Save as otherwise expressly provided by or under this Act,” shall be substituted.

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

“(bb) discharge all duties imposed and exercise all the powers conferred on him under this Act and the rules made there under and perform such other functions entrusted to him by the Government from time to time”

27. Amendment of section 161.- In section 161 of the principal Act , for the word, “Government” the words “State Election Commission” shall be substituted.

28. Amendment of section 162.- In section 162 of the principal Act , for the word “Government” wherever it occurs, the words “State Election Commission” shall be substituted.

29. Amendment of section 163.- In section 163 of the principal Act , for the word “Government”, the words “State Election Commission” shall be substituted.

30. Amendment of section 167.- In section 167 of the principal Act , in sub-section (1),-

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

“(j-1) if he is disqualified under section 308C or.”

(iii) in the proviso at the end, after clause (c), the following clause shall be inserted, namely:-

“(cc) the disqualification under clause (j-1) will cease to operate after the expiry of three years from the date of order by the State Election Commission under section 308C.”

31. Amendment of section 168.- In section 168 of the principal Act, in sub-section (1), in clause (d), the words “or absents himself from the district for over four consecutive months” shall be omitted.

32. Insertion of new section 175A.- After section 175 of the principal Act, the following shall be inserted, namely,-

“175.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 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.”

33. Amendment of section 179.- In section 179 of the principal Act, after sub-section (5), the following shall be inserted, namely:-

“(6) Where the offices of both Adhyaksha and Upadhyaksha are vacant, the Chairman of the Standing Committee on Social Justice shall exercise the powers and perform the duties of the Adhyaksha until the Adhyaksha or Upadhyaksha is duly elected.”

34. Amendment of section 180.- In section 180 of the Principal Act,-

(1) in sub-section (2),-

- (i) in clause (c) for the words "one-third" the words "one half" shall be substituted;
- (ii) in clause (g), the following shall be inserted at the end, namely,-

"It shall be the duty of every member of a Zilla Panchayat to disclose to the Zilla Panchayat any pecuniary interest that he has, direct or indirect, on any question coming up for consideration at a meeting of a Zilla Panchayat".

(2) in sub-section (3), after the words "the minute books shall always be kept in the office of the Zilla Panchayat and it shall be in the custody of the Chief Executive officer" the following shall be inserted, namely:-

"A copy of the proceedings shall be displayed on the notice board of the Zilla Panchayat within three days from the date of meeting along with the details of the names of the members voting respectively for or against the resolutions passed in the meeting."

(3) at the end of the sub section (4) the following shall be inserted,-

"and copies of the minutes of the meeting shall be furnished to all members".

(4) after sub-section (5), the following shall be inserted, namely:-

"(6) Notwithstanding anything contained in this Act, where a meeting is convened to consider a motion expressing want of confidence,-

- (i) in the Adhyaksha, it shall be presided over by the Upadhyaksha;
- (ii) in the Upadhyaksha, it shall be presided over by the Adhyaksha;

- (iii) in both the Adhyaksha and the Upadhyaksha, it shall be presided over by a member elected from amongst the elected members present at the meeting."

35. Amendment of section 193.- In section 193 of the Principal Act, after clause (b), the following shall be inserted, namely:-

"(c) exercise such administrative supervision and control over the Chief Executive Officer for securing implementation of resolutions or decisions of the Zilla Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act, or any general or specific directions issued under this Act;"

36. Amendment of section 197.- In section 197 of the Principal Act, in sub-section (1),-

- (i) for the words and figures "Subject to the general powers of the Adhyaksha under section 193" the words "Save as otherwise expressly provided by or under this Act," shall be substituted.
- (ii) after clause (b), the following clause shall be inserted, namely:-

"(bb) discharge all duties imposed and exercise all the powers conferred on him under this Act and the rules made there under and perform such functions entrusted to him by the Government from time to time".

37. Amendment of section 202.- In section 202 of the principal Act,-

- (i) in sub-section (2), for the words "Zilla Panchayat", in the two places where they occur, the words, "the Chief Executive Officer" shall be substituted and after the words "binding on the

Grama Panchayat and such owner" the following shall be inserted namely,-

"The Chief Executive Officer shall settle the matter within three months from the date of receipt of such reference and before making such reference such owners shall pay compulsorily fifty percent of the rates or tax or fee in question to the Grama Panchayath and the Chief Executive Officer shall accept the reference only after such payment of fifty percent of rates or tax or fees".

- (ii) in sub-section (3), for the words "Zilla Panchayat", the word "Government" shall be substituted.

38. Amendment of section 206.- In section 206 of the principal Act, for the words "a grant of two lakh rupees" the words, "a grant of such amount as it may notify from time to time, but not less than five lakh rupees" shall be substituted.

39. Amendment of section 209.- In section 209 of the Principal Act, the proviso, shall be omitted.

40. Amendment of section 215.- In section 215 of the Principal Act, the proviso, shall be omitted.

41. Amendment of section 222.- In section 222 of the Principal Act, the proviso, shall be omitted.

42. Insertion of new sections 308A to 308D.- After section 308 of the Principal Act, the following sections shall be inserted, namely:-

"308 A. Account of election expenses and maximum thereof.- (1) Every candidate at an election to Zilla Panchayat or Taluk Panchayat 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 authorized by

him or by his election agent between the date of which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

(2) Any expenditure incurred or authorized in connection with the election of the candidate referred to in sub-section (1) 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 authorized by the candidate or by his election agent for the purpose of sub-section (1).

Explanation 1: For the purposes 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 Zilla Panchayat or Taluk Panchayat as the case may be, 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 authorized 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.

308B. Lodging of account with the returning officer.- Every contesting candidate at the election to the Zilla Panchayat or Taluk Panchayat 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 308A.

308C. 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 six years from the date of the order.

308D. Returning Officer etc., deemed to be on deputation to State Election Commission.- The returning officers, presiding officers, polling officers and any other officer or staff employed in connection with the preparation, revision and correction of electoral roll for, and the conduct of all elections to the Zilla Panchayat, Taluk Panchayat and Grama Panchayat shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the State Election

Commission. If during that period the officer concerned commits any misconduct action shall be taken against him under the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957”.

43. Amendment to section 310 A.- In section 310 A of the Principal Act, for clauses (iv) and (v) the following shall be substituted, namely:-

- "(iv) Ten Adhyakshas of the Zilla Panchayats nominated by the Government as members;
- (v) Adyakshas of one Grama Panchayath and one Taluk Panchayath nominated by each Zilla Panchayath as members and;
- (vi) five Members of Legislative Assembly nominated by the Speaker of the Legislative Assembly and two Members of Legislative Council nominated by the Chairman of the Legislative Council as members; and
- (vii) Secretary, Department of Rural Development and Panchayat Raj as member-secretary.”

The above translation of the ಕರ್ನಾಟಕ ಪಂಚಾಯತ್ ರಾಜ್ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2002 (2003 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 37) be published in the Official Gazette under clause (3) of Article 348 of the constitution of India.

T.N. CHATURVEDI
GOVERNOR OF KARNATAKA

By Order and in the name
of the Governor of Karnataka

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