

**Karnataka Act No.17 of 2006**

**THE KARNATAKA LEGISLATURE (PREVENTION OF DISQUALIFICATION)  
(AMENDMENT) ACT, 2006**

**Arrangement Sections**

**Sections:**

1. Short title and commencement
2. Amendment of section 3
3. Special provision as to validation and other matters

**STATEMENT OF OBJECTS AND REASONS**

The Karnataka Legislature (Prevention of Disqualification) Act, 1956 (Karnataka Act No. 4 of 1957) was enacted to exempt certain offices, holding of which will otherwise subject the holder of such office to disqualification. The consequence of disqualification of members of legislature on the ground of their holding an office of profit results in unnecessary expenditure and unforeseen financial burden upon the State exchequer. In view of the recent developments in this regard, it has become necessary to reconsider the issue regarding disqualification of members of the legislature on the ground of holding an office of profit. The Government of India has reconsidered the issue regarding the consequences of the member of the parliament holding office of profit and passed the Parliament (Prevention of Disqualification) (Amendment) Bill, 2006 (Bill No. 44 of 2006). In view of the same, it is proposed to amend the Karnataka Legislature (Prevention of Disqualification) Act, 1956 on the similar lines.

The proposed amendment will not only assist the government in avoiding unforeseen expenditures but also will help in having the rich experience of the peoples' representatives in managing the affairs of different boards and corporations.

Hence the Bill.

[L.A. Bill No. 13 of 2006]

**Karnataka Act No.17 of 2006**

(First Published in the Karnataka Gazette Extra-ordinary on the 4th day of November 2006)

**THE KARNATAKA LEGISLATURE (PREVENTION OF DISQUALIFICATION)  
(AMENDMENT) ACT, 2006**

(Received the assent of the Governor on the third day of November, 2006)

An Act further to amend the Karnataka Legislature (Prevention of Disqualification) Act, 1956.

Whereas it is expedient further to amend the Karnataka Legislature (Prevention of Disqualification) Act, 1956 (Karnataka Act 4 of 1957), for the purposes hereinafter appearing;

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

**1. Short title and commencement.-** (1) This Act may be called the Karnataka Legislature (Prevention of Disqualification) (Amendment) Act, 2006.

(2) It shall come into force at once.

**2. Amendment of section 3.-** In section 3 of the Karnataka Legislature (Prevention of Disqualification) Act, 1956 (Karnataka Act 4 of 1957) (hereinafter referred to as the principal Act),-

(1) for clause (a), the following shall be and shall always be deemed to have been substituted, namely:-

“(a) the offices of the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, the Minister of State, the Deputy Minister, the Parliamentary Secretary, the leaders of the Opposition or the Government Chief Whip in the Legislative Assembly or in the Legislative Council.”

(2) clause (bbb) shall be omitted;

(3) clause (c) and its proviso shall be omitted.

(4) for clause (cc), the following shall be substituted namely:-

"(c1) the offices of the President and the Vice-President of a Municipal Council under the Karnataka Municipalities Act, 1964.

(c2) the Mayor or the Deputy Mayor of a Municipal Corporation constituted under the Karnataka Municipal Corporations Act, 1976.

(c3) the offices of Adhyaksha and Upadhyaksha of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats constituted under the Karnataka Panchayat Raj Act, 1993.”

(5) for clause (d) and the proviso, the following shall be and shall always be deemed to have been substituted, namely:-

“(d) the offices of the Chairman, Vice-Chairman, President, Vice-President, Director, of the Governing body or a Member by whatever name any of the aforesaid office is called, of any Committee (by whatever name called) or of any Society registered under any other law relating to registration of societies.”

**3. Special provision as to validation and other matters.-** (1) Notwithstanding any judgement or order of any court or tribunal or any order or opinion of any other authority, the offices specified in section 3 of the principal Act shall not disqualify or shall be deemed not to have disqualified the holder thereof for being chosen as or for being, a member of either House of the State Legislature as if the principal Act as amended by this Act had been in force at all material times.

(2) Nothing contained in sub-section (1), shall be construed as to entitle any person who has vacated a seat owing to any order or judgement as aforesaid, to claim any re-instatement or any other claim in that behalf.

(3) For the removal of doubts, it is hereby clarified that any petition or reference pending before any court or other authority on the date of commencement of this Act, shall be disposed of in accordance with the provisions of the principal Act as amended by this Act.

**T.N. chaturvedi**  
Governor of Karnataka

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

**G. K. BOREGOWDA**  
Secretary to Government,  
Department of Parliamentary Affairs and Legislation.