



GOVERNMENT OF KARNATAKA
DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS

ANNUAL VOLUME
OF
KARNATAKA ACTS AND ORDINANCES
FOR THE YEAR 1986

5487
342
LAR-A

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Sub. National Systems Unit,
National Institute of Educational
Planning and Administration

17-B, S.A. Bhande Marg, New Delhi-110016

DOC. No. D-5856.....

Date..... 26-2-91.....

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THE YEAR 1986**

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| | Civil Services (Exclusion of the Service rendered by a Government Servant as a Local Candidate for Computing the service for grant of Selection Time Scale of pay) Act, 1986. | 27 of 1986 |
| 15. | Command Areas Development (Amendment) Act, 1986. | 44 of 1986 |
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20. Cotton Ginning and Pressing Factories (Karnataka Amendment) Act, 1986. 18 of 1191986

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24. Entertainments Tax (Amendment) Ordinance, 1986. 14 of 1986
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38. Local Authorities (Prohibition of Defection) Ordinance, 1986. 1118 of

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| 47. | National Law School of India Act, 1986. | 22 of 1986 |
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51. Sales Tax (Second Amendment) Act, 1986. 36 off f f 1986
52. Shops and Commercial Establishments (Amendment) Act, 1986. 17 off f f 1986
53. Slum Areas (Improvement and Clearance) (Amendment) Act, 1986. 26 off f f 1986
54. Societies Registration (Amendment) Act, 1986. 48 off f f 1986
55. State Universities (Amendment) Act, 1986. 23 off f f 1986

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| 600. | Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Act, 1986. | 10 of 1986 |
| 611. | Tax on Professions, Trades, Callings and Employments (Amendment) Act, 1986. | 13 of 1986 |
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Nil

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Nil

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65. Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats (Amendment) Act, 1986. 3 cōbfōf 19
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ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 1986 ರ ಸಂಖ್ಯೆ 1

ಕರ್ನಾಟಕ ಅವಶ್ಯ ವಸ್ತುಗಳ (ನಿಯಂತ್ರಣ) ಅಧಿನಿಯಮ, 1985

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ

ಪ್ರಕರಣಗಳು :

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು, ಪ್ರಾರಂಭ ಮತ್ತು ಅವಧಿ
2. ಸರಿಭವೆಗಳು
3. ಅವಶ್ಯ ವಸ್ತುಗಳ ಉತ್ಪಾದನೆ, ಸರಬರಾಜು, ನಿತರಣೆಯನ್ನು ನಿಯಂತ್ರಿಸಲು ಶಕ್ತಿಗಳು
4. ಶಕ್ತಿಗಳ ಪ್ರತ್ಯಾಯೋಜನೆ
5. ಇತರ ಅಧಿನಿಯಮಗಳಿಗೆ ಅಸಂಗತವಾಗಿರುವ ಅದೇಶಗಳ ಪರಿಣಾಮ
6. ಅವಶ್ಯ ವಸ್ತುವಿನ ಅಧಿಹರಣ
7. ಅವಶ್ಯ ವಸ್ತುವನ್ನು ಅಧಿಹರಣ ಮಾಡುವ ಮುನ್ನ ಕಾರಣ ತೋರಿಸಲು ಕೇಳಿ ನೋಟೀಸು ಹೊರಡಿಸುವುದು
8. ಅಪೀಲ
9. ಅಧಿಹಣ ಆವೇಶ ನೀಡಿಕೆಯು ಇತರ ದಂಡನೆಗಳಿಗೆ ಅಡ್ಡಿಯಾಗತಕ್ಕದ್ದಲ್ಲ
10. ಕೆಲವು ವಿವರಗಳಲ್ಲಿ ಅಧಿಕಾರವ್ಯಾಪ್ತಿಯ ಪ್ರತಿಬಂಧ
11. ದಂಡಗಳು
12. ಪ್ರಯೋಗಗಳು ಮತ್ತು ದುಷ್ಕರಣೆ
13. ಸುಳ್ಳು ಕೇಳಿಕೆಗಳು
14. ಕಂಪನೀಂದ ಅಪರಾಧಗಳು
15. ಅಪರಾಧಗಳ ಸಂಜ್ಞಾನ
16. ಅದೇಶಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಪೂರ್ವಭಾವನೆ
17. ರೂಜುವಿತನ ಭಾರ
18. ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಕೈಗೊಂಡ ಕ್ರಮಕ್ಕೆ ರಕ್ಷಣೆ
19. ನಿರಸನ ಮತ್ತು ಉಳಿಸುವಿಕೆಗಳು

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 1

(1986ರ ಜನವರಿ 13ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯವತ್ತು ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ)

ಕರ್ನಾಟಕ ಅವಶ್ಯಕ ವಸ್ತುಗಳ (ನಿಯಂತ್ರಣ) ಅಧಿನಿಯಮ, 1985

(1986ರ ಜನವರಿ 6ನೇ ದಿನಾಂಕದಂದು ರಾಷ್ಟ್ರಾಧ್ಯಕ್ಷರ ಅನುಮತಿ ಪಡೆಯಲಾಗಿದೆ)

ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಕೆಲವು ಅವಶ್ಯಕ ವಸ್ತುಗಳ ಉತ್ಪಾದನೆ, ಸರಬರಾಜು ಮತ್ತು ವಿತರಣೆಯನ್ನು ಮತ್ತು ಅವುಗಳಲ್ಲಿ ವ್ಯವಹಾರ ಮತ್ತು ವಾಣಿಜ್ಯವನ್ನು ನಿಯಂತ್ರಿಸುವುದಕ್ಕಾಗಿ ಉಪಬಂಧ ಕಲ್ಪಿಸಲು ಒಂದು ಅಧಿನಿಯಮ.

ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಕೆಲವು ಅವಶ್ಯಕ ವಸ್ತುಗಳ ಉತ್ಪಾದನೆ, ಸರಬರಾಜು ಮತ್ತು ವಿತರಣೆಯನ್ನು ಮತ್ತು ಅವುಗಳಲ್ಲಿ ವ್ಯವಹಾರ ಮತ್ತು ವಾಣಿಜ್ಯವನ್ನು ನಿಯಂತ್ರಿಸುವುದಕ್ಕಾಗಿ ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ವಿಷಯಗಳಿಗಾಗಿ ಉಪಬಂಧ ಕಲ್ಪಿಸುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ :

ಇದು, ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತಾರನೇ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ, ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ :—

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು, ಪ್ರಾರಂಭ ಮತ್ತು ಅವಧಿ.—(1) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಅವಶ್ಯಕ ವಸ್ತುಗಳ (ನಿಯಂತ್ರಣ) ಅಧಿನಿಯಮ, 1985 ಎಂದು ಕರೆಯತಕ್ಕುದು.

(2) ಇದು, 1985ರ ಮೇ ನಾಲ್ಕನೇ ದಿನಾಂಕದಂದು ಜಾರಿಯಲ್ಲಿ ಬಂದಿರುವುದಾಗಿ ಭಾವಿಸತಕ್ಕುದು. ಮತ್ತು ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ದಿನಾಂಕದಿಂದ ಐದು ವರ್ಷಗಳ ಕಾಲಾವಧಿಯವರೆಗೆ ಜಾರಿಯಲ್ಲಿರತಕ್ಕುದು.

2. ಪರಿಭಾಷೆಗಳು.— ಈ ಅಧಿನಿಯಮದಲ್ಲಿ, ಸಂದರ್ಭವು ಅವ್ಯಥಾ ಅಗತ್ಯ ಪಡಿಸಿದ ಹೊರತು,—

(ಎ) “ಅವಶ್ಯಕ ವಸ್ತು” ಎಂದರೆ, [ಅವಶ್ಯಕ ಸರಕುಗಳ ಅಧಿನಿಯಮ, 1955 (ಕೇಂದ್ರಾಧಿನಿಯಮ, 1955ರ ಸಂಖ್ಯೆ 10)ರಲ್ಲಿ ಪರಿಭಾಷಿಸಿದ ಅದಕ್ಕೂ ವಿಸ್ತೃತವಾಗಿಲ್ಲದ] ರಾಜ್ಯ ಸರ್ಕಾರವು ಕೇಂದ್ರ ಸರ್ಕಾರದೊಂದಿಗೆ ಸಮಾಲೋಚಿಸಿದ ತರುವಾಯ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಅವಶ್ಯಕ ವಸ್ತುವೆಂದು ಘೋಷಿಸಬಹುದಾದುದೇ ವಸ್ತು ;

(೧) "ಉದ್ಯಮ" ಎಂದರೆ, ಯಾವುದೇ ವ್ಯವಹಾರ ಅಥವಾ ವ್ಯಾಪಾರದ ಮೂಲಕ ಕೈಗೊಂಡ ಯಾವುದೇ ಉದ್ಯಮ ಮತ್ತು ಇದರಲ್ಲಿ ಸಾಗಣಾ ಕ್ರಮದಲ್ಲಿ ಸರಕುಗಳ ಹಸ್ತಾಂತರ, ಹೊರ ಎರಿಸುವಿಕೆ ಮತ್ತು ಹೊರ ಇಳಿಸುವಿಕೆಯ ಕಸುು ಸೇರುತ್ತದೆ.

3. ಅವಶ್ಯಕ ವಸ್ತುಗಳ ಉತ್ಪಾದನೆ, ಸರಬರಾಜು, ವಿತರಣೆಯನ್ನು ನಿಯಂತ್ರಿಸಲು ಶಕ್ತಿಗಳು.—(1) ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವಿನ ಸರಬರಾಜನ್ನು ಕಾಪಾಡಿಕೊಂಡು ಬರುವುದು ಅಥವಾ ಹೆಚ್ಚಿಸುವುದು ಅಥವಾ ಅಂಥ ಯಾವುದೇ ವಸ್ತುವಿನ ಗುಣಮಟ್ಟವನ್ನು ಕಾಪಾಡುವುದು ಅಥವಾ ಅವುಗಳ ನ್ಯಾಯೋಚಿತ ವಿತರಣೆಗಾಗಿ ಮತ್ತು ನ್ಯಾಯ ಬೆಲೆಗಳಿಗೆ ಅವು ದೊರೆಯುವುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ, ಹಾಗೆ ಮಾಡುವುದು ಅತ್ಯ ಮತ್ತು ವಿಹಿತವೆಂದು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, ಅದು. ಆದರೆ ಉತ್ಪಾದನೆ ಸರಬರಾಜು ಮತ್ತು ವಿತರಣೆಯನ್ನು ಮತ್ತು ಅವುಗಳಲ್ಲಿ ವ್ಯವಹಾರ ಮತ್ತು, ವಾಣಿಜ್ಯವನ್ನು ಕ್ರಮಗೊಳಿಸುವುದಕ್ಕಾಗಿ ಆದೇಶವ ಮೂಲಕ ಉಪಬಂಧ ಕಲ್ಪಿಸಬಹುದು.

(2) (1)ನೇ ಉಪ-ಪ್ರಕರಣದ ಮೂಲಕ ಪ್ರವೃತ್ತವಾದ ಶಕ್ತಿಗಳ ಸಾಮಾನ್ಯತೆಗೆ ಪ್ರತಿಕೂಲವಾಗದಂತೆ, ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ಆದೇಶವು—

(ಎ) ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವಿನ ಉತ್ಪಾದನೆ ಅಥವಾ ತಯಾರಿಕೆಯನ್ನು ಲೈಸೆನ್ಸುಗಳ, ಪರ್ಮಿಟ್‌ಗಳ ಮೂಲಕ ಅಥವಾ ಅನ್ಯಥಾ ವಿನಿಯಮಿಸುವುದಕ್ಕಾಗಿ;

(ಬಿ) ಯಾವುದೇ ಅವಶ್ಯಕವಸ್ತುವನ್ನು ಕೊಂಡುಕೊಳ್ಳಬಹುದಾದ ಅಥವಾ ಮಾರಾಟ ಮಾಡಬಹುದಾದ ದೆಲೆಯನ್ನು ನಿಯಂತ್ರಿಸುವುದಕ್ಕಾಗಿ;

(ಸಿ) ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವಿನ ದಾಸ್ತಾನು, ಸಾಗಣೆ, ವಿತರಣೆ, ವಿತರಣಾ ಅರ್ಜಿ, ಉಪಯೋಗ ಅಥವಾ ಬಳಕೆಯನ್ನು, ಲೈಸೆನ್ಸುಗಳ, ಪರ್ಮಿಟ್‌ಗಳ ಮೂಲಕ ಅಥವಾ ಅನ್ಯಥಾ ವಿನಿಯಮಿಸುವುದಕ್ಕಾಗಿ;

(ಡಿ) ಸಾಮಾನ್ಯವಾಗಿ, ಮಾರಾಟಕ್ಕೆ ಇಟ್ಟಿರುವ ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು ಮಾರಾಟ ಮಾಡದೇ ಇರುವುದನ್ನು ನಿಷೇಧಿಸುವುದಕ್ಕಾಗಿ;

(ಇ) ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು ದಾಸ್ತಾನು ಮಾಡಿರುವ ಅಥವಾ ಅದರ ಉತ್ಪಾದನೆಯಲ್ಲಿ ಅಥವಾ ಅದನ್ನು ವಿರೀಡಿಸುವ ಅಥವಾ ಮೇಲೂ ಮೂಡುವ ವ್ಯಾಪಾರದಲ್ಲಿ ನೆರತನಾದ ಯಾವುದೇ ವ್ಯಕ್ತಿಯನ್ನು, ಅವನು ದಾಸ್ತಾನು ಮಾಡುವ ಅಥವಾ ಉತ್ಪಾದಿಸಿದ ಅಥವಾ ಸ್ವೀಕರಿಸಿ ವರ್ಗ ಪ್ರಮಾಣವನ್ನು ಅಥವಾ ಅದರ ಬೆಲೆಯ ನಿರ್ದಿಷ್ಟ ಭಾಗವನ್ನು ಸರ್ಕಾರಕ್ಕೆ, ಅಥವಾ ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದುದಕ್ಕಿಂತ ಹೆಚ್ಚು ಅಧಿಕಾರಿ ಅಥವಾ

ವಿಸ್ತಾರವಾಗಿ ಅಥವಾ ಇತರ ಅಂಶ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ವರ್ಗಕ್ಕೆ ಮತ್ತು ಅಂಶ ಸಂದರ್ಭಗಳಲ್ಲಿ ಮಾರಾಟ ಮಾಡುವಂತೆ ಅಗತ್ಯಪಡಿಸುವುದಕ್ಕಾಗಿ ;

(ಎಫ್) ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವಿಗೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ವರ್ಗದ ಯಾವ ವಾಣಿಜ್ಯ ಅಥವಾ ಅರ್ಥಿಕ ವ್ಯವಹಾರಗಳು ಆದೇಶವನ್ನು ಮಾಡುವಂಥ ಪ್ರಾಧಿಕಾರವು ಅಭಿಪ್ರಾಯದಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಹಿತಾಸಕ್ತಿಗೆ ಹಾನಿಕರವಾಗಿದೆಯೋ ಅಥವಾ ವಿನಿಯಮಗೊಳಿಸದಿದ್ದರೆ ಅದು ಹಾನಿಕರವಾಗುವ ಸಂಭವವಿದೆಯೋ ಅಂಶವುಗಳನ್ನು ವಿನಿಯಮಿಸುವುದಕ್ಕಾಗಿ ಅಥವಾ ನಿಷೇಧಿಸುವುದಕ್ಕಾಗಿ ;

(ಜಿ) ಹಿಂದೆ ಹೇಳಿದ ಯಾವುದೇ ವಿಷಯಗಳನ್ನು ವಿನಿಯಮಗೊಳಿಸುವ ಅಥವಾ ನಿಷೇಧಿಸುವ ದೃಷ್ಟಿಯಿಂದ ಯಾವುದೇ ಮಾಹಿತಿ ಅಥವಾ ಅಂಶಗಳನ್ನು ಸಹಗ್ರಹಿಸುವುದಕ್ಕಾಗಿ ;

(ಎಚ್) ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವಿನ ಉತ್ಪಾದನೆ, ಸರಬರಾಜು ಅಥವಾ ವಿತರಣೆಯಲ್ಲಿ ಅಥವಾ ಅವುಗಳ ವ್ಯವಹಾರ ಮತ್ತು ವಾಣಿಜ್ಯದಲ್ಲಿ ನಿರತರಾದ ವ್ಯಕ್ತಿಗಳನ್ನು ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ತಮ್ಮ ವ್ಯಾಪಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಅಂಶವುಗಳನ್ನು ಲೆಕ್ಕಪತ್ರಗಳು ಮತ್ತು ಅಭಿಲೇಖಗಳನ್ನು ಇಡಲು ಮತ್ತು ತಕನಿಬಾಗಿ ಹಾಜರುಪಡಿಸಲು ಮತ್ತು ಅವುಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸಲು ಅಗತ್ಯಪಡಿಸುವುದಕ್ಕಾಗಿ ;

(ಐ) ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವಿನ ಸಂಸ್ಕರಣವನ್ನು ವಿನಿಯಮಗೊಳಿಸುವುದಕ್ಕಾಗಿ ;

(ಜೆ) ಅಸ್ತಿತ್ವದಲ್ಲಿರುವ ಒಂದು ಇಡೀ ಉದ್ಯಮದ ಮೇಲೆ ಅಥವಾ ಅದರ ಯಾವುದೇ ಭಾಗದ ಮೇಲೆ ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದ ಅಂಶ ನಿಯಮಾನ್ವಿತ ಪ್ರಕಾರಗಳನ್ನು ಮತ್ತು ಅಂಶ ಶರತ್ತುಗಳಿಗೆ ಒಳಪಟ್ಟು ಚಲಾಯಿಸುವುದಕ್ಕಾಗಿ ;

(ಕೆ) ಲೈಸೆನ್ಸ್, ಪರ್ಮಿಟ್ ಅಥವಾ ಇತರ ದಸ್ತಾವೇಜುಗಳನ್ನು ವಸೂಲಾದ ಮಾಡುವುದಕ್ಕಾಗಿ ಅಥವಾ ಕೊಡುವುದಕ್ಕಾಗಿ ಇವುಗಳ ಬಗ್ಗೆ ಶುಲ್ಕ ವಿಧಿಸುವುದಕ್ಕಾಗಿ ಅಥವಾ ಯಾವುದೇ ಲೈಸೆನ್ಸ್, ಪರ್ಮಿಟ್ ಅಥವಾ ಇತರ ದಸ್ತಾವೇಜಿನ ಷರತ್ತುಗಳ ಸಂಪೂರ್ಣ ಅಥವಾ ಭಾಗಶಃ ಅನುಷ್ಠಾನಕ್ಕೆ ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂತೆ ತೇವಣಿ ಇದೇಕೆಂದ ಅಂಶ ವೇತನ, ಯಾವುದಾದರೂ ಇದ್ದರೆ, ಅದನ್ನು ತೇವಣಿಯಿಡುವುದಕ್ಕಾಗಿ ಅಂಶ ಯಾವುದೇ ಶರತ್ತಿನ ಉಲ್ಲಂಘನೆಯ ಬಗ್ಗೆ ಹಾಗೆ ತೇವಣಿಯಿಟ್ಟು ಮೊಬಲಗನ್ನು ಅಥವಾ ಅದರ ಯಾವುದೇ ಭಾಗವನ್ನು ದುಟ್ಟುಗೋಲು ಹಾಕುವುದಕ್ಕಾಗಿ ಮತ್ತು ಅದೇ

ದಕ್ಕಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಪ್ರಾಧಿಕಾರಿಯಿಂದ ಅಂಥ ಮುಟ್ಟುಗೋಲಿನ ನ್ಯಾಯ ನಿರ್ಣಯಕ್ಕಾಗಿ ;

(ಎಲ್) ಯಾವುದೇ ಪ್ರಾಸಂಗಿಕ ಮತ್ತು ಪೂರಕ ವಿಷಯಗಳಿಗಾಗಿ, ವಿಶೇಷವಾಗಿ ಅವಶ್ಯಕ ವಸ್ತುಗಳ ಒಂದಣಿ ಮತ್ತು ಭಾಂಗಿ ಕಟ್ಟುವುದು, ಅವರಣಗಳು, ವಾಹನಗಳು, ನೌಕೆಗಳು, ವಿಮಾನ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನಗಳ ಪ್ರವೇಶ ಮತ್ತು ಪ್ರಾಣಿಗಳೂ ಸೇರಿವಂತೆ ಅವುಗಳ ಶೋಧನೆ ಮತ್ತು ಪರೀಕ್ಷೆಗಾಗಿ ಮತ್ತು ಹಾಗೆ ಪ್ರವೇಶಿಸಲು, ಶೋಧಿಸಲು ಅಥವಾ ಪರೀಕ್ಷಿಸಲು ಪ್ರಾಂಶುಕೃತನಾದ ವ್ಯಕ್ತಿಯು, ಅವನಿಗೆ, ಯಾವುದೇ ವಸ್ತುವಿನ ಸಂಬಂಧ ದಕ್ಕಲ್ಲಿ ಆದೇಶದ ಉಲ್ಲಂಘನೆಯಾಗಿದೆಯೆಂದು, ಉಲ್ಲಂಘನೆಯಾಗುತ್ತಿದೆಯೆಂದು ಅಥವಾ ಉಲ್ಲಂಘನೆಯಾಗಲಿವೆಯೆಂದು ನಂಬಲು ಕಾರಣವಿದೆಯೆಂದು ಅಂಥ ವಸ್ತುಗಳು ಕಂಡುಬಂದ ಭಾಂಗಿ, ಹೊದಿಕೆ ಅಥವಾವಾತ್ರದ ಅಭಿಗ್ರಹಣವನ್ನು ಒಳಗೊಂಡಂತೆ ಉಪಬಂಧ ಕಲ್ಪಿಸಬಹುದು.

(3) (2)ನೇ ಅನು-ಪ್ರಕರಣದ (A) ಖಂಡಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾಡಲಾದ ಒಂದು ಆದೇಶದ ಪಾಲನೆಯಲ್ಲಿ ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುಗಳನ್ನು ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು ಮೂರಾಟ ಮಾಡಿವಲ್ಲಿ, ಅವನಿಗೆ, ಅದರ ಬಗ್ಗೆ, ಇದರಲ್ಲಿ ಇನ್ನು ಮುಂದೆ-ಉಪಬಂಧಿಸಲಾದಂತೆ ಬೆಲೆಯನ್ನು ಸೂಚಿಸಿ ಮಾಡತಕ್ಕದ್ದು.—

(ಎ) ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನಿಗದಿಪಡಿಸಲಾದ ನಿಯಂತ್ರಿತ ಬೆಲೆ, ಯಾವ ದಾಖಲೆ ಇದ್ದಲ್ಲಿ, ಅದಕ್ಕೆ ಸಂಗತವಾಗಿರುವಂತೆ ಬೆಲೆಯನ್ನು ಒಪ್ಪಬಹುದಾಗಿದ್ದರೆ, ಹಾಗೆ ಒಪ್ಪಲಾದ ಬೆಲೆ;

(ಬಿ) ಅಂಥ ಒಪ್ಪಂದಕ್ಕೆ ಬರಲಾಗದಿರುವಲ್ಲಿ, ನಿಯಂತ್ರಿತ ಬೆಲೆ, ಯಾವ ದಾಖಲೆ ಇದ್ದರೆ, ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಲೆಕ್ಕ ಹಾಕಲಾವ ಬೆಲೆ ;

(A) (ಎ) ಖಂಡವಾಗಲಿ ಅಥವಾ (ಬಿ) ಖಂಡವಾಗಲಿ ಅನ್ವಯಿಸದಿದ್ದಲ್ಲಿ, ಮೂರಾಟದ ದಿನಾಂಕದಿಂದ ಆ ಸ್ಥಳದಲ್ಲಿ ಪ್ರಚಲಿತವಿದ್ದ ಮಾರುಕಟ್ಟೆ ದರದಲ್ಲಿ ಲೆಕ್ಕಹಾಕಲಾದ ಬೆಲೆ.

4. ಶಕ್ತಿಗಳ ಪ್ರತ್ಯಾಯೋಜನೆ.— ರಾಜ್ಯ ಸರ್ಕಾರವು, ಅಧಿಸೂಚಿತ ಆದೇಶದ ಮೂಲಕ, ಆದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದ ಅಂಥ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮತ್ತು ಅಂಥ ಪರತ್ತುಗಳು, ಏನಾದರೂ ಇದ್ದರೆ, ಅವುಗಳಿಗೆ ಒಳಪಟ್ಟು, 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಆದೇಶಗಳನ್ನು ಮಾಡುವ ಅಥವಾ ಅಧಿಸೂಚನೆಗಳನ್ನು ಹೊರಡಿಸುವ ಶಕ್ತಿಯನ್ನು, ನಿರ್ದೇಶದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂತೆ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಅಧೀನ

ವಾಗಿರುವ ಅಂಥ ಅಧಿಕಾರಿ ಅಥವಾ ಪ್ರಾಧಿಕಾರಿಯೂ ಸಹ ಚಲಾಯಿಸುವಂತಿರತಕ್ಕುದು ಎಂದು ನಿರ್ದೇಶಿಸಬಹುದು.

5. ಇತರ ಅಧಿನಿಯಮಗಳಿಗೆ ಅಸಂಗತವಾಗಿರುವ ಆದೇಶಗಳ ಪರಿಣಾಮ.—3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಯಾವುದೇ ಆದೇಶವು, ಈ ಅಧಿನಿಯಮವಲ್ಲದ ಇತರ ಯಾವುದೇ ಅಧಿನಿಯಮದಲ್ಲಿ ಅಥವಾ ಈ ಅಧಿನಿಯಮವಲ್ಲದ ಇತರ ಯಾವುದೇ ಅಧಿನಿಯಮದ ಅಧಾರದ ಮೇಲೆ ಪರಿಣಾಮವುಳ್ಳ ಯಾವುದೇ ಲಿಖಿತಪತ್ರದಲ್ಲಿ, ಅದಕ್ಕೆ ಅಸಂಗತವಾದ ಯಾವುದನ್ನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಪರಿಣಾಮಕಾರಿಯಾಗಿರತಕ್ಕುದು.

6. ಅವಶ್ಯಕ ವಸ್ತುವಿನ ಅಧಿಹರಣ.—(1) ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು, ಆ ಸಂಬಂಧವಾಗಿ 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಿದ ಆದೇಶದ ಅನುಸರಣೆಯಲ್ಲಿ ಅಭಿಗ್ರಹಣ ಮಾಡಿದಲ್ಲಿ, ಅಂಥ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು ಎಲ್ಲಿ ಅಭಿಗ್ರಹಣ ಮಾಡಲಾಯಿತೋ ಆ ಜಿಲ್ಲೆಯ ಡೆಪ್ಯುಟಿ ಕಮೀಷನರಿಗೆ ನಿಷ್ಕಾರಣ ವಿಳಂಬವಿಲ್ಲದೆ, ಅಂಥ ಅಭಿಗ್ರಹಣದ ಬಗ್ಗೆ ಒಂದು ವರದಿಯನ್ನು ಸಲ್ಲಿಸತಕ್ಕುದು ಮತ್ತು ಅಂಥ ಆದೇಶದ ಉಲ್ಲಂಘನೆಯ ಬಗ್ಗೆ ಅಭಿಯೋಗವನ್ನು ಹೂಡಿದಿರಿ, ಹೂಡದಿರಿ, ಹಾಗೆ ಮಾಡುವುದು ಯುಕ್ತವೆಂದು ತನಗೆ ತೋರಿ ಬಂದರೆ ಹಾಗೆ ಅಭಿಗ್ರಹಣ ಮಾಡಲಾದ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು ತನಿಖೆಗಾಗಿ ತನ್ನ ಮುಂದೆ ಹಾಜರು ಪಡಿಸಲು ಡೆಪ್ಯುಟಿ ಕಮೀಷನರು ನಿರ್ದೇಶಿಸಬಹುದು ಮತ್ತು ಆ ಆದೇಶದ ಉಲ್ಲಂಘನೆಯಾಗಿದೆಯೆಂದು ಅವನಿಗೆ ಮನವಿಟ್ಟಾದರೆ.—

(ಎ) ಹಾಗೆ ಅಭಿಗ್ರಹಿಸಲಾದ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು;

(ಬಿ) ಅಂಥ ಅವಶ್ಯಕ ವಸ್ತು, ಕಂಡುಬಂದ ಯಾವುದೇ ಭಾಂಗಿ, ಹೊದಿಕೆ ಅಥವಾ ಪಾತ್ರವನ್ನು ; ಮತ್ತು

(ಸಿ) ಅಂಥ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು ಕೊಂಡೊಯ್ಯಲು ಒಳಗಿನ ಯಾವುದೇ ಪ್ರಾಣಿ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನವನ್ನು,

—ಅಧಿಹರಣ ಮಾಡಲು ಆದೇಶಿಸಬಹುದು :

ಪರಂತು, ಸರಕುಗಳು ಅಥವಾ ಪ್ರಯಾಣಿಕರನ್ನು—ಬಾಡಿಗೆಗೆ ಸಾಗಿಸಲು ಒಳಗಿನ ಯಾವುದೇ ಪ್ರಾಣಿ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನದ ಸಂದರ್ಭದಲ್ಲಿ, ಅದರ ಅಧಿಹರಣದ ಬದಲು, ಅಂಥ ಪ್ರಾಣಿ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನದ ಒಡೆಯನಿಗೆ ಅಂಥ ಪ್ರಾಣಿ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನದಲ್ಲಿ ಸಾಗಿಸಲು ಯತ್ನಿಸಿದ ಅವಶ್ಯಕ ವಸ್ತುವಿನ ಅಭಿಗ್ರಹಣದ ವಿವರವಾದುದು ಇದ್ದ ಮಾರಾಕಟ್ಟೆ ಬೆಲೆಯನ್ನು

ಮಾರದ ಜುಲ್ಮಾನೆಯನ್ನು ಸಂದಾಯ ಮಾಡಲು ಅವಕಾಶ ಕೊಡತಕ್ಕುದು.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ, ಡೆವ್ಲಪ್ ಕಮೀಷನರು, ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವಿನ ಅಭಿಗ್ರಹಣದ ವರದಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ತರುವಾಯ ಅಥವಾ ತನಿಖೆ ಮಾಡಿದ ತರುವಾಯ, ಆ ಅವಶ್ಯಕ ವಸ್ತುವು ಕ್ಷಿಪ್ರವಾಗಿ ಮತ್ತು ನೈಸರ್ಗಿಕವಾಗಿ ನಶಿಸಿ ಹೋಗುವಂಥದಂದು ಅಥವಾ ಅನ್ಯಥಾ ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಹಾಗೆ ಮಾಡುವುದು ಯುಕ್ತವೆಂದು ಅಭಿಪ್ರಾಯವಟ್ಟರೆ, ಅವನು,—

(i) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಅಥವಾ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇತರ ಯಾವುದೇ ಕಾನೂನಿನ ಅಡಿಯಲ್ಲಿ ಅಂಥ ಅವಶ್ಯಕ ವಸ್ತುವಿಗೆ ನಿಗದಿಪಡಿಸಿರುವ ನಿಯಂತ್ರಿತ ಬೆಲೆ, ಯಾವುದಾದರೂ ಇದ್ದರೆ, ಆ ಬೆಲೆಗೆ ಅದನ್ನು ಮಾರಾಟ ಮಾಡಲು, ಅಥವಾ

(ii) ಅಂಥ ಯಾವುದೇ ಬೆಲೆಯನ್ನು ನಿಗದಿಪಡಿಸದೆ ಇರುವಲ್ಲಿ, ಅದನ್ನು ಸಾರ್ವಜನಿಕ ಹರಾಜಿನ ಮೂಲಕ ಮಾರಾಟ ಮಾಡಲು,

—ಆದೇಶಿಸಬಹುದು.

(3) ಮೇಲೆ ಹೇಳುವಂತೆ ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು ಮಾರಾಟ ಮಾಡಿದಲ್ಲಿ ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಮಾರಾಟ ಅಥವಾ ಹರಾಜಿನ ವೆಚ್ಚಗಳು ಅಥವಾ ಇತರ ಅನುಷಂಗಿಕ ವೆಚ್ಚಗಳನ್ನು ಕಳೆದ ತರುವಾಯ, ಅದರ ಮೂರಾಟದ ಉತ್ಪತ್ತಿಯನ್ನು—

(ಎ) ಡೆವ್ಲಪ್ ಕಮೀಷನರು, ಅಧಿಹರಣ ಆದೇಶವನ್ನು ಅಂತಿಮವಾಗಿ ಮಾಡಿದ ದಿವ್ಲಲ್ಲಿ ; ಅಥವಾ

(ಬಿ) 8ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ, ಅಜೀಲಿನ ಮೇಲೆ ಮಾಡಿದ ಆದೇಶವು ಹಾಗೆ ಅಗತ್ಯವಡಿಸಿದ್ದಲ್ಲಿ ; ಅಥವಾ

(ಸಿ) ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಿದ ಅಧಿಹರಣದ ಆದೇಶದ ಸಂಬಂಧದಲ್ಲಿ, ಅಧಿಹರಣದ ಆದೇಶದ ಉಲ್ಲಂಘನೆಗಾಗಿ ಅಭಿಯೋಗವನ್ನು ಹೂಡಲಾಗಿದ್ದು, ಸಂಬಂಧಪಟ್ಟ ವ್ಯಕ್ತಿಯು ನಿರ್ದೋಷಿಯೆಂದು ತೀರ್ಮಾನವಾಗಿದ್ದಲ್ಲಿ.

—ಅದರ ಒಡೆಯನಿಗೆ ಅಥವಾ ಅದನ್ನು ಯಾರಿಂದ ಅಭಿಗ್ರಹಿಸಲಾಯಿತೋ ಆ ವ್ಯಕ್ತಿಗೆ ಸಂದಾಯ ಮಾಡತಕ್ಕುದು.

7. ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು ಅಧಿಕರಣ ಮಾಡುವ ಮುನ್ನ ಕಾರಣ ತೋರಿಸಲು ಕೇಳಿ ನೋಟೀಸು ಹೊರಡಿಸುವುದು.—(1) ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತು, ಭಾಂಗಿ, ಹೊದಿಕೆ, ಪಾತ್ರೆ, ಪ್ರಾಣಿ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನವನ್ನು ಅಧಿಕರಣ ಮಾಡುವ ಯಾವುದೇ ಆದೇಶವನ್ನು, ಅಂಥ ಅವಶ್ಯಕ ವಸ್ತು, ಭಾಂಗಿ, ಹೊದಿಕೆ, ಪಾತ್ರೆ, ಪ್ರಾಣಿ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನದ ಒಡೆಯನಿಗೆ ಅಥವಾ ಯಾರಿಂದ ಅದನ್ನು ಅಭಿಗ್ರಹಿಸಲಾಯಿತೋ ಆ ವ್ಯಕ್ತಿಗೆ,—

(ಎ) ಅವಶ್ಯಕ ವಸ್ತು, ಭಾಂಗಿ, ಹೊದಿಕೆ, ಪಾತ್ರೆ, ಪ್ರಾಣಿ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನವನ್ನು ಯಾವ ಆಧಾರದ ಮೇಲೆ ಅಧಿಕರಣ ಮಾಡಲು ಆದೇಶಿಸಲಾಗಿದೆ ಎಂಬುದನ್ನು ತಿಳಿಸಿ ಲಿಖಿತ ನೋಟೀಸು ಕೊಟ್ಟು ಹೊರತು ;

(ಬಿ) ಆ ನೋಟೀಸಿನಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಯುಕ್ತ ಸಮಯದಲ್ಲಿ ಅಧಿಕರಣಕ್ಕೆ ಇರುವ ಕಾರಣಗಳ ವಿರುದ್ಧವಾಗಿ ಲಿಖಿತದಲ್ಲಿ ಒಂದು ಮನವಿಯನ್ನು ಮಾಡಿ ಕೊಳ್ಳಲು ಅವನಿಗೆ ಒಂದು ಅವಕಾಶ ಕೊಟ್ಟು ಹೊರತು ; ಮತ್ತು

(ಸಿ) ಆ ಸಂಬಂಧವಾಗಿ ಅಹವಾಲು ಹೇಳಿಕೊಳ್ಳಲು ಅವನಿಗೆ ಯುಕ್ತ ಅವಕಾಶ ವನ್ನು ಕೊಟ್ಟು ಹೊರತು.

—6ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡತಕ್ಕದ್ದು.

(2) ಯಾವುದೇ ಪ್ರಾಣಿ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನದ ಒಡೆಯನು ತನ್ನ ಅಥವಾ ತನ್ನ ಏಜೆಂಟ್, ಯಾರಾದರೂ ಇದ್ದರೆ, ಅವನಿಗೆ ಮತ್ತು ಆ ಪ್ರಾಣಿ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನವನ್ನು ಸ್ವಾಧೀನದಲ್ಲಿಟ್ಟುಕೊಂಡಿರುವ ದೃಕ್ತಿಯ ತಿಳುವಳಿಗೆಗೆ ಬಾರದಂತೆ ಅಥವಾ ಪರೋಕ್ಷ ಸಮ್ಮತಿಯಿಲ್ಲದೆ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು ಒಯ್ಯಲು ಅದನ್ನು ಬಳಸಲಾಯಿತೆಂದು ಮತ್ತು ಅಂಥ ಬಳಕೆಯು ಮಿರುದ್ದ ತಾವು ಪ್ರತಿಯೊಬ್ಬರೂ ಎಲ್ಲ ಉಚಿತ ಮತ್ತು ಅಗತ್ಯದ ಮುನ್ನೆಚ್ಚರಿಕೆಗಳನ್ನು ;ವಹಿಸಿದ್ದ ವೆಂಮು ಡೆಪ್ಯುಟಿ ಕಮೀಷನರಿಗೆ ಮನವಿಬ್ಯಾಗುವಂತೆ ರುಜುವಾತು ಪಡಿಸಿದರೆ, ((1)ನೇ ಉಪ-ಪ್ರಕರಣದ ಉಪಬಂಧಗಳಿಗೆ ಪ್ರತಿಕೂಲವಾಗದಂತೆ, 6ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಪ್ರಾಣಿ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನವನ್ನು ಅಧಿಕರಣ ಮಾಡುವ ಯಾವುದೇ ಆದೇಶವನ್ನು ಮಾಡತಕ್ಕದ್ದು.

(3) ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತು, ಭಾಂಗಿ, ಹೊದಿಕೆ, ಪಾತ್ರೆ, ಪ್ರಾಣಿ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಇತರ ಸಾಗಣೆ ಸಾಧನವನ್ನು ಅಧಿಕರಣ ಮಾಡುವ ಯಾವುದೇ ಆದೇಶವು, (1)ನೇ ಉಪ-ಪ್ರಕರಣದ (ಎ) ಖಂಡದ ಅಡಿಯಲ್ಲಿ ನೋಟೀಸನ್ನು ಕೊಡುವುದಾಗಿ ಆ

ಖಂಡದ ಉಪಬಂಧವನ್ನು ಸಾರಭೂತವಾಗಿ ಪಾಲಿಸಿದ್ದರ, ನೀಡಲಾದ ನೋಟಿಸಿನಲ್ಲಿರುವ ಯಾವುದೇ ದೋಷ ಅಥವಾ ಅಕ್ರಮತೆಯ ಕಾರಣ ವಶಾತ್ಪದಿಂದಲೇ ಅಮಾನ್ಯವಾಗತಕ್ಕದ್ದಲ್ಲ.

8. ಅಪೀಲು.—(1) 6ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಿದ ಅಧಿಕರಣದ ಆದೇಶದಿಂದ ಬಾಧಿತನಾದ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು, ಅಂಥ ಆದೇಶವು ತನಗೆ ತಲುಪಿದ ದಿನಾಂಕದಿಂದ ಒಂದು ತಿಂಗಳೊಳಗಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಅಪೀಲು ಮಾಡಿಕೊಳ್ಳಬಹುದು ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಪೀಲುದಾರನಿಗೆ ಅಪವಾಲು ಹೇಳಿಕೊಳ್ಳಲು ಒಂದು ಆವಶ್ಯಕವನ್ನು ಕೊಟ್ಟಿರುವಾಯು, ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂತೆ ಅಪೀಲು ಆದ ಆದೇಶವನ್ನು ಮೊರದಿಸುವ, ಮಾ ಪಡಿಸುವ ಅಥವಾ ರದ್ದುಗೊಳಿಸುವ ಅಂಥ ಆದೇಶವನ್ನು ಹೊರಡಿಸಬಹುದು.

(2) 6ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಒಂದು ಆದೇಶವನ್ನು, ರಾಜ್ಯ ಸರ್ಕಾರವು ಮಾರ್ಪಾಟು ಮಾಡಿದ್ದಲ್ಲಿ ಅಥವಾ ರದ್ದುಗೊಳಿಸಿದ್ದಲ್ಲಿ ಅಥವಾ ಯಾವ ಆದೇಶದ ಸಂಬಂಧದಲ್ಲಿ 6ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಅಧಿಕರಣದ ಆದೇಶವನ್ನು ಹೊರಡಿಸಲಾಗಿತ್ತೆಂದೇ ಅಂಥ ಆದೇಶದ ಉಲ್ಲಂಘನೆಯ ಬಗ್ಗೆ ಹೊಡಿದ ಅಭಿಮಾನಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ವ್ಯಕ್ತಿಯು ನಿರ್ದೋಷಿಯೆಂದು ತೀರ್ಮಾನವಾಗಿದ್ದಲ್ಲಿ ಮತ್ತು ಈ ಎರಡೂ ಸಂದರ್ಭಗಳಲ್ಲಿ ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ಅಭಿಗ್ರಹಣೆ ಮಾಡಿದ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು ಹಿಂದಿರುಗಿಸಲು ನಿರ್ದಯವಿಲ್ಲದಿರುವಲ್ಲಿ, 6ನೇ ಪ್ರಕರಣದ (3)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಪಬಂಧಿಸಿರುವವರ ಕೊರತು, ಆ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಮಾರಾಟ ಮಾಡಲಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ, ಅವಶ್ಯಕ ವಸ್ತುಗಳ ಅಭಿಗ್ರಹಣೆಯ ದಿನಾಂಕದಿಂದ ಲೆಕ್ಕಮಾಡಿ ಯುಕ್ತ ಬಡ್ಡಿ ಸಹಿತವಾಗಿ ದೆಲೆಯನ್ನು ಅಂಥ ವ್ಯಕ್ತಿಗೆ ಸಂದಾಯ ಮಾಡತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ದೆಲೆಯನ್ನು 6ನೇ ಪ್ರಕರಣದ (3)ನೇ ಉಪ-ಪ್ರಕರಣದ ಉಪಬಂಧಗಳಿಗನುಸಾರವಾಗಿ ನಿರ್ಧರಿಸತಕ್ಕದ್ದು.

9. ಅಧಿಕರಣದ ಆದೇಶ ನೀಡಿ ಕೆಯು ಇತರ ದಂಡನೆಗಳಿಗೆ ಅಡ್ಡಿಯಾಗತಕ್ಕದ್ದಲ್ಲ.— ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ, ದೆವ್ವಟ ಕಮೀಷನರು ನೀಡಿದ ಯಾವುದೇ ಅಧಿಕರಣದ ಆದೇಶವು, ಅದರಿಂದ ಬಾಧಿತನಾದವಂಥ ವ್ಯಕ್ತಿಗೆ ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಅಪನು ಬದ್ಧನಾದ ದಂಡನೆಯನ್ನು ವಿಧಿಸಲು ಪ್ರತಿಬಂಧಕವಾಗತಕ್ಕದ್ದಲ್ಲ.

10. ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಧಿಕಾರವ್ಯಾಪ್ತಿಯ ಪ್ರತಿಬಂಧ.— ಯಾವುದೇ ಅವಶ್ಯಕ ವಸ್ತುವನ್ನು, ಅದರ ಸಂಬಂಧವಾಗಿ 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಆದೇಶದ ಅನುಸರಣೆಯಲ್ಲಿ ಅಭಿಗ್ರಹಿಸಿದಾಗಲೆಲ್ಲ, ಅಂಥ ಸ್ವತ್ತಿನ ಸ್ವಾಧೀನ, ವಶಾತಿ, ವಿಲೇವಾರಿ ಅಥವಾ ವಿಕರಣೆಗೆ ಸಂಬಂಧಿಸಿದ ಆದೇಶಗಳನ್ನು ಮಾಡಲು, ದೆವ್ವಟ

ಕಮೀಷನರು ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ, 8ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು ಮತ್ತು ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇತರ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ ವಿರುದ್ಧವಾದುದು ಏನೇ ಇದ್ದರೂ, ಯಾವುದೇ ನ್ಯಾಯಾಲಯ ನ್ಯಾಯಾಧಿಕರಣ ಅಥವಾ ಇತರ ಪ್ರಾಧಿಕಾರವು ಆ ಸಂಬಂಧದಲ್ಲಿ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದಲ್ಲ.

11. ದಂಡಗಳು.— 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಯಾವುದೇ ಆದೇಶವನ್ನು ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು ಉಲ್ಲಂಘಿಸಿದರೆ,—

(ಎ) ಅವನು,—

(i) ಆ ಪ್ರಕರಣದ (2)ನೇ ಉಪ-ಪ್ರಕರಣದ (ಬಿ) ಖಂಡ ಅಥವಾ (ಎಚ್) ಖಂಡಕ್ಕೆ ಸಂಬಂಧಿಸಿವಂತೆ ಮಾಡಲಾದ ಆದೇಶದ ಸಂದರ್ಭದಲ್ಲಿ, ಒಂದು ವರ್ಷಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಅವಧಿಯವರೆಗಿನ ಕಾರಾವಾಸದಿಂದ ದಂಡನೀಯನಾಗತಕ್ಕದ್ದು ಮತ್ತು ಜುಲ್ಮಾನೆಗೆ ಸಹ ಬದ್ಧನಾಗತಕ್ಕದ್ದು ; ಮತ್ತು

(ii) ಇತರ ಯಾವುದೇ ಆದೇಶದ ಸಂದರ್ಭದಲ್ಲಿ, ಮೂರು ವರ್ಷಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಅವಧಿಯವರೆಗಿನ ಕಾರಾವಾಸದಿಂದ ದಂಡನೀಯನಾಗತಕ್ಕದ್ದು ಮತ್ತು ಜುಲ್ಮಾನೆಗೆ ಸಹ ಬದ್ಧನಾಗತಕ್ಕದ್ದು:

ಪರಂತು, ಜುಲ್ಮಾನೆಯ ಶಿಕ್ಷೆಯೊಂದನ್ನೇ ವಿಧಿಸಿದರೂ ನ್ಯಾಯಕ್ಕೆ ಅಪಾರ್ಜಿತವಾಗಿ ವೃದ್ಧಿಪಡೆದು ನ್ಯಾಯಾಲಯವು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, ಅದು ಅಭಿಲೇಖಿಸಬೇಕಾದ ಕಾರಣಗಳಿಗಾಗಿ ಕಾರಾವಾಸದ ಶಿಕ್ಷೆಯನ್ನು ವಿಧಿಸದಿರಬಹುದು ; ಮತ್ತು

(ಬಿ) ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಲಾಗಿರುವ ಸಂಬಂಧದ ಯಾವುದೇ ಸ್ವತ್ತನ್ನು ಅಥವಾ ನ್ಯಾಯಾಲಯವು ಉಚಿತವೆಂದು ಭಾವಿಸುವಂಥ ಸ್ವತ್ತನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಮುಟ್ಟುಗೋಲು ಮಾಡತಕ್ಕದ್ದು:

ಪರಂತು, ಸಂಪೂರ್ಣ ಸ್ವತ್ತು ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ, ಅದರ ಯಾವುದೇ ಭಾಗದ ಸಂಬಂಧದಲ್ಲಿ ಮುಟ್ಟುಗೋಲು ಮಾಡುವಂತೆ ನಿರ್ದೇಶಿಸುವುದು ಅವಶ್ಯವಿಲ್ಲವೆಂದು ನ್ಯಾಯಾಲಯವು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, ಅದು ಅಭಿಲೇಖಿಸಬೇಕಾದ ಕಾರಣಗಳಿಗಾಗಿ ಮಾಡದಿರಬಹುದು.

12. ಪ್ರಯತ್ನಗಳು ಮತ್ತು ದುಷ್ಕರಣೆ.— 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಯಾವುದೇ ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಲು ಪ್ರಯತ್ನಿಸುವ ಅಥವಾ ಅದರ ಉಲ್ಲಂಘನೆಗೆ ದುಷ್ಕರಣೆ ನೀಡುವ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು, ಆ ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಿದ್ದಾನೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

13. ಸುಳ್ಳು ಹೇಳಿಕೆಗಳು.— ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು,—

(i) 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಆದೇಶದ ಮೂಲಕ ಅಗತ್ಯಪಡಿಸಿದಾಗ, ಯಾವುದೇ ಮುಖ್ಯ ವಿವರದಲ್ಲಿ ಸುಳ್ಳಾಗಿರುವಂಥ ಹೇಳಿಕೆಯನ್ನು ನೀಡಿದರೆ ಅಥವಾ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸಿದರೆ ಮತ್ತು ಅದು ಸುಳ್ಳೆಂದು ಅವನಿಗೆ ತಿಳಿದಿದ್ದರೆ ಅಥವಾ ಹಾಗೆ ನಂಬಲು ಯುಕ್ತ ಕಾರಣಗಳಿದ್ದರೆ ಅಥವಾ ನಿಜವೆಂದು ನಂಬಿದ್ದರೆ ; ಅಥವಾ

(ii) ಅಂಥ ಆದೇಶದ ಮೂಲಕ ಇಡಬೇಕೆಂದು ಅಥವಾ ಒದಗಿಸಬೇಕೆಂದು ಅಗತ್ಯಪಡಿಸಲಾಗಿರುವ ಯಾವುದೇ ಲೆಕ್ಕವತ್ರಗಳ ವ್ಯವಸ್ಥೆ, ದಾಖಲೆ, ಘೋಷಣೆ, ವಿವರಣೆ, ಅಥವಾ ಇತರ ದಸ್ತಾವೇಜಿನಲ್ಲಿ ಮೇಲೆ ಹೇಳಿದಂತೆ ಅಂಥ ಹೇಳಿಕೆಯನ್ನು ಮಾಡಿದರೆ,

—ಅವನು ಮೂರು ವರ್ಷಗಳ ಅವಧಿಯವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಜುರ್ಮಾನಿಯಿಂದ ಅಥವಾ ಇವೆರಡರಿಂದಲೂ ದಂಡನೀಯನಾಗತಕ್ಕದ್ದು.

14. ಕಂಪನಿಗಳಿಂದ ಅಪರಾಧಗಳು.— (1) 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಒಂದು ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸುವ ವ್ಯಕ್ತಿಯು ಒಂದು ಕಂಪನಿಯಾಗಿದ್ದರೆ, ಉಲ್ಲಂಘನೆಯು ಘಟಿಸಿದ ಕಾಲದಲ್ಲಿ ಆ ಕಂಪನಿಯ ವ್ಯವಹಾರಗಳ ನಿರ್ವಹಣೆಗಾಗಿ ಕಂಪನಿಯ ಕ್ರಮಾರದಲ್ಲಿತ್ತು ಮತ್ತು ಅದಕ್ಕೆ ಜವಾಬ್ದಾರನಾಗಿದ್ದ ಪುತ್ರಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಹಾಗೂ ಕಂಪನಿಯನ್ನು ಉಲ್ಲಂಘನೆಯ ದೋಷಿಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅವನ ವಿರುದ್ಧದ ವ್ಯವಹಾರಗಳಿಗೆ ಗುರಿಯಾಗಲು ಬದ್ಧನಾಗತಕ್ಕದ್ದು ಮತ್ತು ತದನುಸಾರವಾಗಿ ದಂಡಿತನಾಗತಕ್ಕದ್ದು:

ಮರುತು, ಈ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಉಲ್ಲಂಘನೆಯು ತನ್ನ ತಿಳುವಳಿಕೆಗೆ ಬಾರದ ನಡೆಯಿತೆಂದು ಅಥವಾ ಅಂಥ ಉಲ್ಲಂಘನೆಯನ್ನು ತಡೆಗಟ್ಟಲು ತಾನು ಎಲ್ಲಾ ರೀತಿಯ ಯೋಗ್ಯ ಶ್ರಮವನ್ನು ವಹಿಸಿದ್ದೇನೆಂದು ಅಂಥ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು ರುಜುವಾತುಪಡಿಸಿದರೆ ಅಂಥ ವ್ಯಕ್ತಿಯನ್ನು, ಯಾವುದೇ ದಂಡನೆಗೆ ಬದ್ಧನಾಗುವಂತೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

(2) (1)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿಯೂ ಒಂದು ಅಪರಾಧವನ್ನು ಕಂಪನಿಯು ಮಾಡಿರುವಲ್ಲಿ ಮತ್ತು ಆ ಅಪರಾಧವು

ಕೆಂಪನಿ ಯಾವೊಬ್ಬ ನಿರ್ದೇಶಕ, ವ್ಯವಸ್ಥಾಪಕ, ಕಾರ್ಯದರ್ಶಿ ಅಥವಾ ಇತರ (ಅಧಿಕಾರಿ) ಯ ಸಮ್ಮತಿಯಿಂದ ಅಥವಾ ಪರೋಕ್ಷ ಸಮ್ಮತಿಯಿಂದ ಅಥವಾ ಅವನ ಕಡೆಯಿಂದಾದ ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯದ ಕಾರಣದಿಂದ ಸಂಭವಿಸಿತೆಂದು ರುಜುವಾತಾದರೆ, ಅಂಥ ನಿರ್ದೇಶಕ, ವ್ಯವಸ್ಥಾಪಕ, ಕಾರ್ಯದರ್ಶಿ ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಯನ್ನು ಸಹ ಆ ಅಪರಾಧದ ದೋಷಿಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅವನು ತನ್ನ ವಿರುದ್ಧದ ವ್ಯವಹಾರಕ್ಕೆ ಗುರಿಯಾಗಲಿಲ್ಲ ಬದ್ಧನಾಗತಕ್ಕದ್ದು ಮತ್ತು ತದನುಸಾರವಾಗಿ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

ವಿವರಣೆ.— ಈ ಪ್ರಕರಣದ ಉದ್ದೇಶಗಳಿಗಾಗಿ,—

(ಎ) "ಕೆಂಪನಿ" ಎಂದರೆ, ಯಾವುದೇ ನಿಗಮಿತ ನಿಶಾಯ ಮತ್ತು ಇದೊಂದು ಒಂದು ಫರ್ಮ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ಇತರ ಸಂಸ್ಥೆಯನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ.

(ಬಿ) "ನಿರ್ದೇಶಕ" ಎಂದರೆ, ಒಂದು ಫರ್ಮಿನ ಸಂಬಂಧದಲ್ಲಿ, ಫರ್ಮಿನ ಒಬ್ಬ ಮಾಲುದಾರ.

15. ಅಪರಾಧಗಳ ಸಂಜ್ಞಾನೆ. — ಯಾವ ನ್ಯಾಯಾಲಯವೂ, ಭಾರತ ದಂಡ ಸಂಹಿತೆ (ಕೇಂದ್ರಾಧಿನಿಯಮ, 1960ರ 45)ಯ 21ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಪರಿಭಾಷಿಸಲಾದಂತೆ ಸರ್ಕಾರಿ ನೌಕರನಾಗಿರುವ ವ್ಯಕ್ತಿಯು ಮಾಡಿದ ಅಂಥ ಅಪರಾಧವನ್ನು ಉಂಟು ಮಾಡುವ ಸಂಗತಿಗಳನ್ನು ಕುರಿತು ಮಾಡಿದ ಲಿಖಿತ ವರದಿಯ ಮೇಲೆ ಆಧರಿಸಿ ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ದಂಡನೆಯಿರುವ ಯಾವುದೇ ಅಪರಾಧದ ಸಂಜ್ಞಾನವನ್ನು ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದ್ದಲ್ಲ.

16. ಆದೇಶಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಪೂರ್ವಭಾವನೆ. — ಒಂದು ಪ್ರಾಧಿಕಾರವು ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ಪ್ರವೃತ್ತವಾದ ಯಾವುದೇ ಶಕ್ತಿಯನ್ನು ಚಲಾಯಿಸಿ ಒಂದು ಆದೇಶವನ್ನು ಮಾಡಿದೆಯೆಂದು ಮತ್ತು ಸಹ ಹಾಕಿದೆಯೆಂದು ತಾತ್ಪರ್ಯವಾದರೆ, ನ್ಯಾಯಾಲಯವು ಅಂಥ ಆದೇಶವನ್ನು ಭಾರತ ಸಾಕ್ಷಿ ಅಧಿನಿಯಮ, 1872(ಕೇಂದ್ರಾಧಿನಿಯಮ, 1872ರ 1)ರ ಅರ್ಥ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಆ ಪ್ರಾಧಿಕಾರವು ಮಾಡಿದೆಯೆಂಬುದಾಗಿ ಪೂರ್ವ ಭಾವನೆ ಮಾಡತಕ್ಕದ್ದು.

17. ರುಜುವಾತಿನ ಭಾರ. — ಯಾವುದೇ ಕಾರ್ಯ ಮಾಡುವುದನ್ನು ಅಥವಾ ಎಡ್ಜಿಂಗ್ ಅಧಿಕಾರವಿಲ್ಲದ ಅಥವಾ ಪರ್ಮಿಟ್, ಲೈಸೆನ್ಸ್ ಅಥವಾ ಇತರ ದಸ್ತಾವೇಜಿಲ್ಲದ ಯಾವುದೇ ವಸ್ತುವನ್ನು ಸ್ವಾಧೀನದಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವುದನ್ನು ಪ್ರತಿಬಂಧಿಸುವಂಥ, 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಿದ ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಿದ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಅಭಿ

ಯೋಗಕ್ಕೆ ಗುರಿಪಡಿಸಿರುವಲ್ಲಿ, ಅಂಥ ಅಧಿಕಾರ, ಪರ್ಮಿಟ್, ಲೈಸೆನ್ಸ್, ಅಥವಾ ಇತರ ದಸ್ತಾವೇಜನ್ನು ತಾನು ಹೊಂದಿದ್ದನೆಂದು ರುಜುವಾತುಪಡಿಸುವ ಹೊಣೆ ಅದನ ಮೇಲೆ ಇರತಕ್ಕದ್ದು.

18. ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಕೈಗೊಂಡ ಕ್ರಮಕ್ಕಿರಕ್ಷಣೆ.—3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಯಾವುದೇ ಆದೇಶದ ಅನುಸರಣೆಯಲ್ಲಿ ಸದ್ಭಾವನೆಯಿಂದ ಮಾಡಿದ ಅಥವಾ ಮಾಡಲು ಉದ್ದೇಶಿಸಿದ ಯಾವುದೇ ಕೃತ್ಯದ ಬಗ್ಗೆ ಯಾವುದೇ ವ್ಯಕ್ತಿಯ ವಿರುದ್ಧ ಯಾವುದೇ ದಾವೆ ಅಭಿಯೋಗ ಅಥವಾ ಇತರ ಕಾನೂನು ವ್ಯವಹರಣೆಯು ಇರತಕ್ಕದ್ದಲ್ಲ.

(2) 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಯಾವುದೇ ಆದೇಶದ ಅನುಸರಣೆಯಲ್ಲಿ ಸದ್ಭಾವನೆಯಿಂದ ಮಾಡಿದ ಅಥವಾ ಮಾಡಲು ಉದ್ದೇಶಿಸಿದ ಯಾವುದೇ ಕೃತ್ಯದಿಂದ ಹಾನಿಯುಂಟಾಗಿದ್ದರೆ ಅಥವಾ ಉಂಟಾಗುವ ಸಂಭವವಿದ್ದರೆ, ಅದಕ್ಕಾಗಿ ಸರ್ಕಾರದ ವಿರುದ್ಧ ಯಾವುದೇ ದಾವೆ ಅಥವಾ ಇತರ ಕಾನೂನು ವ್ಯವಹರಣೆಯು ಇರತಕ್ಕದ್ದಲ್ಲ.

19. ನಿರಸನ ಮತ್ತು ಉಳಿಸುವಿಕೆಗಳು.—(1) ಕರ್ನಾಟಕ ಅವಶ್ಯಕ ವಸ್ತುಗಳ (ನಿಯಂತ್ರಣ) ಅಧ್ಯಾದೇಶ, 1985 (ಕರ್ನಾಟಕ ಅಧ್ಯಾದೇಶ, 1985ರ ಸಂಖ್ಯೆ 10) ಈ ಮೂಲಕ ನಿರಸಿತವಾಗಿದೆ.

(2) ಹಾಗೆ ನಿರಸಿತವಾಗಿದ್ದರೂ, ಸದರಿ ಅಧ್ಯಾದೇಶದ ಅಡಿಯಲ್ಲಿ ಮಾಡಿದ ಯಾವುದೇ ಕೃತ್ಯ ಅಥವಾ ಕೈಗೊಂಡ ಯಾವುದೇ ಕ್ರಮವು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದುದೆಂದು ಅಥವಾ ಕೈಗೊಳ್ಳಲಾದುದೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

KARNATAKA ACT No.1 OF 1986

THE KARNATAKA ESSENTIAL ARTICLES
(CONTROL) ACT, 1985.

Arrangement of Sections

Sections:

- 1.Short title, commencement and duration
- 2.Definitions
- 3.Powers to control production, supply distribution of essential articles
- 4.Delegation of powers
- 5.Effect of orders inconsistent with other enactments
- 6.Confiscation of essential article
- 7.Issue of show-cause notice before confiscation of essential article
- 8.Appeal
- 9.Award of confiscation not to interfere with other punishments
- 10.Bar of Jurisdiction in certain cases
- 11.Penalties
- 12.Attempt and abetment
- 13.False statements
- 14.Offences by companies
- 15.Cognizance of offences
- 16.Presumption as to orders
- 17.Burden of proof
- 18.Protection of action taken under this Act
- 19.Repeal and savings

KARNATAKA ACT No.1 OF 1986.

(First published in the Karnataka Gazette Extraordinary on the Thirteenth day of January, 1986.)

THE KARNATAKA ESSENTIAL ARTICLES
(CONTROL) ACT, 1985.

(Received the assent of the President on the Sixth day of January, 1986).

An act to provide in the interest of the general public for the control of production, supply and distribution of trade and commerce in certain articles.

Whereas it is expedient to make provision in the interest of the general public for the control of production, supply and distribution of and trade and commerce in certain articles and the connected matters.

Be it enacted by the Karnataka State Legislature in the Thirty-sixth Year of the Republic of India as follows:--

1. Short title, commencement and duration.--(1) This Act may be called the Karnataka Essential Articles (Control) Act, 1985.

(2) It shall be deemed to have come into force on the Fourth day of May, 1985 and shall remain in force for a period of five years from the date of commencement of this Act.

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

(a) "Essential article" means such article not being an essential commodity as defined in the Essential Commodities Act, 1955 (Central Act 10 of 1955) which

may be declared by the State Government, after consultation with the Central Government, by notification, to be an essential article;

(b) "undertaking" means any undertaking by way of any trade or business and includes the occupation of handling, loading or unloading goods in the course of transport.

3. Powers to control production, supply, distribution of essential articles.--(1) If the State Government is of opinion that it is necessary or expedient so to do for maintaining or increasing supplies of any essential article or maintaining the quality of any such article or for securing their equitable distribution and availability at fair prices, may, by order, provide for regulating, or prohibiting the production, supply and distribution thereof, and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide-

(a) for regulating by licenses, permits or otherwise the production or manufacture of any essential article;

(b) for controlling the price at which any essential article may be bought or sold;

(c) for regulating by licenses, permits, or otherwise the storage, transport, distribution, disposal, acquisition, use or consumption of any essential article;

(d) for prohibiting the withholding from sale of any essential article

ordinarily kept for sale;

(e) for requiring any person holding in stock or engaged in the production, or in the business of buying or selling of any essential article to sell the whole or a specified part of the quantity held in stock or produced or received by him to the Government or to an officer or agent of the Government or to such other person or class of persons and in such circumstances as may be specified in the order;

(f) for regulating or prohibiting any class of commercial or financial transactions relating to any essential article which, in the opinion of the authority making the order, are, or if unregulated, are likely to be detrimental to the public interest;

(g) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(h) for requiring persons engaged in the production, supply, or distribution of, or trade and commerce in, any essential article, to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order;

(i) for regulating the processing of any essential article;

(j) for exercising over the whole or any part of an existing undertaking, such functions of control and subject to such conditions, as may be specified in the order;

(k) for the grant or issue of licenses, permits or other documents, the charging of fees therefor, the deposit of

such sum, if any, as may be specified in the order as security for the due performance of the conditions of any such licence, permit or other document, the forfeiture of the sum so deposited or any part thereof for contravention of any such conditions, and the adjudication of such forfeiture by such authority as may be specified in the order;

(1) for any incidental and supplementary matters, including in particular, grading and packing of essential articles, the entry, search or examination of premises, vehicles, vessels, aircraft or other conveyances and animals, and the seizure by a person authorised to make such entry, search or examination of any article in respect of which such person has reason to believe that a contravention of the order has been or is being or is about to be committed and any packages, coverings, or receptacles in which such articles are found.

(3) where any person sells any essential article in compliance with an order made with reference to clause ((e)) of sub-section (2), there shall be paid to him the price therefor, as hereinafter provided,-

(a) where the price can, consistently with the controlled price, if any, fixed under this section, be agreed upon, the agreed price;

(b) where no such agreement can be reached, the price calculated with reference to the controlled price, if any;

(c) where neither clause (a) nor clause (b) applies, the price calculated at

the market rate prevailing in the locality at the date of sale.

4. Delegation of powers.- The State Government may, by notified order, direct that the power to make orders or issue notifications under section 3 in relation to such matter and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government, as may be specified in the direction.

5. Effect of orders inconsistent with other enactments.- Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

6. Confiscation of essential article.-

(1) Where any essential article is seized in pursuance of an order made under section 3 in relation thereto, a report of such seizure shall without unreasonable delay be made to the Deputy Commissioner of the district in which such essential article is seized and whether or not a prosecution is instituted for the contravention of such order, the Deputy Commissioner may, if he thinks it expedient so to do, direct the essential article so seized to be produced for inspection before him and if he is satisfied that there has been a contravention of the order may direct confiscation of--

- (a) the essential article so seized;
- (b) any package, covering or receptacle in which such essential article is found; and
- (c) any animal, vehicle, vessel or other

conveyance used in carrying such essential article:

Provided that in the case of any animal, vehicle, vessel or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not exceeding the market price at the date of seizure of the essential article sought to be carried by such animal, vehicle, vessel or other conveyance.

(2) Where the Deputy Commissioner on receiving a report of seizure or on inspection of any essential article under subsection (1), is of the opinion that the essential article is subject to speedy and natural decay or it is otherwise expedient in the public interest so to do, he may, -

(i) order the same to be sold at the controlled price, if any, fixed for such essential article under this Act or under any other law for the time being in force ;or

(ii) where no such price is fixed, order the same to be sold by public auction.

(3) Where any essential article is sold as aforesaid the sale proceeds thereof, after deduction of the expenses of the sale or auction or other incidental expenses relating thereto shall-

(a) where no order of confiscation is ultimately passed by the Deputy Commissioner; or

(b) where an order passed on appeal under sub-section (1) of section 8 so requires; or

(c) in the case of prosecution being instituted for contravention of the order

in respect of which an order of confiscation has been made under this section, the person concerned is acquitted, be paid to the owner thereof or the person from whom it is seized.

7. Issue of show-cause notice before confiscation of essential article.- (1) No order confiscating any essential article, package, covering, receptacle, animal, vehicle vessel or other conveyance shall be made under section 6, unless the owner of such essential article, package, covering, receptacle, animal, vehicle, vessel or other conveyance or the person from whom it is seized,-

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate, the essential article, package, covering, receptacle, animal, vehicle, vessel or other conveyance;

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(c) is given a reasonable opportunity of being heard in the matter.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any animal, vehicle, vessel or other conveyance shall be made under section 6, if the owner of the animal, vehicle, vessel or other conveyance proves to the satisfaction of the Deputy Commissioner that it was used in carry-in the essential article without the knowledge or connivance of the owner himself, his agent, if any, and the person incharge of the animal, vehicle, vessel or other conveyance and that each of them had taken all reasonable and necessary precau-

tions against such use.

(3) No order confiscating any essential article, package, covering, receptacle, animal, vehicle, vessel or other conveyance shall be invalid merely by reason of any defect or irregularity in the notice given under clause (a) of sub-section (1), if, in giving such notice, the provisions of that clause have been substantially complied with.

8. Appeal.- (1) Any person aggrieved by an order of confiscation under section 6, may, within one month from the date of the communication to him of such order, appeal to the State Government and the State Government shall after giving an opportunity to the appellant to be heard pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under section 6 is modified or annulled by the State Government, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under section 6, the person concerned is acquitted, and in either case it is not possible for any reason to return the essential article seized, such person shall, except as provided by sub-section (3) of section 6, be paid the price therefor as if the essential article had been sold to the Government with reasonable interest calculated from the day of the seizure of the essential article and such price shall be determined in accordance with the provisions of sub-section (3) of section 3..

9. Award of confiscation not to interfere with other punishments.- The award of any

confiscation under this Act by the Deputy Commissioner shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

10. Bar of jurisdiction in certain cases.- Whenever any essential article is seized in pursuance of an order made under section 3 in relation thereto, the Deputy Commissioner or as the case may be, the State Government under section 8 shall have, and notwithstanding anything to the contrary contained in any other law for the time being in force any court, tribunal or other authority shall not have jurisdiction to make orders with regard to the possession, delivery, disposal or distribution of such property.

11. Penalties.- If any person contravenes any order made under section 3.-

(a) he shall be punishable,-

(i) in the case of an order made with reference to clause (g) or clause (h) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine; and

(ii) in the case of any other order, with imprisonment for a term which may extend to three years and shall also be liable to fine:

Provided that if the court is of the opinion that a sentence of fine only will meet the ends of justice, it may for reasons to be recorded, refrain from imposing a sentence of imprisonment; and

(b) any property in respect of which the order has been contravened or such part thereof as the court may deem fit shall be

forfeited to the State Government:

Provided that if the court is of the opinion that it is not necessary to direct forfeiture in respect of the whole or as the case may be, any part of the property, it may, for reasons to be recorded, refrain from doing so.

12. **Attempt and abetment.**- Any person who attempts to contravene, or abets a contravention of any order made under section 3 shall be deemed to have contravened that order.

13. **False statements.**-If any person,-

(i) when required by an order made under section 3 makes any statement or furnished any information which is false in any material particular and which he knows or has reasonable cause to believe it to be false, or does not believe it to be true; or

(ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish, he shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

14. **Offences by companies.**-(1) If the person contravening an order made under section 3 is a company, every person who at the time the contravention was committed, was in charge of and was responsible to the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person

liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary, or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

15. Cognizance of offences.- No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code (Central Act 45 of 1860).

16. Presumption as to orders.-Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a court shall presume that such order was so made by that authority within the meaning of the Indian Evidence Act, 1872 (Central Act 1 of 1872).

17. Burden of proof.- Where any person

is prosecuted for contravening any order made under section 3 which prohibits him from doing any act or being in possession of a thing without lawful authority or without a permit, licence, or other document, the burden of proving that he has such authority, permit, licence, or other document shall be on him.

18. Protection of action taken under this Act.-(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is done in good faith or intended to be done in pursuance of any order made under section 3.

19. Repeal and Savings.- (1) The Karnataka Essential Articles (Control) Ordinance, 1985 (Karnataka Ordinance No.10 of 1985) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

The above translation of the ಕರ್ನಾಟಕ ಅನಿಶ್ಚಿತ ವಸ್ತುಗಳ (ನಿಯಂತ್ರಣ) ಅಧಿನಿಯಮ, 1985 be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 2

ಕರ್ನಾಟಕ ಕೃಷಿ ಸಾಲ ಪಾಸ್ ವ್ಯವಸ್ಥೆ ಅಧಿನಿಯಮ, 1984.

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ

ಪ್ರಕರಣಗಳು :

ಅಧ್ಯಾಯ - I

ಪ್ರಾರಂಭಿಕ

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ
2. ಪರಿಭಾಷೆಗಳು.
3. ಅಧಿನಿಯಮ ಇತರ ಕಾನೂನುಗಳಿಗೆ ಅಧ್ಯಾರೋಹಿಯಾಗಿರತಕ್ಕದ್ದು

ಅಧ್ಯಾಯ — II

ಪಾಸ್ ವ್ಯವಸ್ಥೆಗಳ ನೀಡಿಕೆ ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ವಿಷಯಗಳು

4. ಪಾಸ್ ವ್ಯವಸ್ಥೆಗಳ ನೀಡಿಕೆ, ಮೊದಲಾದವು
5. ಪಾಸ್ ವ್ಯವಸ್ಥೆಗಳ ಮೇಲೆ ಅನುರೇಖಗಳು
6. ಪಾಸ್ ವ್ಯವಸ್ಥೆಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ ಹೊರತು ವರ್ಗಾವಣೆಗಳನ್ನು ನೋಂದಾಯಿಸಬಾರದು
7. ಹೊಣೆಗಳನ್ನು ಸೃಷ್ಟಿಸುವಲ್ಲಿ ಇರುವ ಅಸಾಮರ್ಥ್ಯದ ತೆಗೆದುಹಾಕುವಿಕೆ
8. ಹೊಣೆಗಾರಿಕೆಯ ಆದ್ಯತೆಗಳು

ಅಧ್ಯಾಯ — III

ಸಂಕೀರ್ಣ

9. ಸದ್ಯಾವನೆಯಿಂದ ಕೈಕೊಂಡ ಕ್ರಮದ ರಕ್ಷಣೆ
10. ನಿಯಮಗಳ ರಚನಾಧಿಕಾರ

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 2

(1986ರ ಫೆಬ್ರವರಿ, 24ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದ
ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ).

ಕರ್ನಾಟಕ ಕೃಷಿ ಸಾಲ ಪಾಸ್ ವ್ಯವಸ್ಥಾಪಕ ಅಧಿನಿಯಮ, 1984.

(1986ರ ಜನವರಿ 14ರಂದು ರಾಜ್ಯ ಪತ್ರಿಕೆಯವರ ಅನುಮತಿ ಪಡೆಯಲಾಗಿದೆ).

ಕೃಷಿಕರು ಸಾಲಸೌಲಭ್ಯಗಳನ್ನು ಪಡೆಯಲು ಸಾಧ್ಯವಾಗುವಂತೆ ಮಾಡುವುದಕ್ಕಾಗಿ, ಕೃಷಿ ಸಾಲ ಪಾಸ್ ವ್ಯವಸ್ಥಾಪಕಗಳನ್ನು ನೀಡುವ ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಅಥವಾ ಅದಕ್ಕೆ ಅನುಷ್ಠಾನವಾದ ವಿಷಯಗಳ ಸಲುವಾಗಿ ಏರ್ಪಟ್ಟ ಒಂದು ಅಧಿನಿಯಮ.

ಕೃಷಿಕರು ಸಾಲ ಸೌಲಭ್ಯಗಳನ್ನು ಪಡೆಯಲು ಸಾಧ್ಯವಾಗುವಂತೆ ಮಾಡುವುದಕ್ಕಾಗಿ ಕೃಷಿ ಸಾಲ ಪಾಸ್ ವ್ಯವಸ್ಥಾಪಕಗಳನ್ನು ನೀಡುವ ಸಲುವಾಗಿ ಏರ್ಪಟ್ಟು ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ :

ಇದು, ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೈದನೆಯ ವರ್ಷದಲ್ಲಿ ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ :—

ಅಧ್ಯಾಯ—I

ಪ್ರಾರಂಭಿಕ

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ.—(1) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಕೃಷಿ ಸಾಲ ಪಾಸ್ ವ್ಯವಸ್ಥಾಪಕ ಅಧಿನಿಯಮ, 1984 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(2) ಇದು, ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಗೊತ್ತುಪಡಿಸಬಹುದಾದಂಥ ದಿನಾಂಕದಂದು ಜಾರಿಯಲ್ಲಿ ಬರತಕ್ಕದ್ದು ಮತ್ತು ಬೇರೆ ಬೇರೆ ಕ್ಷೇತ್ರಗಳಿಗೆ ಬೇರೆ ಬೇರೆ ದಿನಾಂಕಗಳನ್ನು ಗೊತ್ತುಪಡಿಸಬಹುದು.

(3) ಯಾವುದೇ ಕ್ಷೇತ್ರದಲ್ಲಿ ಈ ಅಧಿನಿಯಮ ಜಾರಿಯಲ್ಲಿರುವ ಅವಧಿಯಲ್ಲಿ ಅಂಥ ಕ್ಷೇತ್ರದಲ್ಲಿ ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಅಧಿನಿಯಮ, 1964 (ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1964ರ 12)ರ ಪ್ರಕರಣ 129 (ಎ) ಜಾರಿಯಲ್ಲಿರುವುದು ನಿಂತು ಹೋಗಿ ತಕ್ಕದ್ದು ಮತ್ತು ಆ ಅವಧಿಯ ಮುಕ್ತಾಯದ ತರುವಾಯ ಪುನಃ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು.

2 ಪರಿಭಾಷೆಗಳು.—ಈ ಅಧಿನಿಯಮದಲ್ಲಿ, ಸಂದರ್ಭವು ಅನ್ಯಥಾ ಅಗತ್ಯಪಡಿಸಿದ ಹೊರತು,—

(ಎ) "ಕೃಷಿ" ಎಂಬುದು, ಭೂಮಿಯನ್ನು ಸಾಗುವಳಿ ಯೋಗ್ಯವನ್ನಾಗಿ ಮಾಡುವುದು, ಭೂಮಿಯ ಸಾಗುವಳಿ, ನೀರಾವರಿ ಮೂಲಗಳ ಅಭಿವೃದ್ಧಿ ಸೇರಿದಂತೆ ಭೂಮಿಯ ಅಭಿವೃದ್ಧಿ, ಬೆಳೆಗಳನ್ನು ಬೆಳೆಸುವುದು ಮತ್ತು ಕೊಯ್ಲು ಮಾಡುವುದು ಮತ್ತು ಕೃಷಿಕರು ಸಾಮಾನ್ಯವಾಗಿ ಕೈಗೊಳ್ಳುವಂಥ ನಿಯಮಿಸಲಾದ ಇತರ ಕಾರ್ಯಚಟುವಟಿಕೆಗಳನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ ;

(ಬಿ) "ಕೃಷಿ" ಎಂದರೆ, ಕೃಷಿಯಲ್ಲಿ ತೊಡಗಿರುವ ಒಬ್ಬ ವ್ಯಕ್ತಿ ;

(ಸಿ) "ಬ್ಯಾಂಕ್" ಎಂದರೆ, ಬ್ಯಾಂಕಿಂಗ್ ವಿನಿಯಮ ಅಧಿನಿಯಮ, 1949 (ಕೇಂದ್ರಾಧಿನಿಯಮ, 1949ರ 10)ರ 5ನೇ ಪ್ರಕರಣದ (ಸಿ) ಖಂಡದಲ್ಲಿ ಪರಿಭಾಷಿಸಿದ ವಂಥ ಒಂದು ಬ್ಯಾಂಕಿಂಗ್ ಂಪನಿ ಮತ್ತು,—

(i) ಬ್ಯಾಂಕಿಂಗ್ ವಿನಿಯಮ ಅಧಿನಿಯಮ, 1949ರ 51ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಕೇಂದ್ರ ಸರ್ಕಾರದಿಂದ ಅಧಿಸೂಚಿತವಾದ ಒಂದು ಬ್ಯಾಂಕಿಂಗ್ ಸಂಸ್ಥೆಯನ್ನು ;

(ii) ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಇಂಡಿಯಾ ಅಧಿನಿಯಮ, 1955 (ಕೇಂದ್ರಾಧಿನಿಯಮ, 1955ರ 23)ರ ಮೇರೆಗೆ ರಚಿತವಾದ ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಇಂಡಿಯಾವನ್ನು ;

(iii) ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಇಂಡಿಯಾ (ಸಹಾಯಕ ಬ್ಯಾಂಕುಗಳ) ಅಧಿನಿಯಮ, 1959 (ಕೇಂದ್ರಾಧಿನಿಯಮ 1959ರ 38)ರಲ್ಲಿ ಪರಿಭಾಷಿಸಿದ ವಂಥ ಒಂದು ಸಹಾಯಕ ಬ್ಯಾಂಕನ್ನು ;

(iv) ರಾಷ್ಟ್ರೀಯ ಕೃಷಿ ಮತ್ತು ಗ್ರಾಮೀಣ ಅಭಿವೃದ್ಧಿ ಬ್ಯಾಂಕ್ ಅಧಿನಿಯಮ, 1983 (ಕೇಂದ್ರಾಧಿನಿಯಮ, 1983ರ) ಮೇರೆಗೆ ರಚಿತವಾದ ರಾಷ್ಟ್ರೀಯ ಕೃಷಿ ಮತ್ತು ಗ್ರಾಮೀಣ ಅಭಿವೃದ್ಧಿ ಬ್ಯಾಂಕನ್ನು ;

(v) ಬ್ಯಾಂಕಿಂಗ್ ಕುಪನಿಗಳ (ಉದ್ಯಮಗಳ ಆರ್ಜನೆ ಮತ್ತು ವರ್ಗಾವಣೆ) ಅಧಿನಿಯಮ, 1970 (ಕೇಂದ್ರಾಧಿನಿಯಮ, 1970ರ 5)ರ ಮೇರೆಗೆ ರಚಿತವಾದ ಸೇವಾದಿ ಹೊಸ ಬ್ಯಾಂಕನ್ನು ;

- (vi) ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಗಳ (ಉದ್ಯಮಗಳ ಆರ್ಟ್ ಮತ್ತು ವರ್ಗಾವಣೆ) ಅಧಿನಿಯಮ, 1980 (ಕೇಂದ್ರಾಧಿನಿಯಮ, 1980ರ 40)ರ ಮೇರೆಗೆ ರಚಿತವಾದ ಸಂವಾದಿ ಹೊಸ ಬ್ಯಾಂಕನ್ನು ;
- (vii) ಪ್ರಾದೇಶಿಕ ಗ್ರಾಮೀಣ ಬ್ಯಾಂಕುಗಳ ಅಧಿನಿಯಮ, 1976 (ಕೇಂದ್ರಾಧಿನಿಯಮ, 1976ರ 1)ರ ಮೇರೆಗೆ ರಚಿತವಾದ ಒಂದು ಪ್ರಾದೇಶಿಕ ಗ್ರಾಮೀಣ ಬ್ಯಾಂಕನ್ನು ;
- (viii) ಕಂಪನಿಗಳ ಅಧಿನಿಯಮ, 1956 (ಕೇಂದ್ರಾಧಿನಿಯಮ 1956ರ 1) ರ ಮೇರೆಗೆ ಸೇರ್ಪಡೆಯಾದ ಒಂದು ಕಂಪನಿಯಾಗಿರುವ ಕರ್ನಾಟಕ ಆಗ್ರೋ ಇಂಡಸ್ಟ್ರೀಸ್ ನಿಗಮವನ್ನು ;
- (ix) ಕಂಪನಿಗಳ ಅಧಿನಿಯಮ, 1956 (ಕೇಂದ್ರಾಧಿನಿಯಮ, 1956ರ 1)ರ ಮೇರೆಗೆ ಸೇರ್ಪಡೆಯಾದ ಒಂದು ಕಂಪನಿಯಾಗಿರುವ ಕೃಷಿ ಹಣಕಾಸು ನಿಗಮ, ನಿಯಮಿತ—ಇದನ್ನು ;
- (x) ರಾಜ್ಯ ಸರ್ಕಾರವು ಈ ಸಂಬಂಧದಲ್ಲಿ ಅಧಿಸೂಚಿಸಬಹುದಾದ ಇತರ ಯಾವುದೇ ಹಣಕಾಸು ಸಂಸ್ಥೆಯನ್ನು ; ಮತ್ತು
- (xi) ಒಂದು ಸಹಕಾರಿ ಸಂಘವನ್ನು ;

—ಒಳಗೊಳ್ಳುತ್ತವೆ.

(ಡಿ) "ಸಹಕಾರಿ ಸಂಘ" ಎಂದರೆ, ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಸಂಘಗಳ ಅಧಿನಿಯಮ, 1959 (ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1959ರ 11)ರ ಮೇರೆಗೆ ನೋಂದಾಯಿತವಾದ ಅಥವಾ ನೋಂದಾಯಿತವಾಗಿದೆಯೆಂದು ಭಾವಿಸಲಾದ, ತನ್ನ ಸದಸ್ಯರಿಗೆ ಹಣಕಾಸು ನೆರವನ್ನು ಒದಗಿಸುವ ಉದ್ದೇಶ ಹೊಂದಿರುವ ಒಂದು ಸಹಕಾರಿ ಸಂಘ, ಕೃಷಿ ಮತ್ತು ಸಹಕಾರಿ ಗ್ರಾಮೀಣ ಅಭಿವೃದ್ಧಿ ಬ್ಯಾಂಕನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ ;

(ಇ) "ಹಣಕಾಸಿನ ನೆರವು" ಎಂದರೆ, ಸಾಲಗಳು, ಮುಂಗಡಗಳು, ಖಾತರಿಗಳು ಅಥವಾ ಇತರ ರೀತಿಯ ಮೂಲಕ ಕೃಷಿ ಉದ್ದೇಶಗಳಿಗಾಗಿ ನೀಡುವ ಒಂದು ನೆರವು ;

(ಎಫ್) "ಭೂಮಿ" ಎಂದರೆ, ಕೃಷಿ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಮತ್ತು ಅದಕ್ಕೆ ಸಾಧಕವಾದ ಯಾವುದೇ ಉದ್ದೇಶಕ್ಕಾಗಿ ಬಳಸಲಾಗುವ ಮತ್ತು ಸರ್ಕಾರವು ಭೂ ಕಂದಾಯಕ್ಕಾಗಿ ಕರ ನಿರ್ಧರಿಸಿರುವ ಆದರೆ, ನಿಗಮ, ಪುರಸಭೆ ಅಥವಾ ಅಧಿಸೂಚಿತ ಪ್ರದೇಶದ ಸ್ಥಳೀಯ ಪರಿಮಿತಿಗಳೊಳಗಿರುವ ಯಾವುದೇ ವಾಸಗೃಹಕ್ಕೆ ಹೊಂದಿಕೊಂಡಿರುವ ಭೂಮಿಯಾಗಿಲ್ಲದ ಭೂಮಿ ;

(ಜಿ) "ವಾಸ್ ಪುಸ್ತಕ" ಎಂದರೆ, 4ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೀಡಲಾಗುವ ಕೃಷಿ ಸಾಲ ವಾಸ್ ಪುಸ್ತಕ ;

(ಎಚ್) "ಕಂದಾಯ ಅಧಿಕಾರಿ" ಎಂದರೆ, ಒಬ್ಬ ತಹಶೀಲ್ದಾರ ಅಥವಾ ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ನೇಮಕಗೊಂಡ ಇತರ ಯಾವುದೇ ಅಧಿಕಾರಿ ; ಮತ್ತು

(ಐ) "ಸೆಲ್ ರಿಜಿಸ್ಟ್ರಾರ್" ಎಂಬುದು, ನೋಂದಣಿ ಅಧಿನಿಯಮ, 1908 (ಕೇಂದ್ರಾಧಿನಿಯಮ, 1908ರ 16) ರಲ್ಲಿ ಅದಕ್ಕೆ ಕೊಡಲಾಗಿರುವ ಅರ್ಥವನ್ನೇ ಹೊಂದಿರತಕ್ಕದ್ದು.

3. ಅಧಿನಿಯಮ ಇತರ ಕಾನೂನುಗಳಿಗೆ ಅಧ್ಯಾರೋಹಿಯಾಗಿರತಕ್ಕದ್ದು.-

ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸಂಘಗಳ ಅಧಿನಿಯಮ, 1959 (ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1959ರ 11)ರಲ್ಲಿ ಅಥವಾ ಈ ಅಧಿನಿಯಮವಲ್ಲದ, ಇತರ ಯಾವುದೇ ಅಧಿನಿಯಮಿಯಲ್ಲಿ ಅಥವಾ ಈ ಅಧಿನಿಯಮವಲ್ಲದ ಇತರ ಯಾವುದೇ ಅಧಿನಿಯಮಿಯ ಕಾರಣದಿಂದ ಪರಿಣಾಮವುಳ್ಳ ಯಾವುದೇ ಲಿಖಿತ ವತ್ರದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳು ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಿದ ಯಾವುದೇ ನಿಯಮಗಳು ಪರಿಣಾಮಕಾರಿಯಾಗಿರತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ—II

ಪಾಸ್ ಪುಸ್ತಕಗಳ ನೀಡಿಕೆ, ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ವಿಷಯಗಳು

4. ಪಾಸ್ ಪುಸ್ತಕಗಳ ನೀಡಿಕೆ, ನೋಡಲಾದುವು.— ಈ ಅಧಿನಿಯಮವು ಉರಂಭವಾದ ಮೇಲೆ ಕಂದಾಯ ಅಧಿಕಾರಿಯು ತನ್ನ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಪ್ರದೇಶದಲ್ಲಿ ಪರಿಮಿತಿಗಳಲ್ಲಿ ತತ್ಕಾಲದಲ್ಲಿ ಭೂಮಿಯನ್ನು ಹೊಂದಿರುವ ಕೃಷಿಕರಿಗೆ, ನಿಯಮಿಸಿದ ಷರತ್ತಿನಲ್ಲಿ ನಮೂನೆಯಲ್ಲಿ ಮತ್ತು ಅಂಥ ವಿವರಗಳನ್ನು ಒಳಗೊಂಡಿರುವ ಪಾಸ್ ಪುಸ್ತಕಗಳನ್ನು ನೀಡುವ ಮೂಲಕ ಕೃಷಿ ಸಾಲಕ್ಕಾಗಿ ಸೌಲಭ್ಯಗಳನ್ನು ಒದಗಿಸುವುದು ನೋಡು ಸಮತದಾಗಿರತಕ್ಕದ್ದು.

(2) ಪಾಸ್ ಪುಸ್ತಕವನ್ನು ಪಡೆಯಲು ಬಯಸುವ ಒಬ್ಬ ಕೃಷಿಕನು ಅಂಥ ಪಾಸ್ ಪುಸ್ತಕವನ್ನು ತನ್ನಿಗೆ ನೀಡುವ ಸಲುವಾಗಿ, ನಿಯಮಿಸಬಹುದಾದಂಥ ನಮೂನೆಯಲ್ಲಿ ಅಂಥ ಶುಲ್ಕವನ್ನು ಸಂದಾಯ ಮಾಡಿದ ಮೇಲೆ ಸಂಬಂಧಪಟ್ಟ ಕಂದಾಯ ಅಧಿಕಾರಿಗೆ ಅದನ್ನು ಸಲ್ಲಿಸಬಹುದು.

(3) (2) ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖವಾದ ಪ್ರತಿಯೊಂದು ಅರ್ಜಿಯು, ಜಿಲ್ಲಾಧಿಕಾರಿಯ ಮಾರ್ಗದರ್ಶಿ ಹೊಂದಿರುವ ಅಥವಾ ಅವರ ಸಂಬಂಧದಲ್ಲಿ ಅರ್ಜಿಪಾಠನು ಕಾನೂನುಹೊಂದಿರುವ ಭೂಮಿಯ ಬಗ್ಗೆ ಅಥವಾ ಅಂಥ ಭೂಮಿಯಲ್ಲಿ ಏನಾದರೂ

ಬೆಳೆಗಳು ಇದ್ದರೆ ಅವುಗಳ ಸಂಬಂಧದಲ್ಲಿ ಮತ್ತು ಆ ಬಗ್ಗೆ ಅರ್ಜಿದಾರನು ಹೊಂದಿರುವ ಹಿತಾಸಕ್ತಿಯ ಬಗ್ಗೆ ಪೂರ್ಣ ವಿವರಗಳನ್ನು ಒಳಗೊಂಡಿರತಕ್ಕದ್ದು.

(4) (2) ನೇ ಉಪವೃತ್ತರಣದ ಅಡಿಯಲ್ಲಿ ನೀಡಿದ ಅರ್ಜಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ಮೇಲೆ ಕಂದಾಯ ಅಧಿಕಾರಿಯು, ನಿಯಮಿಸಬಹುದಾದಂಥ ರೀತಿಯಲ್ಲಿ, ಅರ್ಜಿದಾರನ ಸಾಲ ಅರ್ಹತೆಯ ಬಗ್ಗೆ ವಿಚಾರಣೆ ಮಾಡತಕ್ಕದ್ದು ಅಥವಾ ವಿಚಾರಣೆ ನಡೆಯುವಂತೆ ಮಾಡತಕ್ಕದ್ದು ಮತ್ತು ಈ ರೀತಿ ಮಾಡುವಲ್ಲಿ, ಅವರು ವಿಶೇಷವಾಗಿ, ಅರ್ಜಿಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದಂಥ ಭೂಮಿಯ ಬಗ್ಗೆ ಅಥವಾ ಅರ್ಜಿದಾರನು ಅದರಲ್ಲಿ ಹೊಂದಿರುವ ಹಿತಾಸಕ್ತಿಯ ಬಗ್ಗೆ ಅಥವಾ ಅದರ ಮೇಲೆ ನೀತ ಯಾವುದೇ ಬೆಳೆಗಳ ಬಗ್ಗೆ ಅರ್ಜಿದಾರನು ಹೊಂದಿರುವ ಹಕ್ಕಿನ ಬಗ್ಗೆ ವಿಚಾರಣೆ ನಡೆಸತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ವಿಚಾರಣೆಯ ತರುವಾಯ ಕಂದಾಯ ಅಧಿಕಾರಿಗೆ, ಮೇಲೆ ಹೇಳಿದ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ಸ್ವತ್ತುಗಳ ಅಥವಾ ಅದರ ಯಾವುದೇ ಭಾಗಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅರ್ಜಿದಾರನ ಹಕ್ಕಿನ ಬಗ್ಗೆ ಮನದಟ್ಟಾದರೆ, ಪಾಸ್ ಪುಸ್ತಕವನ್ನು ನೀಡಿದ ದಿನಾಂಕದಂದು ಅರ್ಜಿದಾರನಿಗೆ ಇರುವ ಸಾಲ ಅರ್ಹತೆಯ ವಿಸ್ತೃತಿಯನ್ನು ಮತ್ತು ಯಾವ ಸ್ವತ್ತುಗಳ ಸಂಬಂಧದಲ್ಲಿ ಅರ್ಜಿದಾರನು ಹಕ್ಕು ಹೊಂದಿರುವನೋ ಆ ಸ್ವತ್ತುಗಳನ್ನು ಮತ್ತು ಅಂಥ ಯಾವುದೇ ಸ್ವತ್ತುಗಳ ಸಂಬಂಧದಲ್ಲಿ ಅವನಿಗೆ ಪೂರ್ಣಾಧಾರವೇನಾದರೂ ಇದ್ದರೆ, ಅದರ ವಿಸ್ತೃತಿಯನ್ನು, ಅದರಲ್ಲಿ ಸೂಚಿಸಿ ಅರ್ಜಿದಾರನಿಗೆ ಪಾಸ್ ಪುಸ್ತಕವನ್ನು ನೀಡಬಹುದು.

(5) (4) ನೇ ಉಪವೃತ್ತರಣದ ಅಡಿಯಲ್ಲಿ ಕಂದಾಯ ಅಧಿಕಾರಿಯು, ತಾನು ನೀಡಿದ ಪಾಸ್ ಪುಸ್ತಕದ ಒಂದು ಪ್ರತಿಯನ್ನು ತಾನು ಇರಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು ಮತ್ತು ಅದರ ಒಂದು ಯಥಾಪ್ರತಿಯನ್ನು ಪಾಸ್ ಪುಸ್ತಕದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಸ್ವತ್ತುಗಳು ಇರುವ ಪ್ರವೇಶದ ಅಧಿಕಾರವ್ಯಾಪ್ತಿಯನ್ನು ಹೊಂದಿರುವ ಸ್ಥಳೀಯ ಪರಿಮಿತಿಗಳ ಸಬ್ ರಿಜಿಸ್ಟ್ರಾರನಿಗೆ ಕಳುಹಿಸತಕ್ಕದ್ದು, ಮತ್ತು ಸಬ್ ರಿಜಿಸ್ಟ್ರಾರನು ಪಾಸ್ ಪುಸ್ತಕದ ಪ್ರತಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ಮೇಲೆ ಅದನ್ನು ತನ್ನ ದಾಖಲೆಗಳಲ್ಲಿ ಇರಿಸತಕ್ಕದ್ದು.

(6) ತಾನು ನೀಡಿದ ಪಾಸ್ ಪುಸ್ತಕವು ಕಳೆದು ಹೋಗಿದ ಅಥವಾ ಹಾಳಾಗಿದೆ ಎಂಬ ಬಗ್ಗೆ ಕಂದಾಯ ಅಧಿಕಾರಿಗೆ ಮನದಟ್ಟಾದರೆ, ನಿಯಮಿಸಬಹುದಾದಂಥ ತುಲ್ಯವನ್ನು ಸಂದಾಯ ಮಾಡಿದಮೇಲೆ ಅವನು ಪಾಸ್ ಪುಸ್ತಕದ ನಕಲು ಪ್ರತಿಯನ್ನು ನೀಡಬಹುದು.

(7) ಕಂದಾಯ ಅಧಿಕಾರಿಯು ನೀಡಿದ ಪಾಸ್ ಪುಸ್ತಕದಲ್ಲಿ ಅವನು ಮಾಡಿದ ಪ್ರತಿಯೊಂದು ನಮೂದು ಸರಿಯಾಗಿರುತ್ತದೆ ಎಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

(8) ಪಾಸ್ ಪುಸ್ತಕದಲ್ಲಿನ ನಮೂದುಗಳು, ಭೂಮಿಯ ಅಥವಾ ಭೂಮಿಯ ಸಂಬಂಧದಲ್ಲಿ ಇರುವ ಇತರ ಹಿತಾಸಕ್ತಿಯ ಅಥವಾ ಅದರಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಬೆಳೆಗಳ ಸಂಬಂಧದಲ್ಲಿ ಧಾರಕನಿಗೆ ಇರುವ ಹಕ್ಕಿನ ಮೇಲಿನೋಟದ ಸಾಕ್ಷಿಯಾಗಿರತಕ್ಕದ್ದು

ಮತ್ತು ವಾಸ್ ಪುಸ್ತಕದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಸ್ಥಳಗಳ ಭದ್ರತೆಯ ಮೇಲೆ ಅಥವಾ ಅದಿಲ್ಲದೆಯೇ ವಾಸ್ ಪುಸ್ತಕ ಧಾರಕನಿಗೆ ಹಣಕಾಸಿನ ನೆರವನ್ನು ನೀಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಂತೆಯೇ ಅಂಗೀಕರಿಸತಕ್ಕದು.

(9) ಕಂದಾಯ ಅಧಿಕಾರಿಯು, ಕಂದಾಯ ದಾಖಲೆಗಳಲ್ಲಿ ನಮೂದಿಸಿದ ಅಥವಾ ನಮೂದಿಸಬೇಕಾದ ಪರಿವರ್ತನೆ ಅಥವಾ ಮಾರ್ಗವರ್ತಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ನಮೂದುಗಳನ್ನು ಘಾಡಲು ವಾಸ್ ಪುಸ್ತಕಧಾರಕನು ಅದನ್ನು ತನ್ನ ಮುಂದೆ ಹಾಜರುಪಡಿಸುವಂತೆ ಆಗಿಂದಾಗ್ಗೆ ಅಗತ್ಯಪಡಿಸಬಹುದು.

3. ವಾಸ್ ಪುಸ್ತಕಗಳ ಮೇಲೆ ಅನುಲೇಖಗಳು.—ವಾಸ್ ಪುಸ್ತಕ ಧಾರಕನಿಗೆ ಯಾವುದೇ ಹಣಕಾಸಿನ ನೆರವು ನೀಡುವ ಬ್ಯಾಂಕು, ಅಂಥ ಹಣಕಾಸು ನೆರವಿನ ಮೊತ್ತವನ್ನು ಸೂಚಿಸಿ ವಾಸ್ ಪುಸ್ತಕದ ಮೇಲೆ ಅನುಲೇಖವನ್ನು ಮಾಡತಕ್ಕುದು ಮತ್ತು ಯಾವುದೇ ಸ್ವತ್ತಿನ ಭದ್ರತೆಯ ಮೇಲೆ ಅಂಥ ಹಣಕಾಸಿನ ನೆರವನ್ನು ನೀಡಿದ್ದರೆ, ಯಾವ ಸ್ವತ್ತಿನ ಭದ್ರತೆಯ ಮೇಲೆ ಹಣಕಾಸಿನ ನೆರವನ್ನು ನೀಡಲಾಗಿದೆಯೋ ಆ ಸ್ವತ್ತಿನ ಮುಂದೆ ಸಹ ಅನುಲೇಖವನ್ನು ಮಾಡತಕ್ಕುದು ಮತ್ತು ಹಾಗೆ ಮಾಡಲಾದ ಅನುಲೇಖವು ಯಾವ ಸ್ವತ್ತಿನ ಮುಂದೆ ಹಾಗೆ ಅನುಲೇಖವನ್ನು ಮಾಡಲಾಗಿದೆಯೋ ಆ ಸ್ವತ್ತಿನ ಮೇಲೆ ಬ್ಯಾಂಕಿನ ವಕೀಲನಿಗೆ ಹೊಣೆಯನ್ನು ಸೃಜಿಸುವ ಪರಿಣಾಮವನ್ನು ಹೊಂದಿರತಕ್ಕುದು. ಬ್ಯಾಂಕು ನೀಡಿರುವ ಹಣಕಾಸು ನೆರವಿನ ಒಟ್ಟು ಮೊತ್ತವನ್ನು ಬಾಕಿ ಇರುವ ಬಡ್ಡಿ ಸಹಿತವಾಗಿ ಮರುಪಾವತಿ ಮಾಡುವವರೆಗೆ ಸದರಿ ಸ್ವತ್ತನ್ನು ಪರಿಭಾರ ಮಾಡುವುದಕ್ಕೆ ವಾಸ್ ಪುಸ್ತಕಧಾರಕನು ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರತಕ್ಕುದು.

(2) (1)ನೇ ಉಪ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳ ಅಡಿಯಲ್ಲಿ ಮಾಡಿದ ಪ್ರತಿ ಯೊಂದು ಅನುಲೇಖದ ಒಂದು ಪ್ರತಿಯನ್ನು ಬ್ಯಾಂಕು, ಕಂದಾಯ ಅಧಿಕಾರಿಗೆ ಮತ್ತು ಇನ್ನೊಂದು ಪ್ರತಿಯನ್ನು ಸದರಿ ಸ್ವತ್ತಿನ ಪೂರ್ಣ ಅಥವಾ ಯಾವುದೇ ಭಾಗವು, ಯಾವ ಸರ್ವೆಂಜಿನ್ಯಾರ್ಷ್ವ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯ ಸ್ಥಳೀಯ ಪರಿಮಿತಿಯೊಳಗಿದೆಯೋ ಆ ಸರ್ವೆಂಜಿನ್ಯಾರ್ಷ್ವಿಗೆ ಕಳುಹಿಸತಕ್ಕುದು ಮತ್ತು ಅಂಥ ಅನುಲೇಖದ ಪ್ರತಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ಮೇಲೆ,—

- (ಎ) ಕಂದಾಯ ಅಧಿಕಾರಿಯು, ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಅಧಿನಿಯಮ, 1964 (ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1964 ರ 12)ರ ಅಡಿಯಲ್ಲಿ ತಾನು ಇದೆಬೇಕಾದ ಹಕ್ಕುಗಳ ದಾಖಲೆಯ ಪುಸ್ತಕದಲ್ಲಿ ಅವಶ್ಯವಿರುವ ನಮೂದುಗಳನ್ನು ಮಾಡತಕ್ಕುದು; ಮತ್ತು
- (ಬಿ) ಸರ್ವೆಂಜಿನ್ಯಾರನು 4ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಅಂಥ ಅನುಲೇಖವನ್ನು ತನ್ನಿಗೆ ಕಳುಹಿಸಿದ ವಾಸ್ ಪುಸ್ತಕದ ಪ್ರತಿಯ ಮೇಲೆ ಇಡತಕ್ಕುದು ಅಥವಾ ಇಡುವಂತೆ ಮಾಡತಕ್ಕುದು.

(3) ಸದರಿ ಅನುಲೇಖದ ಪ್ರತಿ, ದಾಖಲೆಗಳ ಮೇಲೆ ಇಂಪ್ರಿಂಟಿನಿಂದ ಇಟ್ಟು ಎಂಜಿ ಅನುಲೇಖದ ಮನದಟ್ಟುಕೊಡಿಕೊಳ್ಳುವುದನ್ನು ಸಾಧ್ಯವಾಗದಂತೆ ಮತ್ತು ಹಾಗೆ ಇಂಪ್ರಿಂಟಿನಿಂದ ಸಂರಕ್ಷಣೆಯಲ್ಲಿ 4 ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಕಳಿಸಲಾದ ಪಾಸ್ ಪುಸ್ತಕದಲ್ಲಿ ಸದರಿ ಅನುಲೇಖಗಳನ್ನು ಪ್ರತಿಲೇಖ ಮಾಡಿಸಲು ಪಾಸ್ ಪುಸ್ತಕ ಧಾರಕನು ಪಾಸ್ ಪುಸ್ತಕದ ಮೇಲೆ ಬ್ಯಾಂಕು ಮಾಡಿದಂಥ ಅನುಲೇಖವನ್ನು ಸಬ್‌ರಿಜಿಸ್ಟ್ರಾರ್‌ನ ಮುಂದೆ ಹಾಜರು ಸಹ ಮಾಡಬಹುದು.

6. ಪಾಸ್ ಪುಸ್ತಕವನ್ನು ಹಾಜರುಪಡಿಸಿದ ಹೊರತು ವರ್ಗಾವಣೆಗಳನ್ನು ನೋಂದಾಯಿಸಬಾರದು.- (1) ಪಾಸ್ ಪುಸ್ತಕದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಯಾವುದೇ ಭೂಮಿ ಅಥವಾ ಅಂಥ ಭೂಮಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಹಿತಾಸಕ್ತಿ ಅಥವಾ ಅದರ ಮೇಲೆ ನಿಂತಿರುವ ಯಾವುದೇ ಬೆಳೆಯ ಸಂಬಂಧದಲ್ಲಿ ಪಾಸ್ ಪುಸ್ತಕಧಾರಕನು ಮಾಡಿದ ವರ್ಗಾವಣೆಯನ್ನು ತನ್ನ ಮುಂದೆ ಪಾಸ್ ಪುಸ್ತಕವನ್ನು ಹಾಜರುಮಾಡಿದ ಹೊರತು ಸಬ್‌ರಿಜಿಸ್ಟ್ರಾರನು ನೋಂದಣಿ ಮಾಡತಕ್ಕದ್ದಲ್ಲ ಮತ್ತು ಪಾಸ್ ಪುಸ್ತಕವನ್ನು ಹಾಜರು ಮಾಡಿದ ಮೇಲೆ ಅವನು ತಾನು ನೋಂದಣಿ ಮಾಡಿದ ವರ್ಗಾವಣೆಯ ವಿವರಗಳನ್ನು ಸೂಚಿಸುವಂಥ ಅನುಲೇಖವನ್ನು ಅದರ ಮೇಲೆ ಮಾಡತಕ್ಕದ್ದು.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಉಪಬಂಧಗಳನ್ನು ಪಾಲಿಸದೆ ಪಾಸ್ ಪುಸ್ತಕ ಧಾರಕನು ಮಾಡಿದ ಯಾವುದೇ ವರ್ಗಾವಣೆಯು ಶೂನ್ಯವಾಗತಕ್ಕದ್ದು ಮತ್ತು ಯಾವುದೇ ಹಕ್ಕನ್ನು ದರ್ಜಾಯಿಸತಕ್ಕದ್ದಲ್ಲ.

7. ಹೊಣೆಗಳನ್ನು ಸೃಷ್ಟಿಸುವಲ್ಲಿ ಇರುವ ಅಸಾಮರ್ಥ್ಯದ ತೆಗೆದು ಹಾಕುವಿಕೆ.- ಯಾವುದೇ ಭೂಮಿಯ ಅಥವಾ ಅದರಲ್ಲಿರುವ ಹಿತಾಸಕ್ತಿಯ ಅಥವಾ ಅದರ ಮೇಲೆ ನಿಂತ ಬೆಳೆಗಳ ಮೇಲೆ ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭಕ್ಕೆ ಮೊದಲು ಒಂದು ಸಹಕಾರಿ ಸಂಘದ ಪರವಾಗಿ ಯಾವುದೇ ಹೊಣೆಯನ್ನು ಸೃಷ್ಟಿಸಿದ್ದಲ್ಲಿ, ಒಬ್ಬ ಕೃಷಕನಿಗೆ ಅಂಥ ಪ್ರಾರಂಭದ ತರುವಾಯ, ಕೃಷಕನಿಗೆ ಬ್ಯಾಂಕ್ ನೀಡಿದ ಯಾವುದೇ ಹಣಕಾಸಿನ ನೆರವಿಗೆ ಭದ್ರತೆಯಾಗಿ ಬ್ಯಾಂಕಿನ ಪರವಾಗಿ ಅಂಥ ಭೂಮಿ ಅಥವಾ ಅದರ ಮೇಲಿನ ಹಿತಾಸಕ್ತಿ ಅಥವಾ ಅದರ ಮೇಲೆ ನಿಂತ ಬೆಳೆಗಳ ಮೇಲೆ ಒಂದು ಅನುವರ್ತಿ ಹೊಣೆಯನ್ನು ಸೃಷ್ಟಿಸುವುದು ಕಾನೂನು ಸಮ್ಮತವಾಗಿರತಕ್ಕದ್ದು.

8. ಹೊಣೆಗಾರಿಕೆಯ ಆದ್ಯತೆಗಳು.- ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ತರುವಾಯದಲ್ಲಿ ಸರ್ಕಾರದ ಅಥವಾ ಸಹಕಾರಿ ಸಂಘದ ಪರವಾಗಿ ಯಾವುದೇ ಭೂಮಿ ಅಥವಾ ಹಿತಾಸಕ್ತಿ ಅಥವಾ ಅದರ ಮೇಲೆ ನಿಂತ ಬೆಳೆಗಳ ಮೇಲೆ ಸೃಷ್ಟಿಸಿದ ಯಾವುದೇ

ಹೊಣೆ ಅಥವಾ ಅಡಮಾನಕ್ಕೆ ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ತರುವಾಯ ಮತ್ತು ಸರ್ಕಾರ ಅಥವಾ ಸಹಕಾರಿ ಸಂಘದ ಪರವಾಗಿರುವ ಹೊಣೆ ಅಥವಾ ಅಡಮಾನಕ್ಕೆ ಮುಂಚೆ ಬ್ಯಾಂಕು ಕೃಷಿಕನಿಗೆ ನೀಡಿದ ಹಣಕಾಸಿನ ನೆರವಿಗೆ ಭದ್ರತೆಯಾಗಿ ಬ್ಯಾಂಕಿನ ಪರವಾಗಿ ಕೃಷಿಕನು ಅಂಥ ಭೂಮಿ ಅಥವಾ ಹಿತಾಸಕ್ತಿಯಮೇಲೆ ಸೃಷ್ಟಿಸಿದ ಒಂದು ಹೊಣೆ ಅಥವಾ ಅಡಮಾನದ ಮೇಲೆ ಅದ್ವಿತೀಯ ಇರತಕ್ಕುದಲ್ಲ.

ಅಧ್ಯಾಯ— III

ಸಂಕೀರ್ಣ

9. ಸದ್ಯಾವನೆಯಿಂದ ಕೈಕೊಂಡ ಕ್ರಮದ ರಜ್ಜನೆ.— ಈ ಅಧಿನಿಯಮದ ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ಯಾವುದೇ ನಿಯಮದ ಅನುಸರಣೆಯಲ್ಲಿ ಸದ್ಯಾವನೆಯಿಂದ ಮಾಡಿದ ಅಥವಾ ಮಾಡಲು ಉದ್ದೇಶಿಸಿದ ಯಾವುದೇ ಕೃತ್ಯದ ಸಲುವಾಗಿ ಸರ್ಕಾರ ಅಥವಾ ಯಾವುದೇ ಅಧಿಕಾರಿ ಅಥವಾ ಪ್ರಾಧಿಕಾರಿಯ ವಿರುದ್ಧ ದಾವೆ ಅಥವಾ ಇತರ ಕಾನೂನು ವ್ಯವಹಾರಗಳಿಗೆ ಇರತಕ್ಕುದಲ್ಲ.

10. ನಿಯಮಗಳ ರಚನಾಧಿಕಾರ.— (1) ರಾಜ್ಯ ಸರ್ಕಾರವು ಪೂರ್ವ ಪ್ರಕಟಣೆಯ ತರುವಾಯ, ಸರ್ಕಾರಿ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ನೆರವೇರಿಸುವುದಕ್ಕಾಗಿ ನಿಯಮಗಳನ್ನು ರಚಿಸಬಹುದು.

(2) ವಿಶೇಷವಾಗಿ ಮತ್ತು ಮೇಲೆ ಹೇಳಿದ ಅಧಿಕಾರದ ಸಾಮಾನ್ಯತೆಗೆ ಪ್ರತಿರೋಧ ವಾಗದಂತೆ ಅಂಥ ನಿಯಮಗಳು ಈ ಕೆಳಕಂಡ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ವಿಷಯಗಳ ಸಲುವಾಗಿ ಉಪಬಂಧ ಕಲ್ಪಿಸಬಹುದು, ಎಂದರೆ:—

(ಎ) 4ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೀಡಬಹುದಾದ ಪಾಸ್ ಪತ್ರಗಳ ನಮೂನೆ;

(ಬಿ) 4ನೇ ಪ್ರಕರಣದ (2)ನೇ ಉಪಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಅರ್ಜಿಗಾಗಿ ಬಳಸಬೇಕಾದ ನಮೂನೆ ಮತ್ತು ಅದರ ಶುಲ್ಕ;

(ಸಿ) 4ನೇ ಪ್ರಕರಣದ (4)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಕಂದಾಯ ಅಧಿಕಾರಿ ವಿಚಾರಣೆಯನ್ನು ಮಾಡಬಹುದಾದ ಅಥವಾ ಮಾಡುವಂತೆ ಮಾಡುವ ರೀತಿ;

(ಡಿ) 4ನೇ ಪ್ರಕರಣದ (6) ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನಕಲು ಪಾಸ್ ಪತ್ರಕ್ಕೆ ಸಂದಾಯ ಮಾಡಲು ಅಗತ್ಯಪಡಿಸಲಾದ ಶುಲ್ಕಗಳು; ಮತ್ತು

(೨) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ನಿಯಮಿಸಬಹುದಾದ ಅಥವಾ ನಿಯಮಿಸಬಹುದಾದ ಇತರ ಯಾವುದೇ ವಿಷಯ.

(3) ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ರಚಿಸಿದ ಪ್ರತಿಯೊಂದು ನಿಯಮವನ್ನು, ಅದನ್ನು ರಚಿಸಿದ ಮೇಲೆ ಎಷ್ಟು ಬೇಗನೆ ಸಾಧ್ಯವೋ ಅಷ್ಟು ಬೇಗನೆ, ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದ ಪ್ರತಿಯೊಂದು ಸದನದ ಮುಂದೆ, ಅದು ಒಂದೇ ಅಧಿವೇಶನದಲ್ಲಿ ಅಥವಾ ಒಂದಾದಮೇಲೊಂದು ಬರುವ ಎರಡು ಅಥವಾ ಹೆಚ್ಚು ಅಧಿವೇಶನಗಳಲ್ಲಿ ಅಡಕವಾಗಿ ಬಹುದಾದ ಒಟ್ಟು ಮೂವತ್ತು ದಿನಗಳ ಅವಧಿಯವರೆಗೆ ಅಧಿವೇಶನದಲ್ಲಿರುವಾಗ ಇರಿಸತಕ್ಕದ್ದು ಮತ್ತು ಹಿಂದೆ ಹೇಳಿದ, ಅಧಿವೇಶನದ ಅಥವಾ ಒಂದಾದಮೇಲೊಂದು ಬರುವ ಅಧಿವೇಶನಗಳ, ನಿಕಟೋತ್ತರ ಅಧಿವೇಶನ ಮುಗಿಯುವುದಕ್ಕೂ ಮೊದಲು, ಆ ನಿಯಮದಲ್ಲಿ ಯಾವುದೇ ಮಾರ್ಪಾಟು ಮಾಡಲು ಎರಡೂ ಸದನಗಳು ಒಪ್ಪಿದರೆ ಅಥವಾ ಆ ನಿಯಮವನ್ನು ಮಾಡಿಕೊಡದೇದು ಎರಡೂ ಸದನಗಳು ಒಪ್ಪಿದರೆ ಆ ನಿಯಮವು ರಾಜ್ಯಸರ್ಕಾರದ ಸರ್ಕಾರಿ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮಾರ್ಪಾಟನ್ನು ಅಥವಾ ರದ್ದಿಯಾತಿಯನ್ನು ಅಧಿಸೂಚನೆ ಮಾಡಿದ ದಿನಾಂಕದಿಂದ, ಸಂದರ್ಭಾನುಸಾರ, ಅಂಥ ಮಾರ್ಪಾಟು ಅದ ರೂಪದಲ್ಲಿ ಮಾತ್ರ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದು ಅಥವಾ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದಲ್ಲ, ಆದರೆ, ಅಂಥ ಮಾರ್ಪಾಟು ಅಥವಾ ರದ್ದಿಯಾತಿ ಆ ನಿಯಮದ ಅಡಿಯಲ್ಲಿ, ಹಿಂದೆ ಮಾಡಿದ ಯಾವುದೇ ಕಾರ್ಯದ ಉರ್ದೇಶಕ್ಕೆಗೆ ಪ್ರತಿಕೂಲವಾಗಿ ಇರತಕ್ಕದ್ದಲ್ಲ.

KARNATAKA ACT No.3 OF 1986

**THE KARNATAKA ZILLA PARISHADS, TALUK
PANCHAYAT SAMITHIS, MANDAL PANCHAYATS
AND NYAYA PANCHAYATS (AMENDMENT) ACT,
1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 4
3. Amendment of section 5
4. Amendment of section 128
5. Amendment of section 129
6. Amendment of section 140
7. Amendment of section 141
8. Amendment of section 148
9. Amendment of section 182
10. Repeal and savings

KARNATAKA ACT No.3 OF 1986

(First published in the Karnataka Gazette Extraordinary on the sixth day of March, 1986)

**THE KARNATAKA ZILLA PARISHADS, TALUK
PANCHAYAT SAMITHIS, MANDAL
PANCHAYATS AND NYAYA PANCHAYATS
(AMENDMENT) ACT, 1986**

(Received the assent of the Governor on the sixth day of March, 1986)

An Act to amend the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983.

Whereas it is expedient further to amend the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 (Karnataka Act 20 of 1985) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats (amendment) Act, 1986.

(2) It shall be deemed to have come into force on the fourth day of October, 1985.

2. Amendment of section 4.- In section 4 of the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 (Karnataka Act 20 of 1985) (hereinafter referred to as the principal Act),-

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

"(1) Subject to the general or special orders of the Government, the Deputy Commissioner, if, in his opinion, it is expedient to declare any area comprising a village or group of villages having a population of not less than eight thousand and not more than twelve thousand to be a mandal, may, after previous publication, declare such area as a mandal for the purposes of this Act and also specify its headquarters:

Provided that the Government may by notification order that an area with a population of not less than four thousand may be so declared as a mandal in such areas of the districts of Belgaum, Chikmagalur, Dakshina Kannada, Dharwar, Hassan, Kodagu, Shimoga and Uttar Kannada as may be notified by the Government:

Provided further that irrespective of population, wherever it is found necessary, the Government, as a special case, may, by notification, order that an area within a radius of eight kilometres (diameter of sixteen kilometres) from the centre of a village may be so declared as a mandal in such areas of the districts of Belgaum, Chikkamagalur, Dakshina Kannada, Dharwar, Hassan, Kodagu, Shimoga and Uttara Kannada as may be notified by the Government:

Provided also that the Deputy Commissioner may, with the permission of the Government declare any area comprising a village or group of villages having a population of either less than eight thousand or more than twelve thousand to be a mandal.

Explanation.- For the purpose of this section and section 5, 'population' means the

population as ascertained at the last preceding census of which relevant figures have been published:

Provided that the reference in this explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as reference to the 1971 census."

(2) for sub-section (3), the following sub-section shall be substituted namely:-

"(3) The Commissioner may either on an application made within thirty days from the date of the notification by any person aggrieved by such notification, or suo moto, and after giving a reasonable opportunity of being heard, to the applicant or the mandals concerned revise the orders of the Deputy Commissioner under sub-section (1) or sub-section (2) and may also if he considers necessary, modify it as provided in the third proviso to sub-section (1). Every order so passed revising or modifying the order of the Deputy Commissioner shall be published in the Official Gazette."

3. Amendment of section 5.- In section 5 of the principal Act, in sub-section (1),-

(1) for the words "five hundred", the words "four hundred" shall be substituted;

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

"Provided further that, until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to redetermine the total number of seats in the mandal."

4. Amendment of section 128.- (1) In section 128 of the principal Act,-

(i) for sub-section (1), excluding items (a) to (j), the following sub-section shall be substituted, namely:-

"(1) Notwithstanding anything in this Act, or any other law for the time being in force, the Government may, after previous publication, by notification, direct that the local area constituting any municipality shall from such date as may be specified therein (hereinafter referred to as the specified date), be a mandal and in respect thereof, on and from such specified date, the following consequences shall ensue, namely:-";

((ii) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The provisions of sub-section (1) shall, mutatis mutandis, apply for the conversion of a local area within the jurisdiction of a Town Board, Sanitary Board or a Notified Area Committee into a mandal.".

5. Amendment of section 129.-To sub-section (1) of section 129 of the principal Act, the following provisos shall be inserted, namely:-

"Provided that where an interim Mandal Panchayat has been constituted to a mandal converted under section 128 prior to the date on which the first elections to the Mandal Panchayats are held under this Act, no election to constitute a new Mandal Panchayat for such mandal shall be held before the date on which the unexpired portion of the term of office of the councillors of the municipality or the members of the Town Board, Sanitary Board or Notified Area Committee, as the case may be, would have ended:

Provided further that nothing in the above proviso shall apply to a mandal, the

limits of which are altered by including within such limits any village or group of villages."

6. **Amendment of section 140.**- In section 140 of the principal Act,-

(1) for the words "thirty five thousand" and "fifteen thousand", the words "twenty eight thousand" and "twelve thousand" shall, respectively, be substituted;

(2) after the explanation, the following proviso shall be inserted, namely:-

"Provided that the reference in this explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census."

7. **Amendment of section 141.**- In section 141 of the principal Act, after the proviso, the following proviso shall be inserted, namely:-

"Provided further that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to redetermine the total number of elected members of a Zilla Parishad."

8. **Amendment of section 148.**- In section 148 of the principal Act, in clause (a) of sub-section (9) after the words, "first election", the words, "and for the purpose of any bye-election to fill the casual vacancy of any member elected in the first election" shall be inserted.

9. **Amendment of section 182.**- In sub-section (1) of section 182 of the principal Act in item VII, in clause (a), the words "medium and " shall be omitted.

10. **Repeal and savings.**-(1) The Karnataka Zilla Parishads, Taluk Panchayat Samithis

Mandal Panchayats and Nyaya Panchayats (Amendment) Ordinance, 1985 (Karnataka Ordinance 16 of 1985) and the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats (Second Amendment) Ordinance, 1985 (Karnataka Ordinance 19 of 1985) are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinances shall be deemed to have been done or taken under the principal Act as amended by this Act.

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 4

ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ ಅಧಿನಿಯಮ, 1986.

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ.

ಪ್ರಕರಣಗಳು:

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು
2. ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ 1985-86 ನೇ ಹಣಕಾಸು ವರ್ಷ
ಕ್ಯಾ. 201, 38, 16,000 ರೂಪಾಯಿಗಳ ನೀಡಿಕೆ
3. ಧನವಿನಿಯೋಗ
ಅನುಸೂಚಿ

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 4

(1986ರ ಮಾರ್ಚ್ 27ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ)

ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ ಅಧಿನಿಯಮ, 1986

(1986ರ ಮಾರ್ಚ್ 26ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಅನುಮತಿ ಪಡೆಯಲಾಗಿದೆ.)

1985-86ನೇ ಹಣಕಾಸು ವರ್ಷದ ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಕೆಲವು ಅಧಿಕ ಮೊತ್ತಗಳ ಸಂದಾಯ ಮತ್ತು ವಿನಿಯೋಗಕ್ಕಾಗಿ ಅಧಿಕಾರ ನೀಡಲು ಒಂದು ವಿಧೇಯಕ.

1985-86ನೇ ಹಣಕಾಸು ವರ್ಷದ ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಆ ವ್ಯಕ್ತಿಯಿಂದ ಕೆಲವು ಅಧಿಕ ಮೊತ್ತಗಳ ಸಂದಾಯ ಮತ್ತು ವಿನಿಯೋಗಕ್ಕಾಗಿ ಅಧಿಕಾರ ನೀಡುವುದು ಯುಕ್ತವಾಗಿರುತ್ತದೆ.

ಇದು ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೇಳನೆಯ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಕೆಳಕಂಡಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ,—

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು.—ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ ಅಧಿನಿಯಮ, 1986 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

2 ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ 1985-86ನೇ ಹಣಕಾಸು ವರ್ಷಕ್ಕಾಗಿ 201, 38, 16,000 ರೂಪಾಯಿಗಳ ನೀಡಿಕೆ.—ಅನುಸೂಚಿಯ 2ನೇ ಅಂಕಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಸೇವೆಗಳ ಸಂಬಂಧದಲ್ಲಿ, 1985-86ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಸಂದಾಯ ಮಾಡುವಾಗ ಒದಗಿಸುವ ಹಲವಾರು ಖರ್ಚುಗಳನ್ನು ವಹಿಸುವುದಕ್ಕಾಗಿ ಅನುಸೂಚಿಯ 5ನೇ ಅಂಕಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾಗಿದ್ದ ಮೊತ್ತದಲ್ಲಿ ಇನ್ನೂರ ಒಂದು ಕೋಟಿ ಮೂವತ್ತೆಂಟು ಲಕ್ಷದ ಹದಿನಾರು ಸಾವಿರ ರೂಪಾಯಿಗಳಿಗೆ ವಿಾರದಷ್ಟು ಮೊಬಲಗನ್ನು ಮಾತ್ರ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಸಂದಾಯ ಮಾಡತಕ್ಕದ್ದು ಮತ್ತು ಉಪಯೋಗಿಸತಕ್ಕದ್ದು.

3. ಧನವಿನಿಯೋಗ.—ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ, ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಸಂದಾಯ ಮಾಡಲು ಮತ್ತು ಉಪಯೋಗಿಸಲು ಅಧಿಕಾರ ನೀಡಲಾದ ಮೊತ್ತಗಳನ್ನು, ಸದರಿ ವರ್ಷಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅನುಸೂಚಿಯಲ್ಲಿ ತಿಳಿಸಲಾದ ಸೇವೆಗಳು ಮತ್ತು ಉದ್ದೇಶಗಳಿಗಾಗಿ ವಿನಿಯೋಗಿಸತಕ್ಕದ್ದು.

ಅನುಸೂಚಿ
(2 ಮತ್ತು 3 ನೇ ಪ್ರಕರಣಗಳನ್ನು ನೋಡಿ)

| ಬೇಡಿಕೆ ಸಂಖ್ಯೆ | ಸೇವೆಗಳು ಮತ್ತು ಉದ್ದೇಶಗಳು | ವಿಧಾನ ಸಭೆಯಿಂದ ಪ್ರರಸ್ಥಿತವಾದುದನ್ನು | | ಸಂಚಿತ ನಿಧಿಯಿಂದ ಪ್ರಭೃತವಾದುದನ್ನು | |
|------------------|--|-------------------------------------|-------------|-----------------------------------|-------------|
| | | ಮೀರದ ಮೊಬಲಗು | | ಬಟ್ಟು | |
| 1 | 2 | 3 | 4 | 5 | |
| 1 | ಭೂ ಮತ್ತು ಜಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಕೃಷಿ (ತೋಟಗಾರಿಕೆ ಮತ್ತು ಬರಗಾಲ ಪೀಡಿತ ಪ್ರದೇಶ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಹೊರತುಪಡಿಸಿ) | ರಾಜಸ್ವ | 2,83,25,000 | .... | 2,83,25,000 |
| | | ಬಂಡವಾಳ | 82,97,000 | .... | 82,97,000 |
| 2 | ತೋಟಗಾರಿಕೆ | ರಾಜಸ್ವ | 9,00,000 | .... | 9,00,000 |
| 3 | ಪಶು ಸಂಗೋಪನೆ ಮತ್ತು ಹೈನು ಆಭಿವೃದ್ಧಿ | ರಾಜಸ್ವ | 2,25,00,000 | .... | 2,25,00,000 |
| 5 | ಉದ್ಯಮಗಳು (ಚಿಕ್ಕಪುಟ್ಟ ಉದ್ಯಮಗಳು ಮತ್ತು ರೇಷ್ಮೆ ವ್ಯವಸಾಯವನ್ನು ಹೊರತುಪಡಿಸಿ) | ರಾಜಸ್ವ | 2,84,000 | .... | 2,84,000 |
| | | ಬಂಡವಾಳ | 2,94,01,000 | .... | 2,94,01,000 |
| 6 | ಗಣಿ ಮತ್ತು ಭೂ ವಿಜ್ಞಾನ | ರಾಜಸ್ವ | 1,000 | .... | 1,000 |

| 1 | 2 | 3 | 4 | 5 | |
|------|---|------------------|----------------------------|----------------|----------------------------|
| 7 | ಚಿಕ್ಕ ಪುಟ್ಟ ಉದ್ಯಮಗಳು | ರಾಜಸ್ವ ಬಂಡವಾಳ | 62,00,000 42,46,000 | .... .... | 62,00,000 42,46,000 |
| 8 | ರೇಷ್ಮೆ ವ್ಯವಸಾಯ | ರಾಜಸ್ವ ಬಂಡವಾಳ | 5,48,00,000 4,50,00,000 | 30,000 | 5,48,30,000 4,50,00,000 |
| 10 | ಉಚ್ಚ ಶಿಕ್ಷಣ | ರಾಜಸ್ವ | 2,92,77,000 | .... | 2,92,77,000 |
| 11 | ಯುವಜನ ಸೇವೆಗಳು | ರಾಜಸ್ವ | 32,53,000 | .... | 32,53,000 |
| 12 | ಕಲೆ, ಸಂಸ್ಕೃತಿ ಮತ್ತು ಕನ್ನಡ ಅಭಿವೃದ್ಧಿ | ರಾಜಸ್ವ | 1,20,00,000 | .... | 1,20,00,000 |
| 13 | ಪ್ರಾಥಮಿಕ ಮತ್ತು ವಯಸ್ಕರ ಶಿಕ್ಷಣ | ರಾಜಸ್ವ | 40,010,00 | .... | 40,01,000. |
| 14 | ಪ್ರೌಢ ಶಿಕ್ಷಣ | ರಾಜಸ್ವ | 8,67,69,000 | .... | 8,67,69,000 |
| .... | ಬಡ್ಡಿ ಸಂದಾಯಗಳು | ರಾಜಸ್ವ | .... | 1,000 | 1,000 |
| .... | ಆಂತರಿಕ ಋಣ, ಕೇಂದ್ರ ಸರ್ಕಾರದಿಂದ ಸಾಲ ಮತ್ತು ಆಂತರ ರಾಜ್ಯ ತೀರಿಕೆ. | ಬಂಡವಾಳ | .... | 2,000 | 2,000 |
| 15 | ವರಮಾನ ತೆರಿಗೆ, ವ್ಯಕ್ತಿ, ಮೂರಾಟ ಮತ್ತು ಇತರ ಸೇವೆಗಳು | ರಾಜಸ್ವ | 1,000 | .... | 1,000 |
| 17 | ವಿಶ್ರಾಂತಿ ವೇತನ ಮತ್ತು ಇತರ ನಿವೃತ್ತಿ ಸೌಲಭ್ಯಗಳು | ರಾಜಸ್ವ | 4,81,00,000 | .... | 4,81,00,000 |
| 19 | ಸಣ್ಣ ಉಳಿತಾಯ | ರಾಜಸ್ವ | 20,25,000 | .... | 20,25,000 |
| 20 | ವಿವಿಧ ಸಾಮಾನ್ಯ ಸೇವೆಗಳು | ರಾಜಸ್ವ | 11,51,000 | .... | 11,51,000 |

| 1 | 2 | 3 | 4 | 5 | |
|----|--|------------------|----------------------------|---------------------|----------------------------|
| 21 | ಆಹಾರ ಮತ್ತು ನಿತ್ಯೋಪಯೋಗಿ ಸಾಮಗ್ರಿಗಳ ಸರಬರಾಜು | ರಾಜಸ್ವ ಬಂಡವಾಳ | 86,00,000 2,33,00,000 | .... .... | 86,00,000 2,33,00,000 |
| 22 | ಅರಣ್ಯ | ರಾಜಸ್ವ | 20,53,000 | .... | 20,53,000 |
| 24 | ವಾಹನಗಳ ಚಾಲನೆ ತೆರಿಗೆಗಳು | ರಾಜಸ್ವ | 11,81,000 | .... | 11,81,000 |
| 25 | ಪೋಲೀಸು ಮತ್ತು ಅಗ್ನಿಶಾಮಕ ಸೇವೆಗಳು | ರಾಜಸ್ವ | 40,00,000 | .... | 40,00,000 |
| 27 | ಪ್ರವಾಸೋದ್ಯಮ, ವಾರ್ತಾ ಮತ್ತು ಪ್ರಚಾರ | ರಾಜಸ್ವ | 7,12,000 | .... | 7,12,000 |
| 29 | ವೈದ್ಯಕೀಯ ಸೇವೆಗಳು ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ | ರಾಜಸ್ವ | 1,35,00,000 | .... | 1,35,00,000 |
| 30 | ಜನಾರೋಗ್ಯ | ರಾಜಸ್ವ | 5,62,16,000 | .... | 5,62,16,000 |
| 32 | ನಗರಾಭಿವೃದ್ಧಿ ಇತ್ಯಾದಿ | ರಾಜಸ್ವ | 4,10,00,000 | .... | 4,10,00,000 |
| 34 | ಸಣ್ಣ ನೀರಾವರಿ | ರಾಜಸ್ವ ಬಂಡವಾಳ | 3,63,96,000 1,55,00,000 | 13,000 35,56,000 | 3,64,09,000 1,90,56,000 |
| 35 | ನೀರಾವರಿ, ಜಲಸಂಚಾರಿ, ಒಳಚರಂಡಿ ವ್ಯವಸ್ಥೆ ಮತ್ತು ಪ್ರವಾಹ ನಿಯಂತ್ರಣ ಯೋಜನೆಗಳು | ರಾಜಸ್ವ ಬಂಡವಾಳ | 65,00,000 12,25,10,000 | 1,95,70,000 | 65,00,000 14,20,80,000 |
| 36 | ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲ | ರಾಜಸ್ವ | 43,59,000 | .... | 43,59,000 |
| 37 | ನ್ಯಾಯಾಡಳಿತ | ರಾಜಸ್ವ | 25,69,000 | .... | 25,69,000 |
| 38 | ಚುನಾವಣೆಗಳು | ರಾಜಸ್ವ | 22,50,000 | .... | 22,50,000 |

| 1 | 2 | 3 | 4 | 5 | |
|----|--|--------|--------------|-----------|--------------|
| 39 | ರಾಜ್ಯಪಾಲರು, ಸಚಿವರು ಮತ್ತು ಲೋಕಸೇವಾಆಯೋಗ | ರಾಜಸ್ವ | 6,00,000 | 2,60,000 | 8,60,000 |
| 40 | ಸಚಿವಾಲಯ | ರಾಜಸ್ವ | 6,00,000 | .... | 6,00,000 |
| 41 | ಜಿಲ್ಲಾಡಳಿತ | ರಾಜಸ್ವ | 10,00,000 | .... | 10,00,000 |
| 42 | ಮುಖ್ಯ ಮಂತ್ರಿಗಳ ವಿವಿಧ ಅಭಿಯಾನಚಿನ್ | ರಾಜಸ್ವ | 11,75,000 | 5,00,000 | 16,75,000 |
| 44 | ಲೋಕೋಪಯೋಗಿ ಕಾಮಗಾರಿಗಳು (ನಿರ್ಮಾಣವನ್ನು ಹೊರತುಪಡಿಸಿ) | ರಾಜಸ್ವ | 22,00,01,000 | .... | 22,00,01,000 |
| 45 | ಕಟ್ಟಡಗಳು | ರಾಜಸ್ವ | 3,000 | 9,52,000 | 9,55,000 |
| | | ಬಂಡವಾಳ | 8,000 | 62,000 | 70,000 |
| 46 | ರಸ್ತೆಗಳು ಮತ್ತು ಸೇತುವೆಗಳು | ರಾಜಸ್ವ | 1,60,78,000 | .... | 1,60,78,000 |
| | | ಬಂಡವಾಳ | 36,03,000 | 44,000 | 36,47,000 |
| 48 | ವಿದ್ಯುತ್ ಯೋಜನೆಗಳು | ರಾಜಸ್ವ | 25,00,000 | .... | 25,00,000 |
| 49 | ಭೂ ಕಂದಾಯ, ಇತ್ಯಾದಿ | ರಾಜಸ್ವ | 32,28,000 | 25,03,000 | 57,31,000 |
| 51 | ನೈಸರ್ಗಿಕ ವಿಕೋಪಗಳ ಬಗ್ಗೆ ಪರಿಹಾರ | ರಾಜಸ್ವ | 4,05,00,000 | .... | 4,05,00,000 |
| 55 | ಸಹಕಾರ (ಕ್ರಮವಡಿಸಿದ ಮೂರುಕಟ್ಟಿ ಗಳನ್ನು ಹೊರತುಪಡಿಸಿ) | ರಾಜಸ್ವ | 8,01,000 | .... | 8,01,000 |
| | | ಬಂಡವಾಳ | 1,36,86,000 | .... | 1,36,86,000 |
| 57 | ಗ್ರಾಮೀಣ ನೀರು ಸರಬರಾಜು ಮತ್ತು ನೈರ್ಮಲ್ಯ ವ್ಯವಸ್ಥೆ ಆದಾಯ | ರಾಜಸ್ವ | 17,58,00,000 | 83,000 | 17,58,83,000 |

6

| 1 | 2 | | 3 | 4 | 5 |
|----|--|--------|---------------|-------------|---------------|
| 58 | ಸಮುದಾಯ ಅಭಿವೃದ್ಧಿ | ರಾಜಸ್ವ | 56,10,000. | .... | 56,10,000 |
| 59 | ಗ್ರಾಮಾಂತರ ಸಂಘಟನಾ ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ | ರಾಜಸ್ವ | 88,00,000 | .... | 88,00,000 |
| 60 | ಗ್ರಾಮೀಣ ಉದ್ಯೋಗ ಯೋಜನೆಗಳು | ರಾಜಸ್ವ | 61,80,00,000 | .... | 61,80,00,000 |
| 61 | ಕಾರ್ಮಿಕ ಮತ್ತು ಉದ್ಯೋಗ | ರಾಜಸ್ವ | 3,30,00,000 | .... | 3,30,00,000 |
| 62 | ಹರಿಜನ, ಗಿರಿಜನ ಮತ್ತು ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಕಲ್ಯಾಣ | ರಾಜಸ್ವ | 1,75,70,000 | .... | 1,75,70,000 |
| | | ಬಂಡವಾಳ | 1,00,00,000 | .... | 1,00,00,000 |
| 64 | ಸವಕಾಜ ಕಲ್ಯಾಣ | ರಾಜಸ್ವ | 8,65,00,000 | .... | 8,65,00,000 |
| | ಒಟ್ಟು ಜುಮ್ಮಾ | | 198,62,40,000 | 2,75,76,000 | 201,38,16,000 |

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 5

ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ (ಸಂಖ್ಯೆ 2) ಅಧಿನಿಯಮ, 1986

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ

ಪ್ರಕರಣಗಳು:

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು
2. ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯೊಳಗಿಂದ 1981-82 ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಹೆಚ್ಚಿಗೆಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ತುಂಬುವುದಕ್ಕಾಗಿ 73, 66, 55, 284 ರೂ.ವಾಯಿಗಳ ನೀಡಿಕೆ
3. ಧನವಿನಿಯೋಗ
ಅನುಸೂಚಿ

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 5

(1986ರ ಮಾರ್ಚ್ 27ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ
ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ.)

ಕರ್ನಾಟಕ ಧನ ವಿನಿಯೋಗ (ಸಂಖ್ಯೆ 2) ಅಧಿನಿಯಮ, 1986.

(1986ರ ಮಾರ್ಚ್ 26ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಅನುಮತಿ ಪಡೆಯಲಾಗಿದೆ.)

1981-82ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಕೆಲವು ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಆವರೋಗದ ಮಂಜೂರುಮಾಡಿದ ಮೊಬಲಗಿಗೆ ಹೆಚ್ಚಿಗೆ ಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ಕ್ರಮಗೊಳಿಸಲು ಅಧೀಕರ ನೀಡಲು ಒಂದು ಅಧಿನಿಯಮ.

1981-82ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಕೆಲವು ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಆವರೋಗದ ಮಂಜೂರು ಮಾಡಿದ ಮೊಬಲಗಿಗೆ ಹೆಚ್ಚಿಗೆ ಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ಕ್ರಮಗೊಳಿಸುವುದಕ್ಕಾಗಿ ಅಧಿಕಾರ ನೀಡುವುದು ಯುಕ್ತ ವಾಗಿರುವುದರಿಂದ,

ಇದು ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೇಳನೆಯ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯವೆ ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಕೆಳಕಂಡಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ:-

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು.—ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಧನ ವಿನಿಯೋಗ ಅಧಿ ನಿಯಮ, 1986 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

2. ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯೊಳಗಿಂದ 1981-82ನೇ ಹಣಕಾ ಸು ವರ್ಷದಲ್ಲಿ ಹೆಚ್ಚಿಗೆ ಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ತುಂಬುವುದಕ್ಕಾಗಿ 73,66, 55,284 ರೂಪಾಯಿಗಳ ನೀಡಿಕೆ.—ಅನುಸೂಚಿಯ 2ನೇ ಅಂಕಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿ ರಾದ ಸೇವೆಗಳ ಸಂಬಂಧದಲ್ಲಿ 1981-82ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಮಂಜೂರು ಮಾಡಿದ ಮೊಬಲಗಿಗೆ ಹೆಚ್ಚಿಗೆ ಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ಕ್ರಮಗೊಳಿಸುವುದಕ್ಕಾಗಿ ಅನುಸೂಚಿಯ 5ನೇ ಅಂಕಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾಗಿರುವ ಎಪ್ಪತ್ತಮೂರು ಕೋಟಿ ಆರವತ್ತಾರು ಲಕ್ಷ ಐವತ್ತೈದುದು ಸಾವಿರದ ಎರವನೂರ ಎಂಬತ್ತನಾಲ್ಕು ರೂಪಾಯಿಗಳ ಮೊಬಲಗನ್ನು ಮಾತ್ರ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಆವರೋಗದಿಂದ ಸಂದಾಯವಾಗಿ ಉಪಯೋ ಗಿಸಲಾಗಿದೆ ಎಂದು ಧಾವಿಸತಕ್ಕದ್ದು.

3. ಧನ ವಿನಿಯೋಗ.—ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಆವರೋಗದಿಂದ ಸಂದಾಯ ಮಾಡಲು ಮತ್ತು ಉಪಯೋಗಿಸಲು ಅಧಿಕಾರ ನೀಡಲಾದ ಮೊತ್ತಗಳನ್ನು 1981-82ನೇ ವರ್ಷಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅನುಸೂಚಿ ಯಲ್ಲಿ ತಿಳಿಸಲಾದ ಸೇವೆಗಳು ಮತ್ತು ಉದ್ದೇಶಗಳಿಗಾಗಿ ವಿನಿಯೋಗಿಸಿದೆ ಎಂದು ಧಾವಿಸ ತಕ್ಕದ್ದು.

ಅನುಸೂಚಿ
(2 ಮತ್ತು 3ನೇ ಪ್ರಕರಣಗಳನ್ನು ನೋಡಿ)

| ವ್ಯಯದ ವಿವರ | ವಿಧಾನ ಸಭೆಯಿಂದ | ಸಂಚಿತ ನಿಧಿಯಿಂದ | ಒಟ್ಟು |
|---|-------------------|-------------------|--------------|
| | ಪ್ರಸ್ತುತವಾದುದನ್ನು | ಪ್ರಸ್ತುತವಾದುದನ್ನು | |
| ಸೇವೆಗಳು ಮತ್ತು ಉದ್ದೇಶಗಳು | ಮೀರದ ಮೊಬಲಗು | | |
| 1 | 2 | 3 | 4 |
| 5 | | | 5 |
| 1 ವ್ಯವಸಾಯ (ತೋಟಗಾರಿಕೆ ಮತ್ತು ಬರಗಾಲಕ್ಕೆ ಗುರಿಯಾದ ಪ್ರದೇಶಗಳ ಯೋಜನೆ ಹೊರತು) (ಬಂಡವಾಳ) | 40,75,813 | .... | 40,75,813 |
| 7 ಚಿಕ್ಕ ವುಚ್ಚಿ ಉದ್ಯಮಗಳು (ರಾಜಸ್ವ) (ಬಂಡವಾಳ) | 15,47,513 | .... | 15,47,513 |
| | 37,28,879 | .... | 37,28,879 |
| 11 ಯುವಜನ ಸೇವೆಗಳು (ಬಂಡವಾಳ) | 2,00,000 | .... | 2,00,000 |
| 13 ಪ್ರಾಥಮಿಕ ಮತ್ತು ಸೆಕೆಂಡರಿ ಶಿಕ್ಷಣ (ರಾಜಸ್ವ) | 7,96,32,683 | .... | 7,96,32,683 |
| - ಅಂತರಿಕ ಋಣ, ಕೇಂದ್ರ ಸರ್ಕಾರದಿಂದ ಸಾಲ ಮತ್ತು ಅಂತರರಾಜ್ಯ ತೀರಿಕೆ (ಬಂಡವಾಳ) | .... | 34,09,51,661 | 34,09,51,661 |
| 16 ವಿಶ್ರಾಂತಿ ವೇತನ ಮತ್ತು ಇತರ ನಿವೃತ್ತಿ ಸೌಲಭ್ಯಗಳು (ರಾಜಸ್ವ) | 7,02,38,787 | .... | 7,02,38,787 |
| 18 ಸಾಮಾಜಿಕ ಸುರಕ್ಷತಾ ಯೋಜನೆಗಳ ಮೇರೆಗೆ ವಿಮೆ ಮತ್ತು ನಿವೃತ್ತಿ ವೇತನಗಳು (ರಾಜಸ್ವ) | 1,27,67,487 | .... | 1,27,67,487 |

| 1 | 2 | 3 | 4 | 5 |
|----|--|-------------|-----------|-------------|
| 19 | ವಿವಿಧ ಸಾಮಾನ್ಯ ಸೇವೆಗಳು (ರಾಜಸ್ವ) | 22,19,726 | .... | 22,19,726 |
| 21 | ಆರಣ್ಯ (ರಾಜಸ್ವ) | .... | 11,32,304 | 11,32,304 |
| 27 | ರಸ್ತೆ ಸಾರಿಗೆ (ಬಂಡವಾಳ) | 400 | .... | 400 |
| 29 | ಜನಾರೋಗ್ಯ (ರಾಜಸ್ವ) | 3,54,88,713 | .... | 3,54,88,713 |
| 34 | ನೀರಾವರಿ, ಜಲಸಂಚಾರ, ಒಳಚರಂಡಿ ವ್ಯವಸ್ಥೆ ಮತ್ತು ಪ್ರವಾಹ ನಿಯಂತ್ರಣ ಯೋಜನೆಗಳು (ರಾಜಸ್ವ) | 10,32,226 | .... | 10,32,226 |
| 38 | ರಾಜ್ಯಪಾಲರು ಮಂತ್ರಿಗಳು ಮತ್ತು ಲೋಕ ಸೇವಾ ಆಯೋಗ (ರಾಜಸ್ವ) | 1,82,280 | .... | 1,82,280 |
| 40 | ಜಿಲ್ಲಾಡಳಿತ (ರಾಜಸ್ವ) | 23,94,603 | .... | 23,94,603 |
| 41 | ಮುಖ್ಯ ಮಂತ್ರಿಯವರ ವಿವಿಧ ಅಭಿಯಾನ (ರಾಜಸ್ವ) | 29,17,821 | .... | 29,17,821 |
| 43 | ಲೋಕೋಪಯೋಗಿ ಕಾಮಗಾರಿ (ನಿರ್ಮಾಣ ರಹಿತ) (ರಾಜಸ್ವ) | 7,31,49,086 | 1,08,303 | 7,32,57,389 |
| 44 | ಕಟ್ಟಡಗಳು (ರಾಜಸ್ವ) | 1,84,45,418 | .... | 1,84,45,418 |
| 45 | ರಸ್ತೆಗಳು ಮತ್ತು ಸೇತುವೆಗಳು (ಬಂಡವಾಳ) | 3,86,956 | .... | 3,86,956 |
| 46 | ರೇವು ಮತ್ತು ಜಲಸಾರಿಗೆ ಸೇವೆಗಳು (ಬಂಡವಾಳ) | 34,93,668 | | 34,93,668 |
| 50 | ನೈಸರ್ಗಿಕ ವಿಕೋಪಗಳ ಬಗ್ಗೆ ಪರಿಹಾರ (ರಾಜಸ್ವ) | 1,27,19,648 | | 1,27,19,648 |

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| 1 | 2 | 3 | 4 | 5 |
|----|---|---------------------------|----------------------|---------------------------|
| 56 | ಗ್ರಾಮಾಂತರ ನೀರು ಸರಬರಾಜು ಮತ್ತು ಸ್ಮಾರ್ಕಲ್ಯ (ರಾಜಸ್ವ) | 6,33,82,748 | | 6,33,82,748 |
| 58 | ಗ್ರಾಮಾಂತರ ಸಂಘಟನಾ ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ (ಬಂಡವಾಳ) | 1,440 | | 1,440 |
| 62 | ಮಹಿಳೆಯರ ಮತ್ತು ಮಕ್ಕಳ ಶಿಕ್ಷಣ (ರಾಜಸ್ವ) ಒಟ್ಟು ಜಾಮ್ನಾ | 64,57,121 39,44,63,016 | 34,21,92,268 | 64,57,121 73,66,55,284 |

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 6

ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ (ಸಂಖ್ಯೆ 3) ಅಧಿನಿಯಮ, 1986

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ

ಪ್ರಕರಣಗಳು :

- 1 ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು
- 2 ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯೊಳಗಿಂದ 1982-83 ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಹೆಚ್ಚಿಗೆಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ತುಂಬುವುದಕ್ಕಾಗಿ 31,53,45,984 ರೂಪಾಯಿಗಳ ನೀಡಿಕೆ
- 3 ಧನ ವಿನಿಯೋಗ
ಅನುಸೂಚಿ .

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 6

(1986ರ ಮಾರ್ಚ್ 26ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯವತ್ತದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ
ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ)

ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ (ಸಂಖ್ಯೆ 3) ಅಧಿನಿಯಮ, 1986.

(1986ರ ಮಾರ್ಚ್ 26ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯವಾಲರ ಅನುಮತಿ ವಡೆಯಲಾಗಿದೆ.)

1982-83ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಕೆಲವು ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ
ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಮಂಜೂರು ಮಾಡಿದ ಮೊಬಲಗಿಗೆ ಹೆಚ್ಚಿಗೆ
ಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ಕ್ರಮಗೊಳಿಸಲಾ ಅಧಿಕಾರ ನೀಡಲು ಒಂದು ಅಧಿನಿಯಮ.

1982-83 ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಕೆಲವು ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ
ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಮಂಜೂರು ಮಾಡಿದ ಮೊಬಲಗಿಗೆ ಹೆಚ್ಚಿಗೆ
ಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ಕ್ರಮಗೊಳಿಸುವುದಕ್ಕಾಗಿ ಅಧಿಕಾರ ನೀಡುವುದು ಯುಕ್ತ
ವಾಗಿದ್ದುದರಿಂದ.

ಇದು ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೇನೆಯ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ
ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಕೆಳಕಂಡಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ:-

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು.- ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ
ಅಧಿನಿಯಮ, 1986 ಎಂದು ಕರೆಯತಕ್ಕುದು.

2. ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯೊಳಗಿಂದ 1982-83ನೇ ಹಣ
ಕಾಸು ವರ್ಷದಲ್ಲಿ ಹೆಚ್ಚಿಗೆಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ತುಂಬುವುದಕ್ಕಾಗಿ
1,53,45,984 ರೂಪಾಯಿಗಳ ನೀಡಿಕೆ.- ಅನುಸೂಚಿಯ 2ನೇ ಅಂಕಣದಲ್ಲಿ
ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಸೇವೆಗಳ ಸಂಬಂಧದಲ್ಲಿ 1982-83 ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ
ಮಂಜೂರು ಮಾಡಿದ ಮೊಬಲಗಿಗೆ ಹೆಚ್ಚಿಗೆಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ಕ್ರಮಗೊಳಿಸುವ
ುದಕ್ಕಾಗಿ ಅನುಸೂಚಿಯ 5 ನೇ ಅಂಕಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾಗಿರುವ ಮೂವತ್ತೊಂದು
ೂಟಿ ಐವತ್ತಮೂರು ಲಕ್ಷ ನಲವತ್ತೈದು ಸಾವಿರ ಒಟ್ಟನೂರು ಎಂಬತ್ತನಾಲ್ಕು
ೂಪಾಯಿಗಳ ಮೊಬಲಗನ್ನು ಮಾತ್ರ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು
ದರೊಳಗಿಂದ ಸಂದಾಯವಾಗಿ ಉಪಯೋಗಿಸಲಾಗಿದೆ ಎಂದು ಭಾವಿಸತಕ್ಕುದು.

3. ಧನವಿನಿಯೋಗ.- ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ಕರ್ನಾಟಕ ರಾಜ್ಯದ
ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಸಂದಾಯ ಮಾಡಲು ಮತ್ತು ಉಪಯೋಗ
ಲಾ ಅಧಿಕಾರ ನೀಡಲಾದ ಮೊತ್ತಗಳನ್ನು 1982-83 ನೇ ವರ್ಷಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ
ನುಸೂಚಿಯಲ್ಲಿ ತಿಳಿಸಲಾದ ಸೇವೆಗಳು ಮತ್ತು ಉದ್ದೇಶಗಳಿಗಾಗಿ ವಿನಿಯೋಗಿಸಿದ
ಂದು ಭಾವಿಸತಕ್ಕುದು.

ಅನುಸೂಚಿ

(2 ಮತ್ತು 3ನೇ ಪ್ರಕರಣಗಳನ್ನು ನೋಡಿ)

| ಪ್ರಾದೇಶಿಕ ಸಂಖ್ಯೆ | ಸೇವೆಗಳು ಮತ್ತು ಉದ್ದೇಶಗಳು | ವಿಧಾನ ಸಭೆಯಿಂದ | ಸಂಚಿತ ನಿಧಿಯಿಂದ | ಒಟ್ಟು |
|------------------|---|-------------------|-----------------|-------------|
| | | ಪುರಸ್ಕೃತವಾದುದನ್ನು | ಪ್ರಭೃತವಾದುದನ್ನು | |
| 1 | 2 | ಮೀರಿದ ಮೊಬಲಗು | | 3 |
| 1 | 2 | 3 | 4 | 5 |
| 1 | ವ್ಯವಸಾಯ (ತೋಟಗಾರಿಕೆ ಮತ್ತು ಬರಗಾಲಕ್ಕೆ ಗುರಿಯಾದ ಪ್ರದೇಶಗಳ ಯೋಜನೆ ಹೊರತು) (ರಾಜಸ್ವ) | — | 5,453 | 5,453 |
| 4 | ಪಶು ಸಂಗೋಪನ ಮತ್ತು ಡೈರಿ ಅಭಿವೃದ್ಧಿ (ರಾಜಸ್ವ) | 50,22,187 | — | 50,22,187 |
| 5 | ಉದ್ಯಮಗಳು (ಚಿಕ್ಕ ಪುಟ್ಟ ಉದ್ಯಮಗಳು ಮತ್ತು ರೇಷ್ಮೆ ವ್ಯವಸಾಯದ ಹೊರತು) (ರಾಜಸ್ವ) | — | 1,18,392 | 1,18,392 |
| 8 | ರೇಷ್ಮೆ ವ್ಯವಸಾಯ (ರಾಜಸ್ವ) | 1,80,36,956 | — | 1,80,36,956 |
| 13 | ಪ್ರಾಥಮಿಕ ಮತ್ತು ಮಾಧ್ಯಮಿಕ ಶಿಕ್ಷಣ (ಬಂಡವಾಳ) | 21,00,000 | — | 21,00,000 |

| 1 | 2 | 3 | 4 | 5 |
|----|--|-------------|--------------|--------------|
| — | ಆಂತರಿಕ ಮೂಲ ಕೇಂದ್ರ ಸರ್ಕಾರದಿಂದ ಸಾಲ ಮತ್ತು ಅಂತರ ರಾಜ್ಯ ತೀರಿಕೆ (ಬಂಡವಾಳ) | .... | 15,30,74,971 | 15,30,74,971 |
| 24 | ಪೋಲೀಸ್ ಮತ್ತು ಅಗ್ನಿಶಾಮಕ ಸೇವೆ (ರಾಜಸ್ವ) | 23,88,464 | .... | 23,88,464 |
| 29 | ಜನಾರೋಗ್ಯ (ರಾಜಸ್ವ) | 75,53,819 | .... | 75,53,819 |
| 34 | ನೀರಾವರಿ ಜಲಸಂಚಾರಿ ಒಳಚರಂಡಿ ಮತ್ತು ಪ್ರವಾಹ ನಿಯಂತ್ರಣ ಯೋಜನೆಗಳು (ರಾಜಸ್ವ) (ಬಂಡವಾಳ) | 7,64,269 | .... | 7,64,269 |
|  |  | .... | 81,57,766 | 81,57,766 |
| 35 | ರಾಜ್ಯ ವಿಧಾನ ಸಭೆ (ರಾಜಸ್ವ) | .... | 51,715 | 51,715 |
| 36 | ನ್ಯಾಯ ಪರಿಪಾಲನೆ (ರಾಜಸ್ವ) | .... | 10,74,693 | 10,74,693 |
| 38 | ರಾಜ್ಯಪಾಲರು, ಮಂತ್ರಿಗಳು ಮತ್ತು ಲೋಕ ಸೇವಾ ಆಯೋಗ (ರಾಜಸ್ವ) | .... | 24,051 | 24,051 |
| 39 | ಸಚಿವಾಲಯ (ರಾಜಸ್ವ) | 11,71,885 | .... | 11,71,885 |
| 40 | ಜಿಲ್ಲಾ ಡಳಿತ (ರಾಜಸ್ವ) | 80,17,603 | .... | 80,17,603 |
| 43 | ಲೋಕೋಪಯೋಗಿ ಕಾಮಗಾರಿ (ನಿರ್ಮಾಣ ರಹಿತ) (ರಾಜಸ್ವ) | 1,59,47,721 | .... | 1,59,47,721 |
| 44 | ಕಟ್ಟಡಗಳು (ರಾಜಸ್ವ) | 1,09,17,391 | .... | 1,09,17,391 |

| 1 | 2 | 3 | 4 | 5 |
|----|--|--------------|--------------|--------------|
| 45 | ರಸ್ತೆಗಳು ಮತ್ತು ಸೇತುವೆಗಳು (ರಾಜಸ್ವ) | 1,97,95,265 | .... | 1,97,95,265 |
| | (ಬಂಡವಾಳ) | 1,21,254 | .... | 1,21,254 |
| 46 | ರೇವು ಮತ್ತು ಜಲಸಾರಿಗೆ ಸೇವೆಗಳು (ಬಂಡವಾಳ) | 7,58,709 | .... | 7,58,709 |
| | (ರಾಜಸ್ವ) | .... | 399 | 399 |
| 48 | ಭೂ ಕಂದಾಯ ಇತ್ಯಾದಿ (ರಾಜಸ್ವ) | .... | 24,349 | 24,349 |
| 53 | ವಕ್ರ (ರಾಜಸ್ವ) | 2,03,000 | .... | 2,03,000 |
| 59 | ರಾಷ್ಟ್ರೀಯ ಗ್ರಾಮೀಣ ಉದ್ಯೋಗ ಯೋಜನೆಗಳು (ರಾಜಸ್ವ) | 5,75,88,522 | .... | 5,75,88,522 |
| 50 | ಕಾರ್ಮಿಕ ಮತ್ತು ಉದ್ಯೋಗ (ರಾಜಸ್ವ) | 24,27,150 | | 24,27,150 |
| | ಒಟ್ಟು ಜುಮ್ಮ | 15,28,14,195 | 16,25,31,789 | 31,53,45,984 |

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ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 7.

ಕರ್ನಾಟಕ ಧನ ವಿನಿಯೋಗ (ಸಂಖ್ಯೆ 4) ಅಧಿನಿಯಮ, 1986

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ

ಪ್ರಕರಣಗಳು:

- 1 ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು
- 2 ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯೊಳಗಿಂದ 1986-87 ನೇ ಹಣಕಾಸು ವರ್ಷಕ್ಕಾಗಿ 38,32,65,25,000 ರೂಪಾಯಿಗಳ ನೀಡಿಕೆ
- 3 ಧನವಿನಿಯೋಗ
ಅನುಸೂಚಿ

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 7

(1986ರ ಮಾರ್ಚ್ 31ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ).

ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ (ಕ್ರಮಾಂಕ-4) ಅಧಿನಿಯಮ, 1986

(1986ರ ಮಾರ್ಚ್ 28ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯವಾಲರ ಅನುಮತಿ ಪಡೆಯಲಾಗಿದೆ.)

1986-87ನೇ ಹಣಕಾಸು ವರ್ಷದ ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿನ ಕೆಲವು ಮೊತ್ತಗಳ ಸಂದಾಯ ಮತ್ತು ವಿನಿಯೋಗಕ್ಕಾಗಿ ಅಧಿಕಾರ ನೀಡಲು ಒಂದು ಅಧಿನಿಯಮ:

1986-87 ನೇ ಹಣಕಾಸು ವರ್ಷದ ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಆ ವೈಕಿಯಿಂದ ಕೆಲವು ಮೊತ್ತಗಳ ಸಂದಾಯ ಮತ್ತು ವಿನಿಯೋಗಕ್ಕಾಗಿ ಅಧಿಕಾರ ನೀಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ:

ಇದು ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೇನೆಯ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಕೆಳಕಂಡಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ:—

ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು.— ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ ಅಧಿನಿಯಮ, 1986 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

2. ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯೊಳಗಿಂದ 1986-87ನೇ ಹಣಕಾಸು ವರ್ಷಕ್ಕಾಗಿ 38,32,65,25,000 ರೂಪಾಯಿಗಳ ನೀಡಿಕೆ.—ಅನುಸೂಚಿಯ 2ನೇ ಅಂಕದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಸೇವೆಗಳ ಸಂಬಂಧದಲ್ಲಿ, 1986-87ನೇ ಹಣಕಾಸು ವರ್ಷದ ಕಾಲದಲ್ಲಿ ಸಂದಾಯ ಮಾಡುವಾಗ ಒದಗಬರುವ ಹಲವಾರು ಏರ್ಪಾಡುಗಳನ್ನು ಪರಿಷ್ಕರಿಸುವುದಕ್ಕಾಗಿ ಅನುಸೂಚಿಯ 5ನೇ ಅಂಕದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾಗಿದ್ದ ಮೊತ್ತದಲ್ಲಿ ಮೂರು ಸಾವಿರದ ಎಂಟುನೂರ ಮೂವತ್ತೆರಡು ಕೋಟಿ ಅರವತ್ತೈದು ಲಕ್ಷ ಇಪ್ಪತ್ತೈದು ಸಾವಿರ ರೂಪಾಯಿಗಳ ಮೊಬಲಗನ್ನು ಮೀರದಂತೆ ಮೊಬಲಗನ್ನು ಮಾತ್ರ ಕರ್ನಾಟಕ ಸಂಚಿತ ನಿಧಿಯಿಂದ ರಾಜ್ಯ ಮತ್ತು ಅದರೊಳಗಿಂದ ಸಂದಾಯ ಮಾಡತಕ್ಕದ್ದು ಮತ್ತು ಉಪಯೋಗಿಸತಕ್ಕದ್ದು.

3. ಧನವಿನಿಯೋಗ.— ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ, ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿನ ಸಂದಾಯ ಮಾಡಲು ಮತ್ತು ಉಪಯೋಗಿಸಲು ಅಧಿಕಾರ ನೀಡಲಾದ ಮೊತ್ತಗಳನ್ನು, ಸದರಿ ವರ್ಷಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅನುಸೂಚಿಯಲ್ಲಿ ತಿಳಿಸಲಾದ ಸೇವೆಗಳು ಮತ್ತು ಉದ್ದೇಶಗಳಿಗಾಗಿ ವಿನಿಯೋಗಿಸತಕ್ಕದ್ದು.

ಅನುಸೂಚಿ

(2 ಮತ್ತು 3ನೇ ಪ್ರಕರಣಗಳನ್ನು ನೋಡಿ)

| ಬಿಟ್ಟು ಸಂಖ್ಯೆ | ಸೇವೆಗಳು ಮತ್ತು ಉದ್ಯೋಗಗಳು | ಮೀರವ | | ಒಟ್ಟು |
|---------------|---|------------------------------------|--|--------------|
| | | ವಿಧಾನ ಸಭೆಯಿಂದ ಪ್ರಸ್ತುತವಾದುದನ್ನು | ಮೊಬಲಗು ಸಂಚಿತನಿಧಿಯಿಂದ ಪ್ರಭೃತವಾದುದನ್ನು | |
| 1 | 2 | 3 | 4 | 5 |
| 1 | ಭೂ ಮತ್ತು ಜಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಕೃಷಿ (ತೋಟಗಾರಿಕೆ ಆದಾಯ ಮತ್ತು ಬರಗಾಲ ಪೀಡಿತ ಪ್ರದೇಶ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಬಂಡವಾಳ ಹೊರತುಪಡಿಸಿ) | 55,80,08,000 | 44,000 | 55,80,52,000 |
| | | 16,69,00,000 | .... | 16,69,00,000 |
| 2 | ತೋಟಗಾರಿಕೆ ಆದಾಯ | 9,82,31,000 | .... | 9,82,31,000 |
| 3 | ವಶುಸಂಗೋಪನೆ ಮತ್ತು ಹೈನು ಅಭಿವೃದ್ಧಿ ಆದಾಯ | 26,68,84,000 | 44,000 | 26,69,28,000 |
| | | 3,00,00,000 | .... | 3,00,00,000 |
| 4 | ಮಾನವಗಾರಿಕೆ ಆದಾಯ | 5,49,40,000 | 60,000 | 5,50,00,000 |
| | | 96,05,000 | .... | 96,05,000 |
| 5 | ಉದ್ಯಮಗಳು (ಚಿಕ್ಕಪುಟ್ಟ ಉದ್ಯಮಗಳು ಮತ್ತು ರೇಷ್ಮೆ ವ್ಯವಸಾಯವನ್ನು ಹೊರತುಪಡಿಸಿ) ಆದಾಯ | 6,38,44,000 | 20,000 | 6,38,64,000 |
| | | 10,77,00,000 | .... | 10,77,00,000 |
| 6 | ಗಣಿ ಮತ್ತು ಭೂ ವಿಜ್ಞಾನ ಆದಾಯ | 4,96,96,000 | 39,000 | 4,97,35,000 |
| 7 | ಚಿಕ್ಕಪುಟ್ಟ ಉದ್ಯಮಗಳು ಆದಾಯ | 32,54,35,000 | 80,000 | 32,55,15,000 |

| 1 | 2 | 3 | 4 | 5 |
|----|---|--------------------|--------------------|---------------|
| | ಬಂಡವಾಳ | 5,77,75,000 | .... | 5,77,75,000 |
| 8 | ರೇಷ್ಮೆ ವ್ಯವಸಾಯ | ಆದಾಯ 30,05,70,000 | .... | 30,05,70,000 |
| | ಬಂಡವಾಳ | 7,01,10,000 | .... | 7,01,10,000 |
| 9 | ಲೇಖನ ಸಾಮಗ್ರಿ ಮತ್ತು ಮುದ್ರಣ | ಆದಾಯ 8,66,00,000 | .... | 8,66,00,000 |
| 10 | ಉಚ್ಚ ಶಿಕ್ಷಣ | ಆದಾಯ 73,16,99,000 | 61,000 | 73,17,60,000 |
| | ಬಂಡವಾಳ | 55,00,000 | .... | 55,00,000 |
| 11 | ಯುವಜನ ಸೇವೆಗಳು | ಆದಾಯ 8,25,12,000 | ... | 8,25,12,000 |
| | ಬಂಡವಾಳ | 10,00,000 | .... | 10,00,000 |
| 12 | ಕಲೆ ಸಂಸ್ಕೃತಿ ಮತ್ತು ಕನ್ನಡ ಅಭಿವೃದ್ಧಿ | ಆದಾಯ 6,27,97,000 | .... | 6,27,97,000 |
| 13 | ಪ್ರಾಥಮಿಕ ಮತ್ತು ದ್ವಿತೀಯ ಶಿಕ್ಷಣ | ಆದಾಯ 250,93,23,000 | .... | 250,93,23,000 |
| | ಬಂಡವಾಳ | 1,00,000 | .... | 1,00,000 |
| 14 | ಮಾಧ್ಯಮಿಕ ಶಿಕ್ಷಣ | ಆದಾಯ 113,88,03,000 | 18,000 | 113,88,21,000 |
| | ಬಂಡವಾಳ | 2,00,000 | .... | 2,00,000 |
| | ಮೂಲವನ್ನು ಇಳಿಸುವ ಅಥವಾ ಪರಿಹರಿಸುವ ಬಗ್ಗೆ ವಿನಿಯೋಗ | ಆದಾಯ | 126,10,00,000 | 126,10,00,000 |
| | ಬಡ್ಡಿ ಸಂದಾಯಗಳು | ಆದಾಯ | 206,61,00,000 | 206,61,00,000 |
| | ಅಂತರಿಕ ಋಣ ಕೇಂದ್ರ ಸರ್ಕಾರದಿಂದ ಸಾಲ ಮತ್ತು ಅಂತರ ರಾಜ್ಯ ತೀರಿಕೆ. | ಬಂಡವಾಳ | 775,00,00,000 | 775,00,00,000 |
| 15 | ವರಮಾನ ತೆರಿಗೆ, ವ್ಯಾಪಾರ ಮತ್ತು ಇತರ ಸೇವೆಗಳು | ಆದಾಯ 30,35,50,000 | 18,000 | 30,35,68,000 |

| 1 | 2 | 3 | 4 | 5 |
|----|--|---|-------------|-----------------------------|
| 16 | ವಿವಿಧ ಖಜಾನೆ, ಮತ್ತು ಲೆಕ್ಕ ಪತ್ರಗಳ ಆಡಳಿತ ಆದಾಯ | 8,56,16,000 | 5,000 | 8,56,21,000 |
| 17 | ವಿಶ್ರಾಂತಿ ವೇತನ ಮತ್ತು ಇತರ ನಿವೃತ್ತಿ ವೇತನಗಳ ಸೌಲಭ್ಯಗಳು | ಆದಾಯ 100,00,00,000 ಬಂಡವಾಳ | 50,00,000 | 100,50,00,000 |
| 18 | ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಸಾಲಗಳು ಮತ್ತು ವಿವಿಧ ಸಾಲಗಳು | ಬಂಡವಾಳ 32,20,00,000 | .... | 32,20,00,000 |
| 19 | ಸಣ್ಣ ಉಳಿತಾಯಗಳು | ಆದಾಯ 1,68,00,000 | .... | 1,68,00,000 |
| 20 | ವಿವಿಧ ಸಾಮಾನ್ಯ ಸೇವೆಗಳು | ಆದಾಯ 12,70,38,000 ಬಂಡವಾಳ 3,75,00,000 | 10,000 | 12,70,48,000 3,75,00,000 |
| 21 | ಆಹಾರ ಮತ್ತು ನಿತ್ಯೋಪಯೋಗಿ ಸಾಮಗ್ರಿಗಳ ಸರಬರಾಜು | ಆದಾಯ 37,02,94,000 ಬಂಡವಾಳ 36,60,000 | 21,000 | 37,03,15,000 36,60,000 |
| 22 | ಆರಣ್ಯ | ಆದಾಯ 45,61,10,000 ಬಂಡವಾಳ 20,00,000 | 4,50,00,000 | 50,11,10,000 20,00,000 |
| 23 | ರಾಜ್ಯ ಅಬಕಾರಿ | ಆದಾಯ 13,57,60,000 | 3,000 | 13,57,63,000 |
| 24 | ವಾಹನಗಳ ಮೇಲೆ ತೆರಿಗೆಗಳು | ಆದಾಯ 3,93,90,000 | 15,10,000 | 4,09,00,000 |
| 25 | ಫೋಲೀಸ್ ಮತ್ತು ಅಗ್ನಿಶಾಮಕ ಸೇವೆಗಳು | ಆದಾಯ 91,59,69,000 | 60,000 | 91,60,29,000 |
| 26 | ಕಾರಾಗೃಹಗಳು, ಇತ್ಯಾದಿ | ಆದಾಯ 5,44,75,000 ಬಂಡವಾಳ 5,00,000 | 10,000 | 5,44,85,000 5,00,000 |
| 27 | ಪ್ರವಾಸೋದ್ಯಮ ವಾರ್ತಾ ಮತ್ತು ಪ್ರಚಾರ | ಆದಾಯ 5,84,91,000 ಬಂಡವಾಳ 69,00,000 | 20,000 | 5,85,11,000 69,00,000 |

| 1 | 2 | 3 | 4 | 5 |
|----|--|--|---------------------|--------------------------------|
| 28 | ರಸ್ತೆ ಸಾರಿಗೆ | ಆದಾಯ 1,25,60,000 ಬಂಡವಾಳ 13,34,00,000 | 10,00,000 | 1,35,60,000 13,34,00,000 |
| 29 | ವೈದ್ಯಕೀಯ ಸೇವೆಗಳು ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ | ಆದಾಯ 134,34,35,000 ಬಂಡವಾಳ 11,00,00,000 | 31,000 | 134,47,66,000 11,00,00,000 |
| 30 | ಜನಾರೋಗ್ಯ | ಆದಾಯ 27,38,35,000 | 10,000 | 27,38,45,000 |
| 31 | ಗೃಹನಿರ್ಮಾಣ (ಸರ್ಕಾರಿ ನಿವಾಸ ಕಟ್ಟಡಗಳನ್ನು ಹೊರತುಪಡಿಸಿ) | ಆದಾಯ 13,70,66,000 ಬಂಡವಾಳ 7,86,87,000 | .... | 13,70,66,000 7,86,87,000 |
| 32 | ನಗರಾಭಿವೃದ್ಧಿ ಇತ್ಯಾದಿ | ಆದಾಯ 9,70,14,000 ಬಂಡವಾಳ 12,34,22,000 | .... | 9,70,14,000 12,34,22,000 |
| 33 | ನಗರ ನಗರ ಪಾಲಿಕೆಗಳು ಮತ್ತು ಪಟ್ಟಣ ಪಂಚಾಯತಿಗಳ ಅನುದಾನ | ಆದಾಯ 42,94,00,000 | .... | 42,94,00,000 |
| 34 | ಸಣ್ಣ ನೀರಾವರಿ | ಆದಾಯ 25,33,90,000 ಬಂಡವಾಳ 34,80,65,000 | 5,00,000 | 25,33,90,000 34,85,65,000 |
| 35 | ನೀರಾವರಿ, ಜಲಸಂಚಾರಿ, ಒಳಚರಂಡಿ ವ್ಯವಸ್ಥೆ ಮತ್ತು ಪ್ರವಾಹ ನಿಯಂತ್ರಣ ಯೋಜನೆಗಳು | ಆದಾಯ 139,65,50,000 ಬಂಡವಾಳ 232,06,25,000 | 2,94,75,000 | 139,65,50,000 235,01,00,000 |
| 36 | ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲ | ಆದಾಯ 3,83,39,000 | 4,61,000 | 3,88,00,000 |

| 1 | 2 | 3 | 4 | 5 |
|----|---|----------------------|-------------|---------------|
| 37 | ನ್ಯಾಯಾಡಳಿತ | ಆದಾಯ 18,17,50,000 | .... | 18,17,50,000 |
| 38 | ಚಾನಾವಣೆಗಳು | ಆದಾಯ 88,00,000 | .... | 88,00,000 |
| 39 | ಶಾಖಾಕಾಲರು, ಸಚಿವರು ಮತ್ತು ಲೋಕಸೇವಾ ಆಯೋಗ | ಆದಾಯ 91,40,000 | 1,23,00,000 | 2,14,40,000 |
| 40 | ಸಚಿವಾಲಯ | ಆದಾಯ 10,23,86,000 | 26,000 | 10,24,12,000 |
| 41 | ಜಿಲ್ಲಾ ಡಳಿತ | ಆದಾಯ 15,76,87,000 | 13,000 | 15,77,00,000 |
| 42 | ಮುಖ್ಯಮಂತ್ರಿಗಳ ವಿವಿಧ ಅಭಿಯಾಚನೆ | ಆದಾಯ 9,52,49,000 | 2,30,63,000 | 11,83,12,000 |
| 43 | ಯೋಜನಾ ಇಲಾಖೆಯ ಅಭಿಯಾಚನೆ | ಆದಾಯ 8,37,49,000 | .... | 8,37,49,000 |
| | | ಬಂಡವಾಳ 10,00,000 | .... | 10,00,000 |
| 44 | ಲೋಕೋಪಯೋಗಿ ಕಾಮಗಾರಿಗಳು (ನಿರ್ಮಾಣವನ್ನು ಹೊರತುಪಡಿಸಿ) | ಆದಾಯ 70,80,35,000 | 50,000 | 70,80,85,000 |
| 45 | ಕಟ್ಟಡಗಳು | ಆದಾಯ 7,38,49,000 | 1,00,000 | 7,39,49,000 |
| | | ಬಂಡವಾಳ 31,97,31,000 | 2,00,000 | 31,99,31,000 |
| 46 | ರಸ್ತೆಗಳು ಮತ್ತು ಸೇತುವೆಗಳು | ಆದಾಯ 58,71,39,000 | .... | 58,71,39,000 |
| | | ಬಂಡವಾಳ 27,13,03,000 | .... | 27,13,30,000 |
| 47 | ರೇವೆ ಮತ್ತು ಜಲಸಾರಿಗೆ ಸೇವೆಗಳು | ಆದಾಯ 1,59,38,000 | .... | 1,59,38,000 |
| | | ಬಂಡವಾಳ 4,98,50,000 | .... | 4,98,50,000 |
| 48 | ವಿದ್ಯುತ್ ಯೋಜನೆಗಳು | ಆದಾಯ 3,93,82,000 | .... | 3,93,82,000 |
| | | ಬಂಡವಾಳ 148,05,31,000 | 1,00,000 | 148,06,31,000 |

| 1 | 2 | 3 | 4 | 5 |
|----|---|--|-------------------|------------------------------|
| 49 | ಭೂ ಕಂದಾಯ, ಇತ್ಯಾದಿ | ಆದಾಯ 29,27,78,000 ಬಂಡವಾಳ 20,12,85,000 | 60,15,000 | 29,87,93,000 20,12,85,000 |
| 50 | ಮುದ್ರಾಂಕಗಳು ಮತ್ತು ನೋಂದಣಿ | ಆದಾಯ 4,09,00,000 | .... | 4,09,00,000 |
| 51 | ಪ್ರಕೃತಿ ವಿಕೋಪಗಳ ಕಾರಣಗಳಿಗಾಗಿ | ಆದಾಯ 6,70,00,000 ಬಂಡವಾಳ 2,00,000 | .... .... | 6,70,00,000 2,00,000 |
| 52 | ವ್ಯವಸ್ಥಾಪನಾ ಯೋಜನೆಗಳು | ಆದಾಯ 32,26,000 ಬಂಡವಾಳ 5,00,000 | .... .... | 32,26,000 5,00,000 |
| 53 | ಮತೀಯ ಮತ್ತು ಧರ್ಮಾದಾಯ ಸಂಸ್ಥೆಗಳು, ಇತ್ಯಾದಿ | ಆದಾಯ 9,71,68,000 | .... | 9,71,68,000 |
| 54 | ವಶ್ಯಗಳು | ಆದಾಯ 74,60,000 | .... | 74,60,000 |
| 55 | ಸಹಕಾರ (ಕ್ರಮಪಡಿಸಿದ ಮಾರುಕಟ್ಟೆಗಳನ್ನು ಹೊರತುಪಡಿಸಿ) | ಆದಾಯ 18,93,23,000 ಬಂಡವಾಳ 14,38,45,000 | 50,000 | 18,93,73,000 14,38,45,000 |
| 56 | ಕ್ರಮಪಡಿಸಿದ ಮಾರುಕಟ್ಟೆಗಳು | ಆದಾಯ 6,47,81,000 | .... | 6,47,81,000 |
| 57 | ಗ್ರಾಮೀಣ ನೀರು ಸರಬರಾಜು ಮತ್ತು ನೈರ್ಮಲ್ಯ ವ್ಯವಸ್ಥೆ ಆದಾಯ | ಆದಾಯ 72,62,64,000 | .... | 72,62,64,000 |
| 58 | ಸಮುದಾಯ ಅಭಿವೃದ್ಧಿ | ಆದಾಯ 19,76,87,000 ಬಂಡವಾಳ 16,00,000 | 10,000 | 19,76,97,000 16,00,000 |

| 1 | 2 | 3 | 4 | 5 |
|--------------|---|-----------------------------------|----------------|------------------------------|
| 59 | ಗ್ರಾಮಾಂತರ ಸಂಘಟನಾ ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ ಆದಾಯ | 40,75,08,000 | .... | 40,75,08,000 |
| 60 | ಗ್ರಾಮೀಣ ಉದ್ಯೋಗ ಕಾರ್ಯಕ್ರಮಗಳು ಆದಾಯ | 44,52,48,000 | .... | 44,52,48,000 |
| 61 | ಕಾರ್ಮಿಕ ಮತ್ತು ಉದ್ಯೋಗ ಬಂಡವಾಳ | ಆದಾಯ 24,48,98,000 9,00,000 | 10,000 | 24,49,08,000 9,00,000 |
| 62 | ಹರಿಜನ, ದಿರಿಜನ ಮತ್ತು ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಕಲ್ಯಾಣ ಬಂಡವಾಳ | ಆದಾಯ 42,87,80,000 45,00,000 | .... .... | 42,87,80,000 45,00,000 |
| 63 | ಆದಿವಾಸಿ ಪ್ರದೇಶ ಉಪಯೋಜನೆ ಬಂಡವಾಳ | ಆದಾಯ 9,12,95,000 4,35,60,000 | .... .... | 9,12,95,000 4,35,60,000 |
| 64 | ವಿಶೇಷ ಘಟಕ ಯೋಜನೆ ಬಂಡವಾಳ | ಆದಾಯ 37,59,96,000 10,49,84,000 | .... .... | 37,59,96,000 10,49,84,000 |
| 65 | ಸಮಾಜ ಕಲ್ಯಾಣ ಬಂಡವಾಳ | ಆದಾಯ 94,22,18,000 31,00,000 | 92,000 | 94,23,10,000 31,00,000 |
| ಒಟ್ಟು ಜುಮ್ಮಾ | | 2712,38,96,000 | 1120,26,29,000 | 3832,65,25,000 |

KARNATAKA ACT No.8 OF 1986

**THE KARNATAKA MOTOR VEHICLES TAXATION
(AMENDMENT) ACT, 1986**

Arrangement of Sections

Sections :

- 1. Short title and commencement**
- 2. Amendment of section 2**
- 3. Amendment of section 3**
- 4. Amendment of section 4**
- 5. Amendment of section 7**
- 6. Amendment of section 10**
- 7. Substitution of the schedule**
- 8. Power to remove difficulty**
- 9. Savings**

KARNATAKA ACT No.8 OF 1986.

(First published in the Karnataka Gazette Extraordinary on the Thirty-first day of March, 1986).

THE KARNATAKA MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1986

(Received the assent of the Governor on the Thirty-first day of March, 1986)

An Act further to amend the Karnataka Motor Vehicles Taxation Act, 1957.

Whereas it is expedient further to amend the Karnataka Motor Vehicles Taxation Act, 1957 (Karnataka Act 35 of 1957) for the purposes hereinafter appearing.

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

1. **Short title and commencement.**-- (1) This Act may be called the Karnataka Motor Vehicles Taxation (Amendment) Act, 1986.

(2) It shall come into force with effect from the first day of April, 1986.

2. **Amendment of section 2.**-- In clause (a) of sub-section (1) of section 2 of the Karnataka Motor Vehicles Taxation Act, 1957 (Karnataka Act 35 of 1957) (hereinafter referred to as the principal Act), for the words "one hundred or more transport vehicles", the words "five hundred or more public service vehicles" shall be substituted.

3. **Amendment of section 3.**-- In section 3 of the principal Act, after sub-section (1), but before the explanation, the following proviso shall be inserted, namely:--

"Provided that in the case of a motor cycle (including motor scooter and cycle with attachment for propelling the same by

mechanical power) the tax shall be levied at the rates specified in part 'AA' of the schedule".

4. Amendment of section 4.-- In section 4 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:--

"(3) Notwithstanding anything contained in the preceding sub-sections, the tax levied under the proviso to sub-section (1) of section 3, shall be paid in advance in a lumpsum by the registered owner or person having possession or control of the motor vehicle and the tax so paid shall be for the life time of the vehicle:

Provided that the motor cycle in respect of which the tax is already paid under sub-section (1) of section 3 prior to the first day of April, 1986, tax specified under the first proviso to sub-section (1) of section 3 shall be levied after the expiry of the period for which the tax paid under sub-section (1) and such tax shall be paid within one month from the date of expiry of the said period."

5. Amendment of section 7.-- In section 7 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:--

"(3) Notwithstanding anything contained in sub-sections (1) and (2), where tax has been paid under sub-section (3) of section 4, the registered owner who has paid such tax shall be entitled to a refund of tax at the rate specified in part 'C' of the schedule in the case of.--

(i) removal of the vehicle to any other State on transfer of ownership or change of address; or

(ii) cancellation of registration of vehicle on account of scrapping of such vehicle due to accidents or other causes:

Provided that in the case of removal of vehicle outside the State of Karnataka on transfer on ownership or on change of address the refund of tax will be considered only after receipt of proof for having effected the transfer of ownership or change of address.

(4) Where a tax on any motor vehicle is paid in excess of the tax payable, the excess payment of tax so made may be adjusted towards any of the subsequent periods in respect of which the tax is due."

6. Amendment of section 10.-- In section 10 of the principal Act,--

(1) for the words and figures "In the case of a fleet owner, the provisions of sections 3, 6 and 7 shall, so far as may be, apply subject to the following modifications, namely", the words and figures "Notwithstanding anything contained in sections 3, 6 and 7 a tax shall be levied at fifteen per centum of the gross revenue from fares and freights of public service vehicles owned by a fleet owner." shall be substituted.

(2) in clause (a), for the words "stating the prescribed particulars", the words "estimated gross revenue from fares and freights" shall be substituted.

(3) for clause (b), the following clause shall be substituted, namely:--

"(b) As soon as may be after receipt of such preliminary declaration, the taxation authority shall, on the basis of such declaration determine the amount of tax to be paid provisionally by such fleet owner at fifteen per centum of the estimated revenue

by way of fares and freights declared for the said year under clause (a) of this section and communicate the same to the fleet owner by issuing a certificate of provisional assessment of tax for the year in such form as may be prescribed".

(4) in clause (d), for the words "stating prescribed particulars", the words "along with a certified copy of the audited accounts of the fares and freights collected during that year" shall be substituted.

7. **Substitution of the schedule.**-- For the schedule to the principal Act, the following schedule shall be substituted, namely :--

"SCHEDULE"

Part 'A'

[See section 3(1)]

| Item No. | Class of vehicles | Quarterly tax for vehicles fitted with pneumatic tyres. |
|-------------|--|---|
| 1 | 2 | 3 |
| | | Rs. P. |
| 1. | Motor Cycles (including motor scooters and cycles with attachment for propelling the same by mechanical power) not exceeding 400 kgs. in weight unladen: | |
| (a) | Bicycles not exceeding 50 c.c. if not used for drawing a trailer or side car | 20-00 |

| 1 | 2 | 3 |
|-----|--|---------|
| | | Rs.P. |
| (b) | Bicycles exceeding 50 c.c. but not exceeding 300 c.c. if not used for drawing a Trailer or side car | 25-00 |
| (c) | Bicycles not exceeding 300 c.c. used for drawing a Trailer or side car and bicycles exceeding 300 c.c. whether used for drawing a trailer or side car or not | 30-00 |
| (d) | Tricycles including Autorickshaws not used for Transportation of goods or passengers for hire or reward | 50-00 |
| 2. | Invalid carriages | 10-00 |
| 3. | Goods Vehicles: | |
| (1) | Vehicles in weight laden-- | |
| (a) | Not exceeding 300 kgs. | 95-00 |
| (b) | Exceeding 300 kgs. but not exceeding 1000 kgs. | 130-00 |
| (c) | Exceeding 1000 kgs. but not exceeding 1500 kgs. | 250-00 |
| (d) | Exceeding 1500 kgs. but not exceeding 2000 kgs. | 280-00 |
| (e) | Exceeding 2000 kgs. but not exceeding 3000 kgs. | 360-00 |
| (f) | Exceeding 3000 kgs. but not exceeding 4000 kgs. | 465-00 |
| (g) | Exceeding 4000 kgs. but not exceeding 5500 kgs. | 690-00 |
| (h) | Exceeding 5500 kgs. but not exceeding 7000 kgs. | 845-00 |
| (i) | Exceeding 7000 kgs. but not exceeding 8500 kgs. | 1030-00 |

| 1 | 2 | 3 |
|-----|---|--|
| | | Rs. P. |
| (j) | Exceeding 8500 kgs. but not exceeding 9500 kgs. | 1120-00 |
| (k) | Exceeding 9500 kgs. but not exceeding 10500 kgs. | 1220-00 |
| (l) | Exceeding 10500 kgs. but not exceeding 12000 kgs. | 1430-00 |
| (m) | Exceeding 12000 kgs. but not exceeding 13500 kgs. | 1660-00 |
| (n) | Exceeding 13500 kgs. but not exceeding 15000 kgs. | 1885-00 |
| (o) | Exceeding 15000 kgs. | 1885-00 |
| | | plus Rs. 65-00 for every 250 kgs. or part thereof in ex- cess of 15000 kgs. |
| (2) | Additional tax payable in respect of Goods vehicles specified in paragraph (1) used for drawing trailers for each trailer in weight laden-- | |
| (a) | Not exceeding 1000 kgs. | 100-00 |
| (b) | Exceeding 1000 kgs. but not exceeding 1500 kgs. | 190-00 |
| (c) | Exceeding 1500 kgs. but not exceeding 2000 kgs. | 210-00 |
| (d) | Exceeding 2000 kgs. but not exceeding 3000 kgs. | 300-00 |
| (e) | Exceeding 3000 kgs. but not exceeding 4000 kgs. | 390-00 |
| (f) | Exceeding 4000 kgs. but not exceeding 5500 kgs. | 560-00 |
| (g) | Exceeding 5500 kgs. but not exceeding 7000 kgs. | 715-00 |

| 1 | 2 | 3 |
|-----|---|---|
| | | Rs.P. |
| (h) | Exceeding 7000 kgs.but not exceeding 9000 kgs. | 845-00 |
| (i) | Exceeding 9000 kgs.but not exceeding 9500 kgs. | 910-00 |
| (j) | Exceeding 9500 kgs.but not exceeding 10500 kgs. | 1040-00 |
| (k) | Exceeding 10500 kgs.but not exceeding 12000 kgs. | 1235-00 |
| (l) | Exceeding 12000 kgs.but not exceeding 13500 kgs. | 1430-00 |
| (m) | Exceeding 13500 kgs.but not exceeding 15000 kgs. | 1625-00 |
| (n) | Exceeding 15000 kgs. | 1625-00 |
| | | plus Rs.65-00 for every 250 kgs. or part thereof in ex- cess of 15000 kgs. |
| | Provided that two or more goods vehicles shall not be chargeable under this item in respect of the same trailer. | |
| 4. | Motor Vehicles other than those mentioned in item 5,6,7,8 and 9 plying for hire and used for Transport of passengers. | |
| (1) | Vehicles permitted to carry persons (excluding Driver) | |
| (a) | Not more than three persons | 55-00 |
| (b) | Not more than four persons | 100-00 |
| (c) | Five persons | 150-00 |

| 1 | 2 | 3 |
|-----|--|--------|
| | | Rs. P. |
| (d) | Six persons but not exceeding twelve persons for every person the vehicle is permitted to carry. | 150-00 |
| (2) | Vehicles permitted to carry more than twelve persons and plying exclusively on routes within the limits of cities and towns notified by the Government : | |
| (a) | For every seated passenger (other than driver and conductor) which the vehicle is permitted to carry | 200-00 |
| (b) | For every passenger (other than seated passenger, the driver and the conductor)..... | 100-00 |
| (3) | Vehicles permitted to carry more than twelve persons and the total mileage of which does not exceed 100 kms. per day: | |
| (a) | For every seated passenger (other than the driver and conductor) which the vehicle is permitted to carry... | 200-00 |
| (b) | For every passenger (other than the seated passenger and the driver and conductor) which the vehicle is permitted to carry | 100-00 |
| (4) | Vehicles permitted to carry more than twelve persons and the total mileage of which exceeds 100 kms. per day : | |

| 1 | 2 | 3 |
|-----|--|--------|
| | | Rs. P. |
| (a) | For every seated passenger (other than the driver and conductor) which the vehicle is permitted to carry... | 250-00 |
| (b) | For every passenger (other than the seated passenger, the driver or conductor) which the vehicle is permitted to carry | 100-00 |
| 5. | Motor Vehicles plying for hire or reward used for transport of passengers in respect of which contract carriage permits have been issued under the M.V. Act, 1939 and permitted to carry more than twelve passengers excluding the driver, for every passenger which the vehicle is permitted to carry | 300-00 |
| 6. | (a) Motor Vehicles other than those mentioned in item (b) plying for hire or reward used for transport of passengers in respect of which special permits have been issued under Section 63 (6) of M.V. Act, 1939 and permitted to carry more than twelve persons excluding the driver for every passenger which vehicle is permitted to carry..... | 300-00 |

| 1 | 2 | 3 |
|----|---|--------|
| | | Rs.P. |
| | (b) Motor Vehicles (Luxury Bus -es) plying for hire or reward used for Transport of passengers in respect of which special permits have been issued under Section 63(6) of M.V.Act, 1939 and permitted to carry more than twelve persons excluding the driver, for every passenger which the vehicle is permitted to carry..... | 400-00 |
| 7. | Motor Vehicles plying for hire or reward used for Transport of persons in respect of which permits have been issued under Section 63(7) of M.V. Act, 1939 and permitted to carry more than twelve persons excluding the driver, for every person which the vehicle is permitted to carry..... | 500-00 |
| 8. | Omni Buses : | |
| | (a) Permitted to carry not more than ten persons (excluding the driver) for every person which the vehicle is permitted to carry..... | 80-00 |
| | (b) Permitted to carry eleven persons or more (excluding the driver) for every person which the vehicle is permitted to carry..... | 200-00 |

| 1 | 2 | 3 |
|--------|--|--------|
| | | Rs. P. |
| (c)(i) | Owned by schools and exclusively used for conveyance of school children and staff of such school, for every person which the vehicle is permitted to carry excluding driver..... | 5-00 |
| (ii) | Omni buses Owned by other Educational Institutions and exclusively used for Conveyance of students and staff of such institutions for every person which the vehicle is permitted to carry excluding driver.... | 20-00 |
| 9. | Private service vehicle : For every person which the vehicle is permitted to carry.... | 120-00 |
| 10. | Motor Vehicles not themselves constructed to carry any load (other than water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment) used for haulage solely and weighing together with the largest number or trailers proposed to be drawn in weight laden: | |
| (a) | Not exceeding 3000 kgs..... | 195-00 |
| (b) | Exceeding 3000 kgs. but not exceeding 5000 kgs..... | 360-00 |
| (c) | Exceeding 5000 kgs. but not exceeding 7000 kgs..... | 780-00 |

| 1 | 2 | 3 |
|--------|--|---------|
| | | Rs.P. |
| (d) | Exceeding 7000 kgs.but not exceeding 9000 kgs..... | 1365-00 |
| (e) | Exceeding 9000 kgs.but not exceeding 12000 kgs..... | 1625-00 |
| (f) | Exceeding 12000 kgs.but not exceeding 15000 kgs..... | 1885-00 |
| (g) | Exceeding 15000 kgs..... | 1885-00 |
| | [plus Rs. 105-00 for every 250 kgs. or part thereof in excess of 15000kgs.] | |
| 11. | Tractor-Tailors owned by Agriculturists and whose main source of income is from Agriculture and Agricultural Co-operative Societies including -Vyavasayaseva Sahakari Sangha Niyamitha, Raithasevasahakari Sangha Niyamitha, Sericulture cum farmers Co-operative Societies, large sized Co-operative societies, Co-operative Agricultural Banks, Small sized Co-operative Societies, Agriculture credit Societies, Multipurpose Co-operative credit Societies, Doddapramanada Prathamika Pathina Sahakari Sangha, Primary Co-operative Land Development Bank and Service-Co-operative Societies.... | 25-00 |
| 12. | Fire Engines, Fire tenders and road water sprinklers in weight laden-- | |
| (i)(a) | Not exceeding 1000 kgs..... | 40-00 |

| 1 | 2 | 3 |
|---|---|--------|
| | | Rs.P. |
| (b) Exceeding 1000 kgs.but not exceeding 1500 kgs..... | | 60-00 |
| (c) Exceeding 1500 kgs.but not exceeding 2250 kgs..... | | 80-00 |
| (d) Exceeding 2250 kgs.but not exceeding 3000 kgs..... | | 100-00 |
| (e) Exceeding 3000 kgs.but not exceeding 4250 kgs..... | | 130-00 |
| (f) Exceeding 4250 kgs.but not exceeding 5500 kgs..... | | 165-00 |
| (g) Exceeding 5500 kgs.but not exceeding 7000 kgs..... | | 195-00 |
| (h) Exceeding 7000 kgs.but not exceeding 9000 kgs..... | | 230-00 |
| (i) Exceeding 9000 kgs..... | | 260-00 |
| (ii) Additional Tax payable in respect of such Vehicles used for drawing trailers including fire engines, trailer pumps for each trailer with weight laden. | | |
| (i) Not exceeding 1000 kgs..... | | 30-00 |
| (ii) Exceeding 1000kgs.but not exceeding 1500 kgs..... | | 35-00 |
| (iii) Exceeding 1500 kgs.but not exceeding 2250 kgs..... | | 40-00 |
| (iv) Exceeding 2250 kgs..... | | 65-00 |
| Provided that two or more vehicles shall not be chargeable under this clause in respect of the same Trailer. | | |
| 13. Goods Vehicles mounted with Drilling Rigs..... | | 250-00 |
| 14. Motor Cars (including those manufactured and | | |

| 1 | 2 | 3 |
|-----|---|---------|
| | | Rs.P. |
| | assembled outside India and imported) owned by Companies in weight un- laden. | |
| (a) | Not more than 1500 kgs..... | 270-00 |
| (b) | More than 1500 kgs.but not exceeding 2000 kgs..... | 360-00 |
| (c) | Exceeding 2000 kgs.but not exceeding 3000 kgs..... | 600-00 |
| (d) | Exceeding 3000 kgs.but not exceeding 4000 kgs..... | 900-00 |
| (e) | Exceeding 4000 kgs.but not exceeding 5000 kgs..... | 1200-00 |
| (f) | Exceeding 5000 kgs..... | 1500-00 |
| (g) | Additional Tax payable in respect of such vehicles used for drawing Trailers... | 30-00 |
| 15. | Imported cars of 1970 or later models manufactured or assem- bled outside India and owned by the persons other than the companies in weight un-laden. | |
| (a) | Not exceeding 1500 kgs..... | 180-00 |
| (b) | Exceeding 1500 kgs.but not exceeding 2000 kgs..... | 240-00 |
| (c) | Exceeding 2000 kgs.but not exceeding 3000 kgs..... | 400-00 |
| (d) | Exceeding 3000 kgs.but not exceeding 4000 kgs..... | 600-00 |
| (e) | Exceeding 4000 kgs.but not exceeding 5000 kgs..... | 800-00 |
| (f) | Exceeding 5000 kgs..... | 1000-00 |
| (g) | Additional Tax payable in respect of such vehicles used for drawing Trailers... | 30-00 |

| 1 | 2 | 3 |
|---|---|---|
|---|---|---|

Rs.P.

16. Motor Vehicles other than those liable to tax under foregoing provisions of this schedule in weight un-laden.

- | | |
|--|--------|
| (a) Not exceeding 1500 kgs..... | 90-00 |
| (b) Exceeding 1500kgs. but not exceeding 2000 kgs..... | 120-00 |
| (c) Exceeding 2000 kgs. but not exceeding 3000 kgs..... | 200-00 |
| (d) Exceeding 3000 kgs. but not exceeding 4000 kgs..... | 300-00 |
| (e) Exceeding 4000 kgs. but not exceeding 5000 kgs..... | 400-00 |
| (f) Exceeding 5000 kgs..... | 500-00 |
| (g) Additional tax payable in respect of such vehicles used for drawing Trailers,- | |
| (i) For each Trailer not ex- ceeding 1000 kgs..... | 20-00 |
| (ii) For each Trailer Exceed- ing 1000 kgs..... | 30-00 |

Provided that two or more vehicles shall not be chargeable under this clause in respect of the same Trailer.

PART - AA
[See section 3(1)]

| Item No. | Class of Vehicles | Vehicles not exceeding 50 CC | Vehicles exceeding 50 CC but not exceeding 300CC | Vehicles exceeding 300 CC |
|----------|--|------------------------------|--|---------------------------|
| 1 | 2 | 3 | 4 | 5 |
| (A) | At the time of registration of new vehicles | 500-00 | 750-00 | 1000-00 |
| (B) | If the vehicle is already registered and its age from the month of registration is-- | | | |
| 1. | Not more than two years ... | 470-00 | 715-00 | 960-00 |
| 2. | More than 2 years but not more than 3 years | 440-00 | 680-00 | 920-00 |
| 3. | More than 3 years but not more than 4 years | 410-00 | 645-00 | 880-00 |
| 4. | More than 4 years but not more than 5 years | 380-00 | 610-00 | 840-00 |
| 5. | More than 5 years but not more than 6 years | 350-00 | 575-00 | 800-00 |

| | | | | |
|-----|--|--------|--------|--------|
| 6. | More than 6 years but not more than 7 years | 320-00 | 540-00 | 760-00 |
| 7. | More than 7 years but not more than 8 years | 290-00 | 505-00 | 720-00 |
| 8. | More than 8 years but not more than 9 years | 260-00 | 470-00 | 680-00 |
| 9. | More than 9 years but not more than 10 years | 230-00 | 435-00 | 640-00 |
| 10. | More than 10 years but not more than 11 years | 200-00 | 400-00 | 600-00 |
| 11. | More than 11 years but not more than 12 years | 170-00 | 365-00 | 560-00 |
| 12. | More than 12 years but not more than 13 years | 140-00 | 330-00 | 520-00 |
| 13. | More than 13 years but not more than 14 years | 110-00 | 295-00 | 480-00 |
| 14. | More than 14 years but not more than 15 years | 80-00 | 260-00 | 440-00 |
| 15. | More than 15 years but not more than 16 years | 50-00 | 225-00 | 400-00 |
| 16. | More than 16 years but not more than 17 years | 20-00 | 190-00 | 360-00 |

| 1 | 2 | 3 | 4 | 5 |
|-----|--|-------|--------|--------|
| 17. | More than 17 years but not more than 18 years | 20-00 | 155-00 | 320-00 |
| 18. | More than 18 years but not more than 19 years | 20-00 | 120-00 | 280-00 |
| 19. | More than 19 years but not more than 20 years | 20-00 | 85-00 | 240-00 |
| 20. | More than 20 years but not more than 21 years | 20-00 | 50-00 | 200-00 |
| 21. | More than 21 years but not more than 22 years | 20-00 | 30-00 | 160-00 |
| 22. | More than 22 years but not more than 23 years | 20-00 | 30-00 | 120-00 |
| 23. | More than 23 years but not more than 24 years | 20-00 | 30-00 | 80-00 |
| 24. | More than 24 years | 20-00 | 30-00 | 40-00 |

PART - B
 [See section 3(2)]

| Item No. | Class of Vehicles | For period not exceeding 7 days at a time | For period exceeding 7 days but not exceeding 31 days |
|----------|---|---|---|
| 1 | 2 | 3 | 4 |
| 1. | Motor Cycles (including Motor Scooters and cycles with attachment for propelling the same by mechanical powers) not exceeding 400 kgs in weight unladen. | | |
| (a) | Bicycles not exceeding 50 cc if not used for drawing a trailer or side car. | 5-00 | 10-00 |
| (b) | Bicycles exceeding 50 cc but not exceeding 300 cc if not used for drawing a trailer or side car | 7-00 | 15-00 |

| 1 | 2 | 3 | 4 |
|--|---|--------|--------|
| (c) Bicycles not exceeding 300 cc used for drawing a trailer or side car and Bicycles exceeding 300 cc whether used for drawing a trailer or side car or not | | 10-00 | 15-00 |
| (d) Tricycles including Autorickshaws not used for transportation of goods or passengers for hire or reward | | 15-00 | 25-00 |
| 2. Invalid Carriages | | 3-00 | 5-00 |
| 3. Goods Vehicles-- | | | |
| (1)(a) Vehicles in weight laden not exceeding 300 kgs... | | 20-00 | 50-00 |
| (b) Exceeding 300 kgs.but not exceeding 1000 kgs.. | | 85-00 | 190-00 |
| (c) Exceeding 1000 kgs.but not exceeding 1500 kgs.. | | 100-00 | 235-00 |
| (d) Exceeding 1500 kgs.but not exceeding 2000 kgs.. | | 105-00 | 250-00 |

| | | | |
|-----|--|--|--|
| (e) | Exceeding 2000 kgs.but not exceeding 3000 kgs.. | 115-00 | 275-00 |
| (f) | Exceeding 3000 kgs.but not exceeding 4000 kgs.. | 130-00 | 325-00 |
| (g) | Exceeding 4000 kgs.but not exceeding 5500 kgs.. | 160-00 | 455-00 |
| (h) | Exceeding 5500 kgs.but not exceeding 7000 kgs.. | 185-00 | 485-00 |
| (i) | Exceeding 7000 kgs.but not exceeding 8500 kgs.. | 205-00 | 535-00 |
| (j) | Exceeding 8500 kgs.but not exceeding 9500 kgs.. | 225-00 | 585-00 |
| (k) | Exceeding 9500 kgs.but not exceeding 10500 kgs.. | 230-00 | 620-00 |
| (l) | Exceeding 10500 kgs.but not exceeding 12000 kgs.. | 260-00 | 715-00 |
| (m) | Exceeding 12000 kgs.but not exceeding 13500 kgs.. | 295-00 | 800-00 |
| (n) | Exceeding 13500 kgs.but not exceeding 15000 kgs.. | 325-00 | 910-00 |
| (o) | Exceeding 15000 kgs..... | 325-00 | 910-00 |
| | | plus 75-00 for every 250 kgs. or part there- | plus 160-00 for every 250 kgs. or part thereof |

| 1 | 2 | 3 | 4 |
|--|--------|-------------------------------|----------------------------|
| | | of in excess of 15000 kgs. | in excess of 15000 kgs. |
| (2) Additional tax payable in respect of goods vehicles specified in paragraph(1) used for drawing trailer for each trailer in the weight laden. | | | |
| (a) Not exceeding 1000 kgs.... | 80-00 | | 170-00 |
| (b) Exceeding 1000 kgs.but not exceeding 1500 kgs... | 95-00 | | 210-00 |
| (c) Exceeding 1500 kgs.but not exceeding 2000 kgs... | 95-00 | | 215-00 |
| (d) Exceeding 2000 kgs.but not exceeding 3000 kgs... | 105-00 | | 255-00 |
| (e) Exceeding 3000 kgs.but not exceeding 4000 kgs... | 120-00 | | 290-00 |
| (f) Exceeding 4000 kgs.but not exceeding 5500 kgs... | 140-00 | | 345-00 |
| (g) Exceeding 5500 kgs.but not exceeding 7000 kgs... | 165-00 | | 420-00 |
| (h) Exceeding 7000 kgs.but not exceeding 9000 kgs... | 185-00 | | 485-00 |

| | | |
|--|---|--|
| (i) Exceeding 9000 kgs.but not exceeding 9500 kgs... | 195-00 | 520-00 |
| (j) Exceeding 9500 kgs.but not exceeding 10500 kgs.. | 210-00 | 560-00 |
| (k) Exceeding 10500 kgs.but not exceeding 12000 kgs.. | 235-00 | 625-00 |
| (l) Exceeding 12000 kgs.but not exceeding 13500 kgs.. | 260-00 | 650-00 |
| (m) Exceeding 13500 kgs.but not exceeding 15000 kgs.. | 290-00 | 795-00 |
| (n) Exceeding 15000 kgs..... | 290-00 | 795-00 |
| | plus 65-00 for every 250 kgs. or part there- of in excess of 15000 kgs. | plus 160-00 for every 250 kgs. or part thereof in excess of 15000 kgs. |

Provided that two or more goods vehicles shall not be chargeable under this item in respect of the same trailer.

4. Motor Vehicles other than those mentioned in item 5, 6, 7, 8 and 9 plying for hire and used for transport of passengers and in respect of which per-

| 1 | 2 | 3 | 4 |
|---|---|---|---|
|---|---|---|---|

mits have been issued under the Motor Vehicles Act, 1939.

- (1) Vehicles permitted to carry persons (excluding driver).
 - (a) Not more than three persons ... 10-00 30-00
 - (b) Not more than four persons ... 15-00 40-00
 - (c) Five persons ... 20-00 60-00
 - (d) Six persons but not exceeding twelve persons for every person the vehicle is permitted to carry. ... 20-00 60-00
- (2) Vehicles permitted to carry more than twelve persons and the total mileage of which does not exceed 100 kms. per day.

For every seated passenger (other than the driver and conductor) which the vehicle is permitted to carry. ... 50-00 100-00
- (3) Vehicles permitted to carry more than twelve persons and

total mileage of which exceeds 100 kms.per day.

For every seated passenger (other than the driver and conductor).

- | | | | |
|--------|--|------------|--------|
| 5. | Motor vehicles plying for hire or reward used for transport of passengers in respect of which contract carriage permits have been issued under the Motor Vehicles Act, 1939 and permitted to carry more than twelve passengers excluding driver for every passenger which the vehicle is permitted to carry. | ... 150-00 | 200-00 |
| 6. (a) | Motor vehicles other than those mentioned in sub-item (b) plying for hire or reward used for transport of passengers in respect of which special permits have been issued under section 63(6) of the Motor Vehicles Act, 1939. | ... 100-00 | 200-00 |
-

| 1 | 2 | 3 | 4 |
|---|------------|--------|---|
| <p>and permitted to carry more than twelve persons excluding the driver for every passenger which the vehicle is permitted to carry.</p> | ... 100-00 | 200-00 | |
| <p>(b) Motor vehicles (luxury buses) plying for hire or reward used for transport of passengers in respect of which special permits have been issued under section 63(6) of the Motor Vehicles Act, 1939, and permitted to carry more than twelve persons excluding the driver for every passenger which the vehicle is permitted to carry.</p> | ... 125-00 | 250-00 | |
| <p>7. Motor vehicles plying for hire or reward used for transport of persons in respect of which permits have been issued un-</p> | | | |

der section 63(7) of the Motor Vehicles Act, 1939, and permitted to carry more than twelve persons excluding the driver for every person which the vehicle is permitted to carry.

8, Omni buses --

(a) Permitted to carry not more than ten persons (excluding the driver) for every person which the vehicle is permitted to carry.

... 135-00

275-00

(b) Permitted to carry eleven persons or more (excluding the driver) for every person which the vehicle is permitted to carry.

10-00

50-00

(c) (i) Owned by schools and exclusively used for conveyance of school children and staff of such school for every such person which the vehicle is permitted to

... 20-00

100-00



| 1 | 2 | 3 | 4 | |
|-----|---|-------|-------|--------|
| | carry. | ... | 5-00 | 10-00 |
| 9. | (ii) Owned by other Educational Institutions and exclusively used for conveyance of students and staff of such Institutions per seat for every such person which the vehicle is permitted to carry. | ..... | 5-00 | 10-00 |
| | Private Service Vehicle --- For every person which the vehicle is permitted to carry. | ..... | 20-00 | 100-00 |
| 10. | Motor vehicles not themselves constructed to carry any load (other than water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment) use for haulage solely and weighing together with the largest num- | | | |

ber of trailers proposed to
be drawn in weight laden--

| | | | |
|--|------|---|---|
| (a) Not exceeding 3000 kgs. | .... | 60-00 | 130-00 |
| (b) Exceeding 3000 kgs. but not exceeding 5000 kgs. | ... | 85-00 | 215-00 |
| (c) Exceeding 5000 kgs. but not exceeding 7000 kgs. | ... | 105-00 | 270-00 |
| (d) Exceeding 7000 kgs. but not exceeding 9000 kgs. | ... | 140-00 | 465-00 |
| (e) Exceeding 9000 kgs. but not exceeding 12000 kgs. | ... | 255-00 | 555-00 |
| (f) Exceeding 12000 kgs. but not exceeding 15000 kgs. | ... | 255-00 | 750-00 |
| (g) Exceeding 15000 kgs. | ... | 255-00 | 750-00 |
| | | + 35-00 | + 75-00 |
| | | for every 250 kgs. or part thereof in excess of 15000 kgs. | for every 250 kgs. or part thereof in excess of 15000 kgs. |

11. Tractor Trailers owned by
Agriculturists and whose
main source of income is
from agriculture and agri-
cultural Co-operative So-
cieties including Vyava-

| 1 | 2 | 3 | 4 |
|-----|---|-------------|-------|
| | saya Seva Sahakari Sangha Niyamitha, Raitha Seva Saha- kari Sangha Niyamitha, Seric- ulture-cum-Farmers Co-oper- ative Societies, Large sized Co-operative Societies, Co- operative Agricultural Banks, Small sized Co-operative Socie- ties, Agricultural Credit Societies, Multipurpose Co- Operative Credit Societies, Dodda Pramanada Prathamika Pattina Sahakari Sangha, Primary Co-operative Land Development Bank Serivce Co-operative Societies. | 10-00 | 20-00 |
| 12. | Fire Engines, Fire Tenders and Road Water Sprinklers in weight laden-- | | |
| (1) | (a) Not exceeding 1000 kgs. | 10-00 | 20-00 |
| | (b) Exceeding 1000 kgs. but not exceeding 1500 kgs. | 15-00 | 25-00 |
| | (c) Exceeding 1500 kgs. but not exceeding 2250 kgs. | 20-00 | 30-00 |

| | | |
|--|-------|--------|
| (d) Exceeding 2250 kgs.but not exceeding 3000 kgs. | 20-00 | 30-00 |
| (e) Exceeding 3000 kgs.but not exceeding 4250 kgs. | 25-00 | 35-00 |
| (f) Exceeding 4250 kgs.but not exceeding 5000 kgs. | 40-00 | 80-00 |
| (g) Exceeding 5000 kgs.but not exceeding 7000 kgs. | 40-00 | 80-00 |
| (h) Exceeding 7000 kgs.but not exceeding 9000 kgs. | 50-00 | 100-00 |
| (i) Exceeding 9000 kgs. | 60-00 | 120-00 |
| (2) Additional tax payable in respect of such vechiles used for drawing trailers including fire engines, trailer pumps for each trailer in weight laden-- | | |
| (a) Not exceeding 1000 kgs. | 5-00 | 20-00 |
| (b) Exceeding 1000 kgs.but not exceeding 1500 kgs. | 5-00 | 20-00 |
| (c) Exceeding 1500 kgs.but not exceeding 2250 kgs. | 10-00 | 25-00 |
| (d) Exceeding 2250 kgs. | 10-00 | 25-00 |

Provided that two or more vehi-
cles shall not be chargeable

1

2

3

4

| | 1 | 2 | 3 | 4 |
|-----|---|--|-----------|--------|
| | | under this clause in respect of the same trailer. | | |
| 13. | Goods vehicle mounted with drilling rigs. | | ...290-00 | 795-00 |
| 14. | Motor Cars (including those manufactured and assembled outside India and imported, owned by the Companies in weight un-laden- | | | |
| (a) | Not exceeding 1500 kgs. | ... | 30-00 | 100-00 |
| (b) | Exceeding 1500 kgs. but not exceeding 2000 kgs. | ... | 50-00 | 150-00 |
| (c) | Exceeding 2000 kgs. but not exceeding 3000 kgs. | ... | 75-00 | 300-00 |
| (d) | Exceeding 3000 kgs. but not exceeding 4000 kgs. | ... | 100-00 | 400-00 |
| (e) | Exceeding 4000 kgs. but not exceeding 5000 kgs. | ... | 200-00 | 500-00 |
| (f) | Exceeding 5000 kgs. | .... | 250-00 | 600-00 |
| (g) | Additional tax payable in respect of such vehicle used for drawing trailers. | | 5-00 | 10-00 |
| 15. | Imported Cars of 1970 or later model manufactured or assem- | | | |

| | | | |
|-----|--|--------|--------|
| | by the persons other than the Companies in weight un-laden- | | |
| (a) | Not exceeding 1500 kgs. ... | 20-00 | 75-00 |
| (b) | Exceeding 1500 kgs. but not exceeding 2000 kgs. ... | 25-00 | 100-00 |
| (c) | Exceeding 2000 kgs. but not exceeding 3000 kgs. ... | 50-00 | 175-00 |
| (d) | Exceeding 3000 kgs. but not exceeding 4000 kgs. ... | 75-00 | 200-00 |
| (e) | Exceeding 4000 kgs. but not exceeding 5000 kgs. ... | 100-00 | 250-00 |
| (f) | Exceeding 5000 kgs. ... | 120-00 | 300-00 |
| (g) | Additional tax payable in respect of such vehicles used for drawing trailers. ... | 5-00 | 10-00 |
| 16. | Motor Vehicles other than those liable to tax under foregoing provisions of this Schedule in weight un-laden--- | | |
| (a) | Not exceeding 1500 kgs. ... | 10-00 | 50-00 |
| (b) | Exceeding 1500 kgs. but not exceeding 2000 kgs. ... | 15-00 | 60-00 |
| (c) | Exceeding 2000 kgs. but not exceeding 3000 kgs. ... | 25-00 | 100-00 |
| (d) | Exceeding 3000 kgs. but not | | |

| 1 | 2 | 3 | 4 |
|--|---|-----------|--------|
| | exceeding 4000 kgs. | ... 40-00 | 150-00 |
| (e) | Exceeding 4000 kgs. but not exceeding 5000 kgs. | ... 50-00 | 200-00 |
| (f) | Exceeding 5000 kgs. | ... 60-00 | 250-00 |
| (g) | Additional tax payable in respect of such vehicles used for drawing trailers: | | |
| (i) | For each trailer not exceeding 1000 kgs. | ... 5-00 | 10-00 |
| (ii) | For each trailer exceeding 1000 kgs. | ... 5-00 | 10-00 |
| Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer. | | | |

PART 'C'
Refund Table
[See section 7(3)]

| Sl. No. | Scale of refund | Vehicles not exceeding 50 CC | Vehicles exceeding 50 CC but not exceeding 300 CC | Vehicles exceeding 300 CC |
|---------|--|------------------------------|---|---------------------------|
| 1 | 2 | 3 | 4 | 5 |
| | If, after registration, removal of vehicles or cancellation of registration of vehicles takes place -- | Rs. | Rs. | Rs. |
| (1) | Within a year. | 470 | 715 | 960 |
| (2) | After 1 year but within 2 years. | 440 | 680 | 920 |
| (3) | After 2 years but within 3 years. | 410 | 645 | 880 |
| (4) | After 3 years but within 4 years. | 380 | 610 | 840 |
| (5) | After 4 years but within 5 years. | 350 | 575 | 800 |

| 1 | 2 | 3 | 4 | 5 |
|------|-------------------------------------|-----|-----|-----|
| | | Rs. | Rs. | Rs. |
| (6) | After 5 years but within 6 years. | 320 | 540 | 760 |
| (7) | After 6 years but within 7 years. | 290 | 550 | 720 |
| (8) | After 7 years but within 8 years. | 260 | 470 | 680 |
| (9) | After 8 years but within 9 years. | 230 | 435 | 640 |
| (10) | After 9 years but within 10 years. | 200 | 400 | 600 |
| (11) | After 10 years but within 11 years. | 170 | 365 | 560 |
| (12) | After 11 years but within 12 years. | 140 | 330 | 520 |
| (13) | After 12 years but within 13 years. | 110 | 295 | 480 |
| (14) | After 13 years but within 14 years. | 80 | 260 | 440 |
| (15) | After 14 years but within 15 years. | 50 | 225 | 400 |
| (16) | After 15 years but within 16 years. | 20 | 190 | 360 |

| | | | |
|---|-----|-----|-----|
| (17) After 16 years but within 17 years. | Nil | 155 | 320 |
| (18) After 17 years but within 18 years. | Nil | 120 | 280 |
| (19) After 18 years but within 19 years. | Nil | 85 | 240 |
| (20) After 19 years but within 20 years. | Nil | 50 | 200 |
| (21) After 20 years but within 21 years. | Nil | 30 | 160 |
| (22) After 21 years but within 22 years. | Nil | Nil | 120 |
| (23) After 22 years but within 23 years. | Nil | Nil | 80 |
| (24) After 23 years but within 24 years. | Nil | Nil | 40 |
| (25) After 24 years. | Nil | Nil | Nil |

Explanation:

(1) The expression "Goods" in item 3 of Part A and B does not include light personal effects of passengers.

(2) The expression "Weight Laden" means,--

(a) In the case of goods vehicle or a trailer in respect of which permit has been issued under the Motor Vehicles Act, 1939, the maximum laden weight specified in the permit.

(b) In the case of goods vehicle or a trailer in respect of which no permit has been issued under the Motor Vehicles Act, 1939, the registered laden weight of such vehicles.

(3) For the purpose of item 14 of Part A and B the "Company" means "an Association of number of individuals for the purpose of carrying on Trade or other legitimate business; a number of persons united for the purpose or in a Joint concern for profit as a Company of merchants, private partnerships or incorporated body of man, firm, house or partnership or a Corporation".

(4) Where in pursuance of any agreement between the Government of Karnataka and the Government of any other State, tax in respect of any stage carriage, plying on a route lying partly in the State of Karnataka and partly in the other State, is payable to the Government of Karnataka only, the tax in respect of such vehicles shall be calculated on the total distance covered by the stage carriage on such route.

(5) For the purpose of item 6(b) of Part A and B, the "Luxury Bus" means a bus the body of which is constructed in accordance with the Government Notification No.HD

24 TMR 76, dated 5th November 1976 permits issued under section 63 (6) of Motor Vehicles Act, 1939.

8. Power to remove difficulty.-- If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, by notification in the Official Gazette make such provisions as may appear to it to be necessary or expedient for removing the said difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

9. Savings.--(1) Where in respect of a motor vehicle, other than motor cycle the tax payable under the principal Act for a year, half year or quarter, as the case may be has been paid before the commencement of the Karnataka Motor Vehicles Taxation (Amendment) Act, 1986 then notwithstanding that a taxation card has been granted therefor or endorsement in the taxation card for having collected the tax has been made, the difference of tax payable under section 3 for the said year, half year or quarter, as the case may be shall be paid on or before the last date fixed under section 4 of the principal Act, for the next year, half year or quarter as the case may be:

Provided that in cases where tax is already paid in advance for five years or ten years in one lumpsum at the old rates, the difference of tax payable shall be paid within a year from the date of publication of this Act in the Official Gazette.

KARNATAKA ACT No.9 OF 1986.
THE KARNATAKA SALES TAX (AMENDMENT) ACT,
1986.

Arrangement of Sections

Sections :

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 3-B
4. Amendment of section 5
5. Amendment of section 5-A
6. Amendment of section 6
7. Amendment of section 6-B
8. Amendment of section 6-D
9. Amendment of section 12-B
10. Amendment of section 17
11. Amendment of section 18
12. Amendment of section 21
13. Amendment of section 25-B
14. Amendment of section 28-A
15. Amendment of section 29
16. Amendment of Second Schedule
17. Amendment of Third Schedule
18. Amendment of Fourth Schedule
19. Amendment of Fifth schedule
20. Insertion of New Schedule

KARNATAKA ACT No.9 OF 1986

(First published in the Karnataka Gazette Extraordinary on the thirty-first day of 1986.)

THE KARNATAKA SALES TAX (AMENDMENT) ACT, 1986.

(Received the assent of the Governor on the Thirty-First day of March, 1986).

An Act further to amend the Karnataka Sales Tax Act, 1957 (Karnataka Act 25 of 1957).

Whereas it is expedient further to amend the Karnataka Sales Tax Act, 1957 (Karnataka Act 25 of 1957) for the purposes hereinafter appearing:

Be it enacted by the Karnataka State Legislature in the Thirty Seventh Year of the Republic of India as follows:-

1. **Short title and commencement.** - (1) This Act may be called the Karnataka Sales Tax (Amendment) Act, 1986.

(2) It shall come into force with effect from the first day of April, 1986.

2. **Amendment of section 2.**-- In section 2 of the Karnataka Sales Tax Act, 1957 (Karnataka Act 25 of 1957) (hereinafter referred to as the principal Act), in sub-section (1)--

(1) clause (o) shall be omitted;

(2) in clause (t), in item (a) of Explanation (3), after the words "The sale or purchase of goods", the words "other than in the course of inter-State trade or commerce or in the course of import or export" shall be inserted.

3. **Amendment of section 3-B.**-- In section 3-B of the principal Act, in sub-section (1)--

(1) for clause (a), the following clause

shall be and shall be deemed to have been substituted with effect from the first day of April, 1983, namely:--

"(a) The Joint Commissioners shall perform their functions in respect of such areas or of such dealers or classes of dealers or of such cases or classes of cases as the Commissioner may direct";

(2) In clause (a), for the word "Commissioner", the words "State Government" shall be substituted.

(3) clauses (b) and (c) shall be renumbered as clauses (c) and (d) respectively and before clause (c) as so renumbered, the following clause shall be inserted, namely:-

"(b) Where any directions issued under clause (a) have assigned to two or more Joint Commissioners, the same area or the same dealers or classes of dealers, or the same cases or classes of cases they shall perform their functions in accordance with any order which the Commissioner may make for the distribution and allocation of the work to be performed".

(4) In clause (d) as so renumbered, for the word, brackets and letter "clause (a)", the word, brackets and letter "clause (c)", shall be substituted.

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

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

(i) for the words "five per cent", the words "seven per cent" shall be substituted;

(ii) in the proviso, for the words "two per cent" the words "three per cent" shall be substituted;

(2) in clause (c) of sub-section (3), for the words "two per cent", the words "three per cent" shall be substituted;

(3) for sub-section (3-C), the following sub-section shall be substituted, namely:-

"(3-C) : Notwithstanding anything contained in sub-section (3), in the case of sale of any of the goods mentioned in column(2) of the Eighth Schedule which has already been subjected to tax under clause (a) of sub-section (3) by a dealer liable to tax under this Act, a tax at the rate specified in the corresponding entry of column(3) of the said schedule shall be levied at the point of last sale in the State on the taxable turnover of sales of such dealer in each year relating to such goods;".

(4) after sub-section (3-C), the following sub-section shall be inserted, namely:-

"(3-D) : Notwithstanding anything contained in this Act where goods sold or purchased are contained in containers or are packed in any packing materials liable to tax under this Act, the rate of tax and the point of levy applicable to turnover of such containers or packing materials as the case may be, shall, whether the containers or the packing materials have already been subjected to tax under this Act or not or whether the price of the containers or of the packing materials is charged for separately or not, be the same as those applicable to goods contained or packed:

Provided that no tax under this sub-section shall be leviable if the sale or purchase of goods contained in such containers or packed in such packing materials is exempt from tax under this Act".

5. Amendment of section 5-A.- In section 5-A of the principal Act.

(1) in sub-section (1).

(i) the words "taxable under this Act" shall be omitted;

(ii) in the second proviso to sub-section (1), for the words letters and figures "sections 5, 6-C and 6-D", the word and figure "section 5" shall be substituted;

(2) clause (iii) of sub-section (2) shall be omitted;

(3) in sub-clause (ii) of clause (c) of sub-section (3), for the words, figures and letter "sections 5 and 6-C", the word and figure "section 5" shall be substituted.

(4) in the explanation in item (1), after the word "include" the words "cashew, coffee beans or coffee seeds (whether raw or roasted) except when used as a raw material for instant coffee" shall be inserted.

6. Amendment of section 6.- In section 6 of the principal Act, in clause (iv) of the proviso, as it stood prior to the second day of February, 1983, for the figure and word "section 5", the words and figures "sub-section (1) of section 5 on the sale of the articles of food and drinks so manufactured by him" shall be and shall be deemed to have been substituted with effect from the seventh day of September, 1978 and shall be deemed to have been omitted with effect from the second day of February, 1983.

7. Amendment of section 6-B.- In section 6-B of the principal Act,

(1) for sub-section (1) excluding the provisos, the following shall be substituted, namely.

"(1) Every dealer other than the Government of Karnataka, the Central Government

or the State Government of any other State whose total turnover in a year is not less than fifteen lakh rupees whether or not the whole or any portion of such turnover is liable to tax under any other provisions of this Act, shall be liable to pay tax.

(i) at the rate of one per cent of his total turnover, if his total turnover is not less than fifteen lakh rupees but is less than two hundred and fifty lakh rupees in a year;

(ii) at the rate of one and a quarter per cent of his total turnover, if his total turnover is not less than two hundred and fifty lakh rupees in a year".

(2) clauses (ix) and (x) in the first proviso shall be and shall be deemed to have been inserted with effect from the eighteenth day of November, 1983;

(3) in the third proviso as it stood prior to the second day of February, 1983, for the words "if he is not liable to pay any tax under this Act", the words "if no tax is payable under sub-section (1) of section 5 on the sale of articles of food and drinks" shall be and shall be deemed to have been inserted with effect from the "twenty-ninth day of March 1981" and shall be deemed to have been omitted with effect from the second day of February, 1983.

8. Amendment of section 6-D.- Section 6-D of the principal Act shall be omitted.

9. Amendment of section 12-B.- In section 12-B of the principal Act,--

(1) after sub-section (1), the following provisos shall be inserted, namely:--

"Provided that the tax payable under this sub-section by a dealer who is a small scale industrial undertaking as defined under The Industries (Development and Regu-

lation) Act, 1951 (Central Act LXV of 1951) and registered with the Directorate of Industries and Commerce, Government of Karnataka, shall be paid within twenty days after the close of the quarter relating to the months to which such tax relates and the amount so payable shall for the purpose of section 13 be deemed to be an amount due under this Act from such dealer:

Provided further that the full amount of tax payable by a dealer in advance for the year as reduced by the amount of tax already paid under this section shall be paid within thirty days after the close of the year to which such tax relates."

(2) in sub-section (3),--

(i) after the word "month" wherever it occurs, the words "or quarter" shall be inserted;

(ii) for the words "the amount of tax so paid", the words "the amount by which the tax so paid" shall be substituted;

(3) after the proviso to sub-section (3), the following explanation shall be inserted, namely:--

"Explanation.- For the purpose of this section "quarter" means the period of three months ending on 31st day of May, 31st day of August, 30th day of November and 28th day (or 29th day) of February;".

10. Amendment of section 17.- In section 17 of the principal Act,--

(1) after sub-section (3), the following sub-section shall be and shall be deemed to have been inserted with effect from the first day of October, 1978 and shall be deemed to have been omitted with effect from the thirty first day of March, 1981, namely:--

"(3-A): Notwithstanding anything contained in sub-sections (1), (2) or (3), in the case of a hotelier or a restaurateur permitted to pay any amount by way of composition under this section, such hotelier or restaurateur shall not be liable to pay monthly instalments for the months during the period between the first day of October, 1978 and the thirty first day of March, 1981.";

(2) in sub-section (4), --

(i) in clause (i), after the words "hotelier or a restaurateur," the words "other than a hotelier or a restaurateur engaged in reselling of goods purchased by him in the course of inter-State trade or commerce," shall be inserted;

(ii) in clause (ii), for the figures and letters "25th", the figures and letters "20th" shall be substituted;

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

"(5) Notwithstanding anything contained in this Act, where a dealer has opted for payment of tax by way of composition in any year, the rate at which such tax is payable shall be the rate provided for such payment in this section at the commencement of the year".

11. Amendment of section 18.— In section 18 of the principal Act, in clause (a) of sub-section (1), the words letters and figures "or section 6-C or section 6-D or in excess of the total tax payable by him under this Act" shall be omitted.

12. Amendment of section 21.- In section 21 of the principal Act,--

(1) in sub-section (1), the words "and against which no appeal has been preferred under section 20" shall be omitted;

(2) in sub-section (2), the words "and against which no appeal has been preferred under section 20," shall be omitted;

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

"(5) The power under this section shall not be exercisable in respect of matters subjected to appeal under section 20."

13. Amendment of section 25-B.- In section 25-B of the principal Act, in sub-section (1),--

(1) in clause (i), for the word "nine", the word "twelve" shall be substituted;

(2) in clause (ii), for the word "Sixteen", the word "twenty" shall be substituted.

14. Amendment of section 28-A.- In section 28-A of the principal Act, in sub-section (3-A), for the words "by the State Government in this behalf", the words "to exercise the powers under sub-section (3)" shall be and shall be deemed always to have been substituted.

15. Amendment of section 29.- In section 29 of the principal Act, in clause (a) of sub-section (1), the words "being an assessee under this Act," shall be omitted.

16. Amendment of Second Schedule.- In the second schedule to the principal Act,-

(1) in the entries relating to serial number 8, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(2) in the entries relating to serial number 11, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(3) in the entries relating to serial number 12, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(4) in the entries relating to serial number 15, in column 3 for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted;

(5) in the entries relating to serial number 16, in column 3, for the words "Twelve per cent" the words "Fifteen per cent" shall be substituted;

(6) in the entries relating to serial number 17, in column 3, for the words "Fifteen per cent" the words "Twenty per cent" shall be substituted;

(7) in the entries relating to serial number 18, in column 3, for the words "Fifteen per cent", the words "Twenty per cent", shall be substituted;

(8) in the entries relating to serial number 18-A, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(9) in the entries relating to serial number 20, in column 3, for the words "Eight per cent" the words "Ten per cent", shall be substituted;

(10) in the entries relating to serial number 20-A in columns for the words "Ten per cent", the words "Thirteen per cent", shall be substituted;

(11) in the entries relating to serial number 20-B, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(12) in the entries relating to serial number 21, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(13) in the entries relating to serial number 22, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(14) in the entries relating to serial number 23, in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted;

(15) in the entries relating to serial number 24, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(16) in the entries relating to serial number 24-A, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(17) in the entries relating to serial number 37, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(18) in the entries relating to serial number 38,-

a) in column (3) of item (i), for the words "One hundred and fifty per cent", the words "Two hundred per cent" shall be substituted;

b) in column (3) of item (ii), for the words "Twenty eight per cent", the words "Thirty six per cent" shall be substituted;

(19) in the entries relating to serial number 39, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(20) in the entries relating to serial number 39-A, in column 3, for the words "Te

per cent", the words "Thirteen per cent", shall be substituted;

(21) in the entries relating to serial number 39-B,-

a) in column 3 of item (i), for the words "One hundred and fifty per cent", the words "Two hundred per cent", shall be substituted;

b) in column 3 of item (ii), for the words "Thirty per cent", the words "Thirty six per cent" shall be substituted;

(22) in the entries relating to serial number 39-C,-

a) in column 3 of item (i), for the words "One hundred and fifty per cent", the words "Two hundred per cent" shall be substituted;

b) in column 3 of item (ii), for the words "Thirty per cent", the words "Thirty six per cent" shall be substituted;

(23) in the entries relating to serial number 40, in column 3, for the words "Forty per cent", the words "One hundred and fifty per cent" shall be substituted;

(24) in the entries relating to serial number 41, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(25) in the entries relating to serial number 41-A, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(26) in the entries relating to serial number 43, in column 2, after the words "Coffee Drink", the words "and instant Coffee" shall be inserted;

(27) after the entries relating to serial number 43, the following entries shall be inserted, namely:-

"43-A. Instant Coffee Ten per cent";
 (28) in the entries relating to serial
 number 45₁-

i) in column 3 of item (a)₁, for the
 words "Eight per cent"₁, the words
 "Thirteen per cent" shall be sub-
 stituted;

ii) in item (b)₁-

a) in column 3 of sub-item (i)₁, for
 the words "Two per cent"₁, the
 words "Three per cent" shall be
 substituted;

b) in column 3 of sub-item (ii)₁, for
 the words "Eight per cent"₁, the
 words "Thirteen per cent" shall
 be substituted;

(29) in the entries relating to serial
 number 47₁-

a) in the entries relating to item
 (i) in column 3₁, for the words
 "Two per cent"₁, the words "Three
 per cent" shall be substituted;

b) in the entries relating to item
 (ii) in column 3₁, for the words
 "Six per cent"₁, the words "Eight
 per cent" shall be substituted;

(30) in the entries relating to serial
 number 47-A₁, in column 3₁, for the words "Two
 per cent"₁, the words "Three per cent" shall
 be substituted;

(31) in the entries relating to serial
 number 48₁, in column 3₁, for the words "Two
 per cent"₁, the words "Three per cent" shall
 be substituted;

(32) in the entries relating to serial
 number 49₁, in column 3₁, for the words "Four
 per cent"₁, the words "Five per cent" shall
 be substituted;

(33) in the entries relating to serial
 number 50-A₁, in column 3₁, for the words
 "Four per cent"₁, the words "Five per cent"
 shall be substituted;

(42) in the entries relating to serial number 57-A, in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted;

(43) in the entries relating to serial number 58, -

a) in column 2, for the words "and cane furniture", the words "cane furniture and those specified in serial number 200" shall be substituted;

b) in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted;

(44) in the entries relating to serial number 60, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted;

(45) in the entries relating to serial number 61, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(46) in the entries relating to serial number 61-A, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(47) in the entries relating to serial number 61-B, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(48) in the entries relating to serial number 63, in column 3, for the words "Fifteen per cent", the words "Twelve per cent" shall be substituted;

(49) in the entries relating to serial number 64, in column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted;

(50) in the entries relating to serial number 65, in column 3, for the words "Twelve

per cent", the words "Thirteen per cent", shall be substituted;

(51) in the entries relating to serial number 65-A, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(52) in the entries relating to serial number 66, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(53) in the entries relating to serial number 69, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(54) in the entries relating to serial number 70, in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted;

(55) in the entries relating to serial number 71, in column 3, for the words "Twelve per cent", the words "Four per cent" shall be substituted;

(56) after the entries relating to serial number 71, the following entries shall be inserted, namely:-

| | |
|------------------------|------------|
| "71-A. Bodies built on | Six |
| motor vehicle | per cent"; |
| chassis. | |

(57) in the entries relating to serial number 73, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(58) for the entries relating to serial number 73-B, the following entries shall be substituted, namely:-

| | |
|----------------------------|--------|
| "73-B. Batteries and parts | Twenty |
| thereof but exclud- | per |
| ing dry-cell and dry- | cent"; |
| cell batteries. | |

(59) in the entries relating to serial number 74, in column 3, for the words "Two per cent", the words "Three per cent" shall be substituted;

(60) in the entries relating to serial number 75, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(61) in the entries relating to serial number 77, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(62) for the entries relating to serial number 78, the following entries shall be substituted, namely:-

"78. Roofing, light roofing and false roofing materials, including cement and asbestos sheets, asphalt sheets, straw boards, hard and soft boards, plywood, veneered boards and panels, and laminated sheets but excluding those specified elsewhere.

..... Thirteen per cent";

(63) in the entries relating to serial number 79, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(64) in the entries relating to serial number 79-A, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(65) in the entries relating to serial number 80, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(66) in the entries relating to serial number 81-A, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(67) in the entries relating to serial number 81-B, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(68) in the entries relating to serial number 83, in column 3, for the words "Two per cent", the words "Three per cent" shall be substituted;

(69) in the entries relating to serial number 84, in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted;

(70) in the entries relating to serial number 85, in column 3, for the words "Fifteen per cent", the words "Twenty per cent" shall be substituted;

(71) in the entries relating to serial number 87, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(72) in the entries relating to serial number 88, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(73) in the entries relating to serial number 88-A, in column 3, for the words "Four per cent", the words "five per cent" shall be substituted;

(74) in the entries relating to serial number 89, in column 3, for the words "Ten per cent", the words "Thirteen percent" shall be substituted;

(75) in the entries relating to serial number 90, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(76) in the entries relating to serial number 91, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(77) in the entries relating to serial number 92, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(78) in the entries relating to serial number 93, in column 3, for the words "Ten per cent", the words "Thirteen percent" shall be substituted;

(79) in the entries relating to serial number 95, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(80) in the entries relating to serial number 96, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(81) in the entries relating to serial number 97-A, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(82) for the entries relating to serial number 98, the following entries shall be substituted, namely:-

"98. Ready to serve foods,
processed foods, semi-
cooked or semi-pro-
cessed food stuffs,
fruits, dried vegetables
(whether cooked or not),
fruit and vegetable pro-
ducts, when sold in
tins, cans, bottles or Eight
in any kind of sealed per
containers. cent";

(83) after the entries relating to serial number 98, the following entries shall be inserted, namely:-

"98A. Baby foods including milk powder. Eight per cent";

(84) for the entries relating to serial number 99, the following entries shall be substituted, namely:-

"99. Dry fruits including almonds, walnuts and pista. Ten per cent";

(85) in the entries relating to serial number 100, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(86) in the entries relating to serial number 101, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(87) in the entries relating to serial number 102, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(88) in the entries relating to serial number 103, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(89) in the entries relating to serial number 104, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(90) in the entries relating to serial number 104-A, in column 3, for the words "Ten per cent", the words "Fifteen per cent" shall be substituted;

(91) for the entries relating to serial number 104-B, the following entries shall be substituted, namely:-

"104-B. Rectified spirit. Thirteen per cent";

(92) in the entries relating to serial number 105, in column 3, for the words

"Twelve per cent", the words "Fifteen per cent" shall be substituted;

(93) after the entries relating to serial number 105, the following entries shall be inserted, namely:-

"105-A. Cheese not covered Six
under serial number per
105. cent";

(94) in the entries relating to serial number 106, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(95) in the entries relating to serial number 106-A, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(96) in the entries relating to serial number 107, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(97) in the entries relating to serial number 108, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(98) in the entries relating to serial number 109, column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(99) for the entries relating to serial number 110, the following entries shall be substituted, namely:-

"110. Plastic sheets, plastic granules and articles made from all kinds and all forms of plastic including articles made of polythene, polyvinyl chloride, poly-propylene, polyesterene and the like materials. Ten per cent";

(100) in the entries relating to serial number 111, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(101) in the entries relating to serial number 112, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(102) in the entries relating to serial number 113, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(103) in the entries relating to serial number 114, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(104) in the entries relating to serial number 115, in column 3, for the words "Twenty per cent", the words "Forty per cent" shall be substituted;

(105) in the entries relating to serial number 116, in column 3, for the words "Two per cent", the words "Three per cent" shall be substituted;

(106) in the entries relating to serial number 117, in column 3, for the words "Two per cent", the words "Three per cent" shall be substituted;

(107) in the entries relating to serial number 118, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(108) in the entries relating to serial number 119, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(109) in the entries relating to serial number 119-A, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(110). for the entries relating to serial number 120, the following entries shall be substituted, namely:-

"120. (i) Aluminium semis (ingots, slabs, blocks and billets of all qualities, shapes and sizes).

Eight per cent
(ii) Aluminium sheets, circles, hoops, strips and rolls.

Eight per cent
(iii) Aluminium bars (rounds, rods, squares, flats, octagons and hexagons, in coil form as well as straight lengths).

Six per cent
(iv) Aluminium tubes (rounds and squares) of all diameters and lengths including tube fittings.

Six per cent
(v) Aluminium wire rods and wires rolled or drawn.

Six per cent
(vi) Aluminium structurals (angles, joists, channels, tees, sheet piling sections, Z sections or any other extruded sections).

Six per cent";
(111) in the entries relating to serial number 121, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(112) in the entries relating to serial number 122, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(113) in the entries relating to serial number 122-A, in column 3, for the words "Six

per cent", the words "Eight per cent" shall be substituted;

(114) in the entries relating to serial number 122-B, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(115) in the entries relating to serial number 123, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(116) in the entries relating to serial number 124, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(117) in the entries relating to serial number 124-A, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(118) in the entries relating to serial number 126, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(119) in the entries relating to serial number 127, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(120) in the entries relating to serial number 129, column 3, for the words "Twelve per cent", the words "Fifteen per cent" shall be substituted;

(121) in the entries relating to serial number 130, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(122) in the entries relating to serial number 131, in column 3, for the words "Eight per cent", the words "Four per cent" shall be substituted;

(123) in the entries relating to serial number 132, in column 3, for the words

"Eight per cent", the words "Ten per cent" shall be substituted;

(124) in the entries relating to serial number 133, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(125) in the entries relating to serial number 134, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(126) in the entries relating to serial number 135, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(127) in the entries relating to serial number 137, in column 3, for the words "Two per cent", the words "Three per cent" shall be substituted;

(128) in the entries relating to serial number 138, in column 3, for the words "Two per cent", the words "Three per cent" shall be substituted;

(129) in the entries relating to serial number 140, in column 3, for the words "Two per cent", the words "Three per cent" shall be substituted;

(130) in serial number 141,-

(i) in the entries relating to item (i), in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(ii) entries relating to item (ii) shall be omitted;

(iii) in the entries relating to items (iii), (iv), (v) and (vi) in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(131) in the entries relating to serial number 142, in column 3, for the words

"Eight per cent", the words "Ten per cent" shall be substituted;

(132) in the entries relating to serial number 143, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(133) for the entries relating to serial number 144, the following entries shall be substituted, namely:-

| | |
|---|---------------------------|
| "144. Slotted angles and ready to assemble parts of steel racks. | Thirteen per cent"; |
|---|---------------------------|

(134) in the entries relating to serial number 147, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(135) in the entries relating to serial number 148, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(136) in the entries relating to serial number 149, in column 3, for the words "Fifteen per cent", the words "Forty per cent" shall be substituted;

(137) in the entries relating to serial number 150, in column 3, for the words "Eight per cent", the words "Ten per cent" shall be substituted;

(138) in the entries relating to serial number 151, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(139) in serial number 152,-

a) in the entries relating to item (i) in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

b) in the entries relating to item (ii), in column 3, for the words

"Eight per cent", the words "Ten per cent" shall be substituted;

(140) in the entries relating to serial number 153, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(141) in the entries relating to serial number 154, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(142) in the entries relating to serial number 155, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(143) in the entries relating to serial number 156, in column 3, for the words "Two per cent", the words "Three per cent" shall be substituted;

(144) in the entries relating to serial number 157, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(145) in the entries relating to serial number 158, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(146) in the entries relating to serial number 159, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(147) in the entries relating to serial number 160, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(148) in the entries relating to serial number 161, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(149) in the entries relating to serial number 162, in column 3, for the words "Six

per cent", the words "Eight per cent" shall be substituted;

(150) in the entries relating to serial number 163, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(151) in the entries relating to serial number 164, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(152) in the entries relating to serial number 165, in column 3, for the words "twelve per cent", the words "Fifteen per cent" shall be substituted;

(153) for the entries relating to serial number 166, the following entries shall be substituted, namely:-

| | |
|--|---------------------------|
| "166. Rolling shutters and collapsible gates whether operated man- ually, mechanically or electrically and their parts. | Thirteen per cent"; |
|--|---------------------------|

(154) in the entries relating to serial number 167, in column 3, for the words "Ten per cent", the words "Thirteen percent" shall be substituted;

(155) in the entries relating to serial number 168, in column 3, for the words "Ten per cent", the words "Thirteen percent" shall be substituted;

(156) in the entries relating to serial number 169, in column 3, for the words "Ten per cent", the words "Thirteen percent" shall be substituted;

(157) in the entries relating to serial number 170, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(158) in the entries relating to serial

number 171, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(159) in the entries relating to serial number 172, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(160) in the entries relating to serial number 173, in column 3, for the words "Six per cent", the words "Eight per cent" shall be substituted;

(161) in the entries relating to serial number 174, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;

(162) for the entries relating to serial number 175, the following shall be substituted, namely:-

"175. Jamoon mix, idli mix,
dosa mix, ice cream
mix, and all other Ten
instant mix food arti- per
cles, sambar and ra- cent";
sam powder, masala
powders and mixes,
curry powders and
pastes.

(163) in the entries relating to serial number 176, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(164) in the entries relating to serial number 177, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;

(165) in serial number 178,-

a) in the entries relating to item (1), in column (3), for the words "Two per cent", the words "Three per cent" shall be substituted;

b) in the entries relating to item (ii) in column (3) for the words "Six per cent" the words "Eight per cent" shall be substituted;

(166) in the entries relating to serial number 179 in column 3 for words "Ten per cent" the words "Thirteen per cent" shall be substituted;

(167) in the entries relating to serial number 180 in column 3 for the words "Six per cent" the words "Eight per cent" shall be substituted;

(168) in the entries relating to serial number 181 in column 3 for the words "Eight per cent" the words "Ten per cent" shall be substituted;

(169) in the entries relating to serial number 182 in column 3 for the words "Twelve per cent" the words "Fifteen per cent" shall be substituted;

(170) in the entries relating to serial number 183 in column 3 for the words "Twelve per cent" the words "Fifteen per cent" shall be substituted;

(171) after the entries relating to serial number 183 the following entries shall be inserted, namely:-

- | | |
|--|----------------------|
| "184. Food preservatives, food colours and food flavouring essences. | Eight per cent |
| 185. Account books, paper envelopes, diaries, calenders, race cards, catalogues, greeting cards, invitation cards, humour post cards, pic- ture post cards, cards for special occasions, photo and stamp albums. | Six per cent |

| | |
|--|----------------|
| 186. Kitchenware coated with heat resistant coatings and used for cooking as well as serving. | Ten per cent |
| 187. Utensils and other kitchenware made of alluminium or other non-ferrous metals and coated with stick resistant coatings. | Ten per cent |
| 188. Glycerine. | Eight per cent |
| 189. All kinds of laundry and textile starch. | Four per cent |
| 190. Office desk materials. | Eight per cent |
| 191. Lime, sand and granite stones and chips. | Six per cent |
| 192. Firewood, charcoal and bamboo (whether whole or split) | Six per cent |
| 193. Solvent oils. | Four per cent |
| 194. Candles. | Six per cent |
| 195. Shahabad stone slabs and tiles. | Eight per cent |
| 196. Fittings of doors, windows and furniture other than those specified elsewhere. | Ten per cent |
| 197. Soapnut (whether powdered or not). | Six per cent |
| 198. All kinds of laminated packing | |

materials, including hessian based paper, polythene and hessian based paper, liqydensity polythene fabric based paper and bitumerised water proof paper but excluding those specified in serial number 125.

Ten
per
cent

199. Lottery tickets.

Ten
per cent

200. Chairs, tables and cots wholly made of iron and steel.

Eight
per cent";

(172) in Explanation III, for the words "under this Act," the words and figures "under the said item" shall be and shall be deemed always to have been substituted;

(173) in Explanation IVA, after the words "bathing purposes," the words "and includes liquid shampoo." shall be and shall be deemed always to have been inserted;

(174) in Explanation VI, for the words "under this Act," the words and figures "under section 5" shall be deemed always to have been substituted;

(175) in Explanation VII, for the words "under this Act," the words "under section 5" shall be deemed always to have been substituted;

17. Amendment of third schedule.- In the third schedule to the principal Act,-

(1) in the entries relating to serial number 4, in column 3, for the words "Four per cent," the words "five per cent" shall be substituted;

(2) in the entries relating to serial

- number 4a, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;
- (3) in the entries relating to serial number 4b, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted;
- (4) in the entries relating to serial number 12, in column 3, for the words "Ten per cent", the words "Thirteen per cent" shall be substituted;
- (5) in the entries relating to serial number 13, in column 3, for the words "Two per cent", the words "Three per cent" shall be substituted;
- (6) in the entries relating to serial number 13a, in column 3, for the words "Four per cent", the words "Five per cent" shall be substituted.

18. Amendment of fourth schedule.- In the fourth schedule to the principal Act,-

- (1) in the entries relating to item (e) of serial number 5, in column 3, for the words "Three per cent" wherever they occur, the words "Four per cent" shall be substituted;
- (2) for the entries relating to serial number 9, the following entries shall be substituted, namely:-
- "9. (i) Rice sale by the first and earliest of wheat successive dealers Two in the State lia- per ble to tax under cent this Act.
- (ii) Barley sale by the first or earliest of successive dealers Three in the State lia- per ble to tax under cent this Act.

9. Amendment of fifth schedule- In the fifth schedule to the principal Act:-

- (1) after the entries relating to serial number 20, the following entries shall be and shall be deemed always to have been inserted and shall be deemed to have been omitted with effect from the first day of April, 1986, namely:-
 - "20-A. Lottery tickets";
- (2) for entries relating to serial 31-B, the following entries shall be substituted, namely:-
 - "31-B. Sugar including sugar candy but excluding confectionery and the like";
- (3) after the entries relating to serial number 40, the following entries shall be inserted, namely:-
 - "40-A. Ragi, jowar or milo, maize, paddy, bajra, navane, same, kodon and kutki.";
- (4) in the entries relating to serial number 42, in column 2, after the word "Electrical", the words "and electronic" shall be deemed to have been inserted with effect from the First day of April, 1984;
- (5) after the entries relating to serial number 43, the following entries shall be and shall be deemed to have been inserted with effect from the Second day of July, 1968 and shall be deemed to have been omitted with effect from the Tenth day of October, 1974, namely:-
 - "43-A. Bodies built on motor vehicle chassis".

10. Insertion of new schedule.- After the tenth schedule to the principal Act, the

following schedule shall be inserted, namely:-

Eighth Schedule
[See section 5 (3-C)]

| Sl. No. | Description of goods | Rate of tax |
|---------|--|----------------|
| 1 | 2 | 3 |
| 1 | Liquor other than toddy, arrack, wine, fenny and beer. | Three percent |
| 2 | All electrical goods, instruments, apparatus and appliances including fans and lighting bulbs and all other parts accessories but excluding pumpsets with electric motors of not more than 10 H.P. | Three percent |
| 3 | Articles used generally as parts and accessories of motor vehicles. | Three percent |
| 4 | Mosaic tiles and chips, ceramic and glazed floor and wall tiles and jointing powder and situ mixture. | Three percent |
| 5 | Articles made of stainless steel other than such articles as are used as parts of industrial machinery. | Three per cent |
| 6 | Rubber and other tyres and tubes and flaps of motor vehicles. | Three percent |
| 7 | Paints, colours, varnishes, pigments, polishes, indigo, enamel, putty, bale oil, white oil, turpentine, thinners, primers and paint brushes. | Three per cent |
| 8 | Plastic sheets and granules and articles made from all | |

- kinds and all forms of plastic including articles made of polythene, polyvinyl chloride, polypropylene, polyesterene and the like materials. Three per cent
9. Vanaspathi including Pakav or other hydrogenated oils by whatever name called and cooking medium. Two per cent
10. Ready to serve foods, processed foods, semi-cooked or semi processed food stuffs, fruits, dried vegetables (whether cooked or not), fruit and vegetable products, when sold in tins, cans, bottles or in any kind of sealed containers. Two per cent
11. Cellophane and all kinds of paper including carbon paper, blotting paper, water proof paper, PVC coated paper, ferro paper, ammonia paper, stencil paper but excluding paper falling under serial numbers 55 and 198 of the Second Schedule; pulp boards, duplex boards, corrugated boards and the like. Two per cent
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KARNATAKA ACT No.10 OF 1986

THE KARNATAKA TAX ON LUXURIES (HOTELS AND
LODGING HOUSES) (AMENDMENT) ACT, 1986.

Arrangement of Sections

Sections :

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 4
4. Insertion of new section 6A
5. Insertion of new section 7A
6. Amendment of section 8
7. Insertion of new sections 8A,
8B and 8C
8. Amendment of section 9
9. Insertion of new section 10A
10. Amendment of section 13
11. Amendment of section 15
12. Amendment of section 17
13. Substitution of expression
"Deputy Commissioner"

KARNATAKA ACT No.10 OF 1986.

(First published in the Karnataka Gazette Extraordinary on the thirty-first day of March, 1986)

THE KARNATAKA TAX ON LUXURIES (HOTELS AND LODGING HOUSES) (AMENDMENT) ACT, 1986.
 (Received the assent of the Governor on the Thirty-First day of March, 1986)

An Act further to amend the Karnataka Tax on Luxuries (Hotels and Lodging Houses) Act, 1979.

Whereas it is expedient further to amend the Karnataka Tax on luxuries (Hotels and Lodging Houses) Act, 1979 (Karnataka Act 22 of 1979) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-seventh Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Act, 1986.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2.- In section 2 of the Karnataka Tax on Luxuries (Hotels and Lodging Houses) Act, 1979 (Karnataka Act 22 of 1979) (hereinafter referred to as the principal Act),-

(1) After clause (1), the following clause shall be inserted, namely:-

"(1A) "Commissioner" means the Commissioner of Commercial Taxes appointed under section 3 of the Karnataka Sales Tax Act, 1957";

(2) Clause (3) shall be omitted;

(3) after clause (4), the following clause shall be inserted, namely:-

"(4A) "Joint Commissioner" means the Joint Commissioner of Commercial Taxes appointed under section 3 of the Karnataka Sales Tax Act, 1957;"

(4) After clause (5), the following clause shall be inserted, namely:-

"(5A) "Luxury Tax Officer" means person appointed by the State Government to exercise and perform functions of the Luxury Tax Officer under this Act;"

3. Amendment of section 4.- In section 4 of the principal Act, sub-section (5) shall be omitted.

4. Insertion of new section 6A.- After section 6 of the principal Act, the following section shall be inserted, namely:-

"6A. Collection of tax by a registered proprietor and forfeiture of illegal or excess collection of taxes.- (1) A proprietor, who is not registered under this Act, shall not collect any amount by way of tax or purporting to be by way of tax under this Act, nor shall a registered proprietor collect any amount by way of tax or purporting to be by way of tax at a rate exceeding the rate specified in sub-section (1) of section 3.

(2) If any proprietor contravenes the provisions of sub-section (1), the Luxury Tax Officer, after giving such proprietor a reasonable opportunity of being heard,-

(a) shall, by order in writing, forfeit in favour of the State Government the amount unauthorisedly collected or collected in excess of the prescribed rate; and

(b) may, in addition, by order in writing, impose upon him by way of penalty

a sum not exceeding one and a half times the amount so collected."

5. Insertion of new section 7A.- After section 7 of the principal Act, the following section shall be inserted, namely:-

"7A. Assessment of escaped tax.- (1) Where for any reason the whole or any part of the charges for lodging has escaped assessment to tax or has been assessed at a lowerrate than the rate at which it is assessable, the Luxury Tax Officer may, at any time within a period of five years from the expiry of the month to which the tax relates, proceed to assess to the best of his judgement the tax payable on such charges after issuing a notice to the proprietor and after making such enquiry as he considers necessary.

(2) In making an assessment under subsection (1) the Luxury Tax Officer may, if he is satisfied that the tax escaped from assessment is due to wilful non-disclosure of the charges for lodging by the proprietor, after giving a reasonable opportunity of showing cause, direct the proprietor to pay, in addition to the tax assessed under sub-section (1), a penalty not exceeding one and a half times the tax so assessed."

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

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

(a) in clause (a), in item (ii), the words and figure "under section 6" shall be omitted;

(b) in clause (b), for the words and figure "under section 7", the words "under this Act", shall be substituted, and for the words "into a Government treasury" the words "in such manner as may be prescribed and" shall be substituted;

(2) after sub-section (1) the following sub-section shall be inserted, namely:-

"(1A) If default is made in making payment in accordance with sub-section (1) -

(i) the whole of the amount towards tax or penalty outstanding on the date of default shall become immediately due and shall be a charge on the properties of the proprietor liable to pay such tax or penalty, and

(ii) the proprietor liable to pay such tax or penalty shall be liable to pay simple interest at two per cent of the amount of the tax or penalty due for each month or part thereof for the period for which the tax or penalty remains unpaid";

(3) for sub-section (2) the following shall be substituted, namely:-

"(2) Any tax or penalty which remains unpaid on the date specified in the notice of payment or after the extended date of payment, and any instalment not duly paid shall be recoverable -

(a) as if it were an arrear of land revenue; or

(b) on application to any magistrate by such magistrate, as if it were a fine imposed by him."

7. Insertion of new sections 8A, 8B and 8C.- After section 8 of the principal Act the following sections shall be inserted, namely:-

"8A. Recovery of tax from certain other persons.- (1) The Luxury Tax Officer may, at any time or from time to time, by notice in writing (a copy of which shall be forwarded to the proprietor, at his last address known to the Luxury Tax Officer) require any person from whom money is due

to the proprietor or any person who holds or may subsequently hold money for or on account of the proprietor to pay to the Luxury Tax Officer either forthwith upon the money becoming due or being held at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due by the proprietor in respect of arrears of tax or penalty or the whole of the money when it is equal to or less than that amount.

(2) The Luxury Tax Officer may at any time or from time to time, amend or revoke any such notice or extend the time for making any payment in pursuance of the notice.

(3) Any person making any payment in compliance with the notice under this section shall be deemed to have made the payment under the authority of the proprietor and the receipt of the Luxury Tax Officer shall constitute a good and sufficient discharge of the liability of such person to the extent of the amount referred to in the receipt.

(4) Any person discharging any liability to the proprietor after receipt of the notice referred to in this section shall be personally liable to the Luxury Tax Officer to the extent of the liability discharged or to the extent of the liability of the proprietor for the amount due under this Act, whichever is less.

(5) Where any person to whom a notice under this section is sent objects to it on the ground that the sum demanded or any part thereof is not due by him to the proprietor or that he does not hold any money for or on account of the proprietor, then

nothing contained in this section shall be deemed to require such persons to pay the sum demanded or any part thereof, to the Luxury Tax Officer.

(6) Any amount which a person is required to pay to the Luxury Tax Officer or for which he is personally liable to the Luxury Tax Officer under this section shall, if it remains unpaid be a charge on the properties of the said person and may be recovered in the manner specified in section 8.

Explanation.- For the purposes of this section, the amount due to proprietor or money held for or on account of proprietor shall be computed after taking into account such claims, if any, as may have fallen due for payment by such proprietor to such person and as may be lawfully subsisting.

8B. Liability of firms.-(1) Where any firm is liable to pay any tax or penalty or other amount under this Act, the firm and each of the partners of the firm shall be jointly and severally liable for such payment.

(2) Where a partner of a firm liable to pay any tax or penalty or other amount under this Act retires he shall, notwithstanding any contract to the contrary, be liable to pay the tax or penalty or other amount remaining unpaid at the time of his retirement and any tax or penalty or other amount upto the date of retirement, though unassessed.

(3) When a firm liable to pay the tax or penalty under this Act is dissolved or discontinued, the assessment of the tax and imposition of penalty shall be made as if no dissolution or discontinuance of the

firm had taken place and every person who was, at the time of dissolution or discontinuance, a partner of the firm and the legal representative of any such person who is deceased, shall be jointly and severally liable to pay the tax or penalty assessed or imposed.

8C. Tax payable on transfer of business etc.- (1) When the ownership of the business of a proprietor liable to pay tax or penalty or any other amount under this Act is transferred, the transferer and the transferee shall jointly and severally be liable to pay tax or penalty or any other amount under this Act in respect of such business which remains unpaid at the time of transfer and for the purpose of recovery from the transferee, such transferee shall be deemed to be the proprietor liable to pay the tax or penalty or other amount under this Act.

(2) Where a proprietor dies, his executor, administrator or other legal representative shall be deemed to be the proprietor for the purpose of this Act and the provisions of this Act shall apply to him in respect of the business of the deceased proprietor:

Provided that, in respect of any tax or penalty assessed as payable by any such proprietor or any tax or penalty which would have been payable by him under this Act, if he had not died, the executor, administrator or other legal representative shall be liable only to the extent of the assets of the deceased in his hands.

(3) When an undivided Hindu family or Aliya Santhana family liable to pay tax or penalty is partitioned, the assessment of the tax and the imposition of the penalty

shall be made as if no partition of the family has taken place, and every person who was a member of the family before the partition shall be jointly and severally liable to pay the tax or penalty assessed or imposed."

8. Amendment of section 9.-In section 9 of the principal Act,-

(1) in sub-section (1)-

(a) the words and figure "made under section 6" shall be omitted, and

(b) for the words "under section 7" the words "passed under the provisions of this Act" shall be substituted.

(2) for sub-section (2) the following shall be substituted, namely:-

"(2) On receipt of an appeal under sub-section (1) the appellate authority shall, after giving the appellant an opportunity of being heard,-

(a) confirm, reduce, enhance, annul or modify the assessment or penalty; or

(b) set aside the order of assessment or order imposing penalty and direct the Luxury Tax Officer to pass a fresh order after such enquiry as may be directed; or

(c) pass such orders as it may think fit".

9. Insertion of new section 10A.- After section 10 of the principal Act, the following section shall be inserted, namely:-

"10A. Rectification of mistakes.- (1) With a view to rectifying any mistake apparent from the record, the Luxury Tax Officer, the appellate authority or the revis-

ing authority may, at any time within five years from the date of an order passed by him or it as the case may be, amend such order:

Provided that an amendment which has the effect of enhancing an assessment or otherwise increasing the liability of the proprietor shall not be made unless the Luxury Tax Officer, the appellate authority or the revising authority, as the case may be, has given notice to the proprietor of his or its intention and has allowed the proprietor an opportunity of being heard.

(2) An order passed under sub-section (1) shall be deemed to be an order passed under the same provision of law under which the original order, the mistake in which was rectified had been passed.

(3) Where such rectification has the effect of reducing an assessment or penalty, the assessing authority shall make any refund which may be due to the proprietor".

10. Amendment of section 13.- In sub-section (1) of section 13 of the principal Act, for the words, "not exceeding one thousand rupees", the words, "which shall not be less than two hundred fifty rupees but which may extend to two thousand rupees" shall be substituted.

11. Amendment of section 15.- In section 15 of the principal Act,-

(1) in sub-section (1), for the words, "Deputy Commissioner may" and "as the Deputy Commissioner may" the words "Luxury Tax Officer or any officer authorised under sub-section (1) of section 17 may" and "as the Luxury Tax Officer or such authorised Officer may" shall respectively be substituted;

(2) in sub-section (2) for the words "Deputy Commissioner" the words "Luxury Tax Officer or the authorised officer" shall be substituted.

12. Amendment of section 17.- In section 17 of the principal Act,-

(1) in sub-section (1) for the words "Deputy Commissioner" the words "Luxury Tax Officer or any Officer authorised by the State Government in this behalf" shall be substituted;

(2) in sub-sections (2) and (3) for the words "Deputy Commissioner" wherever they occur the words "Luxury Tax Officer or the authorised officer" shall be substituted;

(3) in sub-section (4)-

(a) for the words "Deputy Commissioner or any other person authorised by him in this behalf" the words "Luxury Tax Officer or the person authorised by him in this behalf or the officer authorised under sub-section (1)" shall be substituted;

(b) for the words "Deputy Commissioner" the words "Luxury Tax Officer or the officer authorised under sub-section (1)" shall be substituted.

13. Substitution of expression "Deputy Commissioner".- For the expression "Deputy Commissioner" wherever it occurs in the principal Act the expression "Luxury Tax Officer" shall be substituted.

KARNATAKA ACT No.11 OF 1986

**THE KARNATAKA AGRICULTURAL INCOME TAX
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of Section 66

KARNATAKA ACT No.11 OF 1986.

(First published in the Karnataka Gazette Extraordinary on the Thirty-first day of March, 1986).

THE KARNATAKA AGRICULTURAL INCOME TAX (AMENDMENT) ACT, 1986.

(Received the assent of the Governor on the Thirty-first day of March, 1986).

An Act further to amend the Karnataka Agricultural Income Tax Act, 1957.

Whereas it is expedient further to amend the Karnataka Agricultural Income Tax Act, 1957 (Karnataka Act 22 of 1957) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Agricultural Income Tax (Amendment) Act, 1986.

(2) It shall come into force from the 1st day of April, 1986.

2. Amendment of section 66.- In section 66 of the Karnataka Agricultural Income Tax Act, 1957 (Karnataka Act 22 of 1957):-

(1) in sub-section (1), for the words "exclusively growing coffee" the words "growing coffee either exclusively or interplanted with banana, coconut, cardamom, pepper or orange" shall be and shall be deemed to have been substituted with effect from the 1st day of April, 1985;

(2) to sub-section (2), the following proviso shall be and shall be deemed to have been inserted with effect from the 1st day of April, 1985, namely:-

"Provided that where the average yield of coffee in respect of such land exceeds 600 kilograms per acre, the holder of such land shall, in addition to the lumpsum payable under sub-section (1), pay an additional lumpsum at the rate of rupees 400 per tonne of such excess yield."

KARNATAKA ACT No.12 OF 1986

THE KARNATAKA TAX ON ENTRY OF GOODS INTO LOCAL AREAS FOR CONSUMPTION, USE OR SALE THEREIN (AMENDMENT) ACT, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement.
2. Amendment of section 2.

KARNATAKA ACT No.12 OF 1986.

(First published in the Karnataka Gazette Extraordinary on the First day of April, 1986).

THE KARNATAKA TAX ON ENTRY OF GOODS INTO LOCAL AREAS FOR CONSUMPTION, USE OR SALE THEREIN (AMENDMENT) ACT, 1986.

(Received the assent of the Governor on the Thirty-first day of March, 1986).

An Act further to amend the Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein Act, 1979.

Whereas it is expedient further to amend the Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein Act, 1979 (Karnataka Act 27 of 1979) for the purposes hereinafter appearing;

Enacted by the Karnataka State Legislature in the Thirty Seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 2.-In section 2 of the Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein Act, 1979 (Karnataka Act 27 of 1979) in sub-section (A) in clause (5) after the words "a Municipality under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964)", the words "a mandal converted as such under sub-section (1) of section 128 of the Karnataka Zilla Pari-

shads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 (Karnataka Act 20 of 1985)" shall be deemed to have been inserted with effect from the first day of January, 1986.

KARNATAKA ACT No.13 OF 1986.

THE KARNATAKA TAX ON PROFESSIONS, TRADES,
CALLINGS AND EMPLOYMENTS (AMENDMENT) ACT,
1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 10

KARNATAKA ACT No.13 OF 1986.

(First published in the Karnataka Gazette Extraordinary on the Second day of May, 1986).

THE KARNATAKA TAX ON PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS (AMENDMENT) ACT, 1986.

(Received the assent of the Governor on the Twenty-ninth day of April, 1986).

An Act further to amend the Karnataka Tax on Professions, Trades, Callings and Employments Act, 1976.

Whereas it is expedient further to amend the Karnataka Tax on Professions, Trades, Callings and Employments Act, 1976 (Karnataka Act 35 of 1976) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Tax on Professions, Trades, Callings and Employments (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 10.- In section 10 of the Karnataka Tax on Professions, Trades, Callings and Employments Act, 1976 (Karnataka Act 35 of 1976), for clauses (a) and (b) of sub-section (2), the following clauses shall be substituted, namely:-

| | |
|--|-------------------------------------|
| "(a) in respect of a person who stands enrolled before the commencement of a year. | Before the 30th April of that year. |
|--|-------------------------------------|

(b) in respect of a person who is enrolled after the commencement of a year. .Within one month from the date of enrolment.".

KARNATAKA ACT No.14 OF 1986

THE UNIVERSITY OF AGRICULTURAL SCIENCES
(AMENDMENT) ACT, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of long title and preamble
3. Amendment of section 1
4. Amendment of section 2
5. Amendment of Chapter II
6. Amendment of section 3
7. Insertion of new section 7A
8. Amendment of section 9
9. Amendment of section 12
10. Amendment of section 18
11. Amendment of section 27
12. Insertion of new section 47A
13. Transitory provision relating to the University of Agricultural Sciences, Dharwad
14. Removal of Difficulties at the commencement of Amendment Act

KARNATAKA ACT No.14 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Second day of May, 1986).

**THE UNIVERSITY OF AGRICULTURAL SCIENCES
(AMENDMENT) ACT, 1986.**

(Received the assent of the Governor on the Twenty-ninth day of April, 1986).

An Act further to amend the University of Agricultural Sciences Act, 1963.

Whereas it is expedient further to amend the University of Agricultural Sciences Act, 1963 (Karnataka Act 22 of 1963) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the University of Agricultural Sciences (Amendment) Act, 1986.

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

2. Amendment of long title and preamble.- In the University of Agricultural Sciences Act, 1963 (Karnataka Act 22 of 1963) (hereinafter referred to as the principal Act), for the words "a University", the word "Universities" shall be substituted.

3. Amendment of section 1.- In sub-section (1) of section 1 of the principal Act, for the words "the University", the words "the Karnataka Universities" shall be substituted.

4. Amendment of section 2.-In section 2 of the principal Act,-

(a) after clause (1), the following clause shall be inserted, namely:-

"(1A) "Amendment Act" means the University of Agricultural Sciences (Amendment) Act, 1986;"

(b) for clause (10), the following clause shall be substituted, namely:-

"(10) "University" means a University established and incorporated under section 3".

5. Amendment of Chapter II.- In Chapter II of the principal Act, for the heading "THE UNIVERSITY", the heading "THE UNIVERSITIES" shall be substituted.

6. Amendment of section 3.-In section 3 of the principal Act,-

(1) for the heading "Incorporation of the University", the heading "Establishment and Incorporation of the Universities" shall be substituted;

(2) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) Notwithstanding anything contained in sub-section (1), on and from the date of the commencement of the Amendment Act,-

(a) the University established under sub-section (1), shall cease to have territorial jurisdiction over the area comprising the Districts of Belgaum, Bellary, Bidar, Bijapur, Dharwad, Gulbarga, Raichur, and Uttar Kannada, and shall be called as the University of Agricultural Sciences, Bangalore with headquarters at Bangalore; and

(b) there shall be established a university of agricultural sciences called as the University of Agricultural Sciences,

Dharwad having territorial jurisdiction over the area comprising the Districts of Belgaum, Bellary, Bidar, Bijapur, Dharwad, Gulbarga, Raichur and Uttar Kannada with headquarters at Dharwad, which shall consist of a Chancellor, a Pro-Chancellor, a Vice-Chancellor, a Dean, a Board of Regents and an Academic Council.";

(3) sub-section (5) shall be omitted.

7. Insertion of new section 7A.- After section 7 of the principal Act, the following section shall be inserted, namely:-

"7A. Transfer of certain colleges and institutions to the University of Agricultural Sciences, Dharwad.- (1) Notwithstanding anything contained in this Act on and from the date of the commencement of the Amendment Act,-

(a) all colleges, attached hostels, other buildings together with the articles of furniture, libraries, books, laboratories, stores, instruments, apparatus, appliances and equipment and all other property both moveable and immovable and research and other institutions owned and managed by the University referred to in sub-section (1) of section 3, prior to the commencement of the Amendment Act, situated within the territorial jurisdiction of the University of Agricultural Sciences, Dharwad shall along with all the properties, assets, liabilities and obligations stand transferred to and vest in the University of Agricultural Sciences, Dharwad:

Provided that the State Government may grant to the University of Agricultural Sciences, Dharwad such additional development grant as it may deem fit for developing a campus at Dharwad.

(b) (i) any student who was studying

for any examination of the University referred to in sub-section (1) of section 3, prior to the commencement of the Amendment Act, in the colleges transferred to the University of Agricultural Sciences, Dharwad, shall be permitted to complete his course in the University of Agricultural Sciences, Dharwad, which shall make arrangements for holding for such students examinations for a period as may be prescribed, in accordance with the curricula of that University;

(ii) if the University referred to in sub-section (1) of section 3, has prior to the commencement of the Amendment Act held any examination the result of which has been declared and degree relating thereto has not been conferred or issued or the results of any such examination have not been declared though the course requirements are completed then the University of Agricultural Sciences, Bangalore may declare the results and confer the degree;

(c) every teacher and other employee of the University referred to in sub-section (1) of section 3 and serving in or attached to any of the institutions situated within the territorial jurisdiction of the University of Agricultural Sciences, Dharwad, before the date of commencement of the Amendment Act, shall as from such date stand transferred to the appropriate cadre or category of posts in the University of Agricultural Sciences, Dharwad:

Provided that any teacher or other employee so transferred may within ninety days or within such further period not exceeding six months as the State Government

may by order direct, from the date of commencement of Amendment Act apply to the State Government for transfer to the University of Agricultural Sciences, Bangalore and the decision of the State Government thereon shall be final;

(d) any teacher or other employee of the University of Agricultural Sciences, Bangalore who desires to get transferred to the University of Agricultural Sciences, Dharwad may within ninety days or within such further period not exceeding six months as the State Government may by order direct, from the date of commencement of the Amendment Act, apply to the State Government for transfer to the University of Agricultural Sciences, Dharwad and decision of the State Government thereon shall be final;

(e) the State Government may in consultation with the Vice-Chancellors of the University of Agricultural Sciences, Bangalore and the University of Agricultural Sciences, Dharwad, determine the excess teaching and other employees, if any, in these Universities and transfer the staff so in excess to the University of Agricultural Sciences, Bangalore or the University of Agricultural Sciences, Dharwad, as the case may be, after following such principles and procedure as it may consider appropriate."

8. Amendment of section 9.-In section 9 of the principal Act, for clauses (8), (9) and (10), the following clause shall be substituted, namely:-

"(8) The Directors of Instruction".

9. Amendment of section 12.- In section 12 of the principal Act, after sub-section (3) the following sub-section shall be inserted, namely:-

"(3A) Notwithstanding anything contained in sub-sections (2) and (3), the first Vice-Chancellor of the University of Agricultural Sciences, Dharwad shall be appointed by the Chancellor on the recommendation of the State Government".

10. Amendment of section 18.- In sub-section (1) of section 18 of the principal Act, for the words "The Director of Instruction, Dharwad, the Director of Instruction, Veterinary College, Hebbal and the Director of Instruction, Agricultural College, Hebbal", the words "The Directors of Instruction" shall be substituted.

11. Amendment of section 27.- In sub-section (3) of section 27 of the principal Act, for clauses (c), (d) and (e), the following clause shall be substituted, namely:-

"(c) The Directors of Instruction".

12. Insertion of new section 47A.- After section 47 of the principal Act, the following section shall be inserted, namely:-

"47A. Co-ordination committee.-(1) as soon as may be after the commencement of the Amendment Act, the State Government shall constitute a co-ordination committee which shall consist of the following officers of each of the University, namely:-

- (i) Vice-Chancellor;
- (ii) Dean;
- (iii) Director of Research;
- (iv) Director of Extension;
- (v) Registrar.

The Vice-Chancellor and the Registrar of each University shall be appointed as the Chairman and the Secretary respectively of the committee for a period of one year by rotation.

(2) The Committee shall discuss matters and make recommendations relating to agricultural education, research and extension education in the State and on any other academic matter.

(3) The Vice-Chancellors shall take necessary action for implementation of the recommendations made by the committee".

13. Transitory provision relating to the University of Agricultural Sciences, Dharwad.- Notwithstanding anything contained in the principal Act as amended by this Act,-

(a) the Vice-Chancellor of the University of Agricultural Sciences, Dharwad may for a period of one year from the commencement of Amendment Act and subject to the provisions of the principal Act, as amended by Amendment Act, discharge all or any of the functions of the University for the purpose of carrying out the provisions of the principal Act as amended by Amendment Act and for that purpose may exercise power or perform all or any of the duties which by the principal Act are to be exercised or performed by any officer or authority of the University not being an officer or authority in existence at the time when such powers are exercised or such duties are performed;

(b) until Statutes and Regulations are made by the University of Agricultural Sciences, Dharwad, the Statutes and Regulations applicable to the University of Agricultural Sciences, Bangalore as in force on the date of commencement of Amendment Act shall be deemed to be the Statutes and Regulations made under this Act by the University of Agricultural Sciences, Dharwad:

Provided that the Vice-Chancellor may with the approval of the Chancellor make such modifications and adaptations therein as he may consider necessary.

14. Removal of difficulties at the commencement of Amendment Act.- If any difficulty arises in giving effect to the provisions of Amendment Act, the State Government may, by order published in the Official Gazette, make such provisions as may appear to it necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of Amendment Act.

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 15

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 1986.

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ.

ಪ್ರಕರಣಗಳು:

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ
2. 5ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ
3. ನಿರಸನ ಮತ್ತು ಉಳಿಸುವಿಕೆಗಳು

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 15

(1986ರ ಮೇ 6ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯವತ್ರದ ವಿಶೇಷ ಸುಚಿಯಲ್ಲಿ
ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ.)

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 1986.

(1986ರ ಏಪ್ರಿಲ್ 29ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಅನುಮತಿ ಪಡೆಯಲಾಗಿದೆ.)

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಅಧಿನಿಯಮ, 1984ನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಲು
ಬಂದ ಅಧಿನಿಯಮ ಈ ಮುಂದೆ ಕಾನೂನುಬಾಹಿರ ಉದ್ದೇಶಗಳಿಗಾಗಿ, ಕರ್ನಾಟಕ ಲೋಕಾ
ಯುಕ್ತ ಅಧಿನಿಯಮ, 1984 (ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 1985 ಸಂಖ್ಯೆ 4) ನ್ನು ತಿದ್ದು
ಪಡಿ ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ;

ಇದು ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೇಳನೆಯ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ
ವಿಧಾನಮಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಿದೆ:-

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ.- (1) ಈ ಅಧಿನಿಯಮವನ್ನು
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 1986 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(2) ಇದು 1985ರ ಡಿಸೆಂಬರ್ 4ನೇ ದಿನಾಂಕದಂದು ಜಾರಿಯಲ್ಲಿ ಬಂದಿರುವುದಾಗಿ
ಘಾಷಿಸಲ್ಪಡುವುದು.

2. 5ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಅಧಿನಿಯಮ,
1984 (ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 1985ರ ಸಂಖ್ಯೆ 4)ರ 5ನೇ ಪ್ರಕರಣದಲ್ಲಿ.-

(1) (3)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ.-

(i) "ಎದು ಸಾವಿರ" ಮತ್ತು "ಸಾಲು ಸಾವಿರ" ಎಂಬ ಪದಗಳಿಗೆ
ಬದಲಾಗಿ ಅನುಕ್ರಮವಾಗಿ "ಎಳುಸಾವಿರದ ಐದುನೂರು" ಮತ್ತು
"ಆರು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು;

(ii) ಪರಂತುಕವನ್ನು ಬಿಟ್ಟುಬಿಡತಕ್ಕದ್ದು;

(2) (4)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ, ಮೊದಲನೇ ಪರಂತುಕದಲ್ಲಿ, (b) ಖಂಡದ
ಅನಂತರ ಈ ಮುಂದಿನ ಖಂಡವನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ.-

"(A) ಲೋಕಾಯುಕ್ತನಿಗಾಗಲೀ, ಉಪಲೋಕಾಯುಕ್ತನಿಗಾಗಲೀ, ಯಾವುದೇ
ಕುಟ್ಟಿಭಕ್ತ, ಸಂದೇಯವಾಗತಕ್ಕುದಲ್ಲ";

3. ನಿರಸನೆ ಮತ್ತು ಉಳಿಸುವಿಕೆಗಳು.- (1) ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ (ತಿದ್ದುಪಡಿ) ಅಧ್ಯಾದೇಶ, 1985 (1985ರ ಕರ್ನಾಟಕ ಅಧ್ಯಾದೇಶ 20) ಈ ಮೂಲಕ ನಿರಸಿತವಾಗಿದೆ.

(2) ಅಂಥ ನಿರಸನದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಸದರಿ ಅಧ್ಯಾದೇಶದಿಂದ ತಿದ್ದುಪಡಿಯಾದಂತೆ ಮೂಲ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಅಥವಾ ಕೈಗೊಳ್ಳಲಾದ ಯಾವುದೇ ಕೃತ್ಯವನ್ನು, ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ತಿದ್ದುಪಡಿಯಾದಂತೆ ಮೂಲ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದುದೆಂದೂ ಅಥವಾ ಕೈಗೊಳ್ಳಲಾದುದೆಂದೂ ಭಾವಿಸತಕ್ಕದ್ದು.

KARNATAKA ACT No.15 OF 1986.

**THE KARNATAKA LOKAYUKTA (AMENDMENT) ACT,
1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 5
3. Repeal and savings

KARNATAKA ACT No.15 OF 1986.

(First published in the Karnataka Gazette Extraordinary on the 6th day of May, 1986)

KARNATAKA LOKAYUKTA (AMENDMENT) ACT, 1986
(Received the assent of the Governor on the 29th day of April, 1986)

An Act to amend the Karnataka Lokayukta Act, 1984.

Whereas it is expedient to amend the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Lokayukta (Amendment) Act, 1986.

(2) It shall be deemed to have come into force with effect from 4th December 1985.

2. Amendment of section 5.-In section 5 of the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985)-

(1) in sub-section (3)-

(i) for the words "five thousand" and "four thousand", the words "seven thousand and five hundred" and "six thousand" shall, respectively, be substituted;

(ii) the proviso shall be omitted.

(2) in sub-section (4) in the first proviso, after clause (b), the following clause shall be inserted, namely:-

"(c) no Dearness Allowance shall be payable either to the Lokayukta or Upalokayukta".

3. Repeal and savings.- (1) The Karnataka Lokayukta (Amendment) Ordinance, 1985 (Karnataka Ordinance 20 of 1985) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act as amended by this Act.

KARNATAKA ACT No.16 OF 1986

**THE KARNATAKA INDUSTRIAL ESTABLISHMENTS
(NATIONAL AND FESTIVAL HOLIDAYS)
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 3
3. Amendment of section 6
4. Amendment of section 7

KARNATAKA ACT No.16 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Eighth day of May 1986)

**THE KARNATAKA INDUSTRIAL ESTABLISHMENTS
(NATIONAL AND FESTIVAL HOLIDAYS)
(AMENDMENT) ACT, 1986**

(Received the assent of the Governor on the Third day of May, 1986).

An Act further to amend the Karnataka Industrial Establishments (National and Festival Holidays) Act, 1963.

Whereas it is expedient further to amend the Karnataka Industrial Establishments (National and Festival Holidays) Act, 1963 (Karnataka Act 24 of 1963) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Industrial Establishments (National and Festival Holidays) (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 3.-In section 3 of the Karnataka Industrial Establishments (National and Festival Holidays) Act, 1963 (Karnataka Act 24 of 1963), (hereinafter referred to as the principal Act), with effect from the Twenty-sixth day of April 1985,-

(a) for the words, "and six", the words, "and five" shall be substituted; and

(b) for the proviso, the following proviso shall be substituted, namely:-

"Provided that except in the case of industrial establishments owned or controlled by the Government of India the number of such other holidays shall be six and the first day of May shall be one of them."

3. Amendment of section 6.-In section 6 of the principal Act, in sub-section (1)-

(i) after the words "local limits", the words "or one or more industrial establishments or class of industrial establishments therein" shall be inserted; and

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

"Where an Inspector is appointed for one or more industrial establishments or class of industrial establishments, such Inspector and none other shall have jurisdiction over such industrial establishment or industrial establishments or such class of industrial establishments".

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

(i) after the words "within the local limits for which he is appointed", the words "or within which the industrial establishment or class of industrial establishments for which he is appointed is or are situated", shall be inserted; and

(ii) in clause (a) after the words "Industrial establishments" the words "or as the case may be, the industrial establishment or one belonging to such class of industrial establishments for which he is appointed", shall be inserted.

KARNATAKA ACT No.17 OF 1986

**THE KARNATAKA SHOPS AND COMMERCIAL
ESTABLISHMENTS (AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 3

KARNATAKA ACT No.17 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Eighth day of May 1986)

THE KARNATAKA SHOPS AND COMMERCIAL ESTABLISHMENTS (AMENDMENT) ACT, 1986

(Received the assent of the Governor on the Third day of May, 1986)

An Act further to amend the Karnataka Shops and Commercial Establishments Act, 1961.

Whereas it is expedient further to amend the Karnataka Shops and Commercial Establishments Act, 1961 (Karnataka Act 8 of 1962) for the purpose hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Shops and Commercial Establishments (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 3.- In sub-section (1) of Section 3 of the Karnataka Shops and Commercial Establishments Act, 1961, (Karnataka Act 8 of 1962) after clause (d), the following clause shall be inserted, namely:-

"(dd) establishments of the Food Corporation of India;"

KARNATAKA ACT No.18 OF 1986

**THE TTON GINNING AND PRESSING FACTORIES
(KARNATAKA AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections.

1. Short title, extent and commencement
2. Substitution of section 2B
3. Amendment of section 13
4. Repeal and savings

KARNATAKA ACT No.18 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Eighth day of May, 1986)

**THE COTTON GINNING AND PRESSING FACTORIES
(KARNATAKA AMENDMENT) ACT, 1986.**

(Received the assent of the Governor on the Third day of May, 1986).

An Act further to amend the Cotton Ginning and Pressing Factories Act, 1925.

Whereas it is expedient further to amend Cotton Ginning and Pressing Factories Act, 1925 (Central Act XII of 1925) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Cotton Ginning and Pressing Factories (Karnataka Amendment) Act, 1986.

(2) It extends to the whole State of Karnataka.

(3) It shall come into force at once.

2. Substitution of section 2B.-For section 2B of the Cotton Ginning and Pressing Factories Act, 1925 (Central Act XII of 1925) (hereinafter referred to as the principal Act), the following section shall be substituted, namely:-

"2B. Control of rates chargeable for ginning and pressing cotton.- (1) No owner or person in charge of a Cotton Ginning or Cotton Pressing Factory situated in the State of Karnataka shall,-

(i) charge or cause to be charged, for the ginning or pressing of cotton,

rates in excess of the maximum fixed by the Rate Fixing Committee;

(ii) refuse to accept or cause to be so refused cotton tendered by any person for ginning or pressing if the tender is prepared to pay charges at the rates lawfully leviable; or

(iii) impose as a condition precedent to the acceptance of cotton for ginning or pressing tendered by any person for the purpose, the surrender of cotton seed or lint in whole or part in lieu of the charges lawfully leviable:

Provided that where a cotton ginning or cotton pressing factory carries on the process of ginning or pressing cotton exclusively for its owner or person in charge as a part of his normal trade, the State Government may exempt such factory from the operation of clauses (ii) and (iii) subject to such conditions as may be prescribed.

(2) The State Government may by notification constitute a Rates Fixing Committee for fixing the maximum rates for ginning or pressing cotton in the State. Such committee shall consist of the Secretary to Government in charge of Agriculture who shall be the Chairman of the Committee, and the following members, namely:-

(a) The Secretary to Government in charge of Co-operation Department.

(b) The Registrar of Co-operative Societies, Karnataka.

(c) The Chairman and Managing Director of the Cotton Corporation of India Limited or his nominee.

(d) The Chief Inspector of Factories, Karnataka.

(e) Two representatives of cotton growers in the State nominated by the State Government.

(f) One representative of owners of Cotton ginning and pressing factories in the State nominated by the State Government.

(g) The Director of Agriculture, Karnataka.

(h) One representative of the Co-operative Ginning Factory as nominated by the Government.

(i) The Chairman of the State Co-operative Spinning Mills Federation.

(3) Whoever contravenes the provisions of sub-section (1) shall, on conviction be punishable with imprisonment for a term which may extend to one year and with fine which may extend to five thousand rupees."

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

(i) clause (ba), shall be omitted;

(ii) in clause (bb), the words "to all concerned in the local area" shall be omitted.

4. Repeal and savings.- (1) The Cotton Ginning and Pressing Factories (Karnataka Amendment) Ordinance, 1985 (Karnataka Ordinance No.17 of 1985) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

KARNATAKA ACT No.19 OF 1986
THE KARNATAKA LAND REFORMS
(AMENDMENT) ACT, 1986

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 48A
4. Amendment of section 48C
5. Amendment of section 53
6. Amendment of section 113
7. Insertion of new sections 116A and 116B
8. Amendment of section 118
9. Amendment of section 119
10. Amendment of section 121
11. Insertion of new section 121A
12. Amendment of section 122
13. Amendment of section 123
14. Amendment of section 124
15. Amendment of Act I of 1955
16. Amendment of Mysore Act XVIII of 1955
17. Amendment of Karnataka Act 54 of 1976
18. Amendment of Karnataka Act 10 of 1978
19. Transfer of pending proceedings
20. Repeal and savings.

KARNATAKA ACT No.19 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Eighth day of May, 1986).

**THE KARNATAKA LAND REFORMS
(AMENDMENT) ACT, 1986**

(Received the assent of the Governor on the Seventh day of May, 1986).

An Act further to amend the Karnataka Land Reforms Act, 1961.

Whereas in the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962), there is no provision for preferring an appeal against the order passed by a Land Reform Tribunal;

And whereas the High Court of Karnataka in W.P.No.28441/1981 has observed that the disposal of the cases by the Tribunals is not satisfactory and to facilitate proper adjudication of disputes a provision in the Act for preferring an appeal is desirable;

And whereas it is expedient further to amend the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Reforms (Amendment) Act, 1986.

(2) it shall be deemed to have come into force on the Sixth day of December, 1985.

2. Amendment of section 2.-In section 2 of the Karnataka Land Reforms Act, 1961

(Karnataka Act 10 of 1962) (hereinafter referred to as the principal Act) after clause (4) of sub-section (A), the following clause shall be inserted, namely:-

"(4a) Appellate Authority" means the Land Reforms Appellate Authority constituted under section 116A."

3. Amendment of section 48A.-In section 48A of the principal Act, in sub-section (6), the words "order of the Tribunal under this section shall be final and the" shall be omitted.

4. Amendment of section 48C.- Sub-section (3) of section 48C of the principal Act shall be omitted.

5. Amendment of section 53.-In sub-section (1) of section 53 of the principal Act, after the proviso, the following further proviso shall be inserted, namely:-

"Provided further that where the extent of the land in respect of which a person is registered as an occupant together with other land, if any, held by him, does not exceed ten acres of 'D' Class land, or an extent equivalent thereto, comprising of one or more classes of other land specified in Part A of Schedule-I, determined in accordance with the formula specified in Part B of Schedule-I, he shall be exempted from paying the instalments, which fall due on or after the Seventeenth day of October, 1984".

6. Amendment of section 113.- Section 113 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:-

"(2) The Appellate Authority shall, for the purposes of the disposal of the

appeals before it, have the same powers as are vested in a Court of Appeal under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), except the following, namely:-

(a) power of remanding the appeal to the Tribunal, either for recording fresh decision or for recording further evidence or for any other purpose;

(b) power of referring any point or points for decision to the Tribunal;

(c) such other matters as may be prescribed;

(3) The State Government, may make rules for -

(a) conferment of such other powers on the Appellate Authority as may as considered necessary;

(b) regulating the practice and procedure of the Appellate Authority and the conduct of its business."

7. Insertion of new sections 116A and 116B.- After section 116 of the principal Act, the following sections shall be inserted, namely:-

"116A. Appellate Authority.- (1) The State Government shall, by notification, constitute a Land Reforms Appellate Authority for each district or a part of a district or group of districts, as may be specified in the notification, consisting of two members, of whom, one shall be an officer in the Cadre of Civil Judge (hereinafter referred to as Judicial Member) and the other, an officer not below the rank of a Deputy Commissioner and includes a Civil Judge or Principal Civil Judge, as the case may be, to whom a reference is made under section 116B.

(2) Subject to such conditions as may be prescribed, the State Government shall,

by notification, specify the principal seat of the Appellate Authority and may likewise specify the other places, where the Appellate Authority may also have sittings.

116-B. Conduct of Business of the Appellate Authority.-(1) Where the members of an Appellate Authority hearing an appeal differ in opinion, on any point material for the decision of the case, they shall state such point and the judicial member shall then place the papers before the Civil Judge having jurisdiction over the area in which the principal seat of the Appellate Authority is situated or where there are more than one Civil Judge for such area, before the Principal Civil Judge. The case shall then be heard on that point only by such Civil Judge or Principal Civil Judge, as the case may be, and such point shall be decided according to the opinion of the majority including those who first heard it.

(2) The control over the administrative matters of the Appellate Authority shall vest with the judicial member.

(3) Notwithstanding anything contained in this Act, Legal Practitioners may appear before the Appellate Authority".

8. Amendment of section 118.- In section 118 of the principal Act, before subsection (2), the following sub-section shall be inserted, namely:-

"(1A) Save as otherwise provided in this Act, from every decision or order passed by the Tribunal under this Act, after the commencement of the Karnataka Land Reforms (Amendment) Act, 1986, an appeal shall lie to the Appellate Authority; and the Appellate Authority shall send a copy

of every order passed by it to the Chairman, the Secretary of the Tribunal and the parties concerned.

9. Amendment of section 119.- In section 119 of the principal Act, in sub-section (1), before the words "Deputy Commissioner", the words "Tribunal or the" shall be inserted.

10. Amendment of section 121.- In section 121 of the principal Act,-

(a) in sub-section (1), before the words "Karnataka Appellate Tribunal" the words "Appellate Authority or the" shall be inserted, and

(b) in sub-section (2), before the words "Karnataka Appellate Tribunal", the words "Appellate Authority or of the" shall be inserted.

11. Insertion of new section 121A.- After section 121 of the principal Act, the following section shall be inserted, namely:-

"121A. Revision by the High court.- The High Court may at any time call for the records of any order or proceeding recorded by the Appellate Authority under this Act or any other law for the purpose of satisfying itself as to the legality of such order or as to the regularity of such proceeding and may pass such order with respect thereto as it thinks fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard".

12. Amendment of section 122.- In section 122 of the principal Act, before the words "Deputy Commissioner" the words, "Tribunal or the" shall be inserted.

13. Amendment of section 123.- In sec-

tion 125 of the principal Act shall be re-numbered as sub-section (1) thereon and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

"(2) Notwithstanding anything contained in the Karnataka Court Fees and Suits Valuation Act, 1958, every appeal made under this Act to the Appellate Authority shall bear a Court Fee Stamp of rupees fifty:

Provided that court fee payable in respect of every appeal filed against an interlocutory order passed by the Tribunal shall be rupees twentyfive:

Provided further that no such Court Fee shall be payable in respect of a Writ Petition or a Writ Appeal transferred to the Appellate Authority under section 19 of the Karnataka Land Reforms (Amendment) Act, 1986".

14. Amendment of section 124.- In section 124 of the principal Act, after the words "the Tribunal" the words "the Appellate Authority," shall be inserted.

15. Amendment of Act 1 of 1955.- In the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act 1 of 1955),-

(1) After clause (1) of sub-section (1) of section 2, the following shall be inserted, namely:-

"(1a) "Appellate Authority" means the Appellate Authority constituted under section 116A of the Karnataka Land Reforms Act, 1961".

(2) in section 10,-

(a) in clause (c) of sub-section (3), the words "and the decision of the Tribunal shall be final", shall be omitted.

(b) after sub-section (3), the following shall be inserted, namely:-

"(4) (a) From every decision or order passed by the Tribunal under this Act, after the commencement of the Karnataka Land Reforms (Amendment) Act, 1986, an appeal shall lie to the Appellate Authority, and the Appellate Authority shall send a copy of every order passed by it to the Tahsildar, the Secretary of the Tribunal and the parties concerned.

(b) The provisions of the Karnataka Land Reforms Act, 1961 applicable to enquiries, proceedings and conduct of business of the Appellate Authority under the said Act, including provision of section 121A thereof, shall, *mutatis mutandis*, apply to enquiries, proceedings and conduct of business of the Appellate Authority under this Act."

(3) In section 12, the words "and such decision shall be final" shall be omitted.

(4) In sub-section (1) of section 32, the words "and the decision of the Tribunal shall be final" shall be omitted.

16. Amendment of Mysore Act 18 of 1955.-In Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955),-

(1) After clause (1) of sub-section (1) of section 2, the following shall be inserted, namely:-

"(1a) 'Appellate Authority' means the Appellate Authority constituted under section 116A of the Karnataka Land Reforms Act, 1961."

(2) In section 9,-

(a) in clause (c) of sub-section (2), the words "and the decision of the Tribunal shall be final" shall be omitted;

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

"(3) (a) From every decision or order passed by the Tribunal, under this Act, after the commencement of the Karnataka Land Reforms (Amendment) Act, 1986, an appeal shall lie to the Appellate Authority and the Appellate Authority shall send a copy of every order passed by it to the Tahsildar, the Secretary of the Tribunal and the parties concerned.

(b) The provisions of the Karnataka Land Reforms Act, 1961 applicable to enquiries, proceedings and conduct of business of the Appellate Authority under the said Act including the provision of section 121A thereof shall, mutatis mutandis, apply to enquiries, proceedings and conduct of business of the Appellate Authority under this Act."

(3) In section 11, the words "and such decision shall be final" shall be omitted.

(4) In sub-section (1) of section 30, the words "and the decision of the Tribunal shall be final" shall be omitted.

17. Amendment of Karnataka Act 54 of 1976.— In the Karnataka (Sandur Area) Inams Abolition Act, 1976 (Karnataka Act 54 of 1976),—

(1) After clause (a) of sub-section (1) of section 2, the following shall be inserted, namely:—

"(aa) 'Appellate Authority' means the Appellate Authority constituted under section 116A of the Karnataka Land Reforms Act, 1961".

(2) section 10 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) (a) From every decision or order passed by the Tribunal under this Act af-

ter the commencement of the Karnataka Land Reforms (Amendment) Act, 1986, an appeal shall lie to the Appellate Authority, and the Appellate Authority shall send a copy of every order passed by it to the Tahsil-dar, the Secretary of the Tribunal and the parties concerned.

(b) The provisions of the Karnataka Land Reforms Act, 1961 applicable to enquiries, proceedings and conduct of business of the Appellate Authority under the said Act including the provision of section 121A thereof shall *mutatis mutandis* apply to enquiries, proceedings and conduct of business of the Appellate Authority under this Act."

18. Amendment of Karnataka Act 10 of 1978.- In the Karnataka Certain Inams Abolition Act, 1977 (Karnataka Act 10 of 1978),-

(1) After clause (a) of sub-section (1) of section 3, the following shall be inserted, namely:-

"(aa) 'Appellate Authority' means the Appellate Authority constituted under section 116A of the Karnataka Land Reforms Act, 1961."

(2) Section 11 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

"(2) (a) From every decision or order passed by the Tribunal under this Act after the commencement of the Karnataka Land Reforms (Amendment) Act, 1986 an appeal shall lie to the Appellate Authority, and the Appellate Authority shall send a copy of every order passed by it to the Tahsil-dar, the Secretary of the Tribunal and the parties concerned.

(b) The provisions of the Karnataka Land Reforms Act, 1961 applicable to enquiries, proceedings and conduct of business of the Appellate Authority under the said Act including the provision of section 121-A thereof shall, *mutatis mutandis* apply to enquiries, proceedings and conduct of business of the Appellate Authority under this Act."

19. Transfer of pending proceedings.- The High Court may, if it deems fit, transfer to the Appellate Authority having jurisdiction, a writ petition preferred to it against an order passed by the Tribunal, under the Karnataka Land Reforms Act, 1961 or under any other law, either before or after the coming into force of the Karnataka Land Reforms (Amendment) Act, 1986 in which rule has been issued by it after condoning the laches, if any and any appeal preferred against the orders passed in such writ petition and admitted by it, pending before it. On such transfer, the writ petition or as the case may be, the writ appeal shall, notwithstanding anything contained in this Act, be deemed to be an appeal filed before the Appellate Authority and the parties thereof may be permitted to amend their pleadings in such manner as they may deem fit.

20. Repeal and Savings.- (1) The Karnataka Land Reforms (Amendment)-Ordinance, 1985 (Karnataka Ordinance 18 of 1985) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

KARNATAKA ACT No.20 OF 1986

**THE KARNATAKA LAND REVENUE
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

- 1. Short title and commencement**
- 2. Insertion of new Chapter VIIA**

KARNATAKA ACT No.20 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Thirteenth day of May, 1986).

**THE KARNATAKA LAND REVENUE
(AMENDMENT) ACT, 1986.**

(Received the assent of the Governor on the Seventh day of May, 1986).

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Insertion of new Chapter VIIA.-After section 90 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), the following Chapter and sections shall be inserted, namely:-

"CHAPTER VIIA

**Construction of water course
through land of another**

90A. Construction of Water Course through land belonging to other persons.- (1) If the State Government or a co-operative farm or any person (hereinafter in this chapter called the applicant), desires to construct a water course to take water for the purpose of agriculture from a source of water to which he or the State Govern-

ment or such farm is entitled, but such water course is to be constructed through any land which belongs to, or is in possession of, another person (hereinafter in this Chapter called the neighbouring holder), and if no private agreement is arrived at for such construction between the applicant and the neighbouring holder, the person desiring to construct the water course may make an application in the prescribed form to the Tahsildar.

Explanation.- For the purposes of this Chapter "Co-operative farm" means a co-operative farm as defined in the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) and "Neighbouring holder" shall include any person to whom the land belongs and all persons holding through or under him.

(2) On receipt of the application, if the Tahsildar after making an inquiry and after giving to the neighbouring holder and all other persons interested in the land an opportunity of stating any objection to the application, is satisfied that for ensuring the full and efficient use for agriculture of the land belonging to the applicant, it is necessary to construct the water course, he may by order in writing direct the neighbouring holder to permit the applicant to construct the water course subject to the following conditions, namely:-

(a) the water course shall be constructed through such land in such direction and manner as is agreed upon by the parties or failing such agreement, as directed by the Tahsildar so as to cause as little damage to the land through which it is constructed, as may be possible;

(b) where the water course consists of pipes, the pipes shall be laid at a depth of not less than two feet from the surface of the land;

(c) where the water course is a water channel, the channel shall not exceed five feet in width;

(d) the applicant shall pay to the neighbouring holder:-

(i) such compensation for any damage caused to such land by reason of the construction of the water course injuriously affecting such land; and

(ii) such annual rent;
as the Tahsildar may decide to be reasonable.

(e) the applicant shall maintain the water course in a good condition and a fit state of repairs;

(f) the applicant shall within the prescribed period execute an agreement in the prescribed form in favour of the neighbouring holder;

(g) such other conditions as may be prescribed or as the Tahsildar may think fit to impose.

(3) An order made under sub-section (2) shall direct how the amount of compensation shall be apportioned among the neighbouring holder and all other persons interested in the land.

(4) Any order made under sub-section (2) shall after the applicant executes an agreement as required under clause (f) of sub-section (2) be a complete authority to him or to any agent or other person employed by him for the purpose to enter upon the land specified in the order with assistants or workmen and to do all such work as may be necessary for the construction

of the water course and for repairing or maintaining the same.

90B. Failure to pay rent and to keep water course in good repair.-If the applicant in whose favour an order under subsection (2) of section 90A was made-

(a) fails to pay the amount of compensation or the amount of the rent, it shall be recovered as an arrear of land revenue on an application made to the Tahsildar by the person entitled thereto;

(b) fails to maintain the water course in good condition and fit state of repairs, he shall be liable to pay such compensation as may be determined by the Tahsildar for any damage caused on account of such failure.

90C. Removal or discontinuance of water course.- (1) If a person intends to remove or discontinue the water course constructed under the authority conferred on him under section 90A, he may do so after giving notice to the Tahsildar and the neighbouring holder.

(2) In the event of removal or discontinuance of such water course, the person taking the water shall fill in and restore the land to its original condition at his own cost with the least practicable delay. If he fails to do so, the neighbouring holder may apply to the Tahsildar who shall require such person to fill in and restore the land to its original condition."

KARNATAKA ACT No.21 OF 1986

**THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Insertion of new section 103A

KARNATAKA ACT No.21 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Fourteenth day of May, 1986)

**THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1986**

(Received the assent of the Governor on the Seventh day of May, 1986)

An Act further to amend the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipal Corporations (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Insertion of new section 103A.-After section 103 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), the following section shall be inserted, namely:-

"**103-A. Water supply cess.-** Where a Corporation levies tax on buildings or lands under section 103 it shall in addition, levy a water supply cess at the rate of ten per cent of such tax for the maintenance and improvement of water supply schemes in urban areas and the cess so collected shall be credited to the Government."

KARNATAKA ACT No.22 OF 1986

THE NATIONAL LAW SCHOOL OF INDIA ACT,
1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Definitions
3. Establishment and incorporation of the National Law School of India University
4. The objects of the School, etc.
5. Powers and functions of the School
6. Teaching of the School
7. Visitor of the School
8. Authorities of the School
9. The General Council
10. The Executive Council
11. The Academic Council
12. Officers of the School
13. Regulations
14. Appointment of a School Review Commission
15. Action not invalidated merely on the ground of defect in constitution, vacancy, etc.
16. Removal of difficulties at the commencement
17. Transitory provisions
18. Authorities and officers of the School etc.
19. Indemnity
20. Power to amend Schedule
21. Act to have overriding effect
22. Repeal and savings
Schedule

KARNATAKA ACT No.22 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Thirteenth day of May, 1986)

**THE NATIONAL LAW SCHOOL OF INDIA ACT,
1986**

(Received the assent of the Governor on the Thirtieth day of April, 1986).

An Act to establish and incorporate National Law School of India University at Bangalore.

Whereas the functions of the Bar Council of India includes the promotion of legal education;

And Whereas the Bar Council of India to carry out the said function has got created a public charitable trust called the Bar Council of India Trust, the objects of which *inter alia* includes the establishment, maintenance and running of a model law college in India;

And Whereas the Bar Council of India Trust to carry out the said objects of the Trust opened a branch office at Bangalore and registered a society named and styled as the National Law School of India Society under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) the objects of which *inter alia* includes the establishment, maintenance and development of a teaching and research institute of higher learning in law with powers to award degrees, diplomas and other academic distinctions called the National Law School of India in Bangalore;

And Whereas in furtherance of the above object and to manage the said National Law

School of India, rules were framed by the said society providing for constitution of different authorities and other matters relating to the School;

And Whereas the National Law School of India Society, has requested the State Government to establish the National Law School of India University on the lines of the said rules to enable it to carry out its objects and functions effectively;

And Whereas it is considered necessary to encourage the establishment of such a national level institution in the State of Karnataka;

And Whereas it is deemed expedient to establish National Law School of India University for the purposes hereinafter appearing;

Be enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the National Law School of India Act, 1986.

(2) It shall be deemed to have come into force on the ninth day of January, 1986.

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

(1) "Academic Council" means the Academic Council of the School;

(2) "Bar Council of India" means the Bar Council of the India constituted under the Advocates Act, 1961 (Central Act 25 of 1961);

(3) "Bar Council of India Trust" means the Bar Council of India Trust, a public charitable trust, got created by the Bar Council of India;

(4) "Chairman" means the Chairman of the General Council;

(5) "Director" means the Director of the School;

(6) "Executive Council" means the Executive Council of the School;

(7) "General Council" means the General Council of the School;

(8) "Registrar" means the Registrar of the School;

(9) "Regulations" means the regulations of the School made under clause 31;

(10) "School" means the National Law School of India University established under section 3;

(11) "Schedule" means the Schedule appended to this Act;

(12) "Society" means the National Law School of India Society registered under the Karnataka Societies Registrations Act, 1960 (Karnataka Act 17 of 1960); and

(13) "Visitor" means the Visitor of the School.

3. Establishment and Incorporation of the National Law School of India University.- (1) With effect from such date as the State Government may by notification appoint there shall be established, in the State of Karnataka, a University by the name of the National Law School of India University which shall consist of the Director, the General Council, the Executive Council, the Academic Council and the Registrar.

(2) The School shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue and be sued.

(3) In all suits and other legal proceedings by or against the School, the pleadings shall be signed and verified by the Director and all processes in such suits and proceedings shall be issued to, and served on, the Director.

(4) The headquarters of the School shall be at Bangalore.

4. The Objects of the School etc.- (1) The objects of the School shall be to advance and disseminate learning and knowledge of law and legal processes and their role in national development, to develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, law reforms and the like, to organise lectures, seminars, symposia and conferences to promote legal knowledge and to make law and legal processes efficient instruments of social development, to hold examinations and confer degrees and other academic distinctions and to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the School.

(2) The School shall be open to all persons of either sex irrespective of race, creed, caste or class of all religions and it shall not be lawful for the school to impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege thereof.

5. Powers and functions of the School.- The powers and functions of the School shall be -

(i) to administer and manage the School and such centres for research, education and instruction as are necessary for the furtherance of the objects of the School;

(ii) to provide for instruction in such branches of knowledge or learning pertaining to law, as the School may think fit and to make provision for research and for the advancement and dissemination of knowledge of law;

(iii) to organise and undertake extramural teaching and extension services;

(iv) to hold examinations and to grant diplomas or certificates, and to confer degrees and other academic distinctions on persons subject to such conditions as the School may determine and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(v) to confer honorary degrees or other distinctions in the manner laid down in the regulations;

(vi) to fix, demand and receive fees and other charges;

(vii) to institute and maintain halls and hostels and to recognise places of residence for the students of the School and to withdraw such recognition accorded to any such place of residence;

(viii) to establish such special centres, specialised study centres or other units for research and instruction as are, in the opinion of the School, necessary for the furtherance of its objects;

(ix) to supervise and control the residence and to regulate the discipline of the students of the School and to make arrangements for promoting their health;

(x) to make such arrangements in respect of the residence, discipline and teaching of women students;

(xi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;

(xii) to regulate and enforce discipline among the employees of the School and to take such disciplinary measures as may be deemed necessary;

(xiii) to institute professorships, associate professorships, assistant professorships, readerships, lecturerships, and any other teaching, academic or research posts required by the School;

(xiv) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or otherwise as teachers and researchers of the School;

(xv) to institute and award fellowships, scholarships, prizes and medals;

(xvi) to provide for printing, reproduction and publication of research and other works and to organise exhibitions;

(xvii) to sponsor and undertake research in all aspects of law, justice and social development;

(xviii) to co-operate with any other organisation in the matter of education, training and research in law, justice, social development and allied subjects for such purposes as may be agreed upon on such terms and conditions as the School may from time to time determine;

(xix) to co-operate with institutions of higher learning in any part of the world having objects wholly or partially similar to those of the School, by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects;

(xx) to regulate the expenditure and to manage the accounts of the School;

(xxi) to establish and maintain within the School's premises or elsewhere, such class rooms, and study halls as the School may consider necessasry and adequately furnish the same and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the School;

(xxii) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the School and consistent with the objects for which the School is established;

(xxiii) to purchase, take on lease or accept as gifts or otherwise any land or building or works, which may be necessary or convenient for the purpose of the School and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;

(xxiv) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the School, moveable or immovable, on such terms as it may think fit and proper without prejudice to the interest and activities of the School;

(xxv) to draw and accept, to make and endorse, to discount and negotiate, Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments;

(xxvi) to execute conveyances, transfers, reconveyances, mortgages, leases, licences and agreements in respect of property, moveable or immovable including Government securities belonging to the School or to be acquired for the purpose of the School:

(xxvii) to appoint in order to execute an instrument or transact any business of the School, any person as it may deem fit;

(xxviii) to give up and cease from carrying on any classes or departments of the School;

(xxix) to enter into any agreement with Central Government, State Governments, the University Grants Commission or other authorities for receiving grants;

(xxx) to accept grants of money, securities or property of any kind on such terms as may deem expedient;

(xxxi) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the School or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the School, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

(xxxii) to invest the funds of the School or money entrusted to the School in or upon such securities and in such manner as it may deem fit and from time to time transpose any investment;

(xxxiii) to make such regulations as may, from time to time, be considered necessary for regulating the affairs and the management of the School and to alter, modify and to rescind them;

(xxxiv) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed by the regulations, such as pension, insurance, provident fund and gratuity as it may deem fit and to make such grants as it

may think fit for the benefit of any employees of the School, and to aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the School;

(xxxv) to delegate all or any of its powers to the Director of the School or any committee or any sub-committee or to any one or more members of its body or its officers; and

(xxxvi) to do all such other acts and things as the School may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any one of them.

6. Teaching of the School.- (1) All recognised teaching in connection with the degree, diplomas and certificates of the School shall be conducted, under the control of the General Council, by the teachers of the School, in accordance with the syllabus prescribed by the regulations.

(2) The courses and curricula and the authorities responsible for organising such teaching shall be as prescribed by the regulations.

7. Visitor of the School.- (1) A Judge nominated by the Society shall be the Visitor of the School:

Provided that if he gives his consent the Chief Justice of India shall be nominated as the Visitor.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the School, its buildings, libraries and equipments and of any institution maintained by the School, and also of the examinations, teaching and other work conducted or done

by the School and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the School.

(3) The Visitor shall, in every case give notice, to the School of his intention to cause an inspection or inquiry to be made, and the School shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Visitor may address the Director with reference to the result of such inspection or inquiry, and the Director shall communicate to the General Council the views of the Visitor along with such advice as the Visitor may have offered on the action to be taken thereon.

(5) The General Council shall communicate through the Director to the Visitor such action, if any, as it proposes to take or has been taken on the result of such inspection or inquiry.

8. Authorities of the School.- The following shall be the authorities of the School:-

- (1) the General Council;
- (2) the Executive Council;
- (3) the Academic Council;
- (4) the Finance Committee; and
- (5) such other authorities as may be declared as such.

9. The General Council.-(1) The General Council shall be the supreme authority of the School.

10. Executive Council.- (1) The Executive Council shall be the chief executive body of the School.

(2) The administration, management and control of the School and the income there-

eof shall be vested with the Executive Council which shall control and administer the property and funds of the School.

11. The Academic Council.- The Academic Council shall be the academic body of the School, and shall, subject to the provisions of this Act and the regulations, have power of control and general regulation of, and be responsible for, the maintenance of standards of instruction, education and examination of the School, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the regulations. It shall have the right to advise the Executive Council on all academic matters.

12. Officers of the School.-The following shall be the officers of the School, namely:-

- (a) the Director;
- (b) the Heads of the Departments;
- (c) the Registrar; and
- (d) such other officers as may be prescribed by the regulations.

13. Regulations.- (1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all the other powers vested in it, the power to frame regulations to provide for the administration and management of the affairs of the School;

Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority or body established or constituted by or under the provisions of this Act or any proposed changes, and any such regulation expressed shall be considered by the Executive Council.

Provided further that except with the prior concurrence of the Academic Council, the Executive Council shall not make, amend or repeal any regulation affecting any or all of the following matters, namely:-

(a) the constitution, powers and duties of the Academic Council;

(b) the authorities responsible for organising teaching in connection with the School courses and related academic programmes;

(c) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(d) the establishment and abolition of faculties, departments, halls and institutions;

(e) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(f) conditions and modes of appointment of examiners or conduct or standard of examinations or any other course of study;

(g) mode of enrolment or admission of students;

(h) examinations to be recognised as equivalent to school examinations.

(2) The Academic Council shall have the power to propose regulations on all the matters specified in (a) to (h) above and matters incidental and related thereto in this regard.

(3) Where the Executive Council has rejected the draft of a regulation proposed by the Academic Council, the Academic Council may appeal to the Visitor and the Visitor, may, by order, direct that the proposed regulation may be laid before the next meeting of the General Council for

its approval and that pending such approval of the General Council it shall have effect from such date as may be specified in that order:

Provided that if the regulation is not approved by the General Council at such meeting, it shall cease to have effect:

(4) All regulations made by the Executive Council shall be submitted, as soon as may be, for approval, to the Visitor and to the General Council at its next meeting, and the General Council shall have power by a resolution passed by a majority of not less than two thirds of the members present, to cancel any regulation made by the Executive Council and such regulations shall from the date of such resolution cease to have effect.

14. Appointment of a School Review Commission.- (1) The Visitor shall at least once in every five years constitute a commission to review the working of the School and to make recommendations.

(2) The commission shall consist of not less than three eminent educationists, one of whom shall be the chairman of such commission appointed by the Visitor in consultation with the State Government.

(3) The terms and conditions of the appointment of the members shall be such as the Visitor may determine.

(4) The commission shall after holding such enquiry as it deems fit, make its recommendation to the Visitor.

(5) The Visitor may take such action on the recommendations as he deems fit.

15. Action not invalidated merely on the ground of defect in constitution, vacancy, etc.- (1) Notwithstanding that the General Council, the Executive Council, the Academic Council or any other authority or body of the School is not duly

constituted or there is a defect in its constitution or re-constitution at any time and notwithstanding that there is a vacancy in the membership of any such authority or body, no act or rule or proceedings of such authority or body shall be invalidated on any such ground or grounds.

(2) No resolution of any authority or body of the School shall be deemed to be invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of such Authority or body were not prejudicially affected by such irregularity.

16. Removal of difficulties at the Commencement.- If any difficulty arises with respect to the establishment of the School or in connection with the first meeting of any authority of the School or otherwise in first giving effect to the provisions of this Act and the regulations, the Visitor may, at any time, before all authorities of the School have been constituted, by order, make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to him necessary or expedient for the purpose of removing the difficulty and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act and the regulations:

Provided that before making any such order the Visitor shall ascertain and consider the opinion of the Director and of such appropriate authority of the School as may have been constituted.

17. Transitory provisions.- Notwithstanding anything in this Act, and the re-

regulations, the Director may, with the previous approval of the Visitor and subject to the availability of funds, discharge all or any of the functions of the School for the purpose of carrying out the provisions of this Act and the regulations and for that purpose may exercise any powers or perform any duties, which by this Act and the regulations are to be exercised or performed by any authority of the School until such authority comes into existence as provided by this Act and the regulations.

18. Authorities and officers of the School etc.- The authorities of the School and their composition, powers, functions and other matters relating to them, the officers of the School and their appointment, powers, functions and other matters relating to them and all other matters relating to the finances, powers, teaching, administration and management of the affairs of the School shall, subject to the provisions of this Act be as specified in the Schedule or as may be provided by the regulations.

19. Indemnity.- No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from, the School, the Director, the authorities or officers of the School or any other person in respect of anything which is in good faith done or purporting to have been done in pursuance of this Act or any regulations made thereunder.

20. Power to amend Schedule.- (1) The General Council may, with the prior approval of the Visitor and the State Government, by notification, amend either prospectively, or retrospectively the Schedule.

(2) A copy of every notification made under sub-section (1) shall be laid before each House of the State Legislature, as soon as may be, after it is made.

21. Act to have overriding effect.- The provisions of this Act and any regulation made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

22. Repeal and Savings.- (1) The National Law School of India Ordinance, 1986 (Karnataka Ordinance, 1 of 1986) is hereby repealed and shall be deemed never to have been promulgated.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

SCHEDULE

(See section 4)

1. Definitions.- In this Schedule, unless the context otherwise requires,-

(1) "clause" means a clause of this Schedule;

(2) "teacher" includes professors, associate professors, assistant professors, readers, lecturers and any other person imparting instructions in the School.

2. Membership of General Council.- (1) There shall be a General Council of the School, which shall consist of the following members, namely:-

(a) the Chairman of the Bar Council of India;

(b) the Director;

(c) two nominees of the Bar Council

of India Trust from among its trustees of whom one shall be the managing Trustee;

(d) six nominees of the Bar Council of India from amongst its members;

(e) two persons nominated by the Bar Council of India in consultation with the Visitor;

(f) two representatives of allied disciplines in social sciences and humanities nominated by the Bar Council of India Trust;

(g) two judges from among the Judges of the Supreme Court and High Courts, nominated by the Bar Council of India in consultation with the Visitor;

(h) five persons nominated by the Bar Council of India Trust from among persons connected with administration of law and education, in consultation with the Visitor;

(i) the Chief Justice of the Karnataka High Court;

(j) five members nominated by the Government of Karnataka of whom one shall be the Law Minister of Government of Karnataka, one shall be the Advocate General for Karnataka, one shall be the Education Minister of Government of Karnataka, one shall be the Secretary to Government of Karnataka, Education Department and the other shall be an eminent person in the field of law;

(k) all the Heads of the Departments of the School, if any;

(l) five members nominated by the Society of which one shall be the Chairman, Karnataka State Bar Council, one shall be the Secretary to Government of Karnataka, Law Department, and others from amongst its members;

(m) such other members of the Executive Council as are not members of the General Council:

Provided that an employee of the School shall not be eligible for nomination under items (e) and (f):

Provided further that the General Council constituted under the rules of the Society shall be the first General Council.

3. Chairman, Secretary and Treasurer.-

(1) The Chairman of the Bar Council of India shall be the Chairman of the General Council.

(2) The Director of the School shall be the Secretary of the General Council.

(3) The Managing Trustee of the Bar Council of India Trust shall be the Treasurer of the School.

4. Term of office of members of the General Council.- (1) The term of office of the members of the General Council shall, subject to sub-clauses (2) and (3), be three years:

Provided that the term of the first General Council will expire on constitution of the regular General Council under the provisions of this Schedule.

(2) Where a member of the General Council becomes such member by reason of the office or appointment he holds or is a nominated member, his membership shall terminate when he ceases to hold such office or appointment or as the case may be, his nomination is withdrawn or cancelled.

(3) A member of the General Council shall cease to be a member, if he resigns or becomes of unsound mind, or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member other than the Director, accepts a

full time appointment in the School or if he fails to attend three consecutive meetings of the General Council without the leave of the Chairman.

(4) A member of the General Council may resign his office by a letter addressed to the Chairman and such resignation shall take effect as soon as such resignation has been accepted by him.

(5) Any vacancy in the General Council shall be filled either by appointment or nomination, as the case may be, of a person by the respective authority entitled to make the same and the person so appointed or nominated shall hold office so long only as the member in whose place he is appointed or nominated could have held office if the vacancy had not occurred.

5. Powers of the General Council.-(1) The General Council shall have all the powers necessary for the administration or management of the school or for conducting its affairs, including the power to review the action of the Executive Council, Academic Council, Finance Committee and all other Committees and the power to review the regulations made by the Executive Council and shall exercise all powers of the School not otherwise provided in this Act.

(2) Without prejudice to the generality of the powers conferred by sub-clause (1), the General Council shall-

(a) recommend the broad policies and programmes of the School and suggest measures for the improvement and development of the School;

(b) consider and pass the resolutions on the annual report, the financial

estimates and the audit report on such accounts;

(c) perform such other functions as it may deem necessary for the better functioning and administration of the School.

6. Meetings of the General Council.-

(1) The General Council shall meet at least once in a year. An annual meeting of the General Council shall be held on a date to be fixed by the Executive Council, unless some other date has been fixed by the General Council in respect of any year.

(2) The Chairman shall preside over the meetings. In the absence of the Chairman, the Managing Trustee of the Bar Council of India Trust and in the absence of both of them the Director shall preside:

Provided that the Visitor may attend the meetings of the General Council and if he so attends a meeting he shall preside over such meeting.

(3) A report of the working of the School during the previous year, together with a statement of receipts and expenditure, the balance sheet as audited, and the financial estimate shall be presented by the Director to the General Council at its annual meeting.

(4) Meetings of the General Council shall be called by the Chairman, or in his absence by the Director either on his own or at the request of not less than ten members of the General Council.

(5) For every meeting of the General Council 15 days notice shall be given.

(6) One-third of the members of the General Council shall form the quorum.

(7) Each member shall have one vote and if there be equality of votes on any

question to be determined by the General Council, the Chairman or the person presiding over the meeting shall, in addition, have a casting vote.

(8) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(9) If urgent action by the General Council becomes necessary, the Chairman may permit the business to be transacted by circulation of papers to the members of the General Council. The action proposed to be taken shall not be taken unless agreed to by a majority of the members of the General Council. The action so taken shall be forthwith intimated to all the members of the General Council and the papers shall be placed before the next meeting of the General Council for confirmation.

7. Membership of the Executive Council.-

(1) The Executive Council shall consist of the following, namely:-

(a) the Director;

(b) the Chairman;

(c) two persons nominated by the Bar Council of India Trust from among the distinguished men of letters, educationists of repute, members of the learned professions or eminent public men, in consultation with the Visitor;

(d) a nominee of the Society;

(e) the Law Secretary to the Government of Karnataka;

(f) two members nominated by the Government of Karnataka from among the members of the General Council;

(g) three members nominated by the Bar Council of India from among its members;

(h) two members nominated by the Bar Council of India Trust from among its trustees of whom one shall be the managing Trustee;

(i) three Professors, elected by the teaching staff of the School, by rotation according to seniority;

Provided that an employee of the School shall not be eligible for nomination under category (c).

(2) The Director shall be the Chairman of the Executive Council.

8. Term of Office of Executive Council.- (1) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.

(2) A member of the Executive Council shall cease to be a member if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member other than the Director or a member of a faculty accepts a full time appointment in the School or if he fails to attend three consecutive meetings of the Executive Council without the leave of the Chairman of the Executive Council.

(3) Unless their membership of the Executive Council is previously terminated as provided in the above sub-clauses members of the Executive Council shall relinquish their membership on the expiry of three years from the date on which they become members of the Executive Council but shall be eligible for re-nomination or re-appointment, as the case may be:

Provided that the term of the first Executive Council shall be five years.

(4) A member of the Executive Council other than an ex-officio member may resign his office by a letter addressed to the Chairman of the Executive Council and such resignation shall take effect as soon as it has been accepted by the Chairman of the Executive Council.

(5) Any vacancy in the Executive Council shall be filled either by appointment or nomination, as the case may be, by the respective authority entitled to make the same and on the expiry of the period of the vacancy, such appointment or nomination shall cease to be effective.

9. Powers and functions of the Executive Council.- Without prejudice to clause 5, the Executive Council shall have the following powers and functions, namely:-

(1) to appoint, from time to time, the Director, the Registrar, the Librarian, Professors, Associate Professors, Assistant Professors and other members of the teaching staff, as may be necessary, on the recommendations of the selection committee constituted by regulations for the purpose:

Provided that no action shall be taken by the Executive Council, except in cases covered by the second proviso, in regard to the number, qualifications and emoluments of teachers, otherwise than after consideration of the recommendations of the Academic Councils:

Provided further that it shall not be necessary to constitute any selection committee for making appointments,-

(a) to any supernumerary post; or

(b) to the post of professor of a person of high academic distinction, eminence and professional attainment invited

by the Executive Council to accept the post.

(2) to create administrative, ministerial and other necessary posts, to determine the number and emoluments of such posts, to specify minimum qualification for appointment to such posts and to appoint persons to such posts on such terms and conditions of service as may be prescribed by the regulations made in this behalf, or to delegate the powers of appointments to such authority or authorities or officer or officers as the Executive Council may, from time to time, by resolution, either generally or specifically, direct;

(3) to grant in accordance with the regulations leave of absence other than casual leave to any officer of the School and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(4) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the school and for that purpose to appoint such agents, as it may think fit;

(5) to invest any money belonging to the School, including any unapplied income, in such stock, funds, shares or securities, as it may from time to time, think fit or in the purchase of immovable property in India, with the like power of varying such investments from time to time;

(6) to transfer or accept transfers of any movable or immovable property on behalf of the School;

(7) to enter into, vary, carry out and cancel contracts on behalf of the School and for that purpose to appoint such officers as it may think fit;

(8) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the School;

(9) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers of the School, the teachers, the students and the School employees, who may, for any reason, feel aggrieved, otherwise than by an act of a court;

(10) to appoint examiners and moderators, and if necessary to remove them and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

(11) to select a common seal for the School and to provide for the custody of the seal; and

(12) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.

10. Meeting of the Executive Council.-

(1) The Executive Council shall meet at least once in three months and not less than fifteen days notice shall be given of such meeting.

(2) Six members of the Executive Council, shall constitute a quorum at any meeting thereof.

(3) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(4) Each member of the Executive Council shall have one vote and if there shall be equality of votes on any question to be determined by the Executive Council, the Chairman of the Executive Council, or as the case may be, the member presiding over that meeting shall, in addition, have a casting vote.

(5) Every meeting of the Executive Council shall be presided over by the Director, and in his absence by a member chosen by the members present to preside on the occasion.

(6) If urgent action by the Executive Council becomes necessary, the Director may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Executive Council. The action so taken shall be forthwith intimated to all the members of the Executive Council. The papers shall be placed before the next meeting of the Executive Council for confirmation.

11. Constitution of standing committee and appointment of ad-hoc committees by the Executive Council.-(1) Subject to the provisions of this Act and the regulation made in this behalf the Executive Council may, by resolution, constitute such standing committees or appoint adhoc committees for such purposes and with such powers as the Executive Council may think fit for exercising any power or discharging any function of the School or for enquiring into, reporting or advising upon any matter relating to the School.

(2) The Executive Council may co-opt such persons to a standing committee or an ad-hoc committee as it considers suitable and may permit them to attend the meetings of the Executive Council.

12. Delegation of powers by Executive Council.- The Executive Council may, by resolution, delegate to the Director or to a committee, such of its powers as it may

deem fit subject to the condition that the action taken by the Director or such committee in the exercise of the powers so delegated shall be reported at the next meeting of the Executive Council.

13. Membership of the Academic council.-

(1) The academic council shall consist of the following persons, namely:-

(a) the Director, who shall be the Chairman thereof;

(b) three persons from amongst the educationists of repute or men of letters or members of the learned professions or eminent public men, who are not in the service of the School, nominated by the Bar Council of India, in consultation with the Visitor;

(c) a person nominated by the State of Karnataka;

(d) a nominee of the Bar Council of India;

(e) a nominee of the Bar Council of India Trust;

(f) all the Heads of the Departments, if any;

(g) all professors other than the Heads of the Departments, if any;

(h) two members of the teaching staff, representing Associate and Assistant Professors of the School:

Provided that an employee of the School shall not be eligible for nomination under category (b).

(2) The term of the members other than **ex-officio** members and those whose term is specified by item (h) of sub-clause (1) shall be three years:

Provided that the term of the first Academic Council shall be five years.

14. Powers and duties of the Academic Council.- Subject to the provisions of this Act and the regulations the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:-

(1) to report on any matter referred or delegated to it by the General Council or the Executive Council;

(2) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the School and the emoluments and the duties attached thereto;

(3) to formulate and modify or revise schemes for the organisation of the faculties, and to assign to such faculties their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any faculty or the combination of one faculty with another;

(4) to make arrangements through regulations for the instruction and examination of persons other than those enrolled in the School;

(5) to promote research within the School and to require, from time to time, reports on such research;

(6) to consider proposals submitted by the faculties;

(7) to appoint committees for admission to the School;

(8) to recognise diplomas and degrees of other universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the School;

(9) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competition for

fellowship, scholarships and other prizes, and to award the same;

(10) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary their removal and the fixation of their fees, emoluments and travelling and other expenses;

(11) to make arrangements for the conduct of examinations and to fix dates for holding them;

(12) to declare the result of the various examinations, or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, licences, titles and marks of honour;

(13) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations, and such other conditions as may be attached to the awards;

(14) to publish lists of prescribed or recommended text-books and to publish syllabus of the prescribed courses of study;

(15) to prepare such forms and registers as are, from time to time, prescribed by regulations; and

(16) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of this Act and the regulations.

15. Procedure of the Meetings of the Academic Council.-(1) The Academic Council shall meet as often as may be necessary, but not less than two times during an academic year.

(2) One half of the total number of members of the Academic Council shall form quorum for a meeting of the Academic Council.

(3) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(4) Each member of the Academic Council, including the Chairman of the Academic Council, shall have one vote and if there shall be an equality of votes on any question to be determined by the Academic Council the Chairman of the Academic Council or as the case may be, the member presiding over the meeting, shall, in addition, have a casting vote.

(5) Every meeting of the Academic Council shall be presided over by the Chairman of the Academic Council and in his absence, by a member chosen by the meeting to preside on the occasion.

(6) If urgent action by the Academic Council becomes necessary, the Chairman of the Academic Council may permit the business to be transacted by circulation of papers to the members of the Academic Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Academic Council. The action so taken shall be forthwith intimated to all the members of the Academic Council. The papers shall be placed before the next meeting of the Academic Council for confirmation.

16. Finance Committee.- (1) There shall be a Finance Committee constituted by the Executive Council consisting of the following, namely:-

- (a) the Treasurer of the School;
- (b) the Director;

(c) three members nominated by the Executive Council from amongst its members out of whom atleast one would be from the Bar Council of India and one from the Government of Karnataka.

(2) The members of the Finance Committee other than the Director, shall hold office for a term of three years.

(3) The functions and duties of the Finance Committee shall be as follows, namely:-

(a) to examine and scrutinise the annual budget of the School and to make recommendations on financial matters to the Executive Council;

(b) to consider all proposals for new expenditure and to make recommendations to the Executive Council;

(c) to consider the periodical statements of accounts and to review the finances of the School from time to time and to consider reappropriation statements and audit reports and to make recommendations to the Executive Council;

(d) to give its views and to make recommendations to the Executive Council on any financial question affecting the School either on its own initiative or on reference from the Executive Council or the Director.

(4) the Finance Committee shall meet atleast twice every year. Three members of the Finance Committee shall form the quorum.

(5) The Treasurer shall preside over the meetings of the Finance Committee, and in his absence, the Director shall preside. In case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

17. Selection Committee.- (1) The Executive Council shall constitute selection committees for making recommendations to the Executive Council for appointment to posts of professors, associate professors and other teachers in the School.

(2) The selection committee shall consist of the following members:-

(a) the Director, who shall be the chairman of the committee;

(b) the Chairman;

(c) the Head of the Department concerned, if any, provided he holds a post not lower than the level of the post for which the selection is to be made;

(d) three experts for selecting professors, associate professors and assistant professors nominated by the Director from amongst a panel of names recommended by the Academic Council and approved by the Executive Council.

(3) The meeting of the selection committee shall be convened by the Director whenever necessary. The Director shall preside over the meetings of the selection committee. Three members of whom one shall be the expert of the selection committee shall form the quorum.

18. Director.- (1) The Director of the School shall be appointed by the Executive Council in accordance with the regulations made in that behalf and in consultation with the Visitor:

Provided that the first Director shall be appointed by the Society with the approval of the Bar Council of India.

(2) Subject to the specific and general directions of the Executive Council, the Director shall exercise all powers of the Executive Council in the management and administration of the School.

(3) The Director who shall be an academic person and a Professor of Law at the School, shall hold office for a term of five years, which shall be renewable by a resolution to that effect by the Executive Council or upto the age of retirement of the members of the teaching staff, whichever is earlier. Upon the expiry of this term, he shall continue in office until his successor is appointed and enters upon his office.

(4) The Director shall,-

(a) ensure that the provisions of this Act and the regulations are duly observed, and he shall have all powers as are necessary for that purpose;

(b) convene the meetings of the General Council, the Executive Council, the Academic Council and shall perform all other acts, as may be necessary to give effect to the provisions of this Act;

(c) represent the School in suits or proceedings by or against the School, sign powers-of-attorney and verify the pleadings or depute representatives for the purpose;

(d) have all powers relating to the proper maintenance of discipline in the School.

(5) If, in the opinion of the Director, any emergency has arisen, which requires that immediate action be taken, he shall take such action as he deems necessary and shall report the same for confirmation to the next meeting of the authority, which, in the ordinary course, would have dealt with the matter.

19. Heads of the Departments.- (1) There shall be a Head of the Department for each of the departments in the School.

(2) The powers, functions, appointments and the conditions of service of the Heads of the Departments shall be as prescribed by the regulations.

20. Registrar.--(1) The Registrar shall be appointed by the Executive Council and shall be a whole time officer of the School. The terms and conditions of service of the Registrar shall be such as may be prescribed by the regulations.

(2) The Registrar shall be the ex-officio Secretary of the Executive Council, the Academic Council, the Finance Committee and the faculties, but shall not be deemed to be a member of any of these authorities.

(3) The Registrar, shall-

(a) comply with all directions and orders of the Executive Council and the Director;

(b) be the custodian of the records, common seal and such other property of the School as the Executive Council shall commit to his charge;

(c) issue all notices convening meeting of the Executive Council, the Academic Council, the Finance Committee, the faculties, the Board of studies and of any committee, appointed by the authorities of the School;

(d) keep the minutes of all meetings of the Executive Council, the Academic Council, the Finance Committee, the faculties and any committee appointed by the authorities of the School;

(e) conduct the official correspondence of the Executive Council and the Academic Council;

(f) supply the Visitor the copies of the agenda of the meetings of the

authorities of the School as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meeting;

(g) call a meeting of the Executive Council forthwith in an emergency, when neither the Director nor the officer duly authorised is able to act and to take its directions for carrying on the work of the School;

(h) be directly responsible to the Director for the proper discharge of his duties and functions; and

(i) perform such other duties as may be assigned, from time to time, by the Executive Council or the Director.

(4) In the event of the post of the Registrar remaining vacant for any reason, it shall be open to the Director to authorise any officer in the service of the School to exercise such powers, functions, and duties of the Registrar as the Director deems fit.

21. Other Officers and Employees.- (1) Subject to the regulations made for the purpose every other officer or employee of the School shall be appointed under a written contract setting out the conditions of service as prescribed by the regulations which shall be lodged with the School and a copy thereof furnished to the officer or employee concerned.

(2) Any dispute arising out of the contract between the School and any of its officers or employees shall, at the request of the officer or the employee concerned, or at the instance of the School be referred to a Tribunal for arbitration consisting of three members appointed by the Executive Council as prescribed by the regulations.

22. Provident Fund, Gratuity, Pension and any other benefit Scheme.-All the permanent employees of the School shall be entitled to the benefit of the provident fund and gratuity in accordance with such regulations as may be framed in that behalf by the Executive Council.

23. Funds of the School.- (1) There shall be for the School a School Fund which shall include,-

(a) any contribution or grant made by the State Government;

(b) any contribution or grant made by the University Grants Commission or the Central Government;

(c) any contribution made by the Bar Council of India;

(d) any contribution made by the Bar Council of India Trust;

(e) any contribution made by the State Bar Councils;

(f) any bequests, donations, endowments or other grants made by private individuals or institutions;

(g) income received by the School from fees and charges, and

(h) amounts received from any other source.

(2) The amount in the said Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer or Undertaking) Acts of 1970 and 1980 or may be invested in such securities authorised by the Indian Trusts Act, 1982, as may be decided by the Executive Council.

(3) The said Fund may be employed for such purpose of the School and in such

manner as may be prescribed by regulations.

24. Annual Accounts and Audit.— (1) The Annual Accounts of the School shall be prepared under the directions of the Executive Council.

(2) The accounts of the School shall, at least once in a year, be audited by the auditors appointed by the Executive Council:

Provided that the State Government or the Bar Council of India Trust shall have the power to direct, whenever considered necessary, an audit of the account of the School, including the institutions managed by it, by such auditors, as it may specify.

(3) The accounts when audited shall be published by the Executive Council and a copy of the accounts together with the audit report shall be placed before the Executive Council and also shall be submitted to the State Government.

(4) The Annual Accounts shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive Council. The Executive Council shall consider the suggestions made by the General Council and take such action thereon as it thinks fit. The Executive Council shall inform the General Council at its next meeting all actions taken by it or the reasons for not taking action.

25. Financial Estimates.— (1) The Executive Council shall prepare before such date as may be prescribed by the regulations, the financial estimates for the ensuing year and place the same before the General Council.

(2) The Executive Council may, in case where the expenditure in excess of the amount provided in the budget is to be incurred or in cases of urgency, for reasons to be recorded in writing, incur expenditure subject to such restrictions and conditions specified in the regulations. Where no provision has been made in the budget in respect of such excess expenditure a report shall be made to the General Council at its next meeting.

26. Annual Report.- (1) The Executive Council shall prepare the annual report containing such particulars as the General Council may specify, covering each financial year and submit it to the General Council on or before such date as may be prescribed by the regulations. The General Council may pass resolutions thereon and the Executive Council shall take action in accordance therewith. The action taken shall be intimated to the General Council.

(2) Copies of the annual report along with the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall lay the same before both the Houses of the State Legislature at their next earliest session.

27. Execution of Contracts.- All contracts relating to the management and administration of the School shall be expressed as made by the Executive Council, and shall be executed by the Director when the value of the contract is above ten lakhs of rupees and by the Registrar, when its value does not exceed ten lakhs of rupees.

28. Eligibility for Admission of Students.- No student shall be eligible for admission to a course of study for a degree or diploma, unless he possesses such qualifications as may be prescribed by the regulations.

29. Residence of Students.- Every student of the School shall reside in a hostel maintained or recognised by the School or under such conditions as may be prescribed by the regulations.

30. Honorary Degrees.- If not less than two-thirds of the members of Academic Council, recommend that an honorary degree or academic distinction be conferred on any person on the ground that he is in their opinion by reason of eminent attainment and position, fit and proper to receive such degree or academic distinction, the General Council may, by a resolution, decide that the same may be conferred on the person recommended.

31. Withdrawal of Degree or Diploma.-

(1) The General Council, may, on the recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege conferred on or granted to any person by a resolution passed by the majority of the total membership of the General Council and by a majority of not less than two-thirds of the members of the General Council present and voting at the meeting, if such person has been convicted by a court of law for an offence, which in the opinion of the General Council involves moral turpitude or if he has been guilty of gross misconduct.

(2) No action under this rule shall be taken against any person unless he has been given an opportunity to show cause

against the action proposed to be taken.

(3) A copy of the resolution passed by the General Council shall be immediately sent to the person concerned.

(4) Any person aggrieved by the decision taken by the General Council may appeal to the Visitor within thirty days from the date of the receipt of such resolution.

(5) The decision of the Visitor in such appeal shall be final.

32. Discipline.- (1) The final authority responsible for maintenance of discipline among the students of the School shall be the Director. His directions in that behalf shall be carried out by the Heads of the School, hostels and institutions.

(2) Notwithstanding anything contained in sub-clause (1) the punishment of debarring a student from the examination or rustication from the School or a hostel or an institution, shall on the report of the Director be considered and imposed by the Executive Council:

Provided that no such punishment shall be imposed without giving to the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

33. Sponsored Schemes.- Whenever the School receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the School, notwithstanding anything in this Act and Regulations:-

(a) the amount received shall be kept by the School separately from the School Fund and utilised only for the purpose of the scheme; and

(b) the staff required to execute the scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation.

KARNATAKA ACT No.23 OF 1986**THE KARNATAKA STATE UNIVERSITIES
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

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KARNATAKA ACT No.23 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Fourteenth day of May, 1986).

**THE KARNATAKA STATE UNIVERSITIES
(AMENDMENT) ACT, 1986.**

(Received the assent of the Governor on the Seventh day of May, 1986).

An Act to amend the Karnataka State Universities Act, 1976.

Whereas it is considered necessary to amend the Karnataka State Universities Act, 1976 (Karnataka Act 28 of 1976) for the purposes hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka State Universities (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 2.- For clause (5) of section 2 of the Karnataka State Universities Act, 1976 (Karnataka Act No.28 of 1976) (hereinafter referred to as the principal Act), the following shall be substituted, namely:-

"(5) "registered graduate" means a graduate of a University established by the law in India or of a deemed University declared by the Central Government by a notification under section 3 of the University Grants Commission Act, 1956 (Central Act III of 1956), who is an Indian citizen and has been residing in the University area for a continuous period of

not less than two Years as on the 31st January of the Year in which the election is due to take place and who has got himself registered in the electoral roll of registered graduates in accordance with the statutes made in this behalf".

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

(1) in clause (xii), after the word 'receive', the words "or collect" shall be inserted;

(2) in clause (xvi), for the words "and research", a comma and the word 'research' shall be substituted;

(3) in clause (xvii), after the word 'Unions', the words "and Associations" shall be inserted.

(4) in the proviso to clause (xv), after the words "shall be accepted" the words, "by the University", shall be inserted.

4. Amendment of section 6.- In the explanation to sub-section (3) of section 6 of the principal Act, for the word 'domiciled', the words "been ordinarily residing" shall be substituted.

5. Amendment of section 9.- In section 9 of the principal Act,-

(1) after clause (a), the following clause shall be inserted, namely:-

"(aa) The Pro-Chancellor";

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

"(bb) The Deans"; and

(3) clause (f) shall be omitted.

6. Insertion of new section 10A.- After section 10 of the principal Act, the following new section shall be inserted, namely:-

"10A. The Pro-Chancellor.- (1) The

Minister-in-charge of University Education in Karnataka shall, by virtue of his office be the Pro-Chancellor of the University.

(2) He shall, in the absence of the Chancellor, preside at any convocation of the University."

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

(1) in sub-section (2),

(a) the words "one by the State Government" shall be omitted;

(b) for the words "one by the Syndicate", the words "two by the Syndicate" shall be substituted; and

(c) after the words "connected with", the words "the State Government" and a comma shall be inserted;

(d) in the proviso, for the words "does not approve of any one of the", words "approves of none of the" shall be substituted;

(2) In sub-section (4), at the end the following proviso shall be inserted, namely:-

"Provided further that no Vice-Chancellor shall be removed from the office except by an order passed on the ground of misbehaviour, mismanagement, incapacity or otherwise after due enquiry by a serving or retired Judge of Supreme Court or High Court appointed by the Chancellor.";

(3) in sub-section (5), after the words "the Chancellor", the words "in accordance with the statutes, if any, framed in this behalf" shall be inserted.

8. Amendment of section 12.- In section 12 of the principal Act,-

(1) in sub-section (2), for the words "He shall also preside over the Senate and at the convocation in the absence of the

Chancellor", the words "He shall also preside over the Senate in the absence of the Chancellor and at the convocation in the absence of the Chancellor and the Pro-Chancellor" shall be substituted;

(2) in sub-section (5), the words "through the State Government" occurring in the two provisos shall be omitted;

(3) after the second proviso, the following proviso shall be inserted, namely:-

"Provided also that powers under this sub-section shall not be exercised to revise the pay scales of University employees or to grant affiliation to a college or for a course of instruction and if in the exercise of the powers under this sub-section statutes or regulations are framed, they shall be subject to the approval of the Chancellor under the relevant provisions of this Act and if Ordinances are made they shall be submitted to the Chancellor in accordance with this Act."

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

(1) after sub-section (1), the following proviso shall be inserted, namely:-

"Provided that pending the making of such arrangements by the Chancellor, the Vice-Chancellor may designate one among the Deans of the University to be in charge of the current duties of the Vice-Chancellor for a period not exceeding one month or till arrangements are made by the Chancellor, whichever is earlier."

(2) in sub-section (2)-

(a) for the words "such person", the words "one among the Deans of the University" shall be substituted, and

(b) at the end, the words "in accordance with the statutes, if any, framed in this behalf" shall be inserted.

10. Amendment of section 14.-In section 14 of the principal Act, in sub-section (1), for the words "Chancellor in consultation with the Vice-Chancellor and the State Government", the words "Vice-Chancellor with the approval of the Syndicate from out of a panel of not less than three persons recommended by the Vice-Chancellor to the Syndicate. If none in the panel is approved by the Syndicate within the time prescribed by the statutes, the Chancellor may in consultation with the Vice-Chancellor appoint such person as he deems fit to be the Registrar" shall be substituted.

11. Substitution of the expressions "Registrar (Evaluation)" and "Deputy Registrar (Evaluation)" for the expressions "Controller of Examinations" and "Deputy Controllers".-In the heading to section 15 of the principal Act and in the principal Act, for the expressions "Controller of Examinations" and "Deputy Controllers", as the case may be, wherever they occur, the expressions "Registrar (Evaluation)" and "Deputy Registrar (Evaluation)" shall respectively be substituted.

12. Amendment of section 15.-In section 15 of the principal Act, in sub-section (1), for the words "Chancellor in consultation with the Vice-Chancellor and the State Government", the words "Vice-Chancellor with the approval of the Syndicate from out of a panel of not less than three persons recommended by the Vice-Chancellor to the Syndicate. If none in the panel is approved by the Syndicate within the time prescribed by the statutes, the Chancellor

may in consultation with the Vice-Chancellor appoint such person as he deems fit to be the Registrar (Evaluation)" shall be substituted.

13. Amendment of section 16.-In section 16 of the principal Act,-

(1) in sub-section (1), for the words "Chancellor from among officers of the Central or State Government, having experience in audit, accounting and financial administration", the words "Vice-Chancellor with the approval of the Syndicate from out of a panel of not less than three persons being officers of the Central or State Government, having experience in audit, accounting and financial administration recommended by the Vice-Chancellor to the Syndicate. If none in the panel is approved by the Syndicate within the time prescribed by the statutes, the Chancellor may, in consultation with the Vice-Chancellor, appoint such person as he deems fit to be the Finance Officer" shall be substituted; and

(2) in sub-section (2), at the end, a comma and the following words shall be inserted, namely:-

"Ordinances or regulations or as may be required from time to time by the Vice-Chancellor."

14. Amendment of section 16A.- In section 16A of the principal Act,-

(1) after the words "temporary absence of the Registrar, Controller of Examination or the Finance Officer", the words "or pending their appointment" shall be inserted; and

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

"Provided that the Vice-Chancellor may

empower an officer to perform such duties for a period not exceeding one month or till the Chancellor empowers an officer, whichever is earlier. The Vice-Chancellor shall immediately report the action taken by him under this proviso to the Chancellor".

15. Amendment of section 17.- For subsection (1) of section 17 of the principal Act, the following shall be substituted, namely:-

"(1) Every Chairman of the Departmental Council of a Department of Studies, who is a Professor, shall, by rotation according to seniority, act as the Dean of the Faculty for a period of two years. Where no Chairman is a Professor, a Professor shall, by rotation according to seniority, act as the Dean of the Faculty for a period of two years."

16. Substitution of the expression "Director of student Welfare" for the expression "Dean of student Welfare".- In the heading to section 18 of the principal Act and in the principal Act, for the expression "Dean of student Welfare", wherever they occur, the expression "Director of Student Welfare" shall be substituted.

17. Amendment of section 19.- In section 19 of the principal Act, for the word "Chancellor", the word "Syndicate" shall be substituted.

18. Amendment of section 21.- In subsection (1) of section 21 of the principal Act,-

(1) after item (4) the following shall be inserted namely:-

"(4a) Chairman, Pre-University Education Board, Karnataka";

(2) for item (10), the following shall be substituted, namely:-

"(10) Director of Scheduled Castes and Scheduled Tribes;"

(3) for item (16), the following shall be substituted, namely:-

"(16) Director of Students Welfare";

(4) for item (22), the following shall be substituted, namely:-

"(22)(a) five elected representatives of students of the University, two from among Post-Graduate Students and three from among Under-Graduate Students, for a term of one year and they shall be elected through such electoral college, as the case may be, of the department or college consisting of such members and in such manner as may be prescribed by statutes:

Provided that one each among the representatives of the Post-Graduate students and the Under-Graduate students shall be a woman elected, as the case may be, from such electoral colleges consisting of woman members of the department or college, and in such manner as may be prescribed by statutes.

(b) three representatives of students nominated by the Chancellor in consultation with the State Government on the recommendation of the Vice-Chancellor, of whom one shall represent Post-Graduate students, one shall be a cadet of National Cadet Corps and one shall be a sportsman or sports woman of such outstanding merit as may be prescribed by statutes:

Provided that no student shall be eligible for election or nomination-

(i) unless his name appears on the rolls of the University or a college affiliated to the University:

(ii) unless he is following a course in the University or a college affiliated to the University leading to a degree or a Post-Graduate degree or Post-Graduate diploma of the University;

(iii) if he is studying in a morning college or an evening college or having examination as an external candidate or through correspondence courses;

(iv) if he has failed to complete a course in six years:

Provided further that in the Senate to be constituted for the first time after the appointed date, five representatives specified at item (i) of clause (22) of sub-section (1) shall be nominated by the Chancellor in consultation with the Vice-Chancellor for a term of one year at a time:

Provided also that when representatives of students are elected, the term of office of the students nominated under the preceding proviso shall come to an end".

19. Amendment of section 23.- In section 23 of the principal Act, in sub-section (2), for clause (d), the following clause shall be substituted, namely:-

"(d) instituting professorships, lecturerships or any other posts of teachers required by the University on the recommendation of the Academic Council. The appointments to these posts shall however be made after obtaining, if need be, financial approval from the State Government or any other authority or agency to which the State Government may delegate this function."

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

(1) for clause (v), the following

shall be substituted, namely:-

(v) Principals of three colleges, of whom one shall be Principal of Women's College, one shall be Principal of a Professional college and one shall be Principal of a University or affiliated non-professional college by rotation according to seniority nominated by the Chancellor, in consultation with the State Government, for a period of one year";

(2) in clause (ix), for the words "One Member", the words "Two Members" shall be substituted;

(3) after clause (xi), the following clause shall be inserted, namely:-

"(xii) Chairman, Pre-University Board.";

(4) after the words "nominated by the Chancellor" wherever they occur, the words "in consultation with the State Government" shall be inserted.

21. Amendment of section 26.- In section 26 of the principal Act,-

(1) after clause (ix), the following clause shall be inserted, namely:-

"(ixA) Chairman, Pre-University Board;"

(2) clause (xiv) shall be omitted.

(3) after the words "nominated by the Chancellor" wherever they occur, the words "in consultation with the State Government" shall be inserted.

22. Amendment of section 28.- In section 28 of the principal Act,-

(1) in sub-section (2), for clause (d), the following shall be substituted, namely:-

"(d) (i) Each Department of studies shall have a Chairman who shall also be the Chairman of the Departmental Council.

(ii) Each Department shall have a Departmental Council consisting of all the Professors, Readers and two senior-most Lecturers in the Department.

(iii) The Chairman shall be appointed by the Syndicate for a specified term provided that the Syndicate shall be competent to vary the term after review from time to time.

(iv) The Chairman shall be incharge of the administration of the department in consultation with the Departmental Council. The powers, duties and functions of the Departmental Council and the Chairman shall be as prescribed by the statutes."

(c) in sub-section (c), for clause (ii), the following clause shall be substituted, namely:-

"(ii) the Chairman of Department of Studies in the Faculty;"

23. Amendment of section 29.-In section 29 of the principal Act, to sub-section (1), the following proviso shall be inserted, namely:-

"Provided that separate boards of Studies for Under-Graduate studies and for Post-Graduate studies in any subject or group of subjects may be constituted by the Syndicate wherever felt necessary".

24. Amendment of section 30.-In section 30 of the principal Act, in sub-section (1), in clause (v), the word "member" shall be omitted.

25. Amendment of section 31.-In section 31 of the principal Act,-

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

(a) clauses (iii) and (iv) shall be omitted;

(b) in clause (vi), the word "Member" shall be omitted;

(2) in sub-section (4), the words "of the Syndicate or" shall be omitted.

26. Insertion of new section 33A.-For section 33 of the principal Act, the following new section shall be inserted, and:-

"33A. Certain restriction on the holding of office by nominated and elected members of the authorities.-

(1) Any member nominated to any of the authorities specified in section 20 shall hold office during the pleasure of the person or authority nominating him.

(2) A person nominated or elected to any of the authorities specified in section 20 shall hold office for more than two consecutive terms in such authority".

27. Amendment of section 35.-In section 5 of the principal Act, clause (p) shall be renumbered as clause (r) thereof, and before the clause as so renumbered, the following clauses shall be inserted, and:-

"() fees to be charged for the purposes of study in the University and in the affiliated colleges and for admissions to the examinations, degrees and diplomas of the University;

(g) fees to be charged for the services rendered by the University";

28. Amendment of section 36.-In section 6 of the principal Act, for sub-section (4), the following sub-section shall be substituted, and:-

"(4) Every statute passed by the Senate shall be sent to the State Government for submission to the Chancellor for assent. The State Government shall transmit the statutes along with its comments to the Chancellor within three months of the

date on which it received the statutes from the University. The Chancellor may within one month of the date of receipt of the statutes from the State Government give or withhold his assent thereto or refer it to the Senate for further consideration".

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

(1) in clause (c), for the word "qualification", the word "requirement" shall be substituted; and

(2) clauses (d) and (1) shall be omitted.

30. Amendment of section 38.-In section 38 of the principal Act, in sub-sections (4), (5) and (6), the words "through the State Government" wherever they occur, shall be omitted.

31. Amendment of section 39.-In section 39 of the principal Act, in sub-section (1) at the end, the following shall be added, namely:-

"The State Government shall transmit the regulations within two months from the date of receipt thereof from the University to the Chancellor with its comments".

32. Amendment of section 43.-In section 43 of the principal Act, after sub-section (2); the following sub-sections shall be inserted, namely:-

"(3) The Budget estimate of the University shall be prepared keeping in view the anticipated grants from the State Government and other sources. However, supplementary Budget may be placed before the Senate in October in anticipation of additional grants from the State Government, but, no expenditure on this part should be incurred unless such additional grant is received.

(4) The University shall not divert for other purposes ear-marked funds or revise the scales of pay of its staff or implement any scheme which involves any matching contribution from the State Government or a scheme which imposes a recurring liability on the State Government after the assistance from the sponsoring authorities ceases, without the prior approval of the State Government".

33. Amendment of the heading to Chapter VIII.- In the heading to Chapter VIII of the principal Act, for the word "servants", the word "Employees" shall be substituted.

34. Amendment of section 49.-In section 49 of the principal Act,-

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

(a) after the words "nominated by the Chancellor" wherever they occur, the words "in consultation with the State Government" shall be inserted;

(b) in clause (a)

(i) after the word "Professors", a comma and the word "Readers" shall be inserted;

(ii) in sub-clause (ii), for the words "the Head of the Department concerned", the words "the Chairman of the Departmental Council concerned" shall be substituted;

(iii) in sub-clause (iii), for the words "three" and "other" the words "four" and "others" shall respectively be substituted;

(c) in clause (b)-

(i) the words "Readers and" shall be omitted;

(ii) in sub-clause (iii), for the words "The Head of the Department", the

words "The Chairman of the Departmental Council" shall be substituted;

(iii) in sub-clause (iv), the words "where the Head of the Department concerned is not a Professor" shall be omitted;

(2) in sub-section (5), after the word "Professors", a comma and the word "Readers" shall be inserted;

(3) in sub-section (6)-

(a) excepting the explanation, for the word "Chancellor", the word "Syndicate" shall be substituted and at the end, the following shall be added, namely:-

"In the case of difference between the Board and the Syndicate, the matter shall be referred to the Chancellor whose decision shall be final";

(b) in the explanation, for the words "requiring the Chancellor", the words "requiring the Syndicate" shall be substituted;

(4) In sub-section (8), the words, "merit a little above" shall be omitted.

(5) after sub-section (9), the following sub-section shall be inserted, namely:-

(10) Notwithstanding anything contained in the preceding sub-sections the Syndicate shall be competent to invite, on the recommendation of the Vice-Chancellor, a person of high academic distinction and professional attainments to accept the post of Visiting Professor in the University on such terms and conditions as may be mutually agreed upon:

Provided that there shall not be more than four such Visiting Professors in a University at any given time".

35. Insertion of new section 49A.-After section 49 of the principal Act, the fol-

Following section shall be inserted, namely:-

"49A. **Appointment in accordance with promotion schemes.**- Notwithstanding anything contained in Section 49 but subject to the rules and orders issued by the State Government from time to time for reservation of appointments and posts for Scheduled Castes, Scheduled Tribes and other Backward Classes, appointments to the posts of Readers and Professors in University institutions and departments may be made by the syndicate in accordance with a promotion scheme, if any, prescribed by statutes made in this behalf, if the University institution or department has both Under-Graduate and Post-Graduate courses".

36. **Amendment of Section 50.**-In Section 50 of the principal Act,-

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

"Appointment of non-teaching and ministerial staff".

(2) in sub-section (1), for the words "other than", the word "and" shall be substituted;

(3) in sub-section (2)-

(a) in clause (iii), for the words "Head of the Department", the words "Chairman of the Departmental Council" shall be substituted;

(b) in clause (iv), for the words "two persons", the words "three persons" and for the word "other", the word "another" shall respectively be substituted, and at the end, the following shall be added, namely:-

"The term of such members shall be three years.";

(4) in sub-section (3), after the word "promotion", a comma and the words "deput-

ation or transfer or on contract as may be prescribed in the statute in respect of any category of posts" shall be inserted;

(5) in sub-section (5),-

(a) excepting the proviso, for the word "Chancellor", the word "Syndicate" shall be substituted, and at the end the following shall be added, namely:-

"In case of difference between the Board and the Syndicate, the matter shall be referred to the Chancellor, whose decision shall be final";

(b) in the proviso, for the words "one thousand five hundred and ninety nine", the words "two thousand and twenty four" shall be substituted;

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

"(6) Notwithstanding anything in the preceding sub-sections, appointments to posts in the University equivalent to Group 'C' and 'D' posts in the State Civil Services shall be made by the Vice-Chancellor in accordance with the statutes to be framed for this purpose, and in accordance with the order issued by the State Government from time to time for reservation of posts for Scheduled Castes, Scheduled Tribes and other Backward Communities.".

37. Omission of section 51.- Section 51 of the principal Act shall be omitted.

38. Amendment of section 51B.- In section 51B of the principal Act, the figure "51" occurring in two places shall be omitted;

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

(1) in sub-section (1), for the words

'by the State Government', the words "by the University on the recommendations made by the State Government" shall be substituted;

(2) in sub-section (5), for the words "shall grant or refuse the application or any part thereof", the words "shall make their recommendations for the grant of the application or any part thereof or refuse the application or any part thereof and the University shall issue orders accordingly" shall be substituted.

(3) In sub-section (6),-

(a) for the words "order of the State Government", the words "order of the University" shall be substituted;

(b) after the word "refused", the word "by the State Government or the University" shall be inserted, and

(c) in the proviso, for the words "recommendation of the University", the words "recommendation of the State Government" shall be substituted;

(4) in sub-section (7), after the words "State Government", the words "or the University" shall be substituted;

(5) to sub-section (9), at the end, the following proviso shall be inserted, namely:-

"Provided, however, that continuation of affiliation for existing courses of study and extension of affiliation for follow-on courses may be granted by the Syndicate in consultation with the Academic Council."; and

(6) after sub-section (9), the following sub-section shall be inserted, namely:-

"(10) (a) No admission of students shall be made by a new college seeking

affiliation to any University or by an existing college seeking affiliation to a new course of study to such course, unless, as the case may be, affiliation has been granted to such new college or to the existing college in respect of such course of study.

(b) The maximum number of students to be admitted to a course of study shall not exceed the intake fixed by the University or the Government, as the case may be and any admission made after this section came into force in excess of the intake shall be invalid.

(c) No student whose admission has become invalid under clause (b) shall be eligible to appear nor shall he be presented by the college to appear at any examination conducted by the University.

40. Amendment of section 56.-In section 56 of the principal Act,-

(1) in sub-section (1), the words brackets and figure "of sub-section (2)" shall be omitted; and

(2) in sub-section (6), for the words "shall make such order as it deems fit", the words "shall make their recommendations to the University which shall thereafter make such order as it deems fit" shall be substituted.

41. Substitution of new section for section 59.- For section 59 of the principal Act, the following section shall be substituted, namely:-

"59. **Honorary degrees.**- If not less than two-thirds of the members of the Syndicate recommend that a honorary degree or academic distinction be conferred on any person on the ground he is, in their opinion, by reason of eminent attainment

and position, fit and proper to receive such degree or academic distinction, the Syndicate may recommend the same for the approval of the Chancellor for conferment on the person concerned."

4.2. **Amendment of section 60.**-In section 60 of the principal Act, in sub-section (4), the words "through the State Government" shall be omitted.

4.3. **Insertion of new section 61B.**-After section 61A of the principal Act, the following section shall be inserted, namely:-

"61B. **Karnataka State Inter University Board.**- (1) There shall be an Inter University Board for the State of Karnataka, called the Karnataka State Inter University Board consisting of the following members:-

- (a) Minister-in-charge of University Education;
- (b) Vice-Chancellors of Universities established under this Act;
- (c) Commissioner for Public Instructions;
- (d) Director of Collegiate Education;
- (e) Director of Technical Education;
- (f) Director of Medical Education;
- (g) Chairman, Pre-University Education Board;
- (h) Secretary to Government, Finance Department;
- (i) Secretary to Government, Education Department in-charge of University Education.

(2) The Minister-in-charge of University Education shall be the Chairman of the Board and shall preside over its meetings.

(3) The Secretary to Government, Education Department in charge of University Education shall be the Member-Secretary of the Board.

(4) The Board may meet as often as necessary but at least once in three months. The Board may invite such other persons as may be required to assist its deliberations.

(5) The quorum for the meetings of the Board shall be five.

(6) The functions of the Board shall include:

(a) co-ordinating development of academic facilities, specialisations and standards;

(b) co-ordinating matters affecting students such as eligibility for admissions, mobility, examinations etc.;

(c) studying the finances of Universities as well as the administrative problems of Universities; and

(d) acting as a co-ordinating agency for the financial programme of the Universities funded by the University Grants Commission, and by the State Government respectively.

(7) The Board would be advisory in so far as academic and financial matters are concerned. The recommendations on academic matters shall be placed before the concerned bodies of the University for their consideration. The recommendations on financial matters shall be placed before the concerned bodies of the University or the State Government, as the case may be, for consideration.

(8) The Board shall review whether the orders issued by the State Government from time to time for reservation of posts

for the Scheduled Caste, Scheduled Tribes and other Backward Classes has been followed in the preparation of the list as required under sub-section (7) of section 49 and sub-section (4) of section 50 or in the appointments made under section 49A or have been complied with as required under section 51C and make a report in that regard. The report shall be placed before the concerned bodies of the University or the State Government, as the case may be for consideration".

44. Amendment of section 62.-In section 62 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Notwithstanding anything contained in sub-section (1)-

(a) the punishment of debarring a student from examinations shall, on the report of the Vice-Chancellor be considered and imposed by the Syndicate; and

(b) the punishment of rustication from a college or a hostel or an institution shall be imposed by the head of the college or hostel or institution concerned".

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 24

ಕರ್ನಾಟಕ ಕಡಲ ಮೀನುಗಾರಿಕೆ (ವಿನಿಯಮನ) ಅಧಿನಿಯಮ, 1986

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ

ಪ್ರಕರಣಗಳು:

ಅಧ್ಯಾಯ—I

ಪ್ರಾರಂಭ

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ
2. ಪರಿಭಾಷೆಗಳು

ಅಧ್ಯಾಯ—II

ಮೀನು ಹಿಡಿಯುವುದರ ವಿನಿಯಮನ

3. ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಪ್ರದೇಶದೊಳಗೆ ಕೆಲವು ವಿಷಯಗಳನ್ನು ವಿನಿಯಮಿಸಲು, ನಿರ್ಬಂಧಿಸಲು ಅಥವಾ ನಿಷೇಧಿಸಲು ಅಧಿಕಾರ
4. 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಯಾವುದೇ ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಿ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಬಳಸುವುದರ ನಿಷೇಧ
5. ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಗಳಿಗೆ ಲೈಸೆನ್ಸ್ ನೀಡಿಕೆ
6. ಲೈಸೆನ್ಸ್ ಇರದ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಗಳನ್ನು ಬಳಸಿ ಮೀನು ಹಿಡಿಯುವುದರ ನಿಷೇಧ
7. ಲೈಸೆನ್ಸ್‌ನ ರದ್ದಿಯಾತಿ, ನಿಲಂಬನ ಮತ್ತು ತಿದ್ದುಪಡಿ
8. ನೌಕೆಗಳ ನೋಂದಣಿ
9. 5, 7 ಮತ್ತು 8ನೇ ಪ್ರಕರಣಗಳ ಅಡಿಯಲ್ಲಿಯ ಆದೇಶಗಳ ಅಂತಿಮತೆ
10. ಅಪೀಲುಗಳು.

ಅಧ್ಯಾಯ—III

ದಂಡಗಳು

11. ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಪ್ರವೇಶಿಸುವ ಮತ್ತು ಶೋಧಿಸುವ ಅಧಿಕಾರ
12. ಮಧ್ಯಸ್ಥ ನಿರ್ಣಯ
13. ವಂದ

14. ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯ ರಚನೆ ಮತ್ತು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಗೆ ಅಪೀಲು ಸಲ್ಲಿಸುವುದು
15. ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯಿಂದ ಪರಿಷ್ಕರಣೆ
16. ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆಸುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾಧ್ಯಸ್ಥ ಗೌರವ ಮತ್ತು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯ ಅಧಿಕಾರಗಳು
17. ಸಲಹಾ ಸಮಿತಿ
18. ಕಂಪನಿಗಳಿಂದ ಉಲ್ಲಂಘನೆಗಳು

ಅಧ್ಯಾಯ—IV

ಸಂಕ್ಷೇಪ

19. ವಿನಾಯಿತಿ
20. ಅಧಿಕಾರಗಳ ಪ್ರತ್ಯಾಯೋಜನೆ
21. ಸದ್ಯಾವನೆಯಿಂದ ಕೈಗೊಂಡ ಕ್ರಮದ ರಕ್ಷಣೆ
22. ನಿಯಮಗಳ ರಚನಾಧಿಕಾರ

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 24

(1986ರ ಮೇ 28ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿವೆ.)

ಕರ್ನಾಟಕ ಕಡಲ ವಿಸ್ತಾರಗಾರಿಕೆ (ವಿನಿಯಮನ) ಅಧಿನಿಯಮ, 1986.

(1986ರ ಮೇ 22ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪತ್ರದ ಅನುಮತಿ ಪಡೆಯಲಾಗಿದೆ.)

ರಾಜ್ಯದ ಕರಾವಳಿಯುದ್ದಕ್ಕೂ ಕಡಲಿನಲ್ಲಿ ವಿಸ್ತಾರ ಹಿಡಿಯುವ ನೌಕೆಗಳ ಮೂಲಕ ವಿಸ್ತಾರ ಹಿಡಿಯುವುದನ್ನು ವಿನಿಯಮಿಸುವುದಕ್ಕೆ ಉಪಬಂಧ ಕಲ್ಪಿಸಲು ಒಂದು ಅಧಿನಿಯಮ.

ರಾಜ್ಯದ ಕರಾವಳಿಯುದ್ದಕ್ಕೂ ಕಡಲಿನಲ್ಲಿ ವಿಸ್ತಾರ ಹಿಡಿಯುವ ನೌಕೆಗಳನ್ನು ವಿನಿಯಮಿಸುವುದಕ್ಕೆ ಉಪಬಂಧ ಕಲ್ಪಿಸುವುದು ಯುಕ್ತವೆಂದು ಕಂಡುಬಂದಿರುವುದರಿಂದ:

ಇದು, ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂಪತ್ತೇಳನೇ ವರ್ಷದಲ್ಲಿ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ:—

ಅಧ್ಯಾಯ—I

ಪ್ರಾರಂಭ

1. **ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ.**— (1) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಕಡಲ ವಿಸ್ತಾರಗಾರಿಕೆ (ವಿನಿಯಮನ) ಅಧಿನಿಯಮ, 1986 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(2) ಇದು, ಸರ್ಕಾರವು ಅಧಿಸೂಚಿಸಬಹುದಾದಂಥ ದಿನಾಂಕದಿಂದ ಕಾರ್ಯದಲ್ಲಿ ಬರತಕ್ಕದ್ದು.

2. **ಪರಿಭಾಷೆಗಳು.**— ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಸಂದರ್ಭವು ಅನ್ಯಥಾ ಅಗತ್ಯವಿಲ್ಲದಿದ್ದರೆ ಹೊರತು,—

(ಎ) “ಮಧ್ಯಸ್ಥಗಾರ” ಎಂದರೆ, ಅಧಿಸೂಚನೆಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಪ್ರದೇಶ ಅಥವಾ ಪ್ರದೇಶಗಳಾಗಿ ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ಮಧ್ಯಸ್ಥಗಾರನಿಗೆ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಲು ಮತ್ತು ವಿಧಿಸಿದ ಕರ್ತವ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಸರ್ಕಾರವು ಸರ್ಕಾರಿ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಈ ಬಗ್ಗೆ ಪ್ರಾಧಿಕೃತಗೊಳಿಸಿದ ವಿಸ್ತಾರಗಾರಿಕೆ ಇಲಾಖೆಯ ಉಪ-ನಿರ್ದೇಶಕರ ದರ್ಜೆಗಿಂತ ಕಡಿಮೆಯಲ್ಲದ ವರ್ಷಯ ಒಬ್ಬ ಅಧಿಕಾರಿ;

(ಬಿ) "ಅಪೀಲು ವಿಚಾರಕ ಪ್ರಾಧಿಕಾರ" ಎಂದರೆ, ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ನೇಮಿಸಲಾದ ಒಂದು ಅಪೀಲು ವಿಚಾರಕ ಪ್ರಾಧಿಕಾರ;

(ಸಿ) "ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿ" ಎಂದರೆ, 15ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಒಂದು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿ ;

(ಡಿ) "ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿ" ಎಂದರೆ, ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಗೆ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಲು ಮತ್ತು ವಿಧಿಸಲಾದ ಕರ್ತವ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಸರ್ಕಾರಿ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಈ ಬಗ್ಗೆ ಪ್ರಾಧಿಕೃತಗೊಳಿಸಿದ ಮುನುಗಾಗಿಗೆ ಇಲಾಖೆಯ ಸಹಾಯಕ ನಿರ್ದೇಶಕರ ದರ್ಜೆಗಿಂತ ಕಡಿಮೆಯಿಲ್ಲದ ದರ್ಜೆಯ ಒಬ್ಬ ಅಧಿಕಾರಿ ;

(ಇ) "ಮಾನು ಹಿಡಿಯುವ ನೌಕೆ" ಎಂದರೆ, ಯಂತ್ರಜಾಲಿತ ಸಾಧನಗಳನ್ನು ತೋಡಿಸಿರುವ ಅಥವಾ ಜೋಡಿಸಿರುವ ಮತ್ತು ಲಾಭಕ್ಕಾಗಿ ಕಡಲ ಮೀನು ಹಿಡಿಯುವ ಕೆಲಸವೊಂದರಲ್ಲಿ ಮಾತ್ರವೇ ತೊಡಗಿರುವ ಹಡಗು ಅಥವಾ ಡೋಣ ಮತ್ತು ಕಡಲಿನಲ್ಲಿ ಮೀನು ಹಿಡಿಯುವ ಕೆಲಸದಲ್ಲಿ ತೊಡಗಿರುವ ನಾಡುದೋಣ ಮತ್ತು ತೋದುದೋಣಯೋ ಸೇತುತನ ;

(ಎಫ್) "ಸರ್ಕಾರ" ಎಂದರೆ, ರಾಜ್ಯ ಸರ್ಕಾರ ;

(ಜಿ) "ಬಾವರು" ಎಂದರೆ, ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಸರ್ಕಾರವು, ಸರ್ಕಾರಿ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಅಗಿಂದಾಗ್ಗೆ ಪರಿಭಾಷಿಸಬಹುದಾದ ಏನು ಪರಿಮಿತಿಗಳೊಳಗಿನ ಸ್ಥಳ ;

(ಹೆಚ್) "ನೋಂದಾಯಿತ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆ" ಎಂದರೆ,—

(i) ಕಡಲ ಉತ್ಪನ್ನಗಳ ರಫ್ತು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ ಅಧಿನಿಯಮ, 1971ರ ಕೇಂದ್ರಾಧಿನಿಯಮ, 1972ರ 13) 11ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೋಂದಾಯಿಸಲಾದ ಒಂದು ಮೀನು ಹಿಡಿಯುವ ನೌಕೆ ; ಅಥವಾ

(ii) ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಇತರ ಕೇಂದ್ರ ಅಥವಾ ರಾಜ್ಯ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ನೋಂದಾಯಿಸಲಾದ ಒಂದು ಮೀನು ಹಿಡಿಯುವ ನೌಕೆ ; ಅಥವಾ

(iii) 8ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೋಂದಾಯಿಸಲಾದ ಒಂದು ಮೀನು ಹಿಡಿಯುವ ನೌಕೆ ;

(ಡಿ) "ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಪ್ರದೇಶ" ಎಂದರೆ, ಸರ್ಕಾರವು, ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂತೆ ರಾಜ್ಯದ ಕರಾವಳಿಯುದ್ದಕ್ಕೂ ಇರುವ ಆದರೆ

ರಾಜ್ಯ ಕ್ಷೇತ್ರೀಯ ಸಮುದ್ರದ ಅಚೆಯಿರದ ಸಮುದ್ರದಲ್ಲಿನ ಅಂಥ ಪ್ರದೇಶ ಮತ್ತು ವಿವಿಧ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅಥವಾ ಬೇರೆ ಬೇರೆ ಅವಧಿಗಳಿಗಾಗಿ ಪ್ರದೇಶಗಳನ್ನು ನಿರ್ದಿಷ್ಟ ಪಡಿಸಬಹುದು ;

(ಜೆ) "ರಾಜ್ಯ" ಎಂದರೆ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮತ್ತು ಆ ರಾಜ್ಯದ ಕರಾವಳಿ ಯುದ್ಧಕ್ಕೂ ಇರುವ ರಾಜ್ಯ ಕ್ಷೇತ್ರೀಯ ಸಮುದ್ರವನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ.

ಆಧ್ಯಾಯ—II

ಮಾನು ಹಿಡಿಯುವುದರ ವಿನಿಯಮನ

3. ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಪ್ರದೇಶದೊಳಗೆ ಕೆಲವು ವಿಷಯಗಳನ್ನು ವಿನಿಯಮಿಸಲು, ನಿರ್ಬಂಧಿಸಲು ಅಥವಾ ನಿಷೇಧಿಸಲು ಅಧಿಕಾರ.—(1) ಸರ್ಕಾರವು, (2) ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ವಿಷಯಗಳನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ,—

(ಎ) ನಿಯಮಿಸಬಹುದಾದ ಮಾನು ಹಿಡಿಯುವ ನೌಕೆಗಳ ಅಂಥ ವರ್ಗ ಅಥವಾ ವರ್ಗಗಳಿಂದ ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶದಲ್ಲಿ ಮಾನು ಹಿಡಿಯುವುದನ್ನು ; ಅಥವಾ

(ಬಿ) ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಯಾವುದೇ ಪ್ರದೇಶದಲ್ಲಿ ಮಾನು ಹಿಡಿಯಲು ಉಪಯೋಗಿಸಬಹುದಾದ ಮಾನು ಹಿಡಿಯುವ ನೌಕೆಗಳ ಸಂಖ್ಯೆಯನ್ನು ; ಅಥವಾ

(ಸಿ) ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಯಾವುದೇ ಪ್ರದೇಶದಲ್ಲಿ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದ ಅಂಥ ಹಾತಿಗಳ ಮಾನುಗಳನ್ನು ಅಂಥ ಅವಧಿಯವರೆಗೆ ಹಿಡಿಯುವುದನ್ನು ; ಅಥವಾ

(ಡಿ) ನಿಯಮಿಸಬಹುದಾದ ಅಂಥ ಮಾನು ಹಿಡಿಯುವ ಸಲಕರಣೆಗಳನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಯಾವುದೇ ಪ್ರದೇಶದಲ್ಲಿ ಬಳಸುವುದನ್ನು,
—ವಿನಿಯಮಿಸಬಹುದು, ನಿರ್ಬಂಧಿಸಬಹುದು ಅಥವಾ ನಿಷೇಧಿಸಬಹುದು.

(2) (1) ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಆದೇಶವನ್ನು ಮಾಡುವಲ್ಲಿ, ಸರ್ಕಾರವು ಈ ಮುಂದಿನ ವಿಷಯಗಳನ್ನು ಗಮನದಲ್ಲಿಡತಕ್ಕದ್ದು, ಎಂದರೆ :—

(ಎ) ಮಾನು ಹಿಡಿಯುವ ಕೆಲಸದಲ್ಲಿ ತೊಡಗಿರುವ ಅದರಲ್ಲೂ ಪ್ರೇಷವಾಗಿ ನಾಡುದೋಣಿ ಅಥವಾ ತೋಡುದೋಣಿ ಋಂತಾದ ಪರಂಪರಾಗತ ಮಾನು ಹಿಡಿಯುವ ದೋಣಿಗಳನ್ನು ಬಳಸಿ ಮಾನು ಹಿಡಿಯುವುದರಲ್ಲಿ ತೊಡಗಿರುವ ವಿವಿಧ ವರ್ಗಗಳ ಜನರ ಹಿತಾಸಕ್ತಿಗಳನ್ನು ರಕ್ಷಿಸುವ ಅವಶ್ಯಕತೆ ;

(ಬಿ) ವೈಜ್ಞಾನಿಕ ಆಧಾರದ ಮೇಲೆ ಮಾನು ಸಂರಕ್ಷಿಸುವುದನ್ನು ಮತ್ತು ಮಾನು ಹಿಡಿಯುವುದನ್ನು ವಿನಿಯಮಿಸುವ ಅವಶ್ಯಕತೆ ;

(A) ಕಡಲಿನಲ್ಲಿ ಶಾಂತಿ ಮತ್ತು ಸುವ್ಯವಸ್ಥೆಯನ್ನು ಕಾಪಾಡಿಕೊಂಡು ಬರುವ ಅವಶ್ಯಕತೆ ; ಮತ್ತು

(B) ನಿಯಮಿಸಬಹುದಾದ ಅಂಥ ಇತರ ಯಾವುದೇ ವಿಷಯ.

4. 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಯಾವುದೇ ಆದೇಶವನ್ನು ಉಲ್ಲಂಘಿಸಿ ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಬಳಸುವುದರ ನಿಷೇಧ.—ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಯ ಮೂಲಕ ಅಥವಾ ಯಜಮಾನನೂ ಸೇರಿದಂತೆ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯೂ 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಆದೇಶವನ್ನು ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಉಲ್ಲಂಘಿಸಿ ಮೀಸಲು ಹಿಡಿಯುವುದಕ್ಕೆ ಅಂಥ ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಬಳಸಿ ಕೊಡುವ ಅಥವಾ ಬಳಸುವಂತೆ ಮಾಡತಕ್ಕುದಲ್ಲ ಅಥವಾ ಬಳಸಲು ಅನುಮತಿಸಿ ಕೊಡುವುದಿಲ್ಲ:

ಪರಂತು, ಅಂಥ ಆದೇಶದಲ್ಲಿರುವುದಾದರೂ, ಅಂಥ ಇತರ ಯಾವುದೇ ಪ್ರದೇಶದಲ್ಲಿ ಮೀಸಲು ಹಿಡಿಯುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಥವಾ ಇತರ ಯಾವುದೇ ಉದ್ದೇಶಕ್ಕಾಗಿ ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಯು ತೀರದಿಂದ ಅಥವಾ ತೀರಕ್ಕೆ ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ದೂರದ ಪ್ರದೇಶದ ಮೂಲಕ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಪ್ರದೇಶವನ್ನು ಅಥವಾ ಇತರ ಯಾವುದೇ ಪ್ರದೇಶಕ್ಕೆ ಹೋಗುವುದನ್ನು ಅಥವಾ ಅಲ್ಲಿಂದ ತೀರಕ್ಕೆ ಬರುವುದನ್ನು ನಿಷೇಧಿಸುವುದೆಂದು ಅರ್ಥೈಸತಕ್ಕುದಲ್ಲ:

ಮತ್ತು ಪರಂತು, ಅಂಥ ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಯು ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ದೂರದ ಪ್ರದೇಶದ ಮೂಲಕ ಹೋಗುವಾಗ ಯಾವುದೇ ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಅಥವಾ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಪ್ರದೇಶದಲ್ಲಿ ಮೀಸಲು ಹಿಡಿಯುವುದರಲ್ಲಿ ತೊಡಗುವ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಗೂ ಸೇರಿದ ಯಾವುದೇ ಮೀಸಲು ಬಲಗಾಗಲಿ ಅಥವಾ ಗಾಳಿ ಮುಂತಾದವುಗಳಾಗಲಿ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಯಾವುದೇ ಹಾನಿಯನ್ನುಂಟು ಮಾಡತಕ್ಕುದಲ್ಲ.

5. ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಗಳಿಗೆ ಲೈಸೆನ್ಸ್ ನೀಡಿಕೆ.—(1) ನೋಂದಾಯಿತ ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಯ ಮೂಲಕನು, ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಯಾವುದೇ ಪ್ರದೇಶದಲ್ಲಿ ಮೀಸಲು ಹಿಡಿಯುವುದಕ್ಕಾಗಿ ಅಂಥ ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಬಳಸಲು ಲೈಸೆನ್ಸ್ ಪಡೆಯುವುದಕ್ಕಾಗಿ, ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಬಹುದು.

(2) (1)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿಯೇ ಪ್ರತಿಯೊಂದು ಅರ್ಜಿಯು ನಿಯಮಿಸಬಹುದಾದ ಅಂಥ ಪ್ರಪತ್ರದಲ್ಲಿರತಕ್ಕುದು ಮತ್ತು ಅಂಥ ವಿವರಗಳನ್ನೊಳಗೊಂಡಿರತಕ್ಕುದು ಹಾಗೂ ಅಂಥ ಶುಲ್ಕವನ್ನು ಆವರಿಸಿದಾಗ ಸಂದಾಯ ಮಾಡತಕ್ಕುದು.

(3) ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯು, ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ಕಾರಣ ನಡೆಸಿದ ತರುವಾಯ ಮತ್ತು (4)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಷರತ್ತುಗಳನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು, ಅಂಥ ಲೈಸೆನ್ಸ್‌ನಲ್ಲಿ ನಮೂದಿಸಲಾಗಿರುವ

ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶ ಅಥವಾ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶಗಳಲ್ಲಿ ಮೀನು ಹಿಡಿಯಲು ಅಂಥ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಉಪಯೋಗಿಸುವುದಕ್ಕಾಗಿ ನೋಂದಾಯಿತ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಯ ವಹಿಲೀಕನಿಗೆ ಲೈಸೆನ್ಸ್ ನೀಡಬಹುದು ಇಲ್ಲವೆ ನಿರಾಕರಿಸಬಹುದು.

(4) (3)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಲೈಸೆನ್ಸ್ ನೀಡುವಾಗ ಅಥವಾ ನಿರಾಕರಿಸುವಾಗ, ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯು ಈ ಮುಂದಿನ ವಿಷಯಗಳನ್ನು ಗಮನಿಸತಕ್ಕದ್ದು, ಎಂದರೆ,—

(ಎ) ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಗೆ ಜೋಡಿಸಲಾದ ಸಾಧನ ಸಾಮಗ್ರಿಗಳ ಮತ್ತು ಮೀನು ಹಿಡಿಯುವ ಉಪಕರಣಗಳೂ ಸೇರಿದಂತೆ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಯ ಸ್ಥಿತಿ ;

(ಬಿ) 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಾಡಬಹುದಾದ ಯಾವುದೇ ಅದೇಶ ;

(ಸಿ) ನಿಯಮಿಸಬಹುದಾದ ಇತರ ಯಾವುದೇ ವಿಷಯ.

(5) ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೀಡಲಾದ ಲೈಸೆನ್ಸ್, ನಿಯಮಿಸಬಹುದಾದ ಅಂಥ ಶುಲ್ಕ ಸಂದಾಯದ ಬಗೆಗಿನ ಷರತ್ತುಗಳು ಮತ್ತು ಷರತ್ತುಗಳ ಯಥಾಪಲನೆಗಾಗಿ ಅಂಥ ಭದ್ರತೆಯನ್ನು ಒದಗಿಸುವುದೂ ಸೇರಿದಂತೆ ನಿಯಮಿಸಬಹುದಾದ ಅಂಥ ಪ್ರಶ್ನೆಯಲ್ಲಿರತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟಿರತಕ್ಕದ್ದು :

ಪರಂತು, ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಗಳ ವಿವಿಧ ವರ್ಗಗಳಿಗೆ ಲೈಸೆನ್ಸ್ ನೀಡುವ ಸಂಬಂಧದಲ್ಲಿ ಭದ್ರತಾ ರೂಪದಲ್ಲಿ ವಿವಿಧ ಶುಲ್ಕಗಳನ್ನು ಮತ್ತು ಬೇರೆ ಬೇರೆ ಪೊಬಲಗುಗಳನ್ನು ನಿಯಮಿಸಬಹುದು.

(6) ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೀಡಲಾದ ಲೈಸೆನ್ಸ್, ಮೂರು ವರ್ಷಗಳ ಅವಧಿಯವರೆಗೆ ಮಾನ್ಯವಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು (5)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಶುಲ್ಕವನ್ನು ಸಂದಾಯ ಮಾಡಿ ಅಷ್ಟೇ ಅವಧಿಗೆ ನವೀಕರಿಸಿಕೊಳ್ಳಬಹುದು.

6. ಲೈಸೆನ್ಸ್ ಇರದ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಗಳನ್ನು ಬಳಸಿ ಮೀನು ಹಿಡಿಯುವುದರ ನಿಷೇಧ.—ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು ಈ ಅಧಿನಿಯಮವು ಪ್ರಾರಂಭವಾದ ಅನಂತರ, 5ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಲೈಸೆನ್ಸ್ ಹೊಂದಿಲ್ಲದ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಬಳಸಿ ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶದಲ್ಲಿ ಮೀನು ಹಿಡಿಯುವ ಕಾರ್ಯದಲ್ಲಿ ತೊಡಗತಕ್ಕದ್ದಲ್ಲ :

ಪರಂತು, ಈ ಪ್ರಕರಣದಲ್ಲಿರುವುದು ಯಾವುದೂ, ಈ ಅಧಿನಿಯಮವು ಪ್ರಾರಂಭವಾಗುವುದಕ್ಕೆ ನಿಕಟಪೂರ್ವದಲ್ಲಿ ಮೀನು ಹಿಡಿಯುವುದಕ್ಕಾಗಿ ಬಳಸುತ್ತಿದ್ದ ಯಾವುದೇ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಗೆ, ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಸರ್ಕಾರವು ನಿರ್ದಿಷ್ಟಪಡಿಸುವ ಅಂಥ ಅವಧಿಯವರೆಗೆ ಅನ್ವಯಿಸತಕ್ಕದ್ದಲ್ಲ.

7. ಲೈಸೆನ್ಸ್‌ನ ರದ್ದಿಯಾಗಿ, ನಿಲಂಬನ ಮತ್ತು ತಿದ್ದುಪಡಿ.—(1)ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿ,—

(ಎ) 5ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೀಡಲಾದ ಲೈಸೆನ್ಸ್‌ನ್ನು ಅತ್ಯವಶ್ಯಕ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ತಪ್ಪು ನಿರೂಪಣೆಯನ್ನು ಮಾಡುವ ಮೂಲಕ ಪಡೆಯಲಾಗಿದೆಯೆಂದು; ಅಥವಾ

(ಬಿ) ಲೈಸೆನ್ಸ್‌ಧಾರಕನು, ಯಾವ ಪರತ್ತುಗಳಿಗೋಳಪಟ್ಟು ಲೈಸೆನ್ಸ್‌ನ್ನು ನೀಡಲಾಗಿತ್ತೋ ಆ ಪರತ್ತುಗಳನ್ನು ಪಾಲಿಸುವಲ್ಲಿ ಸೂಕ್ತ ಕಾರಣವಿಲ್ಲದೆ ತಪ್ಪಿದ್ದಾನೆಂದು ಆಫೀಸು ಈ ಅಧಿನಿಯಮದ ಯಾವುದೇ ಉಪಬಂಧಗಳನ್ನು ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ಯಾವುದೇ ಅದೇಶ ಅಥವಾ ನಿಯಮವನ್ನು ಉಲ್ಲಂಘಿಸಿದ್ದಾನೆಂದು;

—ಈ ಸಂಬಂಧವಾಗಿ ಮಾಡಿದ ಉಲ್ಲೇಖದಿಂದ ಅಥವಾ ಅನ್ಯಥಾ ಮನಡೆಟ್ಟಾದರೆ ಕಾರಣಗಳನ್ನು ತಿಳಿಸಲು ಲೈಸೆನ್ಸ್‌ಧಾರಕನಿಗೆ ಸೂಕ್ತ ಅವಕಾಶವನ್ನು ನೀಡಿದ ಅನಂತರ ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಲೈಸೆನ್ಸ್‌ಧಾರಕನು ಬದ್ಧನಾಗಿರಬಹುದಾದ ಯಾವುದೇ ಇತರ ದಂಡಕ್ಕೆ ಬಾಧಕವಾಗದಂತೆ, ಲೈಸೆನ್ಸ್‌ ರದ್ದುಗೊಳಿಸಬಹುದು ಅಥವಾ ತಡೆ ಹಿಡಿಯಬಹುದು ಅಥವಾ ಲೈಸೆನ್ಸ್‌ನ್ನು ಯಾವ ಪರತ್ತುಗಳಿಗೋಳಪಟ್ಟು ನೀಡಲಾಗಿತ್ತೋ ಆ ಪರತ್ತುಗಳ ಯಥೋಚಿತ ಪಾಲನೆಗೋಳಪಟ್ಟು ಒದಗಿಸಲಾದ ಭದ್ರತೆಯ ಪೂರ್ಣ ಭಾಗವನ್ನು ಅಥವಾ ಅದರ ಯಾವುದೇ ಭಾಗವನ್ನು ಮುಟ್ಟುಗೋಲು ಹಾಕಬಹುದು.

(2) ಈ ಸಂಬಂಧದಲ್ಲಿ ಮಾಡಬಹುದಾದ ಯಾವುದೇ ನಿಯಮಗಳಿಗೋಳಪಟ್ಟು ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯು 5ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೀಡಲಾದ ಲೈಸೆನ್ಸ್‌ನ್ನು ವ್ಯತ್ಯಾಸಗೊಳಿಸಬಹುದು ಅಥವಾ ತಿದ್ದುಪಡಿ ಮಾಡಬಹುದು.

8. ನೌಕೆಗಳ ನೋಂದಣಿ.—(1) ಓಡಲು ಉತ್ತಮಗಳ ರಫ್ತು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ ಅಧಿನಿಯಮ, 1972ರ (1972ರ ಕೇಂದ್ರಾಧಿನಿಯಮ, 13) 11ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಅಥವಾ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಇತರ ಕೇಂದ್ರ ಅಥವಾ ರಾಜ್ಯ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ನೋಂದಾಯಿಸಲಾದ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಯಲ್ಲದೆ, ಅದರ ಮೀನು ಹಿಡಿಯುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಬಳಸಲಾದ ಅಥವಾ ಬಳಸಲು ಉದ್ದೇಶಿಸಲಾದ ಮತ್ತು ರಾಜ್ಯದಲ್ಲಿ ಇಡಲಾದ ಪ್ರತಿಯೊಂದು ನೌಕೆಯ ಮಾಲೀಕನು ಅಂಥ ನೌಕೆಯನ್ನು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ನೋಂದಾಯಿಸತಕ್ಕದ್ದು.

(2) ಅಂಥ ನೌಕೆಯನ್ನು ನೋಂದಾಯಿಸುವುದಕ್ಕಾಗಿ ಸಲ್ಲಿಸಬೇಕಾದ ಪ್ರತಿಯೊಂದು ಅರ್ಜಿಯನ್ನು ಅಂಥ ನೌಕೆಯ ಮಾಲೀಕನು,—

(ಎ) ಮೊಟ್ಟಮೊದಲು ಅಂಥ ನೌಕೆಯ ಮಾರೀಕನಾದ ದಿನಾಂಕದಿಂದ ಎರಡು ತಿಂಗಳ ಅವಧಿಯ ಮುಕ್ತಾಯ; ಅಥವಾ

(ಬಿ) ಈ ಅಧಿನಿಯಮವು ಪ್ರಾರಂಭವಾದ ದಿನಾಂಕದಿಂದ 6 ತಿಂಗಳ ಅವಧಿಯ ಮುಕ್ತಾಯ;

—ಇವೆರಡರಲ್ಲಿ ಯಾವುದು ತರುವಾಯವೋ ಅದಕ್ಕೆ ಮುಂಚಿತವಾಗಿ ನಿಯಮಿಸಬಹುದಾದಂಥ ಪ್ರಪತ್ರದಲ್ಲಿ ಮತ್ತು ನಿಯಮಿಸಬಹುದಾದಂಥ ಶುಲ್ಕದೊಂದಿಗೆ ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಗೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು :

ಪರಂತು, ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ಇರುವ ಕಾಲಮಿತಿಯನ್ನು ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯು ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ಅದರ ಒಂದು ವರ್ಷಕ್ಕೆ ಮೀರದಂಥ ಅವಧಿಯವರೆಗೆ ಸಾಕಷ್ಟು ಕಾರಣವನ್ನು ಲಿಖಿತದಲ್ಲಿ ಅಭಿಲೇಖಿಸಿ ವಿಸ್ತರಿಸಬಹುದು.

(3) ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯು ತಾನು ನೋಂದಾಯಿಸಿರುವ ನೌಕೆಯ ಮಾರೀಕನಿಗೆ ನಿಯಮಿಸಲಾದ ಪ್ರಪತ್ರದಲ್ಲಿ ನೋಂದಣಿ ಪ್ರವಣಿಣ ಪತ್ರವನ್ನು ನೀಡತಕ್ಕದ್ದು ಮತ್ತು ತನ್ನ ಬಳಿ ಇರುವ ರಿಜಿಸ್ಟರಿನಲ್ಲಿ ನಿಯಮಿಸಬಹುದಾದಂಥ ರೀತಿಯಲ್ಲಿ ಅಂಥ ಪ್ರವಣಿಣ ಪತ್ರದ ವಿವರಗಳನ್ನು ನಮೂದಿಸತಕ್ಕದ್ದು.

(4) ಒಮ್ಮೆ ನೋಂದಾಯಿಸಿದ ಮೇಲೆ, (7)ನೇ ಉಪ-ಪ್ರಕರಣಕ್ಕೊಳಪಟ್ಟ ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯಿಂದ ಅದು ರದ್ದಾಗುವವರೆಗೆ ಜಾರಿಯಲ್ಲಿರುವುದು ಮುಂದುವರಿಯತಕ್ಕದ್ದು.

(5) ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಪ್ರತಿಯೊಂದು ನೋಂದಾಯಿತ ನೌಕೆಯು, ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯು ಕೊಟ್ಟಿರುವ ನೋಂದಣಿ ಗುರುತನ್ನು ಹೊಂದಿದ್ದು, ಇದು, ನಿಯಮಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ಎದ್ದು ಕಾಣುವಂತಿರತಕ್ಕದ್ದು.

(6) ನೋಂದಾಯಿತ ವಿಾನು ಹಿಡಿಯುವ ನೌಕೆಯಲ್ಲದ ಇತರ ಯಾವುದೇ ನೌಕೆಯು 5ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಲೈಸೆನ್ಸ್‌ನ್ನು ಪಡೆಯಲು ಹಕ್ಕುಳ್ಳದ್ದಾಗಿರತಕ್ಕದ್ದಲ್ಲ.

(7) ನೋಂದಾಯಿತ ವಿಾನು ಹಿಡಿಯುವ ನೌಕೆಯ ಮಾರೀಕತವನ್ನು ವರ್ಗಾಯಿಸಿರುವಲ್ಲಿ, ಅಂಥ ವರ್ಗಾವಣೆಯನ್ನು ಪಡೆದವನು (2)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೌಕೆಯನ್ನು ಹೊಸದಾಗಿ ನೋಂದಾಯಿಸತಕ್ಕದ್ದು.

9. 5, 7 ಮತ್ತು 8ನೇ ಪ್ರಕರಣಗಳ ಅಡಿಯಲ್ಲಿಯ ಆದೇಶಗಳ ಅಂತಿಮತೆ.— 5ನೇ ಪ್ರಕರಣ, 7ನೇ ಪ್ರಕರಣ ಅಥವಾ 8ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ವಿಾನು ಹಿಡಿಯುವ ನೌಕೆಗೆ ಲೈಸೆನ್ಸ್‌ನ ಮಂಜೂರಾತಿಗೆ ಅನುಮತಿಸುವ ಅಥವಾ ನಿರಾಕರಿಸುವ ಅಥವಾ ಅಂಥ ಲೈಸೆನ್ಸ್‌ನ್ನು ರದ್ದುಗೊಳಿಸುವ, ತಡೆ ಹಿಡಿಯುವ, ಬದಲಾಯಿಸುವ, ಅಥವಾ ತಿರುಪಡಿ

ಮಾಡುವ ಅಥವಾ ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ನೋಂದಾಯಿಸುವ ಅಥವಾ ನೋಂದಣಿಯನ್ನು ರದ್ದುಪಡಿಸುವ ಬಗೆಗಿನ ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯ ಪ್ರತಿಯೊಂದೂ ತೀರ್ಮಾನವು, 10ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಅಪೀಲೀಯ ಹಕ್ಕಿಗೆ ಒಳಪಟ್ಟು ಅಂತಿಮವಾಗಿರತಕ್ಕದ್ದು.

10. ಅಪೀಲುಗಳು.—(1) ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಗೆ ಲೈಸೆನ್ಸ್ ನೀಡಿಕೆಯನ್ನು ನಿರಾಕರಿಸುವ ಅಥವಾ ಅಂಥ ಲೈಸೆನ್ಸ್‌ನ್ನು ರದ್ದುಗೊಳಿಸುವ, ತಡೆ ಹಿಡಿಯುವ, ಬದಲಾಯಿಸುವ ಅಥವಾ ತಿದ್ದುಪಡಿ ಮಾಡುವ ಅಥವಾ ನೌಕೆಯನ್ನು ನೋಂದಾಯಿಸಲು ನಿರಾಕರಿಸುವ ಅಥವಾ ಅಂಥ ನೌಕೆಯ ನೋಂದಣಿಯನ್ನು ರದ್ದುಗೊಳಿಸುವ ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯ ಆದೇಶದಿಂದ ಬಾಧಿತನಾದ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು, ತಾನು ಆದೇಶವನ್ನು ಸ್ವೀಕರಿಸಿದ ದಿನಾಂಕದಿಂದ ಮೂವತ್ತು ದಿನಗಳೊಳಗಾಗಿ ಅಪೀಲು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಪೀಲು ಸಲ್ಲಿಸಬಹುದು :

ವರಂತೂ, ಸದರಿ ಮೂವತ್ತು ದಿನಗಳ ಅವಧಿಯ ಮುಕ್ತಾಯದ ತರುವಾಯ, ಅಪೀಲುದಾರನು ಸಕಾಲದಲ್ಲಿ ಅಪೀಲನ್ನು ವೈಲು ಮಾಡದಿರುವುದಕ್ಕೆ ಸಾಕಷ್ಟು ಕಾರಣ ಗಳಿದ್ದು ವೆಂದು ಅಪೀಲು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಮನವಟ್ಟಾದರೆ, ಅಪೀಲನ್ನು ಸ್ವೀಕರಿಸಬಹುದು,

(2) (1)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಅಪೀಲನ್ನು ಸ್ವೀಕರಿಸಿದ ತರುವಾಯ, ಅಪೀಲು ಪ್ರಾಧಿಕಾರವು, ಅಹವಾಲು ಘೋಷಣೆಗಳು ಅಪೀಲುದಾರನಿಗೆ ಒಂದು ಸೂಕ್ತ ಅವಕಾಶವನ್ನು ನೀಡಿದ ತರುವಾಯ, ಆ ಬಗ್ಗೆ ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ಆದೇಶಗಳನ್ನು ಆದಷ್ಟು ಬೇಗನೆ ಹೊರಡಿಸತಕ್ಕದ್ದು.

(3) ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಅಪೀಲು ಪ್ರಾಧಿಕಾರವು ಹೊರಡಿಸಿದ ಪ್ರತಿಯೊಂದು ಆದೇಶವೂ ಅಂತಿಮವಾಗಿರತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ-III

ದಂಡಗಳು

11. ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಪ್ರವೇಶಿಸುವ ಮತ್ತು ಶೋಧಿಸುವ ಅಧಿಕಾರ.—(1) ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಗೆ, ಈ ಅಧಿನಿಯಮದ ಯಾವುದೇ ಉಪಬಂಧಗಳನ್ನು ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ಯಾವುದೇ ಆದೇಶ ಅಥವಾ ನಿಯಮವನ್ನು ಅಥವಾ ಲೈಸೆನ್ಸಿನ ಯಾವುದೇ ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಯಾವುದೇ ಮೀಸಲು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಬಳಸಲಾಗುತ್ತಿದೆ ಅಥವಾ ಬಳಸಲಾಗಿತ್ತೆಂದು ನಂಬಲು ಕಾರಣ

ವಿದ್ವರ, ಅಂಥ ನೌಕೆಯನ್ನು ಪ್ರವೇಶಿಸಿ ಶೋಧಿಸಬಹುದು ಮತ್ತು ಅಂಥ ನೌಕೆಯನ್ನು ವಶಕ್ಕೆ ತೆಗೆದುಕೊಂಡು ಅದರಲ್ಲಿದ್ದ ಯಾವುದೇ ವಿಾನನ್ನು ಅಭಿಗ್ರಹಿಸಬಹುದು.

(2) ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯು, (1)ನೇ ಉಪಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ವಶಕ್ಕೆ ತೆಗೆದುಕೊಂಡ ವಿಾನು ಹಿಡಿಯುವ ನೌಕೆರೆಯನ್ನು, ನಿಯಮಿಸಬಹುದಾದಂಥ ಸ್ಥಳದಲ್ಲಿ ಮತ್ತು ಅಂಥ ರೀತಿಯಲ್ಲಿ ಇಡತಕ್ಕದ್ದು.

(3) ಅಭಿಗ್ರಹಿಸಲಾದ ವಿಾನನ್ನು (ದಾಖ್ತಾನು ಮಾಡುವುದಕ್ಕೆ ಸೂಕ್ತ ಸೌಲಭ್ಯಗಳು ಇಲ್ಲದಿದ್ದರೆ, ಅಂಥ ವಿಾನನ್ನು ವಿಲೆ ಮಾಡುವುದು ಅಗತ್ಯವೆಂದು ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಯು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, ಅಂಥ ವಿಾನನ್ನು ವಿಲೆ ಮಾಡಿ ಅದರಿಂದ ಬಂದ ಉತ್ಪತ್ತಿಯನ್ನು ಮಧ್ಯಸ್ಥ ಗಾರರ ಕಚೇರಿಯಲ್ಲಿ ನಿಯಮಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ಠೇವಣಿ ಇಡತಕ್ಕದ್ದು.

12. ಮಧ್ಯಸ್ಥ ನಿರ್ಣಯ.—(1) 11ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಯಾವೊಬ್ಬ ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಗೆ, ಈ ಅಧಿನಿಯಮದ ಯಾವುದೇ ಉಪಬಂಧಗಳನ್ನು ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ಯಾವುದೇ ಆದೇಶ ಅಥವಾ ನಿಯಮವನ್ನು ಅಥವಾ ಲೈಸೆನ್ಸಿನ ಯಾವುದೇ ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಯಾವುದೇ ವಿಾನು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಬಳಸಲಾಗುತ್ತಿದೆ ಅಥವಾ ಬಳಸಲಾಗಿತ್ತೆಂದು ನಂಬಲು ಕಾರಣವಿದ್ದರೆ, ಅವನು ಆ ಬಗ್ಗೆ ಮಧ್ಯಸ್ಥ ಗಾರನಿಗೆ ವರದಿ : ಮಾಡತಕ್ಕದ್ದು.

(2) ಮಧ್ಯಸ್ಥ ಗಾರನು, ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ಪಕ್ಷಕಾರರಿಗೂ ಅಹವಾಲನ್ನು ಹೇಳಿಕೊಳ್ಳಲು ಸೂಕ್ತ ಅವಕಾಶ ನೀಡಿದ ತರುವಾಯ ವರದಿಯಲ್ಲಿ ನಮೂದಿಸಲಾದ ವಿಷಯಗಳ ಬಗ್ಗೆ ನಿಯಮಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆಸತಕ್ಕದ್ದು.

13. ದಂಡ.—(1) ಮಧ್ಯಸ್ಥ ಗಾರನು, 12ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆಸಿದ ತರುವಾಯ, ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ಯಾವುದೇ ಆದೇಶ ಅಥವಾ ನಿಯಮವನ್ನು ಅಥವಾ ಲೈಸೆನ್ಸಿನ ಯಾವುದೇ ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು ಯಾವುದೇ ವಿಾನು ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಬಳಸಿದ್ದನೇ ಅಥವಾ ಬಳಸುವಂತೆ ಮಾಡಿದ್ದನೇ ಅಥವಾ ಬಳಸಲು ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟಿದ್ದನೇ ಎಂಬುದರ ಬಗ್ಗೆ ತೀರ್ಮಾನಿಸತಕ್ಕದ್ದು ಮತ್ತು ಮಧ್ಯಸ್ಥ ಗಾರನಿಂದ ದೋಷಿ ಎಂದು ನಿರ್ಣಯಿಸಲಾದಂಥ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು,—

(ಎ) ಸಿಕ್ಕ ವಿಾನಿನ ಬೆಲೆಯು ಒಂದು ಸಾವಿರ ರೂಪಾಯಿ, ಅಥವಾ ಅರಕ್ಕಿಂತ ಕಡಿಮೆಯಾಗಿದ್ದರೆ, ಐದು ಸಾವಿರ ರೂಪಾಯಿಗಳನ್ನು ;

(ಬಿ) ಸಿಕ್ಕ ವಿಾನಿನ ಬೆಲೆಯು ಒಂದು ಸಾವಿರ ರೂಪಾಯಿಗಿಂತ ಹೆಚ್ಚಾಗಿದ್ದರೆ, ವಿಾನಿನ ಬೆಲೆಯ ಐದರಷ್ಟನ್ನು ; ಅಥವಾ

(೫) ಯಾವುದೇ ವಿನಾಯಿತಿ ಒಳಗೊಂಡಿರುವ ಯಾವುದೇ ವಿಷಯವಾಗಿರುವ ದರಬಂದಿಯಲ್ಲಿ ಮಧ್ಯಸ್ಥ ಗಾರನು ನಿರ್ದೇಶಿಸಬಹುದಾದಂತೆ ಐದುಸಾವಿರ ರೂಪಾಯಿಗಳನ್ನು, —ವಿವರದಂಥ ಮಂಡಳಿ ಬದ್ಧನಾಗತಕ್ಕುದು..

(2) (1)ನೇ ಉಪ-ಪ್ರಕರಣವ ಅಡಿಯಲ್ಲಿ ವಿಧಿಸಬಹುದಾದಂಥ ಯಾವುದೇ ದರಬಂದಿ ದೇಶಕ್ಕೆ, ಮಧ್ಯಸ್ಥ ಗಾರನು,—

(ಎ) (1)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ಬಳಸಲಾಗಿರುವ ಫವಾ ಬಳಸಲು ಕಾರಣವಾಗಿದ್ದ ಅಥವಾ ಬಳಸಲು ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟಿದ್ದ ಅಥವಾ ಸನ್ನಿವೇಶ ಯಾವುದೇ ಪರತನ್ಮ ಉಲ್ಲಂಘಿಸಿದ್ದ ವಿಶಾಸು ಹಿಡಿಯುವ ನೌಕೆಯ ನೋಂದಣಿ ಪ್ರಮಾಣಪತ್ರವನ್ನು,—

(i) ಸಂದರ್ಭಾನುಸಾರ, ರದ್ದು ಪಡಿಸತಕ್ಕುದು ಅಥವಾ ಹಿಂತೆಗೆದುಕೊಳ್ಳತಕ್ಕುದು :: ಅಥವಾ

(iii) ಮಧ್ಯಸ್ಥ ಗಾರನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ಅವಧಿಯವರೆಗೆ ಲಂಬನಗೊಳಿಸತಕ್ಕುದು ; ಅಥವಾ

(ಬಿ) 11ನೇ ಪ್ರಕರಣವ ಅಡಿಯಲ್ಲಿ ಸಂದರ್ಭಾನುಸಾರ, ವಶಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಲಾದ ಅಥವಾ ಅಭಿಗ್ರಹಿಸಲಾದ ವಿನಾಯಿತಿ ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಅಥವಾ ಮೀನನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಮುಟ್ಟುಗೋಲು ಹಾಕಿಕೊಳ್ಳತಕ್ಕುದು.

—ಎಂದು ನಿರ್ದೇಶಿಸಬಹುದು:

ಪದಂತು, ಅಂಥ ನೌಕೆಯ ಮಾಲೀಕ ಅಥವಾ ಆ ಬಗ್ಗೆ ಯಾವುದೇ ಹಕ್ಕನ್ನು ಕ್ಷೇಮವಾಗಿ ಕೊಡುವ ಯಾವುದೇ ವ್ಯಕ್ತಿಯ ಅಹವಾಲನ್ನು ಕೇಳಿದ ತರುವಾಯ, ಮಾಲೀಕ ಅಥವಾ ಅಂಥ ವ್ಯಕ್ತಿಯು, ಅಂಥ ಅವರಾಧ ಘಟಿಸುವುದನ್ನು ತಡೆಯುವಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಮುನ್ನೆಚ್ಚರಿಕೆ ಕೊಡುವುದು ಮಧ್ಯಸ್ಥ ಗಾರನಿಗೆ ಮನದಟ್ಟಾದರೂ, (ಬಿ) ಖಂಡದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ವಿನಾಯಿತಿ ಹಿಡಿಯುವ ನೌಕೆಯನ್ನು ಅಭಿಗ್ರಹಿಸತಕ್ಕುದಲ್ಲ.

14. ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯ ರಚನೆ ಮತ್ತು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಗೆ ಅಪೀಲು ಸಲ್ಲಿಸುವುದು.—(1) ಸರ್ಕಾರವು, ಸರ್ಕಾರಿ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ವಿಧಿಸಬಹುದಾದ ಮೂಲಕ ಒಂದು ಅಥವಾ ಹೆಚ್ಚಿನ ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯನ್ನು ರಚಿಸಬಹುದು.

(2) ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯು ಮೂರುವರು ಸದಸ್ಯರನ್ನೊಳಗೊಂಡಿದ್ದು, ಅವರ ಪೈಕಿ ಒಬ್ಬನು ಜಿಲ್ಲಾ ನ್ಯಾಯಾಧೀಶರಾಗಿರುವಂತೆ ಅಥವಾ ಅಗಿದ್ದ ಪಕ್ಷಿಯಾಗಿದ್ದು, ಅವನು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯ ಅಧ್ಯಕ್ಷನಾಗಿ ನೇಮಿತನಾಗತಕ್ಕುದು.

(3) ಒಂದೇ ಒಂದು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯನ್ನು ರಚಿಸಿವಲ್ಲಿ ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯು ರಾಜ್ಯಾದ್ಯಂತ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು ಮತ್ತು ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಗಳನ್ನು ರಚಿಸಿರುವಲ್ಲಿ ಸರ್ಕಾರವು ಸರ್ಕಾರಿ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಅಂಥ ಪ್ರತಿಯೊಂದು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯನ್ನು ಪರಿಭಾಷಿಸಬಹುದು.

(4) ಮಧ್ಯಸ್ಥಗಾರನ ಆದೇಶದಿಂದ ಬಾಧಿತನಾದ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು, ಅದೇಶ ಹೊರಡಿಸಿದ ದಿನಾಂಕದಿಂದ ಮೂವತ್ತು ದಿನಗಳೊಳಗಾಗಿ ಅಂಥ ಅಪೀಲು ವಿಚಾರಣೆ ಮಾಡುವ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯನ್ನು ಹೊಂದಿರುವ ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಗೆ ಅಪೀಲು ಸಲ್ಲಿಸಬಹುದು:

ಪರಂತೂ, ಅಪೀಲುದಾರನು ಸಕಾಲದಲ್ಲಿ ಅಪೀಲು ಸಲ್ಲಿಸದಿರಲು ಸಹಜ ಕಾರಣಗಳು ಇದ್ದುವೆಂದು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಗೆ ಮನದಟ್ಟಾದರೆ, ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯು 30 ದಿನಗಳ ಸದರಿ ಅವಧಿಯ ಮುಕ್ತಾಯದ ತರುವಾಯ ಯಾವುದೇ ಅಪೀಲನ್ನು ಸ್ವೀಕರಿಸಬಹುದು.

(5) ಅಪೀಲುದಾರನು, ಅಪೀಲು ಸಲ್ಲಿಸುವ ಕಾಲದಲ್ಲಿ, ಯಾವ ಆದೇಶದ ವಿರುದ್ಧ ಅಪೀಲು ಹೂಡಲಾಗಿದೆಯೋ ಆ ಮೇರೆಗೆ ಸಂದೇಯವಿರುವ ವಂಡ ರೂಪದ ಮೊಬಲಗನ್ನು ಠೇವಣಿ ಇಟ್ಟು ಹೊರತು, ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಅಪೀಲನ್ನು ಸ್ವೀಕರಿಸತಕ್ಕದ್ದಲ್ಲ:

ಪರಂತೂ, ಅಪೀಲುದಾರನು ಈ ಸಂಬಂಧದಲ್ಲಿ ಒಂದು ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇಲೆ, ಈ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಇದಬೇಕಾಗಿರುವ ಠೇವಣಿಯು ಅಪೀಲು ದಾರನಿಗೆ ಅನುಚಿತ ತೊಂದರೆಯಾಗಬಹುದೆಂದು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, ಬೇಷರತ್ನಾಗಿ ಅಥವಾ ವಿಧಿಸಲು ಯುಕ್ತವೆಂದು ತಾನು ಭಾವಿಸಬಹುದಾದ ಅಂಥ ಪರಿತ್ಯುಗಳಿಗೊಳಪಟ್ಟು, ಲಿಖಿತ ಆದೇಶದ ಮೂಲಕ ಅಂಥ ಠೇವಣಿಯನ್ನು ಬಿಟ್ಟುಬಿಡತಕ್ಕದ್ದು.

(6) (4)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಒಂದು ಅಪೀಲನ್ನು ಸ್ವೀಕರಿಸಿದ ಮೇಲೆ ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯು, ತಾನು ಯುಕ್ತವೆಂದು ಭಾವಿಸುವಂಥ ವಿಚಾರಣೆ ನಡೆಸಿದ ತರುವಾಯ, ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ಪಕ್ಷಕಾರರಿಗೆ ತಮ್ಮ ಅಹವಾಲನ್ನು ಹೇಳಿಕೊಳ್ಳಲು ಸೂಕ್ತ ಅವಕಾಶ ನೀಡಿದ ತರುವಾಯ, ಯಾವ ಆದೇಶದ ವಿರುದ್ಧ ಅಪೀಲು ಹೂಡಲಾಗಿದೆಯೋ ಆ ಆದೇಶವನ್ನು ಸ್ವೀಕರಿಸಬಹುದು, ಮಾರ್ಪಾಡುಗಳಿಸಬಹುದು ಅಥವಾ ರದ್ದುಪಡಿಸಬಹುದು ಮತ್ತು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯು ಸೀಮಾನ್ವಿತ ಅಂಕಿಮಾಾಗಿರತಕ್ಕದ್ದು, ಮತ್ತು—

(ಎ) (5)ನೇ ಉಪ-ಪ್ರಕರಣ ಅಡಿಯಲ್ಲಿ ದಂಡ ರೂಪದಲ್ಲಿ ಠೇವಣಿ ಇಡಲಾದ ಲಾಭವು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯಿಂದ ಸಂದಾಯ ಮಾಡಬೇಕೆಂದು ನಿರ್ದೇಶಿತವಾದ ದಂಡದವನ್ನು ಮೀರಿದರೆ, ಆ ಹೆಚ್ಚುವರಿ ಮೊಬಲಗನ್ನು ; ಅಥವಾ

(ಬಿ) ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯು ದಂಡ ವಿಧಿಸುವ ಆದೇಶವನ್ನು ರದ್ದು ಮಾಡಿದರೆ, ದಂಡ ರೂಪದಲ್ಲಿ ಠೇವಣಿ ಇಡಲಾದ ಪೂರ್ಣಮೊತ್ತವನ್ನು,

—ಅಪೀಲು ದಾರ್ಲಿಂಗ್ ಮರುವಾವತಿ ಮಾಡತಕ್ಕದು.

15.. ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯಿಂದ ಪರಿಷ್ಕರಣೆ.—ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯು, ಆದೇಶದ ವಿಧಿ ಸಮ್ಮತ ಅಥವಾ ಔಚಿತ್ಯತೆಯ ಬಗ್ಗೆ ಅಥವಾ ಅಂಥ ಯಾವುದೇ ಉದ್ದೇಶಕ್ಕಾಗಿ 14ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮುಧ್ಯಸ್ಥ ಗಾರನು ಹೊರಡಿಸಿದ ಯಾವುದೇ ಆದೇಶದ ದಾಖಲೆಗಳನ್ನು ಮುತಕ್ಕು, ಯಾವ ಆದೇಶದ ವಿರುದ್ಧ 15ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಅಪೀಲನ್ನು ಉತ್ತರಿಸಿದಾಗ ಆ ಆದೇಶದ ದಾಖಲೆಗಳನ್ನು ತರಿಸಿಕೊಳ್ಳಬಹುದು ಮತ್ತು ಪರಿಶೀಲಿಸಬಹುದು ಮತ್ತು ಆ ಬಗ್ಗೆ ತಾನು ಯುಕ್ತವೆಂದು ಬಾವಿಸಬಹುದಾದಂಥ ಆದೇಶವನ್ನು ಹೊರಡಿಸಬಹುದು ::

ಪರಂಚು, ಅಂಥ ಆದೇಶದಿಂದ ಬಾಧಿತನಾದ ವ್ಯಕ್ತಿಗೆ ಆ ವಿಷಯದಲ್ಲಿ ತನ್ನ ಹವಾಲನ್ನು ಹೇಳಿಕೊಳ್ಳಲು ಸೂಕ್ತ ಅವಕಾಶವನ್ನು ನೀಡಿದ ಹೊರತು, ಅಂಥ ಯಾವುದೇ ಆದೇಶವನ್ನು ಹೊರಡಿಸತಕ್ಕದ್ದಲ್ಲ.

16i. ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ವಿಚಾರಣೆ ನಡೆಸುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಮುಧ್ಯಸ್ಥ ಗಾರರ ಮತ್ತು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯ ಅಧಿಕಾರಗಳು.—

(1) ಮುಧ್ಯಸ್ಥ ಗಾರ ಮತ್ತು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯು, ಈ ಮುಂದಿನ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸುವಾಗ, ಸಿವಿಲ್ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ, 1908ರ ((ಕೇಂದ್ರಾಧಿನಿಯಮ, 1908ರ 5) ಅಡಿಯಲ್ಲಿ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದ ಎಲ್ಲಾ ಅಧಿಕಾರಗಳನ್ನು ಹೊಂದಿರತಕ್ಕದು, ಎಂದರೆ.—

(ಎ) ಸಾಕ್ಷಿಗಳಿಗೆ ಸಮನು ನೀಡುವುದು ಮತ್ತು ಅವರ ಹಾಜರಾತಿಯನ್ನು ತ್ರಾಯಿಸುವುದು;

(ಬಿ) ಯಾವುದೇ ದಾಖಲೆಯನ್ನು ಪತ್ತೆ ಮಾಡುವುದು ಮತ್ತು ಹಾಜರುಪಡಿಸುವುದನ್ನು ಆಗತಪಡಿಸುವುದು ;

(ಸಿ). ಯಾವುದೇ ನ್ಯಾಯಾಲಯ ಅಥವಾ ಕಚೇರಿಯಿಂದ ಆದರ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ದಾಖಲೆ ಅಥವಾ ಪ್ರತಿಗಾಗಿ ಕೋರುವುದು ;

- (ಡಿ) ಅಭಿಡವಿಟ್ಟುಗಳ ಮೇಲೆ ಸಾಕ್ಷ್ಯ ಸ್ವೀಕರಿಸುವುದು ; ಮತ್ತು,
 (ಇ) ಸಾಕ್ಷಿದಾರರು ಅಥವಾ ದಸ್ತಾವೇಜುಗಳ ಪರೀಕ್ಷೆಗಾಗಿ ಆದೇಶವನ್ನು ಹೊರಡಿಸುವುದು.

(2) ಮಧ್ಯಸ್ಥಗಾರ ಅಥವಾ ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸುವಾಗ, ದಂಡ ಕ್ರಿಯಾ ಸಂಹಿತೆ, 1973ರ (1974ರ ಕೇಂದ್ರಾಧಿನಿಯಮ, 2) 345 ಮತ್ತು 346ನೇ ಪ್ರಕರಣಗಳ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅದನ್ನು ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯವೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

17. ಸಲಹಾಸಮಿತಿ.— ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ, ಮಿನಿಸ್ಟ್ರಿ ಗಾರಿಕೆ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕರು ಅಧ್ಯಕ್ಷರಾಗಿರುವ ಮತ್ತು ತಾನು ಅವಶ್ಯವೆಂದು ಪರಿಗಣಿಸುವಂಥ ಹದಿನೈದು ಮಂದಿಯನ್ನು ಮೀರದಂಥ ಇತರ ಸರ್ಕಾರಿ ಮತ್ತು ಸರ್ಕಾರೇತರ ಸದಸ್ಯರುಗಳಿರುವ ಒಂದು ಸಲಹಾ ಸಮಿತಿಯನ್ನು ರಚಿಸಬಹುದು. ಸಲಹಾ ಸಮಿತಿಯು, ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಜಾರಿಗೊಳಿಸಲು ರಾಜ್ಯಸರ್ಕಾರಕ್ಕೆ ಸಲಹೆ ನೀಡತಕ್ಕದ್ದು.

18. ಕಂಪನಿಗಳಿಂದ ಉಲ್ಲಂಘನೆಗಳು.—(1) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಉಲ್ಲಂಘನೆಯನ್ನು ಒಂದು ಕಂಪನಿಯು ಮಾಡಿರುವಲ್ಲಿ ಉಲ್ಲಂಘನೆಯು ಘಟಿಸಿದ ಕಾಲದಲ್ಲಿ ಆ ಕಂಪನಿಯ ವ್ಯವಹಾರಗಳ ನಿರ್ವಹಣೆಗಾಗಿ ಕಂಪನಿಯ ಪ್ರಭಾರ ದಲ್ಲಿದ್ದ ಮತ್ತು ಅದಕ್ಕೆ ಜವಾಬ್ದಾರನಾಗಿದ್ದ ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಉಲ್ಲಂಘನೆಯ ದೋಷಿಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅದನ್ನು, ತನ್ನ ವಿರುದ್ಧದ ವ್ಯವಹಾರಕ್ಕೆ ಮತ್ತು ತದನುಸಾರವಾದ ದಂಡನೆಗೆ ಬದ್ಧನಾಗತಕ್ಕದ್ದು :

ಪರಂತು, ಈ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಅಂಥ ಉಲ್ಲಂಘನೆಯು ತನ್ನ ತಿಳಿವಳಿಗೆ ಬಾರದೆ ನಡೆಯಿತೆಂದು ಅಥವಾ ಅಂಥ ಉಲ್ಲಂಘನೆಯನ್ನು ತಡೆಗಟ್ಟಲು ತಾನು ಎಲ್ಲ ರೀತಿಯ ಯೋಗ್ಯ ಶ್ರದ್ಧೆಯನ್ನು ವಹಿಸಿದ್ದನೆಂದು ಅವನು ರುಜುವಾತು ಮಾಡಿದರೆ ಅಂಥ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಯಾವುದೇ ದಂಡನೆಗೆ ಬದ್ಧನಾಗುವಂಥ ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

(2) (1)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಉಲ್ಲಂಘನೆಯು ಕಂಪನಿಯ ಯಾವೊಬ್ಬ ನಿರ್ದೇಶಕ, ವ್ಯವಸ್ಥಾಪಕ ಕಾರ್ಯದರ್ಶಿ ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಯ ಸಮ್ಮತಿ ಅಥವಾ ಪರೋಕ್ಷ ಸಮ್ಮತಿಯಿಂದ ಅಥವಾ ಅದನ ಕಡೆಯಿಂದಾದ ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯದ ಕಾರಣದಿಂದ ಸಂಭವಿಸಿತೆಂದು ರುಜುವಾತಾದರೆ ಅಂಥ ನಿರ್ದೇಶಕ, ವ್ಯವಸ್ಥಾಪಕ, ಕಾರ್ಯದರ್ಶಿ ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಯನ್ನು ಆ ಉಲ್ಲಂಘನೆಯ ದೋಷಿ ಎಂದು ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು, ಅವನ ತನ್ನ ವಿರುದ್ಧದ ವ್ಯವಹಾರಕ್ಕೆ ಮತ್ತು ತದನುಸಾರವಾದ ದಂಡನೆಗೆ ಬದ್ಧನಾಗತಕ್ಕದ್ದು.

ಮಿವರಣೆ.— ಈ ಪ್ರಕರಣದ ಉದ್ದೇಶಗಳಿಗಾಗಿ.—

(ಎ) “ಕಂಪನಿ” ಎಂದರೆ, ಯಾವುದೇ ನಿಗಮಿತ ನಿಕಾಯ ಮತ್ತು ಅದು ಫರ್ಮು ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ಇತರ ಸಂಸ್ಥೆಯನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ ; ಮತ್ತು

(ಬಿ) ಒಂದು ಫರ್ಮಿನ ಸಂಬಂಧದಲ್ಲಿ “ನಿರ್ದೇಶಕ” ಎಂದರೆ, ಫರ್ಮಿನ ಪಾಲುದಾರ.

ಅಧ್ಯಾಯ—IV

ಸಂಕೀರ್ಣ

19. ವಿನಾಯಿತಿ.— (1) ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಇರುವುದಾದರೂ, ಕೀರ್ತ ಸರ್ಕಾರ ಅಥವಾ ಯಾವುದೇ ರಾಜ್ಯ ಸರ್ಕಾರ ಅಥವಾ ಯಾವುದೇ ಸರ್ಕಾರಿ ಉದ್ಯಮಕ್ಕೆ ಸೇರಿದ ಪರಿಶೀಲನೆ ನಡೆಸುವ ನೌಕೆಗಳಿಗೆ ಅನ್ವಯಿಸತಕ್ಕವಲ್ಲ.

(2) ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು, ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶ ಅಥವಾ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶಗಳಲ್ಲಿ ಮೀನು ಹಿಡಿಯುವುದಕ್ಕಾಗಿ ಬಳಸುವ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಗಳ ಯಾವುದೇ ವರ್ಗ ಅಥವಾ ವರ್ಗಗಳಿಗೆ ಈ ಅಧಿನಿಯಮದ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ಉಪಬಂಧಗಳನ್ನು ಅನ್ವಯಿಸುವುದು, ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಸರಿಯಲ್ಲವೆಂದು ಸರ್ಕಾರವು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, ಅದು, ಸರ್ಕಾರಿ ರಾಜ್ಯವತ್ತಾದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ, ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶ ಅಥವಾ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶಗಳಲ್ಲಿ ಮೀನು ಹಿಡಿಯುವುದಕ್ಕೆ ಬಳಸುವ ಮೀನು ಹಿಡಿಯುವ ನೌಕೆಗಳ ಯಾವುದೇ ವರ್ಗ ಅಥವಾ ವರ್ಗಗಳನ್ನು, ತಾನು ಯುಕ್ತವೆಂದು ಭಾವಿಸುವಂಥ ಪರತ್ತುಗಳಿಗೆ ಒಳಪಟ್ಟು ಅಧಿಸೂಚನೆಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದಂತೆ ಈ ಅಧಿನಿಯಮದ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ಉಪಬಂಧದ ಪ್ರವರ್ತನೆಯಿಂದ ವಿನಾಯಿತಿಗೊಳಿಸಬಹುದು.

20. ಅಧಿಕಾರಗಳ ಪ್ರತ್ಯಾಯೋಜನೆ.— ರಾಜ್ಯ ಸರ್ಕಾರವು, ಅಧಿಸೂಚನೆಯ ಮೂಲಕ, ಈ ಅಧಿನಿಯಮದಿಂದ ಅಥವಾ ಅಡಿಯಲ್ಲಿ ಪ್ರಾಧಿಕೃತ ಅಧಿಕಾರಿಗೆ ಪ್ರದತ್ತವಾದ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ಅಧಿಕಾರಗಳನ್ನು, ನಿರ್ಬಂಧಗಳು ಮತ್ತು ಪರತ್ತುಗಳಿಗೆ ಒಳಪಟ್ಟು, ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಇತರ ಅಧಿಕಾರಿಯು ಸಹ ಚಲಾಯಿಸಬಹುದೆಂದು ನಿರ್ದೇಶಿಸಬಹುದು.

21 ಸದ್ಯಾವನೆಯಿಂದ ಕೈಗೊಂಡ ಕ್ರಮದ ರಕ್ಷಣೆ.— (1) ಈ ಅಧಿನಿಯಮದ ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ಯಾವುದೇ ಆದೇಶ ಅಥವಾ ನಿಯಮದ ಅನುಸರಣೆಯಲ್ಲಿ ಸದ್ಯಾವನೆಯಿಂದ ಮಾಡಿದ ಅಥವಾ ಮಾಡಲು ಉದ್ದೇಶಿಸಿದ ಯಾವುದೇ ಕೃತ್ಯಕ್ಕಾಗಿ, ಸರ್ಕಾರ ಅಥವಾ ಯಾವುದೇ ಅಧಿಕಾರಿ ಅಥವಾ ಪ್ರಾಧಿಕಾರದ ವಿರುದ್ಧ ಯಾವುದೇ ದಾವೆ, ಅಭಿಯೋಜನೆ ಅಥವಾ ಇತರ ಕಾನೂನು ವ್ಯವಹಾರ ಇರತಕ್ಕುದಿಲ್ಲ.

(2) ಈ ಅಧಿನಿಯಮ ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ಯಾವುದೇ ಅದೇಶ ಅಥವಾ ನಿಯಮದ ಅನುಸರಣೆಯಲ್ಲಿ ಸದ್ಭಾವನೆಯಿಂದ ಮಾಡಲಾದ ಅಥವಾ ಮಾಡಲು ಉದ್ದೇಶಿಸಿದ ಯಾವುದೇ ಕೃತ್ಯದಿಂದ ಉಂಟಾದ ಅಥವಾ ಉಂಟಾಗುವ ಸಂಭವವಿರುವ ಯಾವುದೇ ಹಾನಿಗಾಗಿ, ಸರ್ಕಾರ ಅಥವಾ ಯಾವುದೇ ಅಧಿಕಾರಿ ಅಥವಾ ಪ್ರಾಧಿಕಾರದ ವಿರುದ್ಧ ಯಾವುದೇ ದಾವೆ ಅಥವಾ ಇತರ ಕಾನೂನು ವ್ಯವಹಾರಗಳು ಇರತಕ್ಕದ್ದಲ್ಲ.

22. ನಿಯಮಗಳ ರಚನಾಧಿಕಾರ.—(1) ಸರ್ಕಾರವು, ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಮತ್ತು ಪೂರ್ವ ಪ್ರಕಟಣೆಯ ತರುವಾಯ, ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳನ್ನು ನೆರವೇರಿಸುವುದಕ್ಕಾಗಿ, ನಿಯಮಗಳನ್ನು ರಚಿಸಬಹುದು.

(2) ವಿಶೇಷವಾಗಿ ಮತ್ತು ಮೇಲೆ ಹೇಳಲಾದ ಅಧಿಕಾರದ ಸಾಮಾನ್ಯತೆಗೆ ಬಾಧಕ ಬಾರದಂತೆ ಅಂಥ ನಿಯಮಗಳು, ಈ ಮುಂದಿನ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ವಿಷಯಗಳಿಗಾಗಿ ಉಪಬಂಧ ಕಲ್ಪಿಸಬಹುದು, ಎಂದರೆ,—

(ಎ) 3ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಅದೇಶ ಹೊರಡಿಸುವಾಗ ಗಮನಿಸಬೇಕಾದಂಥ ವಿಷಯಗಳು ;

(ಬಿ) 5ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಲೈಸೆನ್ಸ್‌ಗಾಗಿ ಸಲ್ಲಿಸಬೇಕಾದ ಅರ್ಜಿ ನಮೂನೆ, ಅದು ಒಳಗೊಳ್ಳತಕ್ಕ ವಿವರಗಳು ಮತ್ತು ಅದರೊಂದಿಗೆ ಕಳುಹಿಸತಕ್ಕ ಶುಲ್ಕ ;

(ಸಿ) 5ನೇ ಪ್ರಕರಣದ (4) ನೇ ಉಪ-ಪ್ರಕರಣದ (ಡಿ) ಖಂಡದ ಅಡಿಯಲ್ಲಿ ಲೈಸೆನ್ಸ್ ನೀಡುವಲ್ಲಿ ಅಥವಾ ನಿರಾಕರಿಸುವಲ್ಲಿ ಗಮನಿಸತಕ್ಕ ವಿಷಯಗಳು, ಲೈಸೆನ್ಸ್‌ಗಾಗಿ ಅಥವಾ ಅದರ ನವೀಕರಣಕ್ಕಾಗಿ ಸಂದೇಯವಿರುವ ಶುಲ್ಕ ಮತ್ತು ಲೈಸೆನ್ಸಿನ ಪರಿಷ್ಕರಣೆಗಳ ಯಥೋಚಿತ ಪಾಲನೆಗಾಗಿ ಭದ್ರತೆ ;

(ಡಿ) 5ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಲೈಸೆನ್ಸ್ ನೀಡುವುದಕ್ಕೆ ಅಥವಾ ನಿರಾಕರಿಸುವುದಕ್ಕೆ ಅಥವಾ ಅಂಥ ಲೈಸೆನ್ಸಿನ ರದ್ದಿಯಾತಿ, ಅವಾನತು, ವ್ಯತ್ಯಾಸ ಅಥವಾ ತಿದ್ದುಪಡಿಗಿಂತ ಅಥವಾ 8ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೌಕೆಯ ನೋಂದಣಿ ಅಥವಾ ಅಂಥ ನೋಂದಣಿಯನ್ನು ರದ್ದುಗೊಳಿಸಲು ಅನುಸರಿಸಬೇಕಾದ ಕಾರ್ಯ ವಿಧಾನ ;

(ಇ) 8ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೌಕೆಯ ನೋಂದಣಿಗಾಗಿ ಸಲ್ಲಿಸಬೇಕಾದ ಅರ್ಜಿ ನಮೂನೆ, ಅಂಥ ಅರ್ಜಿಯಲ್ಲಿರಬೇಕಾದ ವಿವರಗಳು ಮತ್ತು ಅರ್ಜಿಯ ಜೊತೆಗಿರತಕ್ಕ ಶುಲ್ಕ, ನೋಂದಣಿ ಪ್ರಮಾಣ ಪತ್ರದ ನಮೂನೆ ಮತ್ತು ಆ ಪ್ರಕರಣದ (3)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ರಿಜಿಸ್ಟರಿನ ನಮೂನೆ ಮತ್ತು ಆ ಪ್ರಕರಣದ (5)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ನೋಂದಣಿ ಗುರುತನ್ನು ಹಾಕಬೇಕಾದ ವಿಧಾನ-ಗಳನ್ನು ಪ್ರದರ್ಶಿಸತಕ್ಕದ್ದು ;

(ಎಫ್) 10ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಅಪೀಲಗಳನ್ನು ಹೂಡಬೇಕಾಗಿರುವ ಪ್ರಾಧಿಕಾರ ;

(ಜಿ) 11ನೇ ಪ್ರಕರಣದ (2)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡಿರುವ ; ನೌಕೆಯನ್ನು ಇರಿಸತಕ್ಕ ಸ್ಥಳ ಮತ್ತು ವಿಧಾನ ಮತ್ತು ಆ ಪ್ರಕರಣದ (3)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಅಭ್ಯರ್ಥಿಸಲಾದ ವಿನಾಶವನ್ನು ಎಲೆ ಮಾಡುವುದರಿಂದ ಬಂದ ಉತ್ಪತ್ತಿಯನ್ನು ಮಧ್ಯಸ್ಥಗಾರನ ಬಳಿ ರೇವಣಿ ಇಡತಕ್ಕ ವಿಧಾನ ;

(ಎಚ್) 12ನೇ ಪ್ರಕರಣದ (2)ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮಧ್ಯಸ್ಥಗಾರ ನಿಂದಾಗುವ ವಿಚಾರಣಾ ಕಾರ್ಯ ವಿಧಾನ ;

(ಐ) ಅಧ್ಯಕ್ಷನಲ್ಲದ ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯ ಸದಸ್ಯರ ಅರ್ಹತೆಗಳು, ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯ ಅಧ್ಯಕ್ಷ ಹಾಗೂ ಇತರ ಸದಸ್ಯರಿಗೆ ಸಂದೇಯವಿರುವ ಶುಲ್ಕ ಹಾಗೂ ಭತ್ಯೆಗಳು ಮತ್ತು ಅಪೀಲು ವಿಚಾರಕ ಮಂಡಲಿಯ ಕಾರ್ಯವಿಧಾನ ;

(ಜೆ) ದಸ್ತಾವೇಜುಗಳ ಅಥವಾ ಆದೇಶಗಳ ಪ್ರತಿಗಳನ್ನು ಒದಗಿಸುವುದಕ್ಕಾಗಿ ಅಥವಾ ಇತರ ಯಾವುದೇ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಂದೇಯವಿರುವ ಶುಲ್ಕ ಅಥವಾ ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ಪ್ರಾಧಿಕಾರವು ಸಲ್ಲಿಸುವ ಯಾವುದೇ ಸೇವೆಯಲ್ಲಿ ಒಳಗೊಂಡ ವಿಷಯ ;

(ಕೆ) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ನಿಯಮಗಳ ಮೂಲಕ ಉಪಬಂಧಿಸಬೇಕಾದ ಅಥವಾ ಉಪಬಂಧಿಸಬಹುದಾದ ಇತರ ಯಾವುದೇ ವಿಷಯ.

(3) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ಪ್ರತಿಯೊಂದು ನಿಯಮವನ್ನು, ಅದನ್ನು ರಚಿಸಲಾದ ತರುವಾಯ, ರಾಜ್ಯ ವಿಧಾನಮಂಡಲವು ಅಧಿವೇಶನದಲ್ಲಿದ್ದರೆ ಸಾಧ್ಯವಾದಷ್ಟೂ ಜೇಗನ ಅದರ ಮುಂದೆ ಮತ್ತು ಅದು ಅಧಿವೇಶನದಲ್ಲಿದ್ದಿದ್ದರೆ, ನಿಕಟೋತ್ತರದ ಅಧಿವೇಶನದಲ್ಲಿ ಒಂದು ಅಧಿವೇಶನ ಅಥವಾ ಎರಡು ಅನುಕ್ರಮ ಅಧಿವೇಶನಗಳಲ್ಲಿ ಅಡಕವಾಗಬಹುದಾದ ಒಬ್ಬ ಮೂವತ್ತು ದಿನಗಳ ಅಧಿಯವರೆಗೆ ಮಂಡಿಸತಕ್ಕದ್ದು ಮತ್ತು ಹಾಗೆ ಮಂಡಿಸಲಾದ ಅಧಿವೇಶನ ಅಥವಾ ನಿಕಟೋತ್ತರ ಅಧಿವೇಶನವು ಮುಕ್ತಾಯವಾಗುವ ಮೊದಲು ನಿಯಮದಲ್ಲಿ ಯಾವುದೇ ಮಾರ್ಪಾಟು ಅಥವಾ ರದ್ದಿಯಾತಿಯನ್ನು ಮಾಡಬೇಕೆಂದು ಎರಡೂ ಸದನಗಳು ಒಪ್ಪಿದರೆ, ತದನಂತರ ಅಂಥ ಮಾರ್ಪಾಟು ಅಥವಾ ರದ್ದಿಯಾತಿಯು ಅಧಿಸೂಚಿತವಾದ ದಿನಾಂಕದಿಂದ ಆ ನಿಯಮವು ಸಂದರ್ಭಾನುಸಾರ, ಹಾಗೆ ಮಾರ್ಪಾಟಾದ ಅಥವಾ ರದ್ದಾದ ರೀತಿಯಲ್ಲಿ ಮೂತ್ರ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದು ಅಥವಾ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದಲ್ಲ ಆದಾಗ್ಯೂ, ಅಂಥ ಯಾವುದೇ ಮಾರ್ಪಾಟು ಅಥವಾ ರದ್ದಿಯಾತಿಯು, ಆ ನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಹಿಂದೆ ಮಾಡಲಾದ ಯಾವುದೇ ವಿಷಯದ ವಿಧಿ ಮೂಲಕ್ಕೆಗೆ ಪ್ರತಿಕೂಲವಾಗಿ ರಚಿಸಬಹುದು.

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(REGULATION) ACT, 1986.****Arrangement of Sections****Sections:****CHAPTER - I****Preliminary**

1. Short title and commencement.
2. Definitions.

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3. Power to regulate, restrict or prohibit certain matters within specified area
4. Prohibition of use of fishing vessel in contravention of any order made under section 3
5. Licensing of fishing vessels
6. Prohibition of fishing using fishing vessels which are not licensed
7. Cancellation, suspension and amendment of licence
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CHAPTER - III

Penalties

11. Power to enter and search of fishing vessel, etc.
12. Arbitration
13. Penalty
14. (Constitution of Appellate Board and appeal to Appellate Board
15. Revision by Appellate Board
16. Powers of Arbitrator and Appellate Board in relation to holding enquiry under this Act
17. Advisory Committee
18. Contravention by companies

CHAPTER - IV

Miscellaneous

19. Exemption
20. Delegation of powers
21. Protection of action taken in good faith
22. Power to make rules

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**THE KARNATAKA MARINE FISHING
(REGULATION) ACT, 1986.**

(Received the assent of the Governor on the Twenty-second day of May, 1986).

An Act to provide for the regulation of fishing by fishing vessels in the sea along the coast line of the State.

Whereas it is expedient to provide for the regulation of fishing vessels in the sea along the coast line of the State;

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

CHAPTER-I

PRELIMINARY

1. Short title and commencement.- (1) This Act may be called the Karnataka Marine Fishing (Regulation) Act, 1986.

(2) It shall come into force on such date as may be notified by the Government.

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

(a) "arbitrator" means an officer not below the rank of a Deputy Director of Fisheries, authorised by the Government in this behalf, by notification in the Official Gazette, to exercise the powers conferred on and discharge the duties imposed upon the arbitrator by this Act for such area or areas as may be specified in the notification;

(b) "appellate authority" means the appellate authority appointed by notification by the Government;

(c) "appellate board" means an appellate board constituted under section 15;

(d) "authorised officer" means an officer not below the rank of an Assistant Director of Fisheries, authorised by the Government in this behalf, by notification in the Official Gazette to exercise the powers conferred on, and discharge the duties imposed upon the authorised officer;

(e) "fishing vessel" means ship or boat, whether or not fitted with mechanical means of propulsion, which is exclusively engaged in sea-fishing for profit and includes a country craft and canoe engaged in sea fishing;

(f) "Government" means the State Government;

(g) "port" means the space within such limits as may from time to time be defined by the Government, by notification in the Official Gazette for the purposes of this Act;

(h) "registered fishing vessel"

means:-

(i) a fishing vessel registered under section 11 of the Marine Products Export Development Authority Act, 1972 (Central Act 13 of 1972); or

(ii) a fishing vessel registered under any other Central or State Act for the time being in force; or

(iii) a fishing vessel registered under section 8;

(i) "specified area" means such area in the sea along the entire coast line of the State, but not beyond territorial waters, as may be specified by the Government, by notification and dif-

ferent areas may be specified for different purposes or for different periods.

(j) "State" means the State of Karnataka and includes the territorial waters along the entire coast line of the State.

CHAPTER-II

REGULATION OF FISHING

3. Power to regulate, restrict or prohibit certain matters within specified area.-

(1) The Government may, having regard to the matters referred to in sub-section (2), by notification, regulate, restrict or prohibit,-

(a) the fishing in any specified area by such class or classes of fishing vessels as may be prescribed; or

(b) the number of fishing vessels which may be used for fishing in any specified area; or

(c) the catching in any specified area of such species of fish and for such period as may be specified in the notification; or

(d) the use of such fishing gear in any specified area as may be prescribed.

(2) In making an order under sub-section (1), the Government shall have regard to the following matters, namely:-

(a) the need to protect the interests of different sections of persons engaged in fishing particularly those engaged in fishing using traditional fishing craft such as country craft or canoe

(b) the need to conserve fish and to regulate fishing on a scientific basis;

(c) the need to maintain law and order in the sea; and

(d) any other matter that may be prescribed.

4. Prohibition of use of fishing vessel in contravention of any order made under section 3.- No person including the owner or master of a fishing vessel shall use, or cause or allow to be used, such fishing vessel for fishing in any manner which contravenes an order made under section 3:

Provided that nothing in such order shall be construed as preventing the passage of any fishing vessel from, or to, other shore, through any specified area to, or from any area other than a specified area for the purpose of fishing in such other area or for any other purpose:

Provided further that the passing of such fishing vessel through any specified area shall not in any manner cause any damage to any fishing nets or tackles belonging to any person who engages in fishing in the specified area by using any fishing vessel.

5. Licensing of fishing vessels.- (1) The owner of a registered fishing vessel may make an application to the authorised officer for the grant of a licence for using such fishing vessel for fishing in any specified area.

(2) Every application under sub-section (1), shall be in such form, contain such particulars and be accompanied by such fees, as may be prescribed.

(3) The authorised officer may, after making such enquiry as he deems fit and having regard to the matters referred to in sub-section (4), either grant or refuse to grant, to the owner of a registered fishing vessel, a licence for using such fishing vessel for fishing in the specified area or specified areas mentioned in such licence,

(4) In granting or refusing licence under sub-section (3), the authorised officer shall have regard to the following matters, namely:-

(a) the condition of the fishing vessel including the accessories and fishing gear with which it is fitted;

(b) any order that may be made under section 3;

(c) any other matter that may be prescribed.

(5) A licence granted under this section shall be in such form and be subject to such conditions including conditions as to payment of such fees and furnishing such security for the due performance of the conditions as may be prescribed:

Provided that different fees and different amounts by way of security, may be prescribed in respect of licences for different classes of fishing vessels.

(6) A licence granted under this section shall be valid for a period of three years and may be renewed for a similar period on payment of the fee specified under sub-section (5).

6. Prohibition of fishing using fishing vessels which are not licensed,- No person shall after the commencement of this Act carry on fishing in any specified area using a fishing vessel which is not licensed under section 5:

Provided that nothing, in this section shall apply to any fishing vessel, which was being used for fishing immediately before the commencement of this Act for such period as the Government may by notification specify.

7. Cancellation, suspension and amendment of licence.- (1) If the authorised officer is satisfied, either on a refer-

erence made to him in this behalf or otherwise, that,-

(a) a licence granted under section 55 has been obtained by misrepresentation as to an essential fact; or

(b) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or any order or rule made thereunder, then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the authorised officer may, after giving the holder of the licence a reasonable opportunity of showing cause, cancel or suspend the licence or forfeit the whole or any part of the security if any, furnished for the due performance of the conditions subject to which the licence has been granted.

(2) Subject to any rules that may be made in this behalf, the authorised officer may also vary or amend a licence granted under section 5.

8. Registration of vessels.- (1) The owner of every vessel used or intended to be used for purposes of fishing and kept in the State, not being a fishing vessel registered under section 11 of the Marine Products Export Development Authority Act, 1972 (Central Act 13 of 1972) or a fishing vessel registered under any other Central or State Act for the time being in force, shall register such vessel under this Act.

(2) Every application for registration of such vessel shall be made by the owner of such vessel to the authorised officer, in such form, and shall be accompanied by such fees, as may be prescribed.

(a) before the expiration of two months from the date on which he first became the owner of such vessel; or

(b) before the expiration of six months from the commencement of this Act whichever is later:

Provided that the authorised officer may, for sufficient reason to be recorded in writing, extend the time limit for making the application by such period as he thinks fit but not exceeding one year.

(3) The authorised officer shall issue to the owner of the vessel registered by him a certificate of registration in the prescribed form and shall enter in a register to be kept by him, in such form as may be prescribed, the particulars of such certificate.

(4) The registration once made shall, subject to sub-section (7), continue to be in force until it is cancelled by the authorised officer.

(5) Every vessel registered under this section shall carry a registration mark, assigned to it by the authorised officer, displayed in the prescribed manner.

(6) No vessel, other than a registered fishing vessel, shall be entitled to a licence under section 5.

(7) Where the ownership of a registered fishing vessel is transferred, the transferor shall get the vessel registered afresh under sub-section (2).

9. Finality of orders under sections 5, 7 and 8.- Every decision of the authorised officer under section 5, section 7 or section 8, granting or refusing to grant licence for a fishing vessel or cancelling, suspending, varying or amending such licence or registering, or cancelling the registration of a fishing vessel shall, subject to any right of appeal under section 10, be final.

10. Appeals.— (1) Any person aggrieved by an order of the authorised officer refusing to grant licence for a fishing vessel or cancelling, suspending, varying or amending such licence or refusing to register a vessel or cancelling the registration of such vessel may within thirty days from the date on which the order is communicated to him prefer an appeal to the appellate authority:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant a reasonable opportunity of being heard, pass such orders thereon as it deems fit as expeditiously as possible.

(3) Every order passed by the appellate authority under this section shall be final.

CHAPTER III PENALTIES

11. Power to enter and search of fishing vessel etc.—(1) The authorised officer may, if he has reason to believe that any fishing vessel is being, or has been used in contravention of any of the provisions of this Act or any order or rule made thereunder or any of the conditions of the licence, enter and search such vessel and impound such vessel and seize any fish found in it.

(2) The authorised officer shall keep the fishing vessel impounded under sub-section (1), in such place and in such manner as may be prescribed.

(3) In the absence of suitable facilities for the storage of the fish seized, the authorised officer may, if he is of the opinion that the disposal of such fish is necessary, dispose of such fish and deposit the proceeds thereof in the prescribed manner in the office of the arbitrator.

12. Arbitration.- (1) Where any authorised officer referred to in section 11, has reason to believe that any fishing vessel is being, or has been, used in contravention of any of the provisions of this Act or any order or rule made thereunder or any of the conditions of the licence, he shall make a report thereof to the arbitrator.

(2) The arbitrator shall hold an enquiry into the matters mentioned in the report, in the prescribed manner, after giving all the parties concerned a reasonable opportunity of being heard.

13. Penalty.- (1) The arbitrator shall, after the enquiry under section 12 decide whether any person has used, or caused or allowed to be used, any fishing vessel in contravention of any of the provisions of this Act, or of any order or rule made thereunder or any of the conditions of the licence and any such person, on being found guilty by the arbitrator, shall be liable to such penalty not exceeding,-

(a) five thousand rupees, if the value of the fish involved is one thousand rupees or less;

(b) five times the value of the fish, if the value of the fish involved is more than one thousand rupees; or

(c) five thousand rupees, in any other case, being a case not involving any

fish, as may be determined by the arbitrator.

(2) In addition to any penalty that may be imposed under sub-section (1), the arbitrator may direct that,-

(a) the registration certificate of the fishing vessel which has been used, or caused or allowed to be used, in the manner referred to in sub-section (1) or the licence, any condition of which has been contravened, shall be-

(i) cancelled or revoked, as the case may be; or

(ii) suspended for such period as the arbitrator deems fit; or

(b) the fishing vessel or fish that may have been impounded or seized, as the case may be, under section 11 shall be forfeited to the Government:

Provided that no fishing vessel shall be forfeited under clause (b), if the arbitrator after hearing the owner of such vessel or any person claiming any right thereto, is satisfied that the owner or such person had exercised due care for the prevention of the commission of such offence.

14.. Constitution of Appellate Board and Appeal to Appellate Board.-(1) The Government may, by notification in the Official Gazette, constitute one or more Appellate Boards.

((2) The Appellate Board shall consist of three members of whom one shall be a person who is or has been a District Judge, who shall be appointed as the Chairman of the Appellate Board.

((3) Where only one Appellate Board is constituted, that Appellate Board shall have jurisdiction throughout the State,

and where more than one Appellate Boards are constituted, the Government may, by notification in the Official Gazette, define the jurisdiction of each such Appellate Board.

(4) Any person aggrieved by an order of the arbitrator may, within thirty days from the date on which the order is made, prefer an appeal to the Appellate Board having jurisdiction to hear such appeal:

Provided that the Appellate Board may entertain any appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(5) No appeal under this section shall be entertained by the Appellate Board unless the appellant has, at the time of filing the appeal, deposited the amount of penalty, payable under the order appealed against:

Provided that on an application made by the appellant in this behalf, the Appellate Board may, if it is of the opinion that the deposit to be made under this sub-section will cause undue hardship to the appellant, by order in writing dispense with such deposit either unconditionally or subject to such conditions as it may deem fit to impose.

(6) On receipt of an appeal under sub-section (4), the Appellate Board may, after holding such enquiry as it deems fit and after giving the parties concerned a reasonable opportunity of being heard, confirm, modify or set-aside the order appealed against and the decision of the Appellate Board shall be final; and,-

(a) if the sum deposited by way of

penalty under sub-section (5), exceeds the penalty directed to be paid by the Appellate Board, the excess amount; or

- (b) if the Appellate Board sets aside the order imposing penalty, the whole of the sum deposited by way of penalty;

shall be refunded to the appellant.

115. Revision by Appellate Board.— The Appellate Board may call for and examine the records of any order passed by an arbitrator under section 13 and against which no appeal has been preferred under section 114 for the purpose of satisfying itself as to the legality or propriety of such order as to the regularity of the procedure and pass order with respect thereto, as it may think fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter.

16. Powers of arbitrator and Appellate Board in relation to holding enquiry under this Act.— (1) The arbitrator and the Appellate Board shall, while holding an enquiry, have all the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), while trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any document;

(c) requisitioning any public record or copy thereof from any court or office:

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examinations of witnesses or documents.

(2) The arbitrator or the Appellate Board shall, while exercising any other power under this Act, be deemed to be a civil court for the purpose of sections 345 and 346 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

17. Advisory Committee.— The State Government may, by notification constitute an Advisory Committee consisting of the Director of Fisheries who will be the Chairman and such other official and non-official members not exceeding fifteen as it considers necessary. The Advisory Committee shall advise the State Government on the enforcement of the provisions of the Act.

18. Contravention by companies.—

(1) Where an offence under this Act has been committed by a company, every person who, at the time of contravention was committed, was in-charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such contravention.

(2) Notwithstanding anything contained in sub-section (1), where any contra-

vention under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer such director, manager, secretary or other officer, shall be deemed to be guilty of that contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,-

(a) 'company' means any body corporate and includes a firm or other association of individuals; and

(b) 'director', in relation to a firm, means a partner in the firm.

CHAPTER - IV

MISCELLANEOUS

19). **Exemption.-** (1) Nothing contained in this Act, shall apply to survey vessels belonging to the Central Government or any State Government or any public undertaking.

(2) If the Government is of the opinion that, having regard to the purposes of this Act, it would not be in the public interest to apply all or any of the provisions of this Act to any class or classes of fishing vessels used for fishing in any specified area or specified areas, it may, by notification in the Official Gazette, exempt subject to such conditions as it may think fit to impose, such class or classes of fishing vessels used for fishing in such specified area or specified areas, as it may specify in the notification from the operation of all or any of the provisions of this Act.

20). **Delegation of powers.-** The Government may, by notification, direct that all or

any of the powers conferred on the authorised officer by or under this Act, may, subject to such restrictions and conditions be exercisable also by such other officer, as may be specified.

21. Protection of action taken in good faith.— (1) No suit, prosecution or other legal proceedings shall lie against the Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any order or rule made thereunder.

(2) No suit or other legal proceedings shall lie against the Government or any officer or authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any order or rule made thereunder.

22. Power to make rules.— (1) The Government may, by notification and after previous publication make rules for carrying out the purposes of this Act.

(2) in particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the matters to which regard shall be had in making an order under sub-section (1) of section 3;

(b) the form of the application for licence under sub-section (1) of section 5, the particulars which it shall contain and the fees which shall accompany it;

(c) the matters to which regard shall be had in granting or refusing a licence under clause (c) of sub-section (4) of section 5, the fees payable for the licence or renewal thereof and the security for the due performance of the conditions of the licence;

(d) the procedure to be followed in granting or refusing a licence under sections 5 or cancelling, suspending, varying or amending such licence or in registering a vessel under section 8 or cancelling such registration;

(e) the form of the application for registration of vessel under section 8, the particulars which such application shall contain, and the fees which shall accompany the application, the form of the certificate or registration and the form of the register referred to in sub-section (3) of that section and the manner in which the registration mark referred to in sub-section (5) of that section shall be displayed;

(f) the authority to whom appeals shall be preferred under sub-section (1) of section 10;

(g) the place and the manner in which an impounded fishing vessel shall be kept under sub-section (2) of section 11 and the manner in which the proceeds of the disposal of the seized fish shall be deposited with the arbitrator under sub-section (3) of that section;

(h) the procedure of the enquiry by the arbitrator under sub-section (2) of section 12;

(i) the qualifications of the members of the Appellate Board other than the Chairman, the fees and allowances payable to the Chairman and other members of the Appellate Board and the procedure of the Appellate Board;

(j) the fees payable for the supply of copies of documents or orders or for any other purpose or matter involving the rendering of any service by any officer or authority under this Act;

(k) any other matter which is to be or may be, provided for by rules under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

The above translation of the

ಕರ್ನಾಟಕ ಕಡಲ ವಿನಾಯಿತಿ (ವಿನಿಯಮನ) ಅಧಿನಿಯಮ, 1986.

be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

KARNATAKA ACT No.25 OF 1986
THE KARNATAKA TRAFFIC CONTROL
(AMENDMENT) ACT, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 14

KARNATAKA ACT No.25 OF 1986.

(First published in the Karnataka Gazette
Extraordinary on the Twenty-eighth day of
May, 1986).

**THE KARNATAKA TRAFFIC CONTROL
(AMENDMENT) ACT, 1986**

(Received the assent of the Governor on
the Twenty-second day of May, 1986).

An Act further to amend the Karnataka
Traffic Control Act, 1960.

Whereas it is expedient further to am-
end the Karnataka Traffic Control Act, 1960
(Karnataka Act 18 of 1960), for the pur-
poses hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnata-
ka Traffic Control (Amendment) Act,
1986.

(2) It shall come into force at once.

2. Amendment of section 14.- In clause
(1) of sub-section (2) of section 14 of
the Karnataka Traffic Control Act, 1960
(Karnataka Act 18 of 1960), for the words
"one person", the words "two persons" shall
be substituted.

KARNATAKA ACT No.26 OF 1986

**'THE KARNATAKA SLUM AREAS (IMPROVEMENT
AND CLEARANCE) (AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 20

KARNATAKA ACT No.26 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Twenty-eighth day of May, 1986).

THE KARNATAKA SLUM AREAS (IMPROVEMENT AND CLEARANCE) (AMENDMENT) ACT, 1986.

(Received the assent of the Governor on the Twenty-second day of May, 1986).

An Act further to amend the Karnataka Slum Areas (Improvement and Clearance) Act, 1973.

Whereas it is expedient further to amend the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act 31 of 1974), for the purposes hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Slum Areas (Improvement and Clearance) (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 20.- In subsection (1) of section 20 of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974), for the words "one hundred", the words "three hundred", shall be substituted.

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 27

ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವೆಗಳ (ಆಯ್ಕೆಕಾಲಿಕ ವೇತನ ಶ್ರೇಣಿಯನ್ನು ಮಂಜೂರು ಮಾಡುವಲ್ಲಿ ಸೇವಾವಧಿಯನ್ನು ಗಣನೆ ಮಾಡುವಾಗ ಸ್ಥಳೀಯ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನು ಸಲ್ಲಿಸಿದ ಸೇವೆಯನ್ನು ಹೊರತುಪಡಿಸುವ) ಅಧಿನಿಯಮ, 1986.

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ

ಪ್ರಕರಣಗಳು :

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ
2. ಪರಿಭಾಷೆಗಳು
3. ಆಯ್ಕೆ ಕಾಲಿಕ ವೇತನ ಶ್ರೇಣಿಯನ್ನು ನೀಡುವುದಕ್ಕಾಗಿ ಸೇವೆಯನ್ನು ಗಣನೆ ಮಾಡುವುದು.

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 27

(1986ರ ಜೂನ್ 6ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ).

ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವೆಗಳ (ಆಯ್ಕೆ ಕಾಲಿಕ ವೇತನ ಶ್ರೇಣಿಯನ್ನು ಮಂಜೂರು ಮಾಡುವಲ್ಲಿ ಸೇವಾವಧಿಯನ್ನು ಗಣನೆ ಮಾಡುವಾಗ ಸ್ಥಳೀಯ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನು ಸಲ್ಲಿಸಿದ ಸೇವೆಯನ್ನು ಹೊರತುಪಡಿಸುವ) ಅಧಿನಿಯಮ, 1986.

(1986ರ ಜೂನ್ 3ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಆನುಮತಿ ಪಡೆಯಲಾಗಿದೆ).

ಆಯ್ಕೆಕಾಲಿಕ ವೇತನ ಶ್ರೇಣಿಯನ್ನು ಮಂಜೂರು ಮಾಡುವಲ್ಲಿ ಸ್ಥಳೀಯ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನು ಸಲ್ಲಿಸಿದ ಸೇವೆಯನ್ನು ಹೊರತುಪಡಿಸಲು ಉಪಬಂಧ ಕಲ್ಪಿಸುವ ಒಂದು ಅಧಿನಿಯಮ.

ಸೇವಾ ಬಡ್ಡಿ ಪಡೆಯದೆ ಒಂದು ಕೇಡರ್‌ನಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಸೇವಾ ವರ್ಷಗಳನ್ನು ಪೂರ್ಣಗೊಳಿಸಿದ ಕೆಲವು ಪ್ರವರ್ಗಗಳ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಆ ಕೇಡರ್‌ನಲ್ಲಿ ಸೇವಾ ಬಡ್ಡಿಯ ಅವಕಾಶಗಳು ಸುಕಷ್ಟಿಲ್ಲದುದರಿಂದ ಉಂಟಾದ ವೇತನ ಸ್ಥಗಿತದಿಂದ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಪರಿಹಾರ ಒದಗಿಸುವ ಸಲುವಾಗಿ ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ ಎಫ್‌ಡಿ 37 ಎಸ್‌ಆರ್‌ಪಿ 1) 71, ದಿನಾಂಕ 22ನೇ ಫೆಬ್ರವರಿ 1971ರಲ್ಲಿ ಆಯ್ಕೆ ಕಾಲಿಕ ವೇತನ ಶ್ರೇಣಿಯನ್ನು ಮಂಜೂರು ಮಾಡುವ ಯೋಜನೆಯನ್ನು 1970ರ ಜನವರಿ 1ನೇ ದಿನಾಂಕದಿಂದ ಜಾರಿಯಲ್ಲಿ ಒರುವಂತೆ ಪ್ರಾರಂಭಿಸಲಾದುದರಿಂದ;

ಮತ್ತು ಆಯ್ಕೆಕಾಲಿಕ ವೇತನ ಶ್ರೇಣಿಯ ಸೌಲಭ್ಯವನ್ನು ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ ಇಡಿ 199 ಪಿಎಂಸಿ 71, ದಿನಾಂಕ 13ನೇ ಅಕ್ಟೋಬರ್ 1972ರಲ್ಲಿ ಸರ್ಕಾರಿ ಪ್ರಾಥಮಿಕ ಶಾಲಾ ಬೋಧಕರಿಗೂ ಸಹ ವಿಸ್ತರಿಸಿದುದರಿಂದ;

ಮತ್ತು ಸದರಿ ಸೌಲಭ್ಯವನ್ನು ಮಂಜೂರು ಮಾಡುವಲ್ಲಿ, ಸೇವಾವಧಿಯನ್ನು ಗಣನೆ ಮಾಡುವಾಗ ಸ್ಥಳೀಯ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನು ಸಲ್ಲಿಸಿದ ಸೇವೆಯನ್ನು ಲೆಕ್ಕ ಹಾಕತಕ್ಕದ್ದು ಎಂಬ ಷರತ್ತು ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ ಇಡಿ 199 ಪಿಎಂಸಿ 71, ದಿನಾಂಕ 13ನೇ ಅಕ್ಟೋಬರ್ 1972ರ 5 (ಡಿ) ಪ್ರಾ.ರಾದಲ್ಲಿ ಹೇಳಲಾದ ಷರತ್ತುಗಳಲ್ಲಿ ಒಂದಾಗಿರುವುದರಿಂದ;

ಮತ್ತು 1977ರ 10169 ರಿಂದ 10171 ಮತ್ತು 13450 ರಿಂದ 13549ರ ವರೆಗಿನ ಸಂಖ್ಯೆಯ ರಿಟ್ ಅರ್ಜಿಗಳಲ್ಲಿ, ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು, ಸ್ಥಳೀಯ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನು ಸಲ್ಲಿಸಿದ ಸೇವೆಯನ್ನು ಹೊರತುಪಡಿಸುವ ಬಗ್ಗೆ ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ ಇಡಿ 199 ಪಿಎಂಸಿ 71, ದಿನಾಂಕ 13ನೇ ಅಕ್ಟೋಬರ್ 1972ರ 5 (ಡಿ) ಪ್ರಾ.ರಾದ್ದರಿಂದ

ಪರತ್ಯುಗಳಿಗೂ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳಿಗೆ ವಿರುದ್ಧವಾಗಿವೆಯೆಂದು ಮತ್ತು ಜಾರಿಗೆ ತರಲಾಗದುದೆಂದೂ ಅಭಿಪ್ರಾಯಪಟ್ಟಿರುವುದರಿಂದ :

ಮತ್ತೂ, ಆಯ್ಕೆ ಕಾಲಿಕ ವೇತನ ಶ್ರೇಣಿಯನ್ನು ಮಂಜೂರು ಮಾಡುವಲ್ಲಿ ಸೇವಾವಧಿಯನ್ನು ಗಣನೆ ; ಮಾಡುವಾಗ ಸ್ವಲ್ಪೇಯ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನು ಸಲ್ಲಿಸಿದ ಸೇವೆಯನ್ನು ಸೇರಿಸಿದರೆ ಕಿರಿಯ ಸರ್ಕಾರಿ ನೌಕರನು ತನಗಿಂತ ಜ್ಯೇಷ್ಠ ಸರ್ಕಾರಿ ನೌಕರನಿಗಿಂತ ಹೆಚ್ಚಿನ ವೇತನ ಶ್ರೇಣಿಯನ್ನು ಸೌಲಭ್ಯವನ್ನು ಪಡೆಯುವಂತಾಗುವುದರಿಂದ, ಹಾಗೆ ಮಾಡುವುದು ಸರ್ಕಾರದ ಉದ್ದೇಶವಾಗಿದಲ್ಲವಾದುದರಿಂದ :

ಮುತ್ತು ಆಯ್ಕೆ ಕಾಲಿಕ ವೇತನ ಶ್ರೇಣಿಯನ್ನು ಮಂಜೂರು ಮಾಡುವಲ್ಲಿ ಸೇವೆಯನ್ನು ಗಣನೆ ಮಾಡುವಾಗ ಸ್ವಲ್ಪೇಯ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನು ಸಲ್ಲಿಸಿದ ಸೇವೆಯನ್ನು ಹೊರತುಪಡಿಸಬೇಕೆಂಬ ಆಶಯವನ್ನು ಸ್ಪಷ್ಟಪಡಿಸುವುದು ಅವಶ್ಯಕವಾದುದರಿಂದ :

ಇವು, ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೇಳನೆಯ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಳಿಯಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ :-

1.. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ.—(1) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವೆಗಳ (ಆಯ್ಕೆ ಕಾಲಿಕ ವೇತನ ಶ್ರೇಣಿಯನ್ನು ಮಂಜೂರು ಮಾಡುವಲ್ಲಿ ಸೇವಾವಧಿಯನ್ನು ಗಣನೆ ಮಾಡುವಾಗ ಸ್ವಲ್ಪೇಯ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನು ಸಲ್ಲಿಸಿದ ಸೇವೆಯನ್ನು ಹೊರತುಪಡಿಸುವ) ಅಧಿನಿಯಮ, 1986 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(2) ಇದು 1970ರ ಜನವರಿ 1ನೇ ದಿನಾಂಕದಂದು ಜಾರಿಯಲ್ಲಿ ಬಂದಿರುವುದಾದಿ ಪ್ರಾವಿಸಿತಕ್ಕಿದ್ದು.

2.. ಪರಿಭಾಷೆಗಳು.— ಈ ಅಧಿನಿಯಮದಲ್ಲಿ, ಸಂದರ್ಭವು ಅನ್ಯಥಾ ಆಗತಕ್ಕವೆಡೆ ಹೊರತು.—

(i) "ಸರ್ಕಾರಿ ನೌಕರ" ಎಂದರೆ, ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಿವಿಲ್ ಸೇವೆಗಳ ಸದಸ್ಯನಾದಿರುವ ಅಥವಾ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವ್ಯವಹಾರಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಒಂದು ಸಿವಿಲ್ ಹುದ್ದೆಯನ್ನು ಧಾರಣಾ ಮಾಡಿರುವ ವ್ಯಕ್ತಿ ಮತ್ತು ಇದು ಕರ್ನಾಟಕ ರಾಜ್ಯದಲ್ಲಿ ಯಾವ ವ್ಯಕ್ತಿಯ ಸೇವೆಗಳನ್ನು ತಾತ್ಕಾಲಿಕವಾಗಿ ಭಾರತ ಸರ್ಕಾರದ ಅಥವಾ ದೇರೆ ರಾಜ್ಯ ಸರ್ಕಾರದ ಅಥವಾ ಸ್ವಲ್ಪೇಯ ಪ್ರಾಧಿಕಾರದ ವಶಕ್ಕೆ ವಹಿಸಿಕೊಡಲಾಗಿದೆಯೋ ಆ ವ್ಯಕ್ತಿ ಅಥವಾ ಇದರಲ್ಲಿ ಸೇರಿದ ಅಥವಾ ಸೇರಿದ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ ;

(iii) "ಸ್ವಲ್ಪೇಯ ಅಭ್ಯರ್ಥಿ" ಎಂದರೆ, ಸೇವಾರ್ಹತೆ ನಿಯಮಗಳ ಮೇರೆಗೆ ಕ್ರಮಬದ್ಧವಾಗಿ ನೇಮಕಗೊಂಡಿರುವ ಒಬ್ಬ ತಾತ್ಕಾಲಿಕ ಸರ್ಕಾರಿ ನೌಕರ.

3. ಆಯ್ಕೆ ಕಾಲಿಕ ವೇತನ ಶ್ರೇಣಿಯನ್ನು ನೀಡುವುದಕ್ಕಾಗಿ ಸೇವೆಯನ್ನು ಗಣನೆ ಮಾಡುವುದು.—ಯಾವುದೇ ನ್ಯಾಯಾಲಯದ ಯಾವುದೇ ತೀರ್ಪು, ತೀರ್ಪು ಅಥವಾ ಆದೇಶದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ ಎಫ್‌ಡಿ 37 ಎಸ್‌ಆರ್‌ಒ(1) 71, ದಿನಾಂಕ 22ನೇ ಫೆಬ್ರವರಿ 1971ರಲ್ಲಿ ಮಂಜೂರಾದ ಆಯ್ಕೆ ಕಾಲಿಕ ವೇತನ ಶ್ರೇಣಿಯನ್ನು ನೀಡುವಲ್ಲಿ ನಿಯಮಿಸಲಾದ ಸೇವಾವಧಿಯನ್ನು ಗಣನೆ ಮಾಡುವಾಗ ಸ್ಥಳೀಯ ಅಭ್ಯರ್ಥಿಯಾಗಿ ಒಬ್ಬ ಸರ್ಕಾರಿ ನೌಕರನು ಸಲ್ಲಿಸಿದ ಸೇವೆಯನ್ನು ಲೆಕ್ಕ ಹಾಕತಕ್ಕದ್ದಲ್ಲ.

KARNATAKA ACT No.27 OF 1986

THE KARNATAKA CIVIL SERVICES (EXCLUSION OF THE SERVICE RENDERED BY A GOVERNMENT SERVANT AS A LOCAL CANDIDATE FOR COMPUTING THE SERVICE FOR GRANT OF SELECTION TIME SCALE OF PAY) ACT, 1986.

Arrangement of Sections**Sections:**

1. Short title and commencement
2. Definitions
3. Computing of service for grant of selection time scale of pay

KARNATAKA ACT 27 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Sixth day of June, 1986)

The Karnataka Civil Services (Exclusion of the service rendered by a Government Servant as a Local Candidate for computing the service for grant of Selection Time Scale of Pay) Act, 1986.

(Received the assent of the Governor on the Third day of June, 1986)

An Act to provide for exclusion of the service rendered by a Government Servant as a Local Candidate for grant of Selection Time Scale of Pay;

Whereas in Government Order No. FD 37 SRP (1) 71 dated 22nd February 1971, the scheme of grant of selection time scale to certain categories of Government Servants who had completed specified years of service in one cadre without promotion was introduced with effect from 1st January, 1970 in order to provide some relief to Government Servants on account of stagnation owing to inadequate promotional opportunities in that cadre;

And whereas in Government Order No. ED 199 PMC 71, dated 13th October 1972, the Government extended the benefit of selection time scale of pay to primary school teachers also;

And whereas one of the conditions laid down in para 5 (d) of Government Order No. ED 199 PMC 71, dated 13th October, 1972 is that the service rendered by a Government Servant as a local candidate shall not count for computing the service for grant of said benefit;

And whereas in Writ Petitions No.10169 to 10171 and 13450 to 13549 of 1977, the

High Court of Karnataka has held that the conditions to exclude the service rendered by a Government Servant as local candidate in para 5 (d) of Government Order No. ED 199 PMC 71, dated 13th October 1972 was contrary to statutory rules and was unenforceable;

And whereas, it was never the intention of the State Government to include the service rendered by Government Servant as local candidate for computing the service for grant of the selection time scale of pay, as that would result in Junior Government Servant getting the benefit of the higher scale of pay than the senior;

And whereas it is necessary to spell out the intention to exclude the service rendered by a Government Servant as local candidate for computing the service for grant of selection time scale of pay;

Be it enacted by the Karnataka State Legislature in the Thirty-sixth Year of the Republic of India as follows:-

1. Short title and commencement.-

(1) This Act may be called the Karnataka Civil Services (Exclusion of the service rendered by a Government Servant as local candidate for computing the service for grant of selection time scale of (pay) Act, 1986.

(2) It shall be deemed to have come into force on the 1st day of January 1970.

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

(i) "Government Servant" means a person who is a member of the Civil Services of the State of Karnataka or who holds a civil post in connection with the affairs of the State of Karnataka and includes any person whose services are temporarily

placed at the disposal of the Government of India, the Government of another State, a local authority or any person whether incorporated or not;

(ii) "local candidate" means a temporary Government Servant not appointed regularly as per rules of recruitment to that service.

3. Computing of service for grant of selection time scale of pay.-Notwithstanding anything in any judgement, decree or order of any court, for computing the period of service prescribed for grant of the selection time scale of pay sanctioned in Government Order No. FD 37 SRP (1) 71, dated 22nd February 1971, service rendered by a Government Servant as local candidate shall not be counted.

KARNATAKA ACT No.28 OF 1986

THE KARNATAKA DEPARTMENTAL INQUIRIES (ENFORCEMENT OF ATTENDANCE OF WITNESSES, PRODUCTION OF DOCUMENTS AND MISCELLANEOUS PROVISIONS) (AMENDMENT) ACT, 1986.

Arrangement of Sections

Sections :

1. Short title and commencement
2. Amendment of section 3
3. Amendment of section 4
4. Amendment of section 5
5. Amendment of section 6A
6. Repeal and savings

KARNATAKA ACT No.28 OF 1986

(First published in the Karnataka Gazette Extraordinary on the First day of October, 1986).

THE KARNATAKA DEPARTMENTAL INQUIRIES (ENFORCEMENT OF ATTENDANCE OF WITNESSES, PRODUCTION OF DOCUMENTS AND MISCELLANEOUS PROVISIONS) (AMENDMENT) ACT, 1986.

(Received the assent of the Governor on the Twenty-ninth day of September, 1986).

An Act further to amend the Karnataka Departmental Inquiries (Enforcement of Attendance of Witnesses, Production of Documents and Miscellaneous Provisions) Act, 1981.

Whereas it is expedient further to amend the Karnataka Departmental Inquiries (Enforcement of Attendance of Witnesses, Production of Documents and Miscellaneous Provisions) Act, 1981 (Karnataka Act 29 of 1981) for the purposes hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Departmental Inquiries (Enforcement of Attendance of Witnesses, Production of Documents and Miscellaneous Provisions) (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the sixth day of June, 1986.

2. Amendment of section 3.-In section 3 of the Karnataka Departmental Inquiries (Enforcement of Attendance of Witnesses, Production of Documents and Miscellaneous Provisions) Act, 1981 (Karnataka Act 29 of

1981) (hereinafter referred to as the principal Act),-

(1) in clause (b), for the words "Vigilance Commissioner", the words "Lokayukta or an Upalokayukta", shall be substituted;

(2) for clause (c), the following clause shall be substituted, namely:-

"(c) 'Lokayukta' and 'Upalokayukta' means the Lokayukta and Upalokayukta appointed under the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985)."

(3) clause (d), shall be omitted.

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

(1) to sub-section (1), the following proviso shall be inserted, namely:-

"Provided that where an officer on the staff of the Lokayukta is the inquiring authority, he may exercise the powers specified in section 5, without any such authorisation.";

((2) in sub-section (2), clause (a) shall be omitted.

4. Amendment of section 5.-In section 5 of the principal Act, in sub-section (3), for the proviso, the following proviso shall be substituted, namely:-

"Provided that where an officer on the staff of the Lokayukta is the inquiring authority, the power conferred by this sub-section may be exercised by such inquiring authority and for the purpose of taking action for the disobedience of any such process, every such process, shall be deemed to be a process issued by a District Judge."

5. Amendment of section 6A.- In section 6A of the principal Act, in sub-section

(1),-

(1) for the words "Vigilance Commi-

ssioner", the words "Lokayukta or Upalokayukta" shall be substituted;

(2) in clause (A), in sub-clause (a), for the words "by him", the words "by an inquiring authority appointed by him" shall be substituted;

(3) in clause (B),-

(a) for the words "by him", the words "by an inquiring authority" shall be substituted;

(b) for the words "any officer" the words "any police officer" shall be substituted;

(c) for the words "Inspector of Investigation (General) and Inspector of Police", the words "Inspector of Police to conduct a search or to carry out an inspection in accordance therewith and in particular to" shall be substituted; and

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

"(iia) search any person who is reasonably suspected of concealing about his person any article for which search should be made;"

6. Repeal and savings.- (1) The Karnataka Departmental Inquiries (Enforcement of Attendance of Witnesses, Production of Documents and Miscellaneous Provisions) (Amendment) Ordinance, 1986 (Karnataka Ordinance 3 of 1986) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 29

ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಬಟ್ಟೆ ಗಿರಣಿಗಳ (ಆರ್ಜನೆ ಮತ್ತು ವರ್ಗಾವಣೆ)
ಅಧಿನಿಯಮ, 1986.

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ

ಕರಣಗಳು :

ಅಧ್ಯಾಯ—I

ಪ್ರಾರಂಭಿಕ

ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ
ಪರಿಭಾಷೆಗಳು

ಅಧ್ಯಾಯ—II

ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಬಟ್ಟೆ ಗಿರಣಿಗಳು, ನಿಯಮಿತ, ಧಾರವಾಡ-ಇದರ
ಆರ್ಜನೆ ಮತ್ತು ವರ್ಗಾವಣೆ

3. ಸಂವಿಧಾನದ 31A ಅನುಚ್ಛೇದದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಘೋಷಣೆ
4. ಗಿರಣಿಗಳನ್ನು ಸರ್ಕಾರಕ್ಕೆ ವರ್ಗಾಯಿಸುವುದು ಮತ್ತು ಅದರಲ್ಲಿ ಅವುಗಳನ್ನು
ನಿಹಿತಗೊಳಿಸುವುದು
5. ನಿಹಿತಗೊಳಿಸುವಿಕೆಯ ಸಾಮಾನ್ಯ ಪರಿಣಾಮ
6. ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು ಅಥವಾ ಗುತ್ತಿಗೆದಾರನು ಕೆಲವು ಹಿಂದಿನ ಹೊಣೆಗಳಿಗೆ
ಬದ್ಧರಾಗಿರುವುದು
7. ಹಿಂದಿನ ಮಜೂರಿ ಮುಂತಾದವುಗಳನ್ನು ವಸೂಲು ಮಾಡಲು ಸರ್ಕಾರಕ್ಕೆ ಇರುವ
ಹಕ್ಕು
8. ಗಿರಣಿಗಳನ್ನು ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತಗೊಳಿಸುವಂತೆ ನಿರ್ದೇಶಿಸಲು ಸರ್ಕಾರಕ್ಕೆರುವ
ಅಧಿಕಾರ

ಅಧ್ಯಾಯ—III

ಮೊಬಲಗುಗಳ ಸಂದಾಯ

9. ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು, ಗುತ್ತಿಗೆದಾರ ಮತ್ತು ಇತರ ಹಿತಾಸಕ್ತ ವ್ಯಕ್ತಿಗಳಿಗೆ
ಕೊಡಬೇಕಾಗಿರುವ ಮೊಬಲಗು.
10. ಹೆಚ್ಚಿನ ಮೊಬಲಗುಗಳ ಸಂದಾಯ

ಅಧ್ಯಾಯ—IV

ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪನೆಗಳು

11. ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪನೆ ಮುಂತಾದವುಗಳು
12. ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪನೆಯ ಪ್ರಭಾರದಲ್ಲಿರುವ ವ್ಯಕ್ತಿಗಳ ಕರ್ತವ್ಯಗಳು
13. ತಮ್ಮ ಸ್ವಾಧೀನದಲ್ಲಿರುವ ಆಸ್ತಿ ಮುಂತಾದವುಗಳ ಲೆಕ್ಕ ನೀಡಲು, ವ್ಯಕ್ತಿತ್ವಗಳ ಕರ್ತವ್ಯಗಳು
14. ಲೆಕ್ಕವತ್ರಗಳು ಮತ್ತು ಲೆಕ್ಕ ಪರಿಶೋಧನೆ

ಅಧ್ಯಾಯ—V

ಸಂದಾಯಗಳ ಕಮೀಷನರು

15. ಸಂದಾಯಗಳ ಕಮೀಷನರ ನೇಮಕಾತಿ
16. ಕಮೀಷನರಿಗೆ ಸರ್ಕಾರದಿಂದ ಸಂದಾಯ
17. ಸರ್ಕಾರ ಮತ್ತು ಕಂಪನಿಯ ಕೆಲವೊಂದು ಅಧಿಕಾರಗಳು
18. ಕಮೀಷನರಿಗೆ ಕ್ಲೇಮು ಮಾಡುವುದು
19. ಕ್ಲೇಮುಗಳ ಆದ್ಯತೆ
20. ಕ್ಲೇಮುಗಳ ಪರಿಶೀಲನೆ
21. ಕ್ಲೇಮುಗಳ ಅಂಗೀಕಾರ ಅಥವಾ ತಿರಸ್ಕಾರ
22. ಕಮೀಷನರು ಕ್ಲೇಮುದಾರರಿಗೆ ಮೊಬಲಗನ್ನು ಬಟವಾಡೆ ಮಾಡುವುದು
23. ಬಟವಾಡೆ ಮಾಡದ ಅಥವಾ ಕ್ಲೇಮು ಮಾಡದ ಮೊಬಲಗನ್ನು ಸಾವಕಾಶವಾಗಿ ರಾಜಸ್ವ ಲೆಕ್ಕಕ್ಕೆ ಜಮೆ ಮಾಡುವುದು

ಅಧ್ಯಾಯ—VI

ಗಿರಣಿಗಳ ನೌಕರರಿಗೆ ಸಂಬಂಧಿಸುವ ಉಪಬಂಧಗಳು

24. ಗಿರಣಿಗಳ ಅಧಿಕಾರಿಗಳ ಅಥವಾ ಇತರ ನೌಕರರ ಸೇವಾ ವರ್ಗಾವಣೆ
25. ಭವಿಷ್ಯ ನಿಧಿ, ಕಲ್ಯಾಣ ನಿಧಿ ಮೊದಲಾದವುಗಳ ವರ್ಗಾವಣೆ

ಅಧ್ಯಾಯ—VII

ಸಂಕೀರ್ಣ

26. ಅಧಿನಿಯಮವು ಅಧ್ಯಾರೋಹಿ ಪ್ರಭಾವವನ್ನು ಹೊಂದಿರುವುದು
27. ಕಂಪನಿಯಿಂದ ಅನುಸಮರ್ಥನೆಯಾದ ಹೊರತು ಕರಾರು ಪರಿಣಾಮಕಾರಿಯಾಗುವುದು ನಿಂತುಹೋಗತಕ್ಕುದು

28. ಸದ್ವ್ಯವನೆಯಿಂದ ಕೈಗೊಳ್ಳಲಾದ ಕ್ರಮದ ರಕ್ಷಣೆ
29. ದಂಡಗಳು
30. ಕಂಪನಿಗಳಿಂದ ಆದ ಆರಾಧಗಳು
31. ನಿಯಮಗಳ ರಚನಾಧಿಕಾರ
32. ತೊಂದರೆಗಳನ್ನು ನಿವಾರಿಸಲು ಅಧಿಕಾರ
33. ನಿರಸನ ಮತ್ತು ಉಳಿಸುಕೆಗಳು
ಅನುಸೂಚಿ

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 29

(1986ರ ಅಕ್ಟೋಬರ್ 1ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟಿತವಾಗಿದೆ)

ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಬಟ್ಟೆ ಗಿರಣಿಗಳ (ಆರ್ಜನೆ ಮತ್ತು ವರ್ಗಾವಣೆ) ಅಧಿನಿಯಮ, 1986

(1986ರ ಸೆಪ್ಟೆಂಬರ್ 29ನೇ ದಿನಾಂಕದಂದು ರಾಷ್ಟ್ರಾಧ್ಯಕ್ಷರ ಅನುಮತಿ ಪಡೆಯಲಾಗಿದ್ದುದು)

ಸಾರ್ವಜನಿಕ ಹಿತಾಸಕ್ತಿಯ ದೃಷ್ಟಿಯಿಂದ ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಬಟ್ಟೆ ಗಿರಣಿಗಳಗಳು ಧಾರವಾಡ-ಇದರ ಆರ್ಜನೆ ಮತ್ತು ವರ್ಗಾವಣೆಗಾಗಿ ಮತ್ತು ದೇಶದ ಅರ್ಥ ವ್ಯವಸ್ಥೆಗಾಗಿ ಅಗತ್ಯವಾದ ಅವಶ್ಯಕ ನೋಟ ಮತ್ತು ಬಟ್ಟೆಯ ನಿರಂತರ ತಯಾರಿಕೆ, ಉತ್ಪಾದನೆ ಹಾಗೂ ವಿತರಣೆಯನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳುವ ಮೂಲಕ ಜನಸಾಮಾನ್ಯರ ಹಿತತಾ ಸಕ್ತಿಯು ಸಾಧಕವಾಗುವ ಹಾಗೆ ಸದರಿ ಗಿರಣಿಗಳ ಸೂಕ್ತ ವ್ಯವಸ್ಥಾಪನೆಯನ್ನು ಸುನಿಶ್ಚಿತಗೊಳಿಸಲು ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಅಥವಾ ಅದಕ್ಕೆ ಅನುಷ್ಠಾನವಾದ ವಿಷಯಗಳಿಗೆ ಉಪಬಂಧ ಕಲ್ಪಿಸಲು ಒಂದು ಅಧಿನಿಯಮ.

ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಬಟ್ಟೆ ಗಿರಣಿಗಳು—ಇದರ ಫೂಲೀಕರಣದ ಮೆಸರ್ಸ್ ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಬಟ್ಟೆ ಗಿರಣಿಗಳು ನಿಯಮಿತ, ಧಾರವಾಡ—ಇವರು 1969ನೇ ವರ್ಷದಲ್ಲಿ ಸದರಿ ಗಿರಣಿಗಳನ್ನು ಮುಚ್ಚಿದ್ದು, ತದನಂತರ 1970ರಲ್ಲಿ ರಾಜ್ಯಸರ್ಕಾರದ ಅನುಮತಿಯಿಲ್ಲದ ಸದರಿ ಗಿರಣಿಗಳನ್ನು ಒಂದು ಫಾಲೂಗಾರಿಕೆ ಫರ್ಮ್ ಆದ ಮೆಸರ್ಸ್ ಜಿ. ಮಹಾದೇವಪ್ಪ ಅಂಡ್ ಸನ್ಸ್—ಹುಬ್ಬಳ್ಳಿ ಇದಕ್ಕೆ ಗುತ್ತಿಗೆಗೆ ನೀಡಿದ್ದು ಸದರಿ ಗಿರಣಿಗಳ ವ್ಯವಹಾರವನ್ನು ಸೂಕ್ತವಾಗಿ ನಿರ್ವಹಿಸಲು ತಕ್ಕವಾಗಿದ್ದಿರುವುದರಿಂದ ಗುತ್ತಿಗೆದಾರರೂ ಸಹ 1979ರಲ್ಲಿ ಗಿರಣಿಗಳನ್ನು ಮುಚ್ಚಿದುದರಿಂದ;

ಸದರಿ ಗಿರಣಿಗಳ ಮುಚ್ಚುವಿಕೆಯು ಹತ್ತಿ ಬಟ್ಟೆ ಕೈಗಾರಿಕೆಯಂಥ ಅನುಸೂಚಿತ ಕೈಗಾರಿಕೆಗೆ ಪ್ರತಿಕೂಲವಾದ್ದರಿಂದ, ಭಾರತ ಸರ್ಕಾರವು, ಕೈಗಾರಿಕೆ (ಅಭಿವೃದ್ಧಿ ಮತ್ತು ಸುನಿಶ್ಚಿತತೆ) ಅಧಿನಿಯಮ, 1951ರ 18 ಎಂ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸಂಖ್ಯೆ ಎಸ್.ಬಿ. 170 (ಇ) 18 ಎಂ/ಐಡಿಆರ್ ಎ/79 ದಿನಾಂಕ 30-3-1979ರಂದು ಒಂದು ಅಧಿಸೂಚನೆಯನ್ನು ಹೊರಡಿಸಿ ಸದರಿ ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪನೆಯನ್ನು ವಹಿಸಿಕೊಳ್ಳಲು ಪ್ರಾರಂಭದಲ್ಲಿ ಐದು ವರ್ಷಗಳಿಗೆ ಮೀರದ ಅವಧಿಗೆ ಮತ್ತು ಮುಂದೆ ಆಗಿಂದಾಗ್ಗೆ ಹೆಚ್ಚಿಸುವ ಅವಧಿಗಳಿಗಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರವನ್ನು ಪ್ರಾಧಿಕೃತಗೊಳಿಸಿರುವುದರಿಂದ ;

ರಾಜ್ಯಸರ್ಕಾರದಿಂದ ನೇಮಕಗೊಂಡ ಅಧಿಕಾರಿಯು 1979ರ ಏಪ್ರಿಲ್ 4ನೇ ದಿನಾಂಕದಿಂದ ಪರಿಣಾಮಕಾರಿಯಾಗುವಂತೆ, ಗುತ್ತಿಗೆದಾರನ ಸ್ವಾಧೀನವಲ್ಲಿದ್ದ, ಸದರಿ ಗಿರಣಿಗಳ ಚರ ಮತ್ತು ಸ್ಥಿರ ಸ್ವತ್ತುಗಳ ಪ್ರಭಾರವನ್ನು ವಹಿಸಿಕೊಂಡಿರುವುದರಿಂದ :

ಸದರಿ ಗಿರಣಿಗಳ ಕಟ್ಟಡಗಳು, ಯಂತ್ರೋಪಕರಣಗಳು ಮತ್ತು ಇತರ ಉತ್ಪಾದನಾ ಉಪಕರಣಗಳು ಬಹಳ ಹಳೆಯವೂ, ಹಳೆಯ ಕಾಲದವೂ, ಹಳೆಯ ವಸುದರಿಯವೂ ಆಗಿರುವುದರ ಕಾರಾದಿಂದಾಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸಲು ಅಸಮರ್ಥವಾಗಿದ್ದು ಅರ್ಥಿಕವಾಗಿ ಅಡ್ಡಿಯಾಗಿರುವುದರಿಂದ ಮತ್ತು ಅಲ್ಲಿ ಸುಧಾರಣೆಗಳನ್ನು ಮಾಡಿ ಸದರಿ ಗಿರಣಿಗಳ ಸೂಕ್ತ ವ್ಯವಸ್ಥಾಪನೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿಗಾಗಿ ಮತ್ತು, ಅರ್ಥವ್ಯವಸ್ಥೆಯ ಅಗತ್ಯಗಳಿಗೆ ಅವಶ್ಯಕವಾಗಿರುವ ಒಟ್ಟು ಮತ್ತು ನೂಲೆಳೆಯ ನಿರಂತರ ಉತ್ಪಾದನೆ ಮತ್ತು ವಿತರಣೆಯ ಮೂಲಕ ಜನಸಾಮಾನ್ಯರ ಹಿತಾಸಕ್ತಿ ಸಾಧಿತವಾಗಿದೆಯೆಂಬುದನ್ನು ಖಚಿತಪಡಿಸುವುದಕ್ಕಾಗಿ ಸದರಿ ಗಿರಣಿಗಳನ್ನು ಆರ್ಜಿಸುವುದು ಅವಶ್ಯಕವಾಗಿರುವುದರಿಂದ ಮತ್ತು ನಿರುದ್ಯೋಗದ ವಿರುದ್ಧ ಪರಿಹಾರ ಒದಗಿಸಬೇಕಾಗಿರುವುದರಿಂದ ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಅಥವಾ ಅದಕ್ಕೆ ಅನುಷ್ಠಾನವಾದ ವಿಷಯಗಳಿಗೆ ಉಪಬಂಧ ಕಲ್ಪಿಸಬೇಕಾಗಿರುವುದರಿಂದ ;

ಇದು ರಾರತಗಣರಾಜ್ಯದ ಮೂವತ್ತೇಳನೇ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ:-

ಅಧ್ಯಾಯ—I

ಪ್ರಾರಂಭಿಕ

1. ಸೂಕ್ಷ್ಮ, ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ.— (1) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಬಿಟ್ಟು ಗಿರಣಿಗಳ (ಆರ್ಜನೆ ಮತ್ತು ವರ್ಗಾವಣೆ) ಅಧಿನಿಯಮ, 1986 ಎಂದು ಕರೆಯಲ್ಪಡುವುದು.

(2) ಇದು, ಸರ್ಕಾರವು, ಸರ್ಕಾರಿ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಗೊತ್ತುಪಡಿಸಬಹುದಾದ ಅಂಥ ದಿನಾಂಕದಂದು ಜಾರಿಯಲ್ಲಿ ಬರತಕ್ಕದ್ದು ಮತ್ತು ಈ ಅಧಿನಿಯಮದ ವಿವಿಧ ಉಪಬಂಧಗಳಿಗೆ ಬೇರೆ ಬೇರೆ ದಿನಾಂಕಗಳನ್ನು ಗೊತ್ತುಪಡಿಸಬಹುದು.

2. ಸಂಭಾಷಣೆಗಳು.— ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಸಂದರ್ಭವು ಅನ್ಯಥಾ ಅಗತ್ಯಪಡಿಸಿದ ಹೊರತು,—

(ಎ) "ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕ" ಎಂದರೆ ಈ ಅಧಿನಿಯಮ ಅಥವಾ ಅದರ ಯಾವುದೇ ಉಪಬಂಧವು ಜಾರಿಯಲ್ಲಿ ಬರುವ ದಿನಾಂಕ ;

(ಬಿ) "ಕಮೀಷನರು" ಎಂದರೆ ಈ ಅಧಿನಿಯಮದ 15ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೇಮಕಗೊಂಡ, ಸಂದಾಯಗಳ ಕಮೀಷನರು ;

(ಸಿ) "ಕಂಪನಿ" ಎಂದರೆ ಕಂಪನಿಗಳ ಅಧಿನಿಯಮ, 1956ರ ಉಪಬಂಧಗಳ ಅಡಿಯಲ್ಲಿ ನೋಂದಾಯಿತವಾದ ಒಂದು ಕಂಪನಿಯಾದ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಬಟ್ಟೆ ಕೈಗಾರಿಕಾ ಕಂಪನಿ, ನಿಯಮಿತ ;

(ಡಿ) "ಸರ್ಕಾರ" ಎಂದರೆ ರಾಜ್ಯ ಸರ್ಕಾರ ;

(ಇ) "ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಬಟ್ಟೆ ಗಿರಣಿಗಳು" ಎಂದರೆ ನ್ಯೂ ಕರ್ನಾಟಕ ಕಾಟಿಟನಟನ್ ಮಿಲ್ಸ್ ಹುಬ್ಬಳ್ಳಿ ಎಂಬ ಅಂಕಿತನಾಮದೊಂದಿಗೆ ಮೊದಲು ನಡೆಯುತ್ತಿದ್ದ ಮತ್ತು 1955-59ರ ಅಕ್ಟೋಬರ್ 31ನೇ ದಿನಾಂಕದಂದು ದೂಡಿಕೊಂಡ ಒಡಂಬಡಿಕೆಯ ಮೇಲೆ ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಬಟ್ಟೆ ಗಿರಣಿಗಳು, ನಿಯಮಿತ, ಧಾರವಾಡ—ಇವರಿಂದ ಖರೀದಿಗೊಂಡು 1970ರ ಆಗಸ್ಟ್ 29ನೇ ದಿನಾಂಕದ ಒಂದು ನೋಂದಾಯಿತ ಗುತ್ತಿಗೆ ಪತ್ರದ ಮೂಲಕ "ಮಹದೇವ್ ಟೆಕ್ಸ್ಟೈಲ್ ಮಿಲ್ಸ್, ಹುಬ್ಬಳ್ಳಿ" ಎಂಬ ಅಂಕಿತನಾಮದೊಂದಿಗೆ ಗಿರಣಿಗಳನ್ನು ನಡೆಸುತ್ತಿದ್ದ ಒಂದು ಪಾಲುದಾರಿಕೆ ಫರ್ಮ್ ಆದ ಮೆಸರ್ಸ್ ಜಿ. ಮಹದೇವಪ್ಪ ಅಂಡ್ ಸನ್ಸ್, ಜಯಚಾಮರಾಜನಗರ, ಹುಬ್ಬಳ್ಳಿ—20 ಇವರಿಗೆ ಗುತ್ತಿಗೆಗೆ ಕೊಡುತ್ತಿದ್ದ ಸಂಯುಕ್ತ ಬಟ್ಟೆ ಗಿರಣಿಗಳನ್ನು ಮತ್ತು ಇದು ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆಗಿದ್ದ ದಾರನ ಒಡತನದಲ್ಲಿರುವ ಸದರಿ ಸಂಯುಕ್ತ ಬಟ್ಟೆ ಗಿರಣಿಗಳ ಎಲ್ಲ ಚರ ಮತ್ತು ಸ್ಥಿರ ಸ್ವತ್ತುಗಳನ್ನು ಮತ್ತು ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನ ಒಡತನದಲ್ಲಿರುವ ಎಲ್ಲ ಇತರ ಚರ ಮತ್ತು ಸ್ಥಿರ ಸ್ವತ್ತುಗಳನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ;

(ಎಫ್) "ಗುತ್ತಿಗೆದಾರ" ಎಂದರೆ ಮೆಸರ್ಸ್ ಜಿ. ಮಹದೇವಪ್ಪ ಅಂಡ್ ಸನ್ಸ್, ಜಯಚಾಮರಾಜನಗರ, ಹುಬ್ಬಳ್ಳಿ—20 ಎಂಬ ಹೆಸರಿನ ಪಾಲುದಾರಿಕೆ ಫರ್ಮ್ ;

(ಜಿ) "ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು" ಎಂದರೆ ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಸಂಘಗಳಿಗೆ ಅಧಿನಿಯಮ, 1959ರ ಅಡಿಯಲ್ಲಿ ನೋಂದಾಯಿತವಾಗಿರುವ ಫಾವಿಸಲಾದ ಒಂದು ಸಹಕಾರಿ ಸಂಘವಾಗಿರುವ ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಬಟ್ಟೆ ಗಿರಣಿಗಳು, ನಿಯಮಿತ, ಧಾರವಾಡ ;

(ಎಚ್) "ಪ್ರಸ್ತುತ ವ್ಯವಸ್ಥಾಪನೆ" ಎಂದರೆ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ಎಸ್. 1 ಒ. 170 (ಇ)/18 ಎಎ-ಐಡಿಆರ್/ಎ/79, ದಿನಾಂಕ 30-3-79ರ ಮೇರೆಗೆ ಕೈಗಾರಿಕಾ (ಅಭಿವೃದ್ಧಿ ಮತ್ತು ವಿನಿಯಮನ) ಅಧಿನಿಯಮ, 1951 (1951ರ ಕೇಂದ್ರಾಧಿನಿಯಮ ಸಂಖ್ಯೆ 65)ರ 18 ಎಎ-ಪ್ರಕರಣದ 1ನೇ ಉಪ-ಪ್ರಕರಣದ (ಬಿ) ಖಂಡದ ಅಡಿಯಲ್ಲಿ ಕೇಂದ್ರ ಸರ್ಕಾರದಿಂದ ಪ್ರಾಧಿಕೃತವಾದ ರಾಜ್ಯ ಸರ್ಕಾರ ;

(ಔ) 'ಅನುಸೂಚಿ' ಎಂದರೆ ಈ ಅಧಿನಿಯಮಕ್ಕೆ ಅನುಬಂಧಿಸಲಾದ ಅನುಸೂಚಿ ;

(ಃ) 'ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ದಿನಾಂಕ' ಎಂದರೆ ಸರ್ಕಾರವು ಈ ಅಧಿನಿಯಮದ ಯಾವುದೇ ಉಪಬಂಧಗಳ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದ ಅಥ ದಿನಾಂಕ.

ಅಧ್ಯಾಯ—II

ಕರ್ನಾಟಕ ಸದಕಾರಿ ಬಟ್ಟೆ ಗಿರಣಿಗಳು, ನಿಯಮಿತ, ಧಾರವಾಡ—ಇವರ ಅರ್ಜನೆ ಮತ್ತು ವರ್ಗಾವಣೆ.

3. ಸಂವಿಧಾನದ 31 ಸಿ ಅನುಚ್ಛೇದದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಘೋಷಣೆ.—

ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಉಪಬಂಧಗಳು ಸಂವಿಧಾನದ 39ನೆಯ ಅನುಚ್ಛೇದದ (ಎ) ಮತ್ತು (ಬಿ) ವಿಂಡಗಳಲ್ಲಿ ವಿಧಿಸಿದ ತತ್ವಗಳನ್ನು ಸಾಧಿಸಲು ಸರ್ಕಾರದ ನೀತಿಯನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಸುವಂಥವು ಎಂದು ಈ ಮೂಲಕ ಘೋಷಿಸಲಾಗಿದೆ.

4. ಗಿರಣಿಗಳನ್ನು ಸರ್ಕಾರಕ್ಕೆ ವರ್ಗಾಯಿಸುವುದು ಮತ್ತು ಅದರಲ್ಲಿ ಅವುಗಳನ್ನು ನಿಹಿತಗೊಳಿಸುವುದು.— ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕದಂದು, ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಬಟ್ಟೆ ಗಿರಣಿಗಳು (ಇದರಲ್ಲಿ ಇನ್ನು ಮುಂದೆ ಗಿರಣಿಗಳು ಎಂದು ಉಲ್ಲೇಖಿತವಾದ) ಮತ್ತು ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಮತ್ತು ಗುತ್ತಿಗೆದಾರನ ಹಕ್ಕುಗಳು, ಸ್ವಾಮ್ಯ ಮತ್ತು ಹಿತಾಸಕ್ತಿಗಳು ಈ ಅಧಿನಿಯಮದ ಕಾರಣದಿಂದಾಗಿ ಸರ್ಕಾರಕ್ಕೆ ವರ್ಗಾವಣೆಯಾಗತಕ್ಕದ್ದು ಮತ್ತು ಸಂಪೂರ್ಣವಾಗಿ ಅದರಲ್ಲಿಯೇ ನಿಹಿತವಾಗತಕ್ಕದ್ದು.

5. ನಿಹಿತಗೊಳಿಸುವಿಕೆಯ ಸಾಮಾನ್ಯ ಪರಿಣಾಮ.— (1) ಗಿರಣಿಗಳು,

ಎಲ್ಲ ಆಸ್ತಿಗಳು, ಹಕ್ಕುಗಳು, ಗುತ್ತಿಗೆಗೆ ಹಿಡಿಯಲಾದವುಗಳು, ಅಧಿಕಾರಗಳು, ಪ್ರಾಧಿಕಾರಗಳು ಮತ್ತು ವಿಶೇಷಾಧಿಕಾರಗಳು ಮತ್ತು ಜಮೀನುಗಳು, ಕಟ್ಟಡಗಳು, ಕಾರ್ಯಾಗಾರಗಳು, ದಾಸ್ತಾನು, ಸಲಕರಣೆಗಳು, ಯಂತ್ರೋಪಕರಣಗಳು ಮತ್ತು ಉಪಕರಣಗಳು, ನಗದು ಶೆಲ್ವೆ, ಕೈಯಲ್ಲಿರುವ ನಗದು, ಮೀಸಲು ನಿಧಿ, ಬಂಡವಾಳಗಳು ಮತ್ತು ವ್ಯಕ್ತದಲ್ಲಿ ಕಾಣಿಸಿದ ಋಣಗಳೂ ಸೇರಿದಂತೆ ಎಲ್ಲ ಚರ ಮತ್ತು ಸ್ಥಿರ ಸ್ವತ್ತು ಹಾಗೂ ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕದ ನಿಕಟಪೂರ್ವದಂದು, ಭಾರತದಲ್ಲಿರುವ ಅಥವಾ ಭಾರತದ ಹೊರಗಡೆಯಿರುವ ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನ ಒಡತನ, ಸ್ವಾಧೀನತೆ, ಅಧಿಕಾರ ಅಥವಾ ನಿಯಂತ್ರಣದಲ್ಲಿದ್ದ ಅಂಥ ಸ್ವತ್ತಿನಲ್ಲಿರುವ ಅಥವಾ ಅದರಿಂದ ಉದ್ಭವಿಸುವ ಎಲ್ಲ ಇತರ ಹಕ್ಕುಗಳು ಮತ್ತು ಹಿತಾಸಕ್ತಿಗಳು ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಯಾವುದೇ ಸ್ವರೂಪದ

ಎಲ್ಲ ರಕ್ಷಪತ್ರ ವ್ಯವಸ್ಥೆಗಳು, ರಿಜಿಸ್ಟ್ರರುಗಳು ಮತ್ತು ದಸ್ತಾವೇಜುಗಳನ್ನು ಒಳಗೊಂಡಿರುವ ದಾಗಿ ಭಾವಿಸತಕ್ಕದ್ದು.

(2) 4ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರದಲ್ಲಿ ನಿಯೋಜಿತವಾಗಿರುವ ಪೂರ್ವೋಕ್ತ ಎಲ್ಲ ಸ್ಥಾನಗಳನ್ನು ಅಂಥ ನಿಯೋಜಿತವಾಗಿರುವ ಕಾರಣದಿಂದಾಗಿ ಅವುಗಳಿಗೆ ಜಾಬಾಧಕ ವಾಗಿರುವ ಯಾವುದೇ ನ್ಯಾಸ, ಹೊಣೆ, ಅಡಮಾನ, ಗುತ್ತಿಗೆ, ಚಾರ್ಜ್, ಧಾರಣಾಧಿಕಾರ ಮತ್ತು ಎಲ್ಲ ಇತರ ಮೂಲಭೂತ ಭಾರಗಳಿಂದಲೂ ಮುಕ್ತಗೊಳಿಸಿ ಬಿಡುಗಡೆ ಮಾಡತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಸ್ವತ್ತಿನ ಉಪಯೋಗವನ್ನು ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ನಿರ್ಬಂಧಿಸುವ ಯಾವುದೇ ನ್ಯಾಯಾಲಯದ ಯಾವುದೇ ಜಪ್ತಿ, ನಿರ್ಬಂಧಕಾಜ್ಜಿ ಅಥವಾ ದಿಕ್ರ ಅಥವಾ ಅದೇಶವನ್ನು ಹಿಂಗೆಯಿಸಿಕೊಳ್ಳಲಾಗಿದೆ ಎಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

(3) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರದಲ್ಲಿ ನಿಯೋಜಿತವಾಗಿರುವ ಯಾವುದೇ ಸ್ವತ್ತಿನ ಪ್ರತಿಯೊಂದು ಅಡಮಾನದಾರನು ಮತ್ತು ಯಾವುದೇ ಅಂಥ ಸ್ವತ್ತಿನಲ್ಲಿ ಅಥವಾ ಸ್ವತ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಯಾವುದೇ ಚಾರ್ಜ್, ಗುತ್ತಿಗೆ, ಧಾರಣಾಧಿಕಾರ ಅಥವಾ ಇತರ ಹಿತಾಸಕ್ತಿಯನ್ನು ಹೊಂದಿರುವ ಪ್ರತಿಯೊಂದು ವ್ಯಕ್ತಿಯು, ನಿಯಮಿಸಬಹುದಾದ ಅಂಥ ಕಾನೂನು ಮತ್ತು ಅಂಥ ರೀತಿಯಲ್ಲಿ ಕಮೀಷನರಿಗೆ ಅಂಥ ಅಡಮಾನ, ಗುತ್ತಿಗೆ, ಚಾರ್ಜ್, ಧಾರಣಾಧಿಕಾರ ಅಥವಾ ಇತರ ಹಿತಾಸಕ್ತಿಯ ಬಗ್ಗೆ ತಿಳಿಸತಕ್ಕದ್ದು.

(4) ಸಂದೇಹಗಳ ನಿವಾರಣೆಗಾಗಿ, (3)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಯಾವುದೇ ಸ್ವತ್ತಿನ ಅಡಮಾನದಾರ ಅಥವಾ ಅಂಥ ಸ್ವತ್ತಿನಲ್ಲಿ ಅಥವಾ ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಯಾವುದೇ ಚಾರ್ಜ್, ಗುತ್ತಿಗೆ, ಧಾರಣಾಧಿಕಾರ ಅಥವಾ ಇತರ ಹಿತಾಸಕ್ತಿಯನ್ನು ಹೊಂದಿರುವ ಯಾವುದೇ ಇತರ ವ್ಯಕ್ತಿಯು ತನ್ನ ಹಕ್ಕುಗಳು ಮತ್ತು ಹಿತಾಸಕ್ತಿಯ ಅನುಸಾರವಾಗಿ 9ನೇ ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಮತ್ತು 10ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಮೊದಲಿನ ವೈಕಿಯಿಂದ ಅಡಮಾನ ಹಣ ಅಥವಾ ಇತರ ಬಾಕಿಗಳ ಪೂರ್ಣ ಅಥವಾ ಭಾಗಶಃ ಸಂದಾಯಕ್ಕಾಗಿ ಕ್ಷೇಮ ಮಾಡಲು ಹಕ್ಕುಳ್ಳವನಾಗಿರತಕ್ಕದ್ದು. ಆದರೆ ಅಂಥ ಅಡಮಾನ, ಚಾರ್ಜ್, ಧಾರಣಾಧಿಕಾರ ಅಥವಾ ಇತರ ಹಿತಾಸಕ್ತಿಯು ಸರ್ಕಾರದಲ್ಲಿ ನಿಯೋಜಿತವಾಗಿರುವ ಯಾವುದೇ ಸ್ವತ್ತಿಗೆ ಪ್ರತಿಯಾಗಿ ಜಾರಿಗೊಳಿಸಬಹುದಾಗಿರತಕ್ಕದ್ದಲ್ಲ.

(5) 4ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರದಲ್ಲಿ ನಿಯೋಜಿತವಾಗಿರುವ ಗಿರಣಿಗಳ ಸಂಬಂಧದಲ್ಲಿ ಗುತ್ತಿಗೆ ಕೊಡುವವನಿಗೆ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನಿಗೆ ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನದ ಮೊದಲು ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ನೀಡಲಾದ ಮತ್ತು ಆ ದಿನದ ನಿಕಟಪೂರ್ವದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿದ್ದ ಯಾವುದೇ ಲೈಸೆನ್ಸ್ ಅಥವಾ ಇತರ ಲಿಖಿತ ಪತ್ರಪು ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮತ್ತು ಅವುಗಳ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಂಥ ದಿನದಂದು ಮತ್ತು ಆ ದಿನದ ತರುವಾಯ ಅದರ ಕಾಲಾವಧಿಗೆ ಅನುಸಾರವಾಗಿ ಜಾರಿಯಲ್ಲಿರುವುದು ಮುಂದುವರಿಯು

ತಕ್ಕದ್ದು ಮತ್ತು 8ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಗಿರಣಿಗಳನ್ನು ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತಗೊಳಿಸುವ ದಿನಾಂಕದಂದು ಮತ್ತು ಅಂದಿನಿಂದ, ಅಂಥ ಲೈಸೆನ್ಸ್ ಅಥವಾ ಲಿಖಿತ ಪತ್ರದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನ ಸ್ಥಾನದಲ್ಲಿ ಅಂಥ ಲೈಸೆನ್ಸ್ ಅಥವಾ ಲಿಖಿತ ಪತ್ರವನ್ನು ಕಂಪನಿಗೆ ನೀಡಲಾಗಿತ್ತು ಎಂಬಂತೆ ಕಂಪನಿಯನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸಿರುವುದಾಗಿ ಛಾಂಚರಣೆ ಮತ್ತು ಕಂಪನಿಯು ಅದನ್ನು, ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನು ಅದರಲ್ಲಿರುವ ನಿಬಂಧನೆಗಳ ಮೇರೆಗೆ ಅದನ್ನು ಹೊಂದಿರಬಹುದಾಗಿದ್ದ ಉಳಿದ ಅವಧಿಯವರೆಗೆ ಹೊಂದಿರತಕ್ಕದ್ದು.

(6) ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನದಂದು, 4ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತವಾದ ಯಾವುದೇ ಸ್ವತ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಗಿರಣಿಗಳೆಂಬ ಅಥವಾ ಅವುಗಳ ವಿರುದ್ಧವಾಗಿ ಹೂಡಲಾಗಿದ್ದ ಅಥವಾ ಸಲ್ಲಿಸಲಾಗಿದ್ದ, ಇತ್ಯರ್ಥವಾಗದೇ ಉಳಿದಿರುವ ಯಾವುದೇ ದಾದೆ, ಅಪೀಲು ಅಥವಾ ಯಾವುದೇ ಸ್ವರೂಪದ ವ್ಯವಹರಣೆಯು, ಗಿರಣಿಗಳ ವರ್ಗಾವಣೆ ಅಥವಾ ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಒಳಗೊಂಡಿರುವ ಯಾವುದರ ಕಾರಣದಿಂದಾಗಿ ಕೊನೆಗೊಳ್ಳತಕ್ಕದ್ದಲ್ಲ, ಮುಂದುವರಿಯದಿರುವಂತಾಗತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಇತರ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಪ್ರತಿಕೂಲ ಪರಿಣಾಮ ಹೊಂದತಕ್ಕದ್ದಲ್ಲ. ಆದರೆ ಸರ್ಕಾರದಿಂದ ಅಥವಾ ಸರ್ಕಾರದ ವಿರುದ್ಧವಾಗಿ ಅಥವಾ 8ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಗಿರಣಿಗಳು ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾಗಬೇಕೆಂದು ನಿರ್ದೇಶಿಸಿರುವಲ್ಲಿ, ಕಂಪನಿಯಿಂದ ಅಥವಾ ಕಂಪನಿಯ ವಿರುದ್ಧವಾಗಿ ದಾವೆ, ಅಪೀಲು ಅಥವಾ ಇತರ ವ್ಯವಹರಣೆಯನ್ನು ಮುಂದುವರಿಸಬಹುದು, ಅಭಿಯೋಜಿಸಬಹುದು ಅಥವಾ ಜಾರಿಗೊಳಿಸಬಹುದು.

6. ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು ಅಥವಾ ಗುತ್ತಿಗೆದಾರನು ಕೆಲವು ಹಿಂದಿನ ಹೊಣೆಗಳಿಗೆ ಬದ್ಧರಾಗಿರುವುದು. — (1) (2)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ನಿದಿಷ್ಟಪಡಿಸಿದ ಹೊಣೆಯಲ್ಲದೇ ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕಕ್ಕಿಂತ ಹಿಂದಿನ ಯಾವುದೇ ಅವಧಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ, ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನ ಪ್ರತಿಯೊಂದು ಹೊಣೆಯು ಸಂದರ್ಭಾನುಸಾರ, ಅಂಥ ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನ ಹೊಣೆಯಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಅದನ್ನು ಅವನ ಪರವಾಗಿಯೇ ಹೊರತು ಸರ್ಕಾರದ ಪರವಾಗಿಯಾಗಲಿ ಅಥವಾ 8ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಗಿರಣಿಗಳು 10ನೆಯಲ್ಲಿ ನಿಹಿತವಾಗದೇಕೆಂದು ನಿರ್ದೇಶಿಸಲಾಗಿದ್ದಲ್ಲಿ ಕಂಪನಿಯ ಪರವಾಗಿಯಾಗಲಿ ಜಾರಿಗೊಳಿಸತಕ್ಕದ್ದಲ್ಲ.

(2) (ಎ) ಪ್ರಸ್ತುತ ವ್ಯವಸ್ಥಾವನೆಯಿಂದ ತೆಗೆದುಕೊಂಡ ಕಾಲಗಳು (ಅವು ಹೇಳಿಲ್ಲದಿದ್ದರೆ ಒಡ್ಡಿ ಹೊಂದಿವೆ):

(ಬಿ) ಸರ್ಕಾರವು ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪನೆಯನ್ನು ವಹಿಸಿಕೊಂಡ ತರುವಾಯವಾಯದ ಯಾವುದೇ ಅವಧಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಗಿರಣಿಗಳ ಉದ್ಯೋಗಿಗಳ ಮಜೂರಿ, ವೇತನಗಳ ಮತ್ತು ಇತರ ಬಾಕಿಗಳು,

—ಇವುಗಳ ಸಂಬಂಧದಲ್ಲಿ ಉದ್ಯಮಿಸುವ ಯಾವುದೇ ಹೊಣೆಯು ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನದಂದು ಮತ್ತು ಆ ದಿನದಿಂದ ಸರ್ಕಾರದ ಹೊಣೆಯಾಗತಕ್ಕದ್ದು ಮತ್ತು ರಿನ್ಸಿ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತಗೊಳಿಸಿದ ದಿನಾಂಕದಂದು ಮತ್ತು ಆ ದಿನಾಂಕದಿಂದ ಕಂಪನಿಯ ಹೊಣೆಯಾಗತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಸಾಲಗಳು ಅಥವಾ ಮೊಬ್ಬಲುಲಗುಗಳ ಮರುಸಂದಾಯವಾಗಬೇಕಾದಾಗಲೆಲ್ಲಾ ಅಥವಾ ಅಂಥ ಮಜೂರಿಗಳು, ವೇತನಗಳ ಅಥವಾ ಇತರ ಬಾಕಿಗಳು ಸಂದೇಯವಿರುವಾಗಲೆಲ್ಲಾ ಕಂಪನಿಯು ನಿರ್ವಹಿಸತಕ್ಕದ್ದು.

(3) ಸಂದೇಹಗಳ ನಿವಾರಣೆಗಾಗಿ.—

(ಎ) ಅಧಿನಿಯಮದ ಈ ಪ್ರಕರಣದಲ್ಲಿ ಅಥವಾ ಇತರ ಯಾವುದೇ ಪ್ರಕರಣದಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ಉಪಬಂಧಿಸಿರುವುದನ್ನು ಒಂದು, (2)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಹೊಣೆಯಲ್ಲದೇ ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕಕ್ಕಿಂತ ಹಿಂದಿನ ಯಾವುದೇ ಅವಧಿಗೆ ಸಂಬಂಧ ಪಟ್ಟಂತೆ ಗಿರಣಿಗಳ ಸಂಬಂಧದಲ್ಲಿ ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆಗಿದಾರನ ಯಾವುದೇ ಹೊಣೆಯನ್ನು ಸರ್ಕಾರದ ಪರವಾಗಿಯಾಗಲಿ ಅಥವಾ ರಿನ್ಸಿ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಗಿರಣಿಗಳು ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾಗಬೇಕೆಂದು ನಿರ್ದೇಶಿಸಿರುವಲ್ಲಿ, ಕಂಪನಿಯ ಪರವಾಗಿಯಾಗಲಿ ಜಾರಿಗೊಳಿಸತಕ್ಕದ್ದಲ್ಲ.

(ಬಿ) ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಕ್ಕಿಂತ ಮುಂಚೆ ಉದ್ಯಮಿಸಿದ, (2)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿರುವ ಯಾವುದೇ ವಿವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಯಾವುದೇ ವಿಷಯ, ಕ್ಲೇಮು ಅಥವಾ ವಿವಾದದ ಸಂಬಂಧದಲ್ಲಿ ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕದ ತರುವಾಯ ಹೊರಡಿಸಲಾದ ಯಾವುದೇ ನ್ಯಾಯಾಲಯ, ನ ನ್ಯಾಯಾಧಿಕರಣ ಅಥವಾ ಇತರ ಪ್ರಾಧಿಕಾರದ ಐತೀರ್ಪು, ದಿಕ್ರ ಅಥವಾ ಆದೇಶವನ್ನು ಸರ್ಕಾರದ ಪರವಾಗಿಯಾಗಲಿ ಅಥವಾ ರಿನ್ಸಿ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಗಿರಣಿಗಳು ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾಗಬೇಕೆಂದು ನಿರ್ದೇಶಿಸಿರುವಲ್ಲಿ ಕಂಪನಿಯ ಪರವಾಗಿಯಾಗಲಿ ಜಾರಿಗೊಳಿಸತಕ್ಕದ್ದಲ್ಲ.

(ಸಿ) ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕಕ್ಕೆ ಮೊದಲು ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು ಅಥವಾ ಗುತ್ತಿಗೆದಾರನು ಯಾವುದೇ ಹೊಣೆಯನ್ನು ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಕಾನೂನಿನ ಯಾವುದೇ ಉಪಬಂಧದ ಉಲ್ಲಂಘನೆಗಾಗಿ, ಸರ್ಕಾರದ ಪರವಾಗಿಯಾಗಲಿ ಅಥವಾ ರಿನ್ಸಿ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಗಿರಣಿಗಳು ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾಗಬೇಕೆಂದು ನಿರ್ದೇಶಿಸಿರುವಲ್ಲಿ, ಕಂಪನಿಯ ಪರವಾಗಿಯಾಗಲಿ ಜಾರಿಗೊಳಿಸತಕ್ಕದ್ದಲ್ಲ.

7. ಹಿಂದಿನ ಮಜೂರಿ ಮುಂತಾದವುಗಳನ್ನು ವಸೂಲು ಮಾಡಲು ಸರ್ಕಾರಕ್ಕೆರುವ ಹಕ್ಕು.— ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಪ್ರಸ್ತುತ ವ್ಯವಸ್ಥಾಪನೆಯು, ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನ ಪರವಾಗಿ ಗಿರಣಿಗಳ ಅಧಿಕಾರಿಗಳು ಅಥವಾ ಇತರ ನೌಕರರಿಗೆ ಹಿಂದಿನ ಮಜೂರಿ, ಉಪಾದಾನ, ನಿವೃತ್ತಿ ಸೌಲಭ್ಯಗಳು ಮತ್ತು ಇತರ ಬಾಕಿಗಳಿಗಾಗಿ ಸಂದಾಯ ಮಾಡಿದ ಎಲ್ಲ ಮೊಬಲಗುಗಳನ್ನು ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನಿಂದ ಭೂ ಕಂದಾಯದ ಬಾಕಿ ಎಂಬಂತೆ ವಸೂಲು ಮಾಡಲು ಸರ್ಕಾರಕ್ಕೆ ಹಕ್ಕುರತಕ್ಕದ್ದು.

8. ಗುಣಿಗಳನ್ನು ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತಗೊಳಿಸುವಂತೆ ನಿರ್ದೇಶಿಸಲು ಸರ್ಕಾರಕ್ಕೆ ಅಧಿಕಾರ.— (1) 4 ಮತ್ತು 5ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಸರ್ಕಾರವು ವಿಧಿಸಲು ಸೂಕ್ತವೆಂದು ತಾನು ಭಾವಿಸುವ ಅಂಥ ಸಂಬಂಧನೆಗಳು ಮತ್ತು ಷರತ್ತುಗಳಿಗೆ ಒಳಪಟ್ಟು, ಅಧಿಸೂಚನೆಯ ಮೂಲಕ, 4ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರದ್ದೇ ನಿಹಿತವಾಗಿದ್ದ ಗಿರಣಿಗಳು ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತವಾಗಿರುವುದು ಮುಂದುವರಿಯುವ ಬಗ್ಗೆ ಅಧಿಸೂಚನೆಯ ದಿನಾಂಕದಂದು ಅಧಿಸೂಚನೆಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂತೆ ಅಂಥ ಮುಂಚಿನ ಅಥವಾ ತರುವಾಯದ ದಿನಾಂಕದಂದು (ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಕ್ಕಿಂತ ಮುಂಚಿನ ದಿನಾಂಕವಲ್ಲದ) ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾಗತಕ್ಕದ್ದೆಂದು ನಿರ್ದೇಶಿಸಬಹುದು.

(2) 4ನೇ ಉಪ-ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅದರ ಹಕ್ಕು, ಸ್ವಾಮ್ಯ ಮತ್ತು ಹಿತಾಸಕ್ತಿಗಳು ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾಗಿರುವಲ್ಲಿ ಅಂಥ ನಿಹಿತಗೊಳಿಸುವುದು ದಿನಾಂಕದಂದು ಮತ್ತು ಅಂದಿನಿಂದ ಕಂಪನಿಯು ಅಂಥ ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮೂಲೀಕನಾಗಿದೆಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಸರ್ಕಾರವುಗಳಾಗಿದ್ದ ಎಲ್ಲಾ ಹಕ್ಕುಗಳು ಮತ್ತು ಹೊಣೆಗಳು, ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಉಮಂಥಿಸಲಾದಂತೆ ಅಂಥ ನಿಹಿತಗೊಳಿಸುವಿಕೆಯ ದಿನಾಂಕದಂದು ಮತ್ತು ಅಂದಿನಿಂದ ಕಂಪನಿಯ ಹಕ್ಕುಗಳು ಮತ್ತು ಹೊಣೆಗಳಾಗಿವೆಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ—III

ಮೊಬಲಗುಗಳ ಸಂದಾಯ

9. ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು, ಗುತ್ತಿಗೆದಾರ ಮತ್ತು ಇತರ ಹಿತಾಸಕ್ತಿ ವ್ಯಕ್ತಿಗಳಿಗೆ ಕೊಡಬೇಕಾಗಿರುವ ಮೊಬಲಗು.— 4ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಗಿರಣಿಗಳನ್ನು ಮತ್ತು ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಹಕ್ಕುಗಳು ಮತ್ತು ಹಿತಾಸಕ್ತಿಯನ್ನು

ಸರ್ಕಾರಕ್ಕೆ ವರ್ಗಾವಣೆ ಮಾಡಲು ಮತ್ತು ಅದರಲ್ಲಿ ನಿಹಿತವಾಗಿಸಲು, ಸರ್ಕಾರವು 446.59 ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ಕಮೀಷನರಲ್ಲಿ ಶೇವಣಿ ಇಟ್ಟು, ಸಂದಾಯಯುಯುಯ ಮತ್ತು ತಕ್ಕುದು ಮತ್ತು ಸದರಿ ಮೊಬಲಗನ್ನು Vನೇ ಅಧ್ಯಾಯದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವಂತೆ ಮಾಡುವ ಯಲ್ಲಿ, ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು, ಗುತ್ತಿಗೆದಾರ ಅಥವಾ ಅದಕ್ಕೆ ಹಕ್ಕುಳ್ಳ ಅಂಧಾಂಧಾಂಧ ಇತರ ವ್ಯಕ್ತಿಗಳಿಗೆ ಸಂದಾಯ ಮಾಡತಕ್ಕುದು.

10. ಹೆಚ್ಚಿನ ಮೊಬಲಗುಗಳ ಸಂದಾಯ.— (1) 9ನೇ ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಮೊಬಲಗಿನ ಮೇಲೆ ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನದಿಂದ ಆರಂಭವಾಗುವ ಸರ್ಕಾರವು ಕಮೀಷನರಿಗೆ ಅಂಧ ಮೊಬಲಗನ್ನು ಸಂದಾಯ ಮಾಡಿದ ದಿನಾಂಕವನ್ನು ಕಂಡು ಮುಕ್ತಾಯವಾಗುವ ಅವಧಿಯವರೆಗೆ ವರ್ಷಕ್ಕೆ ಶೇಕಡಾ 4ರ ದರದಲ್ಲಿ ಸರಳ ಬಡಬಡ್ಡಿಯನ್ನು ಬರತಕ್ಕುದು.

(2) ಸರ್ಕಾರವು, ಸಂದರ್ಭಾನುಸಾರ, ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು, ಗುತ್ತಿಗೆಗಿದ್ದಾಗಲೇ ಅಥವಾ ಅದಕ್ಕೆ ಹಕ್ಕುಳ್ಳ ಅಂಧ ಇತರ ವ್ಯಕ್ತಿಗಳಿಗೆ 9ನೇ ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಮೊಬಲಗಿನ ಜೊತೆಗೆ (1) ನೇ ಉಪಪ್ರಕರಣದ ಉಪಬಂಧಗಳಾನುಸಾರವಾಗಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಮೊಬಲಗನ್ನು ನೀಡತಕ್ಕುದು.

(3) ಸಂದೇಹಗಳ ನಿವಾರಣೆಗಾಗಿ 4ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತವಾಗಿರುವ ಗಿರಣಿಗಳ ಸಂಬಂಧದಲ್ಲಿಯ ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆಗಿದ್ದಾಗಲೇ ಹೊಣೆಯನ್ನು 9ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಮೊಬಲಗಿನಿಂದ ಮತ್ತು ಸಂದರ್ಭಾನುಸಾರ, ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನ ಸಾಲಿಗರ ಹಕ್ಕುಗಳು ಮತ್ತು ಅಂತಹ ಸ್ಥಿತಿಗಳಾನುಸಾರವಾಗಿ (1)ನೇ ಉಪಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಮೊಬಲಗಿನಿಂದ ಸಹ ನಿರ್ವಹಿಸತಕ್ಕುದೆಂದು ಈ ಮೂಲಕ ಘೋಷಿಸಲಾಗಿದೆ.

ಅಧ್ಯಾಯ—IV

ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪನೆಗಳು

11. ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪನೆ ಮುಂತಾದವುಗಳು.— 4ನೇ ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಮೊಬಲಗಿನ ನಿಹಿತಗೊಂಡಿರುವ ಗಿರಣಿಗಳ ಸಂಬಂಧದಲ್ಲಿ ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪಕರು ಹಾಗೂ ಕಾರ್ಯಕಲಾಪಗಳ ಸಾಮಾನ್ಯ ಅಧೀಕ್ಷಣೆ, ನಿರ್ದೇಶನ, ನಿಯಂತ್ರಣ ಮತ್ತು ವ್ಯವಸ್ಥಾಪನೆ, ಹಕ್ಕು, ಸ್ವಾಮ್ಯ ಮತ್ತು ಹಿತಾಸಕ್ತಿ—ಇವುಗಳು 8ನೇ ಪ್ರಕರಣದ ((1)ನೇ ಉಪಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರವು ನಿರ್ದೇಶನ ನೀಡಿದ್ದರೆ, ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾಗಿರುವ ತಕ್ಕುದು ಮತ್ತು ತದನಂತರ, ಇತರ ಎಲ್ಲ ಇತರ ವ್ಯಕ್ತಿಗಳನ್ನು ಹೊರತುಪಡಿಸಿ, ಕಂಪನಿಯು,

ಗಿರಣಿಗಳ ಸಂಬಂಧದಲ್ಲಿ ಅಧಿಕಾರ ಚಲಾಯಿಸಲು ಹಾಗೂ ಕಾರ್ಯ ಮಾಡಲು ಕಂಪನಿಗೆ ಪ್ರಾಧಿಕೃತಗೊಳಿಸಲಾದ ಅಂಥ ಎಲ್ಲ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಲು ಹಾಗೂ ಅಂಥ ಎಲ್ಲ ಕಾರ್ಯಗಳನ್ನು ಮಾಡಲು ಹಕ್ಕುಳ್ಳದ್ದಾಗಿರತಕ್ಕುದು.

12. ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪನೆಯ ಪ್ರಭಾರದಲ್ಲಿರುವ ವ್ಯಕ್ತಿಗಳ ಕರ್ತವ್ಯಗಳು.— ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪನೆಯು ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾದಮೇಲೆ ಅಂಥ ನಿಹಿತಗೊಳಿಸುವಿಕೆಯ ನಿಕಟಪೂರ್ವದಲ್ಲಿ ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪನೆಯ ಪ್ರಭಾರದಲ್ಲಿರುವ ಎಲ್ಲ ವ್ಯಕ್ತಿಗಳು, ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ತಮ್ಮ ಅಧಿಕೃತಿಯಲ್ಲಿರುವ ಎಲ್ಲ ಆಸ್ತಿಗಳು, ಲೆಕ್ಕ ಪುಸ್ತಕಗಳು, ರಿಜಿಸ್ಟರುಗಳು ಅಥವಾ ಇತರ ವಸ್ತುವೇಜುಗಳನ್ನು ಕಂಪನಿಗೆ ಒಪ್ಪಿಸಲು ಬುದ್ಧಿರಾಗಿರತಕ್ಕುದು.

(2) ಸರ್ಕಾರವು, ಸಂದರ್ಭಾನುಗುಣ ಸನ್ನಿವೇಶಗಳಲ್ಲಿ ಅಪೇಕ್ಷಣೀಯವೆಂದು ತಾನು ಭಾವಿಸಬಹುದಾದ ಅಂಥ ನಿರ್ದೇಶನಗಳನ್ನು ಕಂಪನಿಗೆ ನೀಡಬಹುದು ಮತ್ತು ಕಂಪನಿಯು ಸಹ ತನಗೆ ಅವಶ್ಯಕವೆಂದು ಕಂಡುಬಂದರೆ, ಗಿರಣಿಗಳ ವ್ಯವಸ್ಥಾಪನೆಯನ್ನು ಕೈಗೊಳ್ಳಬೇಕಾದ ರೀತಿಯ ಬಗ್ಗೆ ಅಥವಾ ಅಂಥ ವ್ಯವಸ್ಥಾಪನೆಯ ಕ್ರಮದಲ್ಲಿ ಉದ್ಭವಿಸಬಹುದಾದ ಯಾವುದೇ ಇತರ ವಿಷಯದ ಸಂಬಂಧದಲ್ಲಿ ಸೂಚನೆಗಳಿಗಾಗಿ ಸರ್ಕಾರಕ್ಕೆ ಯಾವುದೇ ಕಾಲದಲ್ಲಿ ಬರಹ ಕೇಳಬಹುದು.

13. ತಮ್ಮ ಸ್ವಾಧೀನದಲ್ಲಿರುವ ಆಸ್ತಿ ಮುಂತಾದವುಗಳ ಲೆಕ್ಕ ನೀಡಲು ವ್ಯಕ್ತಿಗಳ ಕರ್ತವ್ಯಗಳು.—(1) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರದಲ್ಲಿ ಅಥವಾ ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾಗಿರುವ ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಅಥವಾ ಗಿರಣಿಗಳು ಸರ್ಕಾರದಲ್ಲಿ ಅಥವಾ ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾಗಿರದಿದ್ದರೆ, ಗಿರಣಿಗೆ ಸೇರಿರುತ್ತಿದ್ದ ಅಥವಾ ಹಾಗೆ ಸೇರಬಹುದಾಗಿದ್ದ ಎಲ್ಲ ಆಸ್ತಿಗಳು, ಪುಸ್ತಕಗಳು, ದಸ್ತಾವೇಜುಗಳು ಅಥವಾ ಇತರ ಕಾಗದಪತ್ರಗಳನ್ನು ಗೊತ್ತುಪಡಿಸಿದ ದಿನಾಂಕದಂದು ತನ್ನ ಸ್ವಾಧೀನತೆ ಅಥವಾ ನಿಯಂತ್ರಣದಲ್ಲಿ ಹೊಂದಿರುವ ಯಾವುದೇ ವ್ಯಕ್ತಿಯು ಸದರಿ ಆಸ್ತಿಗಳು, ಪುಸ್ತಕಗಳು, ದಸ್ತಾವೇಜುಗಳು ಮತ್ತು ಇತರ ಕಾಗದಪತ್ರಗಳ ಬಗ್ಗೆ ಸರ್ಕಾರಕ್ಕೆ ಅಥವಾ ಕಂಪನಿಗೆ ಅಥವಾ ಈ ಬಗ್ಗೆ ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿಯು ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದ ಅಂಥ ವ್ಯಕ್ತಿಗೆ ಅಥವಾ ವ್ಯಕ್ತಿಗಳಿಗೆ ಲೆಕ್ಕ ನೀಡಲು ಬುದ್ಧಿರಾಗಿರತಕ್ಕುದು.

(2) ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿಯು, ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರದಲ್ಲಿ ಅಥವಾ ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾದ ಗಿರಣಿಗಳ ಸ್ವಾಧೀನತೆಯನ್ನು ವಶೆಯಲು ಎಲ್ಲ ಅವಶ್ಯಕ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳಬಹುದು ಅಥವಾ ಕೈಗೊಳ್ಳುವಂತೆ ಮಾಡಬಹುದು.

(3) 4ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತವಾದ, ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಎಲ್ಲ ಸ್ವತ್ತುಗಳು ಮತ್ತು ಆಸ್ತಿಗಳ ಬಗ್ಗೆ, ಸಂದರ್ಭಾನುಸಾರ ಗುತ್ತಿಗೆಗೊಳಿಸುವವನು ಅಥವಾ ಗುತ್ತಿಗೆದಾರನು ಈ ಸಂಬಂಧದಲ್ಲಿ ಸರ್ಕಾರವು ಅನುಮತಿಸಬಹುದು

ದಾದ ಅಂಥ ಅವಧಿಯಿಲ್ಲದಾಗಿದ್ದು, ಗೊತ್ತುವದಿಸಲಾದ ದಿನಾಂಕದಂದು ಒಂದು ಪೂರ್ಣಾರ್ಥವಾದ ವಿವರಣಾವಿಷಯವನ್ನು ಒದಗಿಸತಕ್ಕದ್ದು ಮತ್ತು ಈ ಉದ್ದೇಶಕ್ಕಾಗಿ, ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿಯು ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನಿಗೆ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನಿಗೆ ಎಲ್ಲ ಉಚಿತ ಸೌಕರ್ಯಗಳನ್ನು ಒದಗಿಸತಕ್ಕದ್ದು.

14. ಲೆಕ್ಕಪತ್ರಗಳು ಮತ್ತು ಲೆಕ್ಕ ಪರಿಶೋಧನೆ.—ಕಂಪನಿಯು, ಕಂಪನಿಗಳ ಅಧಿನಿಯಮ, 1956 ರ ಉಪಬಂಧಗಳಿಗನುಸಾರವಾಗಿ ಗಿರಣಿಗಳ ಲೆಕ್ಕಪತ್ರಗಳನ್ನು ನಿರ್ವಹಿಸತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ—V

ಸಂದಾಯಗಳ ಕಮೀಷನರು

15. ಸಂದಾಯಗಳ ಕಮೀಷನರ ನೇಮಕಾತಿ.—(1) ಸರ್ಕಾರವು 9 ವ ಮತ್ತು 10ನೇ ಪ್ರಕರಣಗಳ ಅಡಿಯಲ್ಲಿ ಸಂದೇಯವಿರುವ ವೆಂಬಲಗುಗಳ ಬಟವಾದಾದೆಯ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸರ್ಕಾರಿ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚಿಸುವ ಮೂಲಕ ಸಂದಾಯಗಳ ಕಮೀಷನರನ್ನು ನೇಮಿಸತಕ್ಕದ್ದು.

(2) ಸರ್ಕಾರವು ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದ ಅಂಥ ಇತರ ವ್ಯಕ್ತಿಗಳನ್ನು ಕಮೀಷನರ ಸಹಾಯಕ್ಕಾಗಿ ನೇಮಿಸಬಹುದು ಮತ್ತು ತದನಂತರ ಕಮೀಷನರು ಈ ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ತಾನು ಚಲಾಯಿಸಬಹುದಾದ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಲು ಅಂಥ ಒಬ್ಬ ಅಥವಾ ಹೆಚ್ಚಿನ ವ್ಯಕ್ತಿಗಳನ್ನು ಸಹ ಪ್ರಾಧಿಕೃತಗೊಳಿಸಬಹುದು ಮತ್ತು ವಿವಿಧ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಲು ಬೇರೆ ಬೇರೆ ವ್ಯಕ್ತಿಗಳನ್ನು ಪ್ರಾಧಿಕೃತಗೊಳಿಸಬಹುದು.

(3) ಕಮೀಷನರು ಚಲಾಯಿಸಬಹುದಾದ ಯಾವುದೇ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಲು ಕಮೀಷನರಿಂದ ಪ್ರಾಧಿಕೃತನಾದ ಯಾವುದೇ ವ್ಯಕ್ತಿಯು ಅ ಅಧಿಕಾರಗಳನ್ನು, ಅವು ಪ್ರಾಧಿಕರಣಗೊಳಿಸುವಿಕೆಯಿಂದಲ್ಲದೆ ಈ ಅಧಿನಿಯಮದಿಂದ ತನಗೆ ನೇರವಾಗಿ ಪ್ರಪ್ರದತ್ತವಾಗಿರದೆಯೋ ಎಂಬಂತೆ ಅದೇ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ಅದೇ ಪರಿಣಾಮವಾಗುಗುವಂತೆ ಚಲಾಯಿಸಬಹುದು.

(4) ಈ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೇಮಕಗೊಂಡ ಕಮೀಷನರು ಮತ್ತು ಇತರ ವ್ಯಕ್ತಿಗಳ ವೇತನಗಳು ಮತ್ತು ಭತ್ಯೆಗಳನ್ನು ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಭರಿಸತಕ್ಕದ್ದು.

16. ಕೋಷನರಿಗೆ ಸರ್ಕಾರದಿಂದ ಸಂದಾಯ.—(1) ಸರ್ಕಾರವು, ನಿರ್ದಿಷ್ಟ ಪಡಿಸಿದ ದಿನಾದಿಂದ ಮೂವತ್ತು ದಿನಗಳೊಳಗಾಗಿ, ಕೋಷನರಲ್ಲಿ.—

(ಎ) 9ನೇ ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಮೊಬಲಗಿಗೆ ಸಮನಾದ ಮೊಬಲಗು; ಮತ್ತು

(ಬಿ) 11ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸಂಜ್ಞೆಯಿರುವ ಮೊಬಲಗಿಗೆ ಸಮನಾದ ಮೊಬಲಗು—ಇವುಗಳನ್ನು ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು, ಗುತ್ತಿಗೆದಾರ ಮತ್ತು ಇತರ ಹಿತಾಸಕ್ತ ವ್ಯಕ್ತಿಗಳಿಗೆ ಸಂಖ್ಯೆಯ ಮಾಡುವುದಕ್ಕಾಗಿ ನಗದು ರೂಪದಲ್ಲಿ ಠೇವಣಿ ಇಡತಕ್ಕದ್ದು.

(2) ಸರ್ಕಾರವು ರಾಜ್ಯದ ಸರ್ಕಾರಿ ಖಾತೆಯಲ್ಲಿ ಕೋಷನರ ಹೆಸರಿನಲ್ಲಿ ಒಂದು ಠೇವಣಿ ಖಾತೆಯನ್ನು ಆರಂಭಿಸತಕ್ಕದ್ದು ಮತ್ತು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಕೋಷನರಿಗೆ ಸಂದಾಯ ಮಾಡಲಾದ ಪ್ರತಿಯೊಂದು ಮೊಬಲಗನ್ನು, ಕೋಷನರು ಸದರಿ ಠೇವಣಿ ಖಾತೆಯ ಲೆಕ್ಕಕ್ಕೆ ಜಮೆ ಮಾಡತಕ್ಕದ್ದು ಮತ್ತು ಸದರಿ ಠೇವಣಿ ಖಾತೆಯನ್ನು ಕೋಷನರು ನಿರ್ವಹಿಸತಕ್ಕರು.

(3) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಕೋಷನರು ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ತನಗೆ ಮಾಡಲಾದ ಸಂದಾಯಗಳ ಸಂಬಂಧದಲ್ಲಿ ದಾಖಲೆಗಳನ್ನು ಇಡತಕ್ಕದ್ದು.

(4) (2) ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿತವಾದ ಠೇವಣಿ ಖಾತೆಗೆ ಜಮೆಯಾದ ಮೊಬಲಗಿನಿಂದ ಪ್ರಾಪ್ತವಾಗುವ ಬಡ್ಡಿಯು, ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು, ಗುತ್ತಿಗೆದಾರನ ಮತ್ತು ಇತರ ಹಿತಾಸಕ್ತ ವ್ಯಕ್ತಿಗಳ ಸೌಲಭ್ಯವನ್ನು ಖಚಿತಪಡಿಸತಕ್ಕದ್ದು.

17. ಸರ್ಕಾರ ಮತ್ತು ಕಂಪನಿಯ ಕೆಲವೊಂದು ಅಧಿಕಾರಗಳು.—

(1) ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿಯಲ್ಲಿ ನಿಹಿತವಾಗಿರುವ ಗಿರಣಿಗಳ ಸಂಬಂಧದಲ್ಲಿ, ಇತರ ಎಲ್ಲ ವ್ಯಕ್ತಿಗಳನ್ನು ಹೊರತುಪಡಿಸಿ, ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು ಅಥವಾ ಗುತ್ತಿಗೆದಾರನಿಗೆ ಬಾಕಿಯಿರುವ ಮತ್ತು ಗೊತ್ತುಪಡಿಸಲಾದ ಹಿಂದಿನ ಅವಧಿಗೆ ಸಂಬಂಧಿಸಿದ ವಸೂಲಿಯಾಗಿದ್ದರೂ, ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕದ ತರುವಾಯ ವಸೂಲಿಯಾದ ಯಾವುದೇ ಹಣವನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ದಿನಾಂಕದವರೆಗೆ, ಸಂದರ್ಭಾನುಸಾರ, ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿಯು ಸ್ವೀಕರಿಸಲು ಹಕ್ಕುಳ್ಳದ್ದಾಗಿರತಕ್ಕದ್ದು.

(2) ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕಕ್ಕೆ ಹಿಂದಿನ ಯಾವುದೇ ಅವಧಿಯ ಸಂಬಂಧದಲ್ಲಿ ಗಿರಣಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು ಅಥವಾ ಗುತ್ತಿಗೆದಾರನ ಯಾವುದೇ ಹೊಣೆಯನ್ನು ನಿರ್ವಹಿಸಲು, ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕದ ತರುವಾಯ, ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿಯಿಂದ ಮಾಡಲಾದ ಪ್ರತಿಯೊಂದು ಸಂದಾಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಸಂದರ್ಭಾನುಸಾರ ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿಯು ಕೋಷನರಿಗೆ ಕ್ಷೇಮ ಮಾಡಬಹುದು

ಮತ್ತು ಪ್ರತಿಯೊಂದು ಅಂಥ ಕ್ಲೀಮು, ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿಯಿಂದ ನಿರ್ವಹಿಸಬಹುದಾದ ಅಂಥ ಹೊಣೆಗೆ ಸಂಬಂಧಿಸಿದ ವಿಷಯಗಳಿಗೆ ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ನೀಡಲಾಗುವ ಅಧ್ಯತೆಗನುಸಾರವಾಗಿ ಅಧ್ಯತೆ ವಡೆಯತಕ್ಕದ್ದು.

(3) ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಉಪಬಂಧಿಸಿರುವುದನ್ನುಳಿದು, ಗೊತ್ತುಪಡಿಸದಿರಲಾದ ದಿನಾಂಕಕ್ಕೆ ಹಿಂದಿನ ಯಾವುದೇ ವ್ಯವಹಾರಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಗಿರಣಿಗಳ ಸಂಬಂಧಾಂಧದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ದಿನಾಂಕದಂದು ಅಥವಾ ಮುಂಚೆ, ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು ಅ ಅಥವಾ ಗುತ್ತಿಗೆದಾರನ ನಿರ್ವಹಿಸದಿರುವ ಹೊಣೆಗಳು, ಸಂದರ್ಭಾನುಸಾರ, ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು ಅಥವಾ ಗುತ್ತಿಗೆದಾರನ ಹೊಣೆಗಳಾಗಿರತಕ್ಕದ್ದು.

18. ಕಮೀಷನರಿಗೆ ಕ್ಲೀಮು ಮಾಡುವುದು.— ಗೊತ್ತುಪಡಿಸದಿರಲಾದ ದಿನಾಂಕಕ್ಕೆ ಮುಂಚೆ ಗಿರಣಿಗಳ ಸಂಬಂಧದಲ್ಲಿ, ಅನುಸೂಚಿಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸದಿರಲಾದ ಯಾವುದೇ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕ್ಲೀಮನ್ನು ಉಳ್ಳ ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯು, ಅ ಅಂಥ ಕ್ಲೀಮನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ದಿನಾಂಕದಿಂದ ಮೂವತ್ತು ದಿನಗಳ ಒಳಗಾಗಿ ಕಮೀಷನರಿಗೆ ಮುಂದೆ ಹೂಡತಕ್ಕದ್ದು:

ಪರಂತು, ಕ್ಲೀಮುದಾರನಿಗೆ ಮೂವತ್ತು ದಿನಗಳ ಅವಧಿಯೊಳಗಾಗಿ ಕ್ಲೀಮು ಹೂಡುವುದನ್ನು ಪ್ರತಿಬಂಧಿಸುವಂಥ ಸಾಕಷ್ಟು ಕಾರಣಗಳು ಇದ್ದು ವೆಂದು ಕಮೀಷನರಿಗೆ ಮನದಟ್ಟಾದರೆ, ಅವನು ಮೂವತ್ತು ದಿನಗಳ ಹೆಚ್ಚಿನ ಅವಧಿಯವರೆಗೆ ಕ್ಲೀಮನ್ನು ಪುರಸ್ಕರಿಸಬಹುದೇ ಹೊರತು, ಆ ತರುವಾಯವಲ್ಲ.

19. ಕ್ಲೀಮುಗಳ ಅಧ್ಯತೆ.— 18ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಹೂಡಬಹುದಾದ ಕ್ಲೀಮುಗಳು, ಈ ಮುಂದಿನ ತತ್ವಗಳಾನುಸಾರವಾಗಿ ಅಧ್ಯತೆಗಳನ್ನು ಹೊಂದಿರತಕ್ಕವು, ಎಂದರೆ:—

(ಎ) ಪ್ರವರ್ಗ—I ಇತರ ಎಲ್ಲ ಪ್ರವರ್ಗಗಳ ಮೇಲೂ ಅಗ್ರತೆಯನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು ಮತ್ತು ಪ್ರವರ್ಗ—II, ಪ್ರವರ್ಗ—IIIರ ಮೇಲೆ ಅಗ್ರತೆಯನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು ಮತ್ತು ಇವೇ ರೀತಿಯಾಗಿ;

(ಬಿ) ಪ್ರತಿಯೊಂದು ಪ್ರವರ್ಗಗಳಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಕ್ಲೀಮುಗಳು : ಸಮ ದರ್ಜೆಯಾಗಿದ್ದು, ಪೂರ್ಣ ಸಂದಾಯಗೊಳ್ಳುವಂತಿರತಕ್ಕದ್ದು. ಆದರೆ ಕ್ಲೀಮನ್ನು ಪು ಪೂರ್ಣ ವಾಗಿ ಭರಿಸಲು ಮೊಬಲಗು ಸಾಕಷ್ಟಿಲ್ಲದಿದ್ದರೆ, ಅವು ಸಮ ಪ್ರಮಾಣಗಳಲ್ಲಿ ಕಡಿಮೆಗೊಂಡು ತದನುಸಾರವಾಗಿ ಸಂದಾಯಗೊಳ್ಳುವಂಥದಾಗಿರತಕ್ಕದ್ದು : ಮತ್ತು

(ಸಿ) ಈ ಪ್ರವರ್ಗದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಗೊಳಿಸಲಾದ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಯಾವುದೇ ಹೊಣೆಯನ್ನು ನಿರ್ವಹಿಸುವ ಪ್ರಶ್ನೆಯು, ನಿರಲೋಚ್ಛ ಪ್ರವರ್ಗಗಳಲ್ಲಿ ನಿರ್ದಿಷ್ಟ

ಪಡಿಸಲಾದ ಎಲ್ಲಾ ಹೋಣೆಗಳನ್ನು ಭರಿಸಿದ ತರುವಾಯ ಹೆಚ್ಚುವರಿಯಾಗಿ ಉಳಿದ ಮಾತ್ರವೇ ಉದ್ಭವಿಸತಕ್ಕದ್ದು.

20. ಕ್ಲೇಮುಗಳ ಸರೀಕ್ಷೆ.— (1) 18ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಕ್ಲೇಮುಗಳನ್ನು ಸ್ವೀಕರಿಸಿದ ಮೇಲೆ ಕಮೀಷನರು, ಅನುಸೂಚಿಯಲ್ಲಿ, ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಆದ್ಯತೆಗಳ ಕ್ರಮದಲ್ಲಿ ಕ್ಲೇಮುಗಳನ್ನು ವ್ಯವಸ್ಥೆಗೊಳಿಸಿ ಅಂಥ ಕ್ರಮಕೈನುಸಾರವಾಗಿ ಅವುಗಳನ್ನು ಪರಿಶೀಲಿಸತಕ್ಕದ್ದು.

(2) ಕ್ಲೇಮುಗಳನ್ನು ಪರಿಶೀಲಿಸಿದ ಮೇಲೆ, ಯಾವುದೇ ಕೆಲ ಪ್ರವರ್ಗದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಹೋಣೆಗಳನ್ನು ಭರಿಸಲು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ತನಗೆ ಸಂದಾಯ ಮಾಡಿರುವ ಪೂಜ್ಯರು ಸಾಕಷ್ಟಿಲ್ಲವೆಂದು ಕಮೀಷನರು ಅಭಿಪ್ರಾಯ ಪಟ್ಟರೆ, ಅವನಿಗೆ, ಅಂಥ ಪ್ರವರ್ಗದ ಸಂಬಂಧದಲ್ಲಿನ ಕ್ಲೇಮುಗಳನ್ನು ಪರಿಶೀಲಿಸುವ ಅಗತ್ಯ ವಿರತಕ್ಕುದಲ್ಲ.

21. ಕ್ಲೇಮುಗಳ ಅಂಗೀಕಾರ ಅಥವಾ ತಿರಸ್ಕಾರ.— (1) ಅನುಸೂಚಿಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಆದ್ಯತೆಗಳ ಸಂಬಂಧದಲ್ಲಿ ಕ್ಲೇಮುಗಳನ್ನು ಪರಿಶೀಲಿಸಿದ ತರುವಾಯ, ಕಮೀಷನರು ನಿಗದಿಪಡಿಸಿದ ದಿನಾಂಕದಂದು ಅಥವಾ ಅದಕ್ಕೆ ಮೊದಲು ಪ್ರತಿಯೊಬ್ಬ ಕ್ಲೇಮುದಾರನು ತನ್ನ ಕ್ಲೇಮಿನ ಬಗ್ಗೆ ರುಜುವಾತನ್ನು ದಾಖಲು ಮಾಡತಕ್ಕದ್ದು.

(2) ಹಾಗೆ ನಿಗದಿತವಾದ ದಿನಾಂಕಕ್ಕೆ ಮುಂಚೆ, ದೇಶದಲ್ಲಿ ವ್ಯಾಪಕ ಪ್ರಸಾರವಿರುವ ಇಂಗ್ಲೀಷ್ ಭಾಷೆಯಲ್ಲಿನ ದಿನಪತ್ರಿಕೆಯ ಒಂದು ಸಂಚಿಕೆಯಲ್ಲಿ ಮತ್ತು ರಾಜ್ಯದಲ್ಲಿ ವ್ಯಾಪಕ ಪ್ರಸಾರವಿರುವ ಕನ್ನಡ ಭಾಷೆಯಲ್ಲಿನ ದಿನಪತ್ರಿಕೆಯ ಒಂದು ಸಂಚಿಕೆಯಲ್ಲಿ ಜಾಹೀರಾತು ನೀಡುವ ಮೂಲಕ ಹದಿನಾಲ್ಕು ದಿನಗಳಿಗೆ ಕಡಿಮೆಯಲ್ಲದ ಅವಧಿಗೆ ಒಂದು ನೋಟೀಸನ್ನು ನೀಡತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಪ್ರತಿಯೊಂದು ನೋಟೀಸು, ಜಾಹೀರಾತಿನಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಕಾಲಮೊಳಗಾಗಿ ಕಮೀಷನರ ಮುಂದೆ ತನ್ನ ಕ್ಲೇಮಿನ ರುಜುವಾತನ್ನು ವಾಖ್ಯಾತ ಮಾಡುವುದಕ್ಕಾಗಿ ಕ್ಲೇಮುದಾರನನ್ನು ಕರೆಯುವಂಥದಾಗಿರತಕ್ಕದ್ದು.

(3) ಕಮೀಷನರು ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಕಾಲದೊಳಗಾಗಿ ತನ್ನ ಕ್ಲೇಮಿನ ರುಜುವಾತನ್ನು ದಾಖಲು ಮಾಡಲು ತಪ್ಪುವ ಪ್ರತಿಯೊಬ್ಬ ಕ್ಲೇಮುದಾರನನ್ನು, ಕಮೀಷನರು ಮಾಡುವ ಬಟವಾಡೆಯಿಂದ ಹೊರತುಪಡಿಸತಕ್ಕದ್ದು.

(4) ಕಮೀಷನರು ತನ್ನ ಅಭಿಪ್ರಾಯದಲ್ಲಿ ಅವಶ್ಯಕವಾಗಬಹುದಾದ ಅಂಥ ತನಿಖೆಯ ಕಾರಣವಾಯಿತು ಮತ್ತು ಕ್ಲೇಮುದಾರನಿಗೆ ಅಹವಾಲು ಹೇಳಿಕೊಳ್ಳಲು ಯುಕ್ತ ಅವಕಾಶ ನೀಡಿದ ತರುವಾಯ, ಅಂಥ ಕ್ಲೇಮುಗಳ ಸ್ವಗೊಪ ಮತ್ತು ವ್ಯಾಪ್ತಿಯನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸತಕ್ಕದ್ದು ಮತ್ತು ವಿಚಾರ ಆದೇಶದ ಮೂಲಕ ಕ್ಲೇಮನ್ನು ಪೂರ್ಣವಾಗಿ ಅಥವಾ ಭಾಗಶಃ

ಅಂಗೀಕರಿಸಬಹುದು ಅಥವಾ ತಿರಸ್ಕರಿಸಬಹುದು. ಕಮೀಷನರು, ಮೊಬಲಗಿಗೆ ಹಾಕತಕ್ಕಷ್ಟು ರಾಗಿರುವ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ವಿವಾದವನ್ನು ಹಾಗೂ ಯಾವುದೇ ಮೃತ ಕ್ಷೇಮುದಾರನ ಕಾನೂನು ಸಮ್ಮತ ಪ್ರತಿನಿಧಿಯು ಯಾರರೂ ಎಂ ವಿವಾದವನ್ನು ಸಹ ತೀರ್ಮಾನಿಸತಕ್ಕದ್ದು.

(5) ಕಮೀಷನರು, ತನ್ನ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸುವಲ್ಲಿ ಉದ್ಯವಿಸ್ತುತವಾದ ವಿಷಯಗಳ ಬಗ್ಗೆ ತನ್ನದೇ ಆದ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕ್ರಮಗೊಳಿಸಲು ಅಧಿಕಾರ ಹೊಂದಿ ತಕ್ಕದ್ದು ಮತ್ತು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮಾಡುವ ತನಿಖೆಯ ಉದ್ದೇಶಕ್ಕಾಗಿ, ಕಮಂಡಿಸ ವಿಷಯಗಳ ಸಂಬಂಧದಲ್ಲಿನ ದಾವೆಯ ವಿಚಾರಣೆ ಮಾಡುವಾಗ 1 ಸಿವಿಲ್ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ, 1908ರ ಅಡಿಯಲ್ಲಿ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನಿಹಿತವಾದಾದಂಥವ ಅಧಿಕಾರಗಳನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು, ಎಂದರೆ:—

- (ಎ) ಯಾವುದೇ ಸಾಕ್ಷಿದಾರನನ್ನು ಕರೆಸುವುದು ಮತ್ತು ಅವನ ಹಾಜರಾಂತಿರಿಯನ್ನು ಅಗತ್ಯಪಡಿಸುವುದು ಹಾಗೂ ಅವನನ್ನು ಪ್ರಮಾಣದಮೇಲೆ ಪರೀಕ್ಷಿಸುವುದು;
- (ಬಿ) ಯಾವುದೇ ದಸ್ತಾವೇಜನ್ನು ಕಂಡುಹಿಡಿಯುವುದು ಮತ್ತು ಕ ಹಾಜರ ಪಡಿಸುವುದು ;
- (ಸಿ) ತಪಥಪತ್ರಗಳ ಮೇಲೆ ಸಾಕ್ಷ್ಯದನ್ನು ಸ್ವೀಕರಿಸುವುದು ;
- (ಡಿ) ಸಾಕ್ಷಿದ ರನನ್ನು ಪರೀಕ್ಷಿಸುವುದಕ್ಕಾಗಿ ಯಾವುದೇ ಆಯೋಗದನ್ನು ಕ್ಷೇ ಹೊರ ಸುವುದು.

(6) ಕಮೀಷನರ ದುಂದಿರುವ ಯಾವುದೇ ತನಿಖೆಯನ್ನು ಭಾರತ ತ ದಂ ಸಂಹಿತೆಯ 193 ಮತ್ತು 228ನೇ ಪ್ರಕರಣಗಳ ಅರ್ಥವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಒಂದು ನ ನ್ಯಾಯ ದ್ಯದಹರಣೆಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ದಂಡ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆ, 1973ರ ರ 195ನ ಪ್ರಕರಣ ಹಾಗೂ XXVIನೇ ಅಧ್ಯಾಯದ ಉದ್ದೇಶಗಳಿಗಾಗಿ, ಕಮೀಷನರನ್ನು ಒಂದ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯವೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

(7) ಕಮೀಷನರ ತೀರ್ಮಾನದಿಂದ ಅತ್ಯಪ್ಪನಾದ ಕ್ಷೇಮುದಾರನು, ಗಿ ಗಿರಣಿಗಳ ಇರುವ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಯ ಸ್ವೀಕರಣ ಪರಿಮಿತಿಗಳಿಗಿರುವ ಜಿಲ್ಲಾ ನ್ಯಾಯಾಲಯ ತೀರ್ಮಾನದ ವಿರುದ್ಧ ಒಂದು ಅಪೀಲನ್ನು ಸಲ್ಲಿಸಬಹುದು.

22. ಕಮೀಷನರು ಕ್ಷೇಮುದಾರರಿಗೆ ಮೊಬಲಗನ್ನು ಬಟಿವಾಡೆ ಕೆ ಮಾಡ ವುದು.— (1) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಒಂದು ಕ್ಷೇಮನ್ನು ಅಂಗೀಕರಿಸಿದ ತ ವಾಯು, ಅಂಥ ಕ್ಷೇಮಗಳ ಸಂಬಂಧದಲ್ಲಿ ಬಾಕಿಯಿರುವ ಮೊಬಲಗನ್ನು ಕಮೀಷನರ ಅಂಥ ಮೊಬಲಗು ಬಾಕಿಯಿರುವ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳಿಗೆ ಸಂದಾಯ ಮಾಡತಕ್ಕದ್ದು.

ಮತ್ತು ಅಂಥ ಸಂದಾಯವಾದ ಮೇಲೆ ಅಂಥ ಕ್ಷೇಮಗಳ ಸಂಬಂಧದಲ್ಲಿರುವ ಗಿರಣಿಗಳ ಹೊಣೆಯು ಕೊನೆಗೊಳ್ಳತಕ್ಕದ್ದು.

23. ಬಟವಾಡೆ ಮಾಡದ ಅಥವಾ ಕ್ಷೇಮು ಮಾಡದ ಮೊಬಲಗನ್ನು ಸಾಮಾನ್ಯ ರಾಜಸ್ವ ಲೆಕ್ಕಕ್ಕೆ ಜಮೆ ಮಾಡುವುದು.— ಆಯೋಗದ ಕಚೇರಿಯು ಅಂತಿಮವಾಗಿ ಪರಿಸಮಾಪನಗೊಂಡ ದಿನಾಂಕದ ನಿಕಟಪೂರ್ವದ ದಿನಾಂಕದಂದು ಬಟವಾಡೆ ಯಾಗದ ಅಥವಾ ಕ್ಷೇಮು ಮಾಡದೆ ಉಳಿದಿರುವ, ಕಮೀಷನರು ಸಂದಾಯ ಮಾಡದೇಕಾದ ಯಾವುದೇ ಮೊಬಲಗನ್ನು ಸರ್ಕಾರದ ಸಾಮಾನ್ಯ ರಾಜಸ್ವ ಲೆಕ್ಕಕ್ಕೆ ಕಮೀಷನರು ಮರ್ಗಾವಣೆ ಮಾಡತಕ್ಕರು. ಆದರೆ ಹಾಗೆ ಮರ್ಗಾವಣೆ ಮಾಡಲಾದ ಯಾವುದೇ ಮೊಬಲಗಿನ ಸಂಬಂಧ ಒಂದು ಕ್ಷೇಮನ್ನು, ಅಂಥ ಸಂದಾಯಕ್ಕೆ ಹಕ್ಕುಳ್ಳವನಾಗಿರುವ ವ್ಯಕ್ತಿಯು ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಬಹುದು ಮತ್ತು ಅಂಥ ಮರ್ಗಾವಣೆಯನ್ನು ಮಾಡದಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ವ್ಯವಹರಿಸತಕ್ಕದ್ದು. ಕ್ಷೇಮಿನ ಬಗ್ಗೆ ಮಾಡಿದ ಸಂದಾಯಕ್ಕಾಗಿ ಯಾವುದಾದರೂ ಆದೇಶ ಇದ್ದರೆ, ಅದನ್ನು, ಕಂದಾಯದ ಮರುಪಾವತಿಯ ಸಲುವಾಗಿರುವ ಒಂದು ಆದೇಶ ವೆಂದು ಪರಿಗಣಿಸತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ—VI

ಗಿರಣಿಗಳ ನೌಕರರಿಗೆ ಸಂಬಂಧಿಸುವ ಉಪಬಂಧಗಳು

24. ಗಿರಣಿಗಳ ಅಧಿಕಾರಿಗಳ ಅಥವಾ ಇತರ ನೌಕರರ ಸೇವಾ ಮರ್ಗಾವಣೆ.— (1) 8ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ದಿನಾಂಕದ ನಿಕಟ ಪೂರ್ವದಲ್ಲಿ ಗಿರಣಿಗಳಲ್ಲಿ ನೇಮಕಗೊಂಡ ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯು, ಕಂಪನಿಯ ಒಬ್ಬ ನೌಕರನಾಗತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ನಿಕಟಗೊಳಿಸುವಿಕೆಯು ಇಲ್ಲದಿದ್ದರೆ ಅವನಿಗೆ ಅನುಮತಿಸಲಾಗುತ್ತಿದ್ದ ನಿವೃತ್ತಿ ವೇತನ, ಉಪಾಧಾನ ಮತ್ತು ಇತರ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಥವಾ ಹಕ್ಕುಗಳು ಮತ್ತು ವಿಶೇಷಾಧಿಕಾರಗಳೊಂದಿಗೆ ಕಂಪನಿಯ ಅಡಿಯಲ್ಲಿನ ಹುದ್ದೆಯನ್ನು ಅಥವಾ ಸೇವೆಯನ್ನು ಧಾರಣೆ ಮಾಡತಕ್ಕದ್ದು ಮತ್ತು ಕಂಪನಿಯ ಅಡಿಯಲ್ಲಿನ ಅದೇ ನೇಮಕವು ಯಥೋಚಿತವಾಗಿ ಸಮಾಪ್ತಿಯಾದ ಹೊರತು ಮತ್ತು ಅಲ್ಲಿಯವರೆಗೆ ಅಥವಾ ಕಂಪನಿಯಿಂದ ಅವನ ಸಂಭಾವನೆ ಮತ್ತು ಇತರ ಸೇವಾ ಷರತ್ತುಗಳು ಯಥೋಚಿತವಾಗಿ ಬವಲಾಗುವವರೆಗೆ ಮುಂದುವರೆಯತಕ್ಕದ್ದು.

(2) ಕೃಗಾರಿಕಾ ವಿವಾದಗಳ ಅಧಿನಿಯಮ, 1947ರಲ್ಲಿ ಅಥವಾ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇತರ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಗಿರಣಿಗಳಲ್ಲಿ ನೇಮಕಗೊಂಡ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ಇತರ ವ್ಯಕ್ತಿಯ ಸೇವೆಗಳ ಮರ್ಗಾವಣೆಯು

ಕೆಂಪನಿಗೆ ಆದರಲ್ಲಿ, ಅಂಥ ವರ್ಗಾವಣೆಯು, ಅಂಥ ಅಧಿಕಾರಿ ಅಥವಾ ಇತರ ನೌಕರನೊಬ್ಬರನ್ನು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಅಥವಾ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇತರ ಯುಯಾವುಧ ಕಾನೂನಿನ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ನಷ್ಟ ಪರಿಹಾರಕ್ಕೆ ಹಕ್ಕುಳ್ಳವನನ್ನಾಗಿಸತಕ್ಕದ್ದಲ್ಲ. ಲ್ಲ ಮತ್ತು ಯಾವುದೇ ನ್ಯಾಯಾಲಯ, ನ್ಯಾಯಾಧಿಕರಣ ಅಥವಾ ಇತರ ಪ್ರಾಧಿಕಾರವು ಇಂತಹ ಅಂಥ ಯಾವುದೇ ಕ್ಷೇಮನ್ನು ಪ್ರಸ್ತುತಿಸತಕ್ಕದಲ್ಲ.

25. ಭವಿಷ್ಯ ನಿಧಿ, ಕಲ್ಯಾಣ ನಿಧಿ ಮೊಲಾಪವುಗಳ ವರ್ಗಾವಣೆಗಳಿಗೆ.—

(1) ಗಿರಣಿಗಳಲ್ಲಿ ನೇಮಕಗೊಂಡ ವ್ಯಕ್ತಿಗಳ ಫೌಲಭ್ಯಕ್ಕಾಗಿ, ಭವಿಷ್ಯ ನಿಧಿ, ಸೇವಾ ನಿಧಿ ನಿವೃತ್ತಿ ನಿಧಿ, ಕಲ್ಯಾಣ ನಿಧಿ ಅಥವಾ ಇತರ ಯಾವುದೇ ನಿಧಿಯನ್ನು ಗಿರಣಿಯು ಸ್ವಾಧೀನಗೊಳ್ಳುವುದು. ಈ ಅಧಿನಿಯಮದಿಂದ ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ಯಾರ ಸೇವೆಗಳು ಕೆಂಪನಿಗೆ ವರ್ಗಾವಣೆಗಳಾದ ಯಾಗಿದೆಯೋ ಆ ಅಧಿಕಾರಿಗಳಿಗೆ ಅಥವಾ ಇತರ ನೌಕರರಿಗೆ ಸಂಬಂಧಿಸಬಹುದಾದ ಹಣವನ್ನು, ಕೆಂಪನಿಗೆ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ನಿಹಿತಗೊಳಿಸುವ ವಿಧಿಯ ಅಡಿಯಲ್ಲಿಯೂ ಇದ್ದ ಹಣದ ವೈಕಿಯಿಂದ ಅಂಥ ಭವಿಷ್ಯ ನಿಧಿ, ಸೇವಾ ನಿವೃತ್ತಿ ನಿಧಿ, ಕಲ್ಯಾಣ ನಿಧಿ ಅಥವಾ ಇತರ ನಿಧಿಯ ಲೆಕ್ಕಕ್ಕೆ ಜಮಾ ಮಾಡಿ ಕೆಂಪನಿಗೆ ವರ್ಗಾಯಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅಲ್ಲಿಯೇ ನಿಹಿತಗೊಳಿಸತಕ್ಕದ್ದು.

(2) (1)ನೇ ಉಪಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಕೆಂಪನಿಗೆ ವರ್ಗಾವಣೆಯಾಗಿದುವು ಆ ಹಣದ ಬಗ್ಗೆ, ಕೆಂಪನಿಯು ನಿಯಮಿಸಬಹುದಾದ ಅಂಥ ರೀತಿಯಲ್ಲಿ ವ್ಯವಹರಿಸತಕ್ಕದ್ದು..

ಅಧ್ಯಾಯ VII
ಸಂಕೀರ್ಣ

26. ಅಧಿನಿಯಮವು ಅಧ್ಯಾರೋಹಿ ಪ್ರಭಾವವನ್ನು ಹೊಂದಿರುವುದು.—

ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳು, ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಇತರ ಕಾನೂನಿನಲ್ಲಿ ಅಥವಾ ಈ ಅಧಿನಿಯಮವಲ್ಲದ ಯಾವುದೇ ಕಾನೂನಿನ ಕಾರಣದಿಂದಾದಾಗ ಪರಿಣಾಮವನ್ನು ಹೊಂದಿರುವ ಯಾವುದೇ ಲಿಖಿತದಲ್ಲಿ ಅಥವಾ ಯಾವುದೇ ನ್ಯಾಯಾಲಯ, ನ್ಯಾಯಾಧಿಕರಣ ಅಥವಾ ಇತರ ಪ್ರಾಧಿಕಾರದ ಯಾವುದೇ ಡಿಕ್ರಿಯಲ್ಲಿ ಅಥವಾ ಅದೇಶ ದಲ್ಲಿ, ಅಜ್ಜಗಳಿಗೆ ಅಸಂಗತವಾದ ಯಾವುದೇ ವಿಷಯ ಒಳಗೊಂಡಿದ್ದರೂ ಪರಿಣಾಮವು ಕಾರಿ ಯಾಗತಕ್ಕದ್ದು.

27. ಕೆಂಪನಿಯಿಂದ ಅನುಸಮರ್ಥನೆಯಾದ ಹೊರತು ಕರಾರು : ಪರಿಣಾಮವು ಕಾರಿಯಾಗುವುದು ನಿಂತುಯೋಗತಕ್ಕದ್ದು.— ಯಾವುದೇ ಸೇವೆ, ಮೂಲಾಠಾಟ

ಅಥವಾ ಸರೂರಾಜಿಗಾಗಿ, 4ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರದಲ್ಲಿ ನಿಹಿತವಾಗಿರುವ, ಗಿರಣಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನು ಅಥವಾ ಗುತ್ತಿಗೆದಾರನಿಂದ ಅಥವಾ ಪ್ರಸ್ತುತ ವ್ಯವಸ್ಥಾಪನೆಯಿಂದ ಮಾಡಿಕೊಳ್ಳಲಾದ ಮತ್ತು, ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕದ ನಿರೀಕ್ಷಾರ್ಥದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿದ್ದ ಪ್ರತಿಯೊಂದು ಕರಾರು, ಗೊತ್ತುಪಡಿಸಲಾದ ದಿನಾಂಕದಿಂದ ಮೂವತ್ತು ದಿನಗಳು ಮುಕ್ತಾಯವಾಗುವವೆಂದು ಮತ್ತು ಅಂದಿನಿಂದ, ಆ ಅವಧಿಯು ಮುಕ್ತಾಯಗೊಳ್ಳುವ ಮೊದಲು, ಕಂಪನಿಯು ಲಿಖಿತ ಮೂಲಕ ಅಂಥ ಕರಾರನ್ನು ಅನುಸಮರ್ಪಣೆಗೊಳಿಸಿದ ಹೊರತು, ಪರಿಣಾಮಕಾರಿಯಾಗುವುದು ನಿಂತು ಹೋಗತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಕರಾರನ್ನು ಅನುಸಮರ್ಪಿಸುವಲ್ಲಿ, ಕಂಪನಿಯು ಅದರಲ್ಲಿ ತಾನು ಉಚಿತವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ಒದಲಾವಣೆ ಅಥವಾ ಮಾರ್ಪಾಟನ್ನು ಮಾಡಬಹುದು :

ಪೂರು,--

(ಎ) ಅಂಥ ಕರಾರು ಅನುಚಿತವಾಗಿ ಕರ್ತವ್ಯ ಭಾರವುಳ್ಳದ್ದಾಗಿದೆಯೆಂದು ಅಥವಾ ದುರ್ಭಾಗವೆಂದೆಂದು ಅದನ್ನು ಮಾಡಿಕೊಳ್ಳಲಾಯಿತೆಂದು ಅಥವಾ ಅದು ಕಂಪನಿಯ ಹಿತಾಸಕ್ತಿಗೆ ಬಾಧಕವಾಗುವುದೆಂದು ಮನವಟ್ಟಾದ ಹೊರತು ;

(ಬಿ) ಕರಾರು ಮಾಡಿಕೊಳ್ಳುವ ವಕ್ಷಗಳಿಗೆ ಅಹವಾಲನ್ನು ಹೇಳಿಕೊಳ್ಳಲು ಯುಕ್ತ ಅವಕಾಶವನ್ನು ನೀಡಿದ ಹೊರತು ಮತ್ತು, ಕರಾರನ್ನು ಅನುಸಮರ್ಪಿಸಲು ಅಥವಾ ಅದರಲ್ಲಿ ಯಾವುದೇ ಒದಲಾವಣೆ ಅಥವಾ ಮಾರ್ಪಾಟನ್ನು ಮಾಡಲು ತಿರಸ್ಕರಿಸಿದುದಕ್ಕೆ ಲಿಖಿತ ಮೂಲಕ ಕಾರಣಗಳನ್ನು ಅಭಿಲೇಖಿಸಿದ ಹೊರತು,

ಕಂಪನಿಯು, ಕರಾರನ್ನು ಅನುಸಮರ್ಪಣೆ ಮಾಡುವುದನ್ನು ಲೋಪಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಕರಾರನ್ನು ಯಾವುದೇ ಒದಲಾವಣೆ ಅಥವಾ ಮಾರ್ಪಾಟನ್ನು ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

28. ಸದ್ಯಾವನೆಯಿಂದ ಕೈಗೊಳ್ಳಲಾದ ಕ್ರಮದ ರಕ್ಷಣೆ.— (1) ಸರ್ಕಾರ ಅಥವಾ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ಸರ್ಕಾರದ ಅಥವಾ ಕಂಪನಿಯ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ಇತರ ನೌಕರರ ಅಥವಾ ಸರ್ಕಾರದಿಂದ ಅಥವಾ ಕಂಪನಿಯಿಂದ ಪ್ರಾಧಿಕೃತನಾದ ಇತರ ವ್ಯಕ್ತಿಯ ವಿರುದ್ಧ ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಸದ್ಯಾವನೆಯಿಂದ ಕೈಗೊಳ್ಳಲಾದ ಕ್ರಮದ ಯಾವುದೇ ಕೃತ್ಯದ ಬಗ್ಗೆ ಯಾವುದೇ ದಾವೆ, ಅಪೇಕ್ಷಿಸಿದ ಪರಿಹಾರಗಳು ಇರತಕ್ಕದ್ದಲ್ಲ.

(2) ಯಾವುದೇ ಸರ್ಕಾರದ ಅಥವಾ ಕಂಪನಿಯ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ಇತರ ನೌಕರರ ಅಥವಾ ಸರ್ಕಾರದಿಂದ ಅಥವಾ ಕಂಪನಿಯಿಂದ ಪ್ರಾಧಿಕೃತನಾದ ಇತರ ವ್ಯಕ್ತಿಯ ವಿರುದ್ಧ ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಸದ್ಯಾವನೆಯಿಂದ ಕೈಗೊಳ್ಳಲಾದ ಯಾವುದೇ ಕೃತ್ಯದ ಬಗ್ಗೆ ಯಾವುದೇ ದಾವೆ ಇರತಕ್ಕದ್ದಲ್ಲ.

29. ದಂಡಗಳು.— ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು,—

(ಎ) ಗಿರಣಿಗಳ ಒಂದು ಭಾಗವಾಗಿರುವ ಯಾವುದೇ ಸ್ವತ್ತನ್ನು ಅಕ್ರಮತುತೆಯಿಂದ ಹೊಂದಿದ್ದು ತನ್ನ ಸ್ವಾಧೀನತೆ, ಅಭಿರಕ್ಷೆ ಅಥವಾ ನಿಯಂತ್ರಣದಲ್ಲಿರುವ ಅಂಥ ಸ್ವಸ್ಥ ಸ್ವತ್ತನ್ನು ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿಗೆ ಒಪ್ಪಿಸದಿದ್ದರೆ ; ಅಥವಾ

(ಬಿ) ಗಿರಣಿಗಳ ಒಂದು ಭಾಗವಾಗಿರುವ ಯಾವುದೇ ಸ್ವತ್ತಿನ ಸ್ವಾಧೀನತೆ/ತೆವತೆಯನ್ನು ಅಕ್ರಮವಾಗಿ ಹೊಂದಿದರೆ ಅಥವಾ ಅದನ್ನು ಇಟ್ಟುಕೊಂಡರೆ ; ಅಥವಾ

(ಸಿ) ತನ್ನ ಸ್ವಾಧೀನತೆ, ಅಭಿರಕ್ಷೆ ಅಥವಾ ನಿಯಂತ್ರಣದಲ್ಲಿರಬಹುದಾದ, ಎ, ಎ, ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ದಸ್ತಾವೇಜು ಅಥವಾ ವಿವರಣಾ ಪಟ್ಟಿಯನ್ನು ಉದ್ದೇಶವೂ ವರ್ತಮಾನಕ್ಕಾಗಿ ಒಪ್ಪಿಸಿದರೆ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ, ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿ ಅಥವಾ ಸರ್ಕಾರ ರ ಆ ಅಥವಾ ಕಂಪನಿಯಿಂದ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯಕ್ಕೆ ಕೈ ಒದಗಿಸಲು ತಪ್ಪಿದರೆ ; ಅಥವಾ

(ಡಿ) ಗಿರಣಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ, ತನ್ನ ಸ್ವಾಧೀನತೆ, ಅಭಿರಕ್ಷೆ ಅಥವಾ ನಿಯಂತ್ರಣದಲ್ಲಿರುತ್ತಿರುವುದಾದ, ಗುತ್ತಿಗೆದಾರನಿಗೆ, ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನಿಗೆ ಅಥವಾ ಪ್ರಸ್ತುತ ವ್ಯವಸ್ಥಾಪನೆಗೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ದಸ್ತಾವೇಜು ಅಥವಾ ವಿವರಣಾ ಪಟ್ಟಿಯನ್ನು, ಸಂದಂದರ್ಭಾನುಸಾರ, ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿ ಅಥವಾ ಸರ್ಕಾರ ಅಥವಾ ಕಂಪನಿಯಿಂದ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ನಿಕಾಯಕ್ಕೆ ತಲುಪಿಸಲು ತಪ್ಪಿದರೆ ; ಅಥವಾ

(ಇ) ಗಿರಣಿಗಳ ಒಂದು ಭಾಗವಾಗಿರುವ ಯಾವುದೇ ಸ್ವತ್ತನ್ನು ಅಕ್ರಮವಾಗಿ ತೆಗೆದರೆ ಅಥವಾ ನಾಶಪಡಿಸಿದರೆ ; ಅಥವಾ

(ಎಫ್) ತಾನು ಸುಳ್ಳೆಂದು ತಿಳಿದಿರುವ ಅಥವಾ ಸುಳ್ಳೆಂದು ಅಥವಾ ತೀರಾ ತಿಳಿದುಕೊಳ್ಳುವುದು ನಂಬಲು ತನಗೆ ಯುಕ್ತ ಕಾರಣವಿರುವ ಯಾವುದೇ ಕ್ಷೇಮನ್ನು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಸಲ್ಲಿಸದರೆ.

—ಎರಡು ದರ್ಪಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಏ ಹತ್ತು ವಾರದ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಇತರ ದಂಡದಿಂದಲೂ ವಂಚಿತನಾಗತಕ್ಕದ್ದು.

30. ಕಂಪನಿಗಳಿಂದ ಆದ ಅಪರಾಧಗಳು.— (1) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಅಪರಾಧವು ಕಂಪನಿಯಿಂದ ಘಟಿಸಿದ್ದರೆ, ಅಪರಾಧವು ಘಟಿಸಿದ ಸಮಯದಲ್ಲಿ ಕಂಪನಿಯ ಪ್ರಭಾರವಲ್ಲಿದ್ದ ಕಂಪನಿಯ ವ್ಯವಹಾರ ನಡವಳಿಗೆ ಹೆಚ್ಚು ಕಂಪನಿಗೆ ಜವಾಬ್ದಾರನಾಗಿದ್ದ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಅಪರಾಧದ ದೋಷಿಯೆಂದು

ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅದಕ್ಕೆ ವಿರುದ್ಧವಾದ ವ್ಯವಹಾರಗಳಿಗೆ ಅವನು ಬದ್ಧನಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ತದನುಸಾರವಾಗಿ ದಂಡಿತನಾಗತಕ್ಕದ್ದು:

ಪರಂಪರಾ, ಈ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಒಳಗೊಂಡಿರುವುದಾದರೂ ಅಂಥ ವ್ಯಕ್ತಿಯನ್ನು ಅವನು ಅಪರಾಧವು ತನ್ನ ತಿಳುವಳಿಗೆಗೆ ಬಾರದೆ ಘಟಿಸಿತೆಂದು ಅಥವಾ ಅಪರಾಧವು ಘಟಿಸುವುದನ್ನು ಕಡೆಯಲು ತಾನು ಎಲ್ಲ ಯುಕ್ತ ಶ್ರದ್ಧೆಯನ್ನು ವಹಿಸಿದ್ದನೆಂದು ರುಜುವಾತುಪಡಿಸಿರಬೇಕಾದುದೇ ದಂಡನೆಗೆ ಗುರಿಪಡಿಸತಕ್ಕದ್ದಲ್ಲ.

(3) (1)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ವಿನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಅಪರಾಧವು ಒಂದು ಕಂಪನಿಯ ಯಾವೊಬ್ಬ ನಿರ್ದೇಶಕ, ದೃವಸ್ಥಾಪಕ, ಕಾರ್ಯದರ್ಶಿ ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಯ ಸಮ್ಮತಿ ಅಥವಾ ಪರೋಕ್ಷ ಸಮ್ಮತಿಯಿಂದ ಅಥವಾ ಅವನ ಕಡೆಯಿಂದಾದ ಯಾವುದೇ ನಿರ್ಲಕ್ಷ್ಯದ ಕಾರಣವಿಂದ ಸಂಭವಿಸಿತೆಂದು ರುಜುವಾತಾದರೆ ಅಂಥ ನಿರ್ದೇಶಕ, ದೃವಸ್ಥಾಪಕ, ಕಾರ್ಯದರ್ಶಿ ಅಥವಾ ಇತರ ಅಧಿಕಾರಿಯನ್ನು ಅಪರಾಧದ ದೋಷಿಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅವನು ತಮ್ಮ ವಿರುದ್ಧದ ವ್ಯವಹಾರಗಳಿಗೆ ಗುರಿಯಾಗತಕ್ಕದ್ದು ಮತ್ತು ತದನುಸಾರವಾಗಿ ದಂಡಿತರಾಗತಕ್ಕದ್ದು.

ನಿವರಣೆಗಳು.— ಈ ಪ್ರಕರಣದ ಉದ್ದೇಶಕ್ಕಾಗಿ,—

(ಎ) 'ಕಂಪನಿ' ಎಂದರೆ ಯಾವುದೇ ನಿಗಮಿತ ನಿಕಾಯ ಮತ್ತು ಇದು ಫರ್ಮ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ಇತರ ಸಂಸ್ಥೆಯನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ;

(ಬಿ) ರಮೀನ ಸಂಬಂಧದಲ್ಲಿ "ನಿರ್ದೇಶಕ" ಎಂದರೆ ಫರ್ಮಿನ ಒಬ್ಬ ಪಾಲುದಾರ.

31. ನಿಯಮಗಳ ರಚನಾಧಿಕಾರ.— (1) ಸರ್ಕಾರವು, ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಕಾರ್ಯರೂಪಗೊಳಿಸುವುದಕ್ಕಾಗಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ನಿಯಮಗಳನ್ನು ರಚಿಸಬಹುದು.

(2) ವಿಶೇಷವಾಗಿ ಮತ್ತು ಪೂರ್ವೋಕ್ತ ಅಧಿಕಾರದ ಸಾಮಾನ್ಯತೆಗೆ ಪ್ರತಿಕೂಲವಾಗದಂತೆ, ಅಂಥ ನಿಯಮಗಳು ಈ ಮುಂದಿನ ಎಲ್ಲ ಅಥವಾ ಯಾವುದೇ ವಿಷಯಗಳಿಗೆ ಉಪಬಂಧವನ್ನು ಕಲ್ಪಿಸಬಹುದು, ಎಂದರೆ:—

(ಎ) 1ನೇ ಪ್ರಕರಣದ (3)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿತವಾದ ಸೂಚನೆಯನ್ನು ಕೊಡತಕ್ಕ ಸಮಯ ಮತ್ತು ವಿಧಾನ ;

(ಬಿ) ಐಪನಿಯ ಅಧಿಕಾರಿಗಳ ಮತ್ತು ನೌಕರರ ವೇತನ ಮತ್ತು ಭತ್ಯೆಗಳು ಮತ್ತು ಸೇವಾ ಪತ್ರ ;

(ಸಿ) 2ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಭವಿಷ್ಯನಿಧಿ ಅಥವಾ ನಿಧಿಯಲ್ಲಿನ ಸಣ್ಣಗಳನ್ನು ವ್ಯವಹರಿಸತಕ್ಕ ವಿಧಾನ ;

(2) ಅಗತ್ಯವಾಗಬಹುದಾದ ಅಥವಾ ನಿಯಮಿಸಬಹುದಾದ ಯಾವುದೇ ವಿಷಯ.

(3) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ರಚಿಸಿದ ಪ್ರತಿಯೊಂದು ; ನಿರೀಕ್ಷಿಸಿದ ನಿಯಮ ಅಥವಾ ರಚಿಸಲಾದ ತರಬಾವು, ಉಚ್ಚ ವಿಧಾನಮಂಡಲವು ಅಧಿವೇಶನದಲ್ಲಿದ್ದಲ್ಲಿ ವಾದವನ್ನು ದೇಗನೆ ಉಚ್ಚ ವಿಧಾನ ಮಂಡಲದ ಪ್ರತಿಯೊಂದು ಸದನದ ; ಮುಂದುವರೆದ ಅಧಿವೇಶನ ಅಥವಾ ಎರಡು ಅಥವಾ ಹೆಚ್ಚಿನ ಅನುಕ್ರಮ ಅಧಿವೇಶನಗಳಲ್ಲಿ ಲಭ್ಯವಾಗಬಹುದಾದ ಒಟ್ಟು ಮೂವತ್ತು ದಿನಗಳ ಅವಧಿಯವರೆಗೆ ಅಧಿವೇಶನಶನದಲ್ಲಿದ್ದು ಪಂಡಿಸತಕ್ಕದ್ದು ಮತ್ತು ಪೂರ್ವೋಕ್ತ ಅನುಕ್ರಮ ಅಧಿವೇಶನ ಅಥವಾ ; ನಿರೀಕ್ಷಿಸಿದ ಅಧಿವೇಶನಗಳು ಮುಕ್ತಾಯವಾಗುವ ಮೊದಲು ನಿಯಮದಲ್ಲಿ ಯಾವುದೇ ; ಮಾರ್ಪಡಿಸುವ ಮಾರ್ಪಡಿಸಿಕೊಂಡು ಉಭಯ ಸದನಗಳು ಒಪ್ಪಿದರೆ ಅಥವಾ ನಿಯಮಗಳನ್ನು ನನ್ನ ರಚಿಸಿದುದು ಉಭಯ ಸದನಗಳು ಒಪ್ಪಿದರೆ, ತದನಂತರ, ನಿಯಮವು, ಮಂಡಳಿಮಾರ್ಪಡಿಸುವ ಹಾಗೆ ಮಾರ್ಪಡಿಸಿದ ರೀತಿಯಲ್ಲಿ ಮಾತ್ರ, ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದು ಮತ್ತು ಅ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದು. ಆದಾಗ್ಯೂ, ಅಂಥ ಯಾವುದೇ ಮಾರ್ಪಡಿಸುವ ಅ ರದ್ದಿಯಾತಿಯು ಆ ನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಹಿಂದೆ ಮಾಡಲಾದ ಯಾವುದೇ ; ವ ಮಾರ್ಪಡಿಸುವ ಪ್ರತಿರೋಧವಾಗಬಹುದಾದ್ದು.

32. ತೊಂದರೆಗಳನ್ನು ನಿವಾರಿಸಲು ಅಧಿಕಾರ.— ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿಸಲು ಯಾವುದೇ ತೊಂದರೆಯು ; ಉಪಬಂಧವು ಸರ್ಕಾರವು ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳಿಗೆ ಅನುಗತವಾಗದ ಅಧಿವೇಶನದ ಮೇಲೆ ತೊಂದರೆಯನ್ನು ನಿವಾರಿಸಬಹುದು.

ಪರಂತು, ಅಂಥ ಯಾವುದೇ ಅಧಿನಿಯಮವನ್ನು ನಿರೀಕ್ಷಿಸಿದಂತೆ ; ಅಧಿನಿಯಮವು ಎರಡು ವರ್ಷಗಳ ಅವಧಿಯ ಮುಕ್ತಾಯದ ತರುವಾಯ ಮಾರ್ಪಡಿಸಬಹುದು.

33. ನಿರಸನ ಮತ್ತು ಉಳಿಸುವಿಕೆಗಳು.— (1) ಸರ್ಕಾರದ ಅಧಿಕಾರವು ; ನಿರಸನಗಿರದವರು (ಆಜ್ಞೆ ಮತ್ತು ಮಾರ್ಪಡಿಸುವ) ಅಧ್ಯಾದೇಶ, 1986 (1986ರ 11ನೇ ಅಧ್ಯಾದೇಶ, 11) ನ್ನು ಈ ಮೂಲಕ ನಿರಸನಗೊಳಿಸಲಾಗಿದೆ

(2) ಹಾಗೆ ನಿರಸಿತವಾಗಿಲ್ಲದೂ, ಸದರಿ ಅಧ್ಯಾದೇಶದ ಅಡಿಯಲ್ಲಿ ; ಯಾವುದೇ ಕಾರ್ಯ ಅಥವಾ ಕೈಗೊಳ್ಳಲಾದ ಯಾವುದೇ ಕೃತ್ಯವನ್ನು, ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದುದೆಂದು ಅಥವಾ ಕೈಗೊಳ್ಳಲಾದುದೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

ಅನುಸೂಚಿ

(18, 20 (1) ಹಾಗೂ 21 (1)ನೇ ಪ್ರಕರಣಗಳನ್ನು ನೋಡಿ)2)

ರೇಷಗಳ ಸಂಬಂಧದಲ್ಲಿ ಹೊಣೆಗಾರಿಕೆಗಳನ್ನು ನಿರ್ವಹಿಸುವುದಕ್ಕಾಗಿ ಅದ್ಭುತಗಳ
ಆದೇಶ.

ಕ್ರಮಗಳ—I

(ಎ) ಗಿರಣಿಗಳ ನೌಕರರಿಗೆ ಸಂದೇಯವಿರುವ ಮಜೂರಿಗಳು, ವೇತನಗಳು ಮತ್ತು
ಇತರ ಬಾಕಿಗಳು;

(ಬಿ) ಭವಿಷ್ಯ ನಿಧಿ, ನೌಕರರ ರಾಜ್ಯ ವಿಮಾ ಮಂಚಿ, ಭಾರತದ ಜೀವನಿಮಾ
ನಿಗಮಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕಂತು ಅಥವಾ ಇತರ ಯಾವುದೇ ಉದ್ದೇಶಗಳಿಗಾಗಿ ನೌಕರರ
ವೇತನಗಳು ಹಾಗೂ ಮಜೂರಿಗಳಿಂದ ಮಾಡಿದ ಕಡಿತಗಳು;

(ಸಿ) (ಉಪದಾನವನ್ನು ಹೊರತುಪಡಿಸಿ) ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ
ಒನ್ಟೋನಿ ಅಡಿಯಲ್ಲಿ ಭವಿಷ್ಯ ನಿಧಿ, ನೌಕರರ ರಾಜ್ಯ ವಿಮಾ ನಿಧಿ, ಜೀವನಿಮಾ ನಿಗಮ
ಮತ್ತು ಇತರ ಯಾವುದೇ ಬಾಕಿಗಾಗಿ ಗುತ್ತಿಗೆಗೆ ಕೊಡುವವನಿಂದ ಅಥವಾ ಗುತ್ತಿಗೆ
ಇರದಿರ ಪಾತ್ರಬೇಕಾದ ಮಂಚಿಗಳ ಸಂಬಂಧದಲ್ಲಿನ ಬಾಕಿಗಳು.

ಕ್ರಮಗಳ—II

- (i) ಕೇಂದ್ರ ಸರ್ಕಾರ;
- (ii) (7ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ವಸೂಲು ಮಾಡಲು ಸರ್ಕಾರಕ್ಕೆ ಹಕ್ಕಿರುವ
ಮೊಬಲಗೂ ಸೇರಿದಂತೆ) ರಾಜ್ಯ ಸರ್ಕಾರ;
- (iii) ಬ್ಯಾಂಕುಗಳು;
- (iv) ಸರ್ಕಾರಿ ಹಣಕಾಸು ಸಂಸ್ಥೆಗಳು;
- (v) ಇತರರಿಂದ.

-ಮುಂಗಡ ಕೊಡಲಾದ ಭದ್ರತೆಯುಳ್ಳ ಸಾಲದ ಆಸಲು ಮೊಬಲಗು.

ಕ್ರಮಗಳ—III

- (i) ಕೇಂದ್ರ ಸರ್ಕಾರ;
- (ii) 7ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ವಸೂಲು ಮಾಡಲು ಸರ್ಕಾರಕ್ಕೆ ಹಕ್ಕಿರುವ
ಮೊಬಲಗೂ ಸೇರಿದಂತೆ) ರಾಜ್ಯ ಸರ್ಕಾರ;
- (iii) ಬ್ಯಾಂಕುಗಳು;
- (iv) ಸರ್ಕಾರಿ ಹಣಕಾಸು ಸಂಸ್ಥೆಗಳಿಂದ.

-ಮುಂಗಡ ಕೊಡಲಾದ ಭದ್ರತೆ ಇರುವ ಸಾಲದ ಆಸಲು ಮೊಬಲಗು.

ಪ್ರವರ್ಗ—IV

(ಎ) ವ್ಯಾಪಾರ ಅಥವಾ ತಯಾರಿಕೆಗಳ ಕಾರ್ಯ ಪ್ರವರ್ತನೆಯನ್ನು ಓ ಓ ನೆರವು ಉದ್ದೇಶಕ್ಕಾಗಿ ನಿರೀಕ್ಷಿಸಿದ ಸಂದರ್ಭದಲ್ಲಿ ಗುತ್ತಿಗೆಗಾಗಿ ಲೇಡುವವನಿಂದ ಅಥವಾವಾವಾ ಗುತ್ತಿಗೆ ನಿಂದ ಪಡೆಯಲಾದ ಯಾವುದೇ ಸಾಲ ;

(ಬಿ) ಸರಕುಗಳ ಪೂರೈಕೆ ಅಥವಾ ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ವಿದ್ಯುಚ್ಛಕ್ತಿ, ಅಥವಾ ಇತರ ಸರ್ಕಾರಿ ಅಥವಾ ಅರೆ ಸರ್ಕಾರಿ ಸಂಸ್ಥೆಗಳಿಗೆ ಸಂದೇಯವಿರುತ್ತಿರುವ ಯಾವುದೇ ಬಾಕಿಗಳು ;

(ಸಿ) II ಅಥವಾ IIIನೇ ಪ್ರವರ್ಗದ ಅಡಿಯಲ್ಲಿ ಬರುವ ಸಾಲಾಂಶಗಳು ಮುಂಗಡಗಳ ಮೇಲಿನ ಬಡ್ಡಿಯ ಬಾಕಿಗಳು ಅಥವಾ ಇತರ ಬಾಕಿಗಳು.

ಪ್ರವರ್ಗ—V

(ಎ) ಕೇಂದ್ರ ಸರ್ಕಾರ, ರಾಜ್ಯ ಸರ್ಕಾರ ಮತ್ತು ಸ್ಥಳೀಯ ಪಾಪಾಪ್ರಾಧಿಕಾರ ಕಂದಾಯ, ತೆರಿಗೆಗಳು, ಉಪಕರಣಗಳು, ದೆರೆಗಳು, ಅಥವಾ ಇತರ ಬಾಕಿಗಳು ;

(ಬಿ) ಇತರ ಯಾವುದೇ ಸಾಲಗಳು ಅಥವಾ ಬಾಕಿಗಳು ;

KARNATAKA ACT No.29 OF 1986

THE KARNATAKA CO-OPERATIVE TEXTILE MILLS
(ACQUISITION AND TRANSFER) ACT, 1986.

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SCHEDULE

KARNATAKA ACT No.29 OF 1986

((First published in the Karnataka Gazette Extraordinary on the First day of October, 1986).)

**THE KARNATAKA CO-OPERATIVE TEXTILE MILLS
(ACQUISITION AND TRANSFER) ACT, 1986.**

((Received the assent of the President on the Twenty-ninth day of September, 1986).)

An Act to provide for acquisition and transfer of the Karnataka Co-operative Textile Mills, Dharwar in public interest and in order to secure the proper management of the said Mills, so as to subserve the interest of the general public, by ensuring continued manufacture, production and distribution of yarn and cloth which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

Whereas the owners of the Karnataka Co-operative Textile Mills M/s. The Karnataka Co-operative Textile Mills Ltd., Dharwar had closed down the said Mills in the year 1969 and had subsequently with the permission of the State Government leased out the said Mills in 1970 to M/s. G. Mahadevappa & Sons, Hubli, a partnership firm and the lessee also closed down the Mills in 1971 as it was not able to manage the affairs of the said Mills properly;

Whereas the closure of the said Mills was prejudicial to the Scheduled industry, namely the Cotton Textile Industry, the Government of India, under section 18AA of the Industries (Development and Regulation) Act, 1951, issued a Notification No. S.O.170E)18AA/IDRA/79, dated Thirtieth day of March, 1979 and authorised the State

Government to take over the management of the said Mills initially for a period not exceeding five years and later for further periods, from time to time;

Whereas the officer appointed by the State Government took over the charge of the moveable and immoveable properties of the said Mills which were in possession of the lessee, with effect from the 1st day of April, 1979;

Whereas the buildings, machinery and other production equipment of the said mills are very old, out dated and out of date on account of which it is sick and is not economically viable and it is necessary to acquire the said mills for proper management and development of the said mills making improvement thereof and to ensure that the interests of the general public are served by continuance of the production and distribution of cloth and yarn which are essential to the needs of the economy and providing relief against unemployment and for matters connected therewith or incidental thereto;

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

CHAPTER I

Preliminary

1. Short title and commencement.-

(1) This Act may be called the Karnataka Co-operative Textile Mills (Acquisition and Transfer) Act, 1986.

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

2. Definitions.- In this Act, unless

the context otherwise requires,-

(a) "appointed day" means the date of coming into force of this Act or any provision thereof;

(b) "Commissioner" means Commissioner of payment appointed under section 15 of this Act;

(c) "Company" means the Karnataka State Textile Private Limited, a company registered under the provisions of the Companies Act, 1959;

(d) "Government" means the State Government;

(e) "Karnataka Co-operative Textile Mills" means the composite textile Mills formerly run under the name and style 'the New Karnataka Cotton Mills Hubli', and purchased by the Karnataka Co-operative Textile Mills Ltd., Dharwar by an indenture dated 8th. October, 1959 and leased out to M/s. Mahadevappa & Sons, Jayachamaraj Nagar, Hubli-20 a partnership firm, by a registered lease deed, dated 29th August, 1970, who were running the Mills under the name and style "Mahadev Textile Mills, Hubli" and includes all moveable and immoveable properties of the said composite Textile Mills owned by the Lessor or lessee and all other moveable or immoveable properties owned by the lessor;

(f) "lessee" means the partnership firm known as M/s. Mahadevappa & Sons, Jayachamaraj Nagar, Hubli-20;

(g) "lessor" means the Karnataka Co-operative Textile Mills Ltd., Dharwar, a Co-operative Society deemed to be registered under the Karnataka Co-operative Societies Act, 1959;

(h) "present management" means the State Government authorised by the Central

Government under clause (b) of sub-section (1) of section 18AA of the Industries (Development and Regulation) Act, 1951 (Central Act 65 of 1951) as per Notification No.S.O. 170(E)/18AA/IDRA/79, dated 30 March, 1979;

(i) "Schedule" means the Schedule appended to this Act;

(j) "specified date" means such date as the Government may for the purposes of any provision of this Act, by notification specify.

CHAPTER II

Acquisition and Transfer of the Karnataka Co-operative Textile Mills Ltd., Dharrwar

3. Declaration under Article 31C of the Constitution.- It is hereby declared that the provisions of this Act are for giving effect to the policy of the State towards securing the principles laid down in clauses (a) and (b) of Article 39 of the Constitution.

4. Transfer and vesting of the Mills to the Government.- On the appointed day, the Karnataka Co-operative Textile Mills (hereinafter referred to as the mills), and the rights, title and interest of the lessor and lessee in relation to the mills, shall by virtue of this Act, stand transferred to, and shall vest absolutely in the Government.

5. General effect of vesting.- (1) The Mills shall be deemed to include all assets, rights, leaseholds, powers, authorities and privileges and all property moveable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipments, cash balance, cash on hand, reserve funds, investment and book debts and all other rights and

interests, in or arising out of such property, as were immediately before appointed day, in the ownership possession, power or control of the lessor or lessee whether within or outside India, and all books of accounts, registers and other documents of whatever nature relating thereto.

(2) All properties aforesaid, which have vested in the Government under section 4 shall, by virtue of such vesting, be freed and discharged from any trust, obligation, mortgage, lease, charge lien and all other encumbrance affecting them and any attachment, injunction or decree or order of any court restricting the use of such property, in any manner shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Government and every person holding any charge, lease, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, lease, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgage of any property referred to in sub-section (3) or any other person holding any charge, lease, lien or other interest in or in relation to, any such property shall be entitled to claim in accordance with his rights and interest, payment of the mortgage money or other dues in whole or in part out of the amount specified in section 9 and also out of the amount determined under section 10 but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Government.

(5) Any licence or other instrument granted to the lessor or lessee in relation to the mills which has vested in the Government under section 4, at any time before the appointed day and in force immediately before that day shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purposes of the mills, as if and from the date of vesting of the mill under section 8 in the Company, the licence shall be deemed to be substituted in place of the licence or other instrument in place of the lessor or lessee referred to therein as if such licence or other instrument had been granted to the Company and the Company shall hold it for the remainder of the period for which the lessor or lessee would have held it under the terms thereof.

(6) If, on the appointed day, a suit, appeal or other proceeding of whatever nature, in relation to any property which has vested in the Government under section 4, instituted or preferred by or against the mills, is pending there shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer of the mills or anything contained in this Act but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Government or, where the mills is directed under section 8 to vest in the Company, by or against the company.

6. Lessor or lessee to be liable for certain prior liabilities.— (1) Every liability other than the liability specified in sub-section (2), of the lessor or lessee in relation to the mills in respect of a

period prior to the appointed day, shall be the liability of such lessor or lessee, as the case may be, and shall be enforceable against them and not against the Government or where the mills is directed under section 8 to vest in the Company, against the Company.

(2) Any liability arising in respect of,-

(a) loans taken by the present management (together with interest thereon);

(b) wages, salaries and other dues of employees of the mills in respect of any period after the management of the mills has been taken over by the Government; shall on and from the appointed day, be the liability of the Government and shall, on and from the date of vesting under section 8 in the Company, be the liability of the Company and shall be discharged by the Company as and when repayment of such loans or amounts become due or as and when such wages, salaries or other dues become due and payable.

(3) For the removal of doubts, it is hereby declared that,-

(a) save as otherwise expressly provided in this section or in any other section of the Act, no liability, other than the liability specified in sub-section (2), of the lessor or lessee in relation to the mills in respect of any period prior to the appointed day shall be enforceable against the Government, or where the mills is directed under section 8 to vest in the Company, against the company.

(b) no award, decree or order of any court, tribunal or other authority in relation to the mills passed after the ap-

pointed day in respect of any matter, or claim or dispute in relation to any matter referred in sub-section (2), which arises before that day, shall be enforceable against the Government or where the mill is directed under section 8 to vest in the Company, against the Company.

(c) No liability incurred by the lessor or lessee before the appointed day for the contravention of any provision of law for the time being in force shall be enforceable against the Government or where the mill is directed under section 8 to vest in the Company, against the Company.

7. Right of Government to recover back wages etc.- Notwithstanding anything contained in this Act the Government shall have the right to recover from the lessor or lessee all the amounts paid by the present management to the officers or other employees of the mills towards back wages, gratuity, retirement benefits and other dues on behalf of the lessor or lessee, as arrears of land revenue.

8. Power of the Government to direct vesting of the mills in the company.-- (1) Notwithstanding anything contained in sections 4 and 5, the Government may, subject to such terms and conditions as it may think fit to impose, direct, by notification, that the mills which was vested in the Government under section 4, shall, instead of continuing to vest in the Government vest in the company either on the date of notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest-

est in relation to the mills vest in the Company under sub-section (1), the Company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such mills and all the rights and liabilities of the Government in relation to the mills shall, as provided under the Act, on and from the date of such vesting, be deemed to have become the rights and liabilities of the Company.

Payment of Accounts

9. Amount to be given to lessor, lessee and other interested persons.- For the transfer to and vesting in, the Government, of the mills under section 4 and the right, title and interest in relation to the mills the Government shall pay an amount of rupees 446.59 lakhs by depositing the same with the Commissioner and the said amount shall be paid to the lessor, lessee or such other persons entitled thereto in the manner specified in Chapter V.

10. Payment of further amounts.- (1) The amount specified in section 9 shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date of which payment of such amount is made by the Government to the Commissioner.

(2) The amount determined in accordance with the provisions of sub-section (1) shall be given by the Government to the lessor, lessee or such other persons entitled thereto, as the case may be, in addition to the amount specified in section 9.

(3) For the removal of doubts, it is hereby declared that the liability of the lessor or lessee in relation to the mill which has vested in the Government under section 4 shall be discharged from the amount referred to in section 9, and also from the amounts determined under sub-section (1) in accordance with the rights and interest of the creditors of the lessor or lessee, as the case may be.

CHAPTER - IV

Management of the Mills.

11. Management etc., of the Mills.- The general superintendence, direction, control and management of the affairs and business of the mills, the right, title and interest in relation to the mills which has vested in the Government under section 4, shall, where a direction has been made by the Government under sub-section (1) of section 8, vest in the Company and thereupon the Company shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company is authorised to exercise and do in relation to the mills.

12. Duties of persons in-charge of management of the mills.- (1) On the vesting of the management of the mills in the Company all persons in charge of the management of the mills immediately before such vesting shall be bound to deliver to the company all assets, books of accounts, registers or other documents in their custody relating to the mills.

(2) The Government may issue such directions as it may deem desirable in the circumstances of the case to the Company and the Company may also, if it is consid-

ere necessary to do, apply to the Government at any time for instructions as to the manner in which, the management of the mills shall be conducted or in relation to any other matter arising in the course of such management.

13. Duty of persons to account for assets etc., in their possession.-Any person who has, on the appointed day, in his possession or under his control, any assets, books, documents other papers relating to the mills which has vested in the Government or in the Company under this Act and which belong to the mills or would have so belonged if the mills had not vested in the Government or the Company, shall be liable to account for the said assets, books, documents and other papers to the Government or the Company or such person or persons as the Government or the Company may specify in this behalf.

(2) The Government or the Company may take or cause to be taken all necessary steps for securing possession of the mills which has vested in the Government or the Company under this Act.

(3) The lessor or lessee, as the case may be, shall within such period as the Government may allow in this behalf, furnish to the Government a complete inventory of all properties and assets, as on the appointed day, pertaining to the mills which has vested in the Government under section 4, and for this purpose, the Government or the company shall afford to the lessor or lessee all reasonable facilities.

14. Accounts and audit.- The Company shall maintain the accounts of the mills in accordance with the provisions of the Companies Act, 1956.

CHAPTER - V
Commissioner of Payments

15. Appointment of Commissioner of Payments.- (1) The Government shall, for the purpose of disbursing the amounts payable under sections 9 and 10, by notification in the Official Gazette, appoint a Commissioner of Payments.

(2) The Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more such persons also to exercise all or any of the powers exercisable by him under the Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect, as if they have been conferred on that person directly by the Act not by way of authorisation.

(4) The Salaries and allowances of the Commissioner and other persons appointed under this section, shall be defrayed out of the Consolidated Fund of the State.

16. Payment by the Government to the Commissioner.- (1) The Government shall, within thirty days from the specified date, deposit in cash with the Commissioner for payment to the lessor, lessee and other interested persons,-

(a) an amount equal to the amount specified in section 9; and

(b) an amount equal to the amount payable under section 10.

(2) A deposit account shall be opened

by the Government in favour of the Commissioner in the public account of the State and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of the mills in relation to which payments have been made to him under this Act.

(4) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall ensure to the benefit of the lessor, lessee and other interested persons.

17. Certain powers of the Government and the Company.— (1) The Government or the Company, as the case may be, shall be entitled to receive upto the specified date, to the exclusion of all other relation to the mill, which has vested in the Government or the Company, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Government or the Company, as the case may be, make a claim to the Commissioner with regard to every payment made by the Government or the Company after the appointed day for discharging any liability of the lessor or lessee in relation to the mills, in respect of any period prior to the appointed day and every such claim shall have priority in accordance with the priorities attaching under this Act to the matters in relation to which such liability has been discharged by the Government or the Company.

(3) Save as otherwise provided in

this Act, the liabilities of the lessor or lessee in relation to the mills in respect of any transaction prior to the appointed day, which have not been discharged or before the specified date shall be the liabilities of the lessor or lessee, as the case may be.

18. Claims to be made to the Commissioner.— Every person having a claim in regard to any of the matters specified in the Schedule in relation to the mills before the appointed day, shall prefer his claim before the Commissioner within the days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring his claim within the period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

19. Priority of claims.— The claims made under section 18 shall have priorities in accordance with the following principles, namely:—

(a) Category-I shall have precedence over all other categories and Category-II shall have precedence over Category-III and so on;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but if the amount is insufficient to meet such claims in full, it shall abate in equal proportions and be paid accordingly; and

(c) the question of discharging liability with regard to a matter specified in a lower category shall arise only if surplus is left after meeting all liabilities specified in the immediately higher category.

20. Examination of claims.— (1) On receipt of the claims made under section 18 of the Commissioner shall arrange the claims in the order of priorities specified in the schedule and examine the same in accordance with such order.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category he shall not be required to examine the claims in respect of such category.

21. Admission or rejection of claims.—

(1) After examining the claims with reference to the priorities specified in the Schedule, the Commissioner shall fix a certain date on or before when every claimant shall file the proof of his claim.

(2) Not less than fourteen days notice of the date so fixed shall be given by advertisement in one issue of a daily newspaper in the English language having wide circulation in the country and one issue of a daily newspaper in the Kannada language having wide circulation in the State and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant, who fails to file the proof of his claim within the time specified by the Commissioner, shall be excluded from the disbursement made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the claimant a reasonable opportunity of being heard, de-

termine the nature and extent of the claims and by order in writing, admit or reject the claim in whole or in part. The Commissioner shall also decide any dispute as to the person or persons who are entitled to the amount and any dispute as to who are the legal representatives of a deceased claimant.

(5) The Commissioner shall have the power to regulate his own procedure in matters arising out of the discharge of his functions, and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil Court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witness.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a Civil Court or the purposes of sections 19 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the District Court within the local limits of whose jurisdiction the Mills is situated.

22. Disbursement of the amount by the Commissioner to the claimants.— (1) After admitting a claim under this Act the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due and on such payment the liability of the mills in respect of such claims shall stand discharged.

23. Undisbursed or unclaimed amount to be deposited to the General Revenue Account.— Any amount paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner to the General Revenue Account of the Government, but a claim to any amount so transferred may be preferred to the Government by person entitled to such payment and shall be dealt with as if such transfer had not been made, the order if any for payment of the claim being treated as an order for the refund of revenue.

CHAPTER-VI

Provisions Relating to the Employees of the Mills

14. Transfer of service of officers or other employees of the Mills.— (1) Every person who has been immediately before the appointed day, employed in the mills shall become on and from the date of vesting specified under section 8, an employee of the Company and shall hold office or service under the Company with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so

unless and until his employment with the Company is duly terminated or until his remuneration and other conditions of service are duly altered by the Company.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of the services of an officer or other person employed in the mills to the Company shall not entitle such officer or other employee to any compensation under the Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

25. Transfer of provident fund, welfare fund, etc.- (1) Where the mills have established a provident fund, superannuation fund, welfare fund or any other fund for the benefit of the persons employed in the mills the money relatable to the office or other employees, whose services have become transferred, by or under this Act the Company shall, out of the money standing on the date of vesting specified in section 8 to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to and vest in the Company.

(2) The money which stand transferred under sub-section (1) to the Company shall be dealt with by the Company in such manner as may be prescribed.

CHAPTER-VII

Miscellaneous

26. Act to have overriding effect.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law

the time being in force or in any instrument having effect by virtue of any law, other than this Act or in any decree or order of any court, tribunal or other authority.

27 Contract to cease to have effect unless ratified by Company.-Every contract entered into by the lessor, lessee or the present management in relation to the mills which has vested in the Government under section 4, for any service, sale or supply and in force immediately before the appointed day, shall on and from the expiry of thirty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified in writing by the Company and in ratifying such contract, the Company may make such alteration or modification therein as it may think fit:

Provided that the Company shall not omit to ratify a contract and shall not make any alteration or modification in a contract,-

(a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Company;

(b) except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

28. Protection of action taken in good faith. (1) No suit, prosecution or other legal proceedings shall lie against the Government or any officer or other employee of the Government or the Company or other person authorised by the Government

or the Company for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against Government or any officer or other employee of the Government the Company or other person authorised by the Government or the Company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done.

29. Penalties.- Any person who,-

(a) having in his possession, custody or control any property forming part of the mills wrongfully withholds such property from the Government or the Company; or

(b) wrongfully obtains possession or retains any property forming part of the mills; or

(c) wilfully withholds or fails to furnish to the Government or the Company to any person or body of persons specified by the Government or the Company, as the case may be, any document or inventory relating to the mills which may be in possession, custody or control; or

(d) fails to deliver to the Government or the Company or any person or body of persons specified by the Government or the Company, as the case may be, any document or inventory relating to the mills lessor or the present management, which may be in his possession, custody or control relating to the mills; or

(e) wrongfully removes or destroys any property forming part of the mills;

(f) prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate;

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

10. Offences by Companies.- (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of the business of the Company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,

(i) "Company" means any body corporate and includes a firm or other association of individuals;

(ii) "director" in relation to a firm, means a partner in the firm.

31. Power to make rules.- (1) The Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all any of the following matters, namely:-

(a) the time within which, and the manner in which an intimation referred to in sub-section (3) of section 5 shall be given;

(b) salary and allowances and conditions of service of the officers and servants of the Company;

(c) the manner in which the money in any provident fund or other fund under section 25 shall be dealt with;

(d) any other matter which is required to be, or may be prescribed.

(3) Every rule made by the Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, and if it is so laid, and if it is in force for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, at the expiry of the session immediately following the session or these successive sessions aforesaid, both Houses are in making any modification in the rule, or both Houses agree that the rule should be made, the rule shall thereafter have effect only in such modified form; and if it is not so modified, it shall have no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

12. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the Government may by order, not inconsistent with the provisions of this Act, remove the difficulties;

provided that no such order shall be made after the expiry of a period of two years from the appointed day.

3. Repeal and savings.- (1) The Karnataka co-operative Textile Mills (Acquisition and Transfer) Ordinance, 1986 (Karnataka Ordinance 11 of 1986) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

SCHEDULE

See sections 18, 20(1) and 21(1)]

(Order of priorities for the discharge of liabilities in relation to the mills.

Category I.- (a) wages, salaries and other dues payable to the employees of the mill.

(b) Deductions made from the salaries and wages of the employees for Provident Fund, Employees State Insurance Contribution, premium relating to Life Insurance Corporation of India or for any other purpose;

(c) Arrears in relation to contributions to be made by the lessor or lessee to the Provident Fund, Employees State Insurance Fund, Life Insurance Corporation Premium and any other arrear under any law for the time being in force (excluding gratuity).

CATEGORY II

Principal amount of secured loans advanced by,-

- (i) Central Government;
- (ii) State Government (including the amount which the Government has the right to recover under section 7);
- (iii) Banks;
- (iv) Public Financial Institutions;
- (v) Others.

CATEGORY III

Principal amount of unsecured loans advanced by,-

- (i) Central Government;
- (ii) State Government (including the amount which the Government has right to recover under Section 7);
- (iii) Banks;
- (iv) Public Financial Institutions.

CATEGORY IV

(a) Any credit availed of by the lessor or lessee in relation to the mills for the purpose of carrying on any trading or manufacturing operations;

(b) Any dues payable to the Karnataka Electricity Board or other Government or Semi-Government Institutions for supply of goods or services;

(c) Arrears of interest on loans and advances or other dues falling under category II or III.

CATEGORY V

(a) Revenue, taxes, cesses, rates or other dues to Central Government, State Government and local authorities.

(b) Any other loans or dues.

The above translation of the

published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

KARNATAKA ACT No.30 OF 1986**THE KARNATAKA CORNEAL GRAFTING
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of the heading and the preamble
3. Amendment of section 1
4. Amendment of section 2
5. Amendment of section 3
6. Insertion of new section 5A
7. Repeal and savings

KARNATAKA ACT No.30 OF 1986.

(First published in the Karnataka Gazette Extraordinary on the First day of October, 1986).

THE KARNATAKA CORNEAL GRAFTING (AMENDMENT) ACT, 1986.

(Received the assent of the Governor on the Twenty-sixth day of September, 1986):

An Act to amend the Karnataka Corneal Grafting Act, 1965.

Whereas it is expedient to amend the Karnataka Corneal Grafting Act, 1965 (Karnataka Act 12 of 1965), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India, as follows:-

1. Short title and commencement.-

(1) This Act may be called the Karnataka Corneal Grafting (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the sixth day of June 1986.

2. Amendment of the heading, and the preamble.- In the Karnataka Corneal Grafting Act, 1965 (Karnataka Act 12 of 1965) (hereinafter referred to as the principal Act),-

(1) for the heading "THE KARNATAKA CORNEAL GRAFTING ACT, 1965", the heading "THE KARNATAKA HUMAN EYES (AUTHORITY FOR USE FOR THERAPEUTIC AND RESEARCH PURPOSES) ACT, 1965" shall be substituted.

(2) in the preamble for the words "surgical purposes", the words "surgical, therapeutic or research purposes" shall be substituted.

3. Amendment of section 1.- In section 1 of the principal Act, for sub-section(1),

the following sub-section shall be substituted, namely:-

"(1) This Act may be called the Karnataka Human Eyes (Authority For Use For Therapeutic and Research Purposes) Act, 1965."

4. Amendment of section 2.-In section 2 of the principal Act,-

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

(a) for the words "two witnesses at any time has expressed a request that his eyes be used for surgical purposes after his death, the party lawfully in possession of his body after his death, may unless it is proved that the request was subsequently withdrawn either in writing or in the presence of the two witnesses", the words "atleast one witness at any time has expressed a request that his eyes be used for surgical, therapeutic or research purposes after his death, the party lawfully in possession of his body after his death, shall, unless he has any reason to believe that the request was subsequently withdrawn either in writing or in the presence of one witness" shall be substituted.

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

"Provided that where the request is expressed or withdrawn in the presence of only one witness, such witness shall be a relative of the deceased."

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

(a) for the words "the party lawfully in possession of the body of a deceased person may", the words "where no such request as is referred to in sub-section (1) was made by any person before his death, the party lawfully in possession of

the body of such deceased person may shall be substituted;

(b) in the explanation, for the words "this clause", the words "this section" shall be substituted.

5. Amendment of section 3.-In section of the principal Act, in sub-section (3) for the words "shall keep it in a thermos flask filled with ice and handover the same to the nearest eye bank of an institution approved by the State Government" the words "shall keep it in such suitable receptacle, as may be prescribed, for preservation and transportation and handover as early as possible to an eye bank or an opthalmic department or eye surgeon" shall be substituted.

6. Insertion of new section.-After section 5 of the principal Act, the following section shall be inserted, namely:-

"**5A. Protection of action taken under the Act in good faith.**- No suit, prosecution or other legal proceedings shall lie against a person lawfully in possession of the body of a deceased person or any officer of the Government or a local authority or any registered medical practitioner in discharging any function under this Act or anything which is in good faith done or intended to be done, in pursuance of this Act or the rules made thereunder."

7. Repeal and savings.- (1) The Karnataka Corneal Grafting (Amendment) Ordinance, 1986 (Karnataka Ordinance 2 of 1986) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act.

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 31

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ (ಎರಡನೇ ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 1986.

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ.

ಪ್ರಕರಣಗಳು :

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ
2. ಪ್ರಕರಣ 2ರ ತಿದ್ದುಪಡಿ
3. ಪ್ರಕರಣ 7ರ ತಿದ್ದುಪಡಿ
4. ಪ್ರಕರಣ 9ರ ತಿದ್ದುಪಡಿ
5. ಪ್ರಕರಣ 10ರ ತಿದ್ದುಪಡಿ
6. ಪ್ರಕರಣ 12ರ ತಿದ್ದುಪಡಿ
7. ಪ್ರಕರಣ 13ರ ತಿದ್ದುಪಡಿ
8. ಪ್ರಕರಣ 14ರ ತಿದ್ದುಪಡಿ
9. ಪ್ರಕರಣ 15ರ ತಿದ್ದುಪಡಿ
10. ಪ್ರಕರಣ 19ರ ತಿದ್ದುಪಡಿ
11. ಪ್ರಕರಣ 20ರ ತಿದ್ದುಪಡಿ
12. ಪ್ರಕರಣ 22ರ ತಿದ್ದುಪಡಿ
13. ಪ್ರಕರಣ 23ರ ತಿದ್ದುಪಡಿ
14. ನಿರಸನ ಮತ್ತು ಉಳಿಸುವಿಕೆಗಳು

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986ರ ಸಂಖ್ಯೆ 31

(1986ರ ಅಕ್ಟೋಬರ್ 1ನೇ ದಿನಾಂಕವಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸತ್ರದ 3 ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ.)

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ (ಎರಡನೇ ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 1986
(1986ರ ಸೆಪ್ಟೆಂಬರ್ 26ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಅನುಮತಿ ಪಡೆಯಲಾಗಿ)

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಅಧಿನಿಯಮ, 1984ನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದು
ಮಾಡಲು ಒಂದು ಅಧಿನಿಯಮ.

ಈ ಮುಂದೆ ಕಾಣಿಸಿರುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ
ನಿಯಮ, 1984 (1985ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 4)ನ್ನು ತಿದ್ದುಪಡಿಮಾ
ವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ :

ಇದು ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೇನೇ ವರ್ಷದಲ್ಲೆ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿ
ಮುಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ :-

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ. — (1) ಈ ಅಧಿನಿಯಮ
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ (ಎರಡನೇ ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 1986 ಎಂದೂ ಕ
ತಕ್ಕುದು.

(2) ಇದು, 1986ರ ಜೂನ್ ಹದಿನಾರನೇ ದಿನಾಂಕದಂದು ಜಾರಿಯಲ್ಲಿ
ರುವುದಾಗಿ ಭಾವಿಸತಕ್ಕುದು.

2. ಪ್ರಕರಣ 2ರ ತಿದ್ದುಪಡಿ. — ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, (ಅಧಿನಿಯ
1984 (1985ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 4) (ಇದರಲ್ಲಿ ಇನ್ನು ಮುಂದೆ ಮೂಲ
ನಿಯಮವೆಂದು ಉಲ್ಲೇಖಿಸುವುದರ 2ನೇ ಪ್ರಕರಣದ ಖಂಡ (1) ರಲ್ಲಿ "ಸಂ
ಕಲ್ಪಿಸುವ" ಎಂಬ ಪದಕ್ಕೆ, "ಸಂಬಂಧಿಸುವ" ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕುದು.

3. ಪ್ರಕರಣ 7ರ ತಿದ್ದುಪಡಿ. — ಮೂಲ ಅಧಿನಿಯಮದ ಪ್ರಕರಣ 7ರಲ್ಲಿ
(1) ಉಪ-ಪ್ರಕರಣ (1) ರಲ್ಲಿ, "ಅಥವಾ ಅಂಥ ಕ್ರಮವು ಒಂದು ದ
ಇಲ್ಲವೇ ಅವಾನನೆಯ ಕಾರಣ ವಸ್ತುವಾಗಬಹುದು ಅಥವಾ ಆಗಿರಬಹುದಾಗಿತ್ತು
ಲೋಕಾಯುಕ್ತನು ಅಭಿಪ್ರಾಯ ಪಡುವ ಯಾವುದೇ ಸಂದರ್ಭದಲ್ಲಿ" ಎಂಬ ಪದಗ
ಲೋಪಿಸತಕ್ಕುದು.

(2) ಉಪ-ಪ್ರಕರಣ (2) ರ ತರುವಾಯ, ಈ ಮುಂದಿನ ಉಪ-ಪ್ರಕರಣ
ಸೇರಿಸತಕ್ಕುದು, ಎಂದರೆ :-

"(2ಎ) ಉಪ-ಪ್ರಕರಣ (1) ಮತ್ತು (2) ರಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಸಾರ್ವಜನಿಕ ನೌಕರನು ಕೈಗೊಂಡ ಅಥವಾ ಅವನ ಸಾಮಾನ್ಯ ಅಥವಾ ವಿಶೇಷ ಅನುಮೋದನೆ ಯೊಂದಿಗೆ ಕೈಗೊಳ್ಳಲಾದ ಯಾವುದೇ ಕ್ರಮವನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು ತನಿಖೆಗಾಗಿ ಕಳುಹಿಸಿದರೆ, ಲೋಕಾಯುಕ್ತ ಅಥವಾ ಲೋಕಾಯುಕ್ತನು ತನಿಖೆ ಮಾಡಬಹುದು."

(3) ಉಪ-ಪ್ರಕರಣ (3) ರಲ್ಲಿ "ಸರ್ಕಾರವು" ಎಂಬ ಪದಕ್ಕೆ, "ಲೋಕಾಯುಕ್ತನು" ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು.

(4) ಉಪ-ಪ್ರಕರಣ (3) ರ ತರುವಾಯ, ಈ ಮುಂದಿನ ಉಪ-ಪ್ರಕರಣವನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ :-

"(4) ಉಪ-ಪ್ರಕರಣ (1) ರಿಂದ (3) ರಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಗೃಹ ಹಾಜರಿ, ಅಸ್ವಸ್ಥತೆ ಅಥವಾ ಇತರ ಯಾವುದೇ ಕಾರಣಗಳಿಂದಾಗಿ ಒಬ್ಬ ಉಪ-ಲೋಕಾಯುಕ್ತನು ತನ್ನ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಅಸಮರ್ಥನಾದಾಗ, ಅವನ ಪ್ರಕಾರ್ಯಗಳನ್ನು ಇತರ ಉಪ-ಲೋಕಾಯುಕ್ತನಿದ್ದರೆ ಅವನು ಮತ್ತು ಇತರ ಉಪ-ಲೋಕಾಯುಕ್ತನು ಇಲ್ಲದಿದ್ದರೆ ಲೋಕಾಯುಕ್ತನು ನಿರ್ವಹಿಸಬಹುದು."

4. ಪ್ರಕರಣ 9ರ ತಿದ್ದುಪಡಿ.—ಮೂಲ ಅಧಿನಿಯಮದ ಪ್ರಕರಣ 9ರಲ್ಲಿ ಉಪ-ಪ್ರಕರಣ (7) ರಲ್ಲಿ, "ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ" ಮತ್ತು "ಯಾವೊಬ್ಬ ಸಾರ್ವಜನಿಕ ನೌಕರನ" ಎಂಬ ಪದಗಳಿಗೆ, ಅನುಕ್ರಮವಾಗಿ, "ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಯಾವೊಬ್ಬ ಸಾರ್ವಜನಿಕ ನೌಕರನ ವಿರುದ್ಧ" ಮತ್ತು "ಯಾವೊಬ್ಬ ಇತರ ಸಾರ್ವಜನಿಕ ನೌಕರನ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು.

5. ಪ್ರಕರಣ 10ರ ತಿದ್ದುಪಡಿ.—ಮೂಲ ಅಧಿನಿಯಮದ ಪ್ರಕರಣ 10ರಲ್ಲಿ ಉಪ-ಪ್ರಕರಣ (1) ರಲ್ಲಿ, ಖಂಡ (ಬಿ) ಯಲ್ಲಿ,—

(1) "ಅವನು ತನಿಖೆ ಇನ್ಸ್ಪೆಕ್ಟರ್ (ಸಾಮಾನ್ಯ) ಅಥವಾ ಫೋಲಿಯೋ ಇನ್ಸ್ಪೆಕ್ಟರ್ ದರ್ಜೆಗೆ ಕಡಿಮೆಯಿಲ್ಲದ ಯಾವೊಬ್ಬ ಫೋಲಿಯೋ ಅಧಿಕಾರಿಯನ್ನು" ಎಂಬ ಪದಗಳು ಮತ್ತು ಅವರೊಂದಿಗೆ, "ಅವನು ಅದಕ್ಕೆ ಸಾಕಾರವಾಗಿ ತನಿಖೆಯನ್ನು ಕೈಗೊಳ್ಳಲು ಅಥವಾ ಶೋಧನೆಯನ್ನು ನಡೆಸಲು ಫೋಲಿಯೋ ಇನ್ಸ್ಪೆಕ್ಟರ್ ದರ್ಜೆಗೆ ಕಡಿಮೆಯಿಲ್ಲದ ಯಾವೊಬ್ಬ ಫೋಲಿಯೋ ಅಧಿಕಾರಿಯನ್ನು ಮತ್ತು ವಿಶೇಷವಾಗಿ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು.

(2) ಉಪಖಂಡ (i) ರ ತರುವಾಯ, ಈ ಮುಂದಿನವುಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ :-

"(ಇ) ಶೋಧನೆಯನ್ನು ನಡೆಸಬೇಕಾದ ಯಾವುದೇ ವಸ್ತುವನ್ನು ತನ್ನಲ್ಲಿ ಬಟ್ಟಿ ಕೊಂಡಿದ್ದಾನೆಂದು ಸಕಾರಣವಾಗಿ ಸಂದೇಹಕ್ಕೊಳಗಾಗುವ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯನ್ನು ಶೋಧಿಸಲು."

6. ಪ್ರಕರಣ 12ರ ತಿದ್ದುಪಡಿ.—ಮೂಲ ಅಧಿನಿಯಮದ 12ನೇ ಪ್ರಕರಣದಲ್ಲಿ (1) ಉಪ-ಪ್ರಕರಣ (1) ರಲ್ಲಿ, "ಯಾವ ಕ್ರಮದ ಸಂಬಂಧದಲ್ಲಿ" ಮತ್ತು "ಫಿಯರ್ಸಾದನ ಕೊಡಲಾಗಿದೆಯೋ, ಆ" ಎಂಬ ಪದಗಳನ್ನು ಲೋಪಿಸತಕ್ಕದ್ದು.

(2) ಉಪಪ್ರಕರಣ (3) ರಲ್ಲಿ,—

(i) "ಯಾವ ಕ್ರಮದ ಬಗ್ಗೆ" ಮತ್ತು "ಫಿಯರ್ಸಾದನನ್ನು ಕೊಡಲಾಗಿದೆಯೋ ಆ ಎಂಬ ಪದಗಳನ್ನು ಲೋಪಿಸತಕ್ಕದ್ದು; ಮತ್ತು

(ii) "ಸಮರ್ಥಿಸಬಹುದೆಂದು" ಎಂಬ ಪದಗಳಿಗೆ, "ಸಮರ್ಥಿಸಲಾಗಿದೆಯೆಂದೂ ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು.

(3) ಉಪಪ್ರಕರಣ (6) ರಲ್ಲಿ, "ಒಪ್ಪಿಸತಕ್ಕದ್ದು" ಎಂಬ ಪದಕ್ಕೆ, "ಪ್ರಕೃತಿಯೊಬ್ಬ ರಾಗಿ ಒಪ್ಪಿಸತಕ್ಕದ್ದು" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು.

7. ಪ್ರಕರಣ 13ರ ತಿದ್ದುಪಡಿ.—ಮೂಲ ಅಧಿನಿಯಮದ ಪ್ರಕರಣ 13ರಲ್ಲಿ

(1) ಉಪಪ್ರಕರಣ (1) ರಲ್ಲಿ,—

(i) "ಸಮರ್ಥಿಸಬಹುದೆಂದು" ಎಂಬ ಪದಕ್ಕೆ, "ಸಮರ್ಥಿಸಲಾಗಿದೆಯೆಂದೂ" ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು ;

(ii) "ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯು, ಘೋಷಣೆಯನ್ನು ಅಂಗೀಕರಿಸಬಹುದು ಅಥವಾ ತಿರಸ್ಕರಿಸಬಹುದು" ಎಂಬ ಪದಗಳಿಗೆ, "ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ರಾಜ್ಯಪಾಲ, ರಾಜ್ಯ ಸರ್ಕಾರ ಅಥವಾ ಮುಖ್ಯಮಂತ್ರಿಗಳಿದ್ದಲ್ಲಿ, ಅದು ಘೋಷಣೆಯನ್ನು ಅಂಗೀಕರಿಸಬಹುದು ಅಥವಾ ತಿರಸ್ಕರಿಸಬಹುದು. ಇತರ ಸಂದರ್ಭಗಳಲ್ಲಿ, ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಅಂಥ ವರದಿಯ ಒಂದು ಪ್ರತಿಯನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಕಳುಹಿಸತಕ್ಕದ್ದು ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರ ಆ ಘೋಷಣೆಯನ್ನು ಅಂಗೀಕರಿಸಬಹುದು ಅಥವಾ ತಿರಸ್ಕರಿಸಬಹುದು" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು ;

(iii) "ಸದರಿ (3) ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗಿನ ವರದಿಯನ್ನು" ಎಂಬ ಪದಗಳಿಗೆ "ಸಂದರ್ಭಾನುಸಾರ, ಸದರಿ (3)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗಿನ ವರದಿ ಅಥವಾ ವರದಿಯ ಒಂದು ಪ್ರತಿಯನ್ನು" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು ;

(iv) "ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯು" ಎಂಬ ಪದಗಳನ್ನು ಲೋಪಿಸತಕ್ಕದ್ದು.

(2) ಉಪಪ್ರಕರಣ (2) ರಲ್ಲಿ,—

(i) "ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಅಂಗೀಕರಿಸಿದರೆ" ಎಂಬ ಪದಗಳಿಗೆ, "ಅಂಗೀಕರಿಸಿದರೆ" ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು ;

(ii) "ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಸಾರ್ವಜನಿಕ ನೌಕರನಿಗೆ ತಿಳಿಸತಕ್ಕದ್ದು ಮತ್ತು" ಎಂಬ ಪದಗಳಿಗೆ, "ರಾಜ್ಯಪಾಲ, ರಾಜ್ಯ ಸರ್ಕಾರ ಅಥವಾ ಮುಖ್ಯಮಂತ್ರಿ ಅವರಲ್ಲಿ ಯಾರಾದರೂ ಒಬ್ಬರು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯಾಗಿದ್ದರೆ, ಅವರು ಮತ್ತು ಇತರ ಸಂದರ್ಭಗಳಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ನೋಂದಾಯಿತ ಅಂತೆಯೆ ಮೂಲಕ ಕೂಡಲೇ ತಿಳಿಸತಕ್ಕದ್ದು" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು ;

(iii) "ಅಂಥ ವಜಾಹಿತಿ ತಲುಪಿದ ದಿನಾಂಕದಿಂದ" ಎಂಬ ಪದಗಳಿಗೆ, "ಅಂಥ ವಜಾಹಿತಿ ತಲುಪಿದ ದಿನಾಂಕದಿಂದ ಅಥವಾ ಅದಕ್ಕೆ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು ;

(iv) ಬಾಬು (ii) ಕ್ಕೆ ಈ ಮುಂದಿನ ಬಾಬನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು, ಎಂದರೆ :-

"(ii) ಪ್ರಕರಣ 2ರ ಖಂಡ (12)ರ ಬಾಬುಗಳಾದ (೧) ಮತ್ತು (ಎಫ್)ಗಳಲ್ಲಿ ಬರುವ, ಅದರ ಬಾಬುಗಳಾದ (ಡಿ) ಮತ್ತು (ಜಿ) ಯೊಳಗೆ ಬರುವ ಒಬ್ಬ ಸಾರ್ವಜನಿಕ ನೌಕರನು ತನ್ನ ಸ್ಥಾನವನ್ನು ರಿಕ್ರೆಟಿಂಗ್‌ಗೊಳಿಸುವುದಾಗಿ ಭಾವಿಸತಕ್ಕದ್ದು ; ಮತ್ತು"

(v) ಬಾಬು (iii) ರಲ್ಲಿ "ಸರ್ಕಾರಿ ನೌಕರನಾಗಿದ್ದರೆ" ಎಂಬ ಪದಗಳಿಗೆ, "ಪ್ರಕರಣ 2ರ ಖಂಡ (12)ರ ಬಾಬುಗಳಾದ (ಡಿ) ಮತ್ತು (ಜಿ) ಗಳ ಅಡಿಯಲ್ಲಿ ಬರುವ ಸಾರ್ವಜನಿಕ ನೌಕರನಾಗಿದ್ದರೆ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು ;

(vi) ಪರಂತುಕದಲ್ಲಿರುವ, "ಸರ್ಕಾರಿ ನೌಕರನು" ಎಂಬ ಪದಕ್ಕೆ, "ಸಾರ್ವಜನಿಕ ನೌಕರನು" ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು.

8. ಪ್ರಕರಣ 14ರ ತಿದ್ದುಪಡಿ.—ಮೂಲ ಅಧಿನಿಯಮದ ಪ್ರಕರಣ 14ರಲ್ಲಿ, "ಮತ್ತು ಅಂಥ ಅವಲಾಧಕ್ಕಾಗಿ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅವರ ವಿರುದ್ಧ ಅಭಿಯೋಜನೆಯನ್ನು ಹೂಡತಕ್ಕದ್ದೆಂದು" ಎಂಬ ಪದಗಳಿಗೆ, "ಮತ್ತು ಅಂಥ ಅವಲಾಧಕ್ಕಾಗಿ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಭಿಯೋಜನೆಯನ್ನು ಹೂಡತಕ್ಕದ್ದೆಂದು" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು.

9. ಪ್ರಕರಣ 15ರ ತಿದ್ದುಪಡಿ.—ಮೂಲ ಅಧಿನಿಯಮದ ಪ್ರಕರಣ 15ರಲ್ಲಿ,—

(1) ಉಪ ಪ್ರಕರಣ (1) ಕ್ಕೆ, ಈ ಮುಂದಿನ ಉಪ ಪ್ರಕರಣವನ್ನು ಪ್ರತಿಷ್ಠಾಪಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅದು ಯಾವಾಗಲೂ ಪ್ರತಿಷ್ಠಾಪಿತವಾಗಿರುವುದಾಗಿ ಭಾವಿಸತಕ್ಕದ್ದು, ಹೀದರೆ:—

"(1) ಲೋಕಾಯುಕ್ತ ಮತ್ತು ಉಪಲೋಕಾಯುಕ್ತ ಅಥವಾ ಉಪಲೋಕಾಯುಕ್ತರು ಈ ಅಧಿನಿಯಮದ ಮೇರಿಗಿನ ತಮ್ಮ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸುವಲ್ಲಿ ಅವ

ರಿಗೆ ವೆರವಾಗಲಾ ನಿಯಮಿಸುತುದಾದಂಥ ಅಧಿಕಾರಿಗಳಾ ಮತ್ತು ನೌಕರರು ಇತರತಕ್ಕುದು.

(2) ಉಪಪ್ರಕರಣ (2)ರಲ್ಲಿ, "ಲೋಕಾಯುಕ್ತ ಅಥವಾ ಉಪಲೋಕಾರಯುಕ್ತರು ಅಥವಾ ಉಪ" ಎಂಬ ಪದಗಳನ್ನು ಲೋಪಿಸತಕ್ಕುದು ಮತ್ತು, ಯಾವಾಗಲೂ ಲೋಕಾಯುಕ್ತರಾಗಿದೆಯೆಂದು ಭಾವಿಸತಕ್ಕುದು.

(3) ಉಪಪ್ರಕರಣ (3) ರಲ್ಲಿ, ಖಂಡ (ಎ) ಗೆ, ಈ ಮುಂದಿನ ಖಂಡಗಳನ್ನು ಪ್ರಾಪ್ತಪಿಸತಕ್ಕುದು, ಎಂದರೆ,—

"(ಎ) ರಾಜ್ಯ ಸರ್ಕಾರದ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ತನಿಖಾ ಎಜೆನ್ಸಿಯ ಸೇವೆಯನ್ನು :

(ಎಎ) ಕ್ಷೇತ್ರ ಸರ್ಕಾರದ ಪೂರ್ವ ಸಹಮತಿಯನ್ನು ಪಡೆದು ಆ ಸರ್ಕಾರದ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ತನಿಖಾ ಎಜೆನ್ಸಿಯ ಸೇವೆಯನ್ನು ; ಅಥವಾ"

(4) ಉಪಪ್ರಕರಣ (3)ರ ತರುವಾಯ, ಈ ಮುಂದಿನ ಉಪ-ಪ್ರಕರಣವನ್ನು ಸೇರಿಸತಕ್ಕುದು ಮತ್ತು ಯಾವಾಗಲೂ ಸೇರಿಸಿರುವುದಾಗಿ ಭಾವಿಸತಕ್ಕುದು, ಎಂದರೆ :—

"(4) ಉಪ-ಪ್ರಕರಣ (1) ರಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾಗಿರುವ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಇತರ ನೌಕರರು ಲೋಕಾಯುಕ್ತನ ಆಡಳಿತಾತ್ಮಕ ಮತ್ತು ಶಿಸ್ತು ಪಾಲನೆಯು ನಿಯಂತ್ರಣದಡಿಯಲ್ಲಿರತಕ್ಕುದು :

ವರಂತಾ, ಲೋಕಾಯುಕ್ತನು ಗೃಹ ಹಾಜರಿ, ಅಸ್ವಸ್ಥತೆ ಅಥವಾ ಯಾವುದೇ ಇತರ ಕಾರಣಗಳಿಂದ ತನ್ನ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಅಸಮರ್ಥನಾದರೆ ಉಪಲೋಕಾಯುಕ್ತನು ಅಥವಾ ಒಬ್ಬನಿಂತ ಹೆಚ್ಚು ಉಪ-ಲೋಕಾರಯುಕ್ತರಿದ್ದರೆ ಅವರ ಪೈಕಿ ಜ್ಯೇಷ್ಠ ಉಪ-ಲೋಕಾಯುಕ್ತನು ಈ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಲೋಕಾಯುಕ್ತನ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಬಹುದು."

10. ಪ್ರಕರಣ 19ರ ತಿದ್ದುಪಡಿ.—ಮೂಲ ಅಧಿನಿಯಮದ ಪ್ರಕರಣ 19ರಲ್ಲಿ.—

(1) ಉಪಪ್ರಕರಣ (1)ರಲ್ಲಿ, "ಇತರೆ" ಎಂಬ ಪದಕ್ಕೆ, "ಪ್ರಕರಣ 21(6)ರ ಉಪಪ್ರಕರಣ (3)ರ ಮೇರೆಗೆ ಮರ್ಗಾಯಿಸಲಾದ ಅಥವಾ ಇತರೆ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರಾಪ್ತಪಿಸತಕ್ಕುದು.

(2) ಉಪ-ಪ್ರಕರಣ (2)ರಲ್ಲಿ, "ಫರ್ಯಾದಿನ ಮೇಲೆ" ಎಂಬ ಪದಗಳಿಗೆ, "ಒಂದು ಫರ್ಯಾದಿನ ಮೇಲೆ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರಾಪ್ತಪಿಸತಕ್ಕುದು.

11. ಪ್ರಕರಣ 20ರ ತಿದ್ದುಪಡಿ.—ಮೂಲ ಅಧಿನಿಯಮದ ಪ್ರಕರಣ 20ರಲ್ಲಿ

(1) ಉಪ-ಪ್ರಕರಣ (2)ರ ತರುವಾಯ, ಈ ಮುಂದಿನ ಉಪ-ಪ್ರಕರಣವನ್ನು ಸೇರಿಸತಕ್ಕುದು, ಎಂದರೆ :—

"(2ಎ) ಯಾವ ವ್ಯಕ್ತಿಯ ವಿರುದ್ಧ ಸುಳ್ಳು, ಕ್ಷುಲ್ಲಕ ಅಥವಾ ಕಿರುಕುಳಕಾರಿಯಾದ ಫಿರ್ಯಾದನ್ನು ಮಾಡಲಾಗಿದೆಯೋ ಆ ವ್ಯಕ್ತಿಯು, ಸಂವರ್ಧಾನಾಸಾರ, ಲೋಕಾಯುಕ್ತ ಅಥವಾ ಉಪರೋಕಾಯುಕ್ತನ ಪೂರ್ವ ಮಂಜೂರಾತಿಯನ್ನು ಪಡೆದು ನೀಡಿದ ಫಿರ್ಯಾದಿನ ಹೊರತು, ಯಾವುದೇ ಅಂಥ ನ್ಯಾಯಾಲಯವು ಉಪ-ಪ್ರಕರಣ (1)ರ ಮೇರೆಗಿನ ಪರಾಧದ ಸಜ್ಜಾನವನ್ನು ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದ್ದಲ್ಲ."

12. ಪ್ರಕರಣ 22ರ ತಿದ್ದುಪಡಿ.—ಮೂಲ ಅಧಿನಿಯಮದ ಪ್ರಕರಣ 22ರಲ್ಲಿ,—

(1) ಉಪ-ಪ್ರಕರಣ (1)ರಲ್ಲಿ, "ತನ್ನ ಹಾಗೂ" ಎಂಬ ಪದಗಳಿಗೆ, "ತನ್ನ ಆಸ್ತಿಗಳ ಮತ್ತು ಹೊಣೆಗಾರಿಕೆಗಳ ಹಾಗೂ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು.

(2) ಉಪ-ಪ್ರಕರಣ (2) ರಲ್ಲಿ, "ತನ್ನ ಆಸ್ತಿಗಳ ಮತ್ತು ಹೊಣೆಗಾರಿಕೆಗಳ ಹೊಣೆಯನ್ನು ಸಲ್ಲಿಸದಿದ್ದರೆ, ಲೋಕಾಯುಕ್ತನು ಅಂಥ ಸಾರ್ವಜನಿಕ ನೌಕರರ" ಎಂಬ ಪದಗಳಿಗೆ, "ತನ್ನ ಆಸ್ತಿಗಳ ಮತ್ತು ಹೊಣೆಗಾರಿಕೆಗಳ ಅಂಥ ಹೇಳಿಕೆಗಳನ್ನು ಸಲ್ಲಿಸದಿದ್ದರೆ, ಲೋಕಾಯುಕ್ತನು ಅಂಥ ಸಾರ್ವಜನಿಕ ನೌಕರನ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು.

(3) ಕವ್ವಣಿಯಲ್ಲಿ "ಟಿಪ್ಪಣಿ" ಎಂಬ ಪದಕ್ಕೆ, "ವಿವರಣೆ" ಎಂಬ ಪದವನ್ನು ಪ್ರತಿಪಿಸತಕ್ಕದ್ದು ಮತ್ತು "ಆಶ್ರಿತ ಮಕ್ಕಳು ಮತ್ತು ಸಾರ್ವಜನಿಕ ನೌಕರನ ತಂದೆ ತಾಯಿಯಾದ" ಎಂಬ ಪದಗಳಿಗೆ, "ಸಾರ್ವಜನಿಕ ನೌಕರನ ಮೇಲೆ ಅವನ ಎಂಥ ಮಕ್ಕಳು ಮತ್ತು ತಂದೆ ತಾಯಿಯರು ಆಶ್ರಿತರಾಗಿರುವರೋ ಅಂಥವರು" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು.

13. ಪ್ರಕರಣ 23ರ ತಿದ್ದುಪಡಿ.—ಮೂಲ ಅಧಿನಿಯಮದ ಪ್ರಕರಣ 23ರ ಉಪ-ಪ್ರಕರಣ(2) ರಲ್ಲಿ,—

(1) ಐದ (ಏ)ಯಲ್ಲಿ, "ಫಿರ್ಯಾದುಗಳನ್ನು" ಎಂಬ ಪದಕ್ಕೆ, "ಒಂದು ಫಿರ್ಯಾದನ್ನು" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು.

(2) ಐದ (ಎಫ್)ನಲ್ಲಿ, "19ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಸರ್ಕಾರಿ ನೌಕರನ ವಿರುದ್ಧ ತನಿಖೆಗಳು" ಎಂಬ ಪದಗಳಿಗೆ, "ಪ್ರಕರಣ 19ರ ಮೇರೆಗೆ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ತನಿಖೆಗಳು" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು.

(3) ಐದ (ಜಿ)ನಲ್ಲಿ, "ಅಥವಾ ಅಗತ್ಯವಿದೆಯೋ" ಎಂಬ ಪದಗಳಿಗೆ, "ಅಥವಾ ಅಗತ್ಯವಿವೆಯೋ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಸ್ಥಾಪಿಸತಕ್ಕದ್ದು.

14. ನಿರಸನ ಮತ್ತು ಉಳಿಸುವಿಕೆಗಳು.—(1) ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತರಡನೇ ತಿದ್ದುಪಡಿ) ಆಧ್ಯಾದೇಶ, 1986 (1986ರ ಕರ್ನಾಟಕ ಅಧ್ಯಾದೇಶ ಸಂಖ್ಯೆ 1986) ಈ ಮೂಲಕ ನಿರಸನಗೊಳಿಸಲಾಗಿದೆ.

(2) ಅಂಥ ನಿರಸನದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಸದರಿ ಅಭ್ಯಾಸದಿಂದ ಮೂಲಕ ಪಡಿಯಾದಂತೆ ಮೂಲ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ವಸಾಹತಾದ ಅಥವಾ ಕ್ರಿಗೋಳ ಯಾವುದೇ ಕೃತ್ಯವನ್ನು, ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ತಿದ್ದು ಪಡಿಸಬಹುದಂತೆ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾಗಿದೆಯೆಂದು ಅಥವಾ ಕ್ರಿಗೋಳ ಲಾಗಿರುವೆಯೆಂದು ತಕ್ಕುದು.

KARNATAKA ACT NO.31 OF 1986

THE KARNATAKA LOKAYUKTA (SECOND
AMENDMENT) ACT, 1986

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 7
4. Amendment of section 9
5. Amendment of section 10
6. Amendment of section 12
7. Amendment of section 13
8. Amendment of section 14
9. Amendment of section 15
10. Amendment of section 19
11. Amendment of section 20
12. Amendment of section 22
13. Amendment of section 23
14. Repeal and savings

KARNATAKA ACT No.31 OF 1986
 (First published in the Karnataka GGazet Extraordinary on the First day of (October 1986).

THE KARNATAKA LOKAYUKTA (SECOND AMENDMENT) ACT, 1986.
 (Received the assent of the Governor on the Twenty-sixth day of September, 1986)

An Act further to amend the Karnataka Lokayukta Act, 1984.

Whereas it is expedient further to amend the Karnataka Lokayukta Act, 1984 (Karnataka Act No.4 of 1985) for the purposes hereinafter appearing;

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

1. Short title and commencement

(1) This Act may be called the Karnataka Lokayukta (Second Amendment) Act 1986.

(2) It shall be deemed to have come into force on the Sixteenth day of June 1986.

2. Amendment of section 2.-In section 2 of the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985) (hereinafter referred to as the principal Act), in clause (1), for the word "connecting", the word "relating to" shall be substituted.

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

(1) in sub-section (1), the words "where such action can be or could have been, in the opinion of the Lokayukta, the subject of a grievance or an allegation" shall be omitted.

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

"(2A) Notwithstanding anything contained in sub-sections (1) and (2), the Lokayukta or an Upalokayukta may investigate any action taken by or with the general or specific approval of a public servant, if it is referred to him by the State Government.";

(3) in sub-section (3), for the word "Government", the word "Lokayukta" shall be substituted;

(4) after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) Notwithstanding anything contained in sub-sections (1) to (3), when an Upalokayukta is unable to discharge his functions owing to absence, illness or any other cause, his function may be discharged by the other Upalokayukta, if any and if there is no other Upalokayukta by the Lokayukta.".

4. Amendment of section 9.- In section 9 of the principal Act, in sub-section (7), for the words "under this Act", and "any public servant", the words "under this Act against a public servant" and "any other public servant" shall respectively be substituted.

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

(1) for the words and brackets, "Inspector of Investigation (General) or Inspector of Police to", the words, "Inspector of Police to conduct a search or carry out an inspection in accordance therewith and in particular to" shall be substituted;

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

"(ia) search any person who is reasonably suspected of concealing about his person any article for which search should be made".

6. Amendment of section 12.- In section 12 of the principal Act,-

(1) in sub-section (1), the words "in respect of which a complaint" shall be omitted;

(2) in sub-section (3),-

(i) the words "in respect of which a complaint" shall be omitted; and

(ii) for the words "can be substantiated", the words "is substantiated" shall be substituted;

(3) in sub-section (6), for the words "shall present", the words "shall each present" shall be substituted.

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

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

(i) for the words "can be substantiated" the words, "is substantiated" shall be substituted;

(ii) for the words "The competent authority may, either accept the declaration or reject it", the words "where the competent authority is the Governor, State Government or the Chief Minister, it may either accept or reject the declaration. In other cases, the competent authority shall send a copy of such report to the State Government which may either accept or reject the declaration", shall be substituted;

(iii) for the words, brackets and figures "under the said sub-section ((3)",

the words "or the copy of the report, as the case may be" shall be substituted;

(iv) the words "by the competent authority" shall be omitted.

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

(i) for the words "accepted by the competent authority", the words "accepted" shall be substituted;

(ii) for the words "shall be intimated to the public servant by the competent authority and", the words "shall, immediately be intimated by registered post by the Governor, the State Government or the Chief Minister if any of them is the competent authority and the State Government in other cases" shall be substituted;

(iii) for the words "date of such acceptance or", the words "date of intimation of such acceptance or of" shall be substituted;

(iv) for item (ii), the following item shall be substituted, namely:-

"(ii) if a public servant falling under items (e) and (f), but not falling under items (d) and (g) of clause (12) of section 2, be deemed to have vacated his office; and"

(v) in item (iii), for the words "if any official" the letter brackets and figures "if a public servant falling under items (d) and (g) of clause (12) of section 2", shall be substituted.

(vi) in the proviso, for the word "official" the word "public servant" shall be substituted.

8. Amendment of section 14.- In section 14 of the principal Act, for the words "and that he should be prosecuted" the words "and should be prosecuted" shall be substituted.

9. Amendment of section 15.- In section 15 of the principal Act,-

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

"(1) There shall be such officers and employees as may be prescribed to assist the Lokayukta and the Upalokayukta or the Upalokayuktas in the discharge of their functions under this Act";

(2) in sub-section (2), the words "(or an Upalokayukta or Upalokayuktas as the case may be" shall be and shall be deemed always to have been omitted;

(3) in sub-section (3), for clause (a), the following clauses shall be substituted, namely:-

"(a) any officer or investigating agency of the State Government; or

(aa) any officer or investigating agency of the Central Government with the prior concurrence of that Government; or";

(4) after sub-section (3), the following sub-section shall be and shall be deemed always to have been inserted, namely:-

"(4) The officers and other employees referred to in sub-section (1) shall be under the administrative and disciplinary control of the Lokayukta:

Provided that when Lokayukta is unable to discharge his functions owing to absence, illness or any other cause, the Upalokayukta or if there are more than one Upalokayukta, the senior among them may discharge the functions of the Lokayukta under this sub-section".

10. Amendment of section 19.- In section 19 of the principal Act,-

(1) in sub-section (1), for the words "other proceedings commenced" the words brackets and figures "other proceedings transferred under sub-section (3) of section 26 commenced" shall be substituted;

(2) in sub-section (2), for the words "made on the complaint" the words "made on a complaint" shall be substituted.

11. Amendment of section 20.- In section 20 of the principal Act,-

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

"(2A) No such court shall take cognizance of an offence under sub-section (1) except on a complaint made by a person against whom false and frivolous or vexatious complaint was made after obtaining the previous sanction of the Lokayukta as the case may be".

12. Amendment of section 22.- In section 22 of the principal Act,-

(1) in sub-section (1), for the words "that of the" the words, "those of the" shall be substituted;

(2) in sub-section (2), for the words "submit the statement of his assets and liabilities, he shall publish or cause to be published the names of such public servants", the words "submit such statement, the Lokayukta, shall publish or cause to be published the name of such public servant" shall be substituted;

(3) in the Note, for the word "Note" the word "Explanation" shall be substituted, and for the words "dependent children and parents of the public servant" the words "such children and parents of the public servant as are dependent on him" shall be substituted.

13. Amendment of section 23.- In subsection (2) of section 23 of the principal Act,-

(1) in clause (c), for the words "the complaint" the words "a complaint" shall be substituted;

(2) in clause (f), for the words "Government servant" the words "Government servants" shall be substituted;

(3) in clause (g), for the words "or necessary" the words "or are necessary" shall be substituted.

14. Repeal and savings.- (1) The Karnataka Lokayukta (Second Amendment) Ordinance 1986 (Karnataka Ordinance 8 of 1986) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

KARNATAKA ACT No.32 OF 1986**THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1986.****Arrangement of Sections****Sections:**

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 9
4. Amendment of section 11
5. Amendment of section 13A
6. Amendment of section 17
7. Amendment of section 62
8. Amendment of section 150
9. Amendment of section 183
10. Insertion of new sections 288A, 288B,
288C and 288D
11. Amendment of section 301
12. Amendment of section 302
13. Amendment of section 310
14. Amendment of section 443
15. Amendment of section 445
16. Amendment of section 482
17. Amendment of section 483
18. Amendment of section 500
19. Amendment of section 501
20. Repeal and savings

KARNATAKA ACT No. 32 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Seventh day of October, 1986).

**THE KARNATAKA MUNICIPAL CORPORATIONS
(SECOND AMENDMENT) ACT, 1986.**

(Received the assent of the Governor on the Sixth day of October, 1986).

An Act further to amend the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

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

1. Short title and commencement.

(1) This Act may be called the Karnataka Municipal Corporations (Second Amendment) Act, 1986.

(2) Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 shall be deemed to have come into force on the seventeenth day of June, 1986 and the remaining sections shall come into force at once.

2. Amendment of section 2.-In section of the Karnataka Municipal Corporation Act, 1976, (Karnataka Act 14 of 1977) (hereinafter referred to as the principal Act), in clause (18), for the words "taluk development board", the words "Zilla Parishad" and for the words "Village or town panchayat", the words "Mandal Panchayat" shall be substituted.

3. Amendment of section 9.-In section of the principal Act, after the words "part or whole of the city", the words

"and a nominated member of the State Legislative Assembly if he is ordinarily a resident of the city" shall be inserted.

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

(1) in sub-section (1), for the words, "of the corporation", the words, "in the case of corporations other than the Corporation of the City of Bangalore", shall be substituted;

(2) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) There shall be the following standing committees for the Corporation of the City of Bangalore:

- (a) the standing committee for taxation and finance;
- (b) the standing committee for public health;
- (c) the standing committee for works;
- (d) the standing committee for education;
- (e) the standing committee for town planning and improvement; and
- (f) the standing committee for accounts."

5. Amendment of section 13A.- In section 13A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) In addition to the standing committees specified in section 11, there shall be a Social Justice Committee of the corporation consisting of the Mayor and six other members elected by the councillors belonging to the Scheduled Caste and Scheduled Tribes and the women councillors from among themselves in accordance with

the system of proportional representation by means of the single transferable vote."

6. Amendment of section 17.- In section 17 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The corporation shall place at the disposal of the Mayor annually by way of sumptuary allowance such sum not exceeding the limit as may be prescribed:

Provided that the limit so prescribed shall not be more than rupees twenty-five thousand and different limits may be prescribed for different corporations.

7. Amendment of section 62.- In section 62 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:-

"(5A) Notwithstanding anything contained in the foregoing sub-sections, the functions, powers and duties of each standing committee of the Corporation of the City of Bangalore shall be such, as may be prescribed by regulations. The Corporation may by regulation also provide for a conference of two or more standing committees or for the appointment, out of such committees, of a Joint Committee for any purpose in respect of which they may be jointly interested."

8. Amendment of section 150.-In section 150 of the principal Act, in sub-section (2), after the words, "who shall" the words, "subject to the supervision and control of the Controller of State Accounts" shall be inserted.

9. Amendment of section 183.-In section 183 of the principal Act, in sub-section

(1). for the words, "five thousand" the words, "ten thousand" shall be substituted.

10. Insertion of new sections 288A, 288B, 288C and 288D.- After section 288 of the principal Act, the following sections shall be inserted, namely:-

"288A. Prohibition of structures or fixtures which cause obstruction in public streets.- No person shall except with the written permission of the Commissioner under section 288 erect or set up any wall fence, rail, post, step, booth or other structures or fixtures in or upon any public street or upon or over any open channel, well or tank in any street so as to form an obstruction to, or an encroachment upon or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

288B. Prohibition of deposits etc. of things in public street.- No person shall except with the written permission of the Commissioner place or deposit upon any public street or upon any open channel, drain or well in any street or in any public place, any stall, chair, bench, box, ladder, bale or other things so as to form an obstruction thereto or encroachment thereto.

288C. Licence for sale in public places.- Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever whether it be for human consumption or not.

288D. Commissioner may without notice remove encroachment.- Notwithstanding anything contained in this Act, the Commi-

ssioner may, without notice, cause to be removed:-

(a) any wall, fence, rail, step, booth or other structure or fixture which is erected or set up in contravention of the provisions of section 288A;

(b) any stall, chair, bench, box, ladder, bale, or any other thing whatsoever, placed or deposited in contravention of section 288B;

(c) any article, whatsoever, hawked or exposed for sale in any public place or in any public street in contravention of section 288C and any vehicle, package, box, board, shelf or any other thing in or on which such article is placed, or kept for the purpose of sale."

11. Amendment of section 301.- Section 301 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

"(2) If the Commissioner has not within the said period of thirty days passed any order, the applicant may address a letter to the Commissioner by name, requesting him to pass necessary orders on his application, and the Commissioner shall, within a further period of 30 days from the date of receipt of such letter, by written order, either grant such permission or refuse, on one or more of the grounds mentioned in section 303 or section 304, to grant it."

12. Amendment of section 302.- In section 302 of the principal Act, in sub-section (1), for the words and figures, "section 301", the words, figures and brackets, "sub-section (2) of section 301", shall be substituted.

13. Amendment of section 310.- In section 310 of the principal Act,-

(1) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) Notwithstanding anything contained in sub-section (1), where permission is granted to any person for erection of a building having more than one floor, such person shall, within one month after completion of execution of any of the floors of such building, deliver or send or cause to be delivered or sent to the Commissioner at his office, a notice in writing of such completion accompanied by a certificate in the form prescribed in the bye-laws, signed and subscribed in the manner prescribed and shall give to the Commissioner all necessary facilities for inspection of such floor of the building and may apply for permission to occupy such floor of the building.";

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

(i) after the words, "any such building", the words, "or part of the building" shall be inserted;

(ii) in clause (b), for the words, "twenty one", the words "thirty" shall be substituted.

14. Amendment of section 443.- In section 443 of the principal Act, in sub-section (4), for the words, "Subject to the special provisions in chapters XV and XVII regarding buildings and private markets and subject to such sanction as may be required for the refusal of a licence or permission", the words, "Notwithstanding anything contained in this Act" shall be substituted.

15. Amendment of section 445.- In section 445 of the principal Act, for the

words, "thirty days" in the two places where they occur, the words, "sixty days" shall be substituted.

16. Amendment of section 482.- In section 482 of the principal Act,-

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

(a) the words, "for damage or compensation" shall be omitted;

(b) for the words, "one month", the words, "sixty days" shall be substituted;

(2) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) A suit to obtain an urgent or immediate relief against the corporation or any municipal authority, corporation officer or servant in respect of any act done or purporting to be done by such officer or servant in his official capacity, may be instituted with the leave of the court, without serving any notice as required by sub-section (1), but the court shall not grant relief in the suit, whether interim or otherwise except after giving to the corporation officer or servant, as the case may be, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit:

Provided that the court shall, if it is satisfied after hearing the parties that no urgent or immediate relief need be granted in the suit, return the plaint, for presentation to it after complying with the requirements of sub-section (1).";

(3) sub-section (3) shall be omitted.

17. Amendment of section 483.- In section 483 of the principal Act,-

(i) in clause (g), the words, "with the approval of the corporation" shall be omitted; and

(ii) to clause (g), the following pro-

viso shall be inserted at the end, namely:-

"Provided that he shall, within fifteen days from the date of taking action under this clause report to the corporation with regard to such action;"

18. Amendment of section 500.- In section 500 of the principal Act,-

(1) in the heading, for the words, "panchayat area" the word, "mandal" shall be substituted;

(2) in the first paragraph, for the word "panchayat", the word, "mandal" and for the words and figure, "Karnataka Village Panchayats and Local Boards Act, 1959", in the two places where they occur, the words and figures, "Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983", shall be substituted;

(3) in clause (a), for the words, "the panchayat of such local area," the words, "the Mandal Panchayat of such local area", and for the words, "Taluk Development Board of the Taluka"; the words, "Zilla Parishad" shall be substituted;

(4) in clause (b), for the words, "panchayat fund" the words, "Mandal Panchayat Fund" shall be substituted;

(5) in clauses (c) and (d), for the words and figures, "Karnataka Village Panchayats and Local Boards Act, 1959", the words and figures, "Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983" shall be substituted.

19. Amendment of section 501.- In section 501 of the principal Act,-

(1) in the heading, for the words, "Panchayat area" the word, "mandal", shall be substituted;

(2) in the first paragraph, for the word, "Panchayat", the word, "mandal" and for the words and figures, "Karnataka Village Panchayats and Local Boards Act, 1959", the words and figures, "Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983" shall be substituted;

(3) in clause (a) for the words "Panchayat Fund", the words, "Mandal Panchayat Fund" and for the word "panchayat", the words, "Mandal Panchayat" shall be substituted.

(4) in clauses (b) and (c), for the word, "panchayat" the words, "Mandal Panchayat" shall be substituted.

20. Repeal and savings.- (1) The Karnataka Municipal Corporations (Amendment) Ordinance, 1986 (Karnataka Ordinance 9 of 1986) is hereby repealed.

(2) Notwithstanding such repeal any thing done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

KARNATAKA ACT No.33 OF 1986.

**THE KARNATAKA MUNICIPALITIES
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 72
3. Insertion of new section 94A
4. Amendment of section 321
5. Amendment of section 322
6. Amendment of heading of Chapter XVI
7. Amendment of section 356
8. Amendment of section 357
9. Amendment of section 359
10. Amendment of section 360
11. Omission of section 363A
12. Substitution of section 379
13. Amendment of section 388
14. Repeal and savings

KARNATAKA ACT No.33 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Seventh day of October, 1986).

**THE KARNATAKA MUNICIPALITIES
(AMENDMENT) ACT, 1986 .**

(Received the assent of the Governor of Karnataka on the Sixth day of October, 1986).

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 Thirty-seventh Year of the Republic of India as follows:-

1. Short title and commencement.-

(1) This Act may be called the Karnataka Municipalities (Amendment) Act, 1986.

(2) Sections 2, 3, 4, 5 and 13 shall be deemed to have come into force on the Sixth day of June, 1986 and the remaining sections shall come into force at once.

2. Amendment of section 72.- In section 72 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) (hereinafter referred to as the principal Act), in sub-section (2), for the words, "five thousand", the words, "twenty five thousand" shall be substituted.

3. Insertion of new section 94A.- After section 94 of the principal Act, the following section shall be inserted, namely:-

"94A. Water supply cess.- Where a municipal council levies tax on buildings or lands under section 94, it shall, in

addition, levy a water supply cess at the rate of ten per cent of such tax for the maintenance and improvement of water supply schemes in urban areas and the cess so collected shall be credited to the Government.

4. Amendment of section 321.-In section 321 of the principal Act, in sub-section (1), the words, "as may be prescribed" shall be omitted.

5. Amendment of section 322.-In section 322 of the principal Act,-

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

(a) for the words, "The Government or the Commissioner may call", the words, "The Commissioner may call" shall be substituted;

(b) for the words, "if the Government or the Commissioner, as the case may be", the words, "if he" shall be substituted; and

(c) for the words, "as the Government or the Commissioner", the words, "as he" shall be substituted.

(2) in sub-section (2), for the words, "the Government" the words "the Commissioner" and for the words "as it deems" the words "as he deems" shall be substituted.

6. Amendment of heading of Chapter XVI.- In the heading to Chapter XVI of the principal Act, for the word, "Panchayat", the word, "mandal" shall be substituted.

7. Amendment of section 356.-In section 356 of the principal Act, in clause (b), for the word, "panchayat", the words, "Mandal Panchayat" and for the words and figures, "a village panchayat under section 8 or 203 of the Karnataka Village Panchayats and Local Boards Act, 1959", the words, and

figures, "a Mandal Panchayat under sections 8, 130, 131, 271 or 272 of the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983" shall be substituted.

8. Amendment of section 357.-In section 357 of the principal Act,-

(i) in the heading, for the word, "panchayat", the word, "mandal" shall be substituted.

(ii) in the first paragraph, for the words and figures "a village by virtue of a notification under section 3 of the Karnataka Village Panchayats and Local Boards Act, 1959", the words and figures, "a mandal by virtue of a notification under section 4 of the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983" shall be substituted;

(iii) in clause (a), for the words, "the panchayat of such local area" the words, "the Mandal Panchayat of such local area" shall be substituted;

(iv) in clause (b), for the words, "village panchayat and the Chairman and Vice-Chairman of the village panchayat", the words, "Mandal Panchayat and the Pradhana and Upapradhana of the Mandal Panchayat" shall be substituted;

(v) in clause (c), for the words, "panchayat fund", the words, "Mandal Panchayat Fund" and for the words and figures "or in the Government during supersession of the panchayat under section 203 of the Karnataka Village Panchayats and Local Boards Act, 1959", the words and figures, "or in the Zilla Parishad during dissolution of the Mandal Panchayat under section 271 of the Karnataka Zilla Parishads, Taluk

Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983", shall be substituted;

(vi) in clauses (d) and (e), for the words and figures "Karnataka Village Panchayats and Local Boards Act, 1959", the words and figures, "Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983", shall be substituted.

9. Amendment of section 359.-In section 359 of the principal Act,-

(i) in the heading, for the words, "panchayat area" the word, "mandal" shall be substituted;

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

(a) for the words and figures, "village by virtue of a notification under section 3 of the Karnataka Village Panchayats and Local Boards Act, 1959" the words and figures, "mandal by virtue of a notification under section 4 of the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983", shall be substituted;

(b) in clause (a), for the words, "panchayat fund" the words, "Mandal Panchayat Fund" and for the words, "belonging to the panchayat" the words, "belonging to the Mandal Panchayat" shall be substituted;

(c) in clauses (b) and (c), for the words and figures, "Karnataka Village Panchayats and Local Boards Act, 1959", the words and figures, "Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983", shall be substituted.

10. Amendment of section 360.- In section 360 of the principal Act,-

(i) in the heading, for the words, "panchayat area" the word, "mandal" shall be substituted;

(ii) in the first paragraph for the word, "panchayat" the word, "mandal" and for the words and figures, "Karnataka Village Panchayats and Local Boards Act, 1959", the words and figures, "Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983", shall be substituted;

(iii) in clause (a) for the words, "Panchayat Fund and other property vesting in the Panchayat" the words, "Mandal Panchayat Fund and other property vesting in the Mandal Panchayat" shall be substituted;

(iv) in clauses (b) and (c) for the word, "panchayat" the words, "Mandal Panchayat" shall be substituted.

11. Omission of section 363A.- Section 363A of the principal Act, shall be omitted.

12. Substitution of section 379.- For section 379 of the principal Act, the following section shall be substituted, namely:-

"379. The provisions of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966, not affected.- Provisions of sections 243, 244, 256 and 324 in so far as they relate to markets and other premises, shall not be applicable to any market declared under the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 and the provisions of this Act in respect of any other market shall be in addition to and not in derogation of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966."

13. Amendment of section 388.- Section 388 of the principal Act shall be renumbered as sub-section (1) thereof and after the sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:-

"(2) Notwithstanding anything contained in this Act, the Government may, by notification, delegate such of its powers under this Act except the power to make rules to the Director of Municipal Administration (hereinafter in this section referred to as 'Director'). On the issue of such notification, any notification issued under section 321 delegating such powers to the Commissioner or the Deputy Commissioner shall stand rescinded and they shall cease to exercise the powers delegated to the Director.

(3) The Government may, by notification, delegate to the Director all or any of the powers exercisable under this Act by the Commissioner or the Deputy Commissioner. On the issue of such notification, the Commissioner or the Deputy Commissioner shall cease to exercise the powers delegated to the Director.

(4) There shall also be a legal cell in the Directorate consisting of such number of officers and possessing such qualifications as may be prescribed."

14. Repeal and savings - (1) The Karnataka Municipalities (Amendment) Ordinance, 1986 (Karnataka Ordinance 7 of 1986) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended **this Act.**

KARNATAKA ACT No.34 OF 1986

**THE BANGALORE DEVELOPMENT AUTHORITY
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 2
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7. Amendment of section 23
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KARNATAKA ACT No.34 OF 1986.

(First published in the Karnataka Gazette Extraordinary on the Seventh day of October 1986).

**THE BANGALORE DEVELOPMENT AUTHORITY
(AMENDMENT) ACT, 1986.**

(Received the assent of the Governor on the Seventh day of October, 1986).

An Act further to amend the Bangalore Development Authority Act, 1976.

Whereas it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Bangalore Development Authority (Amendment) Act, 1986.

(2) Sections 3, 4, 5, 6 and 10 shall be deemed to have come into force on the Sixth day of June, 1986 and the remaining provisions shall come into force at once.

2. Amendment of section 2.-In section 2 of the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) (hereinafter referred to as the principal Act), in clause (i), for the words, "City of Bangalore Municipal Corporation", the words, "Corporation of the City of Bangalore" shall be substituted.

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

(i) in sub-section (3), for clause (f), the following clause shall be substituted, namely:-

"(f) the Commissioner, Corporation of the City of Bangalore, ex-officio";

(ii) in sub-section (4), for the words, letters and brackets, "clauses (a) to (h)", the words, letters and brackets, "clauses (a) to (e) and (ff) to (h)" shall be substituted.

4. Amendment of section 10.- In section 10 of the principal Act,-

(1) in sub-section (1), for the words, "one lakh", the words, "twenty lakhs" shall be substituted;

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

(a) for the words, "one lakh", the words, "twenty lakhs", shall be substituted; and

(b) for the words "five lakhs", in two places where they occur, the words, "fifty lakhs" shall be substituted.

5. Amendment of section 13.- In section 13 of the principal Act, in sub-section (2), after clause (a), the following proviso shall be inserted, namely:-

"Provided that, if, in the opinion of the Commissioner any resolution of the Authority contravenes any provision of this Act or any other law or of any rule, notification, regulation or bye-law made or issued under this Act or any other law, or of any order passed by the Government or is prejudicial or detrimental to the interest of the Authority, he shall, within fifteen days of the passing of the resolution refer the matter to the Government for orders and inform the Authority at its next meeting, of the action taken by him and until the orders of the Government on such reference are received, the Commissioner shall not be bound to give effect to the resolution;".

6. Amendment of section 17.- In section 17 of the principal Act, in sub-section (6), for the word "Chairman", the word, "Commissioner" shall be substituted.

7. Amendment of section 23.- In section 23 of the principal Act, for the words and figures "City of Bangalore Municipal Corporation Act, 1949" the words and figures, "Karnataka Municipal Corporations Act, 1976" shall be substituted.

8. Amendment of section 28.- In section 28 of the principal Act, for the words and figures "City of Bangalore Municipal Corporation Act, 1949", the words and figures, "Karnataka Municipal Corporations Act, 1976" shall be substituted.

9. Amendment of section 29.- In section 29 of the principal Act, -

(i) in the heading, for the words and figures, "Mysore Act 69 of 1949" the words and figures, "Karnataka Act 14 of 1977" shall be substituted;

(ii) in sub-section (1), in clause (i), for the words and figures, "City of Bangalore Municipal Corporation Act, 1949", the words and figures, "Karnataka Municipal Corporations Act, 1976" shall be substituted.

10. Insertion of new section 65B.-After section 65A of the principal Act, the following section shall be inserted, namely:-

"65B. Submission of copies of resolution and Government's power to cancel the resolution or order.- (1) The Commissioner shall submit to the Government copies of all resolutions of the Authority.

(2) If the Government is of opinion that the execution of any resolution or order issued by or on behalf of the Authority or the doing of any act which is

about to be done or is being done by or on behalf of the Authority is in contravention of or in excess of the powers conferred by this Act or any other law for the time being in force or is likely to lead to a breach of peace or to cause injury or annoyance to the public or to any class or body of persons or is prejudicial to the interests of the Authority, it may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act after issuing a notice to the Authority to show cause, within the specified period which shall not be less than fifteen days, why.-

(a) the resolution or order may not be cancelled in whole or in part, or,

(b) any regulation or bye-law concerned may not be repealed in whole or in part.

(3) Upon consideration of the reply, if any, received from the Authority and after such inquiry as it thinks fit, Government may pass orders cancelling the resolution or order or repealing the regulation or bye-law and communicate the same to the Authority.

(4) Government may at any time, on further representation by the Authority or otherwise, revise, modify, or revoke an order passed under sub-section (3)."

11. Repeal and savings.- (1) The Bangalore Development Authority (Amendment) Ordinance, 1986 (Karnataka Ordinance 6 of 1986) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

KARNATAKA ACT NO.35 OF 1986**THE KARNATAKA AGRICULTURAL PRODUCE
MARKETING (REGULATION)(AMENDMENT) ACT,
1986****Arrangement of Sections**

Sections:

1. Short title and commencement
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5. Amendment of section 38
5. Amendment of section 42
7. Amendment of section 50
3. Amendment of section 55
9. Amendment of section 56
0. Amendment of section 58
1. Substitution of section 61
2. Amendment of section 63
3. Amendment of section 65
4. Insertion of new section 65A
5. Amendment of section 66
5. Amendment of section 67
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8. Amendment of section 70
9. Amendment of section 72
0. Amendment of section 74
1. Substitution of section 78
2. Insertion of new section 79A
3. Insertion of new section 82A
4. insertion of new section 83A
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26. Amendment of section 86
27. Amendment of section 88
28. Amendment of section 89
29. Amendment of section 91
30. Amendment of section 94
31. Amendment of Chapter X
32. Amendment of section 97
33. Amendment of section 98
34. Amendment of section 99
35. Amendment of section 106
36. Substitution of section 107
37. Substitution of section 108
38. Amendment of section 111
39. Amendment of section 114
40. Substitution of section 115
41. Insertion of new section 117A
42. Substitution of section 118
43. Amendment of section 120
44. Amendment of section 126
45. Insertion of new section 126A
46. Amendment of section 127
47. Amendment of section 128
48. Amendment of section 129
49. Amendment of section 133
50. Amendment of section 148
51. Substitution of the expression
"Director of Agricultural
Marketing" for the expression
"Chief Marketing Officer"
52. Repeal and savings

KARNATAKA ACT No.35 OF 1986

First published in the Karnataka Gazette Extraordinary on the Seventh day of October, 1986).

**THE KARNATAKA AGRICULTURAL PRODUCE
MARKETING (REGULATION) (AMENDMENT) ACT,
1986**

Received the assent of the Governor on the seventh day of October, 1986).

An Act further to amend the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966.

Whereas it is expedient further to amend the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 (Karnataka Act 27 of 1966) for the purposes hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Agricultural Produce Marketing (Regulation) (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the Seventeenth day of June, 1986.

2. Amendment of section 2.-In section 2 of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 (Karnataka Act 27 of 1966) (hereinafter referred to as the principal Act),-

(i) after clause (6), the following clause shall be inserted, namely:-

"(6A) "cattle" includes buffalo, bullock, cow, ox and their young;"

(ii) clauses (7) and (10) shall be amended;

(iii) for clause (8), the following clause shall be substituted, namely:-

"(8) "commission agent" means a person who in the ordinary course of business makes or offers to make a purchase or sale of agricultural produce on behalf of the owner or seller or purchaser of such agricultural produce for commission;"

(iv) after clause (12), the following clause shall be inserted, namely:-

"(12A) "Director of Agricultural Marketing" means the officer appointed by the State Government as such and includes any other officer or officers empowered by the State Government, by notification to exercise or perform such of the powers or functions of the Director of Agricultural Marketing under the provisions of this Act or the rules as may be specified in such notification;"

(v) in clause (13), the words "and the expression "importer" shall be construed accordingly" shall be omitted;

(vi) after clause (14), the following clause shall be inserted, namely:-

"(14A) "importer" means a person who imports or causes goods to be imported on his own account or as an agent for another person from outside the market area into the market area for the purpose of selling, processing, manufacturing or for any other purpose except for one's own domestic consumption, but shall not include a public carrier;"

(vii) after clause (19), the following clause shall be inserted, namely:-

"(19A) "market charges" means all charges in connection with the handling of agricultural produce such as the commission of commission agents, brokerage

remuneration for weighment, loading, unloading, cleaning, sorting, counting, sieving and dressing of agricultural produce;"

(viii) in clause 30, for the words "a firm and a joint Hindu family", the words "a joint Hindu family, a company or firm or association or a body of individuals, whether incorporated or not" shall be substituted;

(ix) in clause (32), for the words "ultimate consumption", the words "use or consumption" shall be substituted;

(x) clause (35) shall be omitted.

3. Amendment of section 6.-In section 6 of the principal Act, in clause (c) of sub-section (1), for the words "a sub-market yard", the words "one or more sub-market yards" shall be substituted.

4. Amendment of section 16.- In section 16 of the principal Act,-

(i) in clause (1), in sub-clause (a), for the words "commission agent or broker", the words "commission agent, broker, importer or exporter in any market area" shall be substituted;

(ii) in clause (2), in sub-clause (f), for the words "or surveyor", the words "surveyor or hamal" shall be substituted;

(iii) in clause (3), for the words "commission agent or broker", the words "commission agent, broker, importer or exporter" shall be substituted.

5. Amendment of section 38.-In sub-section (1) of section 38 of the principal Act, for the words "four years", the words "five years" shall be substituted.

6. Amendment of section 42.-In sub-section (3) of section 42 of the principal Act, the words "honorarium and" shall be omitted.

7. Amendment of section 50.- In section 50 of the principal Act, for the words "one half of the total number of members present", the words "two thirds of the total number of members of the market committee" shall be substituted.

8. Amendment of section 55.- In subsection (2) of section 55 of the principal Act, -

(a) in clause (i), for the words "five hundred", the words "twenty five thousand" shall be substituted;

(b) for clause (ii), the following clause shall be substituted, namely:-

"(ii) in any case other than the one referred to in clause (i), a contract or agreement on behalf of the market committee shall be executed by the Chairman and Secretary of the market committee.";

(c) clause (iii) shall be omitted.

9. Amendment of section 56.- In section 56 of the principal Act, in sub-clause (d) of clause (iv), for the words "by the Chairman", the words "by him or by the Chairman" shall be substituted.

10. Amendment of section 58.- After subsection (4) of section 58 of the principal Act, the following sub-section shall be inserted, namely:-

"(4A) Save as otherwise provided in this Act the State Government shall constitute an enforcement cell headed by an officer not below the rank of a Group-A officer of any State Civil Service to exercise such powers and perform all such duties as may be made, given, issued, exercised and performed by a market committee under any of the provisions of items (iv), (vi), and (xii) of clause (a) and items (ii), (iv) and (v) of clause (b) of

sub-section (2) of section 63 and sections 66, 67 and 70".

11. Substitution of section 61.- For section 61 of the principal Act, the following section shall be substituted, namely:-

"61. Appointment of other staff of market committee.- (1) Save as otherwise provided in section 58, the State Government or the officer authorised by it in this behalf may, from amongst the officers and servants of the Karnataka State Market Committee Service or Karnataka State Marketing Service constituted under section 62, appoint other officers and servants of a market committee.

(2) The cadre strength of every market committee, shall be specified by the Director of Agricultural Marketing.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the market committee may, with the prior approval of the Director of Agricultural Marketing or an officer authorised by him in this behalf create such number of temporary posts for a period not exceeding three months and make appointments thereof subject to the condition that the maximum monthly pay of any such post does not exceed rupees three hundred."

12. Amendment of section 63.- In sub-section (2) of section 63 of the principal Act,

(1) in clause (a),-

(a) in item (i), at the end, the words "and regulate the manner of letting out the premises in the market yard including those belonging to market functionaries in the yard" shall be inserted;

(b) item (xiii) shall be omitted;

(2) in clause (b), after item (viii),

the following items shall be inserted, namely:-

"(ix) with the approval of the State Government, make at the time of famine or any grave natural calamity donations to any fund established by the State Government for the purposes of providing relief to agriculturists;

(x) provide such short term advances as may be prescribed to producer-sellers in the market area on pledge of notified agricultural produce in favour of the market committee."

13. Amendment of section 65.-In section 65 of the principal Act,-

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

(a) in clause (i), for the word "may", the word "shall" shall be substituted;

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

"(ia) if the produce is sold by an importer to the purchaser, the importer shall realise the market fee from the purchaser and shall be liable to pay the same to the committee;"

(c) in clause (iii), for the word "may", the word "shall" shall be substituted;

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

"(2B) the market fee payable under clauses (i), (ia), (ii) or (iii) of sub-section (2A) shall be paid to the market committee within such time as may be specified in the bye-laws."

14. Insertion of new section 65A.- After section 65 of the principal Act, the following section shall be inserted, namely:-

"65A. Power of market committee to impose penalty.- Where a person fails to pay the market fee payable by him under clause (i), clause (ia), clause (ii) or clause (iii) of sub-section (2A) of section 65, to the market committee on or before the due date, the market committee may in addition to the fee as payable, by order, impose a penalty on such person at such rates not exceeding thirty per cent of the fee due but not less than twelve per cent of the fee due as may be specified in the bye-laws."

15. Amendment of section 66.-In section 66 of the principal Act,-

(1) in sub-section (1), for the words "market committee empowered by the State Government", the words "State Government empowered by it" shall be substituted;

(2) in sub-section (2), the words "of market committee" shall be omitted;

(3) after sub-section (6), the following sub-section shall be inserted, namely:-

"(7) If such officer or servant has reason to suspect that any person is attempting to evade payment of any market fee from him under section 65, he may, while seizing accounts registers or documents under sub-section (3) also seize so much of the notified agricultural produce in his opinion would be sufficient to pay the amount of fee which may be found due from such person and also the penalty payable under section 65A, and retain the same with him until the fee and the penalty are paid or for ten days, whichever is earlier. After the expiry of the period of ten days if the fee or other amount due is not paid, the officer or

servant shall dispose of the notified agricultural produce in public auction and adjust the sale proceeds towards the fee or other amount due. If the sale proceeds are more than the fee or other amount due, the excess amount shall after deducting the charges incurred by the market committee, be refunded in the prescribed manner:

Provided that in the case of perishable notified agricultural produce the officer or servant may dispose of the same before the expiry of the period of ten days if in his opinion such disposal is necessary."

16. Amendment of section 67.-In section 67 of the principal Act,-

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

(a) for the words "a market committee empowered in this behalf by the State Government", the words "the State Government empowered by it in this behalf" shall be substituted; and

(b) for the words "or proposed to be taken out of", the words "out of the market area or moving in" shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) If such officer or servant has reason to suspect that any fee or other amount due under this Act has not been paid in respect of the notified agricultural produce taken out of or being transported in, the market area in any vehicle or other conveyance, he may seize so much of the notified agricultural produce as in his opinion would be sufficient to meet the amount of fee or other amount due."

ue and retain the same with him until the fee or other amount due is paid or for ten days, whichever is earlier. After the expiry of the period of ten days, if the fee or other amount due is not paid, the officer or servant shall dispose of the notified agricultural produce in public auction and adjust the sale proceeds towards the fee or other amount due. If the sale proceeds are more than the fee or other amount due, the excess amount shall, after deducting the charges incurred by the market committee, be refunded in the prescribed manner:

Provided that in the case of perishable notified agricultural produce the officer or servant may dispose of the same before the expiry of the period of ten days if in his opinion such disposal is necessary."

17. Amendment of section 69.-In section 69 of the principal Act, after the words "market committee" wherever they occur, the words "or the Board" shall be inserted.

18. Amendment of section 70.-In section 70 of the principal Act, in sub-section

(a) in the first paragraph, after the words "market committee", the words "or any officer or servant authorised by the State Government under section 66 or section 67" shall be inserted; and

(b) in clause (a), for the words "double the amount", the words "three times the amount" shall be substituted.

19. Amendment of section 72.-In section 72 of the principal Act, in sub-section (2), the words "except between a trader and trader in respect of such agricultural produce as may be prescribed" shall be omitted.

20. Amendment of section 74.-In section 74 of the principal Act, in clause (c) of sub-section (1), for the words "Co-operative Appellate Tribunal", the words "Karnataka Appellate Tribunal" shall be substituted.

21. Substitution of section 78.- For section 78 of the principal Act, the following section shall be substituted namely:-

"78. Commission agent's commission and responsibility.- (1) A Commission agent shall recover his commission only from the buyer at such rates not exceeding two per cent of the price for which the agricultural produce is sold as may be specified in the bye-laws:

Provided that in the case of agricultural produce like fruits, vegetables and flowers, a commission agent may charge commission at such rates not exceeding five per cent of the price for which such agricultural produce is sold as may be specified in the bye-laws.

(2) A commission agent shall,-

(a) arrange for the storage of the goods of the seller;

(b) keep the goods of the seller in safe custody and adequately insured against fire, theft or, flood, rain or any other natural calamities; and

(c) pay the seller in cash the price of the goods as soon as such goods are sold."

22. Insertion of new section 79A.-After section 79 of the principal Act, the following section shall be inserted, namely:-

"79A. Market charges by whom payable.- All market charges payable after the sale of the agricultural produce shall

be recovered from the buyer."

23. Insertion of new section 82A.-After section 82 of the principal Act, the following section shall be inserted, namely:-

"82A. No market functionary to participate in strike, etc.-No market functionary shall without giving a notice of not less than seven days to the market committee, participate in any demonstration or strike."

24. Insertion of new section 83A.-After section 83 of the principal Act, the following section shall be inserted, namely:-

"83A. Best of judgement assessment of market fee.- (1) If a market functionary fails to submit reports and returns under section 81 and fails to comply with any notice by the market committee, the market committee may, without prejudice to any other action against such functionary, after such inquiry as it deems necessary assess the market fee payable by such market functionary during the period in question to the best of its judgement and direct him to pay such fee together with such penalty not exceeding three times the market fee so assessed.

(2) Any market functionary aggrieved by an order of the market committee under sub-section (1) may, within thirty days from the date of communication of such order appeal to the Director of Agricultural Marketing of an officer authorised by him in this behalf whose decision is final."

25. Omission of section 84A.- Section 84A of the principal Act shall be omitted.

26. Amendment of section 86.-In section 86 of the principal Act,-

(1) in sub-section (1), for the words "at least five hundred rupees", the words

"not less than one thousand rupees but not exceeding five thousand rupees as may be specified in the bye-laws" shall be substituted;

(ii) sub-section (2) shall be omitted.

27. Amendment of section 88.-In section 88 of the principal Act, in sub-section (1), after the words "to the market committee the words "or producer, seller" shall be inserted.

28. Amendment of section 89.- In sub-section (1) of section 89 of the principal Act,-

(i) for the word "producer", the word "seller" shall be substituted;

(ii) in the proviso, for the words "twenty five" and "five", the words "one hundred" and "twenty five" shall respectively be substituted.

29. Amendment of section 91.- In sub-section (1) of section 91, of the principal Act, for the word "January", the word "March" shall be substituted.

30. Amendment of section 94.- For sub-section (1) of section 94 of the principal Act, the following sub-section shall be substituted namely:-

"(1) The market committee shall pay to the Chairman of the market committee such honorarium as may be prescribed."

31. Amendment of Chapter X.- In the heading to Chapter X of the principal Act, for the word "Panchayats", the words "Mandal Panchayats" shall be substituted.

32. Amendment of section 97.-In section 97 of the principal Act,-

(i) in the heading, for the word "PANCHAYATS", the word "MANDAL PANCHAYATS" shall be substituted;

(ii) in sub-sections (1) and (2), for

the word "panchayat" wherever it occurs, the words "Mandal Panchayat" shall be substituted;

(iii) in sub-section (3), for the word "panchayat" wherever it occurs, the words "Mandal Panchayat" and for the words "Panchayat Fund", the words "Mandal Panchayat Fund" shall be substituted.

33. Amendment of section 98.-In section 98 of the principal Act, for the word "panchayat" wherever it occurs, the words "Mandal Panchayat" shall be substituted.

34. Amendment of section 99.-In section 99 of the principal Act, for the word "panchayat" the words "Mandal Panchayats" and for the words and figures "Mysore Village Panchayats and Local Boards Act, 1969, a Panchayat", the words and figures "Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983, a Mandal Panchayat" shall be substituted.

35. Amendment of section 106.- In section 106 of the principal Act, for the words "four years", the words "five years" shall be substituted.

36. Substitution of section 107.- For section 107 of the principal Act, the following section shall be substituted, namely:-

"107. Powers and duties of the Chairman and the Vice-Chairman.- The powers and duties of the Chairman and the Vice-Chairman of the Board shall be as specified by the regulations:

Provided that till regulations are made under this section, the provisions relating to powers and duties of the Chairman and the Vice-Chairman of the Board, before the commencement of the Karnataka Agricultural

Produce Marketing (Regulation) (Amendment) Act, 1986 shall apply."

37. Substitution of section 108.- For section 108 of the principal Act, the following section shall be substituted, namely:-

"108. Conduct of business of the Board.- The Board shall make regulations not inconsistent with this Act or with any rules made thereunder with respect of the conduct of its business:

Provided that till regulations are made under this section the provisions relating to conduct of business of the Board before the commencement of the Karnataka Agricultural Produce Marketing (Regulation) (Amendment) Act, 1986 shall apply."

38. Amendment of section 111.- In section 111 of the principal Act, after clause (x), the following clause shall be inserted, namely:-

"(xa) providing technical and administrative assistance to market committee including execution of works;"

39. Amendment of section 114.- In section 114 of the principal Act, for the words "the amount of fee or other amount due or three thousand rupees whichever is less", the words "three times the amount of fee or other amount due or three thousand rupees whichever is more" shall be substituted.

40. Substitution of section, 115.- For section 115 of the principal Act, the following section shall be substituted, namely:-

"115. Liability of accused to pay fee, cess or other amount.- Any person prosecuted for an offence under section 114 shall not be absolved from his obligation

to pay to the market committee the fee or other amount due from him under this Act or the rules or the regulations or the bye-laws."

41. Insertion of new section 117A.- After section 117 of the principal Act, the following section shall be inserted, namely:-

"117A. Penalty for contravention of clause (c) of sub-section (2) of section 78.- Whoever contravenes the provisions of clause (c) of sub-section (2) of section 78, shall, on conviction, be punished with fine which may extend to five thousand rupees."

42. Substitution of section 118.- For section 118 of the principal Act, the following section shall be substituted, namely:-

"118. Penalty for contravention of clause (a) of sub-section (2) of section 78 and sections 79 and 80.-Whoever contravenes the provisions of clause (a) of sub-section (2) of section 78 or section 79 or section 80, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both and for the second and subsequent contraventions with imprisonment for a term which shall not be less than one month and with fine which shall not be less than five hundred rupees.

43. Amendment of section 120.- In section 120 Of the principal Act, the word "wilfully" in the two places where it occurs shall be omitted.

44. Amendment of section 126.- In section 126 of the principal Act, after the proviso, the following proviso shall be inserted, namely:-

"Provided further that clerical or arithmetical mistakes in the order or errors arising therein from any accidental slip or omission may at any time be corrected by the State Government either of its own motion or on the application of any of the parties."

45. Insertion of new section 126A.- After section 126 of the principal Act, the following section shall be inserted, namely:-

"126A. Government's power to give directions to the market committee.-The State Government may give such directions to the market committee as in its opinion are necessary or expedient for carrying out the purposes of this Act, and it shall be the duty of the market committee to comply with such directions."

46. Amendment of section 127.- In section 127 of the principal Act,-

(1) in sub-section (1), for the words "State Government" wherever they occur, the words "Director of Agricultural Marketing" and for the words "authorised by it", the words "authorised by him" shall be substituted;

(2) in clause (ii) of sub-section (2), for the words "State Government", the words "Director of Agricultural Marketing" shall be substituted;

(3) in sub-section (3), for the words "State Government" in the two places where they occur, the words "Director of Agricultural Marketing" shall be substituted;

(4) after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) any person aggrieved by the order of the Director of Agricultural Marketing under sub-section (1), may, within

thirty days from the date of communication of such order, appeal to the State Government whose decision is final."

47. Amendment of section 128.- In sub-section (3) of section 128 of the principal Act, for the words "Co-operative Appellate Tribunal" in the two places where they occur, the words "Karnataka Appellate Tribunal" shall be substituted.

48. Amendment of section 129.- In section 129 of the principal Act,-

(1) in sub-section (1), for the words "State Government" the words "Director of Agricultural Marketing" shall be substituted, and at the end, the following explanation shall be inserted, namely:-

Explanation.- For the purpose of this section not calling a meeting of the market committee for three consecutive months shall be deemed to be a misconduct.;

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

(a) for the words "State Government", in the two places where they occur, the words "Director of Agricultural Marketing" shall be substituted;

(b) for the words "if it thinks fit", the words "if he thinks fit" shall be substituted; and

(c) for the words "as it deems", the words "as he deems" shall be substituted;

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

"(3) Any person aggrieved by the order of the Director of Agricultural Marketing under sub-section (1) or sub-section (2) may, within thirty days from the date of communication of such order, appeal to the State Government whose decision is final."

49. Amendment of section 133.- In section 133 of the principal Act,-

(1) in the heading, for the words "co-operative societies", the words "co-operative societies etc.," shall be substituted;

(2) after the word "exempt", the words "any State Government undertaking or" shall be inserted.

50. Amendment of section 148.- In section 148 of the principal Act in sub-section (2), clause (iv) shall be omitted.

51. Substitution of the expression "Director of Agricultural Marketing" for the expression "Chief Marketing Officer".- For the expression "Chief Marketing Officer", wherever it occurs in the principal Act, the expression "Director of Agricultural Marketing" shall be substituted.

52. Repeal and savings.- (1) The Karnataka Agricultural Produce Marketing (Regulation) Amendment Ordinance, 1986 (Karnataka Ordinance 10 of 1986) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

KARNATAKA ACT No.36 OF 1986

**THE KARNATAKA SALES TAX (SECOND AMENDMENT)
ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 3
4. Amendment of section 5A
5. Amendment of section 8A
6. Amendment of section 22-A

KARNATAKA ACT No.36 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Eighth day of October, 1986)

THE KARNATAKA SALES TAX (SECOND AMENDMENT) ACT, 1986

(Received the assent of the Governor on the Seventh day of October, 1986)

An Act further to amend the Karnataka Sales Tax Act, 1957 (Karnataka Act 25 of 1957);

Whereas it is expedient further to amend the Karnataka Sales Tax Act, 1957 (Karnataka Act 25 of 1957) for the purposes hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Sales Tax (Second Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 2.- In sub-section (1) of section 2 of the Karnataka Sales Tax Act, 1957 (Karnataka Act 25 of 1957), (hereinafter referred to as the principal Act),-

(1) in the exception to clause (k), after the words "cultivated by him personally", the words "or a person who is exclusively engaged in poultry farming and sells the products of such poultry farm" shall be inserted;

(2) in clause (t-1), after the figure "3", the following shall be inserted, namely:-

"and includes an officer empowered by the Commissioner under section 3 to perform the functions of a State Representative;"

3. Amendment of section 3.-In section 3 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:-

"(1-A) The Commissioner may, empower an officer not below the rank of a Commercial Tax Officer to perform the functions of a State Representative."

4. Amendment of section 5A.- In section 5A of the principal Act,-

(1) in sub-section (1), after the words "raw material", the words "or packing material" shall be inserted;

(2) in item (1) of the explanation, after the words "raw material", the words "or packing material" shall be inserted.

5. Amendment of section 8A.- In section 8A of the principal Act,-

(1) at the end, the following explanation shall be and shall be deemed to have been inserted with effect from the Eighth day of May, 1975 and shall be, and shall be deemed to have been omitted with effect from the First day of April, 1984, namely:-

"Explanation.-For the purpose of sub-section (3A), the expression 'tax' does not include the tax payable under section 6-B.";

(2) in the explanation as so inserted, after the word, figures and letter, "section 6-B", the words, figures and letter" and section 6-C" shall be and shall be deemed to have been inserted with effect from the Twenty-seventh day of March, 1979.

6. Amendment of section 22-A.- In subsection (1) of section 22-A of the principal Act, for the words "he may, after giving the assessee", the words "he may, if necessary stay the operation of such order for such period as he deems fit and after giving the assessee" shall be substituted.

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 1986ರ ಸಂಖ್ಯೆ 37

ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ (ಸಂಖ್ಯೆ 5) ಅಧಿನಿಯಮ, 1986

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ

ಪ್ರಕರಣಗಳು :

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು
2. ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯೊಳಗಿಂದ 1983-84ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಹೆಚ್ಚಿಗೆಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ತುಂಬುವುದಕ್ಕಾಗಿ 19, 02, 84, 289 ರೂಪಾಯಿಗಳ ನೀಡಿಕೆ
3. ಧನ ವಿನಿಯೋಗ
4. ಅನುಸೂಚಿ

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 1986ರ ಸಂಖ್ಯೆ 37

(1986ರ ಆಕ್ಟೋಬರ್ 15ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ)

ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ (ಸಂಖ್ಯೆ 5) ಅಧಿನಿಯಮ, 1986
(1983ರ ಆಕ್ಟೋಬರ್ 6ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಅನುಮತಿ ಪಡೆಯಲಾಗಿದೆ)

1983-84ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಕೆಲವು ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಮಂಜೂರು ಮಾಡಿದ ಮೊಬಲಗಿಗೆ ಹೆಚ್ಚಿಗೆ ಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ಕ್ರಮಗೊಳಿಸಲು ಅಧಿಕಾರ ನೀಡಲು ಒಂದು ಅಧಿನಿಯಮ.

1983-84ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಕೆಲವು ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಮಂಜೂರು ಮಾಡಿದ ಮೊಬಲಗಿಗೆ ಹೆಚ್ಚಿಗೆ ಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ಕ್ರಮಗೊಳಿಸುವುದಕ್ಕಾಗಿ ಅಧಿಕಾರ ನೀಡುವುದು ಯುಕ್ತ ವಾದಿರುವುದರಿಂದ,

ಇದು ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೇಳನೆಯ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ರೀತಿಯಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ.

ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು.— ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ ಅಧಿನಿಯಮ, 1986 ಎಂದು ಕರೆಯತಕ್ಕುದು.

2. ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯೊಳಗಿಂದ 1983-84ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಹೆಚ್ಚಿಗೆ ಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ಪುಂಜುವುದಕ್ಕಾಗಿ 19, 02, 84, 289 ರೂಪಾಯಿಗಳ ನೀಡಿಕೆ.— ಅನುಸೂಚಿಯ 2ನೇ ಅಂಕದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಸೇವೆಗಳ ಸಂಬಂಧದಲ್ಲಿ 1983-84ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಮಂಜೂರು ಮಾಡಿದ ಮೊಬಲಗಿಗೆ ಹೆಚ್ಚಿಗೆ ಯಾಗಿ ವಹಿಸಿದ ವೆಚ್ಚಗಳನ್ನು ಕ್ರಮಗೊಳಿಸುವುದಕ್ಕಾಗಿ ಅನುಸೂಚಿಯ 5ನೇ ಅಂಕದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾಗಿರುವ ಹತ್ತೊಂಬತ್ತು ಕೋಟಿ ಎರಡು ಲಕ್ಷ ಎಂಭತ್ತನಾಲ್ಕು ಸಾವಿರದ ಎರಡುನೂರ ಎಲವತ್ತೊಂಬತ್ತು ರೂಪಾಯಿಗಳ ಮೊಬಲಗನ್ನು ಮಾತ್ರ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಸಂದಾಯವಾಗಿ ಉಪಯೋಗಿಸಲಾಗಿದೆ ಎಂದು ಭಾವಿಸತಕ್ಕುದು.

3. ಧನ ವಿನಿಯೋಗ.— ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಸಂದಾಯ ಮಾಡಲು ಮತ್ತು ಉಪಯೋಗಿಸಲು ಅಧಿಕಾರ ನೀಡಲಾದ ಮೊತ್ತಗಳನ್ನು 1983-84ನೇ ವರ್ಷಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅನುಸೂಚಿಯಲ್ಲಿ ತಿಳಿಸಲಾದ ಸೇವೆಗಳು ಮತ್ತು ಉದ್ದೇಶಗಳಿಗಾಗಿ ವಿನಿಯೋಗಿಸಿದೆ ಎಂದು ಭಾವಿಸತಕ್ಕುದು.

ಅನುಸೂಚಿ

(2 ಮತ್ತು 3ನೇ ಪ್ರಕರಣಗಳನ್ನು ನೋಡಿ)

| ಕ್ರಮ ಸಂಖ್ಯೆ | ಸೇವೆಗಳು ಮತ್ತು ಉದ್ದೇಶಗಳು | ವಿಧಾನಸಭೆ ಮೀರಿದ | ಸಂಚಿತ ನಿಧಿಯಿಂದ | ಒಟ್ಟು |
|--------------|---|------------------|-----------------|-------------|
| | | ಪ್ರಸಕ್ತವಾದುದನ್ನು | ಪ್ರಭೃತವಾದುದನ್ನು | |
| ಮೀರಿದ ಮೊಬಲಗು | | | | |
| 1 | 2 | 3 | 4 | 5 |
| 4 | ಪಶುಸಂಗೋಪನ ಮತ್ತು ಜೈರಿ ಅಭಿವೃದ್ಧಿ (ರಾಜಸ್ವ) | — | 48,735 | 48,735 |
| 8 | ರೇಷ್ಮೆ ವ್ಯವಸಾಯ (ಬಂಡವಾಳ) | 56,11,166 | — | 56,11,166 |
| 12 | ಕಲೆ ಸಂಸ್ಕೃತಿ ಮತ್ತು ಕನ್ನಡಾಭಿವೃದ್ಧಿ (ರಾಜಸ್ವ) | 2,87,387 | — | 2,87,387 |
| 19 | ವಿವಿಧ ಸಾಮಾನ್ಯ ಸೇವೆಗಳು (ರಾಜಸ್ವ) | 46,20,772 | — | 46,20,772 |
| 30 | ಗೃಹನಿರ್ಮಾಣ (ಸರ್ಕಾರಿ ನಿವಾಸದ ಕಟ್ಟಡಗಳನ್ನು ಬಿಟ್ಟು) (ಬಂಡವಾಳ) | 24,45,850 | — | 24,45,850 |
| 33 | ಸಣ್ಣ ನೀರಾವರಿ (ರಾಜಸ್ವ) | 1,52,51,845 | — | 1,52,51,845 |
| 36 | ನ್ಯಾಯ ಪರಿಪಾಲನೆ (ರಾಜಸ್ವ) | — | 52,587 | 52,587 |
| 37 | ಚುನಾವಣೆಗಳು (ರಾಜಸ್ವ) | 5,62,156 | — | 5,62,156 |
| 40 | ಜಿಲ್ಲಾ ಡಳಿತ (ರಾಜಸ್ವ) | 32,76,560 | — | 32,76,560 |

| 1 | 2 | 3 | 4 | 5 |
|----|---|--------------------------|----------|--------------------------|
| 43 | ಲೋಕೋಪಯೋಗಿ ಕಾಮಗಾರಿ (ನಿರ್ಮಾಣ ರಹಿತ) (ರಾಜಸ್ವ) | 10,67,48,814 | — | 10,67,48,814 |
| 44 | ಕಟ್ಟಡಗಳು (ರಾಜಸ್ವ) | — | 57,866 | 57,866 |
| 45 | ರಸ್ತೆಗಳು ಮತ್ತು ಸೇತುವೆಗಳು (ರಾಜಸ್ವ) (ಬಂಡವಾಳ) | 53,97,282 3,00,78,285 | — | 53,97,282 3,00,78,285 |
| 46 | ರೇವು ಮತ್ತು ಜಲ ಸಾರಿಗೆ ಸೇವೆಗಳು (ಬಂಡವಾಳ) | 13,01,129 | — | 13,01,129 |
| 50 | ನೈಸರ್ಗಿಕ ವಿಕೋಪಗಳ ಬಗ್ಗೆ ಪರಿಹಾರ (ರಾಜಸ್ವ) | 44,82,044 | — | 44,82,044 |
| 53 | ವಶ್ಯ (ರಾಜಸ್ವ) | 50,000 | — | 50,000 |
| 59 | ರಾಷ್ಟ್ರೀಯ ಗ್ರಾಮೀಣ ಉದ್ಯೋಗ ಯೋಜನೆಗಳು (ರಾಜಸ್ವ) | 1,00,11,811 | — | 1,00,11,811 |
| | ಒಟ್ಟು ಜುಮ್ಮಾ : | 19,01,25,101 | 1,59,188 | 19,02,84,289 |

KARNATAKA ACT No.38 OF 1986

**THE KARNATAKA AGRICULTURAL INCOME TAX
(SECOND AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 11
3. Amendment of section 12
4. Insertion of new section 17A
5. Amendment of section 18
6. Amendment of section 28
7. Amendment of section 32
8. Substitution of section 37
9. Amendment of section 39
10. Substitution of section 42

KARNATAKA ACT No.38 OF 1986.

(First published in the Karnataka Gazette Extraordinary on the Seventeenth day of October, 1986)

THE KARNATAKA AGRICULTURAL INCOME TAX (SECOND AMENDMENT) ACT, 1986.

(Received the assent of the Governor on the Tenth day of October, 1986)

An Act further to amend the Karnataka Agricultural Income Tax Act, 1957.

Whereas it is expedient further to amend the Karnataka Agricultural Income Tax Act, 1957 (Karnataka Act 22 of 1957), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-seventh Year of the Republic of India, as follows:-

1. Short title and commencement.-

(1) This Act may be called the Karnataka Agricultural Income Tax (Second Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 11.- In section 11 of the Karnataka Agricultural Income Tax Act, 1957 (Karnataka Act 22 of 1957) (hereinafter referred to as the principal Act), the explanation shall be renumbered as explanation (1) thereof and after the explanation (1) as so renumbered, the following explanations shall be inserted, namely:-

"Explanation (2).- For the purposes of clause (a), where the spouse of an individual is a beneficiary under a trust, the income arising to the trustee from the membership of the trustee in a firm in which such individual is a partner shall, to the extent such income is for the

immediate or deferred benefit of the spouse of such individual, be deemed to be income arising indirectly to the spouse of such individual from the membership of the spouse in a firm in which such individual is a partner.

Explanation (3).- For the purposes of clause (b), where the minor child of an individual is a beneficiary under a trust, the income arising to the trustee from the membership of the trustee in a firm in which such individual is a partner shall, to the extent such income is for the immediate or deferred benefit of the minor child, be deemed to be income arising indirectly to the minor child from the admission of the minor to the benefits of partnership in a firm in which such individual is a partner.

Explanation (4).- Where, in the case of an individual being a member of a Hindu undivided family, any property having been the separate property of the individual has been converted by the individual into property belonging to the family through the act of impressing such separate property with the character of property belonging to the family or throwing it into the common stock of the family or been transferred by the individual, directly or indirectly to the family otherwise than for adequate consideration (the property so converted or transferred being hereunder referred to as the converted property) then, notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, for the purpose of computation of the total income of the individual under this Act, -

(a) the individual shall be deemed to have transferred the converted property.

through the family, to the members of the family for being held by them jointly;

(b) the income derived from the converted property or any part thereof shall be deemed to arise to the individual and not to the family;

(c) where the converted property has been the subject matter of a partition (whether partial or total) amongst the members of the family, the income derived from such converted property as is received by the spouse or minor child on partition shall be deemed to arise to the spouse or minor child from assets transferred indirectly by the individual to the spouse or minor child and the provisions of sub-section (1) shall, so far as may be, apply accordingly:

Provided that the income referred to in clause (b) or clause (c) shall, on being included in the total income of the individual, be excluded from the total income of the family, or, as the case may be, the spouse or minor child of the individual."

3. Amendment of section 12.- In section 12 of the principal Act, in sub-section (1), for clause (g), the following shall be substituted, namely:-

"(g) any sums paid by such person as donations to any institution or fund which is established for charitable purposes and it approved by the State Government or an authority authorised by it, in this behalf, for the purposes of this section:

Provided that the institution or fund fulfils the following conditions, namely:-

(i) the institution or fund is either constituted as a public charitable trust or is registered under the Karnataka Societies Registration Act, 1960 (Karnataka

Act 21 of 1960), or under section 25 of the Companies Act, 1956 (Central Act 1 of 1956), or is a University established by law, or is any other educational institution recognised by State Government or by University established by law, or affiliated to any University established by law or is an institution financed wholly or in part by the State Government or a local authority, whether owned by the State Government or a local authority.

(ii) the institution or fund is not expressed to be for the benefit of any particular religious community or caste;

(iii) each such sum is not less than two hundred and fifty rupees;

(iv) any other restrictions or conditions as may be prescribed";

(2) for the explanation, the following explanation shall be substituted, namely:-

"Explanation.- For the purposes of this section, -

(1) "charitable purpose" includes relief to the poor, medical relief and advancement of education or any other object of general public utility not involving the carrying on of any activity for profit so, however, it does not include any purpose the whole or the substantially the whole of which is of a religious nature;

(2) an institution or fund established for the benefit of Scheduled Castes and Scheduled Tribes shall not be deemed to be an institution or fund expressed to be for the benefit of a religious community or caste, within the meaning of clause (ii) of the proviso."

4. Insertion of new section 17A.- After section 17 of the principal Act, the fol-

lowing section shall be inserted, namely:-

"17A. Powers of Commissioner to transfer cases.-The Commissioner may, by an order in writing, transfer any case or classes of cases, or cases or classes of cases relating to any area or any specified persons or classes of persons, from-

(a) an Agricultural Income Tax Officer to any other Agricultural Income Tax Officer, or

(b) a Deputy Commissioner to any other Deputy Commissioner."

5. Amendment of section 18.- After the proviso to clause (b) of sub-section (2A) of section 18 of the principal Act, the following proviso shall be inserted, namely:-

"Provided further that no penalty under this sub-section shall be imposed unless the assessee affected has had a reasonable opportunity of showing cause against such imposition."

6. Amendment of section 28.- After the proviso to sub-section (2) of section 28 of the principal Act, the following explanation shall be inserted, namely:-

"Explanation.- For the purposes of this section, there is a change in the constitution of the firm,-

(a) if one or more of the partners cease to be partners or one or more new partners are admitted, in such circumstances that one or more of the persons who were partners of the firm before the change continue as partner or partners after the change; or

(b) where all the partners continue with a change in their respective shares or in the shares of some of them."

7. Amendment of section 32.- In section 32 of the principal Act, in sub-section (1), after the words, "under any of the provisions of", the words, figures, brackets and letter "sub-section (2A) of section 18 or" shall be inserted.

8. Substitution of section 37.- For section 37 of the principal Act, the following section shall be substituted, namely:-

"37. Rectification of mistakes.- (1) With a view to rectifying any mistake apparent from the record, the assessing authority, appellate authority or revising authority may, at any time within five years from the date of an order passed by it, amend such order:

Provided that an amendment which has the effect of enhancing an assessment or otherwise increasing the liability of the assessee shall not be made unless the assessing authority, appellate authority or revising authority, as the case may be, has given notice to the assessee of its intention to do so and has allowed the assessee a reasonable opportunity of being heard.

(2) Where an order has been considered and decided in any proceedings by way of appeal or revision relating to an order referred to in sub-section (1), the authority passing such order may, notwithstanding anything contained in any law for the time being in force, amend the order under that sub-section in relation to any matter other than the matter which has been so considered and decided.

(3) An order passed under sub-section (1), shall be deemed to be an order passed under the same provision of law under which the original order, the mistake in

which was rectified, had been passed."

9. Amendment of section 39.- In section 39 of the principal Act, after clause (ii), the following clause shall be inserted, namely:-

"(iii) require any coffee curing works to furnish such particulars as he may require in respect of the transaction of any assessee with such coffee curing works."

10. Substitution of section 42.- For section 42 of the principal Act, the following section shall be substituted, namely:-

"42. Mode and time of recovery.- (1) Where any assessee is in default in making payment of the tax or any other amount due under this Act,-

(i) the whole of the amount outstanding on the date of default shall become immediately due and shall be a charge on the properties of the person or persons liable to pay the tax or any other amount due under this Act, and

(ii) the person or persons liable to pay the tax or any other amount due under this Act shall pay a penalty equal to-

(a) one and one half per cent of the tax remaining unpaid for each month for the first three months after the expiry of the time specified under sub-section (1) or allowed under sub-section (2), of section 41; and

(b) two and one half per cent of such tax for each month subsequent to the first three months as aforesaid.

Explanation.- For the purposes of clause (ii), the penalty payable for a part of a month shall be proportionately determined.

(2) Any tax assessed or any amount

due under this Act from any assessee or any other person may, without prejudice to any other mode of collection, be recovered-

(a) as if it were an arrear of land revenue; or

(b) notwithstanding anything contained in the Code of Criminal Procedure, 1973, (Central Act 2 of 1974), on an application to any Magistrate, by such Magistrate, as if it were a fine imposed by him:

Provided that where an assessee or other person who has appealed or applied for revision of any order made under this Act and has complied with an order made by the appellate or the revising authority in regard to the payment of tax or other amount, no proceedings for recovery under this sub-section shall be taken or continued until the disposal of such appeal or application for revision.

(3) The High Court may either suo-motu or on an application made by the Commissioner or any person aggrieved by the order revise an order made by a Magistrate under clause (b) of sub-section (2)."

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 1986ರ ಸಂಖ್ಯೆ 39

ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ (ಸಂಖ್ಯೆ 6) ಅಧಿನಿಯಮ, 1986

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ

ಪ್ರಕರಣಗಳು :

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು
2. ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ 1986-87ನೇ ಹಣಕಾಸು ವರ್ಷಕ್ಕಾಗಿ 85, 37, 35,000 ರೂಪಾಯಿಗಳ ನೀಡಿಕೆ
3. ಧನವಿನಿಯೋಗ
ಅನುಸೂಚಿ

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 1986ರ ಸಂಖ್ಯೆ 39

(1986ರ ಅಕ್ಟೋಬರ್ ಹದಿನೇಳನೆ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರವೆ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ)

ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ (ಸಂಖ್ಯೆ 6) ಅಧಿನಿಯಮ, 1986

(1986ರ ಅಕ್ಟೋಬರ್ ಹದಿನಾಲ್ಕನೆ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಅನುಮತಿ ವಡಗುಲಾಗಿದೆ)

1986-87ನೇ ಹಣಕಾಸು ವರ್ಷದ ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಕೆಲವು ಅಧಿಕ ಮೊತ್ತಗಳ ಸಂದಾಯ ಮತ್ತು ವಿನಿಯೋಗಕ್ಕಾಗಿ ಅಧಿಕಾರ ನೀಡಲು ಒಂದು ಅಧಿನಿಯಮ.

1986-87ನೇ ಹಣಕಾಸು ವರ್ಷದ ಸೇವೆಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಆ ವೈಕಿಯಿಂದ ಕೆಲವು ಅಧಿಕ ಮೊತ್ತಗಳ ಸಂದಾಯ ಮತ್ತು ವಿನಿಯೋಗಕ್ಕಾಗಿ ಅಧಿಕಾರ ನೀಡುವುದು ಯುಕ್ತವಾಗಿರುತ್ತದೆ.

ಇದು ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೇಳನೆಯ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನಮಂಡಲದಿಂದ ಈ ಕೆಳಕಂಡಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ,

1. ಸಂಕ್ಷಿಪ್ತ ಕೆಸರು.— ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಧನವಿನಿಯೋಗ ಅಧಿನಿಯಮ, 1986 ಎಂದು ಕರೆಯತಕ್ಕುದು.

2. ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ 1986-87ನೇ ಹಣಕಾಸು ವರ್ಷಕ್ಕಾಗಿ 85, 37, 35, 000 ರೂಪಾಯಿಗಳ ನೀಡಿಕೆ.— ಅನುಸೂಚಿಯ 2ನೇ ಅಂಕದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಸೇವೆಗಳ ಸಂಬಂಧದಲ್ಲಿ, 1986-87ನೇ ಹಣಕಾಸು ವರ್ಷದಲ್ಲಿ ಸಂದಾಯ ಮಾಡುವಾಗ ಒದಗಿಸುವ ಹಲವಾರು ಖರ್ಚುಗಳನ್ನು ವಹಿಸುವುದಕ್ಕಾಗಿ ಅನುಸೂಚಿಯ 5ನೇ ಅಂಕದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾಗಿದ್ದು ಮೊತ್ತದಲ್ಲಿ ಎಂಬತ್ತೈದು ಕೋಟಿ ಮೂವತ್ತೇಳು ಲಕ್ಷದ ಮೂವತ್ತೈದು ಸಾವಿರ ರೂಪಾಯಿಗಳಿಗೆ ವಿತರಿಸುವ ಮೊಬಲಗನ್ನು ಮಾತ್ರ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಸಂದಾಯ ಮಾಡತಕ್ಕುದು ಮತ್ತು ಉಪಯೋಗಿಸತಕ್ಕುದು.

3. ಧನವಿನಿಯೋಗ.— ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ, ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಸಂಚಿತ ನಿಧಿಯಿಂದ ಮತ್ತು ಅದರೊಳಗಿಂದ ಸಂದಾಯ ಮಾಡಲು ಮತ್ತು ಉಪಯೋಗಿಸಲು ಅಧಿಕಾರ ನೀಡಲಾದ ಮೊತ್ತಗಳನ್ನು, ಸದರಿ ವರ್ಷಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅನುಸೂಚಿಯಲ್ಲಿ ತಿಳಿಸಲಾದ ಸೇವೆಗಳು ಮತ್ತು ಉದ್ದೇಶಗಳಿಗಾಗಿ ವಿನಿಯೋಗಿಸತಕ್ಕುದು.

ಅನುಸೂಚಿ
(2 ಮತ್ತು 3ನೇ ಪ್ರಕರಣಗಳನ್ನು ನೋಡಿ)

ರೂಪ ಕೋಟಿ

| | ಸೇವೆಗಳು ಮತ್ತು ಉದ್ದೇಶಗಳು | ವಿಧಾನಸಭೆಯಿಂದ ಪುರಸ್ಕೃತವಾದುದನ್ನು | ಸಚಿವ ನಿಧಿಯಿಂದ ಪುರಸ್ಕೃತವಾದುದನ್ನು | ರೂಪ |
|----|--|--|------------------------------------|----------------------------|
| | | ----- | | |
| | | ವಿವರದ ಮೊಬಲಗು | | |
| 1 | 2 | 3 | 4 | 5 |
| 1 | ಭೂಸಾರ, ಜಲರಕ್ಷಣೆ ಮತ್ತು ವ್ಯವಸಾಯ ಮತ್ತು ಬರಗಾಲಕ್ಕೆ ಗುರಿಯಾದ ಪ್ರದೇಶಗಳ ಯೋಜನೆ- (ತೋಟಗಾರಿಕೆ ಹೊರತು) | ರಾಜಸ್ವ 11,01,000 ಬಂಡವಾಳ 1,16,00,000 | .... | 11,01,000 1,16,00,000 |
| 3 | ಪಶು ಸಂಗೋಪನೆ ಮತ್ತು ಡೇರಿ ಅಭಿವೃದ್ಧಿ | ರಾಜಸ್ವ 2,000 | .... | 2,000 |
| 4 | ಮೀನುಗಾರಿಕೆ | ಬಂಡವಾಳ 40,00,000 | .... | 40,00,000 |
| 5 | ಉದ್ಯಮಗಳು (ಚಿಕ್ಕಪುಟ್ಟ ಉದ್ಯಮಗಳು ಮತ್ತು ರೇಷ್ಮೆ ವ್ಯವಸಾಯದ ಹೊರತು) | ರಾಜಸ್ವ 1,30,44,000 ಬಂಡವಾಳ 4,31,01,000 | .... | 1,30,44,000 4,31,01,000 |
| 13 | ಪ್ರಾಥಮಿಕ ಮತ್ತು ಮಧ್ಯಮ ಶಿಕ್ಷಣ | ರಾಜಸ್ವ 50,21,000 | .... | 50,21,000 |
| 14 | ಸೆಕೆಂಡರಿ ಶಿಕ್ಷಣ | ರಾಜಸ್ವ 50,00,000 | .... | 50,00,000 |

| 1 | 2 | 3 | 4 | 5 | |
|----|---|--------|-------------|-----------|-------------|
| 16 | ವಿಮೆ, ಖಜಾನೆ ಮತ್ತು ಲೇಖಾ ಇಲ. ಖೆಗಳ ಆಡಳಿತ | ರಾಜಸ್ವ | 1,000 | .... | 1,000 |
| 20 | ವಿವಿಧ ಸಾಮಾನ್ಯ ಸೇವೆಗಳು | ರಾಜಸ್ವ | 5,00,000 | .... | 5,00,000 |
| | | ಬಂಡವಾಳ | 2,75,00,000 | .... | 2,75,00,000 |
| 21 | ಆಹಾರ ಮತ್ತು ನಿತ್ಯೋಪಯೋಗಿ ಸಾಮಗ್ರಿಗಳ ಸರಬರಾಜು | ರಾಜಸ್ವ | 1,000 | .... | 1,000 |
| 22 | ಆರಣ್ಯ | ರಾಜಸ್ವ | 3,46,50,000 | .... | 3,46,50,000 |
| 27 | ಪ್ರವಾಸೋದ್ಯಮ, ವಾರ್ತಾ ಮತ್ತು ಪ್ರಚಾರ ರಾಜಸ್ವ | | 34,50,000 | .... | 34,50,000 |
| | | ಬಂಡವಾಳ | 10,00,000 | .... | 10,00,000 |
| 29 | ವೈದ್ಯಕೀಯ ಸೇವೆ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ರಾಜಸ್ವ | | 24,05,000 | .... | 24,05,000 |
| 32 | ನಗರಾಭಿವೃದ್ಧಿ | ರಾಜಸ್ವ | 3,27,00,000 | .... | 3,27,00,000 |
| | | ಬಂಡವಾಳ | 1,16,00,000 | .... | 1,16,00,000 |
| 34 | ಸಣ್ಣ ನೀರಾವರಿ | ರಾಜಸ್ವ | 5,11,000 | .... | 5,11,000 |
| | | ಬಂಡವಾಳ | 1,000 | 25,00,000 | 25,01,000 |
| 35 | ನೀರಾವರಿ, ಜಲಸಂಚಾರ, ಒಳಚರಂಡಿ ವ್ಯವಸ್ಥೆ ಮತ್ತು ಪ್ರವಾಹ ನಿಯಂತ್ರಣ ಯೋಜನೆಗಳು ಬಂಡವಾಳ | | 23,04,000 | .... | 23,04,000 |
| 41 | ಜಿಲ್ಲಾ ಆಡಳಿತ | ರಾಜಸ್ವ | 20,00,000 | .... | 20,00,000 |
| 45 | ಕಟ್ಟಡಗಳು | ಬಂಡವಾಳ | 3,50,000 | .... | 3,50,000 |

| 1 | 2 | 3 | 4 | 5 | |
|----|--|--------|--------------|--------|--------------|
| 48 | ವಿದ್ಯುಚ್ಛಕ್ತಿ ಯೋಜನೆಗಳು | ರಾಜಸ್ವ | 6,51,000 | .... | 6,51,000 |
| 49 | ಭೂಕಂದಾಯ ಇತ್ಯಾದಿ | ರಾಜಸ್ವ | 16,60,000 | .... | 16,60,000 |
| | | ಬಂಡವಾಳ | 14,00,00,000 | .... | 14,00,00,000 |
| 51 | ನೈಸರ್ಗಿಕ ವಿಕೋಪಗಳ ಬಗ್ಗೆ ಪರಿಹಾರ | ರಾಜಸ್ವ | 3,000 | .... | 3,000 |
| 53 | ಮತೀಯ ಮತ್ತು ಧರ್ಮದಾಯ ಸಂಸ್ಥೆಗಳು ಇತ್ಯಾದಿ | ರಾಜಸ್ವ | 28,00,000 | .... | 28,00,000 |
| 55 | ಸಹಕಾರ (ಕ್ರಮಪಡಿಸಿದ ಮಾರುಕಟ್ಟೆಗಳ ಹೊರತು) | ರಾಜಸ್ವ | 5,99,50,000 | .... | 5,99,50,000 |
| | | ಬಂಡವಾಳ | 1,20,000 | .... | 1,20,000 |
| 57 | ಗ್ರಾಮಾಂತರ ನೀರು ಸರಬರಾಜು ಮತ್ತು ನೈರ್ಮಲ್ಯ | ರಾಜಸ್ವ | 1,22,00,000 | 46,000 | 15,22,46,000 |
| 58 | ಸಾಮುದಾಯಿಕ ಅಭಿವೃದ್ಧಿ | ರಾಜಸ್ವ | 3,00,000 | .... | 3,00,000 |
| 60 | ಗ್ರಾಮೀಣ ಉದ್ಯೋಗ ಯೋಜನೆಗಳು | ರಾಜಸ್ವ | 25,40,00,000 | .... | 25,40,00,000 |
| 62 | ಹರಿಜನ, ಗಿರಿಜನ ಮತ್ತು ಹಿಂದುಳಿದ ವರ್ಗದವರ ಕಲ್ಯಾಣ | ರಾಜಸ್ವ | 17,00,000 | .... | 17,00,000 |
| | | ಬಂಡವಾಳ | 2,46,99,000 | .... | 2,46,99,000 |
| 63 | ಆದಿವಾಸಿ ಪ್ರದೇಶದ ಉಪಯೋಜನೆಗಳು | ರಾಜಸ್ವ | 5,00,000 | .... | 5,00,000 |

| 1 | 2 | 3 | 4 | 5 | |
|----|-----------------|--------|--------------|-----------|--------------|
| | | ಬಂಡವಾಳ | 3,97,000 | .... | 3,97,000 |
| 64 | ವಿಶೇಷ ಘಟಕ ಯೋಜನೆ | ರಾಜಸ್ವ | 65,35,000 | .... | 65,35,000 |
| 65 | ಸಮಾಜ ಕಲ್ಯಾಣ | ರಾಜಸ್ವ | 38,32,000 | .... | 38,32,000 |
| | | | 85,11,89,000 | 25,46,000 | 85,37,35,000 |

KARNATAKA ACT No.40 OF 1986

**THE KARNATAKA IMPROVEMENT BOARDS
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 12C
3. Repeal and savings

KARNATAKA ACT No.40 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Twenty-seventh day of October, 1986)

**THE KARNATAKA IMPROVEMENT BOARDS
(AMENDMENT) ACT, 1986**

(Received the assent of the Governor on the Twenty-third day of October, 1986)

An act further to amend the Karnataka Improvement Boards Act, 1976.

Whereas it is expedient further to amend the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976) for the purposes hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Improvement Boards (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the Sixth day of June, 1986.

2. Amendment of section 12C.- In section 12C of the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976), (hereinafter referred to as the principal Act), after clause (iv), the following clause shall be inserted, namely:-

"(iva) the Minister in-charge of Urban Development, Karnataka;"

3. Repeal and savings.- (1) The Karnataka Improvement Boards (Amendment) Ordinance, 1986 (Karnataka Ordinance 5 of 1986) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance

nance shall be deemed to have been done or taken under the principal Act as amended by this Act.

KARNATAKA ACT No.41 OF 1986

THE KARNATAKA TAX ON ENTRY OF GOODS INTO LOCAL AREAS FOR CONSUMPTION, USE OR SALE THEREIN (SECOND AMENDMENT) ACT, 1983.

Arrangement of Sections

Sections:

- 1. Short title and commencement**
- 2. Amendment of Schedule**

KARNATAKA ACT No.41 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Twenty-eighth day of October, 1986)

THE KARNATAKA TAX ON ENTRY OF GOODS INTO LOCAL AREAS FOR CONSUMPTION, USE OR SALE THEREIN (SECOND AMENDMENT) ACT, 1983.

(Received the assent of the President of India on the Fourteenth day of January, 1986)

An Act further to amend the Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein Act, 1979.

Whereas it is expedient further to amend the Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein Act, 1979 (Karnataka Act 27 of 1979) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-fourth Year of the Republic of India as follows:-

1. Short title and commencement.-

(1) This Act may be called the Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein (Second Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the first day of April, 1983.

2. Amendment of Schedule.- In the Schedule to the Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein Act, 1979 (Karnataka Act 27 of 1979), after item 16 the following items shall be inserted, namely:-

"16-A. Packing materials, namely,-

(i) wrapping paper, fibre board cases, paper boxes, folding cartons, paper

bags, carrier bags, card board boxes, corrugated board boxes, and the like;

(ii) tin plate containers (cans and boxes), aluminium foil, collapsible tubes, steel and aluminium drums and crates, and the like;

(iii) plastic films, bottles, pots, (excluding countrymade earthen posts), jars, bags and cushioning material, and the like;

(iv) wooden boxes, crates, casks and containers, and the like;

(v) gunny bags, barden (including batars), hessian cloth, and the like;

(vi) glass bottles, jars and carboys, and the like.

16-B. All raw materials, component parts and inputs which are used in the manufacture of an intermediate or finished product, -

(i) when brought into local areas by an industrial unit; or

(ii) when brought into local areas by any dealer who, after having so brought, sells or supplies the same to an industrial unit located either within the same local area or outside it.

Explanation I.- The words 'Industrial Unit' mean a manufacturing unit which falls within the definition of a 'factory' under the Factories Act, 1948 (Central Act No. LXIII of 1948), but excludes, - (i) Handicrafts Manufacturing Units (ii) Handloom Weaving Units and (iii) any other group or class of industries which may with reference to their nature, competitiveness, employment potential or such other factors, be notified by the State Government.

Explanation II.- The words 'raw materials, component parts and inputs' do not include agricultural produce, horticultural produce, timber or wood of any species, silk cocoons, raw, thrown or twisted silk, tobacco (whether raw or cured), cement, paper, electrical goods or such other inputs as may be notified by the State Government for purposes of exemption from tax under item 16-B from time to time, but include aluminium ingots and ores of all kinds."

KARNATAKA ACT No.42 OF 1986

THE KARNATAKA TAX ON ENTRY OF GOODS INTO LOCAL AREAS FOR CONSUMPTION, USE OR SALE THEREIN (SECOND AMENDMENT) ACT, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of Schedule
3. Savings

KARNATAKA ACT No.42 OF 1986

(First published in the Karnataka Gazette Extraordinary on the twenty-eighth day of October, 1986)

THE KARNATAKA TAX ON ENTRY OF GOODS INTO LOCAL AREAS FOR CONSUMPTION, USE OR SALE THEREIN (SECOND AMENDMENT) ACT, 1986.

(Received the assent of the Governor on the twentieth day of October, 1986)

An Act further to amend the Karnataka Tax on Entry of Goods into Local Areas For Consumption, Use or Sale Therein Act, 1979.

Whereas it is expedient further to amend the Karnataka Tax on Entry of Goods Into Local Areas For Consumption, Use or Sale Therein Act, 1979 (Karnataka Act 27 of 1979) for the purposes hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Tax on Entry of Goods Into Local Areas For Consumption, Use or Sale Therein (Second Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of Schedule.- In the Schedule to the Karnataka Tax on Entry of Goods Into Local Areas For Consumption, Use or Sale Therein Act, 1979 (Karnataka Act 27 of 1979), items 17 and 18 shall be and shall be deemed to have been omitted with effect from the first day of April, 1983.

3. Savings.- Any tax paid by an assessee in respect of the goods specified in items 17 and 18 of the Schedule omitted by section 2 shall not be refundable to him

but shall be adjusted towards the tax payable by him in relation to the goods specified in items 16A and 16B of the Schedule, respectively for the period from the first day of April, 1983 up to the commencement of this Act.

KARNATAKA ACT No.43 OF 1986

THE KARNATAKA TAX ON ENTRY OF GOODS INTO LOCAL AREAS FOR CONSUMPTION, USE OR SALE THEREIN (THIRD AMENDMENT) ACT, 1986.

Arrangement of Sections**Sections:**

1. Short title and commencement
2. Amendment of section 15

KARNATAKA ACT No.43 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Twenty-eighth day of October, 1986)

THE KARNATAKA TAX ON ENTRY OF GOODS INTO LOCAL AREAS FOR CONSUMPTION, USE OR SALE THEREIN (THIRD AMENDMENT) ACT, 1986

(Received the assent of the Governor on the Seventeenth day of October, 1986).

An Act further to amend the Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale Therein Act, 1979.

Whereas it is expedient further to amend the Karnataka Tax on Entry of Goods into Local Areas For Consumption, Use or Sale Therein Act, 1979 (Karnataka Act 27 of 1979) for the purposes hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Tax on Entry of Goods into Local Areas For Consumption, Use or Sale Therein (Third Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 15.-In Sub-section (1) of section 15 of the Karnataka Tax on Entry of Goods into Local Areas for Consumption, Use or Sale Therein Act, 1979 (Karnataka Act 27 of 1979), for the words, "he may after giving the assessee" the words, "he may, if necessary, stay the operation of such order for such period as he deems necessary and after giving the assessee" shall be substituted.

KARNATAKA ACT No.44 OF 1986

**THE KARNATAKA COMMAND AREAS DEVELOPMENT
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

- 1. Short title and commencement**
- 2. Amendment of section 4**

KARNATAKA ACT No.44 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Twenty-ninth day of October, 1986)

**THE KARNATAKA COMMAND AREAS DEVELOPMENT
(AMENDMENT) ACT, 1986**

(Received the assent of the Governor on the Twenty-seventh day of October, 1986)

An Act to amend the Karnataka Command Areas Development Act, 1980.

Whereas it is expedient to amend the Karnataka Command Areas Development Act, 1980 (Karnataka Act 6 of 1980), for the purpose hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Command Areas Development (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 4.- For clause c) of sub-section (1) of section 4 of the Karnataka Command Areas Development Act, 1980, (Karnataka Act 6 of 1980), the following clause shall be substituted, namely:-

"(c) the Additional Secretary to Government (Command Area Development), Public Works, Command Area Development and Electricity Development;"

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 1986ರ ಸಂಖ್ಯೆ 45

ಬದಲಿ ಮೂತ್ರಪಿಂಡ ಜೋಡಣೆಯ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986

ಪ್ರಕರಣಗಳ ಕ್ರಮಪಟ್ಟಿ

ಪ್ರಕರಣಗಳು :

- 1 ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ
- 2 ಪರಿಭಾಷೆಗಳು
- 3 ಚಿಕಿತ್ಸೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಮೃತ ವ್ಯಕ್ತಿಯ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯುವುದು
- 4 ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಕಾಲಮಿತಿ
- 5 ಪಂಚನಾಮೆ ಅಥವಾ ಮರಣೋತ್ತರ ಶವ ಪರೀಕ್ಷೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಸಂದೇಶಗಳನ್ನು ನಿಯಮಿಸಲಾದ ಅಧಿಕಾರಿಗೆ ಒಪ್ಪಿಸಿಕೊಡುವುದು
- 6 ಶವ ದಹನ ಇತ್ಯಾದಿಗಾಗಿ ದೇಹವನ್ನು ವ್ಯಕ್ತಿಗೆ ಒಪ್ಪಿಸಿದಾಗ, ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಯಾವ ಅಧಿಕಾರವೂ ಇಲ್ಲ
- 7 ಕ್ಲೀಮು ಮಾಡಿರದ ಶವಗಳಿಂದ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯುವ ಅಧಿಕಾರ
- 8 ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಸದ್ಭಾವನೆಯಿಂದ ಕೈಗೊಂಡ ಕ್ರಮದ ರಕ್ಷಣೆ
- 9 ಉಳಿಸುವಿಕೆಗಳು
- 10 ನಿಯಮಗಳ ರಚನಾಧಿಕಾರ
- 11 ನಿರಸನ ಮತ್ತು ಉಳಿಸುವಿಕೆಗಳು

ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 1986 ರ ಸಂಖ್ಯೆ 45

(1986ರ ಅಕ್ಟೋಬರ್, 29ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ)

ಬದಲಿ ಮೂತ್ರಪಿಂಡ ಜೋಡಣೆಯ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986

(1986ರ ಅಕ್ಟೋಬರ್ 27ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಅನುಮತಿ ಪಡೆಯಲಾಗಿದೆ)

ಮೃತ ವ್ಯಕ್ತಿಗಳ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ಬಳಸುವುದಕ್ಕಾಗಿ ಮತ್ತು ಚಿಕಿತ್ಸೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ದಾನ ಮಾಡುವುದಕ್ಕಾಗಿ ಉಪಬಂಧ ಕಲ್ಪಿಸಲು ಎಂದು ಅಧಿನಿಯಮ.

ಮೃತ ವ್ಯಕ್ತಿಗಳ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ಬಳಸುವುದಕ್ಕಾಗಿ ಮತ್ತು ಚಿಕಿತ್ಸೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ದಾನ ಮಾಡುವುದಕ್ಕಾಗಿ ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧ ಪಟ್ಟ ವಿಷಯಗಳಿಗೆ ಉಪಬಂಧ ಕಲ್ಪಿಸುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ :

ಇದು ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೇಳನೇ ವರ್ಷದಲ್ಲಿ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನ ಸಂಸದಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ:—

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ.— (1) ಈ ಅಧಿನಿಯಮವನ್ನು ಬದಲಿ ಮೂತ್ರಪಿಂಡ ಜೋಡಣೆಯ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986 ಎಂದು ಕರೆಯಲಾಗುವುದು.

(2) ಇದು ಈ ಕೂಡಲೇ ಬೆಂಗಳೂರು ನಗರ ನಿಗದಿ ಪ್ರದೇಶದಲ್ಲಿ ಮತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಗೊತ್ತುಪಡಿಸಬಹುದಾದ ದಂಥ ದಿನಾಂಕದಂದು ರಾಜ್ಯದ ಉಳಿದ ಪ್ರದೇಶ ಅಥವಾ ಪ್ರದೇಶಗಳಲ್ಲಿ ಜಾರಿಯಲ್ಲಿ ಬರತಕ್ಕದ್ದು ಮತ್ತು ವಿವಿಧ ಪ್ರದೇಶಗಳಿಗೆ ಬೇರೆ ಬೇರೆ ದಿನಾಂಕಗಳನ್ನು ಗೊತ್ತುಪಡಿಸಬಹುದು.

2. ಪರಿಭಾಷೆಗಳು.— ಈ ಅಧಿನಿಯಮದಲ್ಲಿ, ಸಂದರ್ಭವು ಅನ್ಯಥಾ ಅಗತ್ಯವಿರುವ ಮೊರೆತು,—

(ಎ) "ಅನುಮೋದಿತ ಸಂಸ್ಥೆ" ಎಂದರೆ ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳಿಗಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ಆದೇಶದ ಮೂಲಕ ಅನುಮೋದಿತವಾದ ಆಸ್ಪತ್ರೆ ಅಥವಾ ಚಿಕಿತ್ಸೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಇರುವ ವೈದ್ಯಕೀಯ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆ ;

(ಬಿ) "ಮೃತರದ ಸಂಬಂಧಿ" ಎಂದರೆ ಮೃತನ ಈ ಮುಂದಿನ ಯಾರೇ ಸಂಬಂಧಿಗಳು ಅಂದರೆ, ಪತ್ನಿ, ಸತಿ, ತಂದೆ, ತಾಯಿ, ಮಗ್ಗುಲ, ಮಗಳು, ಸಹೋದರ ಅಥವಾ ಸಹೋದರಿ;

(೫) "ನೋಂದಾಯಿತ ವೈದ್ಯ" ಎಂದರೆ ಯಾವುದೇ ವೈದ್ಯಕೀಯ ಪದ್ಧತಿಯ ವೈದ್ಯಿಯಲ್ಲಿ ತೊಡಗಿರುವ ಮತ್ತು ಭಾರತದಲ್ಲಿ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿನ ಅಡಿಯಲ್ಲಿ ವೈದ್ಯನೆಂದು ನೋಂದಾಯಿತನಾದ ಒಬ್ಬ ವ್ಯಕ್ತಿ.

3. ಚಿಕಿತ್ಸೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಮೃತ ವ್ಯಕ್ತಿಯ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯುವುದು.— (1) ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು ತನ್ನ ಕೊನೆಯ ಕಾಯಿಲೆಗೂ ಅವಧಿಯಲ್ಲಿ ಲಿಖಿತ ಮೂಲಕವಾಗಲಿ ಅಥವಾ ಕಡೆಯ ಪಕ್ಷ ಒಬ್ಬ ಸಾಕ್ಷಿದಾರನ ಸಮ್ಮುಖದ ಮೌಖಿಕವಾಗಿಯಾಗಲಿ ತನ್ನ ಮರಣದ ತರುವಾಯ ಚಿಕಿತ್ಸೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ತನ್ನ ಮೂತ್ರ ಪಿಂಡಗಳನ್ನು ಉಪಯೋಗಿಸಿಕೊಳ್ಳಬೇಕೆಂಬ ಕೋರಿಕೆಯನ್ನು ವ್ಯಕ್ತಪಡಿಸಿದ್ದರೆ ಆತನ ಮರಣದ ತರುವಾಯ ಕಾನೂನುಬದ್ಧವಾಗಿ ಆತನ ದೇಹದ ಸ್ವಾಧೀನತೆಯನ್ನು ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಯು ಅಂಥ ಕೋರಿಕೆಯನ್ನು ತದನಂತರ ಹಿಂದಕ್ಕೆ ಪಡೆಯಲಾಗಿತ್ತು ಎಂದು ಅವನಿಗೆ ನಂಬಲು ಕಾರಣವಿದ್ದ ಹೊರತು ಸದರಿ ಉದ್ದೇಶಗಳಿಗಾಗಿ ದೇಹದಿಂದ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಅಧಿಕಾರ ನೀಡತಕ್ಕದ್ದು.

(2) (1) ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, ಮೃತ ವ್ಯಕ್ತಿಯ ದೇಹದ ಸ್ವಾಧೀನತೆಯನ್ನು ಕಾನೂನುಬದ್ಧವಾಗಿ ಹೊಂದಿರುವ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಗೆ.—

(ಎ) ಮೃತ ವ್ಯಕ್ತಿ ತನ್ನ ಮರಣದ ತರುವಾಯ ತನ್ನ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ಹಾಗೆ ಉಪಯೋಗಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅಕ್ಷೇಪಣೆಯನ್ನು ವ್ಯಕ್ತಪಡಿಸಿದ್ದು, ಅಂಥ ಅಕ್ಷೇಪಣೆಯನ್ನು ಹಿಂತೆಗೆದುಕೊಂಡಿಲ್ಲವೆಂದು; ಅಥವಾ

(ಬಿ) ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯುವುದಕ್ಕೆ ಅಂಥ ವ್ಯಕ್ತಿಯು ಅಧಿಕಾರ ನೀಡುವ ಮೊದಲು, ಮೃತ ವ್ಯಕ್ತಿಯ ಹತ್ತಿರದ ಸಂಬಂಧಿಕನು ಮೃತನ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ಹಾಗೆ ಉಪಯೋಗಿಸಿಕೊಳ್ಳಲು ಅಕ್ಷೇಪಿಸುವನೆಂದು.

—ನಂಬಲು ಕಾರಣವಿದ್ದ ಹೊರತು, ಮೇಲ್ಕಂಡ ಉದ್ದೇಶಕ್ಕಾಗಿ ದೇಹದಿಂದ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಅಧಿಕಾರ ನೀಡಬಹುದು.

(3) ಯಾವೊಬ್ಬ ಮೃತ ವ್ಯಕ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಈ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳ ಅಡಿಯಲ್ಲಿ ನೀಡಲಾದ ಅಧಿಕಾರವು ದೇಹದಿಂದ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯುವುದಕ್ಕೆ ಅಧಿಕಾರ ನೀಡಲು ಮತ್ತು ಮೇಲ್ಕಂಡ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಉಪಯೋಗಿಸಿಕೊಳ್ಳಲು ವರ್ಯಾಪ್ತವಾಗಿರತಕ್ಕದ್ದು, ಆದರೆ ದೇಹವನ್ನು ಮುದ್ದಾಗಿ ಪರಿಗಣಿಸಿ, ಜೀವ ಹೋಗಿದೆ ಎಂದು ಸ್ಪಷ್ಟ; ಮನದಟ್ಟು ಮಾಡಿಕೊಂಡಿದ್ದು, ಅನುಮೋದಿತ ಸಂಸ್ಥೆಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿರುವ ನೋಂದಾಯಿತ ವೈದ್ಯನಿಂದ ಅಥವಾ ಡಾಕ್ಟರ್ ಸರ್ಕಾರದಿಂದ ಅಥವಾ ಈ ಸಂಬಂಧದಲ್ಲಿ ಅದರಿಂದ ಪ್ರಾಧಿಕೃತನಾದ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿಯಿಂದ ಲಿಖಿತ ಮೂಲಕ ಅನುಮೋದನೆ

ಗೊಡ ನೋಂದಾಯಿತ ವೈದ್ಯರನ್ನು (ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿನ ಅಡಿಯಲ್ಲಿ ಮಾನ್ಯತೆಯನ್ನು ಪಡೆದ ಶಸ್ತ್ರಚಿಕಿತ್ಸಾ ವಿದ್ಯಾರ್ಹತೆಗಳನ್ನು ಹೊಂದಿರುವ ಒಬ್ಬ ವ್ಯಕ್ತಿಯಾಗಿರುವ) ಹೊರತುಪಡಿಸಿ ಇತರ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯ ಮೂತ್ರಪಿಂಡವನ್ನು ತೆಗೆಯುವ ಅಂಥ ಕಾರ್ಯವನ್ನು ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

4. ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಕಾಲ ಮಿತಿ.— (1) ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇತರ ಯಾವುದೇ ಕಾನೂನಿನಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ, 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಅನುಮತಿ ನೀಡುವ ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಯು, ಅಂಥ ವ್ಯಕ್ತಿಯು ಮೃತನಾದನೆಂದು ಯಾವೊಬ್ಬ ನೋಂದಾಯಿತ ವೈದ್ಯನಿಂದ ಘೋಷಿಸಲಾದ ತರುವಾಯ ಒಂದು ಗಂಟೆಯ ಒಳಗಾಗಿ ಮೃತ ವ್ಯಕ್ತಿಯ ದೇಹದಿಂದ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಅನುಮತಿ ನೀಡುವುದು ಕಾನೂನು ಸಮ್ಮತ ವಾಗಿರತಕ್ಕದ್ದು.

(2) ಮೂತ್ರ ಪಿಂಡವನ್ನು ದಾನ ಮಾಡುವ ವ್ಯಕ್ತಿಯನ್ನು ಅವನ ಮರಣದ ಸಮಯದಲ್ಲಿ ಪರೀಕ್ಷಿಸಿದ ನೋಂದಾಯಿತ ವೈದ್ಯ ಅಥವಾ ಅಂಥ ವೈದ್ಯನು ಇರದಿದ್ದಲ್ಲಿ, ಪರೀಕ್ಷಿಸಲು ಕರೆಸಲಾದ ಇತರ ಯಾವೊಬ್ಬ ನೋಂದಾಯಿತ ವೈದ್ಯನು ಮರಣದ ದಿನಾಂಕ ಮತ್ತು ಸಮಯವನ್ನು, ಪ್ರಮಾಣೀಕರಿಸತಕ್ಕದ್ದು. ಆದರೆ, ಹಾಗೆ ಪ್ರಮಾಣೀಕರಿಸುವಂಥ ಯಾವೊಬ್ಬ ವೈದ್ಯನು ಮೂತ್ರ ಪಿಂಡಗಳನ್ನು ತೆಗೆಯುವ ಅಥವಾ ಅಳವಡಿಸುವ ಕಾರ್ಯಗಳಲ್ಲಿ ತೊಡಗತಕ್ಕದ್ದಲ್ಲ.

5 ಪಂಚನಾಮೆ ಅಥವಾ ಮರಣೋತ್ತರ ಶವ ಪರೀಕ್ಷೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಸಂದೇಹಗಳನ್ನು ನಿಯಮಿಸಲಾದ ಅಧಿಕಾರಿಗೆ ಒಪ್ಪಿಸಿಕೊಡುವುದು.— (1) ಮೃತ ವ್ಯಕ್ತಿಯ ದೇಹದ ಸ್ವಾಧೀನತೆಯನ್ನು ಕಾನೂನುಬದ್ಧವಾಗಿ ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಗೆ, ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಯಾವುದೇ ಕಾನೂನಿನ ಉಪಬಂಧಗಳಿಗನುಸಾರವಾಗಿ ಪಂಚನಾಮೆ ಅಥವಾ ಮರಣೋತ್ತರ ಶವ ಪರೀಕ್ಷೆಯನ್ನು ನಡೆಸುವ ಅಗತ್ಯವಿದೆ ಎಂದು ನಂಬಲು ಕಾರಣವಿದ್ದರೆ ನಿಯಮಿಸಲಾದ ಅಧಿಕಾರಿ ಅಥವಾ ಈ ಸಂಬಂಧದಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ನೇಮಿಸಬಹುದಾದಂಥ ಇತರ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿಯ ಒಪ್ಪಿಗೆ ಯನ್ನು ಪಡೆದ ಹೊರತು ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಅನುಮತಿ ನೀಡತಕ್ಕದ್ದಲ್ಲ.

(2) ಒಬ್ಬ ವ್ಯಕ್ತಿಯ ಮರಣಕ್ಕೆ ಮೊದಲಾಗಲಿ ಅಥವಾ ಅದರ ತರುವಾಯ ಕೂಡಲೇ, ಆ ವ್ಯಕ್ತಿಯ ಮರಣದ ತರುವಾಯ ಆ ವ್ಯಕ್ತಿಯ ದೇಹದಿಂದ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ತಮ್ಮ ಒಪ್ಪಿಗೆಯ ಅಗತ್ಯವಿಲ್ಲವೆಂದು (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿತರಾದ ಅಧಿಕಾರಿಗಳು ನಿರ್ದೇಶನ ನೀಡಬಹುದು.

(3) (1)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿತನಾದ ಅಧಿಕಾರಿಯು ಒಪ್ಪಿಗೆ ಅಥವಾ ನಿರ್ದೇಶನವನ್ನು ಅಂಥ ಒಪ್ಪಿಗೆ ಅಥವಾ ನಿರ್ದೇಶನದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಅಂಥ ವರತ್ತುಗಳಿಗೆ ಒಳಪಟ್ಟು ನೀಡಬಹುದು. ಅಂಥ ಒಪ್ಪಿಗೆ ಅಥವಾ ನಿರ್ದೇಶನವನ್ನು (1)ನೇ ಉಪ-ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿತನಾದ ಅಧಿಕಾರಿಯು ಮೌಖಿಕವಾಗಿ ನೀಡಬಹುದು, ಆದರೆ ಮೌಖಿಕವಾಗಿ ಒಪ್ಪಿಗೆ ಅಥವಾ ನಿರ್ದೇಶನ ನೀಡಿದ ಸಮಯದಿಂದ ನಲವತ್ತೆಂಟು ಗಂಟೆಗಳ ಒಳಗಾಗಿ ಅದನ್ನು ಆತನು ಲಿಖಿತದಲ್ಲಿ ಸ್ಥಿರೀಕರಿಸತಕ್ಕದ್ದು.

6. ಶವದಹನ ಇತ್ಯಾದಿಗಾಗಿ ದೇಹವನ್ನು ವ್ಯಕ್ತಿಗೆ ಒಪ್ಪಿಸಿದಾಗ, ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಯಾವ ಅಧಿಕಾರವೂ ಇಲ್ಲ. — ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮೂತ್ರಪಿಂಡವನ್ನು ತೆಗೆಯಲು ಪ್ರಾಧಿಕಾರವನ್ನು ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಯನ್ನು ಹೊರತುಪಡಿಸಿ, ಹೂಳುವುದಕ್ಕಾಗಿ ಅಥವಾ ಶವದಹನದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಮಾತ್ರ ಮೃತ ವ್ಯಕ್ತಿಯ ದೇಹವನ್ನು ಬೇರೊಬ್ಬ ವ್ಯಕ್ತಿಯಿಂದ ಒಪ್ಪಿಸಲಾಗಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಆ ವ್ಯಕ್ತಿಯು ಮೃತ ವ್ಯಕ್ತಿಯ ದೇಹಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ 3ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಯಾವ ಅಧಿಕಾರವನ್ನು ನೀಡತಕ್ಕದ್ದಲ್ಲ.

7. ಕ್ಲೇಮು ಮಾಡಿರದ ಶವಗಳಿಂದ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯುವ ಅಧಿಕಾರ. — ಅನುವೋದಿತ ಸಂಸ್ಥೆಯಲ್ಲಿರುವ ಕ್ಲೇಮು ಮಾಡಿರದ ಅಥವಾ ಕ್ಲೇಮು ಮಾಡದ ಉಳಿಯುವ ಸಂಭವವಿರುವ ಶವದ ಸಂದರ್ಭದಲ್ಲಿ, ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯುವುದಕ್ಕಾಗಿ ಯಾವುದೇ ಅಧಿಕಾರವನ್ನು ಅನುವೋದಿತ ಸಂಸ್ಥೆಯ ನಿಯಂತ್ರಣ ಅಥವಾ ವ್ಯವಸ್ಥಾಪನೆಯನ್ನು ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಯ ಪರವಾಗಿ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ಅನುವೋದಿತ ಸಂಸ್ಥೆಯ ನಿಯಂತ್ರಣ ಅಥವಾ ವ್ಯವಸ್ಥಾಪನೆಯನ್ನು ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಯಿಂದ ಈ ಸಂಬಂಧದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಗೊಳಿಸಲಾದ ವ್ಯಕ್ತಿಯು ನೀಡಬಹುದು.

8. ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಸದ್ಭಾವನೆಯಿಂದ ಕೈಗೊಂಡ ಕ್ರಮದ ರಕ್ಷಣೆ. — ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಪ್ರಕಾರಗಳನ್ನು ನಿರ್ವಹಿಸುವುದಕ್ಕಾಗಿ ಅಥವಾ ಈ ಅಧಿನಿಯಮದ ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ನಿಯಮಗಳ ಅನುಸರಣೆಯಲ್ಲಿ ಸದ್ಭಾವನೆಯಿಂದ ಕೈಗೊಂಡ ಅಥವಾ ಕೈಗೊಳ್ಳಲು ಉದ್ದೇಶಿಸಲಾದ ಯಾವುದೇ ಕೃತ್ಯಕ್ಕಾಗಿ, ಕಾನೂನುಬದ್ಧವಾಗಿ ಮೃತ ವ್ಯಕ್ತಿಯ ದೇಹದ ಸ್ವಾಧೀನತೆಯನ್ನು ಹೊಂದಿರುವ ಯಾವುದೇ ಅನುವೋದಿತ ಸಂಸ್ಥೆ ಅಥವಾ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿ ಅಥವಾ ಅನುವೋದಿತ ಸಂಸ್ಥೆಯ ಅಥವಾ ಸರ್ಕಾರದ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ ಅಥವಾ ಯಾವೊಬ್ಬ ನೋಂದಾಯಿತ ವೈದ್ಯನ ವಿರುದ್ಧ ಯಾವುದೇ ದಾವೆ, ಅಭಿಯೋಜನೆ ಅಥವಾ ಇತರ ಕಾನೂನು ವ್ಯವಹರಣೆಗಳನ್ನು ಹೂಡತಕ್ಕದ್ದಲ್ಲ.

9. ಉಳಿಸುವಿಕೆಗಳು.—(1) ಈ ಅಧಿನಿಯಮದಲ್ಲಿನ ಪೂರ್ವೋಕ್ತ ಉಪಬಂಧಗಳಲ್ಲಿರುವುದಾವುದೂ ಈ ಅಧಿನಿಯಮವನ್ನು ಹೊರಡಿಸದಿದ್ದರೆ ಮೃತ ವ್ಯಕ್ತಿಯ ಮೂತ್ರ ಪಿಂಡಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಕಾನೂನು ಸಮ್ಮತವಾಗಿರಬಹುದಾಗಿದ್ದ ವ್ಯವಹಾರವನ್ನು ಕಾನೂನು ಬಾಹೀರವೆಂದು ಅರ್ಥೈಸತಕ್ಕದ್ದಲ್ಲ.

(2) ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳಿಗನುಸಾರವಾಗಿ ನೀಡಿದ ಯಾವುದೇ ಅಧಿಕಾರವನ್ನು, ಭಾರತ ದಂಡ ಸಂಹಿತೆಯ 297ನೇ ಪುರಾಣದ ಉಪಬಂಧಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ನೀಡಿದ ಅಧಿಕಾರವೆಂದು ಭಾವಿಸತಕ್ಕದ್ದಲ್ಲ.

10. ನಿಯಮಗಳಿಗೆ ಕಡನಾಡಿಕಾರ.—(1) ರಾಜ್ಯ ಸರ್ಕಾರವು, ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಮತ್ತು ಪೂರ್ವ ಪ್ರಕಟಣೆಯ ತರುವಾಯ ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳನ್ನು ನೆರವೇರಿಸುವ ಸಲುವಾಗಿ ನಿಯಮಗಳನ್ನು ರಚಿಸಬಹುದು.

(2) ವಿಶೇಷವಾಗಿ ಮತ್ತು ಪೂರ್ವೋಕ್ತ ಉಪಬಂಧಗಳ ಸಾಮಾನ್ಯತೆಗೆ ಪ್ರತಿಕೂಲವಾಗದಂತೆ, ಅಂಥ ನಿಯಮಗಳು ಈ ಮುಂದಿನ ಎಲ್ಲಾ ಅಥವಾ ಯಾವುದೇ ವಿಷಯಗಳಿಗೆ ಉಪಬಂಧ ಕಲ್ಪಿಸಬಹುದು, ಎಂದರೆ:—

(ಎ) ಮೃತ ವ್ಯಕ್ತಿಯ ದೇಹವ ಸ್ವಾಧೀನತೆಯನ್ನು ಕಾನೂನುಸಮ್ಮತವಾಗಿ ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಯು ಚಿಕಿತ್ಸೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯಲು ಅನುಮತಿ ನೀಡಬಹುದಾದ ರೀತಿ ಮತ್ತು ವಿಧಾನ ;

(ಬಿ) ಚಿಕಿತ್ಸೆಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಮೃತ ವ್ಯಕ್ತಿಯ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ಉಪಯೋಗಿಸಲು ಮೃತ ವ್ಯಕ್ತಿಯ ಹತ್ತಿರದ ಸಂಬಂಧಿಯು ಅಕ್ಷೇಪಣೆ ಮಾಡಬಹುದಾದ ರೀತಿ ಮತ್ತು ವಿಧಾನ ;

(ಸಿ) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯುವುದಕ್ಕಾಗಿ, ಅನುಮೋದಿತ ಸಂಸ್ಥೆಯ ನಿಯಂತ್ರಣ ಅಥವಾ ವ್ಯವಸ್ಥಾಪನೆಯನ್ನು ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಯ ಪರವಾಗಿ, ಯಾವುದೇ ಅಧಿಕಾರಿಯು ಅಥವಾ ಆ ಸಂಬಂಧದಲ್ಲಿ ಅನುಮೋದಿತ ಸಂಸ್ಥೆಯ ನಿಯಂತ್ರಣ ಅಥವಾ ವ್ಯವಸ್ಥಾಪನೆಯನ್ನು ಹೊಂದಿರುವ ವ್ಯಕ್ತಿಯಿಂದ ನಿರ್ದಿಷ್ಟ ಗೊಳಿಸಲಾದ ಯಾವುದೇ ವ್ಯಕ್ತಿಯು ನೀಡಬಹುದಾದ ಯಾವುದೇ ಅಧಿಕಾರದ ರೀತಿ ಮತ್ತು ವಿಧಾನ ;

(ಡಿ) ಮೃತ ವ್ಯಕ್ತಿಯ ದೇಹದಿಂದ ಮೂತ್ರಪಿಂಡಗಳನ್ನು ತೆಗೆಯುವುದಕ್ಕಾಗಿ ನಿಯಮಿಸಲಾದ ಅಧಿಕಾರಿಯು ತನ್ನ ಒಪ್ಪಿಗೆಯನ್ನು ನೀಡಬಹುದಾದ ರೀತಿ ;

(ಇ) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ನಿಯಮಗಳ ಮೂಲಕ ನಿಯಮಿಸಬೇಕಾದ ಅಥವಾ ನಿಯಮಿಸಬಹುದಾದ ಯಾವುದೇ ಇತರ ವಿಷಯ.

(3) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ರಚಿಸಿದ ಪ್ರತಿಯೊಂದು ನಿಯಮವನ್ನು, ಅದನ್ನು ರಚಿಸಲಾದ ತರುವಾಯ, ರಾಜ್ಯ ವಿಧಾನಮಂಡಲವು ಅಧಿವೇಶನದಲ್ಲಿದ್ದರೆ ಸಾಧ್ಯವಾದಷ್ಟೂ ಬೇಗನೆ ರಾಜ್ಯ ವಿಧಾನಮಂಡಲದ ಪ್ರತಿಯೊಂದು ಸದನದ ಮುಂದೆ ಒಂದು ಅಧಿವೇಶನ ಅಥವಾ ಎರಡು ಅಥವಾ ಹೆಚ್ಚಿನ ಅನುಕ್ರಮ ಅಧಿವೇಶನಗಳಲ್ಲಿ ಅಡಕವಾಗಿ ಬಹುದಾದ ಒಟ್ಟು ಮೂವತ್ತು ದಿನಗಳ ಅವಧಿಯವರೆಗೆ ಅಧಿವೇಶನದಲ್ಲಿರುವಾಗ ಮಂಡಿಸತಕ್ಕದ್ದು ಮತ್ತು ಹಾಗೆ ಮಂಡಿಸಲಾದ ಅಧಿವೇಶನ ಅಥವಾ ನಿರೀಕ್ಷಾತ್ಮಕ ಅಧಿವೇಶನವು ಮುಕ್ತಾಯವಾಗುವ ಮೊದಲು ನಿಯಮದಲ್ಲಿ ಯಾವುದೇ ಮಾರ್ಪಾಟನ್ನು ಮಾಡಬೇಕೆಂದು ಉಭಯ ಸದನಗಳು ಒಪ್ಪಿದರೆ ಅಥವಾ ನಿಯಮಗಳನ್ನು ರಚಿಸಬಾರದೆಂದು ಉಭಯಸದನಗಳು ಒಪ್ಪಿದರೆ ಮತ್ತು ಅಂಥ ತೀರ್ಮಾನವನ್ನು ಸರ್ಕಾರಿ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಅಧಿಸೂಚಿಸಿದರೆ, ನಿಯಮವು ಅಂಥ ಅಧಿಸೂದನೆಯ ಪ್ರಕಟಣೆಯ ದಿನಾಂಕದಿಂದ ಸಂದರ್ಭಾನುಸಾರ, ಹಾಗೆ ಮಾರ್ಪಾಟಾದ ರೀತಿಯಲ್ಲಿ ಮಾತ್ರ ಪರಿಣಾಮಕಾರಿಯಾಗಿ ತಕ್ಕದ್ದು ಅಥವಾ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದಲ್ಲ. ಅದಾಗ್ಯೂ, ಅಂಥ ಯಾವುದೇ ಮಾರ್ಪಾಟು ಅಥವಾ ರದ್ದಿಯಾತಿಯು ಆ ನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಹಿಂದೆ ಮಾಡಲಾದ ಅಥವಾ ಮಾಡಬೇಕಾದ ಬಿಟ್ಟು ಬಿಡಲಾದ ಯಾವುದರ ಮಾನ್ಯತೆಗೂ ಪ್ರತಿಕೂಲವಾಗಿರತಕ್ಕದ್ದಲ್ಲ.

11. ನಿರಸನ ಮತ್ತು ಉಳಿಸುವಿಕೆಗಳು.— (1) ಬದಲಿ ಮೂತ್ರಪಿಂಡ ಜೋಡಣೆಯ ಕರ್ನಾಟಕ ಅಧ್ಯಾದೇಶ, 1986 (1986ರ ಕರ್ನಾಟಕ ಅಧ್ಯಾದೇಶ ಸಂಖ್ಯೆ 4)ನ್ನು ಈ ಮೂಲಕ ನಿರಸನಗೊಳಿಸಲಾಗಿದೆ.

(2) ಅಂಥ ನಿರಸನದಲ್ಲಿ ಎನ್ನೇ ಇದ್ದರೂ, ಸದರಿ ಅಧ್ಯಾದೇಶದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಅಥವಾ ಕೈಗೊಳ್ಳಲಾದ ಯಾವುದೇ ಕೃತ್ಯವನ್ನು ಈ ಅಧಿನಿಯಮದ ಮೂಲಕ ಮಾಡಲಾದುದೆಂದು ಅಥವಾ ಕೈಗೊಳ್ಳಲಾದುದೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು;

KARNATAKA ACT No.45 OF 1986**THE KARNATAKA KIDNEYS TRANSPLANTATION ACT,
1986.****Arrangement of Sections****Sections:**

1. Short title and commencement
2. Definitions
3. Removal of Kidneys of deceased person for Therapeutic purposes
4. Time for removal of kidneys
5. Doubts in respect of inquest or Post-mortem, to be referred to the prescribed officer
6. No authority for removal of kidneys, when Body is entrusted to person only for Cremation, etc
7. Authority for removal of kidneys from unclaimed body
8. Protection of action taken under the Act in good faith
9. Saving
10. Power to make rules
11. Repeal and savings

KARNATAKA ACT 45 OF 1986

(First published in the Karnataka Gazette Extraordinary on the 29th day of October, 1986)

THE KARNATAKA KIDNEYS TRANSPLANTATION ACT, 1986.

(Received the assent of the Governor on the 27th day of October, 1986)

An Act to provide for use of Kidneys of deceased persons and for donation of Kidneys for Therapeutic purposes.

Whereas, it is expedient to provide for use of kidneys of deceased persons and for donation of kidneys for Therapeutic purposes and to provide for matters connected therewith.

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Kidneys Transplantation Act, 1986.

(2) It shall come into force at once in the Corporation of the City of Bangalore and in the remaining area or areas in the State on such date as the State Government may by notification, appoint and different dates may be appointed for different areas.

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

(a) "approved institution" means a hospital or a medical education institution for therapeutic purposes approved by order by the State Government for the purpose of this Act;

(b) "near relative" means any of the following relatives of the deceased,

namely, wife, husband, father, mother, son, daughter, brother or sister;

(c) "registered medical practitioner" means a practitioner practicing any system of medicine and registered as a medical practitioner under any law for the time being in force in India.

3. Removal of Kidneys of deceased person for Therapeutic purposes.- (1) If any person either in writing or orally in the presence of atleast one witness during the last illness has expressed request that his kidneys be used for therapeutic purposes after his death, the person lawfully in possession of his body after his death shall, unless he has reason to believe that such request was subsequently withdrawn, authorise the removal of the kidneys from the body for the said purposes.

(2) Notwithstanding anything contained in sub-section (1), any person lawfully is in possession of body of a deceased person may authorise the removal of the kidneys from the body for the purposes foresaid, unless that person has reason to believe,-

(a) that the deceased has expressed an objection to his kidneys being so dealt with after his death, and had not withdrawn such objection; or

(b) that a near relative of the deceased objects to the kidneys of the deceased being so dealt with before such person authorises the removal of the kidneys.

(3) An authority given under the provisions of this section in respect of any deceased person shall be sufficient to warrant the removal of the kidneys from the body and the use for the purposes

aforesaid, but no such removal shall be effected except by a registered medical practitioner working in an approved institution, or by a registered medical practitioner (being a person possessing qualifications in surgery recognised under any law for the time being in force) approved in writing by the State or by any officer authorised by it in this behalf, who has satisfied himself by a personal examination of the body that life is extinct.

4. Time for removal of Kidneys.-

(1) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the person empowered to give authority for the removal of the kidneys under section 3 to authorise removal of the kidneys from the body of the deceased person within one hour after such person has been declared dead by any registered medical practitioner.

(2) The date and time of death shall be certified by the registered medical practitioner, who attends the donor at his death or where there is no such practitioner by any other registered medical practitioner who is called upon to do so, but any such practitioner so certifying shall not participate in the procedures for removing or transplanting the kidneys.

5. Doubts in respect of inquest or Post-mortem, to be referred to the prescribed officer.- (1) If the person lawfully in possession of the body of a deceased person has reason to believe that an inquest or a post-mortem examination may be required to be held in accordance with the provisions of any law for the

time being in force, the authority for the removal of the kidneys shall not be given, except with the consent of the prescribed officer or any other officer, as the State Government may, by notification, appoint in this behalf.

(2) The officers referred to in sub-section (1), may give direction, either before or immediately after the death of a person, that his consent to the removal of the kidneys from the body of the person after the death of the person is not required.

(3) A consent or direction of the officer referred to in sub-section (1), may be given, subject to such condition as are specified in such consent or direction. Such consent or direction may be given orally by the officer referred to in sub-section (1), but shall be confirmed in writing by him within forty eight hours from the time the consent or direction is given orally.

6. No authority for removal of Kidneys, when Body is entrusted to person only for Cremation, etc.- No authority for removal of kidneys shall be given under section 3 in respect of the body of a deceased person except by the person authorised to do so under this Act, by a person entrusted by another person with the body of the deceased person for the purpose only of interment or Cremation.

7. Authority for removal of kidneys from unclaimed body.-In the case of a body unclaimed or likely to remain unclaimed in an approved institution, any authority for removal of kidneys under this Act may be given on behalf of the person having the control or management of the approved in-

stitution by any officer or person designated in that behalf by the first mentioned person.

8. **Protection of action taken under the Act in good faith.**-No suit, prosecution or other legal proceedings shall lie against an approved institution or a person lawfully in possession of the body of a deceased person or any officer of an approved institution or of the Government or a local authority or any registered medical practitioner in discharging any functions under this Act or anything which is in good faith done or intended to be done, in pursuance of this Act or the rules made thereunder.

9. **Saving.**- (1) Nothing in the foregoing provisions of this Act shall be construed as rendering unlawful dealing with the kidneys of a deceased person, which would have been lawful if this Act had not been passed.

(2) Any authority for the removal of kidneys given in accordance with the provisions of this Act shall not be deemed to be in contravention of the provisions of section 297 of the Indian Penal Code.

10. **Power to make rules.**- (1) The State Government may, by notification, and after previous publication make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

(a) the form and the manner in which the person lawfully in possession of the body of deceased person may authorise the removal of kidneys for therapeutic purposes;

(b) the form and the manner in which a near relative of a deceased person may object to the deceased persons kidneys being used for therapeutic purposes;

(c) the form and the manner in which any authority for removal of kidneys under this Act may be given on behalf of the person having the control or management of an approved institution by any officer or person designated in that behalf by the person having the control or management of the approved institutions;

(d) the manner in which the prescribed officer may give his consent for the removal of kidneys from the body of a deceased person;

(e) any other matter which is to be, or may be, prescribed by rules under this Act.

(3) Every rule made under the section shall be laid, as soon as may be, after it is made, before each house of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both houses agree in making any modification in the rule, or both houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

11. Repeal and Savings.- (1) The Karnataka Kidneys Transplantation Ordinance, 1986 (Karnataka Ordinance 4 of 1986) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

The above translation of the **ಬೆಂಗಳೂರು ಮೂತ್ರಪಿಂಡ ದಾನಕರ್ಮ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 1986**, be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

KARNATAKA ACT No.46 OF 1986

**THE ELECTRICITY (SUPPLY) (KARNATAKA
AMENDMENT) ACT, 1980.**

Arrangement of Sections

Sections:

1. Short title
2. Amendment of section 8
3. Amendment of section 78

KARNATAKA ACT No.46 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Twenty-fourth day of November, 1986)

THE ELECTRICITY (SUPPLY) (KARNATAKA AMENDMENT) ACT, 1980.

(Received the assent of the President on the Twelfth day of November, 1986).

An Act to amend the Electricity (Supply) Act, 1948 in its application to the State of Karnataka.

Whereas it is expedient to amend the Electricity (Supply) Act, 1948 (Central Act 54 of 1948) in its application to the State of Karnataka;

Be it enacted by the Karnataka State Legislature in the Thirty-first Year of the Republic of India as follows:-

1. Short title.- This Act may be called the Electricity (Supply) (Karnataka Amendment) Act, 1980.

2. Amendment of section 8.- In section 8 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948) (hereinafter referred to as the principal Act),-

(1) after the words "The Chairman and other members of the Board shall", a comma and the words "subject to the pleasure of the State Government" shall be and shall be deemed always to have been inserted;

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

"They shall exercise such powers and perform such functions and be paid such remuneration and allowances and be governed by such conditions of service as the State Government may, from time to time, by general or special order, determine."

3. Amendment of section 78.- In section 78 of the principal Act, in sub-section (2), for clause (a), the following clause shall be substituted, namely:-

"(a) The term of office of Chairman and other members of the Board and the conditions under which they shall be eligible for reappointment."

KARNATAKA ACT No.47 OF 1986

**THE KARNATAKA VILLAGE OFFICES ABOLITION
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 5

KARNATAKA ACT No.47 OF 1986

(First published in the Karnataka Gazette, Extraordinary on the Twenty-fifth day of November, 1986)

**THE KARNATAKA VILLAGE OFFICES ABOLITION
(AMENDMENT) ACT, 1986.**

(Received the assent of the Governor on the twenty-first day of November, 1986).

An Act further to amend the Karnataka Village Offices Abolition Act, 1961.

Whereas it is expedient further to amend the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961) for the purposes hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Village Offices Abolition (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 5.- In sub-section (5) of section 5 of the Karnataka village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961) after the words, "for loans granted for improvements of such land", the words, "or for raising crops on such land", shall be inserted.

KARNATAKA ACT No.48 OF 1986

**THE KARNATAKA SOCIETIES REGISTRATION
(AMENDMENT) ACT, 1986.**

Arrangement of Sections

Sections:

- 1. Short title and commencement**
- 2. Amendment of section 27A**

KARNATAKA ACT No.48 OF 1986

(First published in the Karnataka Gazette, Extraordinary on the Twenty-fifth day of November, 1986).

**THE KARNATAKA SOCIETIES REGISTRATION
(AMENDMENT) ACT, 1986.**

(Received the assent of the Governor on the Twenty-first day of November, 1986).

An Act, further to amend the Karnataka Societies Registration Act, 1960.

Whereas it is expedient further to amend the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) for the purposes hereinafter appearing;

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Societies Registration (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 27A.- In the proviso to sub-section (1) of section 27A of the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960), for the words "extend the said period", the words "extend either prospectively or retrospectively, the said period" shall be substituted.

KARNATAKA ACT No.49 OF 1986

**THE KARNATAKA PUBLIC PREMISES (EVICTION
OF UNAUTHORISED OCCUPANTS) (AMENDMENT) ACT,
1986.**

Arrangement of Sections

Sections:

- 1. Short title and commencement**
- 2. Amendment of section 3**

KARNATAKA ACT No.49 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Thirtieth day of December, 1986).

THE KARNATAKA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) (AMENDMENT) ACT, 1986.

(Received the assent of the Governor on the Nineteenth day of December, 1986).

An Act further to amend the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974.

Whereas it is expedient further to amend the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974) for the purposes hereinafter appearing.

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

1. Short title and commencement.-

(1) This Act may be called the Karnataka Public Premises (Eviction of Unauthorised Occupants) (Amendment) Act, 1986.

(2) It shall come into force at once.

2. Amendment of section 3.- In item (i) of clause (a) of section 3 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974), for the word and figure "class I", the word and letter "Group B" shall be substituted.

KARNATAKA ORDINANCE No.1 OF 1986
THE NATIONAL LAW SCHOOL OF INDIA
ORDINANCE, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Definitions
3. Establishment and incorporation of the National Law School of India
4. Objects, authorities and officers of the School, etc.
5. Indemnity
6. Power to amend schedule
7. Ordinance to have overriding effect
8. Schedule

KARNATAKA ORDINANCE No.1 OF 1986

THE NATIONAL LAW SCHOOL OF INDIA ORDINANCE,
1986

(Promulgated by the Governor of Karnataka in the Thirty-sixth Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Ninth day of January, 1986).

An Ordinance to establish and incorporate a National Law School of India at Bangalore.

Whereas it is considered necessary to establish a National Law School of India;

And whereas neither House of the State Legislature is in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to establish and incorporate the National Law School of India at Bangalore;

Now, therefore, in exercise of the powers conferred on me by clause (1) of article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.-

(1) This Ordinance may be called the National Law School of India Ordinance, 1986.

(2) It shall come into force at once.

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

(1) "Academic Council" means the Academic Council of the School;

(2) "Bar Council of India" means the Bar Council of the India constituted under the Advocates Act, 1961 (Act 25 of 1961);

(3) "Bar Council of India Trust"

means the Bar Council of India Trust, a public charitable trust, got registered by the Bar Council of India;

(4) "Director" means the Director of the School;

(5) "Executive Council" means the Executive Council of the School;

(6) "General Council" means the General Council of the School;

(7) "School" means the National Law School of India established under section 3;

(8) "Schedule" means the Schedule appended to this Ordinance; and

(9) "Visitor" means the visitor of the School.

3. Establishment and Incorporation of the National Law School of India.--(1) With effect from the date of commencement of this Ordinance there shall be established, in the State of Karnataka, a University by the name of the National Law School of India which shall consist of a Visitor, a Director, a General Council, an Executive Council and an Academic Council.

(2) The School shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Ordinance, to acquire and hold property, to contract and shall, by the said name, sue and be sued.

(3) In all suits and other legal proceedings by or against the School, the pleadings shall be signed and verified by the Director and all processes in such suits and proceedings shall be issued to, and served on, the Director.

(4) The headquarters of the School shall be at Bangalore.

4. **Objects, authorities and officers of the School etc.**—The objects of the School, the authorities of the School and their composition, powers, functions and other matters relating to them, the officers of the School and their appointment, powers, functions and other matters relating to them and all other matters relating to the finances, powers, teaching, administration and management of the affairs of the School shall, subject to the provisions of this Ordinance, be as specified in the Schedule or as may be provided by regulations made in accordance with the said Schedule.

5. **Indemnity.**— No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from the School, the Director, the authorities or officers of the School or any other person in respect of anything which is in good faith done or purporting to have been done in pursuance of this Ordinance or any regulations made thereunder.

6. **Power to amend Schedule.**— (1) The General Council may, in consultation with the Bar Council of India and with the prior approval of the Visitor and the State Government, by notification, amend either prospectively, or retrospectively the Schedule or the regulations made thereunder.

(2) A copy of every notification made under sub-section (1) shall be laid before each House of the State Legislature, as soon as may be after it is made.

7. **Ordinance to have overriding effect.**— The provisions of this Ordinance and any regulation made thereunder shall have effect notwithstanding any thing inconsi-

stent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Ordinance.

SCHEDULE

(See section 4)

1. Definitions.- In this Schedule, unless the context otherwise requires,-

(1) "Chairman" means the Chairman of the General Council;

(2) "clause" means a clause of this Schedule;

(3) "regulation" means the regulations of the School made under clause 31;

(4) "Secretary" means the Secretary of the School;

(5) "Society" means the National Law School of India Society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960); and

(6) "teacher" includes professors, associate professors, assistant professors, readers, lecturers and any other person imparting instructions in the School.

2. School open to all classes, castes and creeds.- The School shall be open to all persons of either sex irrespective of race, creed, caste or class of all religions and it shall not be lawful for the School to impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege thereof.

3. Powers and functions of the School.- The powers and functions of the School shall be-

(i) to administer and manage the

School and such centres for research, education and instruction as are necessary for the furtherance of the objects of the School;

(ii) to provide for instruction in such branches of knowledge or learning pertaining to law, as the School may think fit and to make provision for research and for the advancement and dissemination of knowledge of law;

(iii) to organise and undertake extra-mural teaching and extension services;

(iv) to hold examinations and to grant diplomas or certificates, and to confer degrees and other academic distinctions on persons subject to such conditions as the School may determine and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(v) to confer honorary degrees or other distinctions in the manner laid down in the regulations;

(vi) to fix, demand and receive fees and other charges;

(vii) to institute and maintain halls and hostels and to recognise places of residence for the students of the School and to withdraw such recognition accorded to any such place of residence;

(viii) to establish such special centres, specialised study centres or other units for research and instruction as are, in the opinion of the School, necessary for the furtherance of its objects;

(ix) to supervise and control the residence and to regulate the discipline of the students of the School and to make arrangements for prompting their health;

(x) to make such arrangements in respect of the residence, discipline, and teaching of women students;

(xi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;

(xii) to regulate and enforce discipline among the employees of the School and to take such disciplinary measures as may be deemed necessary;

(xiii) to institute professorships, associate professorships, assistant professorships, readerships, lecturerships, and any other teaching, academic or research post required by the School;

(xiv) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or otherwise as teachers and researchers of the School;

(xv) to institute and award fellowships, scholarships, prizes and medals;

(xvi) to provide for printing, reproduction and publication of research and other works and to organise exhibitions;

(xvii) to sponsor and undertake research in all aspects of law, justice and social development;

(xviii) to co-operate with any other organisation in the matter of education, training and research in law, justice, social development and allied subjects for such purposes as may be agreed upon on such terms and conditions as the School may from time to time determine;

(xix) to co-operate with institutions of higher learning in any part of the world having objects wholly or partially similar to those of the School, by exchange of teachers and scholars and generally in such manner as may be conducive to the common object.

(xx) to regulate the expenditure and to manage the accounts of the School;

(xxi) to establish and maintain within School's premises or elsewhere, such class rooms, and study halls as the School may consider necessary and adequately furnish the same and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the School;

(xxii) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the School, and consistent with the objects for which the School is established;

(xxiii) to purchase, take on lease or accept as gifts or otherwise any land or building or works, which may be necessary or convenient for the purpose of the School and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;

(xxiv) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the School, moveable or immovable, on such terms as it may think fit and proper without prejudice to the interest and activities of the School;

(xxv) to draw and accept, to make and endorse, to discount and negotiate, Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments;

(xxvi) to execute conveyance, transfers, reconveyance, mortgage, leases, licences and agreements in respect of property, moveable or immovable including Government securities belonging to the School or to be acquired for the purpose of the School;

(xxvii) to appoint in order to execute an instrument or transact any business of the School, any person as it may deem fit;

(xxviii) to give up and cease from carrying on the running of the School or particular classes or departments thereof;

(xxix) to enter into any agreement with Central Government, State Governments and University Grants Commission or other authorities for receiving grants;

(xxx) to accept grants of money, securities or property of any kind on such terms as may deem expedient;

(xxxii) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the School or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the School, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

(xxxiii) to invest the funds of the School or money entrusted to the School in or upon such securities and in such manner as it may deem fit and from time to time transpose any investment;

(xxxiiii) to make such regulations as may, from time to time, be considered necessary for regulating the affairs and the management of the School and to alter, modify and to rescind them;

(xxxv) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed by the regulations, such as pension, insurance, provident fund and gratuity as it may deem fit and to make such

grants as it may think fit for the benefit of any employee of the School, and to aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the School;

(xxxv) to delegate all or any of its powers to the Director of the School or any committee or any sub-committee or to any one or more members of its body or its officers; and

(xxxvi) to do all such other acts and things as the School may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any one of them.

4. Teaching of the School.—(1) All recognised teaching in connection with the degree, diplomas and certificates of the School shall be conducted, under the control of the General Council, by the teachers of the School, in accordance with the syllabus prescribed by the regulations.

(2) The courses and curricula and the authorities responsible for organising such teaching shall be as prescribed by the regulations.

5. Visitor of the School.—(1) The Chief Justice of India shall be the Visitor of the School.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the School, its buildings, libraries and equipments and of any institution maintained by the School, and also of the examinations, teaching and other work conducted or done by the School and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the School.

(3) The Visitor shall in every case give notice to the School of his intention to cause an inspection or inquiry to be made, and the School shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Visitor may address the Director with reference to the result of such inspection and inquiry, and the Director shall communicate to the General Council the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(5) The General Council shall communicate through the Director to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.

6. Authorities of the School.- The following shall be the authorities of the School:

- (1) General Council;
- (2) Executive Council;
- (3) Academic Council;
- (4) Finance Committee;
- (5) Such other authorities as may be declared as such.

7. Membership of General Council.-

(1) There shall be a General Council of the School, which shall consist of the following members, namely,-

- (a) the Chairman;
- (b) the Director;
- (c) the Attorney-General of India;
- (d) the Solicitor-General of India;
- (e) the Law Minister, Government of India or his nominee;
- (f) the Education Minister, Government of India or his nominee;

(g) the Chairman, University Grants Commission or his nominee;

(h) the Managing Trustee, Bar Council of India Trust;

(i) six nominees of the Bar Council of India from amongst its members;

(j) two persons to be nominated by the Bar Council of India in consultation with the Chief Justice of India;

(k) two representatives of allied disciplines in social sciences and humanities nominated by the Bar Council of India;

(l) two judges from among the Judges of the Supreme Court and High Courts, nominated by the Bar Council of India in consultation with the Chief Justice of India;

(m) the Chief Justice of Karnataka, High Court;

(n) five members to be nominated by the Government of Karnataka of whom one shall be the Law Minister of Government of Karnataka, one shall be the Advocate General for the State, one shall be the head of the law faculty in any of the Universities in the State, one shall be the Principal of one of the law colleges in the State and the other shall be an eminent person in the field of law;

(o) all the Heads of the Departments of the School, if any;

(p) five members to be nominated by the Society from amongst its members of which one shall be the Chairman, Karnataka State Bar Council and the other the Law Secretary, Government of Karnataka.

(q) such other members of the Executive Council as are not members of the General Council;

Provided that an employee of the School shall not be eligible for nomination under items (j) and (k):

Provided further that the General Council constituted under the rules of the Society shall be the first General Council.

8. Membership Roll.- (1) The School shall keep a roll of the members of the General Council, stating therein the rank or occupation and address of every member who shall sign the same. No person shall be deemed to be a member or be entitled to exercise the rights and privileges of a member unless he has signed the membership roll.

(2) If a member of the General Council changes his address, he shall notify his new address to the School; if the member fails to notify his new address, the address in the roll of members shall be deemed to be his correct address.

9. Chairman, Secretary and Treasurer.-

(1) The Chairman of the Bar Council of India shall be the Chairman of the General Council.

(2) The Director of the School shall be the Secretary of the General Council.

(3) The Managing Trustee of the Bar Council of India Trust shall be the Treasurer of the School.

10. Term of office of members of the General Council.- (1) The term of office of the members of the General Council shall, subject to clauses (2) and (3), be three years.

Provided that the term of the first General Council will expire on constitution of the regular General Council under the provisions of this Schedule.

(2) Where a member of the General Council becomes such member by reason of the office or appointment he holds or is a nominated member, his membership shall terminate when he ceases to hold such office or appointment or as the case may be, his nomination is withdrawn or cancelled.

(3) A member of the General Council shall cease to be a member, if he resigns or becomes of unsound mind, or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member other than the Director, accepts a full time appointment in the School or if he fails to attend three consecutive meetings of the General Council without the leave of the Chairman.

(4) A member of the General Council may resign his office by a letter addressed to the Chairman and such resignation shall take effect as soon as such resignation has been accepted by him.

(5) Any vacancy in the General Council shall be filled either by appointment or nomination, as the case may be, of a person by the respective authority or association entitled to make the same and the person so appointed or nominated shall hold office so long only as the member in whose place he is appointed or nominated could have held office if the vacancy had not occurred.

11. Powers of the General Council.-

(1) The General Council shall be the supreme authority of the School, and shall have all the powers necessary for the administration or management of the school or for conducting its affairs, including the power to review the action of the Executive Council, Academic Council, Finance Commit-

tee and all other Committees and the power to review the regulations made by the Executive Council and shall exercise all powers of the School not otherwise provided in this Ordinance.

(2) Without prejudice to the generality of the powers conferred by sub-rule (1), the General Council shall,-

(a) recommend the board policies and programmes of the School and suggest measures for the improvement and development of the School;

(b) consider and pass the resolutions on the annual report, the financial estimates and the audit report on such accounts;

(c) perform such other functions as it may deem necessary for the better functioning and administration of the School.

12. Meetings of the General Council.-

(1) The General Council shall meet at least once in a year. An annual meeting of the General Council shall be held on a date to be fixed by the Executive Council, unless some other date has been fixed by the General Council in respect of any year.

(2) The Chairman shall preside over the meetings. In the absence of the Chairman, the Managing Trustee of the Bar Council of India Trust and in the absence of both the Chairman and the Managing Trustee the seniormost member of the Bar Council of India shall preside.

(3) A report of the working of the School during the previous year, together with a statement of receipts and expenditure, the balance sheet as audited, and the financial estimate shall be presented to the General Council at its annual meeting.

(4) Meetings of the General Council shall be called by the Chairman, or in his absence the Director either on his own or at the request of not less than ten members of the General Council.

(5) For every meeting of the General Council 15 days notice shall be given.

(6) One-third of the members of the General Council shall form the quorum at any time.

(7) Each member shall have one vote and if there be equality of votes on any question to be determined by the General Council, the Chairman or the person presiding over the meeting shall, in addition, have a casting vote.

(8) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(9) If urgent action by the General Council becomes necessary, the Chairman may permit the business to be transacted by circulation of papers to the members of the General Council. The action proposed to be taken shall not be taken unless agreed to by a majority of the members of the General Council. The action so taken shall be forthwith intimated to all the members of the General Council and the papers shall be placed before the next meeting of the General Council for confirmation.

13. Executive Council. (1) The Executive Council shall be the Chief Executive Body of the School.

(2) The administration, management and control of the School and the income thereof shall be vested with the Executive Council which shall control and administer the property and funds of the School.

14. Membership of the Executive Council.- (1) The Executive Council shall consist of the following, namely:-

(a) the Director;
 (b) the Chairman;
 (c) two persons nominated by the Bar Council of India from among the distinguished men of letters, educationists of repute or members of the learned professions or eminent public men, in consultation with the Visitor;

(d) the Managing Trustee of the Bar Council of India Trust;

(e) the Law Secretary to the Government of Karnataka;

(f) two members nominated by the Government of Karnataka from among those nominated by it to the General Council under clause 7(n);

(g) three members nominated by the Bar Council of India from among its members;

(h) one member nominated by the Bar Council of India Trust from among its members;

(i) three Professors, elected by the teaching staff of the School, by rotation according to seniority;

Provided that an employee of the School shall not be eligible for nomination under category (c).

(2) The Director shall be the Chairman of the Executive Council.

15. Term of Office of Executive Council.- (1) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold the office or appointment.

(2) A member of the Executive Council

shall cease to be a member if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member other than the Director or a member of a faculty accepts a full time appointment on the School or if he fails to attend three consecutive meetings of the Executive Council without leave of the Chairman of the Executive Council.

(3) Unless their membership of the Executive Council is previously terminated as provided in the above sub-clauses members of the Executive Council shall relinquish their membership on the expiry of three years from the date on which they become members of the Executive Council but shall be eligible for re-nomination or re-appointment, as the case may be;

Provided that the term of the first Executive Council shall be five years.

(4) A member of the Executive Council other than an ex-officio member may resign his office by a letter addressed to the Chairman of the Executive Council and such resignation shall take effect as soon as it has been accepted by the Chairman of the Executive Council.

(5) Any vacancy in the Executive Council shall be filled either by appointment or nomination, as the case may be, by the respective authority or association entitled to make the same and on the expiry of the period of the vacancy, such appointment or nomination shall cease to be effective.

16. Powers and functions of the Executive Council.- Without prejudice to clause 11, the Executive Council shall have

the following powers and functions, namely:-

(1) to appoint, from time to time, the Director, the Registrar, the Librarian, Professors, associate professors, assistant professors and other members of the teaching staff, as may be necessary, on the recommendations of the selection committee constituted for the purpose;

Provided that no action shall be taken by the Executive Council, except in cases covered by the second proviso, in regard to the number, qualifications and emoluments of teachers, otherwise than after consideration of the recommendations of the Academic Council;

Provided further it shall not be necessary to constitute any selection committee for making appointments,-

(a) to any supernumerary post; or

(b) to the post of professor or a person of high academic distinction, eminence and professional attainment invited by the Executive Council to accept the post.

(2) to create administrative, ministerial and other necessary posts, to determine the number and emoluments of such posts, to specify minimum qualification for appointment to such posts and to appoint persons to such posts on such terms and conditions of service as may be prescribed by the regulations made in this behalf, or to delegate the powers of appointments to such authority or authorities or officer or officers as the Executive Council may, from time to time, by resolution, either generally or specifically, direct;

(3) to grant leave of absence other

than casual leave to any officer of the school and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(4) to manage and regulate the finances, accounts investments, property, business and all other administrative affairs of the school and for that purpose to appoint such agents, as it may think fit;

(5) to invest any money belonging to the School, including any unapplied income, in such stock, funds, shares or securities, as it may from time to time, think fit or in the purchase of immovable property in India, with the like power of varying such investments from time to time;

(6) to transfer or accept transfers of any movable or immovable property on behalf of the School;

(7) to enter into, vary, carry out and cancel contracts on behalf of the School and for that purpose to appoint such officers as it may think fit;

(8) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the School;

(9) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers of the School, the teachers, the students and the School employees, who may, for any reason, feel aggrieved, otherwise than by an act of a court;

(10) to appoint examiners and moderators, and if necessary to remove them and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

(11) to select a common seal for the School and to provide for the custody of the seal;

(12) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Ordinance.

17. Meeting of the Executive Council.-

(1) The Executive Council shall meet at least once in three months and not less than fifteen days notice shall be given of such meeting.

(2) Six members of the Executive Council, shall constitute a quorum at any meeting thereof.

(3) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(4) Each member of the Executive Council shall have one vote and if there shall be equality of votes on any question to be determined by the Executive Council, the Chairman of the Executive Council, or as the case may be, the member presiding over that meeting shall, in addition, have a casting vote.

(5) Every meeting of the Executive Council shall be presided over by the Director, who is the *ex-officio* Chairman of the Executive Council and in his absence by a member chosen by the members present to preside on the occasion.

(6) If urgent action by the Executive Council becomes necessary, the Chairman of the Executive Council may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Executive Coun-

cil. The action so taken shall be forthwith intimated to all the members of the Executive Council. The papers shall be placed before the next meeting of the Executive Council for confirmation.

18. Constitution of standing committee and appointment of ad-hoc committees by the Executive Council.- (1) Subject to the provisions of this Act, the Executive Council may, by resolution, constitute such standing committees or appoint ad-hoc committees for such purposes and with such powers as the Executive Council may think fit for exercising any power or discharging any function of the School or for enquiring into, reporting or advising upon any matter of the School.

(2) The Executive Council may co-opt such persons to a standing committee or an ad-hoc committee as it considers suitable and may permit them to attend the meetings of the Executive Council.

19. Delegation of powers by Executive Council.- The Executive Council may, by resolution, delegate to the Director or to a committee, such of its powers as it may deem fit subject to the condition that the action taken by the Director or such committee in the exercise of the powers so delegated shall be reported at the next meeting of the Executive Council.

20. The Academic Council.- The Academic Council shall be the academic body of the School, and shall, subject to the provisions of this Ordinance, have the power of control and general regulation of, and be responsible for, the maintenance of standards of instruction, education and examination of the School, and shall exercise such other powers and perform such other

duties as may be conferred or imposed upon it by this Ordinance. It shall have the right to advise the Executive Council on all academic matters.

21. **Membership of the Academic Council.**- The academic council shall consist of the following persons, namely:-

(a) the Director, who shall be the Chairman;

(b) three persons from amongst the educationists of repute or men of letters or members of the learned professions or eminent public men, who are not in the service of the School, nominated by the Bar Council of India, in consultation with the Visitor;

(c) a person nominated by the State of Karnataka from among the principals of the Law Colleges in the State and the Heads of the Law faculty in the Universities in the State;

(d) a nominee of the Bar Council of India;

(e) a nominee of the Bar Council of India Trust;

(f) all the Heads of the Departments, if any;

(g) all professors other than the Heads of the Departments, if any;

(h) two members of the teaching staff, representing Associate and Assistant Professors of the School;

Provided that an employee of the School shall not be eligible for nomination under category (b);

(2) The term of the members other than **ex-officio** members and those whose term is specified by item (h) of sub-clause (1) shall be three years.

22. Powers and duties of the Academic Council.-Subject to the provisions of this Act, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:-

(1) to report on any matter referred to or delegated to it by the General Council or the Executive Council;

(2) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the School and the emoluments and the duties attached thereto;

(3) to formulate and modify or revise schemes for the organisation of the faculties, and to assign to such faculties their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any faculty or the combination of one faculty with another;

(4) to make arrangements through regulations for the instruction and examination of persons other than those enrolled in the School;

(5) to promote research within the School and to require, from time to time, reports on such research;

(6) to consider proposals submitted by the faculties;

(7) to appoint committees for admission to the School;

(8) to recognise diplomas and degrees of other universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the School;

(9) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competition for fellowship, scholarships and other prizes.

and to award the same;

(10) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary their removal and the fixation of their fees, emoluments and travelling and other expenses;

(11) to make arrangements for the conduct of examinations and to fix dates for holding them;

(12) to declare the result of the various examinations, or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, licences, titles and marks of honour;

(13) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and such other conditions as may be attached to the awards;

(14) to publish lists of prescribed or recommended text-books and to publish syllabus of the prescribed courses of study;

(15) to prepare such forms and registers as are, from time to time, prescribed by regulations; and

(16) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of this Ordinance and the regulations.

23. Procedure of the Meeting of the Academic Council.— (1) The Academic Council shall meet as often as may be necessary, but not less than two times during an academic year.

(2) One half of the total number of members of the Academic Council shall form

quorum for a meeting of the Academic Council.

(3) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(4) Each member of the Academic Council, including the Chairman of the Academic Council, shall have one vote and if there shall be an equality of votes on any question to be determined by the Academic Council the Chairman of the Academic Council or as the case may be, the member presiding over the meeting, shall, in addition, have a casting vote.

(5) Every meeting of the Academic Council shall be presided over by the Chairman of the Academic Council and in his absence, by a member chosen by the meeting to preside on the occasion.

(6) If urgent action by the Academic Council becomes necessary, the chairman, of the Academic Council may permit the business to be transacted by circulation of papers to the members of the Academic Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Academic Council. The action so taken shall be forthwith intimated to all the members of the Academic Council. The papers shall be placed before the next meeting of the Academic Council for confirmation.

24. Finance Committee.— (1) There shall be a Finance Committee constituted by the Executive Council consisting of the following, namely:—

(a) the Treasurer of the School;

(b) the Director;

(c) three members nominated by the Executive Council from amongst its members but of whom at least two would be from the

Bar Council of India and one from the Government of Karnataka.

(2) The members of the Finance Committee other than the Director, shall hold office for a term of three years.

(3) The functions and duties of the Finance Committee shall be as follows, namely:-

(a) to examine and scrutinise the annual budget of the School and to make recommendations on financial matters to the Executive Council;

(b) to consider all proposals for new expenditure and to make recommendations to the Executive Council;

(c) to consider the periodical statements of accounts and to review the finances of the School from time to time and to consider reappropriation of statements and audit reports and to make recommendations to the Executive Council;

(d) to give its views and to make recommendations to the Executive Council on any financial question affecting the School either on its own initiative or on reference from the Executive Council of the Director.

(4) The Finance Committee shall meet at least twice every year. Three members of the Finance Committee shall form the quorum.

(5) The Treasurer shall preside over the meetings of the Finance Committee, and in his absence, the Director shall preside. In case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

25. Selection Committee.- (1) The Executive Council shall constitute the selection committees for making recommendations to the Executive Council for ap

pointment to posts of Professors, Associate Professors and other teachers in the School.

(2) The selection committee shall consist of the following members:-

(a) Director, who shall be the Chairman of the Committee;

(b) Chairman;

(c) Head of the Department concerned, if any, provided he holds a post not lower than the level of the post for which the selection is to be made;

(d) Three experts for selecting Professors, Associate Professors and Assistant Professors nominated by the Director from amongst a panel of names recommended by the Academic Council and approved by the Executive Council;

(3) The meeting of the selection committee shall be convened by the Director whenever necessary. The Director shall preside over the meetings of the selection committee. Three members of whom one shall be the expert of the selection committee shall form the quorum.

26. Officers of the School.- The following shall be the officers of the School,-

(a) the Director;

(b) the Heads of the Departments;

(c) the Registrar;

(d) such other officers as may be prescribed by the regulation.

27. Director.- (1) The Director of the School shall be appointed by the Executive Council in accordance with the regulations made in that behalf and in consultation with the Visitors

Provided that the first Director shall be appointed by the Bar Council of India;

(2) Subject to the specific and general directions of the Executive Council, the Director shall exercise all powers of the Executive Council in the management and administration of the School.

(3) The Director who shall be an academic person and a Professor of Law at the School, shall hold office for a term of five years, which shall be renewable by a resolution to that effect by the Executive Council or upto the age of retirement of the members of the teaching staff, whichever is earlier, upon the expiry of his term, he shall continue in office until his successor is appointed and enters upon his office.

(4) The Director shall,-

(a) ensure that the provisions of this Act and the regulations are duly observed, and he shall have all powers as are necessary for that purpose;

(b) convene the meetings of the General Council, the Executive Council, the Academic Council and shall perform all other acts, as may be necessary to give effect to the provisions of this Ordinance;

(c) represent the School in suits or proceedings by or against the School, sign powers-of-attorney and verify the pleadings or depute representatives for the purpose.

(d) have all powers relating to the proper maintenance of discipline in the School.

(5) If, in the opinion of the Director, any emergency has arisen, which requires that immediate action be taken, he shall in consultation with the Chairman, take such action as he deems necessary and shall report the same for confirmation to

the next meeting of the authority, which, in the ordinary course, would have dealt with the matter.

28. Heads of the Departments.- (1) There shall be a Head of the Department for each of the departments in the School.

(2) The powers, functions, appointments and the conditions of service of the Heads of the Departments shall be as prescribed by the regulations.

29. Registrar.- (1) The Registrar shall be appointed by the Executive Council and shall be a whole time officer of the School. The terms and conditions of service of the Registrar shall be such as may be prescribed by the regulations.

(2) The Registrar shall be the ex-officio Secretary of the Executive Council, the Academic Council, the Finance Committee and the faculties, but shall not be deemed to be a member of any of these authorities.

(3) The Registrar, shall-

(a) comply with all directions and orders of the Executive Council and the Director;

(b) be the custodian of the records, common seal and such other property of the School as the Executive Council shall commit to his charge;

(c) issue all notice convening meetings of the Executive Council, the Academic Council, the Finance Committee, the faculties, the Board of studies and of any committee, appointed by the authorities of the School;

(d) keep the minutes of all meetings of the Executive Council, the Academic Council, the Finance Committee, the faculties and any committee appointed by the

authorities of the School;

(e) conduct the official correspondence of the Executive Council and the Academic Council;

(f) supply the Visitor the copies of the agenda of the meetings of the authorities of the School as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meeting;

(g) call a meeting of the Executive Council forthwith in an emergency, when neither the Director nor the officer duly authorised is able to act and to take its directions for carrying on the work of the School;

(h) be directly responsible to the Director of the School for the proper discharge of his duties and functions; and

(i) perform such other duties as may be assigned, from time to time, by the Executive Council.

(4) In the event of the post of the Registrar remaining vacant for any reason, it shall be open to the Director to authorise any officer in the service of the School to exercise such powers, functions, and duties of the Registrar as the Director deems fit.

30. Conditions of Service of Officers and Teachers.- (1) Subject to the regulations made for the purpose every salaried teacher and officer of the School shall be appointed under a written contract setting out the conditions of service as prescribed by the regulations to be made by the Executive Council, which shall be lodged with the School and a copy thereof furnished to the teacher or officer concerned.

(2) Any dispute arising out of a contract between the School and any of its teachers or officers, shall at the request of the officer or the teacher concerned, or at the instance of the School, be referred to a Tribunal for arbitration consisting of three members appointed by the Executive Council as prescribed by the regulations.

31. Regulations.- (1) Subject to the provisions of this Ordinance the Executive Council shall have, in addition to all the other powers vested in it, the power to frame regulations to provide for the administration and management of the affairs of the School;

Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the School until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council;

Provided further that except with the prior concurrence of the Academic Council, the Executive Council shall not make, amend or repeal any regulation affecting any or all of the following matters, namely:-

(a) the constitution, powers and duties of the Academic Council;

(b) the authorities responsible for organising teaching in connection with the School courses and related academic programmes;

(c) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(d) the establishment and aboli-

tion of faculties, departments, halls and institutions;

(e) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(f) conditions and modes of appointment of examiners or conduct of standard of examinations or any other course of study;

(g) mode of enrolment or admission of students;

(h) examination to be recognised as equivalent to university examinations.

(2) The Academic Council shall have the power to propose regulations on all the matters specified in (a) to (g) above and matters incidental and related thereto in this regard.

(3) Where the Executive Council has rejected the draft of a regulation proposed by the Academic Council, the Academic Council may appeal to the Visitor and the Visitor, may by order, direct that the proposed regulation may be laid before the next meeting of the General Council for its approval and that pending such approval of the General Council, it shall have effect from such date as may be specified in that order.

Provided that if the regulation is not approved by the General Council at such meeting, it shall cease to have effect.

(4) All regulations made by the Executive Council shall be submitted as soon as may be for approval, to the Visitor and to the General Council at its next meeting, and the General Council shall have power by a resolution passed by a majority or not less than two thirds of the members present, to cancel any regulation made by

the Executive Council and such regulations shall from the date of such resolution cease to have effect.

32. Provident Fund, Gratuity, Pension and any other benefit Scheme.- All the permanent employees of the School shall be entitled to the benefit of the provident fund and gratuity in accordance with such regulations as may be framed in that behalf by the Executive Council.

33. Funds of the School.- (1) The School Fund shall include,-

(a) any contribution or grant made by the State Government;

(b) any contribution or grant made by the University Grants Commission or the Central Government;

(c) any contribution made by the Bar Council of India;

(d) any contribution made by the Bar Council of India Trust;

(e) any contribution made by the State Bar Councils;

(f) any bequests, donations, endowments or other grants made by private individuals or institutions;

(g) income received by the School from fees and charges, and

(h) amounts received from any other source.

(2) The said fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in a corresponding new Bank constituted under the Banking Companies (Acquisition and Transfer or Undertaking) Act, 1970 or may be invested in such securities authorised by the Indian Trusts Act, 1882, as may be decided by the Executive Council.

(3) The said fund may be employed for such purpose of the School and in such manner as may be prescribed by regulations.

34. Annual Accounts and Audit.- (1) The Annual Accounts of the School shall be prepared under the directions of the Executive Council.

(2) The accounts of the School shall, at least once in a year, be audited by the auditors appointed by the Executive Council.

(3) The accounts when audited shall be published by the Executive Council and a copy of the accounts together with the audit report shall be placed before the Executive Council and also shall be submitted to the State Government.

(4) The Annual Accounts shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive Council. The General Council shall consider the suggestions made by the Executive Council and take such action thereon as it thinks fit. The Executive Council shall inform the General Council at its next meeting all actions taken by it or the reasons for not taking action.

35. Financial Estimates.- (1) The Executive Council shall prepare before such date as may be prescribed by the regulations, the financial estimates for the ensuing year and place the same before the General Council.

(2) The Executive Council may, in case where the expenditure in excess of the amount provided in the budget is to be incurred or in cases of urgency, for reasons to be recorded in writing, incur expe-

nditure subject to such restriction and conditions specified in the regulations. Where no provision has been made in the budget in respect of such excess expenditure a report shall be made to the General Council at its next meeting.

36. Power of Government to Direct Audit.- The State Government shall have the power to direct, whenever deemed necessary, an audit of the accounts of the School, including those of the institutions managed by it, by such auditors, as it may specify.

37. Annual Report.- (1) The executive Council shall prepare the Annual Report containing such particulars as the General Council may specify, covering each financial year and submit it to the General Council on or before such date as may be prescribed by the regulations. The General Council may pass resolutions thereon and the Executive Council shall take action in accordance therewith. The action taken shall be intimated to the General Council.

(2) Copies of the Annual report along with the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall lay the same before both the Houses of the State Legislature at their next earliest session.

38. Extension of Contracts.- All contracts relating to the management and administration of the School shall be expressed as made by the Executive Council, and shall be executed by the Director when the value of the contract is above ten lakhs of rupees and does not exceed rupees twenty five lakhs of rupees and by the Registrar of the School, when its value does not exceed rupees ten lakhs of rupees.

39. Eligibility for Admission of Students.- No student shall be eligible for admission to a course of study for a degree or diploma, unless he possesses such qualifications as may be prescribed by the regulations.

40. Residence of Students.- Every Student of the School shall reside in a hostel maintained or recognised by the School or under such conditions as may be prescribed by the regulations.

41. Honorary Degrees.- If not less than two-thirds of the members of Academic Council, recommend that an honorary degree or academic distinction be conferred on any person on the ground that he is in their opinion by reason of eminent attainment and position, fit and proper to receive such degree or academic distinction, the General Council may by a resolution, decide that the same may be conferred on the person recommended.

42. Withdrawal of Degree or Diploma.-
 (1) the General Council, may on recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege conferred on or granted to any person by a resolution passed by the majority of the total membership of the General Council and by a majority of less than two thirds of the members of the General Council present and voting at the meeting, if such person has been convicted by a Court of law for an offence, which in the opinion of the General Council involves moral turpitude or if he has been guilty of gross misconduct.

(2) No action under this rule shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

(3) A copy of the resolution passed by the General Council shall be immediately sent to the person concerned.

(4) Any person aggrieved by the decision taken by the General Council may appeal to the Visitor within thirty days from the date of the receipt of such resolution.

(5) The decision of the Visitor on such appeal shall be final.

43. Appointment of a School Review Commission.- (1) The Visitor shall at least once in every five years constitute a commission to review the working of the School and to make recommendations.

(2) The commission shall consist of not less than three eminent educationists, one of whom shall be the Chairman, appointed by the Visitor in consultation with the State Government.

(3) The terms and conditions of the appointment of the members shall be such as the Visitor may determine.

(4) The commission shall after holding an enquiry as it deems fit, make its recommendation to the Visitor.

(5) The Visitor may take such action on the recommendations as he deems fit.

44. Discipline.- (1) The final authority responsible for maintenance of discipline among the students of the School shall be the Director. His directions in that behalf shall be carried out by the Heads of the School, hostels and institutions.

(2) Notwithstanding anything contained in sub-clause (1) the punishment of debarring a student from the examination or rustication from the School or a hostel or an institution, shall on the report of the

Director be considered and imposed by the Executive Council:

Provided that no such punishment shall be imposed without giving to the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

45. Rules and Regulations not invalidated merely on the ground of defect in constitution, vacancy, etc.- (1) Notwithstanding that the General Council, the Executive Council or the Academic Council or any other authority or body of the School is not duly constituted or there is a defect in its constitution or re-constitution at any time and notwithstanding that there is a vacancy in the membership of any such authority or body, no Act or rule or proceedings of such authority or body shall be invalidated on any such ground or grounds.

(2) No resolution of any authority or body of the School shall be deemed to be invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of such Authority or body were not prejudicially affected by such irregularity.

46. Sponsored Schemes.- Whenever the School received funds from the State Government, University Grants Commission or other agencies sponsoring a scheme to be executed by the School, notwithstanding anything in this Ordinance and regulations,-

(1) the amount received shall be kept by the School separately from the School fund and utilised only for the purpose of the scheme; and

(2) the staff required to execute the scheme shall be recruited in accordance

with the terms and conditions stipulated by the sponsoring organisation.

47. Removal of difficulties at the Commencement.- If any difficulty arises with respect to the establishment of the School or in connection with the first meeting of any authority of the School or otherwise in first giving effect to the provisions of this Ordinance and the regulations, the Visitor may, at any time, before all authorities of the School have been constituted, by order, make any appointment or do anything consistent, so far as may be, with the provisions of this Ordinance and the regulations, which appear to him necessary or expedient for the purpose of removing the difficulty and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Ordinance and the regulations:

Provided that before making any such order the Visitor shall ascertain and consider the opinion of the Director and of such appropriate authority of the School as may have been constituted.

48. Transitory Provisions.- Notwithstanding anything in this Ordinance, and the regulations, the Director may, with the previous approval of the Visitor and subject to the availability of funds, discharge all or any of the functions of the School for the purpose of carrying out the provisions of this Ordinance and the regulations and for that purpose may exercise any powers or perform any duties, which by this Ordinance and the regulations are to be exercised or performed by any authority of the School until such authority comes into existence as provided by this Ordinance and the regulations.

KARNATAKA ORDINANCE No. 2 of 1986.

THE KARNATAKA CORNEAL GRAFTING (AMENDMENT
ORDINANCE, 1986

Arrangement of sections

Sections:

1. Short title and commencement
2. Amendment of the heading and the preamble
3. Amendment of section 1
4. Amendment of section 2
5. Amendment of section 3

KARNATAKA ORDINANCE NO. 2 OF 1986.

THE KARNATAKA CORNEAL GRAFTING

(AMENDMENT) ORDINANCE, 1986.

Promulgated by the Governor of Karnataka in the Thirty-Seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Sixth day of June, 1986).

An Ordinance to amend the Karnataka Corneal Grafting Act, 1965.

Whereas the Karnataka Legislative Council is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Karnataka Corneal Grafting Act, 1965, (Karnataka Act 12 of 1965) for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 13 of the Constitution of India, I, A.N. Anerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely: -

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka Corneal Grafting (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of the heading and the preamble.- In the Karnataka Corneal Grafting Act, 1965 (Karnataka Act 12 of 1965) hereinafter referred to as the principal Act, -

(1) For the heading "The Karnataka Corneal Grafting Act, 1965", the heading "The Karnataka Human Eyes (Authority for Use for Therapeutic and Research Purposes) Act, 1965" shall be substituted.

(2) In the preamble for the words "surgical purposes" the words "surgical, therapeutic or research purposes" shall be substituted.

3. Amendment of section 1.- In section 1 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) This Act may be called the Kärnataka Human Eyes (Authority for use for Therapeutic and Research Purposes) Act, 1965".

4. Amendment of section 2.- In section 2 of the principal Act,-

(1) In sub-section (1),-

(a) for the words "two witnesses at any time has expressed a request that his eyes be used for surgical purposes after his death, the party lawfully in possession of his body after his death, may unless it is proved that the request was subsequently withdrawn either in writing or in the presence of the two witnesses" the words "atleast one witness at any time has expressed a request that his eyes be used for surgical, therapeutic or research purposes after his death, the party lawfully in possession of his body after his death shall, unless he has any reason to believe that the request was subsequently withdrawn either in writing or in the presence of one witness" shall be substituted.

(b) at the end, the following provision shall be inserted, namely:-

"Provided that where the request is expressed or withdrawn in the presence of only one witness, such witness shall be a relative of the deceased".

(2) In sub-section (2), for the words "the party lawfully in possession of t

body of a deceased person may", the words "where no such request as is referred to in sub-section (2) was made by any person before his death, the party lawfully in possession of the body of such deceased person may" shall be substituted.

5. Amendment of section 3.- In section 3 of the principal Act, in sub-section (3), for the words " shall keep it in a thermos flask filled with ice and handover the same to the nearest eye bank of an institution approved by the State Government", the words " shall keep it in such suitable receptacle as may be prescribed for preservation, transportation and hand over as early as possible to an eye bank or an ophthalmic department or Eye Surgeon" shall be substituted.

KARNATAKA ORDINANCE No. 3 OF 1986

THE KARNATAKA DEPARTMENTAL ENQUIRIES
(ENFORCEMENT OF ATTENDANCE OF WITNESSES,
PRODUCTION OF DOCUMENTS AND MISCELLANEOUS
PROVISIONS) (AMENDMENT) ORDINANCE, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 3
3. Amendment of section 4
4. Amendment of section 5
5. Amendment of section 6A

KARNATAKA ORDINANCE No. 3 OF 1986

THE KARNATAKA DEPARTMENTAL ENQUIRIES (ENFORCEMENT OF ATTENDANCE OF WITNESSES, PRODUCTION OF DOCUMENTS AND MISCELLANEOUS PROVISIONS) (AMENDMENT) ORDINANCE, 1986.

(Promulgated by the Governor of Karnataka in the Thirty-Seventh year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Sixth day of June, 1986)

An Ordinance further to amend the Karnataka Departmental Enquiries (Enforcement of Attendance of Witnesses, Production of Documents and Miscellaneous Provisions) Act, 1981.

Whereas the Karnataka Legislative Council is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Departmental Enquiries (Enforcement of Attendance of Witnesses, Production of Documents and Miscellaneous Provisions) Act, 1981; (Karnataka Act 29 of 1981).

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka Departmental Enquiries (Enforcement of Attendance of Witnesses, Production of Documents and Miscellaneous Provisions) (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of section 3.- In section 3 of the Karnataka Departmental Enquiries

(Enforcement of Attendance of Witnesses, Production of Documents and Miscellaneous Provisions) Act, 1981 (Karnataka Act 29 of 1981) (hereinafter referred to as the principal Act).-

(1) in clause (b), for the words "Vigilance Commissioner", the words "Lokayukta or an Upalokayukta", shall be substituted;

(2) for clause (c), the following clause shall be substituted, namely,-

"(c) 'Lokayukta' and 'Upalokayukta' means the Lokayukta and Upalokayukta appointed under the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985)";

(3) clause (d), shall be omitted.

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

(1) to sub-section (1), the following proviso shall be inserted, namely:-

"Provided that where an officer on the staff of the Lokayukta is the inquiring authority, he may exercise the powers specified in section 5 without any such authorisation.";

(2) in sub-section (2), clause (a) shall be omitted.

4. Amendment of section 5.- In section 5 of the principal Act, in sub-section (3), for the proviso, the following proviso shall be substituted, namely:-

"Provided that where an officer on the staff of the Lokayukta is the inquiring authority, the power conferred by this sub-section may be exercised by such inquiring authority and for the purpose of taking action for the disobedience of any such process, every such process shall be deemed to be a process issued by a District Judge.".

5. Amendment of section 6A.-In section 6A of the Principal Act, in sub-section (1),-

(1) for the words "Vigilance Commissioner" the words "Lokayukta or Upalokayukta" shall be substituted;

(2) in clause (A), in sub-clause (a), for the words "by him", the words "by an inquiring authority appointed by him" shall be substituted;

(3) in clause (B),-

(a) for the words "by him" the words "by an inquiring authority" shall be substituted;

(b) for the words "any officer" the words "any police officer" shall be substituted;

(c) for the words "Inspector of Investigation (General) and Inspector of Police", the words "Inspector of Police to conduct a search or to carry out an inspection in accordance therewith and in particular to" shall be substituted; and

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

"(iia) search any person who is reasonably suspected of concealing about his person any article for which search should be made;".

KARNATAKA ORDINANCE No.4 OF 1986

THE KARNATAKA KIDNEY TRANSPLANTATION
ORDINANCE, 1986

Arrangement of Sections.

Sections:

1. Short title and commencement
2. Definition
3. Removal of kidneys of deceased person for therapeutic purposes
4. Time for removal of kidneys
5. Doubts in respect of inquest or post-mortem, to be referred to the prescribed officer
6. No authority for removal of kidneys, when body is entrusted to person for cremation, etc.
7. Authority for removal of kidneys from unclaimed bodies
8. Protection of action taken under the Ordinance in good faith
9. Savings
10. Power to make rules

KARNATAKA ORDINANCE No. 4 OF 1986

THE KARNATAKA KIDNEY TRANSPLANTATION
ORDINANCE, 1986.

(Promulgated by the Governor of Karnataka in the Thirty-Seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Sixth day of June, 1986).

An Ordinance to provide for the use of kidneys of deceased persons and for donation of kidneys for therapeutic purposes.

Whereas it is expedient to provide for use of kidneys of deceased persons and for donation of kidneys for therapeutic purposes and to provide for matters connected therewith.

Whereas the Karnataka Legislative Council is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for use of kidneys of deceased persons and for donation of kidneys for therapeutic purposes and to provide for matters connected therewith.

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 213 of the Constitution of India,

A.N.Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.--(1) This Ordinance may be called the Karnataka Kidney Transplantation Ordinance, 1986.

(2) It shall come into force in the Corporation of the City of Bangalore at once, and in the remaining area or areas in the State on such date as the State Government may by notification, appoint, and different dates may be appointed for

different areas.

2. **Definition.**- In this Ordinance unless the context otherwise requires,-

(a) "approved institution" means a hospital or a medical educational institution for therapeutic purposes approved by order by the State Government for the purposes of this Ordinance;

(b) "near relative" means any of the following relatives of the deceased, namely, wife, husband, father, mother, son, daughter, brother or sister;

(c) "registered medical practitioner" means a practitioner practicing any system of medicine and registered as a medical practitioner under any law for the time being in force in India.

3. **Removal of kidneys of deceased person for therapeutic purposes.**- (1) If any person either in writing or orally in the presence of at least one witness during the last illness, has expressed request that his kidneys be used for therapeutic purposes after his death, the person lawfully in possession of his body after his death shall, unless he has reason to believe that such request was subsequently withdrawn, authorise the removal of the kidney from the body for the said purposes.

(2) Notwithstanding anything contained in sub-section (1), any person lawfully in possession of the body of a deceased person may authorise the removal of the kidney from the body for the purpose aforesaid unless that person has reason to believe,

(a) that the deceased had expressed an objection to his kidneys being so dealt with after his death, and had not withdraw

such objection; or

(b) that a near relative of the deceased objects to the kidneys of the deceased being so dealt with, before such person authorises the removal of the kidneys.

(3) An authority given under the provisions of this section in respect of any deceased person shall be sufficient to warrant the removal of the kidneys from the body and the use for the purposes aforesaid, but no such removal shall be effected except by a registered medical practitioner working in an approved institution, or by a registered medical practitioner (being a person possessing qualifications in surgery recognised under any law for the time being in force) approved in writing by the State Government or by any officer authorised by it in this behalf, who has satisfied himself by a personal examination of the body that life is extinct.

4. Time for removal of Kidneys.- (1) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the person empowered to give authority for the removal of the kidneys under section 3, to authorise removal of the kidneys from the body of the deceased person within one hour after such person has been declared dead by any registered medical practitioner.

(2) The date and time of death shall be certified by the Registered Medical Practitioner, who attends the donor at his death or where there is no such practitioner by any other registered medical practitioner who is called upon to do so. But any such practitioner so certifying shall not participate in the procedure;

for removing or transplanting the kidneys.

5. Doubts in respect of inquest or post-mortem, to be referred to the prescribed officer.- (1) If the person lawfully in possession of the body of a deceased person has reason to believe that an inquest or a post-mortem examination may be required to be held in accordance with the provisions of any law for the time being in force, the authority for the removal of the kidneys shall not be given except with the consent of the prescribed officer or any other officer, the State Government may by notification, appoint in this behalf.

(2) The officers referred to in sub-section (1), may give direction, either before or immediately after the death of a person, that his consent to the removal of the kidneys from the body of the person after the death of the person is not required.

(3) A consent or direction of the officer referred to in sub-section (1), may be given, subject to such conditions as are specified in such consent or direction. Such consent or direction may be given orally by the officer, referred to in sub-section (1), but shall be confirmed in writing by him within fortyeight hours from the time the consent or direction is given orally.

6. No authority for removal of kidneys, when body is entrusted to person for cremation, etc.- No authority for removal of kidneys shall be given under section 3 in respect of the body of a deceased person except by the person authorised to do so under this Ordinance, by a person entrusted by another person with the body of the

deceased person for the purpose only of internment or cremation.

7. **Authority for removal of kidneys from unclaimed bodies.**- In the case of a body unclaimed or likely to remain unclaimed in an approved institution, any authority for removal of kidneys under this Ordinance may be given on behalf of the person having the control or management of the approved institution by any officer or person designated in that behalf by the first mentioned person.

8. **Protection of action taken under the Ordinance in good faith.**- No suit, prosecution or other legal proceedings shall lie against an approved institution or a person lawfully in possession of the body of a deceased person or any officer of an approved institution or of the Government or a local authority or any registered medical practitioner in discharging any functions under this Ordinance or anything which is in good faith done or intended to be done, in pursuance of this Ordinance or the Rules made thereunder.

9. **Savings.**- (1) Nothing in the foregoing provisions of this Ordinance shall be construed as rendering unlawful dealing with the kidneys of a deceased person, which would have been lawful if this Ordinance had not been passed.

(2) Any authority for the removal of kidneys given in accordance with the provisions of this Ordinance shall not be deemed to be in contravention of the provisions of section 297 of the Indian Penal Code.

10. **Power to make rules.**-(1) The State Government may, by notification, and after previous publication, make rules to carry out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

(a) the form and the manner in which the person lawfully in possession of the body of deceased person may authorise the removal of kidneys for therapeutic purposes;

(b) the form and the manner in which a near relative of a deceased person may object to the deceased person's kidneys being used for therapeutic purposes;

(c) the form and the manner in which any authority for removal of kidneys under this Ordinance may be given on behalf of person having the control or management of an approved institution by any officer or person designated in that behalf by the person having the control or management of the approved institutions;

(d) the manner in which the prescribed officer may give his consent for the removal of kidneys from the body of a deceased person;

(e) any other matter which is to be, or may be prescribed by rules under this Ordinance.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both houses agree that the rule should not be made, and notify such decision in the Official

azette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

KARNATAKA ORDINANCE NO.5 OF 1986 .

**THE KARNATAKA IMPROVEMENT BOARDS (AMENDMENT)
ORDINANCE, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 12C

KARNATAKA ORDINANCE No. 5 OF 1986
THE KARNATAKA IMPROVEMENT BOARDS (AMENDMENT)
ORDINANCE, 1986

promulgated by the Governor of Karnataka in the Thirty-seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Sixth day of June, 1986).

An Ordinance further to amend the Karnataka Improvement Boards, Act, 1976.

Whereas the Karnataka Legislative Council is not in session and the Governor of Karnataka is satisfied that the circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976), for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by clause (1) of article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.-(1) This Ordinance may be called the Karnataka Improvement Boards (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of section 12C.- In section 12C of the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976), after clause (iv), the following clause shall be inserted, namely:-

"(iva) the Minister in-charge of Urban Development, Karnataka;"

**KARNATAKA ORDINANCE No. 6 OF 1986
THE BANGALORE DEVELOPMENT AUTHORITY
(AMENDMENT) ORDINANCE, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 3
3. Amendment of section 10
4. Amendment of section 13
5. Amendment of section 17
6. Insertion of new section 65B

KARNATAKA ORDINANCE No. 6 OF 1986
THE BANGALORE DEVELOPMENT AUTHORITY
(AMENDMENT) ORDINANCE, 1986.

(Promulgated by the Governor of Karnataka in the Thirty-seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Sixth day of June, 1986).

An Ordinance further to amend the Bangalore Development Authority Act, 1976.

Whereas the Karnataka Legislative Council is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by the clause (1) of Article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Bangalore Development Authority (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of section 3.- In section 3 of Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) (hereinafter referred to as the principal Act),-

(1) in sub-section (3), for clause (f), the following clause shall be substituted, namely:-

"(f) the Commissioner, Corporation of the City of Bangalore, **ex-officio**";

(2) in sub-section (4), for the words, letters and brackets, "**clauses (a) to (h)**", the words, letters and brackets "**clauses**

(a) to (e) and (ff) to (h)"shall be substituted.

3. Amendment of section 10.- In section 10 of the principal Act,-

(1) in sub-section (1), for the words "one lakh", the words "twenty lakhs" shall be substituted;

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

(a) for the words "one lakh", the words "twenty lakhs", shall be substituted; and

(b) for the words "five lakhs", in the two places where they occur, the words "fifty lakhs" shall be substituted.

4. Amendment of section 13.- In section 13 of the principal Act, in sub-section (2), after clause (a), the following proviso shall be inserted, namely:-

"Provided that, if, in the opinion of the Commissioner any resolution of the Authority contravenes any provision of this Act or any other law or any rule, notification, regulation, or bye-law made or issued under this Act or any other law, or of any order passed by the Government or is prejudicial or detrimental to the interest of the Authority, he shall, within fifteen days of the passing of the resolution refer the matter to the Government for orders and inform the Authority, at its next meeting, of the action taken by him and until the orders of the Government on such reference are received, the Commissioner shall not be bound to give effect to the resolution;"

5. Amendment of section 17.- In section 17 of the principal Act, in sub-section (6), for the words "Chairman", the word "Commissioner" shall be substituted.

6. Insertion of new section 65B.- After section 65A of the principal Act, the

following section shall be inserted, namely:-

"65B. Submission of copies of resolution and Government's power to cancel the resolution or order.- (1) The Commissioner shall submit to the Government copies of all resolutions of the Authority.

(2) If the Government is of opinion that the execution of any resolution or order issued by or on behalf of the Authority or the doing of any act which is about to be done or is being done by or on behalf of the Authority is in contravention of or in excess of the powers conferred by this Act or any other law for the time being in force or is likely to lead to a breach of peace or to cause injury or annoyance to the public or to any class or body of persons or is prejudicial to the interests of the Authority, it may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act after issuing a notice to the Authority to show cause, within the specified period which shall not be less than fifteen days, why,-

(a) the resolution or order may not be cancelled in whole or in part, or,

(b) any regulation or bye-law concerned may not be repealed in whole or in part.

(3) Upon consideration of the reply, if any, received from the Authority and after such inquiry as it thinks fit, Government may pass orders cancelling the resolution or order or repealing the regulation or bye-law and communicate the same to the Authority.

(4) Government may at any time, on further representation by the Authority or otherwise, revise, modify, or revoke an order passed under sub-section (3)."

KARNATAKA ORDINANCE No. 7 OF 1986

**THE KARNATAKA MUNICIPALITIES (AMENDMENT)
ORDINANCE, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 72
3. Insertion of new section 94A
4. Amendment of section 321
5. Amendment of section 322
6. Amendment of section 388

KARNATAKA ORDINANCE NO. 7 OF 1986

THE KARNATAKA MUNICIPALITIES (AMENDMENT) ORDINANCE, 1986.

Promulgated by the Governor of Karnataka in the Thirty-Seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Sixth day of June, 1986).

An Ordinance to amend the Karnataka Municipalities Act, 1964.

Whereas, the Karnataka Legislative Council is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by clause(1) of Article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka Municipalities (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of section 72.- In section 72 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) hereinafter referred to as the principal Act), in sub-section (2), for the words "five thousand", the words "twenty five thousand" shall be substituted.

3. Insertion of new section 94A.- After section 94 of the principal Act, the following section shall be inserted, namely:-

"94A. Water supply cess.- Where a municipal council levies tax on buildings or lands under section 94, it shall, in addition, levy a water supply cess at the rate of ten per cent of such tax for the maintenance and improvement of water supply schemes in urban areas and the cess so collected shall be credited to the Government.

4. Amendment of section 321.- In section 321 of the principal Act, in sub-section (1), the words "as may be prescribed" shall be omitted.

5. Amendment of section 322.- In section 322 of the principal Act,-

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

(a) for the words "the Government or The Commissioner may call", the words "The Commissioner may call" shall be substituted;

(b) for the words "if the Government or the Commissioner, as the case may be" the words "if he" shall be substituted; and

(c) for the words "as the Government or the Commissioner", the words "as he" shall be substituted.

(2) In sub-section (2), for the words "the Government" the words "the Commissioner" and for the words "as it deems" the words "as he deems" shall be substituted.

6. Amendment of section 388.- Section 388 of the principal Act shall be renumbered, as sub-section (1) thereof and after the sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:-

"(2) Notwithstanding anything contained in this Act, the Government may, by notification, delegate such of its power under this Act except the power to make

rules to the Director of Municipal Administration (hereinafter in this section referred to as 'Director'). On the issue of such notification, any notification issued under section 321 delegating such powers to the Commissioner or the Deputy Commissioner shall stand rescinded and they shall cease to exercise the powers delegated to the Director.

(3) The Government may, by notification, delegate to the Director all or any of the powers exercisable under this Act by the Commissioner or the Deputy Commissioner. On the issue of such notification, the Commissioner or Deputy Commissioner shall cease to exercise the powers delegated to the Director.

(4) There shall also be a legal cell in the Directorate consisting of such number of officers and possessing such qualifications as may be prescribed."

KARNATAKA ORDINANCE No.8 OF 1986

**THE KARNATAKA LOKAYUKTA (SECOND AMENDMENT)
ORDINANCE, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 7
4. Amendment of section 9
5. Amendment of section 10
6. Amendment of section 12
7. Amendment of section 13
8. Amendment of section 14
9. Amendment of section 15
10. Amendment of section 19
11. Amendment of section 20
12. Amendment of section 22
13. Amendment of section 23

KARNATAKA ORDINANCE No. 8 OF 1986
THE KARNATAKA LOKAYUKTA (SECOND AMENDMENT)
ORDINANCE, 1986.

(Promulgated by the Governor of Karnataka in the Thirty-seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Sixteenth day of June, 1986).

An Ordinance further to amend the Karnataka Lokayukta Act, 1984;

Whereas the Karnataka Legislative Council is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Lokayukta Act, 1984 (Karnataka Act No. 4 of 1985), for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka Lokayukta (Second Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of section 2.- In section 2 of the Karnataka Lokayukta Act, 1984 (Karnataka Act, 4 of 1985) (hereinafter referred to as the principal Act), in clause (1), for the word "connecting", the words "relating to" shall be substituted.

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

(1) in sub-section (1), the words "or where such action can be or could have

been, in the opinion of the Lokayukta, the subject of a grievance or an allegation" shall be omitted.

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

"(2A) Notwithstanding anything contained in sub-sections (1) and (2), the Lokayukta or an Upalokayukta may investigate any action taken by or with the general or specific approval of a public servant if it is referred to him by the State Government".

(3) in sub-section (3), for the word "Government", the word "Lokayukta" shall be substituted.

(4) after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) Notwithstanding anything contained in sub-sections (1) to (3), when a Upalokayukta is unable to discharge his functions owing to absence, illness or any other cause, his function may be discharged by the other Upalokayukta, if any and if there is no other Upalokayukta by the Lokayukta".

4. Amendment of section 9.- In section 9 of the principal Act, in sub-section (7), for the words "under this Act" and "any public servant", the words "under Act against a public servant" and "any other public servant" shall respectively be substituted.

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

(1) for the words and brackets, "Inspector of investigation (General) or Inspector of Police to", the words, "Inspector of Police to conduct a search or carry out an

inspection in accordance therewith and in particular to "shall be substituted.

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

"(ia) search any person who is reasonably suspected of concealing about his person any article for which search should be made".

6. Amendment of section 12.- In section 12 of the principal Act,-

(1) in sub-section (1), the words "in respect of which a complaint" shall be omitted;

(2) in sub-section (3),-

(i) the words "in respect of which a complaint" shall be omitted; and

(ii) for the words "can be substantiated", the word "is substantiated" shall be substituted.

(3) in sub-section (6), for the words "shall present", the words "shall each present" shall be substituted.

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

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

(i) for the words "can be substantiated" the word "is substantiated" shall be substituted;

(ii) for the words "the competent authority may, either accept the declaration or reject it", the words "Where the competent authority is the Governor, State Government or the Chief Minister, it may either accept or reject the declaration. In other cases, the competent authority shall send a copy of such report to the State Government which may either accept or reject the declaration", shall be substituted;

(iii) for the words "under the said sub-section (3)" the words "or the copy of the report as the case may be" shall be substituted;

(iv) the words "by the competent authority" shall be omitted.

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

(i) for the words "accepted by the competent authority", the words "accepted" shall be substituted;

(ii) for the words "shall be intimated to the public servant by the competent authority and", the words "shall, immediately be intimated by registered post by the Governor, the State Government or the Chief Minister if any of them is the competent authority and the State Government in other cases" shall be substituted;

(iii) for the words "date of such acceptance or", the words "date of intimation of such acceptance or of" shall be substituted;

(iv) for item (ii), the following item shall be substituted, namely:-

"(ii) if a public servant falling under items (e) and (f), but not falling under item (d) and (g) of clause (12) of section 2, be deemed to have vacated his office; and"

(v) in item (iii), for the words "if any official" the words "if a public servant falling under items (d) and (g) of clause (12) of section 2", shall be substituted.

(vi) in the proviso for the word "Official" the word "public servant" shall be substituted.

8. Amendment of section 14.- In section 14 of the principal Act, for the words "and that he should be prosecuted" the words "and should be prosecuted" shall be substituted.

9. Amendment of section 15.- In section 15 of the principal Act,-

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

"(1) There shall be such officers and employees as may be prescribed to assist the Lokayukta and the Upalokayukta or the Upalokayuktas in the discharge of their functions under this Act";

(2) in sub-section (2), the words "or an Upalokayukta or Upalokayuktas as the case may be" shall be and shall be deemed always to have been omitted;

(3) in sub-section (3), for clause (a), the following clauses shall be substituted, namely:-

"(a) any officer or investigating agency of the State Government; or

(aa) any officer or investigating agency of the Central Government with the prior concurrence of that Government; or";

(4) after sub-section (3), the following sub-section shall be and shall be deemed always to have been inserted, namely:-

"(4) the officers and other employees referred to in sub-section (1) shall be under the administrative and disciplinary control of the Lokayukta:

Provided that when Lokayukta is unable to discharge his functions owing to absence, illness or any other cause the Upalokayukta or if there are more than one Upalokayukta, the senior among them may discharge the functions of the Lokayukta under this sub-section".

10. Amendment of section 19.- In section 19 of the principal Act,-

(1) in sub-section (1), for the words "other proceedings commenced" the words

"other proceedings transferred under sub-section (3) of section 26 commenced" shall be substituted.

(2) in sub-section (2), for the words "made on the complaint" the words "made on a complaint" shall be substituted.

11. Amendment of section 20.- In section 20 of the principal Act,-

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

"(2A) No such court shall take cognizance of an offence under sub-section (1) except on a complaint made by a person against whom false complaint was made after obtaining the previous sanction of the Lokayukta or Upalokayukta as the case may be".

12. Amendment of section 22.- In section 22 of the principal Act,-

(1) in sub-section (1), for the words "that of the " the words, "those of the" shall be substituted.

(2) in sub-section (2), for the words "submit the statement of his assets and liabilities, he shall publish or cause to be published the names of such public servants" the words "submit such statements, the Lokayukta, shall publish or cause to be published the name of such public servant" shall be substituted.

(3) In the Note, for the words "Note" the word "Explanation" shall be substituted, and for the words "dependent children and parents of the public servant", the words "such children and parents of the public servant as are dependent on him" shall be substituted.

13. Amendment of section 23.- In sub-section (2) of section 23 of the principal Act,-

(1) in clause (c), for the words "the complaint" the words "a complaint" shall be substituted;

(2) in clause (f), for the words "Government Servant" the words "Government servants" shall be substituted;

(3) in clause (g), for the words "or necessary" the words "or are necessary" shall be substituted.

KARNATAKA ORDINANCE NO.9 OF 1986

THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) ORDINANCE, 1986

Arrangement of Sections

Sections:

1. Short title and commencement.
2. Amendment of section 9
3. Amendment of section 11
4. Amendment of section 13A
5. Amendment of section 17
6. Amendment of section 62
7. Amendment of section 150
8. Amendment of section 183
9. Insertion of sections 288A, 288B, 288C and 288D
11. Amendment of section 301
12. Amendment of section 302
13. Amendment of section 310
14. Amendment of section 443
15. Amendment of section 445
16. Amendment of section 482
17. Amendment of section 483

KARNATAKA ORDINANCE No.9 OF 1986

**THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) ORDINANCE, 1986**

(Promulgated by the Governor of Karnataka in the Thirty-Seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Seventeenth day of June, 1986)

An Ordinance further to amend the Karnataka Municipal Corporations Act, 1976.

WHEREAS the Karnataka Legislative Council is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 213 of the Constitution of India, I, A. N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.-(1) This Ordinance may be called the Karnataka Municipal Corporations (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of section 9.- In section 9 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) (hereinafter referred to as the principal Act), after the words "part or whole of the city" the words, "and a nominated member of the State Legislative Assembly if he is an ordinary resident of the City" shall be inserted.

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

(1) in sub-section (1) for the words, "of the Corporation" the words "in the case of Corporations other than the Corporation of the City of Bangalore" shall be substituted;

(2) after sub-section (1) the following sub-section shall be inserted, namely:-

"(1A) There shall be the following Standing Committees of Corporation of the City of Bangalore.

(a) the Standing Committee for taxation and finance;

(b) the Standing Committee for public health;

(c) the Standing Committee for works;

(d) the Standing Committee for education;

(e) the Standing Committee for town planning and Improvement; and

(f) the Standing Committee for accounts."

4. Amendment of section 13A.- In section 13A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) In addition to the Standing Committees specified in section 11, there shall be a Social Justice Committee of the Corporation consisting of the Mayor and six other members elected by the councillors belonging to the Scheduled Castes and Scheduled Tribes and the Women councillors from among themselves in accordance with the system of proportional representation by means of the single transferable vote."

5. Amendment of section 17.- In section 17 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The Corporation shall place at the disposal of the Mayor annually by way of sumptuary allowance such sum not exceeding the limit that may be prescribed:

Provided that the limit so prescribed shall not be more than twenty-five thousand rupees and different limits may be prescribed for different Corporations."

6. Amendment of section 62.- In section 62 of the principal Act after sub-section (5) the following sub-section shall be inserted, namely:-

"(5A) Notwithstanding anything contained in the foregoing sub-sections the functions, powers and duties of each standing committee of the Corporation of the City of Bangalore shall as may be prescribed by regulations. The Corporation may by regulation also provide for a conference of two or more standing committees or for the appointment, out of such committees, of a Joint Committee for any purpose in respect of which they may be jointly interested".

7. Amendment of section 150.- In section 150 of the principal Act, in sub-section (2), after the words "who shall" the words "subject to the supervision and control of the Controller of State Accounts" shall be inserted.

8. Amendment of section 183.- In section 183 of the principal Act, in sub-section (1) for the words "five thousand" the words "ten thousand" shall be substituted.

9. Insertion of new sections 288A, 288B, 288C and 288D.- After section 288 of the principal Act, the following sections shall be inserted, namely:-

"288A. Prohibition of structures of fixtures which cause obstruction in public streets.- No person shall except with the

written permission of the Commissioner under section 288 erect or set up any wall, fence, rail, post, step, booth or other structures or fixtures in or upon any public street or upon or over any open channel, well or tank in any street so as to form an obstruction to, or an encroachment upon or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

288B. Prohibition of deposits etc., of things in public street.- No person shall except with the written permission of the Commissioner place or deposit upon any public street or upon any open channel, drain or well in any street or in any public place, any stall, chair, bench, box, ladder, bale or other things so as to form an obstruction thereto or encroachment thereto.

288C. Licence for sale in public places.- Except under and in conformity with the terms and provision of a licence granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever whether it be for human consumption or not.

288D. Commissioner may without notice remove encroachment.- Notwithstanding anything contained in this Act, the Commissioner may, without notice, cause to be removed;

(a) any wall, fence, rail, step, booth or other structure or fixture which is erected or set up in contravention of the provisions of section 288A;

(b) any stall, chair, bench, box, ladder, bale, or any other thing whatever, placed or deposited in contrevention of section 288B:

(c) any article, whatsoever, hawked or exposed for sale in any public place or in any public street in contravention of section 288C and any vehicle, package, box, board, shelf or any other thing in or on which such article is placed, or kept for the purpose of sale".

11. Amendment of section 301.- Section 301 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

"(2) If the Commissioner has not within the said period of thirty days passed any order the applicant may address a letter to the Commissioner by name, requesting him to pass necessary orders on his application, and the Commissioner shall, within a further period of 30 days from the date of receipt of such letter, by written order, either grant such permission or refuse, on one or more of the grounds mentioned in section 303 or section 304, to grant it."

12. Amendment of section 302.- In section 302 of the principal Act, in sub-section (1), for the words and figure "Section 301" the words, figures and brackets sub-section (2) of section 301", shall be substituted.

13. Amendment of section 310.- In section 310 of the principal Act,-

(1) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) Notwithstanding anything contained in sub-section (1) where permission is granted to any person for erection of a building having more than one floor, such person shall, within one month after

completion of execution of any of the floors of such building, deliver or send or cause to be delivered or sent to the Commissioner at his office, a notice in writing of such completion accompanied by a certificate in the form prescribed in the bye-laws signed and subscribed in the manner prescribed and shall give to the Commissioner all necessary facilities for inspection of such floor of the building and may apply for permission to occupy such floor of the building.";

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

(i) after the words "any such building", the words "or part of the building" shall be inserted;

(ii) in clause (b), for the words "twenty one", the words "thirty" shall be substituted.

14. Amendment of section 443.- In section 443 of the principal Act, in sub-section (4) for the words "subject to the special provisions in chapters XV and XVII regarding buildings and private markets and subject to such sanction as may be required for the refusal of a licence or permission", the words "Notwithstanding anything contained in this Act" shall be substituted.

15. Amendment of section 445.- In section 445 of the principal Act, for the words "thirty days" in the two places where they occur, the words "sixty days" shall be substituted.

16. Amendment of section 482.- In section 482 of the principal Act,-

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

(a) the words "for damage or compensation" shall be omitted;

(b) for the words "one month", the

words "sixty days" shall be substituted.

(2) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A) A suit to obtain an urgent or immediate relief against the Corporation or any Municipal Authority, Corporation Officer or servant in respect of any act done or purporting to be done by such officer or servant in his official capacity, may be instituted with the leave of the court, without serving any notice as required by sub-section (1), but the court shall not grant relief in the suit, whether interim or otherwise except after giving to the Corporation or any Municipal Authority or Corporation Officer or servant, as the case may be, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit;

Provided that the Court shall, if it is satisfied after hearing the parties that no urgent or immediate relief need be granted in the suit, return the plaint, for presentation to it after complying with the requirements of sub-section (1)."

(3) Sub-section (3) shall be omitted.

17. Amendment of section 483.- In section 483 of the principal Act,-

(i) in clause (g), the words "with the approval of the Corporation" shall be omitted; and

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

"Provided that he shall, within fifteen days from the date of taking action under this clause report to the corporation with regard to such action."

KARNATAKA ORDINANCE No.10 OF 1986

THE KARNATAKA AGRICULTURAL PRODUCTS
MARKETING (REGULATION) (AMENDMENT)
ORDINANCE, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 6
4. Amendment of section 16
5. Amendment of section 38
6. Amendment of section 42
7. Amendment of section 50
8. Amendment of section 55
9. Amendment of section 56
10. Amendment of section 58
11. Substitution of section 61
12. Amendment of section 63
13. Amendment of section 65
14. Insertion of new section 65A
15. Amendment of section 66
16. Amendment of section 67
17. Amendment of section 69
18. Amendment of section 70
19. Amendment of section 72
20. Amendment of section 73
21. Amendment of section 74
22. Substitution of section 78
23. Insertion of new section 79A
24. Insertion of new section 82A
25. Insertion of new section 83A
26. Omission of section 84A
27. Amendment of section 86
28. Amendment of section 88
29. Amendment of section 89

30. Amendment of section 91
31. Amendment of section 94
32. Amendment of chapter X
33. Amendment of section 97
34. Amendment of section 98
35. Amendment of section 99
36. Amendment of section 106
37. Substitution of section 107
38. Substitution of section 108
39. Amendment of section 111
40. Amendment of section 114
41. Substitution of section 115
42. Insertion of new section 117A
43. Substitution of section 118
44. Amendment of section 120
45. Amendment of section 126
46. Insertion of new section 126A
47. Amendment of section 127
48. Amendment of section 128
49. Amendment of section 129
50. Amendment of section 133
51. Amendment of section 148
52. Substitution of the expression
"Director of Marketing" for the
expression "Chief Marketing Officer"

KARNATAKA ORDINANCE NO. 10 OF 1986.

**THE KARNATAKA AGRICULTURAL PRODUCE
MARKETING (REGULATION) (AMENDMENT)
ORDINANCE, 1986**

(Promulgated by the Governor of Karnataka in the Thirty-seventh year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Seventeenth day of June, 1986).

An Ordinance further to amend the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966.

WHEREAS the Karnataka Legislative Council is not in session and the Governor of Karnataka is satisfied that the circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 (Karnataka Act 27 of 1966) for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. **Short title and commencement.**- (1) This Ordinance may be called the Karnataka Agricultural Produce Marketing (Regulation) (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. **Amendment of section 2.**- In section 2 of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 (Karnataka Act 27 of 1966) (hereinafter referred to as the principal Act),-

(i) after clause (6), the following

clause shall be inserted, namely:-

"(6A) "Cattle" includes buffalo, bullock, cow, ox and their young;"

(ii) clauses (7) and (10) shall be omitted;

(iii) for clause (8), the following clause shall be substituted, namely:-

"(8) "commission agent" means a person who in the ordinary course of business makes or offers to make a purchase or sale of Agricultural produce on behalf of the owner or seller or purchaser of such agricultural produce for commission;"

(iv) after clause (12), the following clause shall be inserted, namely:-

"(12A) "Director of Marketing" means the officer appointed by the State Government as such and includes any other officer or officers empowered by the State Government, by notification, to exercise or perform such of the powers or functions of the Director of Marketing under the provisions of this Act or the rules as may be specified in such notification;"

(v) in clause (13), the words "and the expression 'importer' shall be construed accordingly" shall be omitted;

(vi) after clause (14), the following clause shall be inserted, namely:-

"(14A) "importer" means a person who imports or causes goods to be imported on his own account or as an agent for another person from outside the market area into a market area for the purpose of selling, processing, manufacturing or for any other purpose except for one's own domestic consumption, but shall not include a public carrier;"

(vii) after clause (19), the following clause shall be inserted, namely:-

"(19A) "market charges" means all charges in connection with the handling of agricultural produce such as the commission of commission agent, brokerage, remuneration for weighment, loading, unloading, cleaning and dressing of agricultural produce;"

(viii) in clause (30), for the words "a firm and a joint Hindu Family," the words "a Joint Hindu Family, a company or firm or association or a body of individuals, whether incorporated or not" shall be substituted;

(ix) in clause (32), for the words "ultimate consumption" the words "use or consumption" shall be substituted.

3. Amendment of section 6.- In section 6 of the Principal Act, in clause (c) of sub-section (1), for the words "a sub-market yard", the words "one or more sub-market yards" shall be substituted.

4. Amendment of section 16.- In section 16 of the principal Act,-

(i) in clause (1), in sub-clause (a), for the words "commission agent or broker", the words "commission agent, broker, importer or exporter in any market area" shall be substituted;

(ii) in clause (2), in sub-clause (f), for the words "or surveyor" the words "surveyor or hamal" shall be substituted;

(iii) in clause (3), for the words "commission agent or broker", the words "commission agent, broker, importer or exporter" shall be substituted.

5. Amendment of section 38.- In sub-section (1) of section 38 of the principal Act, for the words "four years", the words "five years" shall be substituted.

6. Amendment of section 42.- In sub-

section (3) of section 42 of the principal Act, the words "honorarium and " shall be omitted.

7. Amendment of section 50.- In section 50 of the principal Act, for the words "one half of the total number of members present", the words "two thirds of the total number of members of the market committee" shall be substituted.

8. Amendment of section 55.- In sub-section (2) of section 55 of the principal Act, -

(a) in clause (i), for the words "five hundred", the words "twenty five thousand" shall be substituted;

(b) for clause (ii), the following clause shall be substituted, namely:-

"(ii) in any case other than the one referred to in clause (i), a contract or agreement on behalf of the market committee shall be executed by the Chairman and Secretary of the market committee";

(c) clause (iii) shall be omitted.

9. Amendment of section 56.- In section 56 of the principal Act, in sub-clause (d) of clause (iv), for the words "by the Chairman", the words "by him or by the Chairman" shall be substituted.

10. Amendment of section 58.- After sub-section (4) of section 58 of the principal Act, the following sub-section shall be inserted, namely:-

"(4A) Save as otherwise provided in this Act the State Government shall constitute an enforcement cell headed by an officer not below the rank of a Group-A officer of any State Civil Service to exercise such powers and perform all such duties as may be made, given, issued, exercised and performed by a market committee

under any of the provisions of items (iv), (vi), and (xii) of clause (a) and items (ii), (iv) and (v) of clause (b) of sub-section (2) of section 63 and sections 66 and 67".

11. Substitution of section 61.- For section 61 of the principal Act, the following section shall be substituted, namely:-

"61. Appointment of other staff of a market committee:-

(1) Save as otherwise provided in section 58 the State Government or the officer authorised by it in this behalf may, from amongst the officers and servants of the Karnataka State Market Committee Service or Karnataka State Marketing Service constituted under section 62, appoint other officers and servants of a market committee.

(2) The cadre strength of every market committee, shall be as specified by the Director of Marketing.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the market committee may, with the prior approval of the Director of Marketing or an officer authorised by him in this behalf create such number of temporary posts for a period not exceeding three months and make appointments thereof subject to the condition that the maximum monthly pay of any such post does not exceed rupees three hundred".

12. Amendment of section 63.- In sub-section (2) of section 63 of the principal Act,-

(1) in clause (a),-

(a) in item (i), at the end, the words "and regulate the manner of letting out the premises in the market yard including those belonging to market functionaries in the yard;" shall be inserted;

(b) Item (xiii) shall be omitted.

(2) in clause (b), after item (viii), the following items shall be inserted, namely:-

"(ix) with the approval of the State Government, make at the time of famine or any grave natural calamity donations to any fund established by the State Government for the purposes of providing relief to Agriculturists;

(x) provide such short term advances as may be prescribed to producer-sellers in the market area on pledge of notified agricultural produce in favour of the market committee."

13. Amendment of section 65.- In section 65 of the principal Act,-

(1) in clause (i), for the word "may", the word "shall" shall be substituted;

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

"(ia) if the produce is sold by an importer to the purchaser, the importer shall realise the market fee from the purchaser and shall be liable to pay the same to the committee;"

(c) in clause (iii), for the word "may", the word "shall" shall be substituted;

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

"(2B) the market fee payable under clauses (i), (ia), (ii) or (iii) of sub-section (2A) shall be paid to the market committee, within such time as may be specified in the bye-laws".

14. Insertion of new section 65A.- After section 65 of the principal Act, the following section shall be inserted, namely:-

"65A. Power of market committee to impose penalty.- Where a person fails to pay the market fee payable by him under clause (i), clause (ia), clause (ii) or clause (iii) of sub-section (2A) of section 65, to the market committee on or before the due date, the market committee may in addition to the fee as payable, by order, impose a penalty on such person at such rates not exceeding the amount of fee due but not less than one half of the fee due as may be specified in the bye-laws".

15. Amendment of section 66.- In section of the principal Act, -

(1) in sub-section (1), for the words "market committee empowered by the State Government" the words "State Government empowered by it" shall be substituted;

(2) in sub-section (2), the words "of the market committee" shall be omitted;

(3) after sub-section (6), the following sub-section shall be inserted, namely:-

"(7) If such officer or servant has reason to suspect that any person is attempting to evade payment of any market fee due from him under section 65, he may, while seizing accounts registers or documents under sub-section (3) also seize as much of the notified agricultural produce as in his opinion would be sufficient to meet the amount of fee which may be found due from such person and also the penalty leviable under section 65A, and retain the same with him until the fee and the penalty are paid or for ten days, whichever is earlier. After the expiry of the period of ten days if the fee or other amount due is not paid, the officer or servant shall dispose of the notified agricultural produce in public auction and

adjust the sale proceeds towards the fee or other amount due. If the sale proceeds are more than the fee or other amount due, the excess amount shall, after deducting the charges incurred by the market committee be refunded in the manner prescribed:

Provided that in the case of perishable notified agricultural produce the officer or servant may dispose of the same before the expiry of the period of ten days if in his opinion such disposal is necessary.

16. Amendment of section 67.- In section 67 of the principal Act,-

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

(a) for the words "a market committee empowered in this behalf by the State Government", the words "the State Government empowered by it in this behalf" shall be substituted; and

(b) for the words "or proposed to be taken out of", the words "out of the market area or moving in" shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) If such officer or servant has reason to suspect that any fee or other amount due under this Act has not been paid in respect of the notified agricultural produce taken out of or being transported in, the market area in any vehicle, vessel or other conveyance, he may seize so much of the notified agricultural produce as in his opinion would be sufficient to meet the amount of fee or other amount due and retain the same with him until the fee or other amount due is paid or for ten days, whichever is earlier. After the expiry of the period of ten days if the fee or other amount due is not paid, the officer or servant shall dispose of the notified agricultural produce in public auction and

adjust the sale proceeds towards the fee or other amount due. If the sale proceeds are more than the fee or other amount due, the excess amount shall, after deducting the charges incurred by the market committee be refunded in the manner prescribed.

Provided that in the case of perishable notified agricultural produce the officer or servant may dispose of the same before the expiry of the period of ten days if in his opinion such disposal is necessary."

17. Amendment of section 69.- In section 69 of the principal Act, after the words "market committee" wherever they occur, the words "or the Board" shall be inserted.

18. Amendment of section 70.- In section 70 of the principal Act, in sub-section (1), -

(a) in the first paragraph, after the words "Market Committee", the words "or any officer or servant authorised by the State Government under section 66 or section 67" shall be inserted; and

(b) in clause (a), for the words "double the amount" the words "three times the amount" shall be substituted.

19. Amendment of section 72.- In section 72 of the principal Act, in sub-section (2), the words "except between a trader and trader in respect of such agricultural produce as may be prescribed" shall be omitted.

20. Amendment of section 73.- In section 73 of the principal Act, in clause (b) of sub-section (2), for the words "one week", the words "fifteen days" shall be substituted.

21. Amendment of section 74.- In section 74 of the principal Act, in clause (c) of sub-section (1), for the words "Co-

operative Appellate Tribunal", the words "Appellate Tribunal" shall be substituted.

22. Substitution of section 78.- For section 78 of the principal Act, the following section shall be substituted, namely:

"78. Commission agents, commission and responsibility.- (1) A Commission agent shall recover his commission only from the buyer at such rates not exceeding two per cent of the price for which the agricultural produce is sold as may be specified in the bye-laws:

Provided that in case of agricultural produce like fruits, vegetables and flowers, a commission agent may charge commission at such rates not exceeding four per cent of the price for which such agricultural produce is sold as may be specified in the bye-laws.

(2) A commission agent shall,-

(a) arrange for the storage of the goods of the seller;

(b) keep the goods of the seller in safe custody and adequately insured against fire; and

(c) pay the seller in cash the price of the goods as soon as such goods are sold."

23. Insertion of new section 79A.- After section 79 of the principal Act, the following section shall be inserted, namely:-

"79A. Market charges by whom payable.- All market charges payable after the sale of the agricultural produce shall be recovered from the buyer."

24. Insertion of new section 82A.- After section 82 of the principal Act, the following section shall be inserted, namely:-

"82A. No market functionary to participate in strike etc.- No market functionary shall without giving a notice of not less than thirty days to the market committee, participate in any demonstration or strike."

25. Insertion of new section 83A.- After section 83 of the principal Act, the following section shall be inserted, namely:-

"83A. Best of judgement assesment of market fee.- If a market functionary fails to submit reports and returns under section 81 and fails to comply with any notice by the market committee, the market committee may, without prejudice to any other action against such functionary, after such inquiry as it deems necessary assess the market fee payable by such market functionary during the period in question to the best of its judgement and direct him to pay such fee together with such penalty not exceeding three times the market fee so assessed."

26. Omission of section 84A.- Section 84A of the principal Act shall be omitted.

27. Amendment of section 86.- In section 86 of the principal Act,-

(i) in sub-section (1), for the words "atleast five hundred rupees" the words "not less than five hundred rupees but not exceeding twenty thousand rupees, as may be specified in the bye-laws" shall be substituted;

(ii) sub-section (2) shall be omitted.

28. Amendment of section 88.- In section 88 of the principal Act, in sub-section (1), after the words "to the market committee" the words "or producer-seller" shall be inserted.

29. Amendment of section 89.- In sub-section (1) of section 89 of the principal Act,-

(i) for the words "producer" the word "seller" shall be inserted;

(ii) in the proviso, for the words "twenty five" and "five" the words "one hundred" and "twenty five" shall respectively be substituted.

30. Amendment of section 91.- In sub-section (1) "January" the word "March" shall be substituted.

31. Amendment of section 94.- For sub-section (1) of section 94 of the principal Act, the following sub-section shall be substituted, namely:-

"(1) the market committee shall pay to the Chairman of the market Committee such honorarium as may be prescribed."

32. Amendment of Chapter X.- In the heading to Chapter-X of the principal Act, for the word "PANCHAYATS" the words "MANDAL PANCHAYATS" shall be substituted.

33. Amendment of section 97.- In section 97 of the principal Act,-

(i) in the heading, for the word "Panchayats" the word "Mandal Panchayats" shall be substituted;

(ii) in sub-sections (1) and (2), for the word "Panchayat" wherever it occurs, the words "Mandal Panchayat" shall be substituted;

(iii) in sub-section (3), for the word "Panchayat" wherever it occurs, the words, "Mandal Panchayat" and for the words "Panchayat Fund", the words "Mandal Panchayat Fund" shall be substituted.

34. Amendment of section 98.- In section 98 of the principal Act, for the word "Panchayat" wherever it occurs, the words

"Mandal Panchayat" shall be substituted.

35. Amendment of section 99.- In section 99 of the principal Act, for the words and figures "Mysore Village Panchayats and Local Boards Act, 1969, a panchayat", the words and figures "Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya panchayats Act, 1983, a Mandal Panchayat" shall be substituted.

36. Amendment of section 106.- In section 106 of the principal Act, for the words "four years" the words "five years" shall be substituted.

37. Substitution of section 107.- For section 107 of the principal Act, the following section shall be substituted, namely:-

"107. Powers and duties of the Chairman and the Vice-Chairman.- The powers and duties of the Chairman and Vice-Chairman of the board shall be as specified by the regulations:

Provided that till regulations are made under this section, the provisions relating to powers and duties of the Chairman and the Vice-Chairman of the Board, before the commencement of the Karnataka Agricultural Produce Marketing (Regulation) (Amendment) Ordinance, 1986 shall apply."

38. Substitution of section 108.- For section 108 of the principal Act, the following section shall be substituted, namely:-

"108. Conduct of business of the Board.- The board shall make regulations not inconsistent with this Act or with any rules made thereunder with respect of the conduct of its business:

Provided that, till regulations are made under this section, the provisions

relating to the conduct of the business of the Board before the commencement of the Karnataka Agricultural Produce Marketing (Regulation) (Amendment) Ordinance, 1986 shall apply."

39. Amendment of section 111.- In section 111 of the principal Act, after clause (x), the following clause shall be inserted, namely:-

(xa) Providing technical and administrative assistance to Market Committees including execution of works;";

40. Amendment of section 114.- In section 114 of the principal Act, for the words, "the amount of fee or other amount due or three thousand rupees whichever is less", the words, "three times the amount of fee or other amount due or three thousand rupees whichever is more" shall be substituted.

41. Substitution of section 115.- For section 115 of the principal Act, the following section shall be substituted, namely:-

"115. Liability of accused to pay fee, cess or other amount.- Any person prosecuted for an offence under section 114 shall not be absolved from his obligation to pay to the market committee the fee or other amount due from him under this Ordinance or the rules or the regulations or the bye-laws".

42. Insertion of new section 117A.- After section 117 of the principal Act, the following section, shall be inserted, namely:-

"117A. Penalty for contravention of clause(c) of sub-section (2) of section 78.- Whoever contravenes the provisions of clause (c) of sub-section (2) of section 78, shall, on conviction, be punished with

fine which may extend to five thousand rupees".

43. Substitution of section 118.- For section 118 of the principal Act, the following section shall be substituted, namely:-

"118. Penalty for contravention of clause(a) of sub-section(2) of section 78 and section 79 and 80.- Whoever contravenes the provisions of clause (a) of sub-section (2) of section 78 or section 79 or section 80, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both".

44. Amendment of section 120.- In section 120 of the principal Act, the word "wilfully" in the two places where it occurs, shall be omitted.

45. Amendment of section 126.- In section 126 of the principal Act, after the proviso, the following proviso shall be inserted, namely:-

"Provided further that clerical or arthmetical mistakes in the order or errors arising therein from any accidental slip or omission may at any time be corrected by the State Government either of its own motion or on the application of any of the parties..:

46 Insertion of new section 126A.- After section 126 of the principal Act, the following section shall be inserted, namely:-

"126A. Government's power to give directions to the market Committee.- The State Government may give such directions to the market committee as in its opinion are necessary or expedient for carrying out the purposes of this Act, and it shall be

the duty of the market committee to comply with such directions."

47. Amendment of section 127.- In section 127 of the principal Act,-

(1) in sub-section (1), for the words "State Government" wherever they occur, the words "Director of Marketing" and for the words "authorised by it", the words "authorised by him" shall be substituted;

(2) in clause (ii) of sub-section (2), for the words "State Government", the words "Directors of Marketing" shall be substituted,

(3) in sub-section (3), for the words "State Government" in the two places where they occur, the words "Director of Marketing" shall be substituted;

(4) after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) Any person aggrieved by the order of the Director of Marketing under sub-section (1) may, within thirty days from the date of communication of such order, appeal to the State Government whose decision is final."

48. Amendment of section 128.- In sub-section (3) of section 128 of the principal Act, for the words "Co-operative Appellate Tribunal", in the two places where they occur, the words "Karnataka Appellate Tribunal" shall be substituted.

49. Amendment of section 129.- In section 129 of the principal Act,-

(1) in sub-section (1), for the words, "State Government" the words, "Director of Marketing" shall be substituted, and at the end, the following explanation shall be inserted, namely:-

Explanation:- For the purpose of this section, not calling a meeting of the mar-

ket committee for three consecutive months shall be deemed to be a misconduct.";

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

(a) for the words "State Government", in the two places where they occur, the words "Director of Marketing" shall be substituted;

(b) for the words "if it thinks fit", the words "if he thinks fit" shall be substituted; and

(c) for the words "as it deems", the words "as he deems" shall be substituted;

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

"(3) Any person aggrieved by the order of the Director of Marketing under sub-section (1) or sub-section (2) may, within thirty days from the date of communication of such order, appeal to the State Government whose decision is final."

50. Amendment of section 133.- In section 133 of the principal Act,-

(i) in the heading, for the words "Co-operative Societies", the words "Co-operative Societies etc." shall be substituted;

(ii) after the word "exempt" the words "State Government undertaking or" shall be inserted.

51. Amendment of section 148.- In section 148 of the principal Act, in sub-section (2), clause (iv) shall be omitted.

52. Substitution of the expression "Director of Marketing" for the expression "Chief Marketing Officer".- For the expression "Chief Marketing Officer", wherever it occurs in the principal Act, the expression "Director of Marketing" shall be substituted.

KARNATAKA ORDINANCE NO.11 OF 1986

THE KARNATAKA CO-OPERATIVE TEXTILE MILLS
(ACQUISITION AND TRANSFER) ORDINANCE, 1986

Arrangement of sections

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KARNATAKA ORDINANCE NO.11 OF 1986

THE KARNATAKA CO-OPERATIVE TEXTILE MILLS
(ACQUISITION AND TRANSFER) ORDINANCE, 1986.

(Promulgated by the Governor of Karnataka in the Thirty-seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Twenty-seventh day of June, 1986).

An Ordinance to provide for acquisition and transfer of the Karnataka Co-operative Textile Mills Dharwar in public interest and in order to secure the proper management of the said Mills, so as to subserve the interest of the general public, by ensuring continued manufacture, production and distribution of yarn and cloth which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

WHEREAS the owners of the Karnataka Co-operative Textile Mills M/s. The Karnataka Co-operative Textile Mills Ltd., Dharwar had closed down the said Mills in the year 1969 and had subsequently with the permission of the State Government leased out the said Mills in 1970 to M/s. G.Mahadevappa & Sons, Hubli, a partnership firm and the lessee also closed down the Mills in 1979 as it was not able to manage the affairs of the said Mills properly;

Whereas the closure of the said Mills was prejudicial to the Scheduled industry, namely the Cotton Textile Industry, the Government of India, under section 18AA of the Industries (Development and Regulation) Act, 1951, issued a Notification No. S.O. 170(E) 18AA/IDRA/79 dated Thirtieth day of March, 1979 and authorised the State

Government to take over the management of the said Mills initially for a period not exceeding five years and later for further periods, from time to time;

Whereas the officer appointed by the State Government took over the charge of the movable and immovable properties of the said mills which were in possession of the lessee, with effect from the fourth day of April, 1979;

Whereas the buildings, machinery and other production equipment of the said mills are very old, out-dated and outmoded, on account of which it is sick and is not economically viable and it is necessary to acquire the said mills for proper management and development of the said mills by making improvements thereof and to ensure that the interests of the general public are served by continuance of the production and distribution of cloth and yarn which are essential to the needs of the economy and providing relief against unemployment and for matters connected therewith or incidental thereto;

Whereas the Karnataka Legislative Council is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to make a law for the purposes aforesaid;

And whereas the instructions of the President under the proviso to clause (1) of Article 213 of the Constitution of India have been obtained;

Now, therefore, in exercise of the powers conferred on me by clause(1) of Article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

**CHAPTER - I
PRELIMINARY**

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka Co-operative Textile Mills (Acquisition and Transfer) Ordinance, 1986.

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

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

(a) "appointed day" means the date of coming into force of this Ordinance or any provision thereof;

(b) "Commissioner" means Commissioner of payments appointed under section 15 of this Ordinance;

(c) "Company" means the Karnataka State Textiles Private Limited a Company registered under the provisions of the Companies Act, 1956;

(d) "Government" means the State Government;

(e) "Karnataka Co-operative Textile Mills" means the composite textile mills formerly run under the name and style 'the New Karnataka Cotton Mills Hubli', and purchased by the Karnataka Co-operative Textile Mills Ltd., Dharwar by an indenture dated 8th October, 1959 and leased out to M/s. G. Mahadevappa and Sons, Jayachamaraj Nagar, Hubli-20 a Partnership firm, by a registered lease deed dated 29th August, 1970, who were running the Mills under the name and style "Mahadev Textile Mills Hubli" and includes all movable and immovable properties of the said Composite Textile Mills owned by the lessor or lessee

and all other movable or immovable properties owned by the lessor;

(f) "Lessee" means the partnership firm known as M/s. G. Mahadevappa & Sons, Jayachamaraj nagar, Hubli-20;

(g) "lessor" means the Karnataka Co-operative Textile Mills Ltd., Dharwar, a Co-operative Society deemed to be registered under the Karnataka Co-operative Societies Act, 1959;

(h) "present management" means the State Government authorised by the Central Government under clause (b) of sub-section (1) of section 18AA of the Industries (Development and Regulation) Act, 1951 (Central Act 65 of 1951) as per Notification No. S.O. 170(E)/18AA/IDRA/79, dated 30th March, 1979;

(i) "Schedule" means the Schedule appended to this Ordinance;

(j) "specified date" means such date as the Government may for the purposes of any provisions of this Ordinance, by notification, specify.

CHAPTER-II

ACQUISITION AND TRANSFER OF THE KARNATAKA CO-OPERATIVE TEXTILE MILLS LTD. DHARWAR.

3. Declaration under Article 31C of the Constitution.- It is hereby declared that the provisions of this Ordinance are for giving effect to the policy of the State towards securing the principles laid down in clauses (a) and (b) of Article 39 of the Constitution.

4. Transfer and vesting of the Mills in the Government.- On the appointed day, the Karnataka Co-operative Textile Mills (hereinafter referred to as the Mills), and

the rights, title and interest of the lessor and lessee in relation to the Mills, shall, by virtue of this Ordinance, stand transferred to, and shall vest absolutely in the Government.

5. General effect of vesting.— (1) The mills shall be deemed to include all assets, rights, leaseholds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipments, cash balances, cash on hand, reserve funds, investments and book debts and all other rights and interests, in or arising out of such property, as were immediately before the appointed day, in the ownership possession, power or control of the lessor or lessee whether within or outside India, and all books of accounts, registers and other documents of whatever nature relating thereto.

(2) All properties aforesaid, which have vested in the Government under section 4 shall, by virtue of such vesting, be freed and discharged from any trust, obligation, mortgage, lease, charge, lien and all other encumbrances affecting them and any attachment, injunction or decree or order of any court restricting the use of such property, in any manner shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Ordinance in the Government and every person holding any charge, lease, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, lease, char-

ge. lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lease, lien or other interest in or in relation to, any such property shall be entitled to claim in accordance with his rights and interest, payment of the mortgage money or other dues in whole or in part out of the amount specified in section 9 and also out of the amount determined under section 10 but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Government.

(5) Any licence or other instrument granted to the lessor or lessee in relation to mills which has vested in the Government under section 4, at any time before the appointed day and in force immediately before that day shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purposes of the mills, and on and from the date of vesting of the mills under section 8 in the Company, the Company shall be deemed to be substituted in such licence or other instrument in place of the lessor or lessee referred to therein as if such licence or other instrument had been granted to the Company and the Company shall hold it for the remainder of the period for which the lessor or lessee would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding of whatever nature, in relation to any property which has vested in the Government under section 4, instituted or preferred by or against

the mills, is pending, the same shall not abate, be discontinued or be in anyway, prejudicially affected by reason of the transfer of the mills or anything contained in this Ordinance but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the Government or, where the mills is directed, under section 8 to vest in the company, by or against the company.

6. Lessor or lessee to be liable for certain prior liabilities.-

(1) Every liability other than the liability specified in sub-section (2), of the lesser or lessee in relation to the mills in respect of any period prior to the appointed day, shall be the liability of such lessor or lessee, as the case may be, and shall be enforceable against them and not against the Government or where the mills is directed under section 8 to vest in the Company, against the Company.

(2) Any liability arising in respect of,-

(a) loans taken by the present management (together with interest thereon);

(b) wages, salaries and other dues of employees of the mills in respect of any period after the management of the mills had been taken over by the Government;

shall on and from the appointed day, be the liability of the Government and shall, on and from the date of vesting under Section 8 in the Company, be the liability of the company and shall be discharged by the Company as and when repayment of such loans or amounts become due or as and when such wages, salaries or other dues become due and payable.

(3) For the removal of doubts, it is hereby declared that:-

(a) Save as otherwise expressly provided in this section or in any other section of the Ordinance, no liability, other than the liability specified in sub-section (2), of the lessor or lessee in relation to the mills in respect of any period prior to the appointed day shall be enforceable against the Government, or where the mills is directed under section 8 to vest in the Company against the Company.

(b) No award, decree or order of any court, tribunal or other authority in relation to the Mills passed after the appointed day in respect of any matter, claim or dispute in relation to any matter not referred in sub-section (2), which arose before that day, shall be enforceable against the Government or where the mills is directed under section 8 to vest in the Company, against the Company.

(c) No liability incurred by the lessor or lessee before the appointed day, for the contravention of any provision of law for the time being in force shall be enforceable against the Government or where the mills is directed under section 8 to vest in the Company, against the Company.

7. Right of Government to recover back wages etc.- Notwithstanding anything contained in this Ordinance the Government shall have the right to recover from the lessor or lessee all the amounts paid by the present management to the officers or other employees of the mills towards back-wages, gratuity, retirement benefits and other dues on behalf of the lessor or lessee, as arrears of land revenue.

8. Power of the Government to direct vesting of the mills in the company.-

(1) Notwithstanding anything contained in sections 4 and 5, the Government may, subject to such terms and conditions as it may think fit to impose, direct, by notification, that the mills which has vested in the Government under section 4, shall, instead of continuing to vest in the Government vest in the Company either on the date of notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest in relation to the mills vest in the Company under sub-section(1), the Company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such mills and all the rights and liabilities of the Government in relation to the mills shall, as provided under the Ordinance on and from the date of such vesting, be deemed to have become the rights and liabilities of the Company.

CHAPTER-III PAYMENT OF AMOUNTS

9. Amount to be given to lessor, lessee and other interested persons.- For the transfer to and vesting in, the Government, of the mills under section 4 and the right, title and interest in relation to the mills the Government shall pay an amount of Rupees 446.59 lakhs by depositing the same with the Commissioner and the said amount shall be paid to the lessor, lessee or such other persons entitled thereto in the manner specified in Chapter V.

10. Payment of further amounts.- (1) The amount specified in section 9 shall

carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Government to the Commissioner.

(2) The amount determined in accordance with the provisions of sub-section (1) shall be given by the Government to the lessor, lessee or such other persons entitled thereto, as the case may be, in addition to the amount specified in section 9.

(3) For the removal of doubts, it is hereby declared that the liability of the lessor or lessee in relation to the mills which has vested in the Government under section 4 shall be discharged from the amount referred to in section 9, and also from the amounts determined under sub-section (1) in accordance with the rights and interest of the creditors of the lessor or lessee, as the case may be.

CHAPTER-IV MANAGEMENTS OF THE MILLS

11. Management etc., of the Mills.- The general superintendence, direction, control and management of the affairs and business of the mills, the right, title and interest in relation to the mills which has vested in the Government under section 4, shall, where a direction has been made by the Government under Sub-section (1) of section 3, vest in the Company and thereupon the Company shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company is authorised to exercise and do in relation to the mills.

12. Duties of persons in-charge of management of the mills.- (1) On the vesting of the management of the mills, in the Company all persons in charge of the management of the mills immediately before such vesting shall be bound to deliver to the company all assets, books of accounts, registers or other documents in their custody relating to the mills.

(2) The Government may issue such directions as it may deem desirable in the circumstances of the case to the Company and the company may also, if it is considered necessary to do, apply to the Government at any time for instructions as to the manner in which the management of the mills shall be conducted or in relation to any other matter arising in the course of such management.

13. Duty of persons to account for assets etc., in their possession.- Any person who has, on the appointed day, in his possession or under his control, any assets, books, documents or other papers relating to the mills which has vested in the Government or in the Company under this Ordinance and which belong to the mills or would have so belonged if the mills had not vested in the Government or the Company, shall be liable to account for the said assets, books, documents and other papers to the Government or the Company or such persons or persons as the Government or the Company may specify in this behalf.

(2) The Government or the Company may take or cause to be taken all necessary steps for securing possession of the mills which has vested in the Government or the Company under this Ordinance.

(3) The lessor or lessee, as the case may be, shall within such period as the Government may allow in this behalf, furnish to the Government a complete inventory of all properties and assets, as on the appointed day, pertaining to the mills which has vested in the Government under section 4, and for this purpose, the Government or the company shall afford to the lessor or lessee all reasonable facilities.

14. **Accounts and audit.**- The company shall maintain the accounts of the mills in accordance with the provisions of the Companies Act, 1956.

CHAPTER-V COMMISSIONER OF PAYMENTS

15. **Appointment of Commissioner of payment.**- (1) The Government shall, for the purpose of disbursing the amounts payable under section 9 and 10, by notification in the Official Gazette, appoint a Commissioner of payments.

(2) The Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Ordinance and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect, as if they have been conferred on that person directly by this Ordinance and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section, shall be defrayed out of the Consolidated Fund of the State.

16. Payment by the Government to the Commissioner.- (1) The Government shall within thirty days from the specified date deposit in cash with the Commissioner for payment to the lessor, lessee and other interested persons,-

(a) an amount equal to the amount specified in section 9; and

(b) an amount equal to the amount payable under section 10.

(2) A deposit account shall be opened by the Government in favour of the Commissioner in the public account of the State and every amount paid under this Ordinance to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of the mills in relation to which payments have been made to him under this Ordinance.

(4) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall ensure to the benefit of the lessor, lessee and other interested persons.

17. Certain powers of the Government and the Company.- (1) The Government or the Company, as the case may be, shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the lessor or lessee in relation to the mills which has vested in the Government or the Company, and realised after the appointed day, not-

withstanding that the realisation pertains to a period prior to the appointed day.

(2) The Government or the Company, as the case may be, may make a claim to the Commissioner with regard to every payment made by the Government or the Company after the appointed day for discharging any liability of the lessor or lessee in relation to the mills, in respect of any period prior to the appointed day and every such claim shall have priority in accordance with the priorities attaching under this Ordinance, to the matters in relation to which such liability has been discharged by the Government or the company.

(3) Save as otherwise provided in this Ordinance, the liabilities of the lessor or lessee in relation to the mills in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date shall be the liabilities of the lessor or lessee, as the case may be.

18. Claims to be made to the Commissioner.— Every person having a claim with regard to any of the matter specified in the Schedule in relation to the mills before the appointed day, shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

19. Priority of claims.— The claims made under section 18 shall have priorities in accordance with the following principles, namely:—

(a) Category-I shall have precedence over all other categories and Category-II shall have precedence over Category-III and so on;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly; and

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

20. Examination of claims.- (1) On receipt of the claims made under section 18 the Commissioner shall arrange the claims in the order of priorities specified in the Schedule and examine the same in accordance with such order.

(2) If, on examination of the claims, the Commissioner is of opinion that the amount paid to him under this Ordinance is not sufficient to meet the liabilities specified in any lower category he shall not be required to examine the claims in respect of such category.

21. Admission or rejection of claims.

(1) After examining the claims with reference to the priorities specified in the Schedule, the Commissioner shall fix a certain date on or before when every claimant shall file the proof of his claim.

(2) Not less than fourteen days notice of the date so fixed shall be given by advertisement in one issue of a daily news paper in the English language having wide circulation in the country and one issue

a daily newspaper in the Kannada language having wide circulation in the State and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant, who fails to file the proof of his claim within the time specified by the Commissioner, shall be excluded from the disbursement made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the claimant a reasonable opportunity of being heard, determine the nature and extent of such claims and by order in writing admit or reject the claim in whole or in part. The Commissioner shall also decide any dispute as to the person or persons who are entitled to the amount and any dispute as to who are the legal representatives of any deceased claimant.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, and shall, for the purpose of making an investigation under this Ordinance, have the same powers as are vested in a civil Court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document;

(c) the reception of evidence on affidavits;

(d) the issuing of any commission for the examination of witness.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code and the Commissioner shall be deemed to be a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the District Court within the local limits of whose jurisdiction the Mills is situated.

22. Disbursement of the amount of the Commissioner to the claimants.- (1) After admitting a claim under this Ordinance the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due and on such payment the liability of the Mills in respect of such claims shall stand discharged.

23. Undisbursed or unclaimed amount to be deposited to the general revenue account.- Any amount paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commission is finally wound up, shall be transferred by the Commissioner to the general revenue account of the Government, but a claim to any amount so transferred may be preferred to the Government by person entitled to such payment and shall be dealt with as if such transfer had not been made, the order if any for payment of the claim being treated as an order for the refund of revenue.

CHAPTER-VI

PROVISIONS RELATING TO THE EMPLOYEES OF THE MILLS

24. Transfer of service of officers or other employees of the mills.- (1) Every person who has been immediately before the appointed day, employed in the mills shall become on and from the date of vesting specified under section 8, an employee of the Company and shall hold office or service under the company with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the company is duly terminated or until his remuneration and other conditions of service are duly altered by the Company.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of the services of any officer or other person employed in the mills to the Company shall not entitle such officer or other employee to any compensation under the Ordinance or under any other law for the time being in force and no such claim shall be entertained by any Court, tribunal or other authority.

25. Transfer of provident fund, welfare fund etc.,.-

(1) Where the mills has established a provident fund, superannuation fund, welfare fund or any other fund for the benefit of the persons employed in the mills the moneys relatable to the officers or other employees, whose services have become transferred, by or under this Ordinance to the

Company shall, out of the moneys standing on the date of vesting specified under section 8 to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to and vest in the Company.

(2) The moneys which stand transferred under sub-section (1) to the Company shall be dealt with by the company in such manner as may be prescribed.

CHAPTER-VII MISCELLANEOUS

26. Ordinance to have overriding effect.- The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Ordinance or in any decree or order of any court, tribunal or other authority.

27. Contract to cease to have effect unless ratified by Company.-

Every contract entered into by the lessor, lessee or the present management in relation to the mills which has vested in the Government under section 4, for any service, sale or supply and in force immediately before the appointed day, shall, on and from the expiry of thirty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified in writing by the company and in ratifying such contract, the Company may make such alteration or modification therein as it may think fit; ..

Provided that the Company shall not

omit to ratify a contract and shall not make any alteration or modification in a contract.-

(a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Company;

(b) except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

28. Protection of action taken in good faith.- (1) No suit, prosecution or other legal proceedings shall lie against the Government or any officer or other employees of the Government or the Company or other person authorised by the Government or the Company for anything which is in good faith done or intended to be done under this Ordinance.

(2) No suit or other legal proceeding shall lie against the Government or any officer or other employee of the Government or the Company or other person authorised by the Government or the Company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done.

29. Penalties.- Any person who,-

(a) having in his possession, custody or control any property forming part of the bills wrongfully withholds such property from the Government or the Company; or

(b) wrongfully obtains possession, or retains any property forming part of the bills; or

(c) wilfully withholds or fails to furnish to the Government or the Company or

to any person or body of persons specified by the Government or the Company, as the case may be, any document or inventory relating to the mills which may be in his possession, custody or control; or

(d) fails to deliver to the Government or the Company or any person or body of persons specified by the Government or the Company, as the case may be, any document or inventory relating to the lessee, lessor or the present-management, which may be in his possession, custody or control relating to the mills; or

(e) wrongfully removes or destroys any property forming part of the mills; or

(f) prefers any claim under this Ordinance which he knows or has reasonable cause to believe to be false or grossly inaccurate;

Shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

30. Offences by companies.- (1) Where any offences under this Ordinance has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offences and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "director" in relation to a firm, means a partner in the firm.

31. Power to make rules.- (1) The Government may, by notification, make rules for carrying out the provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the time within which, and the manner in which an intimation referred to in sub-section (3) of section 5 shall be given;

(b) salary and allowances and condition of service of the officers and servants of the company;

(c) the manner in which the moneys in any provident fund or other fund under section 25 shall be dealt with;

(d) any other matter which is required

to be, or may be prescribed.

(3) Every rule made by the Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rules or both Houses agree that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

32. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order, not inconsistent with the provisions of this Ordinance, remove the difficulties:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

SCHEDULE

(See sections 18, 20(1) and 21(1))

Order of priorities for the discharge of liabilities in relation to the mills.

Category - I

(a) Wages, salaries and other dues payable to the employees of the mills;

(b) Deductions made from the salaries and wages of the employees for Provident

Fund, Employees State Insurance Contribution, premium relating to Life Insurance Corporation of India or for any other purposes;

(c) Arrears in relation to contributions to be made by the lessor or lessee to the Provident Fund, Employees State Insurance Fund, Life Insurance Corporation Premium and any other arrear under any law for the time being in force (excluding gratuity).

Category - II

Principal amount of secured loans advanced by,-

- (i) Central Government;
- (ii) State Government (including the amount which the Government has the right to recover under section 7);
- (iii) Banks;
- (iv) Public Financial Institutions;
- (v) Others.

Category - III

Principal amount of unsecured loans advanced by,-

- (i) Central Government;
- (ii) State Government (including the amount which the Government has the right to recover under Section 7);
- (iii) Banks;
- (iv) Public Financial Institutions.

Category IV

(a) Any credit availed of by the lessor or lessee in relation to the mills for the purpose of carrying on any trading or manufacturing operations.

(b) Any dues payable to the Karnataka Electricity Board or other Government or

Semi Government institutions for supply of goods or services.

(c) Arrears of interest on loans and advances or other dues falling under category II or III.

Category - V

(a) Revenue, taxes, cesses, rates or other dues to Central Govt., State Government and local authorities.

(b) Any other loans or dues.

KARNATAKA ORDINANCE NO.12 OF 1986
THE KARNATAKA GOVERNMENT PARKS
(PRESERVATION) (AMENDMENT) ORDINANCE. 1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Insertion of new section 5

KARNATAKA ORDINANCE NO.12 OF 1986

THE KARNATAKA GOVERNMENT PARKS
(PRESERVATION) (AMENDMENT) ORDINANCE, 1986.

(Promulgated by the Governor of Karnataka in the Thirty-seventh Year of the Republic of India and first published in the Karnataka Gazette, Extraordinary on the Sixteenth day of October, 1986).

An Ordinance further to amend the Karnataka Government Parks (Preservation) Act, 1975.

Whereas the Karnataka Legislative Assembly is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Karnataka Government Parks (Preservation) Act, 1975 (Karnataka Act 23 of 1975);

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka Government Parks (Preservation) (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Insertion of new section 5.- After section 4 of the Karnataka Government Parks (Preservation) Act, 1975 (Karnataka Act 23 of 1975), the following section shall be inserted, namely:-

"5. Permission in certain cases.- Notwithstanding anything contained in section 4, the State Government may, subject to

such conditions and restrictions as it may impose, permit the construction of an extension to the existing High Court building in Cubbon Park, Bangalore."

KARNATAKA ORDINANCE NO.13 OF 1986
THE KARNATAKA MONEY LENDERS (AMENDMENT)
ORDINANCE, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement.
2. Amendment of section 2
3. Amendment of section 20
4. Amendment of section 21

**KARNATAKA ORDINANCE NO.13 OF 1986
THE KARNATAKA MONEY LENDERS (AMENDMENT)
ORDINANCE, 1986.**

(Promulgated by the Governor of Karnataka in the Thirty-seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Sixteenth day of October, 1986)

An Ordinance further to amend the Karnataka Money Lenders Act, 1961.

Whereas the Karnataka Legislative Assembly is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Money Lenders Act, 1961 (Karnataka Act 12 of 1962) for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 213 of the Constitution of India,

A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) this Ordinance may be called the Karnataka Money Lenders (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of section 2.- In section 2 of the Karnataka Money Lenders Act, 1961 (Karnataka Act 12 of 1962) (hereinafter referred to as the principal Act),-

(1) in clause (1),-

(a) for sub-clause (xii), the following sub-clause shall be substituted, namely:-

"(xii) the Industrial Reconstruction Bank of India established under the Industrial Reconstruction Bank of India Act,

1984 (Central Act 62 of 1984);";

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

"(xiv) the Agricultural Finance Corporation Limited a company incorporated under the Companies Act, 1956;"

(2) in item (b) of sub-clause (iv) of clause (10), after the words "include a bank", the words "or any other financial institution which the State Government may, by notification specify in this behalf", shall be inserted.

3. Amendment of section 20.- In section 20 of the principal Act,-

(1) in sub-section (1), after the words, "a ledger", the words "in Kannada or in English" shall be inserted;

(2) in sub-clause (i) of clause (a) of sub-section (2), for the words "in any recognised language", the words "either in Kannada or in English" shall be substituted.

4. Amendment of section 21.- In section 21 of the principal Act,-

(1) in sub-section (1), for the words "in any recognised language", the words "either in Kannada or in English" shall be substituted;

(2) in sub-section (2), for the words "in any recognised language", the words "either in Kannada or in English" shall be substituted.

KARNATAKA ORDINANCE NO.14 OF 1986
THE KARNATAKA ENTERTAINMENTS TAX
(AMENDMENT) ORDINANCE, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 3C

KARNATAKA ORDINANCE NO.14 OF 1986

THE KARNATAKA ENTERTAINMENTS TAX
(AMENDMENT) ORDINANCE, 1986.

(Promulgated by the Governor of Karnataka in the thirty-seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Seventeenth day of October, 1986).

An Ordinance further to amend the Karnataka Entertainments Tax Act, 1958;

Whereas the Karnataka Legislative Assembly is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Entertainments Tax Act, 1958 (Karnataka Act 30 of 1958), for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka Entertainments Tax (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of section 3C.- In subsection (1) of section 3C of the Karnataka Entertainments Tax Act, 1958 (Karnataka Act 30 of 1958), in clause (b), for the words and figures "thirty first December, 1986" the words and figures "thirty first December, 1987" shall be substituted.

KARNATAKA ORDINANCE NO.15 OF 1986

THE KARNATAKA ZILLA PARISHADS, TALUK
PANCHAYATS SAMITHIS, MANDAL PANCHAYATS
AND NYAYA PANCHAYATS (AMENDMENT)
ORDINANCE, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 34
3. Amendment of section 47
4. Amendment of section 136
5. Omission of sections 145 and 146
6. Substitution of section 147
7. Substitution of section 148
8. Omission of section 149
9. Amendment of section 158
10. Insertion of new sections 159A, 159B,
159C and 159D
11. Amendment of section 173
12. Amendment of section 177
13. Amendment of section 178
14. Amendment of section 198
15. Amendment of section 210
16. Amendment of section 285

KARNATAKA ORDINANCE NO.15 OF 1986

THE KARNATAKA ZILLA PARISHADS, TALUK PANCHAYAT SAMITHIS, MANDAL PANCHAYATS AND NYAYA PANCHAYATS (AMENDMENT) ORDINANCE 1986.

(Promulgated by the Governor of Karnataka in the Thirty-seventh Year of Republic of India and first published in the Karnataka Gazette Extraordinary on the twenty-fourth day of October, 1986)

An Ordinance further to amend the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983.

Whereas the Karnataka Legislative Assembly is not in session and I, A.N. Banerji, Governor of Karnataka, am satisfied that the circumstances exist which render it necessary for me to take immediate action further to amend the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 (Karnataka Act 20 of 1985), for the purposes of hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 213 of the Constitution of India, I am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of section 34.- In Section 34 of the Karnataka Zilla Parishads, Taluk

Panchayat Samithis, Mandal Panchayats and Nayaya Panchayats Act, 1983 (Karnataka Act 20 of 1985), (hereinafter referred to as the principal Act), in sub-section (1), for the figures, "24" the figures, "48" shall be substituted.

3. Amendment of section 47.- In section 47 of the principal Act, for the words, "Deputy Commissioner" wherever they occur, the words, "Assistant Commissioner" shall be substituted.

4. Amendment of section 136.- In section 136 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) The Zilla Parishad shall meet the expenditure of every Taluk Panchayat Samithi for the purposes of the discharge of its functions under this Act."

5. Omission of sections 145 and 146.- Sections 145 and 146 of the principal Act shall be omitted.

6. Substitution of section 147.- For section 147 of the principal Act, the following section shall be substituted, namely:-

"147. Right to vote.- (1) Every person whose name appears in the part of the electoral roll relating to a constituency shall, subject to the other provisions of this Act, be entitled to vote at any election which takes place in that constituency while the electoral roll remains in force and no person whose name does not appear in such part of the electoral roll shall vote at any such election.

(2) No person shall vote at an election under this Act in more than one constituency or more than once in the same constituency and if he does so, all his votes shall be invalid."

7. Substitution of section 148.- For section 148 of the principal Act, the following section shall be substituted, namely:-

"148. Electoral roll.- (1) The Electoral roll of the Karnataka Legislative Assembly for the time being in force for such part of the Zilla Parishad as is included in any constituency of the Zilla Parishads along with the additional electoral roll prepared under sub-section (2), shall, for the purposes of this Act, be deemed to be electoral roll of the Zilla Parishad for such constituency:

Provided that the electoral roll for such constituency of the Zilla Parishad shall not include any amendment, transposition, inclusion or deletion of any entry made after the last date for making nomination for election to such constituency and before the completion of such election.

(2) There shall be prepared and revised by the prescribed authority in the prescribed manner and at prescribed intervals an additional electoral roll for each constituency of the Zilla Parishad. Every person who is ordinarily resident within the district and is not less than eighteen years of age on the first day of January of the year in which the additional electoral roll is so prepared or revised, but excluding a person who was not less than twenty-one years on the first day of January of the year in which the electoral roll referred to in sub-section (1) was last revised, shall be eligible to be included in the additional electoral roll so prepared.

(3) The provisions of section 16 of the Representation of People Act, 1950 (Central Act 43 of 1950) shall *mutatis mutandis*

apply for the purpose of this section."

8. Omission of section 149.- Section 149 of the principal Act shall be omitted.

9. Amendment of section 158.- After sub-section (1) of section 158 of the principal Act, the following explanation shall be inserted, namely:-

"**Explanation:-** For the purpose of sub-section (1) incurring or authorising of expenditure in contravention of section 159A shall be deemed to be corrupt practice."

10. Insertion of new sections 159A, 159B, 159C and 159D.- After section 159 of the principal Act, the following sections shall be inserted, namely:-

"159A. Account of election expenses and maximum thereof.- (1) Every candidate at an election to a Zilla Parishad 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 had been nominated and the date of declaration of the result thereof, both days inclusive:

Provided that any expenditure incurred or authorised in connection with the election of a candidate to a Zilla Parishad by a political party or by any other association or body of persons or by an individual other than the candidate or his election agent shall not be deemed to be expenditure in connection with the election incurred or authorised by the candidate or by his agent.

Explanation 1.- For the purposes of the proviso to sub-section (1) "Political party" shall have the same meaning as in the Election Symbols (Reservation and

Allotment) Order, 1968, for the time being in force.

Explanation-II.- For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangement made, facilities provided or any other act, or things done by any person in the service of the Government in the discharge or purported discharge of his official duties shall not be deemed to be expenditure in connection with the election of a Zilla Parishad incurred or authorised by a candidate or by his election agent for the purposes of this sub-section.

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

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

159B. Lodging of account with the Deputy Commissioner.- Every contesting candidate at an election to a Zilla Parishad 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 their election are different, the latter of those two days, lodge with the Deputy Commissioner 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 159A.

159C. Disqualification for failure to lodge account of election expenses.- If the Deputy Commissioner is satisfied that a 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 Deputy Commissioner shall, by an order published in the Official Gazette, declare him to be disqualified for being chosen as and for being member of, a Zilla Parishad and any such person shall be so disqualified for a period of three years from the date of the order.

159D. Removal or reduction of disqualification.- The Deputy Commissioner may for reasons to be recorded, remove any disqualification under section 159C or reduce the period of any such disqualification."

11. Amendment of section 173.-In section 173 of the principal Act,-

(1) in sub-section (2), for the words, "a Deputy Secretary", the words, "one or more Deputy Secretaries" shall be substituted;

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

"(4A) The Government may constitute a Zilla Parishad Service Commission for the whole of the State for recruitment of the employees to the services of the Zilla Parishad constituted under sub-section (4).

(4B) The composition of the Commission, conditions of service and term of office of its members shall be such as may be prescribed.

(4C) The Zilla Parishad Service Commission may, with the previous sanction of the Government, make regulations regarding the procedure for recruitment of the employees to such services.

(4D) The Zilla Parishad Service Commission may appoint such officers and servants as are necessary to carry out its

functions. The number, method of recruitment and conditions of service of the officers and servants of the Commission shall be such as may be prescribed."

12. Amendment of section 177.- In section 177 of the principal Act, for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) The Secretary of the Zilla Parishad shall be the ex-officio Secretary of the General Standing Committee, the Finance and Audit Committee and the Planning and Development Committee. The Secretary shall nominate one of the Deputy Secretaries as the ex-officio Secretary for each of the remaining Standing Committees."

13. Amendment of section 178.- In section 178 of the principal Act,-

(1) for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) The Planning and Development Committee shall perform the functions relating to plan priorities, allocation of outlays to Departments, horizontal and vertical linkage, implementation of guidelines issued by the Government, regular review of planned programmes, evaluation of important programmes and small savings schemes.";

(2) in sub-section (7), for the words, "animal husbandry, contour bunding" the words, "animal husbandry, co-operation, contour bunding" shall be substituted."

14. Amendment of section 198.- In section 198 of the principal Act, in sub-section (1), for the words, "first day of November and the first day of January" the words "first day of February and the tenth day of March" shall be substituted.

15. Amendment of section 210.- In section 210 of the principal Act,-

(1) in the heading, for the words, "Zilla Parishad", the words, "Zilla Parishads and Mandal Panchayats" shall be substituted;

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

(i) for the words, "in respect of the Zilla Parishad" the words, "in respect of the Zilla Parishads and Mandal Panchayats" shall be substituted;

(ii) in clauses(a) and (b), for the words, "Government to the Zilla Parishad", the words, "Government to the Zilla Parishads and Mandal Panchayats, and from Zilla Parishads to Mandal Panchayats" shall be substituted;

(iii) in clause (d), for the words, "Zilla Parishad" the words, "Zilla Parishads and Mandal Panchayats" shall be substituted.

16. Amendment of section 285.- In section 285 of the principal Act, the following proviso shall be inserted, at the end, namely: -

"Provided that until provisions in that behalf are made under this Act, by the Zilla Parishad or Mandal Panchayat, as the case may be, it shall be competent for the Government to make by order appropriate provisions to regulate the recruitment and conditions of service of the persons appointed to the services and posts under Zilla Parishads and Mandal Panchayats and the initial appointments to such services and posts may also be made by the Government."

KARNATAKA ORDINANCE NO. 16 OF 1986

**THE KARNATAKA INAMS ABOLITION LAWS
(AMENDMENT) ORDINANCE, 1986.**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of Mysore Act 18 of 1955
3. Amendment of Karnataka Act 54 of 1976
4. Amendment of Karnataka Act 10 of 1978

KARNATAKA ORDINANCE NO. 16 OF 1986

THE KARNATAKA INAMS ABOLITION LAWS
(AMENDMENT) ORDINANCE, 1986

(Promulgated by the Governor of Karnataka in the Thirty-seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Twenty-seventh day of November, 1986).

An Ordinance further to amend the Mysore (Religious and Charitable) Inams Abolition Act, 1955, the Karnataka (Sandur Area) Inams Abolition Act, 1976 and the Karnataka Certain Inams Abolition Act, 1977.

Whereas the Karnataka Legislative Assembly is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955), the Karnataka (Sandur Area) Inams Abolition Act, 1976 (Karnataka Act 54 of 1976) and the Karnataka Certain Inams Abolition Act, 1977 (Karnataka Act 10 of 1978) for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. **Short title and commencement.**- (1) This Ordinance may be called the Karnataka Inams Abolition Laws (Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of Mysore Act 18 of 1955.- In The Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955), in sub-section (2) of section 9, in clause (a),-

(1) In sub-clause (i) for the words and figures "31st March, 1984", the words and figures "30th June, 1987", shall be and shall be deemed always to have been substituted.

(2) in sub-clause (ii), for the words and figures "31st March, 1984", the words and figures "30th June, 1987" shall be and shall be deemed always to have been substituted.

3. Amendment of Karnataka Act 54 of 1976.- In section 10 of the Karnataka (Sandur Area) Inams Abolition Act, 1976 (Karnataka Act 54 of 1976), for the words and figures "31st March, 1984", the words and figures "30th June, 1987", shall be and shall be deemed always to have been substituted.

4. Amendment of Karnataka Act 10 of 1978.- In section 11 of the Karnataka Certain Inams Abolition Act, 1977 (Karnataka Act 10 of 1978), for the words and figures "31st March, 1984", the words and figures "30th June, 1987", shall be and shall be deemed always to have been substituted.

KARNATAKA ORDINANCE NO.17 OF 1986

THE KARNATAKA ZILLA PARISHADS, TALUK
PANCHAYAT SAMITHIS, MANDAL PANCHAYATS AND
NYAYA PANCHAYATS (SECOND AMENDMENT
ORDINANCE, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 148

KARNATAKA ORDINANCE NO.17 OF 1986

THE KARNATAKA ZILLA PARISHADS, TALUK PANCHAYAT SAMITHIS, MANDAL PANCHAYATS AND NYAYA PANCHAYATS (SECOND AMENDMENT) ORDINANCE, 1986.

(Promulgated by the Governor of Karnataka in the Thirty-seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Twenty-fourth day of December, 1986)

An Ordinance further to amend the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983;

Whereas it is expedient further to amend the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983;

And whereas the Karnataka Legislative Assembly is not in session and the Governor of Karnataka is satisfied that the circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 (Karnataka Act 20 of 1985) for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred on me by clause (1) of Article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats

(Second Amendment) Ordinance, 1986.

(2) It shall come into force at once.

2. Amendment of section 148.- In section 148 of the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 (Karnataka Act 20 of 1985), to sub-section (2), the following proviso shall be added, namely:-

"Provided that if the additional electoral roll is not revised as aforesaid, the validity or continued operation of the additional electoral roll shall not thereby be affected."

KARNATAKA ORDINANCE NO.18 OF 1986

THE KARNATAKA LOCAL AUTHORITIES
(PROHIBITION OF DEFECTION) ORDINANCE, 1986.

Arrangement of Sections

Sections:

1. Short title and commencement
2. Definitions
3. Disqualification on the ground of defection
4. Decision on the question as to disqualification on the ground of defection
5. Amendment of Karnataka Act 22 of 1964
6. Amendment of Karnataka Act 14 of 1977
7. Amendment of Karnataka Act 20 of 1985
8. Bar on jurisdiction of courts
9. Power to make rules

THE KARNATAKA ORDINANCE NO.18 OF 1986

KARNATAKA LOCAL AUTHORITIES (PROHIBITION OF DEFECTION) ORDINANCE, 1986.

(Promulgated by the Governor of Karnataka in the Thirty-Seventh Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Twenty-ninth day of December, 1986).

An Ordinance to prohibit defection by the Councillors of Municipal Corporations and Municipal Councils and Members of Zilla Parishads and Mandal Panchayats from the political parties by which they were set up as candidates and matters connected therewith.

Whereas the Karnataka Legislative Assembly is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to prohibit defection by the Councillors of Municipal Corporations and Municipal Councils and Members of Zilla Parishads and Mandal Panchayats from the political parties by which they were set up as candidates and matters connected therewith.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, I, A.N. Banerji, Governor of Karnataka, am pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called as the Karnataka Local Authorities (Prohibition of Defection) Ordinance, 1986.

(2) It shall come into force at once.

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

(i) "Councillor" means a Councillor of a Municipal Corporation or a Municipal Council elected or nominated under the Karnataka Municipal Corporations Act, 1976 or the Karnataka Municipalities Act, 1964 as the case may be;

(ii) "Mandal Panchayat" and "Zilla Parishad" respectively means "Mandal Panchayat" or "Zilla Parishad" established under the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983;

(iii) "member" means a member of a Zilla Parishad or a Mandal Panchayat elected or nominated under the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983;

(iv) "Municipal Corporation" means a Municipal Corporation established under the Karnataka Municipal Corporations Act, 1976;

(v) "Municipal Council" means a City or Town Municipal Council established under the Karnataka Municipalities Act, 1964;

(vi) "political party" in relation to a Councillor or member means a political party recognised by the Election Commission of India as a National Party or a State Party in the State of Karnataka under the Election Symbols (Reservation and Allotment) Order, 1968, and to which he belongs for the purpose of sub-section (1) of section 3.

3. Disqualification on the ground of defection.- (1) Subject to the provisions of section 4, a Councillor or a member, belonging to any political party, shall be disqualified for being such councillor or member, -

(a) if he has voluntarily given up his membership of such political party; or

(b) if he votes or abstains from voting in any meeting of the Municipal Corporation, Municipal Council, Zilla Parishad or Mandal Panchayat contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of voting or such abstention:

Provided that no Councillor or member shall be so disqualified if the number of Councillors or members so voting or abstaining from voting constitutes not less than one half of the total number of councillors or members belonging to the political party in the Zilla Parishad, Mandal Panchayat, Municipal Corporation or Municipal Council, as the case may be.

Explanation.- For the purpose of this sub-section,-

(a) a person elected as a Councillor, or as the case may be, a member, shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such Councillor or member;

(b) a nominated member of a Mandal Panchayat shall,-

(i) where he is a member of a political party on the date of his nomination as such member, be deemed to belong to such political party; or

(ii) in any other case, be deemed to belong to the political party of which he becomes a member before the expiry of six months from the date on which he is nominated as a member of the Mandal Panchayat.

(2) An elected Councillor, or as the case may be, a member, who has been elected as such, otherwise than as a candidate set up by a political party shall be disqualified for being a Councillor or, as the case may be a member if he joins a political party after such election.

(3) A nominated member of a Mandal Panchayat shall be disqualified for being a member of the Mandal Panchayat, if he joins any political party after the expiry of six months from the date on which he is so nominated.

(4) Notwithstanding anything contained in the foregoing provisions of this section, a person who on the commencement of this Ordinance, is a Councillor shall,-

(a) where he was a member of a political party immediately before such commencement, be, deemed for purposes of sub-section (1) to have been elected as a Councillor as a candidate set up by such political party;

(b) in any other case, be deemed to be an elected councillor who has been elected as such otherwise than as a candidate set up by any political party for the purpose of sub-section (2).

4. Decision on the question as to disqualification on the ground of defection.- Where a complaint of defection is received from a member or councillor or a political party by the Chief Executive Officer of the concerned Local Authority, he shall, within,

twenty- four hours from the receipt of such complaint, refer the same for decision to,-

(1) in the case of Zilla Parishad, to the Chief Secretary to Government;

(2) in the case of Minicipal Corpora- tion, to the Divisional Commissioner;

(3) in the case of a city or Town Minicipal Council, to the Deputy Commissio- ner;

(4) in the case of a Mandal Panchayat, to the Chief Secretary to the Zilla Parishad;

Who shall decide the question within seven days after the receipt by him of the reference and his decision shall be final.

Explanation.- in this section,-

(1) "Chief Executive Officer" means-

(a) in case of Zilla Parishad the Chief Secretary of the Zilla Parishad,

(b) in the case of Mandal Panchayat the Secretary of the Mandal Panchayat,

(c) in the case of a Minicipal Corporation-the Commissioner,

(d) in the case of a City Municipal Council-the Municipal Commissioner,

(e) in case of a Town Minicipal Council -the Chief Officer.

(2) "Local Authority" means- the Zilla Parishad, Mandal Panchayat, Municipal Cor- poration, City or Town Municipal Council.

5. Amendment of Karnatka Act 22 of 1964.- In the Karnatka Municipalities Act, 1964 (Karnataka Act 22 of 1964), after sub- section (1) of section 16, the following sub-section shall be inserted, namely:-

"(1A) A person shall be disqualified For being a Councillor if he is so disqualified under the Karnataka Local Authorities (Prohibition of Defection) Ordinance, 1986".

6. Amendment of Karnataka Act 14 of 1977.- In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) after sub-section (1) of section 26, the following sub-section shall be inserted, namely:-

"(1A) A person shall be disqualified for being a Councillor if he is so disqualified under the Karnataka Local Authorities (Prohibition of Defection) Ordinance, 1986".

7. Amendment of Karnataka Act 20 of 1985.- In the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 (Karnataka Act 20 of 1985),-

(i) after sub-section (1) of section 11, the following sub-section shall be inserted, namely:-

"(1A) A person shall be disqualified for being a member of the Mandal Panchayat if he is so disqualified under the Karnataka Local Authorities (Prohibition of Defection) Ordinance, 1986;"

(ii) in clause (i) of sub-section (1) of section 12, for the words and figures "in section 11", the words, bracket and figures "in sub-section (1) of section 11" shall be substituted;

(iii) after sub-section (1) of section 154, the following sub-section shall be inserted, namely:-

"(1A) A person shall be disqualified for being a member of the Zilla Parishad if he is so disqualified under the Karnataka Local Authorities (Prohibition of Defection) Ordinance, 1986;"

(iv) in clause (a) of sub-section (1) of section 155, for the words and figures "in section 154", the words, bracket and

figures "in sub-section (1) of section 154" shall be substituted.

8. Bar on jurisdiction of courts.- Notwithstanding anything contained in any law, no court shall have any jurisdiction in respect of any matter connected with disqualification of a Councillor or a member under this Ordinance.

9. Power to make rules.- (1) The State Government may, by notification and after previous publication, make rules for carrying out the purposes of this Ordinance.

(2) Every rule made under this Ordinance shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, from the date on which the modification or annulment is notified have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall without prejudice to the validity of anything previously done under that rule.

**TABLE SHOWING THE EFFECT OF LEGISLATION OF 1986
ACTS (IN CHRONOLOGICAL ORDER) REPEALED, AMENDED OR OTHERWISE
AFFECTED BY THE ENACTMENTS OF THE YEAR 1986**

| SL. No. | No. and year of the Act | Short Title or Subject | How affected | No. and Sections of the Act of 1986 |
|---------|-------------------------|---|---|--|
| 1 | 2 | 3 | 4 | 5 |
| 1. | Central Act XII of 1925 | Cotton Ginning and Pressing Factories Act, 1925. | (i) Section 2B Substituted. (ii) Section 13 amended. | Act 18, Section 2 Act 18, Section 3 |
| 2. | Central Act LIV of 1948 | Electricity (Supply) Act, 1948 | Sections 8 and 7C amended. | Act 46, Sections 2 and 3. |
| 3. | Mysore Act I of 1955 | Mysore (Personal and Miscellaneous Inams Abolition Act, 1954. | Sections 2, 10, 12 and 32 amended. | Act 19, Section 15 |

| 1 | 2 | 3 | 4 | 5 |
|----|---------------------------|---|---|--|
| 4. | Mysore Act XVIII of 1955 | Mysore(Religious and Charitable) Inams Abolition Act, 1955. | Sections 2, 9, 11 and 30 amended. | Act 19, Section 16 |
| 5. | Karanataka Act 22 of 1957 | Agricultural, Income Tax Act, 1957. | (i)Section 66 amended. (ii)Sections 11, 12, 18, 28, 32 and 39 amended. (iii)Section 17A inserted (iv)Sections 37 and 42 substituted. | Act 11, Section 2 Act 38, Sections 2, 3, 5, 6, 7 and 9. Act 38, Section 4 Act 38, Sections 8 and 10 |

| 1 | 2 | 3 | 4 | 5 |
|----|-----------------------------|---------------------------------|---|--------------------------------|
| 6. | Karnataka Act 25 of 1957 | Sales Tax Act, 1957 | (i) Sections 2, 3B, 5, 5A, 6, 6B, 6D, 12B, 17, 18, 21, 25B, 28A, 29 and Schedu- les-Second, Third, Four- th and fif- th amended. | Act 9, Sections 2 to 19. |
| | | | (ii) Schedule- Eighth inserted. | Act 9, Section 20. |
| | | | (iii) Sections 2, 3, 5A, 8A and 22A amended. | Act 36, Sections 2 to 6. |
| 7. | Karnataka Act 35 of 1957 | Motor Vehicles Taxation Act, | (i) Sections 2, 3, 4, 7 and | Act 8, Sections |

| 1 | 2 | 3 | 4 | 5 |
|-----|-----------------------|--|---|--------------------------|
| | | 1957. | 10 amended. | 2 to 6. |
| | | | (ii) Schedule substituted | Act 8, Section 7 |
| 8. | Karnataka Act of 1960 | Societies Registration Act, 1960 | Section 27A amended. | Act 48, section 2 |
| 9. | Karnataka Act of 1960 | Traffic Control Act, 1960 | Section 14 amended. | Act 25, Section 2 |
| 10. | Karnataka Act of 1961 | Village Offices Abolition Act, 1961 | Section 5 amended | Act 47, Section 2 |
| 11. | Karnataka Act of 1962 | Shops and Commercial Establishments Act, 1961. | Section 3 amended, | Act 17, Section 2 |
| 12. | Karnataka Act of 1962 | Land Reforms Act, 1961 | (i) Sections 2, 42A, 48C, 53, 113, 118. | Act 19, Sections 2 to 6. |

| 1 | 2 | 3 | 4 | 5 |
|-----|--------------------------|--|---|--|
| | | | 119, 121, 122, 123 and 124 amended. | 8 to 10 and 12 to 14. |
| | | | (ii) Sections 116A, 116B and 121A inserted. | Act 19, Sections 7 and 11. |
| 13. | Karnataka Act of 1963 | 22 University of Agricultural Sciences Act, 1963. | (i) Long Title, Preamble, Sections 1, 2, 3, 9, 12, 18, 27 and Chapter II amended. | Act 14, Sections 2 to 6 and 8 to 11. |
| | | | (ii) Sections 7A and 47A inserted. | Act 14, Sections 7 and 12 |

| 1 | 2 | 3 | 4 | 5 |
|-----|-----------------------|--|---|--|
| 14. | Karnataka Act of 1963 | 24 Industrial Establishments (National and Festival Holidays) Act, 1963. | Sections 3, 6 and 7 amended. | Act 16, Sections 2 to 4. |
| 15. | Karnataka Act of 1964 | 12 Land Revenue Act, 1964 | Chapter VIIA inserted | Act 20, Section 2 |
| 16. | Karnataka Act of 1964 | 22 Municipalities Act, 1964. | (i) Sections 72, 321, 322, Heading of Chapter XVI, Sections 356, 357, 359, 360 and 388 amended. | Act 33, Sections 2, 4, 5, 6, 7, 8, 9, 10 and 13. |
| | | | (ii) Section 94A inserted. | Act 33, Section 3 |
| | | | (iii) Section | Act, 33 |

| 1 | 2 | 3 | 4 | 5 |
|-----|--------------------------|---|--|---|
| | | | 363A omitted. | section 11. |
| | | | (iv) Section 379 substituted. | Act 33, Section 12. |
| 17. | Karnataka Act of 1965 | 12 Corneal Grafting Act, 1965. | (i) Heading, Preamble, Sections 1, 2 and 3 amended. | Act 30, Sections 2 to 5 |
| | | | (ii) Section 5A inserted. | Act 30, Section 6 |
| 18. | Karnataka Act of 1966 | 27 Agricultural Produce Marketing (Regulation) Act, 1966 | (i) Sections 2, 6, 16, 38, 42, 50, 55, 56, 58, 63, 65, 66, 67, 69, 70, 72, 74, | Act 35, Sections 2 to 10, 12, 13, 15 to 20, |

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| | | | 86, 88, 89, 91, 94, 97, 98, 99, 106, 111, 114, 120, 126, 127, 128, 129, 133, 148 and Chapter X amended. | 26 to 35, 38, 39, 43, 44, 46 to 50. |
| | | | (ii) Sections 61, 78, 107, 108, 115, 118 and the Expression "Director of Agricul- tural Marketing" substituted. | Act 35, Sections 11, 21, 36, 37, 40, 42 and 51. |
| | | | (iii) Sections 65A, 79A, | Act 35, Sections |

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| | | | 82A, 83A, 117A and 126A inserted. | 14, 22, 23, 24, 41 and 45 |
| | | | (iv) Section 34A omit- ted | Act 35, Section 25. |
| 19. | Karnataka Act of 1974 | 32 Public Premises (Eviction of Unauthorised Occupants) Act, 1974 | Section 3 amended. | Act 49, Section 2. |
| 20. | Karnataka Act of 1974 | 33 Slum Areas (Improvement and Clearance) Act, 1973. | Section 20 amended. | Act 26, Section 2. |
| 21. | Karnataka Act | 11 Improvement Boards | Section 12C | Act 40, |

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| | of 1976 | Act, 1976. | amended. | Section 2. |
| 22. | Karnataka Act 12 of 1976 | Bangalore Development Authority Act, 1976. | (i) Sections 2, 3, 10, 13, 17, 23, 28 and 29 amended. | Act 34, Sections 2 to 9. |
| | | | (ii) Section 65B inserted. | Act 34, Section 10. |
| 23. | Karnataka Act 28 of 1976 | State Universities Act, 1976. | (i) Sections 2, 4, 6, 9, 11, 12, 13, 14, 15, 16, 16A, 17, 19, 21, 23, 24, 26, 28, 29, 30, 31, 35, 36, 37, 38, 39, 43, 49, 50, 51B, 53, 56, 60, 62 | Act 23, Sections 2 to 5, 7 to 10, 12 to 15, 17 to 25, 27 to 34, 36, 38 to 40, 42 and 44. |

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and heading
to Chapter
VIII amended

(ii) Sections Act 23,
10A, 33A, 49A sections
and 61B 6, 26, 35
inserted. and 43.

(iii) Expressions Act 23
Sections
"Registrar 11, 16
(Evaluation) and 41.
and "Deputy
Registrar
(Evaluation)
"Director of
Student
Welfare" and
Section 59

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| | | | substituted. | |
| | | | (iv) Section 51 omitted. | Act 23, section 37. |
| 24. | Karnataka Act of 1976 | 35 Tax on Professions Trades, Callings and Employments Act, 1976. | Section 10 amended. | Act 13; Section 2. |
| 25. | Karnataka Act of 1976 | 54 (Sandur Area) Inams Abolition Act, 1976. | Sections 2 and 10 amended | Act 19, section 17. |
| 26. | Karnataka Act of 1977 | 14 Municipal Corporations Act, 1976. | (i) Section 103A inserted. | Act 21, Section 2. |
| | | | (ii) Sections 2, 9, 11, 13A, 17, 62, 150, | Act 32, Sections 2 to 9, |

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| | | | 183,301,302, 310,443,445, 482,483,500 and 501 amended. | 11to19. |
| | | | (iii) Sections 288A, 288B, 288C and 288D inserted. | Act 32, Section 10. |
| 27. | Karnataka Act 10 of 1978 | Certain Inams. Abolition Act, 1977. | Sections 3 and 11 amended | Act 19, Section 18. |
| 28. | Karnataka Act 22 of 1979 | Tax on Luxuries (Hotels and Lodg- ing Houses) Act, 1979. | (i) Sections 2, 4, 8, 9, 13, 15 and 17 amended. | Act 10, Sections 2, 3, 6, 8, 10; 11 and 12 |

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| | | | (ii) Sections 6A, 7A, 8A, 8B, 8C and 10A inserted. | Act 10, Sections 4, 5, 7 and 9. |
| | | | (iii) Expression "Deputy Commisisoner" substituted. | Act 10, Section 13. |
| 29. | Karnataka Act of 1979 | Act 27 Tax on Entry of Goods into Local Areas for Consumption, Use or Sale therein Act, 1979. | (i) Section 2 amended | Act 12, Section 2 |
| | | | (ii) Schedule amended | Act 41, Section 2. |
| | | | (iii) Schedule amended | Act 42, Section 2. |

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| | | | (iv) Section 15 amended | Act 43, section 2. |
| 30. | Karnataka Act 6 of 1980 | Command Areas Development Act, 1980. | Section 4 amended. | Act 44, Section 2. |
| 31. | Karnataka Act 29 of 1981 | Departmental Inqui- ries (Enforcement of Attendance of Witnesses, Produc- tion of Documents and Miscellaneous Provisions) Act, 1981. | Sections 3, 4, 5 and 6A amended. | Act 28, Sections 2 to 5. |
| 32. | Karnataka Act 4 of 1985 | Lokayukta Act, 1984 | (i) Section 5 amended | Act 15, Section 2. |
| | | | (ii) Sections | Act 31, |

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| | | | 2, 7, 9, 10, 12, 13, 14, 15, 19, 20, 22 and 23 amended. | Sections 2 to 13 |
| 33. | Karnataka Act 20 of 1985 | Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983. | Sections 4, 5, 128, 129, 140, 141, 148 and 182 amended. | Act 3, Sections 2 to 9 |

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