

ಪರಿಷತ್ ೧  
VOLUME 1



ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
ಸಂಸಾರಣ ವ್ಯವಹಾರಣ ಬಹು ಕಾರಣಕರಣ ಇಲಾಖೆ  
Government of Karnataka  
Department of Parliamentary Affairs and Legislation

ಕರ್ನಾಟಕದ  
ಕಾನೂನುಗಟು  
( ಪನ್ನೆಂನು ಫಠುಪುಗಟು )



THE KARNATAKA CODE  
KARNATAKA ACTS  
(IN ELEVEN VOLUMES)

Volume 1  
(Contains Un-repealed Karnataka Acts from 01.11.1956 to 1959  
and General Clauses Act, 1899 as amended upto 01.04.2012)

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KARNATAKA ACTS  
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ಪುಸ್ತಕ, ಕರಣ ಕಾನೂನು ಗಟು ಕಾನೂನುಗಟು, ಕರಣಕರಣ



**THE KARNATAKA GENERAL CLAUSES ACT, 1899**  
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#### **STATEMENT OF OBJECTS AND REASONS**

I

**Amending Act 9 of 1985.**- As there is basically no difference between the repeal of a provision of law or the omission or deletion of such provision, during all these years, in all laws expression repeal or omit or delete were being used to repeal a provision of law.

The Karnataka High Court has, however, recently taken the view in R. Abdul Azeez Vs. Commissioner of Income-tax, Karnataka, reported in (1981) 128 ITR 547

that the expression repeal is different from the expression omit or delete. This has led to an anomalous situation which may result in some unintended consequences.

In order to resolve the said anomaly, it is proposed to specifically include omission and deletion within the ambit of repeal. Opportunity is taken to make a few other formal amendments.

Hence the Bill.

## II

**Amending Act 13 of 2003.**- It is considered necessary to prepare upto date Codal Volumes of the Karnataka Acts and to repeal all the spent Acts and amendment Acts from time to time.

The Government constituted One-man Committee for the above purpose. The Committee has reviewed the Karnataka Acts for the period from 1.11.1956 to 31.12.2000 and has proposed the "Repealing and Amending Bill, 2002" which seeks to repeal the following types of Acts,-

- (i) Acts which amended the Karnataka Acts whether they are now in force or not;
- (ii) Acts which amended regional Acts which are no longer in force;
- (iii) Appropriation Acts as they are spent Acts;
- (iv) Acts which have been struck down or by necessary implication struck down by the Courts;
- (v) Acts which are by implication repealed by Central Acts;
- (vi) Acts which are temporary and spent enactments; and
- (vii) Acts which amend the Central Acts and regional Acts which are in force.

The Bill does not include Acts which are already repealed expressly.

This Bill also seeks to amend certain Acts which are considered necessary.

Hence the Bill.

[L.C. BILL No. 4 OF 2002]

[Various entries of List II and III of the Seventh Schedule]

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**<sup>1</sup>[KARNATAKA]<sup>1</sup> ACT No. III OF 1899****THE <sup>1</sup>[KARNATAKA]<sup>1</sup> GENERAL CLAUSES ACT, 1899**

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

*(Passed on the 3rd day of July 1899)*

(As amended by Act XII of 1930, VII of 1949, X of 1950, 12 of 1953, Adaptations of Laws Orders 1956 and 1973, 9 of 1985 and 13 of 2003)

**An Act for further shortening the language used in <sup>1</sup>[Mysore Acts and Karnataka Acts]<sup>1</sup> and for other purposes.**

WHEREAS it is expedient further to shorten the language used in <sup>1</sup>[Mysore Acts and Karnataka Acts]<sup>1</sup>, and to make certain other provisions relating to those enactments, Her Highness the Maharani-Regent is pleased to enact as follows:-

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**PRELIMINARY**

**1. Short title <sup>1</sup>[commencement and extent]<sup>1</sup>.**- <sup>2</sup>[(1) This Act may be called the <sup>3</sup>[Karnataka]<sup>3</sup> General Clauses Act, 1899.]<sup>2</sup>

(2) It shall come into force at once.

<sup>1</sup>[(3) It extends to the whole of the State of Karnataka.]<sup>1</sup>

1. Substituted by Act 13 of 2003 w.e.f. 1.11.1956.

2. Substituted by Act X of 1950.

3. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**<sup>1</sup>[2. x x x]<sup>1</sup>**

1. Section 2 and Schedule Omitted by Act 12 of 1953.

**GENERAL DEFINITIONS**

**3. Definitions.**- In this Act, and in all <sup>1</sup>[Mysore Acts and Karnataka Acts]<sup>1</sup> made after the commencement of this Act, unless there is anything repugnant in the subject or context,-

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(1) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code;

(2) "act," used with reference to an offence or a civil wrong, shall include a series of acts and words which refer to acts done extend also to illegal omissions;

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;

(4) "barrister" shall mean a barrister of England, or Ireland, or a member of the

Faculty of Advocates in Scotland;

<sup>1</sup>[(5) "British India" shall mean, as respects the period before the commencement of Part III of the Government of India Act, 1935, all territories and places within His Majesty's dominions which were for the time being governed by His Majesty through the Governor-General of India or through the Governor or Officer sub-ordinate to the Governor-General of India, and as respects any period after that date and before the date of the establishment of the Dominion of India means all territories for the time being comprised within the Governors' Provinces and the Chief Commissioner's Provinces;]<sup>1</sup>

1. Substituted by Act 12 of 1953.

<sup>2</sup>[(5a) "Central Act" shall mean an Act of Parliament, and shall include,-

2. Inserted by Act 12 of 1953.

(a) an Act of the Dominion Legislature or of the Indian Legislature passed before commencement of the Constitution, and

(b) an Act made before such commencement by the Governor-General in Council or the Governor-General acting in a legislative capacity.

(5b) "Central Government" shall,-

(a) in relation to anything done before the commencement of the Constitution, means the Governor-General or the Governor General in Council, as the case may be; and shall include, (i) in relation to functions entrusted under sub-section (1) of section 124 of the Government of India Act, 1935, to the Government of a Province, the Provincial Government acting within the scope of the authority given to it under that sub-section; and (ii) in relation to the administration of a Chief Commissioner's Province, the Chief Commissioner acting within the scope of the authority given to him under sub-section (3) of section 94 of the said Act; and

(b) in relation to anything done or to be done after the commencement of the Constitution, means the President; and shall include (i) in relation to functions entrusted under clause (1) of article 258 of the Constitution to the Government of a State, the State Government acting within the scope of the authority given to it under that clause; <sup>1</sup>[(ii) in relation to the administration of a Part C State before the commencement of the Constitution (Seventh Amendment) Act, 1956]<sup>1</sup> the Chief Commissioner or the Lieutenant-Governor or the Government of a neighbouring State or other authority acting within the scope of the authority given to him or it under article 239 or article 243 of the Constitution, as the case may be <sup>1</sup>[and (iii) in relation to the administration of a Union territory, the administrator thereof acting within the scope of the authority given to him under article 239 of the Constitution;]<sup>1</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

(6) "Chapter" shall mean a Chapter of the Act in which the word occurs;

<sup>1</sup>[(7) "Chief Controlling Revenue Authority" or "Chief Revenue Authority" shall mean such authority as the State Government may, by notification in the official Gazette, appoint;]<sup>1</sup>

1. Substituted by Act 12 of 1953.

<sup>1</sup>[(7a) "City of Bangalore" shall mean such local area as is declared from time to time to be the City of Bangalore under any Act for the time being in force relating to the Municipal affairs of such City;]<sup>1</sup>

1. Inserted by Act 12 of 1953.

(8) "Commencement," used with reference to an Act, shall mean the day on which the Act comes into force;

<sup>1</sup>[(8a) "Constitution" shall mean the Constitution of India;

(8b) "Consular Officer" shall include Consul-general, consul, vice-consul, consular agent, pro-consul and any person for the time being authorised to perform the duties of consul-general, consul, vice-consul or consular agent;]<sup>1</sup>

1. Inserted by Act 12 of 1953.

(9) "Deputy Commissioner" shall mean the chief officer in charge of the revenue-administration of a district;

(10) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction <sup>3</sup>[but shall not include the High Court in the exercise of original civil jurisdiction;]<sup>1</sup>

1. Inserted by Act 12 of 1953.

<sup>1</sup>[(10A) "Divisional Commissioner" shall mean the Divisional Commissioner of a Division appointed under the <sup>2</sup>[Karnataka Land Revenue Act, 1964]<sup>2</sup>;]<sup>1</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(11) "Document" shall include any matter written, expressed or described upon any substance by means of letters, figures or makes, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter;

(12) "Enactment" shall include,-

(a) a <sup>1</sup>[Mysore Act]<sup>1</sup>,

1. Substituted by Act 12 of 1953.

<sup>1</sup>[(a1) a Karnataka Act,]<sup>1</sup>

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

(b) an Act of the Governor-General of India in Council or of a Local Legislature in India, introduced as law into <sup>1</sup>[Mysore Area]<sup>1</sup>,

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

(c) a body of Rules (other than rules made in exercise of a power conferred by any Act or by any such Act as aforesaid) prescribed as law in <sup>1</sup>[Mysore Area]<sup>1</sup>, and

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

<sup>1</sup>[(c1) a Bombay Act as defined in clause (5) of section 3 of the Bombay General Clauses Act, 1904 (Bombay Act I of 1904);

(c2) a Coorg Act or Regulation as in force in the Coorg District;

(c3) a Hyderabad law as defined in clause (1a) of section 2 of the General Clauses Act, 1308 F (Hyderabad Act III of 1308 Fasli);

(c4) a Madras Act as defined in clause (17a) of section 3 of the Madras General Clauses Act, 1891 (Madras Act I of 1891); and]<sup>1</sup>

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

(d) any provision contained in <sup>1</sup>[any <sup>2</sup>[Mysore Act or Karnataka Act]<sup>2</sup>]<sup>1</sup> or in any such Act or body of Rules as aforesaid <sup>3</sup>[or in any Bombay Act, Coorg Act, Hyderabad Law or Madras Act]<sup>3</sup>;

1. Substituted by Act 12 of 1953.

2. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

3. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

(13) "Father," in the case of any one whose personal law permits adoption, shall include an adoptive father;

<sup>1</sup>[(13A) "financial year" or "official year" shall mean the year commencing on the first day of April:

Provided that in respect of the financial or official year of 1949-50, "financial Year" or "Official year" shall mean the period commencing on the first day of July, 1949, and ending with the thirty-first day of March, 1950;]<sup>1</sup>

1. Inserted by Act X of 1950.

(14) "<sup>1</sup>[revenue year]<sup>1</sup>" shall mean the year commencing on the first day of July;

1. The words "revenue year" substituted for certain words by Act X of 1950.

(15) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not;

<sup>1</sup>[(16) "Government or "the Government" shall,-

(a) in relation to anything done before the commencement of the Constitution, means the authority or person authorised at the relevant date to administer executive Government in Mysore;

(b) in relation to anything done or to be done after the commencement of the Constitution, include both the Central Government and the State Government;]<sup>1</sup>

1. Substituted by Act 12 of 1953.

<sup>1</sup>[(16a) "Government securities" shall mean securities of the Central Government or of any State Government, but in any Mysore Act made before the commencement of the Constitution shall not include securities of the Government of any State other than the State of Mysore;

(16b) "High Court" used with references to civil proceeding shall mean the highest civil court of appeal (not including the Supreme Court) in the <sup>2</sup>[State of Karnataka];<sup>1</sup>

1. Inserted by Act 12 of 1953.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(17) "Immovable property" shall include land, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(18) "Imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code;

<sup>1</sup>[(18a) "India" shall mean,-

(a) as respects any period before the establishment of the Dominion of India, British India together with all territories of Indian Rulers then under the suzerainty of His Majesty, all territories under the suzerainty of such an Indian Ruler, and the tribal areas;

(b) as respects any period after the establishment of the Dominion of India and before the commencement of the Constitution, all territories for the time being included in that Dominion; and

(c) as respects any period after the commencement of the Constitution, all territories for the time being comprised in the territory of India;]<sup>1</sup>

1. Inserted by Act 12 of 1953.

(19) "Judicial proceeding" shall mean any proceeding in the course of which evidence is, or may be, legally taken;

<sup>1</sup>[(19a) "Karnataka Act" shall mean an Act of the Legislature of the State of Karnataka passed under the Constitution after 1st November, 1973 and shall include,-

(i) an Act of the Legislature of the State of Mysore passed under the Constitution after 1st November 1956;

(ii) the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899);

(iii) the Karnataka High Court Act, 1884 (Karnataka Act I of 1884);

(19b) "Karnataka" shall mean all the territories for the time being comprised in the State of Karnataka;]<sup>1</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(20) "Local authority" shall mean a municipal committee, district board, <sup>1</sup>[body of port commissioners]<sup>1</sup> or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund;

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

(21) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force;

(22) "month" shall mean a month reckoned according to the British Calendar;

(23) "moveable property" shall mean property of every description, except immoveable property;

(24) "Mysore" shall mean <sup>3</sup>[<sup>2</sup>[all the territories]<sup>2</sup> for the time being comprised in the <sup>1</sup>[State of Mysore before 1st November, 1973;]<sup>1</sup>]<sup>3</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

3. Substituted by Act 12 of 1953.

<sup>2</sup>[(24a) "Mysore Act" shall mean <sup>1</sup>[x x x]<sup>1</sup>,-

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

(a) an Act of the Legislature of the State of Mysore passed under the Constitution before the commencement of the Constitution (Seventh Amendment) Act, 1956;

(b) an Act of the Legislature of the State of Mysore passed before the commencement of the Constitution; and

(c) an Act made before the commencement of the Constitution by the Maharaja of Mysore <sup>1</sup>[but does not include the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) and the Karnataka High Court Act, 1884 (Karnataka Act I of 1884)]<sup>1</sup><sup>2</sup>;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

<sup>1</sup>[(24b) "notification" means a notification published in the official Gazette;]<sup>1</sup>

1. Inserted by Act 9 of 1985 w.e.f. 1.11.1956.

(25) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;

(26) "offence" shall mean any act or omission made punishable by any law for the time being in force;

<sup>2</sup>[(26a) "official Gazette" or "Gazette" shall mean the <sup>1</sup>[Karnataka Gazette]<sup>1</sup>];<sup>2</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Inserted by Act 12 of 1953.

(27) "part" shall mean a part of the Act in which the word occur;

<sup>2</sup>[(27a) "Part A State" shall mean a State for the time being specified in Part A of the First Schedule to the Constitution, <sup>1</sup>[as in force before the commencement of the Constitution (Seventh Amendment) Act, 1956]<sup>1</sup> "Part B State" shall mean a State for the time being specified in Part B of that Schedule and "Part C State" shall mean a State for the time being specified in Part C of that Schedule or a territory for the time being administered by the President under the provisions of Article 243 of the Constitution;]<sup>2</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Inserted by Act 12 of 1953.

(28) "person" shall include any company or association or body of individuals, whether incorporated or not;

(29) "place" shall include also a house, building, tent and vessel;

<sup>2</sup>[(29a) "prescribed" means prescribed by rules made under the Act in which the word occurs;]<sup>2</sup>

2. Inserted by Act 9 of 1985 w.e.f. 1.11.1956.

(30) "public" shall include any class of the public or any community;

(31) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code;

<sup>1</sup>[(32) "registered" used with reference to a document shall,-

1. Substituted by Act 12 of 1953.

(a) as respect any period before the first day of April 1951, mean registered under the law for the time being in force in Mysore for the registration of documents;

(b) as respects any period from the first day of April 1951, mean registered in <sup>1</sup>[India]<sup>1</sup> under the law for the time being in force for the registration of documents;]<sup>4</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

<sup>1</sup>[(32a) "repeal" shall include deletion and omission;]<sup>1</sup>

1. Inserted by Act 9 of 1985 w.e.f. 1.11.1956.

<sup>1</sup>[(33) x x x]<sup>1</sup>

1. Clause 33 omitted by Act 12 of 1953.

(34) "rule" shall mean a rule made in exercise of power conferred by any enactment <sup>1</sup>[and shall include a regulation made as a rule under any enactment;]<sup>1</sup>

1. Added by Act 12 of 1953.

(35) "schedule" shall mean a schedule to the Act in which the word occurs;

(36) "section" shall mean a section of the Act in which the word occurs;

(37) "sign" with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark," with its grammatical variations and cognate expressions;

(38) "son" in case of any one whose personal law permits adoption, shall include an adopted son;

<sup>5</sup>[(38a) "State", -

(a) as respects any period before the commencement of the Constitution (Seventh Amendment) Act, 1956, shall mean a Part A State, a Part B State or a Part C State, and

(b) as respects any period after such commencement, shall mean a State specified in the First Schedule to the Constitution and shall include a Union territory;]<sup>1</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

5. Inserted by Act 12 of 1953.

(38b) "State Act" shall mean an Act passed by the Legislature of a State established or continued by the Constitution;

<sup>1</sup>[(38c) "State Government", -

(a) as respect anything done after the commencement of the Constitution and before the commencement of the Constitution (Seventh Amendment) Act, 1956, shall mean the Rajpramukh of the State of Mysore; and

(b) as respect anything done <sup>1</sup>[x x x]<sup>1</sup> after the commencement of the Constitution (Seventh Amendment) Act, 1956, <sup>1</sup>[and before 1st November, 1973]<sup>1</sup> shall mean the Governor of the State of Mysore;]<sup>1</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

<sup>1</sup>[(c) as respect anything done or to be done after 1st November, 1973 shall mean the Governor of the State of Karnataka;]<sup>1</sup><sup>5</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(39) "sub-section" shall mean a sub-section of the section in which the word occurs;

(40) "swear" with its grammatical variations and cognate expression, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

<sup>1</sup>[(40a) "Union territory" shall mean any Union territory specified in the First Schedule to the Constitution and shall include any other territory comprised within the territory of India but not specified in that Schedule;

(40b) "vessel" shall include any ship or boat or any other description of vessel used in navigation;]<sup>1</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

(41) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property;

(42) Expressions referring to "writing" shall be construed as including reference to printing, lithography, photography and other modes of representing or reproducing words in a visible form;

(43) "year" shall mean a year reckoned according to the British calendar;

<sup>2</sup>[(44) "1[Belguam Area]1" means the territory specified in clause (b) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.

(45) "Coorg District" means the territory declared as such in sub-section (2) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

(46) "[Gulburga Area]" means the territory specified in clause (c) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(47) "[Mangalore and Kollegala Area]" means the territory specified in clause (d) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(48) "Mysore Area" means the territory specified in clause (a) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);<sup>2</sup>

**4. Application for foregoing definitions to previous enactments.-** The definitions in section 3 of the following words and expressions, that is to say, "affidavit," "barrister," "British India," <sup>1</sup>[High Court]<sup>1</sup> "District Judge," "father," "immovable property," "imprisonment," "Magistrate," "month," "movable property," "oath," "person," "section," "son," "swear," "will" and "year" apply also, unless there is anything repugnant in the subject or context, to all enactments made after the third day of January 1868.

1. The words "High Court" were substituted for the words "Chief Court" by Act XII of 1930.

**<sup>1</sup>[4A. Definition of the expressions 'State' and 'State of Mysore' in certain enactments.-** With effect from the first day of November 1956 <sup>2</sup>[and upto 1st day of November, 1973]<sup>2</sup>, in every enactment as defined in clause (12) of section 3, the expression 'State' and 'State of Mysore' (where those expressions refer to the territory or area), shall, unless the context otherwise requires, mean all the territories for the

time being comprised in the State of Mysore.]<sup>1</sup>

1. Adapted by the Mysore Adaptations of Laws Order, 1956 w.e.f. 1.11.1956.
2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**<sup>1</sup>[4B. Definition of the expressions 'State' and 'State of Karnataka' in certain enactments.-** With effect from the first day of November 1973, in every enactment as defined in clause (12) of section 3, the expressions 'State' and 'State of Karnataka' where they refer to the territory or area, shall, unless the context otherwise requires, mean all the territories for the time being comprised in the State of Karnataka.]<sup>1</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

### GENERAL RULES OF CONSTRUCTION

**5. Coming into operation of enactment.-** <sup>2</sup>[(1) <sup>1</sup>[ Where any Mysore Act or Karnataka Act]<sup>1</sup> is not expressed to come into operation on a particular day, then,

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.
2. Substituted by Act 12 of 1953.

(I) in case of a Mysore Act made before the commencement of the Constitution, it shall be deemed to have come into operation on the day on which it received the assent of the Maharaja;

(ii) in the case of a Mysore Act made after the commencement of the Constitution and before the commencement of the Mysore General Clauses (Amendment) Act, 1953, it shall be deemed to have come into operation on the day in which it received the assent of the Rajpramukh or the President, as the case may require;

(iii) in the case of the Mysore Act made after the commencement of the Mysore General Clauses (Amendment) Act, 1953, <sup>1</sup>[and before the commencement of the Constitution (Seventh Amendment) Act, 1956 shall be deemed to have come into operation]<sup>1</sup> on the date on which the assent thereto of the Rajpramukh or the President, as the case may require, is first published in the official Gazette.]<sup>2</sup>

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

<sup>1</sup>[(iv) <sup>2</sup>[in the case of a Karnataka Act]<sup>2</sup>, it shall come into operation on the day on which the assent thereto of the Governor or the President, as the case may require, is first published in the official Gazette.]<sup>1</sup>

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.
2. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

(2) Unless the contrary is expressed, an Act shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

<sup>2</sup>[(3) In every Act referred to in clause (iii) <sup>1</sup>[or clause (iv)]<sup>1</sup> of sub-section (1), the date of publication in the official Gazette shall be printed either above or below the title of the Act and shall form part of the Act.]<sup>2</sup>

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

2. Added by Act 12 of 1953.

**6. Effect of repeal.-** Where this Act or <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not,-

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactments so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such, right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

**<sup>1</sup>[6A. Repeal of Act making textual amendment in an Act.-** Where <sup>2</sup>[any Mysore Act or Karnataka Act]<sup>2</sup> made after the commencement of this Act repeals any enactment by which the text of any Act was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.]<sup>1</sup>

1. Inserted by Act 12 of 1953

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**7. Revival of repealed enactments.-** (1) In <sup>2</sup>[any Mysore Act or Karnataka Act]<sup>2</sup> made after the commencement of this Act, it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) This section applies also to all enactments made after the third day of January 1868.

**8. Construction of references to repealed enactments.-** Where this Act, or <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, repeals or re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed, shall, unless a different intention appears, be construed as references to the provisions so re-enacted.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**9. Commencement and termination of time.-** (1) In <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from", and, for the purpose of including the last in a series of days or any other period of time, to use the word "to".

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) This section applies also to all enactments made after the third day of January 1868.

**10. Computation of time.-** Where, by <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any court or office on a certain day or within a prescribed period, then, if the court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the court or office is open:

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Provided that nothing in this section shall apply to any act or proceeding to which the <sup>1</sup>[Indian Limitation Act, 1908]<sup>1</sup> applies.

1. Substituted by Act 12 of 1953.

**11. Measurement of distances.-** In the measurement of any distance, for the purposes of <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane. 1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

**12. Duty to be taken prorata in enactments.-** Where, by any enactment now in force or hereafter to be in force, any duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value of any goods or merchandise, then a like duty is leviable according to the same rate on any greater or less quantity.

**13. Gender and number.-** In all enactments, unless there is anything re-pugnant in the subject or context,- (1) words importing the masculine gender shall be taken to

include females; and (2) words in the singular shall include the plural, and vice versa.

### POWERS AND FUNCTIONARIES

**14. Powers conferred to be exercisable from time to time.-** Where, by <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, any power is conferred <sup>2</sup>[x x x]<sup>2</sup> then that power may be exercised from time to time as occasion requires. 1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973. 2. The words "on the Government" omitted by Act 12 of 1953.

**15. Power to appoint to include power to appoint ex-officio.-** Where, by any enactment, a power to appoint any person, to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office.

**16. Power to appoint to include power to suspend or dismiss.-** Where, by any enactment, a power to make any appointment is conferred, then, unless a different intention appears, the authority having <sup>1</sup>[for the time being]<sup>1</sup> power to make the appointment shall also have power to suspend or dismiss any <sup>2</sup>[person appointed whether by itself or any other authority]<sup>2</sup> in exercise of that power.

1. Inserted by Act 12 of 1953.

2. Substituted by Act 12 of 1953.

**17. Substitution of functionaries.-** (1) In <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) This section applies also to all enactments made after the third day of January 1868.

**18. Successors.-** (1) In <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession to express its relation to the functionaries or corporations.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) This section applies also to all enactments made after the third day of January 1868.

**19. Official chief and sub-ordinates.-** (1) In <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, it shall be sufficient, for the purpose of

expressing that a law relative to the chief or superior of an office shall apply to the deputies or sub-ordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) This section applies also to all enactments made after the third day of January 1868.

## PROVISIONS AS TO ORDERS, RULES, ETC., MADE UNDER ENACTMENTS

**20. Construction of orders, etc., issued under enactments.-** Where, by any enactment, a power to issue any <sup>1</sup>[notification]<sup>1</sup>, order, scheme, rule, form or bye-law is conferred, then expressions used in the <sup>1</sup>[notification]<sup>1</sup>, order, scheme, rule, form or bye-law, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the enactment conferring the power.

1. Inserted by Acy 12 of 1953.

**21. Power to make to include power to add to, amend, vary or rescind notifications, order, rules or bye-laws.-** Where, by any enactment, a power to <sup>2</sup>[issue]<sup>2</sup> <sup>1</sup>[notifications]<sup>1</sup>, orders, rules or bye-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and condition (if any), to add to, amend, vary or rescind any <sup>1</sup>[notification]<sup>1</sup>, order, rules or bye-laws so <sup>2</sup>[issued.]<sup>2</sup>

1. Inserted by Act 12 of 1953.

2. Substituted by Act 12 of 1953.

**22. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.-** Where, by any enactment which is not to come into force immediately on the passing thereof, a power is conferred to make rules or bye-laws, or to issue orders with respect to the application of the enactment, or with respect to the establishment of any court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which anything is to be done under the enactment, then that power may be exercised at any time after the passing of the enactment; but rules bye-laws or orders so made or issued shall not take effect till the commencement of the enactment.

**23. Provisions applicable to making of rules or bye-laws after previous publication,-** Where, by any enactment, a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then, the following provisions shall apply namely:-

(1) the authority having power to make the rules or bye-laws shall, before making

them, publish a draft of the proposed rules or bye-law for the information of persons likely to be affected thereby;

(2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Government prescribes;

(3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(4) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(5) the publication in the Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws after previous publication shall be conclusive proof that the rule or bye law has been duly made.

**24. Continuation of order, etc., issued under enactments repealed and re-enacted.-** Where, any enactment is, after the commencement of this Act, repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any <sup>1</sup>[appointment, notification,]<sup>1</sup> order, scheme, rule, form or bye-law, <sup>1</sup>[made or]<sup>1</sup> issued under the repealed enactment, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force and be deemed to have been <sup>1</sup>[made or]<sup>1</sup> issued under the provisions so re-enacted unless and until it is superseded by any <sup>1</sup>[appointment, notification,]<sup>1</sup> order, scheme, rule, form or bye-law <sup>1</sup>[made or]<sup>1</sup> issued under the provisions so re-enacted.

1. Inserted by Act 12 of 1953.

## MISCELLANEOUS

**25. Recovery of fines.-** Section 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to all fines imposed under any enactment, rule or bye-law, unless the enactments, rule or bye-law contains an express provision to the contrary.

**26. Provision as to offences punishable under two or more enactments.-** Where an act or omission constitute an offence under two or more enactments, then the offenders shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

**27. Meaning of service by post.-** Where <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup>

made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression "serve" or either of the expression "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**28. Citation of enactments.-** (1) In any enactment, and in any rule, bye-law, instrument or document, made under, or with reference to, any enactment, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In this Act and in <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup> made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appear, be constructed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**29. Saving for previous enactments, rules and bye-laws.-** The provisions of this Act respecting the construction of enactments, rules, or bye-laws made after the commencement of this Act, shall not affect the construction of any enactment, rule or bye-law made before the commencement of this Act, although the enactment, rule or bye-law is contained or amended by an enactment, rule or bye-law made after the commencement of this Act.

**<sup>2</sup>[30. Publication of orders and notification in the official Gazette.-** Where in <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup>, or in any rule made under <sup>1</sup>[any Mysore Act or Karnataka Act]<sup>1</sup>, it is directed that any order, notification or other matter, shall be notified or published, such notification or publication shall, unless the Act otherwise provides, be deemed to be duly made if it is published in the Official Gazette.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Sections 30, 31 and 32 substituted by Act 12 of 1953.

**31. Determination of the times at which Acts or provisions of Acts extended or applied by Government to certain places shall come into force.-** When, by an Act, the Government is empowered to extend or apply an Act or any provision of an Act, to any place in, or to any portion of the State, the Government may, in any order extending or applying such Act or provision or in any subsequent order, notify the time

or provision or in any subsequent order, notify the time at which the same shall come into force in the place or portion of the State to which it is so extended or applied; and unless it is otherwise provided in the Act, the Government may, by notification in the Official Gazette from time to time, postpone the time at which the Act or provision shall come into force in such place or portion of the State, to cancel the order for extending or applying the same to such place or portion of the State:

Provided that no order postponing the time at which an Act or provisions shall come into force or cancelling the order for extending or applying the same shall be made after the Act or provision has actually come into force in the place or portion of the State to which such order relates.

**<sup>1</sup>[31A. Construction of reference to certain laws.-** Any reference in any <sup>2</sup>[Karnataka Act]<sup>2</sup>, to a Mysore Act which is not in force in the Bombay Area, Hyderabad Area, Madras Area or Coorg District, shall, in relation to such Area or District, unless the context otherwise requires, be construed as a reference to the corresponding law, if any, in force in such Area or District.]<sup>1</sup>

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

2. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

**32. Application of Act to Ordinances.-** The provisions of his Act shall apply in relation to any Ordinance promulgated by the <sup>1</sup>[Governor]<sup>1</sup> under Article 213 of the Constitution in like manner as they apply in relation to <sup>2</sup>[Karnataka Acts]<sup>2</sup> made by the State legislature:

1. Adapted by the Mysore Adaptation of Laws Order, 1956 w.e.f. 1.11.1956.

2. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

Provided that sub-section (1) of section 5 of this Act shall apply to any such Ordinance as if the reference in that sub-section to the day of the first publication of the assent to an Act in the Official Gazette were a reference instead to the day of the first publication of the Ordinance in that Gazette.]<sup>2</sup>

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## THE KARNATAKA LEGISLATURE SALARIES, PENSIONS AND ALLOWANCES ACT, 1956.

### ARRANGEMENT OF SECTIONS.

Statement of Objects and Reasons:

## Sections :

1. Short title and commencement
2. Definitions.
3. Salaries and sumptuary allowances of Chairman and Speaker.
4. Residences of Chairman and Speaker.
5. Conveyances of the Chairman and the Speaker.
6. Charges payable by the Chairman and the Speaker and the Government.
7. Travelling Allowances of the Chairman and the Speaker on assuming or relinquishing office.
8. Travelling and other allowances of the Chairman, the Deputy Chairman, the Speaker and the Deputy Speaker, the Leaders of the Opposition and the Government Chief Whips on tours.
9. Medical Attendance.
10. Salaries of Deputy Chairman and Deputy Speaker.
- 10A. Salary, conveyance and conveyance allowance payable to the Deputy Chairman, Deputy Speaker or the person performing the duties of the Chairman or Speaker.
- 10B. Residences of the Deputy Chairman and the Deputy Speaker.
- 10C. Conveyances of the Deputy Chairman and the Deputy Speaker.
- 10D. Charges payable by the Deputy Chairman and the Deputy Speaker and the Government.
- 10E. Salary to the Leader of the Opposition.
- 10F. Residence of the Leader of the Opposition.
- 10G. Conveyance for the Leader of the Opposition.
- 10H. Omitted.
- 10I. Charges payable by the Leader of the Opposition and the Government.
- 10J. Salary to the Government Chief Whip.
- 10K. Salary to the Opposition Chief Whip.
- 10L. Conveyance for the Government Chief Whip.
- 10M. Conveyance for the Opposition Chief Whip.
- 10N. Charges payable by the Government Chief Whip and the Government.
- 10O. Application of Act to Whips.
- 10P. Government to bear electricity and water charges in certain other cases.

- 10Q. Deductions in respect of house rent etc.
11. Salary of members of the Legislative Assembly and the Legislative Council.
- 11A. Pension to the members etc.
- 11B. Family Pension.
- 11C. Sumptuary allowance.
12. Travelling and daily allowances of, and medical and other facilities to, members of the Legislative Assembly and the Legislative Council.
- 12A. Omitted.
13. Minister, a Minister of State, Deputy Minister, Chairman, Deputy Chairman, Speaker, Deputy Speaker, the Leaders of the Opposition and the Government Chief Whips not to draw salaries as members.
- 13A. Grant of advances for the purchase of Motor Cars, Motor cycles.
- 13B. Recovery of dues.
- 13C. Establishment of Benevolent Fund.
- 13D. Facilities to the recognised groups
14. Saving.
15. Power to make rules.
16. Repeal of Mysore Ordinance No. 3 of 1956 and savings.

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### STATEMENT OF OBJECTS AND REASONS

I

**Act 2 of 1957.**— Not available

II

**Amending Act 17 of 1957.**— Not available

III

**Amending Act 27 of 1957.**—It is considered necessary to provide free furnished accommodation to mofussil members of the Legislature and to pay a sum of rupees sixteen as daily allowance to both local and mofussil members. It is also considered necessary to provide accommodation to mofussil members at half the rates usually charged in Government Guest Houses when they come to Bangalore on work other than during the period of meetings of the Legislature or Committees thereof. Hence this Bill.

(Notification No. 11875 - LA, dated 12-9-1957. Obtained from the file LAW 36 LGN

57.)

## IV

**Amending Act 12 of 1959.**— Section 8 of the Mysore Legislature Salaries Act, 1956, regulates the travelling and daily allowances payable to the Chairman and the Speaker for journeys within and outside the State. The rates fixed for journeys outside the State are also applicable in respect of journeys whether inside or outside India. As these rates are not sufficient for journeys outside India, it is considered necessary to specify the rates of allowances payable for such journeys. Hence this Bill.

## V

**Amending Act 10 of 1960.**—At present the salary of the Deputy Chairman and the Deputy Speaker is three hundred and fifty rupees per mensem whereas the salary of a Deputy minister is six hundred rupees per mensem. It is considered that the salary of the Deputy Chairman and the Deputy Speaker should be the same as that of a Deputy Minister. Section 10 of the Mysore Legislature Salaries Act, 1956, is therefore proposed to be amended.

The Accountant General has suggested amendment of the Act, to make it clear that a member of one House when elected or nominated as a member of the other House will not be entitled to salary as a member of both the Houses, and the substitute references to annas by references to naye paise. The Legislature Assembly adopted a resolution on the 24th December 1959, recommending legislation being undertaken to increase the monthly salary of the members of the Legislature by one hundred rupees. Sections 11 and 12 of the Act are therefore proposed to be amended. Opportunity has been taken to make provision in clause 6 to enable payment of salary and allowances to members of the legislative Council elected to the Assembly in the last general elections, during the period they attended meetings of the Council and performed the functions of members of the Council.

(Notification No. LA 138, dated 4th April 1960. Obtained from the file LAW 37 LGN 60.)

## VI

**Amending Act 8 of 1967.**—The Salaries and Allowances payable to the Chairman and Deputy Chairman of the Mysore Legislative Council and the Speaker and Deputy Speaker of the Mysore Legislative Assembly and to the Members of the State Legislature are all fixed several years ago. Having regard to the present cost of living, it is necessary to increase the same.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 31st July 1967, as No. 101, p. 5.)

**VII**

**Amending Act 18 of 1968.**—Whenever there is a vacancy in the office of the Chairman or of the Speaker, a Member of the Legislative Council or the Legislative Assembly who performs the duties of the Chairman or the Speaker is being paid salary and allowances of the Chairman or the Speaker, as the definitions of "Chairman" and "Speaker" include a member performing the duties of the Chairman or the Speaker. Some doubt has arisen as to the admissibility of the salary and allowances of the Chairman or the Speaker to such a member under the provisions of the Mysore Legislature Salaries Act, 1956, as it stands. The Deputy Chairman or the Deputy Speaker performs the duties of the office of the Chairman or the Speaker when the office of the Chairman or Speaker is vacant. But he is not entitled to the salary and allowances of the Chairman or Speaker. A specific provision is considered necessary for payment of salary and conveyance allowance and provision of a conveyance to the Deputy Chairman, Deputy Speaker or any Member performing the duties of the Chairman or Speaker.

2. The sumptuary allowances now provided to the Chairman and the Speaker were found inadequate and therefore provision is made to raise them to three thousand and five hundred rupees and six thousand and five hundred rupees respectively.

3. As it was considered more appropriate to have specific statutory provisions for payment of insurance premia for insurance against accidents during air journeys, necessary provision has been made.

4. Opportunity has been taken to make necessary statutory provisions in respect of the facility of free cars provided to the Chairman, Deputy Chairman, Speaker and the Deputy Speaker during their stay at Delhi, the payment of petrol charges for return of the motor car to Bangalore, when the Chairman or Speaker on tour undertakes further journey either by train or by air, and the determination of rent payable by Members for accommodation at Mysore Bhavan in New Delhi.

5. Facilities such as free furnished residence in Bangalore City, or house rent allowance, telephone at residence and allowance towards secretariat staff and office expenses are also proposed to be provided to the Leader of the Opposition in the Legislative Assembly.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 26th August 1968, as No. 705, p. 7-8.)

**VIII**

**Amending Act 15 of 1969.**—In respect of tours outside India by the Chairman or the Speaker it is considered appropriate to provide for payment of travelling and daily allowances at the same rates as are applicable to Ministers under the Mysore Ministers Salaries and Allowances Act, 1956.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 26th August 1969, as No. 420, p. 3.)

### IX

**Amending Act 19 of 1974.**—The salary and allowances of the Chairman, Speaker, Deputy Chairman and Deputy Speaker and the members of the Legislature have been fixed long time back. It is considered necessary in the present context to revise the salary payable to the Deputy Chairman and Deputy Speaker and the allowances payable to the Chairman, Speaker, Deputy Chairman, Deputy Speaker and the members of the Legislature. Hence the Bill.

(Obtained from LABill No. 23 of 1974. File No. LAW 11 LGN 74.)

### X

**Amending Act 3 of 1975.**—It was considered necessary to provide each to the Deputy Chairman and the Deputy Speaker a furnished residence and a motor car. As neither House of the Legislature was in session, an Ordinance for the purpose was promulgated. The Bill seeks to replace the Ordinance.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A dated 10th February 1975, as No. 273, p. 4.)

### XI

**Amending Act 13 of 1976.**—At present section 12(f) does not provide for the payment of charges incurred by a Chairman of the committee towards transportation when he attends the conferences of the Chairman of the respective committees. It was considered necessary to provide for the payment of transportation charges to the extent specified in the rules. As the State Legislature was not in session the Karnataka Legislature Salaries (Amendment) Ordinance, 1976 was issued. Accordingly provision is made for payment to the extent specified in the rules, charges towards transportation.

The Bill seeks to replace the Ordinance.

(Published in the Karnataka Gazette, Part IV-2A, Dated 5th February 1976, p. 114-115.)

### XII

**Amending Act 49 of 1976.**—The cost of travelling outside India as also the cost of living in the Capitals and country-side of foreign countries has considerably increased in recent years. The scale of T.A. at one and one-fifth times the single fare of the Class now admissible to the Chairman and the Speaker, for journeys by air, train or sea and

daily allowance at Rs. 100 per day for the days of journeys and for the days of halt, at any place and even the provision of Rs. 150 of daily allowance to be authorised under special circumstances has been found to be inadequate. Since the actual expenditure varies from country to country, depending on the cost of living and travel obtaining there, it is considered necessary to amend the Act.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, Dated 24th May 1976, as No. 2814, p. 3.)

### XIII

**Amending Act 72 of 1976.**—It was considered necessary to provide certain facilities like salary, residence, conveyance, stenographer and peon to the Leader of the Opposition in the Legislative Assembly as also to the Government Chief Whip in the Legislative Assembly.

Members of the Committees of Legislature are undertaking journeys outside the State in India. As there was no provision in the Act for payment of travelling allowance and daily allowance for such journeys, it was considered necessary to make suitable provision in the Act.

It was also considered necessary to make provision in the Act for payment of actual hire charges for motor car hired by the Presiding Officers and Deputy Presiding Officers while touring outside the State in India.

For such of the members of the Legislature who cannot be provided with free accommodation during the meetings of the Legislature, it was considered necessary to provide for payment of Rs. 15 per day. As some of the members are taking medical treatment outside the Government hospitals provision for reimbursement of the expenditure incurred was considered necessary.

As the Legislative Assembly was not in session and only the Legislative Council was in session the Karnataka Legislature Salaries (Third Amendment) Ordinance, 1976 was promulgated making provision for the purpose.

It is proposed to replace the Ordinance.

Hence the Bill.

In the Bill additional provision is made for payment of salary, allowances, etc., to the Leader of the Opposition and Government Chief Whip in the Legislative Council also. Certain other amendments of a clarificatory nature are also proposed to make the position clear regarding tours undertaken by the Committees of the Legislature.

(Obtained from LA Bill No. 67 of 1976. File LAW 68 LGN 76.)

### XIV

**Amending Act 31 of 1978.**—It is considered necessary to increase the salary of

the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, the Leaders of the Opposition and the Government Chief Whips and also of the members of the Legislature. It is also considered necessary to provide certain additional facilities like free railway pass, telephone, to the members of the Legislature. It is also considered necessary to—

- (i) provide pension to the members of the Legislature;
- (ii) enhance the daily allowance from Rs. 31 to Rs. 51;
- (iii) provide for the telephone, postal and other contingency allowance of Rs. 300 p.m.;
- (iv) free travel by bus within the State to the spouse of the members; and
- (v) increase the rate of travelling allowance to the Presiding Officers and Leaders of the Opposition and Government Chief Whips.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A Dated 14th August 1978, as No. 1153, p. 11.)

#### XV

**Amending Act 5 of 1979.**—It was considered necessary—

(i) to give effect to the provisions of the Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Act, 1978 in so far as it related to the increase in conveyance allowance payable to the Presiding Officers, Deputy Presiding Officers, Leaders of Opposition and the Government Chief Whips from the date the Act was published in the Gazette;

(ii) to reduce the rates of mileage allowance to 0-75 paise per Kilometer;

(iii) that specific provisions should be made in the Act empowering the Government to prescribe by rules, the maximum plinth area of the residential buildings to be provided to the Presiding Officers, Deputy Presiding Officers, Leaders of Opposition and Government Chief Whips and also the scale on which such buildings should be furnished.

(iv) to provide for payment of pension to the family of a deceased member only for the remaining period for which such member but for his death would have continued as member.

As the Karnataka Legislature Assembly was not in session, the Karnataka Legislature Salaries, Pensions and Allowances (Second Amendment) Ordinance, 1978 was promulgated for the aforesaid purposes.

The Bill seeks to replace the Ordinance.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A Dated 24th January 1979, as No. 83, p. 5-6.)

**XVI**

**Amending Act 31 of 1979.**—In the Central Budget, in March, this year, there was an increase in the petrol and oil rates. Added to this OPEC also announced increase in the oil prices, which had its impact in the petrol and oil rates in the country. As a result, the rates of petrol has been on the increase from the last few months. Hence, it is considered necessary to increase the kilometerage allowance from 75 paise to one rupee to cope with the enhanced rates of oil and petrol. It is also considered necessary to provide for grant of advance to the Chairman, the Deputy Chairman, the Speaker, the Deputy Speaker, the Leaders of the Opposition and the Government Chief Whips for purchase, repair or construction of residential houses.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A Dated 24th September 1979, as No. 954, p. 3.)

**XVII**

**Amending Act 26 of 1981.**—Representation have been received from the members of the Legislature to the effect that—

(i) members may be issued railway coupons of the value of Rs. 2,000/- on the pattern existing in Tamil Nadu instead of the present facility of allowing a member and a member of his family to travel by first class by any railway in India for a distance of ten thousand kilo meters;

(ii) each member be permitted make 2,000 free local calls per year;

(iii) the road mileage for road journey be increased from 0.75 paise per kilo meter to Rs. 1.25 per kilo meter;

(iv) the room rent payable for the accommodation given to the members in the Legislator's Home with effect from 1-1-1980 be reduced from Rs. 5/- per day to Rs. 2/- per day.

2. It is considered necessary to implement the above demands except in respect of telephone calls. Instead of allowing 2,000 free calls, it is considered necessary to enhance the allowance paid to the members towards meeting the expenditure on telephone calls, postal charges and other contingencies from Rs. 300-00 to Rs. 400-00 per month. It is also considered necessary to increase Conveyance Allowance and road mileage to the Chairman, Speaker, Deputy Chairman, Deputy Speaker, Leader of the Opposition and Chief Whip to Rs. 950/- per month and Rs. 1-50 per kilo meter respectively in view of the raising cost of petrol etc.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A Dated 28th March 1981, as No. 211, p. 5.)

### XVIII

**Amending Act 21 of 1982.**—Several representations have been received from the sitting as well as former members of the Legislature for liberalising the Pensions Scheme. A Committee was constituted to consider the representations in this behalf and to submit a report to Government. The Committee has recommended that the pension should be given irrespective of the actual period of service to—

(1) persons who were members of the first Legislative Council and whose terms were terminated by lots; and

(2) persons who are declared elected by Court in election petitions and are not able to serve as members during the pendency to the election petitions; and

(3) persons who are declared as elected in bye-elections and are not able to serve the full term of five years.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A Dated 27th March 1982, as No. 227, p. 3.)

### XIX

**Amending Act 22 of 1984.**—Considering the repeated representations by the members of the Constituent Assembly, Mysore Representative Assembly and members of Legislatures of former provinces or Indian States and the service done by those persons, it is considered necessary to give pension to the following,—

(i) Members of Constituent Assembly;

(ii) Members of Mysore Representative Assembly;

(iii) Members of Assemblies and Councils of former provinces and Indian States which are now part of Karnataka.

However, it is limited to those who represented or permanently resided during their membership in any area which now forms part of Karnataka.

Pension is now payable to persons elected in bye-elections. It is proposed to extend the benefit to persons who were nominated in the middle of the term.

Pensioners who are receiving other pension are not entitled to get pension under the Act if their other pension is more than the pension to which they are entitled to under this Act. It is proposed to enhance the upper limit to one thousand rupees thereby enabling persons receiving other pension to get pension under the Act provided the total amount does not exceed one thousand rupees.

Members are now entitled to free furnished accommodation at Bangalore when their presence is necessary at Bangalore in connection with their official work. When sufficient accommodation was not available in Legislator's Home, a provision was made that if accommodation is not provided or availed, members are entitled to

certain allowances. Now that sufficient accommodation is available the members are being required to avail the accommodation facility by omitting the provision to pay allowances where it is not availed.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A Dated 9th February 1984, as No. 113, p. 4.)

## XX

**Amending Act 14 of 1985.**—Article 187 of the Constitution of India envisages a separate Secretariat for the State Legislature. Taking into account the demand made in both the Houses of the State Legislature, the Government decided to accord independent status to the Legislature Secretariat.

Section 15 of the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956, vests with the Government, the power to make rules for carrying out the purposes of the said Act.

After grant of independent status to the Karnataka State Legislature, it is considered necessary to vest with the Special Board, the power to make rules for carrying out the purposes of the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956, which hitherto vested with the Government.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A Dated 25th March 1985, as No. 162, p. 4.)

## XXI

**Amending Act 24 of 1985.**—The pension that a person who has served as a member of the Constituent Assembly, the Mysore Representative Assembly or the Mysore Legislative Assembly or Legislative Council, under clause (b) of sub-section (1) of section 11A of the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956, entitled to, is irrespective of the period of service rendered in those capacities. It is considered necessary that the service rendered as a member of the Constituent Assembly etc., may be treated as equal to one term of service as Member of Legislative Assembly or Member of Legislative Council, for the purpose of payment of pension under the said Act and the total pension payable to a person who has served in both the capacities be limited to Rs. 500 per mensem.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A Dated 26th July 1985, as No. 401, p. 3.)

## XXII

**Amending Act 38 of 1985.**—Every legislator is entitled for an allowance of Rs. 550

p.m. towards the expenditure incurred by him on Telephone calls and Postal Charges and other contingencies in the discharge of his duties as a member. This quantum of Rs. 550 has been fixed with effect from 9th April 1981. Since then there has been considerable increase in the postal and telephone tariffs and also an increase in the responsibility shouldered by the Legislators in the developmental activities. In the circumstances, it is considered necessary to enhance the quantum of monthly allowance towards the telephone calls, postal charges and other contingencies to Rs. 1,000 p.m.

Provision is also made to grant advances to members for purchase of Motor cars or Motor cycles.

This opportunity is also being utilised to provide a statutory power to recover dues from Legislators, Ex-Legislators out of the salary/pension payable to them and in the absence of the aforesaid option to recover it as arrear of land revenue, to enable the Karnataka Legislature Secretarial to recover the amounts due without resorting to civil litigation.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A Dated 5th September 1985, as No. 465, p. 3.)

### XXIII

**Amending Act 16 of 1987.**— (As appended to at the time of introduction of the Bill) In pursuance of the assurance given by the Hon'ble Chief Minister on the floor of the Houses, it is proposed to amend the Karnataka Legislature Salaries, pension and Allowances Act, 1956 to provide for the following:-

#### **For Members -**

- (a) salary to be raised from Rs. 700 to Rs. 1,000.
- (b) Allowances for meeting the expenditure towards telephone calls, postal charges, etc., to be increased from Rs. 1,300 to Rs. 2,000.
- (c) railway coupons for travel to be increased from Rs. 2,000 to Rs. 5,000 per annum.
- (d) mileage allowances to be increased from Rs. 1-25 per km. to Rs. 2-50 per km.
- (e) daily allowances to be raised from Rs. 51 to Rs. 75.
- (f) to remove the maximum limits on pension of Rs. 1,000 and for the payment of pension of Rs. 750 for Members who have served for not less than fifteen years as Members.

#### **For Presiding Officer, Leaders of Opposition and Government Chief Whips:-**

- (a) conveyance allowance to be raised to Rs. 2,000 p.m.
- (b) mileage allowances to be raised from Rs. 1-50 per k.m. to Rs. 2-50 per k.m.

(c) daily allowance inside the State to be raised to Rs. 100 and outside the State to Rs. 150.

(d) meeting the travel and other expenses for tour outside the country to be on par with a Minister of the State Government.

(e) sumptuary allowance to the Speaker to be raised from Rs. 10,000 to Rs. 15,000 and for the Chairman from Rs. 6,000 to Rs. 10,000 and for Leaders of Opposition to Rs. 5,000 and for the Deputy Speaker, Deputy Chairman and Government Chief Whip, to Rs. 4,000.

(f) to raise the House rent Allowance in respect of Chairman, Deputy Chairman, Speaker, Deputy Speaker, Leader of Opposition, Government Chief Whip from Rs. 500 to Rs. 1,000 if they reside in their own houses.

(g) Salaries of the Chairman, Speaker and the Leader of the Opposition to be raised to Rs. 2,500 p.m. and those of the Deputy Chairman, deputy Speaker, Government Chief Whip to Rs. 2,250 p.m.

Some consequential amendments are also made

Hence the Bill.

(Obtained from L.A. Bill No. 32 of 1987)

#### XXIV

**Amending Act 9 of 1988.**—Clause (a) of sub-section (1) of section 11A of the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956 provides for payment of a maximum pension of Rs. 500 per month to a member who has served for not less than ten years as a member.

Clause (b) of the said sub-section provided for payment of a pension of Rs. 300 per month to persons who had served as members of,—

(a) the Constituent Assembly;

(b) the Mysore Representative Assembly;

(c) the Mysore Legislative Assembly;

(d) the Legislative Assembly or the Legislative Council of any State (including an Indian State) or Province, which or any area of which now forms part of the State of Karnataka.

Sub-section (1A) of section 11A provided that the aggregate of the pension payable to a person under clauses (a) and (b) of sub-section (1) shall not exceed Rs. 500 per month.

By amendment Act, 16 of 1987, sub-section (1) of section 11A was amended providing for the payment of pension of Rs. 750 per month to members of Legislature who have served as such for not less than fifteen years.

In view of this amendment, sub-section (1A) also required to be amended increasing the aggregate pension payable to a person under clause (a) and (b) of sub-section (1) to Rs. 750 per month. By oversight this consequential amendment to sub-section (1A) was not effected. It is now proposed to do so.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A Dated 23rd January 1988, as No. 52, p. 3.)

## XXV

**Amending Act 5 of 1991.**—On the recommendation of the Committee constituted to consider enhancement of salary and allowances and other benefits to the Members of the Legislature and Parliamentary functionaries, following amendments are proposed to the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956.

### **For Former Members.—**

1. Pension is increased to rupees 1000/- per month for one term and for every subsequent year rupees 50/- per month per year subject to maximum of rupees 1500/- per month.
2. Free non-transferable bus passes are provided subject to certain limitations.
3. Medical facilities are also made free subject to certain restrictions.
4. Family pension is increased to rupees 500/- per month.

### **For Members.—**

5. Allowances payable on telephone call, postal charges, consolidated allowances, salary to personal assistant raised from rupees 2000/- to rupees 3500/-, in addition to salary of rupees 1000/- per month.
6. Travelling allowance is provided at the rate of rupees 2/- per k.m. irrespective of mode of journey for attending the meetings.
7. Daily allowance is increased to rupees 100/- within the State and rupees 250/- outside the State within India.
8. Free non-transferable bus passes are provided subject to certain limitations.
9. Air and rail journey are reimbursed subject to the maximum of rupees ten thousand in a financial year.

### **For Parliamentary Functionaries:**

10. Sumptuary allowances are increased by hundred percent.
11. House Rent allowance in lieu of furnished residence increased to Rupees 5,000/-.
12. Cost equal to three hundred litres of petrol per mensum, in lieu of conveyance allowance of rupees two thousand.
13. Daily allowance on tour outside Karnataka increased to rupees two hundred

and fifty per day.

Certain other consequential amendments are also made.

Hence the Bill.

(Obtained from LA Bill No. 31 of 1990. File LAW 50 LGN 90.)

#### XXVI

**Amending Act 16 of 1992.**—Clause (ccc) of Section 12 of the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956, provides for reimbursement of air, or rail fare paid for the journey performed, subject to the maximum limit of Rupees ten thousand. In order to avoid inconvenience it is considered necessary to amend the said provision for payment of rupees ten thousand in two equal installments.

It is also considered necessary to establish a benevolent fund for the benefit or for the welfare of the persons who are entitled to pension under Section 11-A, family of persons who die while serving as Members of the Legislative Assembly or the Legislative Council and family of persons referred to above after their demise. It is therefore, proposed to amend the Act, suitably providing for the establishment of the said Fund and for other consequential matters.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A Dated 26th March 1992, as No. 175, p. 572.)

#### XXVII

**Amending Act 5 of 1994.**—It is considered necessary to enhance the salaries and other allowances payable to the Members of the Karnataka Legislature, Presiding Officers and Parliamentary Functionaries of the Legislature, by amending the Karnataka Legislature salaries, Pensions and Allowances Act, 1956.

Hence the Bill.

(Obtained from LA Bill 37 of 1993. File No. LAW 56 LGN 93.)

#### XXVIII

**Amending Act 11 of 1995.**—Clause (ccc) of section 12 of the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956, provides that every member and his companion shall be provided with one free non transferable pass to travel by the Karnataka Road Transport Corporation Transport Services in outside the State of Karnataka also.

Hence the Bill.

(Obtained from LA Bill No. 13 of 1995. File LAW 19 LGN 95.)

#### XXIX

**Amending Act 4 of 1997.**—It was considered necessary to amend the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956 to enable the former members to travel in the Karnataka State Road Transport Corporation buses any number of times within the State instead of twelve times in a year.

This Bill seeks to replace the Karnataka Legislature Salaries Pensions and Allowances (Amendment) Ordinance 1996 (Karnataka Ordinance 4 of 1996) promulgated for the purpose.

Hence the Bill.

(Vide Notification No. LGA/BLA/29/1997, dated 19-2-1997. Published in the Karnataka Gazette (Extraordinary), Pat IV-2A, dated 19-2-1997, as No. 229, p. 3.)

XXX

**Amending Act 19 of 1997.**—It is considered necessary to enhance the salaries and allowances of the Parliamentary functionaries and the Legislators and certain other benefits as well as enhance the pension payable to the Former Legislators by amending the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956.

Hence the Bill.

(Obtained from LA Bill No. 37 of 1997. File DPAL 52 SHASANA 97.)

XXXI

**Amending Act 30 of 1998.**—In view of bifurcation of Karnataka Legislature as Legislative Assembly Secretariat and Council Secretariat, it is considered necessary to amend the section 13C of the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956, to establish separate Benevolent Fund Authority for each Secretariat.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), PART IV—2A No. 1207, dated 10-11-1998 at p. 3.)

XXXII

**Amending Act 14 of 2001.**- It is considered necessary to amend the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956 (Karnataka Act 2 of 1957), to provide for:-

(a) grant of Constituency Travelling Allowance of rupees ten thousand per annum in lieu of the Karnataka State Road Transport Corporation bus passes to them; and

(b) enhancement of payment towards meeting the expenditure on telephone calls from rupees five thousand per month to six thousand five hundred rupees per month and to cancel the existing system of re-imbursment of 3000 local call charges once in

two months (as per O.M. No. Adm-1/73/LG/98 dated 31.12.1998).

Hence the bill

(Obtained from L.A.Bill No. 43 of 2000 file No. DPAL 57 SHASHANA 2000.)

### XXXIII

**Amending Act 1 of 2004.-** It is considered necessary to amend the Karnataka Legislature Salaries Pensions and Allowances Act, 1956 (Karnataka Act 2 of 1957) to provide for,-

(a) Grant of Constituency Travelling Allowance of rupees ten thousand per annum in lieu of the Karnataka State Road Transport Corporation bus passes to them; and

(b) enhancement of payment towards meeting the expenditure on telephone calls from rupees five thousand per month to six thousand five hundred rupees per month and to cancel the existing system of re-imbursement of 3000 local call charges once in two months, (as per O.M. No. Adm-1/73/LG/98, dated: 31.12.1998).

Hence the Bill.

(LABILL No. 30 OF 2002)

### XXXIV

**Amending Act 24 of 2005.-** The salary and allowances of legislatures were last revised in the year 2000, after which there has been considerable rise in the living costs and relative depreciations of money value.

Therefore, it is considered necessary to enhance the salaries and allowances of the parliamentary functionaries and the legislators and certain other benefits including the pensions payable to the former legislators by amending the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956.

Hence the Bill.

(LABILL No. 19 OF 2005)

### XXXV

**Amending Act 16 of 2009.—** It is considered necessary to amend the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956 (Karnataka Act 2 of 1957) to provide for,-

(i) the status of the Government Chief Whip to the Opposition Chief Whip;

(ii) to enhance the,-

(a) salaries of the Legislators from Rs.8000/- per month to Rs.10,000/- per month;

(b) telephone allowance from Rs.7500/- per month to Rs.10,000/- per month;

- (c) constituency allowance from Rs.3500/- per month to Rs,15,000/- per month;
- (d) postal charges from Rs.1000/- per month to Rs.4000/- per month;
- (e) salary of Room Boy from Rs.2000/- per month to Rs.5000/- per month
- (iii) to enhance the pension from Rs.5000/- per month to Rs.15000/- per month and maximum pension from Rs. 10000/- per month to Rs.25000/- per month.
- (iv) payment of family pension for life of the dependent of the Member
- (v) to reimburse actual travel expenses to the Ex-members in first class / second class A/C for journeys by train in India to a maximum of 35000 k.m.
- (vi) increase of salary of the Deputy Chairman, Deputy Speaker and Government Chief Whip from Rs.8000/- per month to Rs.10,000/- per month and the sumptuary allowance from Rs.50000/- per annum to Rs.75000/- per annum.

Certain consequential amendments have also been proposed.

Hence the Bill.

(L.A.Bill No.38 of 2009, File No. DPAL 8 Shasana 2009)

[Entry 38 of List II of the Seventh Schedule to the Constitution of India.]

### XXXVI

**Amending Act 27 of 2009.-** Sub-section (1) of section 11-B of the Karnataka Legislature Salaries, Pension and Allowance Act, 1956 provides for payment of family pension to the family of a deceased member at the rate of fifty percent of pension admissible to a member under section 11-A for life.

If the person eligible for pension under section 11-A dies, the family was not eligible for family pension. It is considered necessary to provide for family pension to the family of a deceased person eligible for pension under section 11-A of the Act.

Hence the Bill.

[L.A.Bill No.39 of 2009, File No.42 Shasana 2009]

[Entry 38 of List II of the Seventh Schedule to the Constitution of India.]

### XXXVII

**Amending Act 06 of 2011.-** It is considered necessary to provide for family pension to the family of the deceased persons who was a member of the Legislative Council or the Legislative Assembly wholly or partly after 1st day of January, 1952, whether he was in receipt of pension or not.

Hence the Bill.

[L.A. Bill No.29 of 2010, File No.DPAL 33 Shasana 2010]

[Entry 38 of List II of the Seventh schedule to the constitution of India.]

**XXXVIII**

**Amending Act 32 of 2011.-** It is considered necessary to enhance the salaries and allowances of the parliamentary functionaries and the legislators and certain other benefits by amending the Karnataka Legislature Salaries Act, 1956.

Hence, the Bill.

[L.A. Bill No. 32 of 2011, File No. Samvyashae 24 Shasana 2011]

[Entry 38 of List II of the Seventh Schedule to the Constitution of India.]

**XXXVIII**

**Amending Act 22 of 2012.-** It is considered necessary to amend the Karnataka Legislature Salaries, Pensions and Allowances Act, 1956 (Karnataka Act 2 of 1957),-

(a) to define the term recognized group and to provide telephone and such other Secretarial facilities to the office of the recognized groups:

(b) to enhance the pension payable to the member from Rs. 15,000/- to Rs. 25,000/- p.m and to enhance the upper limit of pension from Rs. 25,000/- to Rs. 35,000/- p.m.:

c) to grant medical allowance of Rs. 2000/- (Rupees two thousand only) per month: and

d) for reimbursement of actual travel expenses by train in India subject to a maximum of Rupees one lakh per annum to ex-members, who are in receipt of pension.

Hence this bill.

[L.A. Bill No. 9 of 2012, File No. Samvyashae 14 Shasana 2012]

[Entry 38 of List II of the Seventh schedule to the constitution of India.]

\* \* \* \* \*

**<sup>1</sup>[KARNATAKA]<sup>1</sup> ACT 2 OF 1957**

*(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Twenty-fourth day of*

*January, 1957.)*

**THE <sup>1</sup>[KARNATAKA LEGISLATURE]<sup>1</sup> SALARIES, <sup>2</sup>[PENSIONS AND ALLOWANCES]<sup>2</sup> ACT, 1956.**

(Received the assent of the Governor on the Fifteenth day of January, 1957.)

(As amended by Karnataka Acts, 17 of 1957, 27 of 1957, 12 of 1959, 10 of 1960, 8 of 1967, 18 of 1968, 15 of 1969, 19 of 1974, 3 of 1975, 13 of 1976, 49 of 1976, 72 of 1976, 31 of 1978, 5 of 1979, 31 of 1979, 26 of 1981, 21 of 1982, 22 of 1984, 14 of 1985, 24 of 1985, 38 of 1985, 16 of 1987, 9 of 1988, 5 of 1991, 16 of 1992, 5 of 1994, 11 of 1995, 4 of 1997, 19 of 1997, 30 of 1998, 14 of 2001, 1 of 2004, 24 of 2005, 16 of 2009, 27 of 2009, 6 of 2011, 32 of 2011 and 22 of 2012)

An Act to provide for the <sup>3</sup>[salaries, pensions and allowances]<sup>3</sup> of the Chairman and the Deputy Chairman, the Speaker and the Deputy Speaker <sup>4</sup>[the Leaders of the Opposition <sup>5</sup>[Government Chief Whips and Opposition Chief Whips]<sup>5</sup>]<sup>4</sup> and the Members of the Legislative Assembly and the Legislative Council.

WHEREAS it is expedient to provide for the <sup>3</sup>[salaries, pensions and allowances]<sup>3</sup> of the Chairman and the Deputy Chairman, the Speaker and the Deputy Speaker, <sup>4</sup>[the Leaders of the Opposition, <sup>5</sup>[the Government Chief Whips, the Opposition Chief Whips]<sup>5</sup>]<sup>4</sup> and the Members of the Legislative Assembly and the Legislative Council of the <sup>1</sup>[State of Karnataka]<sup>1</sup> and certain other matters;

BE it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> Legislature in the Seventh Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order, w.e.f. 1.11.1973
2. Substituted by Act 5 of 1979 w.e.f. 27.12.1978
3. Substituted by Act 31 of 1978 w.e.f. 26.12.1978
4. Inserted by Act 72 of 1976 w.e.f. 19.7.1976
5. Deemed to have been substituted by Act 16 of 2009 w.e.f.1.1.2009.

**1. Short title and commencement.-** (1) This Act may be called the <sup>1</sup>[Karnataka Legislature]<sup>1</sup> Salaries <sup>2</sup>[Pensions and Allowances]<sup>2</sup> Act, 1956.

(2) It shall be deemed to have come into force on the first day of November 1956.

1. Adapted by the Karnataka Adaptations of Laws Order, w.e.f. 1.11.1973
2. Substituted by Act 5 of 1979 w.e.f. 27.12.1978

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

(a) 'Chairman' means the Chairman of the Legislative Council <sup>1</sup>[x x x]<sup>1</sup>;

1. Omitted by Act 18 of 1968 w.e.f. 24.10.1968

(b) 'Deputy Chairman' means the Deputy Chairman of the Legislative Council;

<sup>1</sup>[(bb) 'Government Chief Whip' means a member of the Legislative Assembly or the Legislative Council designated by the Chief Minister as the Government Chief Whip in the Legislative Assembly or the Legislative Council;]<sup>1</sup>

1. Inserted by Act 72 of 1976 w.e.f. 19.7.1976

(c) 'highest class' in relation to journeys by train includes air-conditioned accommodation available in the train;

<sup>1</sup>[(cc) 'Leader of the Opposition' means the member of the Legislative Assembly or the Legislative Council who is for the time being recognised as the Leader of the Opposition by the Speaker or the Chairman as the case may be;]<sup>1</sup>

1. Inserted by Act 72 of 1976 w.e.f. 19.7.1976

<sup>1</sup>[(ccc) 'Opposition Chief Whip' means a member of the Legislative Assembly or the Legislative Council designated as such by the Leader of the Opposition as the Opposition Chief Whip in the Legislative Assembly or the Legislative Council as the case may be.]<sup>1</sup>

1. Deemed to have been Inserted by Act 16 of 2009 w.e.f. 1.1.2009.

(d) 'prescribed' means prescribed by rules made under this Act;

<sup>1</sup>[(dd) 'recognized group' means,-

(i) in relation to the Karnataka Legislative council, every party which has a strength of not less than ten members i.e., the quorum strength of members in the Legislative council:

(ii) in relation to the Karnataka Legislative Assembly, every party which has a strength of not less than twenty three members i.e., the quorum strength of the Legislative Assembly.]<sup>1</sup>

1. inserted by Act 22 of 2012 w.e.f. 28.4.2012

(e) 'residence' includes staff quarters and buildings appurtenant thereto and the gardens thereof;

(f) 'Speaker' means the Speaker of the Legislative Assembly <sup>1</sup>[x x x]<sup>1</sup>;

1. Omitted by Act 18 of 1968 w.e.f. 24.10.1968

(g) 'Deputy Speaker' means the Deputy Speaker of the Legislative Assembly.

3. Salaries and sumptuary allowances of Chairman and Speaker.- (1) There shall be paid to the Chairman a salary of <sup>3</sup>[1[thirty thousand rupees]1]<sup>3</sup> per mensem and a sumptuary allowance of <sup>2</sup>[1[two lakhs rupees]1]<sup>2</sup> per annum.

1. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

2. Substituted by Act 6 of 2011 w.e.f.05.02.2011.

3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

(2) There shall be paid to the Speaker a salary of <sup>4</sup>[Thirty thousand rupees]<sup>4</sup> per mensem and a sumptuary allowance of <sup>3</sup>[two lakhs rupees]<sup>1</sup><sup>3</sup> per annum.

1. Substituted by Act 14 of 2001 w.e.f. 1.12.2000.
2. Deemed to have been substituted by Act 16 of 2009 w.e.f.24.08.2005.
3. Substituted by Act 6 of 2011 w.e.f.05.02.2011.
4. Substituted by Act 32 of 2011 w.e.f.04.07.2011.

**4. Residences of <sup>6</sup>[Chairman, Speaker etc.]<sup>6</sup>.**- (1) The <sup>6</sup>[Chairman,. Speaker, Deputy Chairman, Deputy Speaker, Leader of Opposition, <sup>7</sup>[Government Chief Whip and Opposition Chief Whip]6]7 each shall be entitled <sup>1</sup>[x x x]<sup>1</sup> to the use of a furnished residence in the City of Bangalore <sup>2</sup>[within thirty kilometres from the limits of the City of Bangalore]<sup>2</sup> throughout his term of office and for a period of <sup>3</sup>[sixty days]<sup>3</sup> immediately thereafter, or, in lieu of such furnished residence, to a house rent allowance at the rate of <sup>8</sup>[forty thousand rupees]<sup>4</sup><sup>8</sup> per mensem. <sup>5</sup>[The residence provided under this sub-section shall be furnished on such scales and the plinth area thereof shall not exceed such limits, as may be prescribed.]<sup>5</sup>

1. Omitted by Act 31 of 1978 w.e.f. 23.3.1972
2. Inserted by Act 5 of 1994 w.e.f. 1.9.1993.
3. Substituted by Act 31 of 1978 w.e.f. 23.3.1972
4. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.
5. Substituted by Act 5 of 1979 w.e.f. 27.12.1978
6. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.
7. Deemed to have been substituted by Act 16 of 2009 w.e.f. 1.1.2009.
8. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

(2) In a residence used by the Chairman or the Speaker, who is entitled to a house rent allowance in lieu of furnished residence, three rooms shall be furnished by the State Government on such scales as may be prescribed, to be used for official purposes. <sup>1</sup>[He shall be entitled for an allowance of <sup>2</sup>[ten thousand rupees]<sup>2</sup> per month for maintenance and upkeep of the residence and for layout and maintenance of gardens included in such residence.]<sup>1</sup>

1. Inserted by Act 5 of 1994 w.e.f. 1.9.1993.
2. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

**5. Conveyances of the Chairman and the Speaker.**- (1) The State Government may provide a suitable motor car each for the use of the Chairman and the Speaker.

(2) There shall be paid to the Chairman and the Speaker each a conveyance allowance <sup>1</sup>[equal to the cost of <sup>3</sup>[2[seven hundred and fifty litres of petrol]2]1]<sup>3</sup> per mensem.

1. Substituted by Act 5 of 1991 w.e.f. 1.11.1990.
2. Substituted by Act 5 of 1994 w.e.f. 1.9.1993.
3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

**6. Charges payable by the Chairman and the Speaker and the Government.-**

(1) The Chairman and the Speaker shall, in respect of their respective residences and the motor cars allotted for their use under sub-section (1) of section 4 and section 5, be liable to pay the following charges, namely:—

<sup>1</sup>[(a) cost of petrol required for their respective motor cars in excess of the cost of 3[2[seven hundred and fifty litres of petrol]2]3 paid by the Government; and]<sup>1</sup>

1. Substituted by Act 5 of 1991 w.e.f. 1.11.1990.
2. Substituted by Act 5 of 1994 w.e.f. 1.9.1993.
3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

<sup>1</sup>[(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence.]<sup>1</sup>

1. Substituted by Act 31 of 1978 w.e.f. 23.3.1972.

(2) All other charges for the maintenance and upkeep of the residence provided under sub-section (1) of section 4 and the motor car provided under section 5 including the cost of repairs thereof, the salaries and allowances of the drivers and cleaners of such motor cars, rates and taxes, and all expenditure for the layout and the maintenance of the gardens included in such residences, shall be borne by the State Government.

**7. Travelling Allowances of the Chairman and the Speaker on assuming or relinquishing office.-** The Chairman and the Speaker shall,—

- (a) for the journey in respect of assuming office, to the City of Bangalore, from his usual place of residence in the State, if it is outside the City, and
- (b) for the journey in respect of relinquishing office, from the City of Bangalore to his usual place of residence in the State before he assumed office, if such place is outside the City,

be entitled to travelling allowance for himself and the members of his family and for the transport of his personal effects at the rates hereinafter specified, namely:—

(i) the actual charges incurred by the Chairman or the Speaker for himself and the members of his family, whether the journey is made by train or by road or both;

(ii) the actual charges incurred for the transport of the personal effects whether by road or by rail: provided that if a railway wagon is reserved for such transport, the charges for such wagon.

**Explanation.**—For the purpose of this section, member of the family means the husband, wife, son, daughter, father, mother, brother or sister, if wholly dependent on and residing with the Chairman or the Speaker, as the case may be.

**8. Travelling and other allowances of the Chairman, the Deputy Chairman, the Speaker and the <sup>1</sup>[Deputy Speaker, the Leaders of the Opposition <sup>2</sup>[the Government Chief Whips and the Opposition Chief Whips]]<sup>1</sup><sup>2</sup> on tours.-** (1) The

Chairman, the Deputy Chairman, the Speaker and the 1[Deputy Speaker, the Leaders of the Opposition 2[,the Government Chief Whips and the Opposition Chief Whips]1]2 shall be entitled while touring on duty connected with their offices to travelling and daily or other allowances at the rates and upon the conditions specified in this section.

1. Substituted by Act 31 of 1978 w.e.f. 26.12.1978.
2. Deemed to have been substituted by Act 16 of 2009 w.e.f. 01.01.2009.

(2) 1[While touring inside India]1the Chairman, the Deputy Chairman, the Speaker and the 2[Deputy Speaker, the Leaders of the Opposition 3[,the Government Chief Whips and the Opposition Chief Whips]2]3 shall be entitled,—

1. Substituted by Act 12 f 1959 w.e.f. 1.4.1959.
2. Substituted by Act 31 of 1978 w.e.f. 26.12.1978.
3. Deemed to have been substituted by Act 16 of 2009 w.e.f. 01.01.2009.

(a) for journeys by train to 1[two times]1 the single fare of the highest class available in the train:

1. Substituted by Act 19 of 1974 w.e.f. 27.5.1974.

Provided that if the 1[Chairman, the Deputy Chairman, the Speaker or the 2[Deputy Speaker]1, the Leaders of Opposition 3[,the Government Chief Whips and the Opposition Chief Whips]2]3 reserves a compartment for the journey, the charges for such compartment shall be borne by the State Government:

1. Substituted by Act 3 of 1975 w.e.f. 14.10.1974.
2. Substituted by Act 31 of 1978 w.e.f. 26.12.1978.
3. Deemed to have been substituted by Act 16 of 2009 w.e.f. 01.01.2009.

Provided further that if any person in addition to the 1[Chariman, the Deputy Chairman, the Speaker or the 2[Deputy Speaker]1, the Leader of the Opposition 3[,the Government Chief Whips and the Opposition Chief Whips]2]3 travels in the reserved compartment, the charges in respect of such person shall be recovered and credited to Government.

1. Substituted by Act 3 of 1975 w.e.f. 14.10.1974.
2. Substituted by Act 31 of 1978 w.e.f. 26.12.1978.
3. Deemed to have been substituted by Act 16 of 2009 w.e.f. 01.01.2009.

(b) for journeys by road, to road mileage at 1[2[3[twenty rupees]3]2 per kilometre;]1

1. Substituted by Act 8 of 1967 w.e.f. 10.8.1967.
2. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.
3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

(c) for journeys by air, to 2[one and one fourth]2 times the single fare paid for such journeys 1[and to the prescribed insurance premium for insurance against accidents during such journeys;]1

1. Inserted by Act 18 of 1968 w.e.f. 1.11.1956.

2. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

(d) to daily allowance at <sup>2</sup>[rupees one thousand]<sup>1</sup><sup>2</sup> per day for the days of journey and for the days of halt at any place:

1. Substituted by Act 14 of 2001 w.e.f. 1.12.2000.

2. Substituted by Act 6 of 2011 w.e.f. 05.02.2011.

Provided that in the case of tours outside the State, the daily allowance shall be at <sup>3</sup>[two thousand rupees]<sup>1</sup><sup>2</sup><sup>3</sup> per day for the days of journey and for the days of halt at any place:

1. Substituted by Act 14 of 2001 w.e.f. 1.12.2000.

2. Substituted by Act 6 of 2011 w.e.f.05.02.2011.

3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

Provided further that if the Chairman, the Deputy Chairman, the Speaker, or the <sup>1</sup>[Deputy Speaker, the Leaders of the Opposition <sup>2</sup>[the Government Chief Whips and the Opposition Chief Whips]<sup>1</sup><sup>2</sup> is treated as a State Guest, he shall be entitled only to one-fourth of the daily allowance for the period for which he is treated as a State Guest.

1. Substituted by Act 31 of 1978 w.e.f. 26.12.1978.

2. Deemed to have been substituted by Act 16 of 2009 w.e.f. 01.01.2009.

<sup>1</sup>[(2A) When the <sup>2</sup>[Chairman, the Deputy Chairman, the Speaker or the <sup>3</sup>[Deputy Speaker]<sup>2</sup>, the Leaders of the Opposition <sup>4</sup>[the Government Chief Whips and the Opposition Chief Whips]<sup>3</sup><sup>4</sup> while making a journey by road in a motor car provided by the State Government, has to undertake in the public interest further journey by train or by air, he shall be entitled to the petrol charges incurred by him for the return of the motor car to the City of Bangalore from the place at which he ceases to use the motor car:

1. Sub-sections (2A) and (2B) Inserted by Act 18 of 1968 w.e.f. 1.1.1966

2. Substituted by Act 3 of 1975 w.e.f. 14.10.1974.

3. Substituted by Act 31 of 1978 w.e.f. 26.12.1978

4. Deemed to have been substituted by Act 16 of 2009 w.e.f. 01.01.2009.

<sup>1</sup>[Provided that, save as otherwise provided in sub-section (2B), when no motor car is taken with him while on tour outside the State in India, the Chairman, the Deputy Chairman, the Speaker and the <sup>2</sup>[Deputy Speaker, the Leaders of the Opposition <sup>3</sup>[the Government Chief Whips and the Opposition Chief Whips]<sup>2</sup><sup>3</sup> shall be entitled at his option, in lieu of conveyance allowance and to any road mileage to which he is entitled, to the actual hire charges of the motor car, hired by him in the interest of public service. Certificate to the effect that the hiring of the motor car was necessary in public interest shall be furnished by the Chairman, Deputy Chairman, Speaker and <sup>2</sup>[Deputy Speaker, the Leaders of the Opposition <sup>3</sup>[the Government Chief Whips and the

Opposition Chief Whips]<sup>2</sup>]<sup>3</sup>, as the case may be, along with the bill.]<sup>1</sup>

1. Deemed always to have been Inserted by Act 72 of 1976 w.e.f. 1.1.1966
2. Substituted by Act 31 of 1978 w.e.f. 26.12.1978
3. Deemed to have been substituted by Act 16 of 2009 w.e.f. 01.01.2009.

(2B) The Chairman, the Deputy Chairman, the Speaker and the <sup>1</sup>[Deputy Speaker, the Leaders of the Opposition <sup>3</sup>[,the Government Chief Whips and the Opposition Chief Whips]<sup>1</sup>]<sup>3</sup> shall, in addition to the allowances payable under sub-section (2), be entitled to use without payment of charges, the motor cars maintained by the State Government at the <sup>2</sup>[Karnataka Bhavan]<sup>2</sup> in New Delhi.]<sup>1</sup>

1. Substituted by Act 31 of 1978. w.e.f. 26.12.1978
2. Adapted by the Adaptation of Laws Order 1973, Schedule II, Serial No. 1 w.e.f. 1.11.1973
3. Deemed to have been substituted by Act 16 of 2009 w.e.f. 01.01.2009.

<sup>1</sup>[(3) (a) The Chairman and the Speaker touring outside India on duty shall be entitled <sup>2</sup>[to the same terms in regard to travelling and other expenses as a Minister of the State Government.]<sup>2</sup>

1. Sub-sections 3(a) and 3(b) Substituted by Act 49 of 1976 w.e.f.1.7.1974
2. Substituted by Act 16 of 1987 w.e.f.1.4.1987

<sup>1</sup>[(aa) The Chairman, the Deputy Chairman, the Speaker, the Deputy Speaker, the Leader of the Opposition <sup>3</sup>[,the Government Chief Whips and the Opposition Chief Whips]<sup>3</sup> travelling outside India for medical treatment shall be entitled <sup>2</sup>[to the same terms in regard to travelling and other expenses as a Minister of the State Government.]<sup>2</sup><sup>1</sup>

1. Inserted by Act 31 of 1979. w.e.f. 1.6.1979
2. Substituted by Act 16 of 1987. w.e.f. 1.4.1987.
3. Deemed to have been substituted by Act 16 of 2009 w.e.f. 01.01.2009.

<sup>1</sup>[(b) x x x]<sup>1</sup>

1. Omitted by Act 16 of 1987. w.e.f. 1.4.1987

**9. Medical Attendance.-** Subject to rules made by the State Government, the <sup>1</sup>[Chairman, the Deputy Chairman, the Speaker and the Deputy Speaker]<sup>1</sup> <sup>2</sup>[the Leaders of the Opposition <sup>5</sup>[,the Government Chief Whips and the Opposition Chief Whips]<sup>2</sup>]<sup>5</sup> and the members of the family of the <sup>1</sup>[Chairman, the Deputy Chairman, the Speaker or the Deputy Speaker]<sup>1</sup>, <sup>2</sup>[the Leaders of the Opposition <sup>5</sup>[,the Government Chief Whips and the Opposition Chief Whips]<sup>5</sup>]<sup>2</sup> as the case may be, who are residing with and are dependent on him, shall be entitled free of charge to accommodation in hospitals maintained by the State Government, and to medical attendance and treatment. <sup>3</sup>[They shall also be entitled, subject to rules made by the State Government, to reimbursement of the expenses incurred by them for medical

attendance and treatment obtained at any other place]<sup>3</sup> <sup>4</sup>[whether within or outside India.]<sup>4</sup>

1. Substituted by Act 3 of 1975. w.e.f. 14.10.1974.
2. Inserted by Act 31 of 1978. w.e.f. 26.12.1978.
3. Inserted by Act 19 of 1974 w.e.f. 27.5.1974
4. Inserted by Act 31 of 1979 w.e.f. 21.6.1979.
5. Deemed to have been substituted by Act 16 of 2009 w.e.f.1.1.2009.

**Explanation.**—For the purpose of this section <sup>1</sup>[and section 12]<sup>1</sup> member of the family means the husband, wife, son, daughter, father, mother, brother or sister.

1. Inserted by Act 31 of 1978. w.e.f. 26.12.1978.

**10. Salaries of Deputy Chairman and Deputy Speaker.**- <sup>1</sup>[(1)]<sup>1</sup> There shall be paid to the Deputy Chairman and to the Deputy Speaker each a salary of <sup>4</sup>[<sup>3</sup>[<sup>2</sup>[twenty thousand rupees]<sup>2</sup>]]<sup>4</sup> per mensem.

1. Re-numbered by Act 19 of 1974. w.e.f. 27.5.1974.
2. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.
3. Deemed to have been substituted by Act 16 of 2009 w.e.f. 1.1.2009.
4. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

<sup>1</sup>[(2) There shall be paid to the Deputy Chairman and the Deputy Speaker a conveyance allowance of <sup>2</sup>[equal to the cost of <sup>4</sup>[<sup>3</sup>[seven hundred and fifty litres]<sup>3</sup>]]<sup>4</sup> of petrol]<sup>2</sup> per mensem.]<sup>1</sup>

- 1 Inserted by Act 19 of 1974. w.e.f. 27.5.1974.
2. Substituted by Act 5 of 1991 w.e.f. 1.11.1990.
3. Substituted by Act 19 of 1997 w.e.f. 1.9.1997.
4. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

**<sup>1</sup>[10A. Salary, conveyance and conveyance allowance payable to the Deputy Chairman, Deputy Speaker or the person performing the duties of the Chairman or Speaker.**- (1) Notwithstanding anything contained in this Act, while the office of the Chairman is vacant and the duties of the said office are performed by the Deputy Chairman or a member of the Legislative Council appointed under clause (1) of Article 184 of the Constitution, the Deputy Chairman or such member, shall, during the period he so performs such duties, be paid a salary of 3[<sup>2</sup>[twenty thousand rupees]<sub>2</sub>]<sup>3</sup> per mensem and provided with a suitable motor car and paid conveyance allowance in accordance with the provisions of sections 5 and 6:

1. Section 10A sub.section (1) and (2) Inserted by Act 18 of 1968. w.e.f. 1.11.1956.
2. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.
3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011

Provided that during the period aforesaid, the Deputy Chairman or the member shall not be entitled to the salary and special allowance under section 10 or section 11, as the case may be.

(2) Notwithstanding anything contained in this Act, while the office of the Speaker is vacant and the duties of the office are performed by the Deputy Speaker or member of the Legislative Assembly appointed under clause (1) of Article 180 of the Constitution, the Deputy Speaker or such member shall, during the period he so performs such duties, be paid salary of <sup>2</sup>[twenty thousand rupees]<sup>1</sup><sup>2</sup> per mensem and provided with a suitable motor car and paid conveyance allowance in accordance with the provisions of sections 5 and 6:

1. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.
2. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

Provided that during the period aforesaid, the Deputy Speaker or the member shall not be entitled to the salary and special allowance under section 10 or section 11, as the case may be.]<sup>1</sup>

**<sup>1</sup>[10B. xxx ]<sup>1</sup>**

1. Omitted by Act 24 of 2005 w.e.f. 24.8.2005.

**10C. Conveyances of the Deputy Chairman and the Deputy Speaker.-** The State Government may provide a suitable motor car each for the use of the Deputy Chairman and the Deputy Speaker.

**10D. Charges payable by the Deputy Chairman and the Deputy Speaker and the Government.-** (1) The Deputy Chairman and the Deputy Speaker shall, in respect of their respective residences and the motor cars allotted for their use under sub-section (1) of <sup>1</sup>[section 4]<sup>1</sup> and section 10C, be liable to pay the following charges, namely:—

1. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

<sup>1</sup>[(a) cost of petrol required for their respective motor car in excess of the cost of <sup>3</sup>[<sup>2</sup>seven hundred and fifty litres]<sup>2</sup><sup>3</sup> of petrol paid by the Government; and]<sup>1</sup>

1. Substituted by Act 5 of 1991 w.e.f. 1.11.1990.
2. Substituted by Act 19 of 1997 w.e.f. 1.9.1997.
3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

<sup>1</sup>[(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence.]<sup>1</sup>

1. Substituted by Act 31 of 1978 w.e.f. 14.10.1974.

(2) All other charges for the maintenance and upkeep of the residence provided under sub-section (1) of <sup>1</sup>[section 4]<sup>1</sup> and the motor car provided under section 10C

including the cost of repairs thereof, the salaries and allowances of the drivers and cleaners of such motor cars, rates and taxes, and all expenditure for the layout and the maintenance of the gardens included in such residences shall be borne by the State Government.]<sup>1</sup>

1. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

**<sup>1</sup>[10E. Salary to the Leader of the Opposition.-** There shall be paid to each Leader of the Opposition a salary of <sup>3</sup>[<sup>2</sup>[twenty thousand rupees]<sup>2</sup>]<sup>3</sup> per mensem.

1. Section 10E to 10N Inserted by Act 72 of 1976 w.e.f. 19.7.1976.

2. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

**<sup>1</sup>[10F. xxx]<sup>1</sup>**

1. Omitted by Act 24 of 2005 w.e.f. 24.8.2005.

**10G. Conveyance for the Leader of the Opposition.-** (1) The State Government may provide a suitable motor car for the use of each Leader of the Opposition.

(2) There shall be paid to each Leader of the Opposition a conveyance allowance <sup>1</sup>[equal to the cost of <sup>3</sup>[<sup>2</sup>[seven hundred and fifty litres]<sup>2</sup>]<sup>3</sup> of petrol]<sup>1</sup> per mensem.

1. Substituted by Act 5 of 1991 w.e.f. 1.11.1990.

2. Substituted by Act 19 of 1997 w.e.f. 1.9.1997

3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

**<sup>1</sup>[10H. x x x]<sup>1</sup>**

1. Omitted by Act 31 of 1978 w.e.f. 19.7.1976.

**10I. Charges payable by the Leader of the Opposition and the Government.-** (1) Each Leader of the Opposition shall in respect of the residence and the motor car allotted for his use under sub-section (1) of <sup>1</sup>[section 4]<sup>1</sup> and section 10G, be liable to pay the following charges, namely:—

1. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

<sup>1</sup>[(a) cost of petrol required for their respective motor car in excess of the cost of <sup>3</sup>[<sup>2</sup>[seven hundred and fifty litres]<sup>2</sup>]<sup>3</sup> of petrol paid by the Government; and]<sup>1</sup>

1. Substituted by Act 5 of 1991 w.e.f. 1.11.1990.

2. Substituted by Act 19 of 1997 w.e.f. 1.9.1997

3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

<sup>1</sup>[(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence.]<sup>1</sup>

1. Substituted by Act 31 of 1978 w.e.f. 19.7.1976.

(2) All other charges for the maintenance and upkeep of the residence provided

under sub-section (1) of <sup>1</sup>[section 4]<sup>1</sup> and the motor car provided under section 10G including the cost of repairs thereof, the salaries and allowances of the drivers and cleaners of such motor cars, rates and taxes and all expenditure for the layout and the maintenance of the gardens included in such residence, shall be borne by the State Government.

1. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

**10J. Salary to the Government Chief Whip.-** There shall be paid to each Government Chief Whip a salary of <sup>3</sup><sup>2</sup><sup>1</sup>[twenty thousand rupees]<sup>1</sup><sup>2</sup><sup>3</sup> per mensem.

1. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

2. Deemed to have been substituted by Act 16 of 2009 w.e.f.14.08.2008.

3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

<sup>2</sup><sup>1</sup>[**10K. Salary to the Opposition Chief Whip.-** There shall be paid to each Opposition Chief Whip a salary of <sup>3</sup>[twenty thousand rupees]<sup>3</sup> per mensem.]<sup>1</sup><sup>2</sup>

1. Omitted by Act 24 of 2005 w.e.f. 24.8.2005.

2. Deemed to have been Inserted by Act 16 of 2009 w.e.f.1.1.2009.

3. Substituted by Act 32 of 2011 w.e.f.04.07.2011.

**10L. Conveyance for the Government Chief Whip.-** (1) The State Government may provide a suitable motor car for the use of each Government Chief Whip.

(2) There shall be paid to each Government Chief Whip a conveyance allowance <sup>1</sup>[equal to the cost of <sup>3</sup><sup>2</sup>[seven hundred and fifty litres]<sup>2</sup><sup>3</sup> of petrol]<sup>1</sup> per mensem.]<sup>2</sup>

1. Substituted by Act 5 of 1991 w.e.f. 1.11.1990.

2. Substituted by Act 19 of 1997 w.e.f. 1.9.1997.

3. Substituted by Act 32 of 2011 w.e.f.04.07.2011.

<sup>2</sup><sup>1</sup>[**10M. Conveyance for the Opposition Chief Whip.-** (1) The State Government may provide a suitable motor car for the use of each Opposition Chief Whip.

(2) There shall be paid to each Opposition Chief Whip a conveyance allowance equal to the cost of <sup>3</sup>[seven hundred and fifty litres]<sup>3</sup> of petrol per mensem.]<sup>1</sup><sup>2</sup>

1. Omitted by Act 31 of 1978 w.e.f. 26.12.1978.

2. Deemed to have been Inserted by Act 16 of 2009 w.e.f.1.1.2009.

3. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

**10N. Charges payable by the Government Chief Whip <sup>2</sup>[and the Opposition Chief Whip]<sup>2</sup>.-** (1) <sup>2</sup>[Each Government Chief Whip and each Opposition Chief Whip]<sup>2</sup> shall in respect of the residence and the motor car allotted for his use under sub-section (1) of <sup>1</sup>[section 4]<sup>1</sup> <sup>2</sup>[and section 10L or section 10M, as the case may be, liable to pay]<sup>2</sup> the following charges, namely:—

1. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.
2. Deemed to have been substituted by Act 16 of 2009 w.e.f.1.1.2009.

<sup>1</sup>[(a) cost of petrol required for their respective motor cars in excess of the cost of <sup>3</sup><sup>2</sup>[seven hundred and fifty litres]<sup>2</sup><sup>3</sup> of petrol paid by the Government; and]<sup>1</sup>

1. Substituted by Act 5 of 1991 w.e.f. 1.11.1990.
2. Substituted by Act 19 of 1997 w.e.f. 1.9.1997.
3. Substituted by Act 32 of 2011 w.e.f.04.07.2011.

<sup>1</sup>[(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence.],

1. Substituted by Act 31 of 1978 w.e.f. 19.7.1976.

(2) All other charges for the maintenance and upkeep of the residence provided under sub-section (1) of <sup>1</sup>[section 4]<sup>1</sup> and the motor car provided under section 10L including the cost of repairs thereof, the salaries and allowances of the drivers and cleaners of such motor cars, rates and taxes and all expenditure for the layout and the maintenance of the gardens included in such residence, shall be borne by the State Government.]<sup>1</sup>

1. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

**<sup>1</sup>[100. Application of Act to Whips.-** If a Minister or a Minister of State or a Deputy Minister is appointed as a Government Chief Whip, he shall not be entitled to any salary or allowances specified in this Act and he shall be governed by the provisions of the Karnataka Ministers Salaries and Allowances Act, 1956.

1. Sections 100 to 10Q Inserted by Act 31 of 1978 w.e.f. 23.3.1972.

**10P. Government to bear electricity and water charges in certain other cases.-** In respect of the residence of the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, the Leaders of the Opposition <sup>1</sup>[the Government Chief Whips and Opposition Chief Whips] <sup>1</sup> who does not avail the facility of furnished residence, monthly charges in excess of two hundred rupees for consumption of electricity and water together in his residence shall be borne by the State Government.

1. Deemed to have been substituted by Act 16 of 2009 w.e.f.1.1.2009.

**10Q. Deductions in respect of house rent etc.-** There shall be deducted every month from the salary payable to the Chairman, the Speaker, the Deputy Chairman the Deputy Speaker, a Leader of the Opposition <sup>1</sup>[the Government Chief Whips and Opposition Chief Whips]<sup>1</sup>,—

(a) a sum equal to ten per cent of his salary as house rent if he is, in occupation of a residence provided by the State Government;

(b) a sum equal to two and a half percent of his salary as rent of the furnishings of

his residence if the same has been furnished by the State Government.]<sup>1</sup>

1. Deemed to have been substituted by Act 16 of 2009 w.e.f.1.1.2009.

**11. '[Salary <sup>2</sup>[x x x]<sup>2</sup>]' of members of the Legislative Assembly and the Legislative Council.-** <sup>3</sup>[(1)]<sup>3</sup> There shall be paid to every member of the Legislative Assembly or of the Legislative Council <sup>4</sup>[a salary of <sup>7</sup>[<sup>6</sup>[twenty thousand rupees]<sup>6</sup>]<sup>7</sup> per mensem]<sup>4</sup> which shall accrue to him from the day on which he is declared duly elected, or, in the case of a member nominated by the Governor to fill a seat in the Legislative Assembly or the Legislative Council, from the date on which he is so nominated, or, if such declaration or nomination is made before the vacancy occurs, from the date of occurrence of the vacancy:

1. Substituted by Act 10 of 1960 w.e.f. 1.1.1960.
2. Omitted by Act 31 of 1978 w.e.f. 1.4.1978.
3. Re-numbered by Act 8 of 1967 w.e.f. 10.8.1967.
4. Substituted by Act 31 of 1978 w.e.f. 1.4.1978.
5. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.
6. Deemed to have been substituted by Act 16 of 2009 w.e.f. 1.1.2009.
7. Substituted by Act 32 of 2011 w.e.f.04.07.2011.

Provided that the salary <sup>1</sup>[x x x]<sup>1</sup> shall not be paid until the member has made and subscribed the oath or affirmation referred to in Article 188 of the Constitution of India.

1. Omitted by Act 31 of 1978 w.e.f. 1.4.1978.

<sup>1</sup>[Provided further that,—

(i) in the case of a member of a new Legislative Assembly constituted after a general election, the salary <sup>2</sup>[x x x]<sup>2</sup> shall be paid only from the date of commencement of the duration of that Assembly or if the old Legislative Assembly has been dissolved before the aforesaid date, then from the date of such dissolution; and

1. Inserted by Act 17 of 1957 w.e.f. 1.11.1956.
2. Omitted by Act 31 of 1978 w.e.f. 1.4.1978.

(ii) in the case of a member of the Legislative Council, the salary <sup>1</sup>[x x x]<sup>1</sup> shall be paid only from the date on which his term of office as a member of the said Council commences.]<sup>1</sup>

1. Omitted by Act 31 of 1978 w.e.f. 1.4.1978.

<sup>1</sup>[Provided also that where a person who is already a member of the Legislative Assembly or of the Legislative Council, is elected or nominated as a member of the Legislative Council or of the Legislative Assembly, he shall be paid salary <sup>2</sup>[x x x]<sup>2</sup> as a member of the Legislative Council or of the Legislative Assembly, as the case may be, only from the date on which he ceases to be a member of the Legislative Assembly or of the Legislative Council, as the case may be.]<sup>1</sup>

1. Inserted by Act 10 of 1960 w.e.f. 1.1.1960

2. Omitted by Act 31 of 1978 w.e.f. 1.4.1978.

<sup>1</sup>[(2) Any member entitled to any salary <sup>2</sup>[x x x]<sup>2</sup> under sub-section (1) may relinquish the whole or any portion thereof at any time by intimating in writing to the Speaker in the case of a member of the Legislative Assembly and to the Chairman in the case of a member of the Legislative Council:

Provided that any relinquishment made by a member in respect of any salary <sup>2</sup>[x x x]<sup>2</sup> may be cancelled by him at any time with prospective effect by writing to the Speaker or Chairman accordingly.]<sup>1</sup>

1. Inserted by Act 8 of 1967 w.e.f. 10.8.1967.

2. Omitted by Act 31 of 1978 w.e.f. 1.4.1978.

**<sup>1</sup>[11A. Pension to the members etc.-** <sup>2</sup>[(1) With effect from the date of commencement of <sup>3</sup>[the Karnataka Legislature Salaries, Pensions and Allowances (Amendment) Act, 2009]<sup>3</sup> there shall be paid to every person who has served for a period of five years as,-

(i) a member of the Legislative Council; or

(ii) a member of the Legislative Assembly; or

(iii) partly as a member of the Legislative Assembly and partly as a member of the Legislative Council, a pension at the rate of <sup>4</sup>[<sup>3</sup>[twenty five thousand]<sup>4</sup> rupees]<sup>3</sup> per mensem for the remainder of his life:

<sup>3</sup>[Provided that where any person has served for more than five years there shall be paid to him an additional pension at the rate of rupees one thousand per mensem for every subsequent completed year so however that the total amount of pension payable under this section does not exceed <sup>4</sup>[<sup>3</sup>[thirty five thousand rupees]<sup>4</sup> per mensem.]<sup>4</sup>

Provided further that service as such member for a part of the year exceeding six months shall be treated as a full year for the purpose of calculating additional pension:

Provided also that where a member has been prevented from serving as such for five years on account of dissolution of the Legislative Assembly, he shall be deemed to have served as member for five years:

Provided also that a person who was a member of the first Legislative Council and whose term was terminated by lots drawn before he could serve the full term of six years, shall be deemed, irrespective of the period for which he held office, to have served as member for five years:

Provided also that where a person is declared as elected by a court in an election petition and was not able to serve as a member during the pendency of the election

petition, shall be deemed, irrespective of the period of actual service, to have served as a member for five years:

Provided also that where a person is declared as elected in a bye-election or is nominated as a member in the middle of a term and was not able to serve the full term, he shall be deemed, irrespective of the period of actual service, to have served as a member for five years:

Provided also that where a member resigns <sup>1</sup>[XXX]<sup>1</sup>, he shall be deemed to have served as member for five years.

1. Omitted by Act 6 of 2011 w.e.f. 05.02.2011.

**Explanation.-** For the purpose of this sub-section, a member of the Legislative Assembly or the Legislative Council includes a person who prior to the 1st day of November 1956 represented any of the areas which with effect on and from the said date have become part of the new State of Karnataka, as a member of the Legislative Assembly or the Legislative Council of the State of which the said areas were part:

Provided that in the case of a nominated member of the Legislative Assembly or the Legislative Council he shall be eligible for the pension if during his membership of the Legislative Assembly or the Legislative Council, he permanently resided in any area which forms part of the State of Karnataka.]<sup>2</sup>

1. Inserted by Act 31 of 1978 w.e.f. 26.12.1978.

2. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

3. Deemed to have been Substituted by Act 16 of 2009 w.e.f.1.1.2009.

**<sup>1</sup>[(1A XXX)]<sup>1</sup>**

1. Deemed to have been omitted by Act 16 of 2009 w.e.f. 24.8.2005.

(2) Where any person entitled to pension under sub-section (1),—

(i) is elected to the Office of the President or Vice-President of India or is appointed to the office of the Governor of any State or the Administrator of any Union territory; or

(ii) is appointed or elected to the office of a Minister, a Minister of State, a Deputy Minister, a Chairman, Speaker, a Deputy Chairman, a Deputy Speaker, a Leader of the Opposition <sup>1</sup>[,a Government Chief Whip or a Opposition Chief Whip] <sup>1</sup>,

(iii) becomes a Member of the Council of State, or the House of the People or the Legislative Assembly of a State or Union Territory or any Legislative Council of a State; or

(iv) is employed on a salary in any State Government or Central Government or any Corporation owned or controlled by any State Government or the Central Government or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority, such person shall not be

entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed or where the remuneration referred to in clause (iv) payable to such person is in either case less than the pension payable to him under sub-section (1), such person shall be entitled to receive only the balance as pension under that sub-section.

1. Deemed to have been Substituted by Act 16 of 2009 w.e.f.1.1.2009.

<sup>1</sup>[(3) x x x]<sup>1</sup>

1. Omitted by Act 16 of 1987 w.e.f. 1.4.1987.

(4) In computing the number of years, for the purpose of sub-section (1), the period during which a person has served in any one or more of the following capacities namely, a Minister, a Minister of State, a Deputy Minister, a Parliamentary Secretary, the Chairman, the Speaker, a Leader of the Opposition <sup>1</sup>[a Government Chief Whip or a Opposition Chief Whip]<sup>1</sup> by virtue of his membership of the Legislative Assembly or the Legislative Council, shall also be taken into account.

1. Deemed to have been Substituted by Act 16 of 2009 w.e.f.1.1.2009.

<sup>1</sup>[(5) Every member entitled to pension under<sup>2</sup>[xxx]<sup>2</sup> sub-section (1),-

1. Inserted by Act 5 of 1991 w.e.f. 1.11.1990.

2. Omitted by Act 24 of 2005 w.e.f. 24.8.2005.

(i) shall be provided with one <sup>1</sup>[non transferable pass for him and his companion which shall entitle them]<sup>1</sup> at any time to travel by road transport services of the Karnataka State Road Transport Corporation <sup>1</sup>[from the ordinary place of residence of such member]<sup>1</sup> in Karnataka <sup>2</sup>[to any place in the State of Karnataka or outside the State]<sup>2</sup> and back <sup>3</sup>[x x x]<sup>3</sup> in such class of accommodation therein as may be prescribed;

1. Substituted by Act 19 of 1997 w.e.f. 1.9.997.

2. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

3. Omitted by Act 4 of 1997 w.e.f. 12.12.1996.

<sup>3</sup><sup>2</sup><sup>1</sup>[(ii) shall be a maximum of Rupees One Lakh per annum for self alongwith his one companion in first class/second class A/c for journeys by train in India subject to such rules as may be prescribed.]<sup>1</sup><sup>2</sup><sup>3</sup>

1. Omitted by Act 24 of 2005 w.e.f. 24.8.2005.

2. Deemed to have been Inserted by Act 16 of 2009 w.e.f. 1.1.2009

## 3. Substituted by Act 22 of 2012 w.e.f. 28.04.2012

11B. Family Pension.- <sup>1</sup>[(1) Where a member dies before the expiry of his term or where a person eligible for pension under section 11-A dies, there shall be paid to his family, a family pension at the rate of fifty percent of <sup>2</sup>[pension drawn]<sup>2</sup> under section 11A per mensem.]<sup>1</sup>

1. Shall be and shall be deemed to have been substituted by act 27 of 2009 w.e.f. 1.1.2009.

2. Substituted by Act 22 of 2012 w.e.f. 28.04.2012.

<sup>1</sup>[(1A) Notwithstanding anything contained in sub-section (1), the family of the deceased person, who was a member of the Legislative Council or the Legislative Assembly after 1st day of January, 1952, whether he was in receipt of pension, or not shall be entitled for family pension at the rate specified under sub-section (1) as if the deceased person was a member after 26-12-1978.]<sup>1</sup>

1. Inserted by Act 6 of 2011 w.e.f. 05.02.2011.

**Explanation.**—For the purposes <sup>1</sup>[of sub-sections (1) and (2)]<sup>1</sup> 'family' means, the following relatives of the deceased member, namely:—

- (a) wife or the husband;
- (b) minor sons; and
- (c) unmarried minor daughters.

(2) The family pension admissible under sub-section (1) shall be payable in the following order,-

- (a) wife or husband; and
- (b) the eldest among the minor sons or unmarried minor daughters, where the deceased member has no surviving spouse:

Provided that where the recipient of the family pension dies or marries or ceases to be a minor, the pension payable shall thereafter be paid to the person next lower in the order of preference.

1. Substituted by Act 6 of 2011 w.e.f. 05.02.2011.

**11C. Sumptuary allowance.-** (1) The Leaders of the Opposition shall be paid a sumptuary allowance of 2 <sup>1</sup>[one lakh rupees]<sup>1</sup> per annum.

1. Substituted by Act 14 of 2001 w.e.f. 1.12.2000.

2. Substituted by Act 6 of 2011 w.e.f.05.02.2011.

(2) The Deputy Chairman, the Deputy Speaker <sup>2</sup>[the Government Chief Whips and the Opposition Chief Whips]<sup>2</sup> shall be paid a sumptuary allowance of <sup>3</sup>[<sup>2</sup>[one lakh rupees]<sup>2</sup>]<sup>3</sup> per annum.]<sup>1</sup>

1. Substituted by Act 14 of 2001 w.e.f. 1.12.2000.
2. Deemed to have been substituted by Act 16 of 2009 w.e.f.1.1.2009.
3. Substituted by Act 6 of 2011 w.e.f.05.02.2011.

**12. Travelling and daily allowances of, and medical <sup>1</sup>[and other]<sup>1</sup> facilities to, members of the Legislative Assembly and the Legislative Council.-** Subject to such conditions as may be determined by rules made under this Act,—

1. Inserted by Act Act 31 of 1978 w.e.f. 1.4.1978.

(a) there shall be paid to the members of the Legislative Assembly and of the Legislative Council <sup>1</sup>[x x x]<sup>1</sup> traveling allowance for journeys <sup>2</sup>[at the rate of <sup>10</sup>[<sup>3</sup>[twenty rupees]<sup>3</sup>]<sup>10</sup> per kilometre irrespective of mode of journey subject to such conditions as may be prescribed]<sup>2</sup> <sup>9</sup>[or fixed traveling allowance rupees one thousand five hundred for each meeting in lieu of traveling allowance calculated on the basis of distance traveled in kilometers]<sup>9</sup> <sup>4</sup>[<sup>5</sup>[and all the members]<sup>5</sup> be provided with fully furnished accommodation, without payment of rent, at the place at which their attendance is required]<sup>4</sup> <sup>6</sup>[and where such accommodation <sup>7</sup>[is not provided <sup>8</sup>[x x x]<sup>8</sup>]<sup>7</sup>, the member shall be paid an allowance of <sup>7</sup>[twenty five rupees]<sup>7</sup> per diem during the period of the meeting and for two days before the commencement of meeting and for two days after the day of conclusion of meetings.]<sup>6</sup>

1. Omitted by Act 26 of 1981 w.e.f. 9.4.1981.
2. Substituted by Act 5 of 1991 w.e.f. 1.11.1990.
3. Substituted by Act 1 of 2004 w.e.f. 1.04.2003.
4. Inserted by Act 27 of 1957 w.e.f. 1.6.1957.
5. Substituted by Act 19 of 1974 w.e.f. 27.5.1974.
6. Inserted by Act 72 of 1976 w.e.f. 19.7.1976.
7. Substituted by Act 31 of 1978 w.e.f. 1.4.1978
8. Omitte by Act 22 of 1984 w.e.f. 26.8.1984.
9. Inserted by Act 24 of 2005 w.e.f. 24.8.2005.
10. Substituted by Act 32 of 2011 w.e.f.04.07.2011.

<sup>1</sup>[(b) there shall be paid,—

1. Clause (i) and (ii) Substituted by Act 27 of 1957 w.e.f. 1.6.1957.

(i) to all members daily allowance for attending the meetings and for the prescribed number of days of holidays, intervals or absence between meetings at the rate of <sup>3</sup>[<sup>1</sup>[<sup>2</sup>[one thousand rupees]<sup>2</sup>]<sup>3</sup> per-diem within the State and <sup>3</sup>[<sup>2</sup>[one thousand five hundred rupees]<sup>2</sup>]<sup>3</sup> per-diem outside the State in India;]<sup>1</sup>

1. Substituted by Act 5 of 1991 w.e.f. 1.11.1990.
2. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

3. Substituted by Act 32 of 2011 w.e.f.04.07.2011.

(ii) to all members <sup>1</sup>[x x x]<sup>1</sup> daily allowance <sup>2</sup>[for two days before the commencement of meetings and for two days after the day of conclusion of the meetings]<sup>2</sup>;<sup>1</sup>

1. Omitted by Act 26 of 1981 w.e.f. 9.4.1981.

2. Substituted by Act 19 of 1974 w.e.f. 27.5.1974.

<sup>1</sup>[(c) <sup>3</sup>[Every member or on ex-member]<sup>4</sup> and the members of his family who are residing with and are dependent on him shall be entitled,—]<sup>3</sup>

1. Substituted by Act 8 of 1967 w.e.f. 10.8.1967.

2. Substituted by Act 72 of 1976 w.e.f. 19.7.1976.

3 Substituted by Act 31 of 1978 w.e.f. 1.4.1978.

4. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

(i) free of charge to such accommodation in hospitals and dispensaries maintained by the State Government <sup>1</sup>[or in hospitals or dispensaries notified by the Karnataka Legislature]<sup>1</sup> and to such medical attendance and treatment as may be prescribed; <sup>2</sup>7

<sup>1</sup> Inserted by Act 19 of 1997 w.e.f. 1.9.1997.

(ii) subject to rules made by the State Government to reimbursement of expenses incurred by him for medical attendance and treatment obtained at any other place.]<sup>2</sup>

<sup>1</sup> [(iii) every ex-member who is in receipt of the pension under section 11A shall be entitled to fixed medical allowance of rupees four thousand per month, subject to the condition that the said amount shall be deducted in the medical reimbursement claim if any during the said month.]<sup>1</sup>

1. Inserted by Act 22 of 2012 w.e.f. 28.4.2012.

(cc) <sup>1</sup>[Every member of the Legislative Assembly and of the Legislative Council shall be entitled to receive in the prescribed manner, a sum of <sup>4</sup>[<sup>3</sup>[rupees twenty five thousand per month]<sup>3</sup>]<sup>4</sup> as constituency Traveling Allowance]<sup>2</sup>]<sup>1</sup>

1. Substituted by Act 31 of 1978 w.e.f. 1.4.1978. Again Substituted by Act 1 of 2004 w.e.f. 1.04.2003.

2. Substituted by Act 24 of 2005 w.e.f. 24.8.2005.

3. Deemed to have been substituted by Act 16 of 2009 w.e.f.1.1.2009.

4. Substituted by Act 32 of 2011 w.e.f.04.07.2011.

<sup>1</sup>[(ccc) Every member including a Minister, a Minister of State, a Deputy Minister, a Chairman, a Speaker, a Deputy Chairman, a Deputy Speaker, a Leader of the Opposition and <sup>3</sup>[a Government Chief Whip and a Opposition Chief Whip]<sup>3</sup> shall, for every financial year, be entitled to receive in such manner and subject to such conditions, as may be prescribed, a sum of rupees <sup>4</sup>[<sup>2</sup>[two lakh rupees]<sup>2</sup>]<sup>4</sup> in two equal instalments payable in the months of April and October for the purpose of travelling either single or with a companion in one or more journeys by air or by any class or by

any railway in India. A member shall not be entitled to any travelling or daily allowance for such journeys.]<sup>1</sup>

1 Substituted by Act 16 of 1992 w.e.f. 1.11.1990.

2 Substituted by Act 14 of 2001 w.e.f. 1.12.2001.

3. Deemed to have been substituted by Act 16 of 2009 w.e.f. 1.1.2009.

4. Substituted by Act 32 of 2011 w.e.f.04.07.2011.

<sup>1</sup>[(d) members entitled to travelling allowance under clause (a) may, during the days of halt in the City of Bangalore, other than during the period when their attendance is required in connection with the meetings, be provided with fully furnished accommodation on payment of 2[rent as specified by the Board from time to time]<sup>2</sup>]<sup>1</sup>

1. Substituted by Act 27 of 1957 w.e.f. 1.6.1957.

2. Substituted by Act 1 of 2004 w.e.f. 1.04.2003.

<sup>1</sup>[(dd) members may during the days of halt in New Delhi be provided with accommodation in the <sup>2</sup>[Karnataka Bhavan]<sup>2</sup> on payment of such rates of rent as the State Government may, from time to time, by order, specify;]<sup>1</sup>

1. Inserted by Act 18 of 1968 w.e.f. 24.10.1968.

2 Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 1.11.1973.

<sup>1</sup>[(e) there shall be paid to the members of a committee, in respect of journeys undertaken by the committee,—

(i) with the approval of the Chairman, where the committee is a committee of the Members of the Legislative Council only;

(ii) with the approval of the Speaker, where the committee is a committee of the Members of the Legislative Assembly only; and

(iii) with the approval of the Chairman and the Speaker, where the committee is a committee of members of both Houses, of the Legislature, travelling allowance for journeys by train and for journeys by road whether within the State or outside the State in India, at the rates specified in clause (a) and for journeys by air outside the State in India at the rate of one and one-fifth times the single air fare paid for such journeys and such insurance premium as may be prescribed for insurance against accidents during such journeys by air and daily allowance of rupees fifteen per diem for the days of halt at any place within the State and at rupees twenty-five per diem for the days of halt at any place outside the State:

Provided that where one-fifth of the single air fare payable under this clause exceeds rupees thirty, the amount so payable shall be limited to rupees thirty.]<sup>1</sup>

1. Substituted by Act 72 of 1976 w.e.f. 19.7.1976.

<sup>1</sup>[(f) there shall be paid to a member who is the Chairman of any Committee of the Legislative Assembly or of the Legislative Council or of both in respect of journeys outside the State in India in connection with his duties as Chairman of the Committee,—

(i) travelling allowance for journeys by train and journeys by road at the rates specified in clause (a) and for journeys by air at the rate of one and one-fifth times the single air fare paid for such journeys:

Provided that where one-fifth of the single air fare payable exceeds rupees thirty, the amount so payable shall be limited to rupees thirty;

(ii) such insurance premium as may be prescribed for insurance against accidents during journeys by air;

(iii) daily allowance at rupees twenty-five per diem; and

(iv) such charges as may be prescribed towards transportation at the place of his stay for attending the conference of the Chairmen of such Committees.]<sup>1</sup>

1. Substituted by Act 13 of 1976 w.e.f. 1.3.1975.

<sup>1</sup>[(g)<sup>2</sup>a member including a Minister, a Minister of State, a Deputy Minister, the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, a Leader of the Opposition and <sup>4</sup>[a Government Chief Whip and a Opposition Chief Whip] <sup>4</sup> shall be entitled]<sup>2</sup> to have a telephone installed <sup>3</sup>[at Government cost at the place of his choice.]<sup>3</sup> The expenditure in respect of initial deposit, installation and rental charges shall be borne by the State Government. Where a member has a telephone installed at his own cost <sup>3</sup>[at such place,]<sup>3</sup> the rental charges in respect thereof shall be borne by the State Government;

1. Inserted by Act 31 of 1978 w.e.f. 1.4.1978.

2. Substituted by Act 5 of 1979 w.e.f. 27.12.1978.

3. Substituted by Act 31 of 1979 w.e.f. 17.10.1979.

4. Deemed to have been substituted by Act 16 of 2009 w.e.f.1.1.2009.

<sup>1</sup>[(h) every member shall be paid an allowance of,—

<sup>2</sup>[(i) <sup>4</sup>[<sup>3</sup> [fifteen thousand rupees] <sup>3</sup>]<sup>4</sup> per month towards meeting the expenditure incurred by him on telephone and cell phone calls]<sup>2</sup>

(ii) <sup>3</sup> [fifteen thousand rupees] <sup>3</sup> per month as constituency allowances;

(iii) <sup>4</sup>[<sup>3</sup> [five thousand rupees] <sup>3</sup>]<sup>4</sup> per month on postal charges;

(iv) <sup>4</sup>[<sup>3</sup> [ten thousand rupees] <sup>3</sup>]<sup>4</sup> as the salary of the Personal Assistant and the Room Boy of the Member; in the discharge of his duties as a member]<sup>1</sup>

1. Substituted by Act 14 of 2001 w.e.f. 1.12.2000.

2. Substituted by Act 24 of 2005 w.e.f. 24.08.2005.

3. Deemed to have been substituted by Act 16 of 2009 w.e.f. 1.1.2009.

4. Substituted by Act 32 of 2011 w.e.f. 04.07.2011.

**Explanation.**—For the purpose of this section, 'meeting' means a meeting of the Legislative Assembly or the Legislative Council or of any committee of the said Assembly or Council or of both.

**<sup>1</sup>[12A. x x x]<sup>1</sup>**

1. Omitted by Act 31 of 1978 w.e.f. 01.04.1978.

**13. Minister, <sup>1</sup>[a Minister of State,]<sup>1</sup> Deputy Minister, Chairman, Deputy Chairman, <sup>2</sup>[Speaker, Deputy Speaker, the Leaders of the Opposition 5[the Government Chief Whips and the Opposition Chief Whips]<sup>2</sup>]not to draw salaries as members.-** (1) A Minister, <sup>1</sup>[a Minister of State,]<sup>1</sup> a Deputy Minister, <sup>3</sup>[the Chairman, the Deputy Chairman, the Speaker or the Deputy Speaker]<sup>3, 4</sup>[or the Leaders of the Opposition <sup>5</sup>[the Government Chief Whips or the Opposition Chief Whips]<sup>4</sup>]<sup>5</sup> shall not, while he draws the salary and allowance for his office, be entitled to any salary or allowance as a member of the Legislative Assembly or of the Legislative Council, as the case may be.

1. Inserted by Act 31 of 1978 w.e.f. 26.12.1978.

2. Substituted by Act 72 of 1976 w.e.f. 19.07.1976.

3. Substituted by Act 3 of 1975 w.e.f. 14.10.1974.

4. Inserted by Act 72 of 1976 w.e.f. 19.07.1976.

5. Deemed to have been substituted by Act 16 of 2009 w.e.f. 1.1.2009.

<sup>1</sup>[Provided that the Deputy Chairman or the Deputy Speaker who does not avail the facility provided under section 10B shall be entitled to the allowances specified in clauses (a) and (b) of section 12 as a member of the Legislative Assembly or the Legislative Council, as the case may be:

Provided further that he shall also be entitled to the allowances admissible under section 8 or under clause (f) of section 12, as the case may be;]<sup>1</sup>

1. Inserted by Act 72 of 1976 w.e.f. 14.10.1974.

<sup>1</sup>[(1A) Notwithstanding anything in sub-section (1), the Leader of the Opposition <sup>2</sup>[, the Government Chief Whips or the Opposition Chief Whips]<sup>2</sup> who does not avail the facility provided in section 10F or section 10K, as the case may be, shall be entitled to the allowances specified in clauses (a), (b), (e), (f) of section 12 as a member of the Legislative Assembly or the Legislative Council or as a Chairman of any committee of the Legislative Assembly or the Legislative Council or of both.]<sup>1</sup>

1. Inserted by Act 72 of 1976 w.e.f. 19.07.1976.

2. Deemed to have been substituted by Act 16 of 2009 w.e.f.1.1.2009.

(2) The <sup>1</sup>[Chairman, the Deputy Chairman, the <sup>2</sup>[Speaker, the Deputy Speaker,]<sup>1</sup> the Leaders of the Opposition <sup>3</sup>[,the Government Chief Whips or the Opposition Chief Whips]<sup>2</sup>]<sup>3</sup> shall not during the tenure of his office practise any profession or engage in any trade or undertake for remuneration, any employment other than his duties as <sup>1</sup>[Chairman, the Deputy Chairman, the <sup>2</sup>[Speaker, the Deputy Speaker,]<sup>1</sup> the Leaders of the Opposition or the Government Chief Whips]<sup>2</sup>, as the case may be.

1. Substituted by Act 3 of 1975 w.e.f. 14.10.1974.

2. Substituted by Act 72 of 1976 w.e.f. 19.07.1976.

3. Deemed to have been substituted by Act 16 of 2009 w.e.f.1.1.2009.

<sup>1</sup>[(3) x x x]<sup>1</sup>

1. Omitted by Act 3 of 1975 w.e.f. 14.10.1974.

**<sup>1</sup>[13A. Grant of advances for the purchase of Motor Cars, Motor cycles.-** Subject to such conditions as may be prescribed, every member shall be entitled to the grant of an advance for the purchase of a motor car or a motor cycle.

1. Section 13A and 13B inserted by Act 38 of 1985 w.e.f. 1.04.1985.

**13B. Recovery of dues.-** Any amount due to the Government or the Legislature Secretariat from a person who is or was a member of the Legislature may, without prejudice to any other mode of collection be recovered,—

- (a) from his salary payable under section 11;
- (b) from his pension payable under section 11-A;
- (c) as if it were an arrear of land Revenue."

**Explanation.**—For the purpose of this section, a member of the Legislature includes a Minister, Minister of State, Deputy Minister, Chairman, Speaker, Deputy Speaker, Leader of the Opposition <sup>1</sup>[,the Government Chief Whips or the Opposition Chief Whips.]<sup>1</sup>

1. Deemed to have been substituted by Act 16 of 2009 w.e.f.1.1.2009.

**<sup>1</sup>[13C. Establishment of Benevolent Fund.—**(1) There shall be constituted a fund called the Karnataka Legislators' Benevolent Fund (hereinafter referred to as the Fund).

1. Inserted by Act 16 of 1992 w.e.f. 8.05.1992.

(2) The Fund specified in sub-section (1) shall consist of,—

- (a) such amount as may be contributed by any member or former member of the Karnataka Legislative Assembly or the Karnataka Legislative Council;
- (b) such amount as may be contributed or gifted or donated to the Fund by the

Government or any other persons;

(c) the interest earned on the amount in the said Fund.

(3) The Fund shall be operated or administered or maintained by an authority called the Karnataka Legislators' Benevolent Fund Authority in accordance with such rules as may be prescribed.

<sup>2</sup>[(4) The Karnataka Legislative Assembly Benevolent Fund Authority shall consist of,-

1. Sub-section (4) and (4A) Substituted by Act 30 of 1998 w.e.f. 24.11.1998.

- |  |          |
|--|----------|
| (a) The Speaker, Karnataka<br>Legislative Assembly                                 | Chairman |
| (b) The Minister in-charge of<br>Parliamentary Affairs,<br>Government of Karnataka | Member   |
| (c) Leader of opposition in the<br>Legislative Assembly                            | Member   |

(d) The Secretary, Karnataka Legislative Assembly shall be the Secretary of the Authority.

(4A) The Karnataka Legislative Council Benevolent Fund Authority shall consist of,—

- |   |          |
|---|----------|
| (a) The Chairman, Karnataka<br>Legislative Council                                  | Chairman |
| (b) The Minister in-charge of<br>Parliamentary Affairs,<br>Government of Karnataka. | Member   |
| (c) Leader of opposition in the<br>Legislative Council                              | Member   |

(d) The Secretary, Karnataka Legislative Council Shall be the Secretary of the Authority.]<sup>2</sup>

(5) The amount at credit in the said Fund shall subject to such rules as may be prescribed, be applied or invested or expended for the benefit or for the welfare of,—

- (i) persons who are entitled to pension under section 11A;
- (ii) the family of persons who die while serving as members of the Legislative Assembly or the Legislative Council;
- (iii) the family of persons referred in clause (i) after their demise;

**Note.**—For the purpose of this section, family shall have the same meaning assigned to it in the explanation to sub-section (1) of section 11B.]<sup>1</sup>

**<sup>1</sup>[13D. Facilities to the recognised groups.-** (1) The recognised group shall be entitled to telephone and such secretarial facilities as may be prescribed in this behalf:

Provided that such facilities shall not be provided to such Leader or Deputy Leader as the case may be, who,-

- (i) is provided with similar telephone and secretarial facilities by virtue of holding any office of, or representation in a Legislature Committee or other Committee, Council, Board, Commission or other body established by the Government; or
- (ii) is provided with similar telephone and secretarial facilities in any other capacity by the Government or a local authority or a Corporation owned or controlled by the Government or any local authority.

(2) The facilities admissible under sub-section (1) shall be co-terminus with the term of the Leader or Deputy Leader as the case may be of the recognised group.]<sup>1</sup>

1. Inserted by Act 22 of 2012 w.e.f. 28.04.2012.

**14. Saving.-** Nothing in this Act shall prevent a retired Government servant from drawing his pension in addition to any salary or allowances to which he may be entitled under this Act.

**15. Power to make rules.-** (1) The State Government may, by notification in the 1[Karnataka Gazette]1, make rules for carrying out the purposes of this Act.

1. Adapted by the Adaptations of Laws Order 1973 w.e.f. 1.11.1973.

<sup>1</sup>[(1A) Any rule under this Act may be made to have effect retrospectively, and if any such rule is made, a statement specifying the reasons for making such a rule shall be laid before both Houses of the State Legislature along with the rule under sub-section (2).]<sup>1</sup>

1. Inserted by Act 18 of 1968 w.e.f. 1.11.1956.

<sup>1</sup>[(2) 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 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.]<sup>1</sup>

1. Substituted by Act 10 of 1960 w.e.f. 1.01.1960

<sup>1</sup>[(3) Notwithstanding anything contained in this Act, any other law, rule or order, all rules, notifications and orders which may or are required to be made or issued under this Act, relating to the members of the Legislative Assembly and the Legislative Council, the Chairman, the Deputy Chairman, the Speaker, the Deputy Speaker, the Leaders of the Opposition <sup>2</sup>[the Government Chief Whips and the Opposition Chief Whips]<sup>2</sup>, in respect of their salary, allowances, pensions, medical bills, accommodation, personal staff, journeys and facilities of all types to which they are entitled, shall be made or issued by the Secretary, Karnataka Legislature with the approval of the Special Board, consisting of the Chairman, the Speaker, the Chief Minister and the Minister in charge of Parliamentary Affairs after consultation with the Finance Department and with such person, body, authority or a department of the State Government as may be prescribed.]<sup>1</sup>

1. Inserted by Act 14 of 1985 w.e.f. 29.09.1984.

2. Deemed to have been substituted by Act 16 of 2009 w.e.f. 1.1.2009.

**16. Repeal of Mysore Ordinance No. 3 of 1956 and savings.-** The Mysore Legislature Salaries Ordinance, 1956, is hereby repealed; but any rules made, anything done and any action taken under the said Ordinance shall be deemed to have been made, done, or taken under this Act, as if this Act had come into force on the first day of November 1956 and all rules made under the said Ordinance shall be laid, as soon as may be, after the passing of this Act, before each House of the State Legislature while it is in session for a total period of one month which may be comprised in one session or in two or more sessions and if, before the expiry of the said period, either House of the State Legislature makes any modification in the rules or directs that any rule shall not have effect and, if the modification or direction is agreed to by the other House, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be.

\* \* \* \* \*

## THE KARNATAKA LEGISLATURE (PROHIBITION OF SIMULTANEOUS MEMBERSHIP) ACT, 1956.

### ARRANGEMENT OF SECTIONS.

Statement of Object and Reasons

Sections :

1. Short title.
2. Definitions.
3. Vacation of seats by persons when elected as members of both the Assembly

and the Council.

4. Vacation of seats by persons already members of one House on election to the other House.

\* \* \* \*

### STATEMENT OF OBJECTS AND REASONS

**Act 3 of 1957.**— Clause (1) of Article 190 of the Constitution provides that no person shall be a member of both Houses of the Legislature of the State and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other. As the Mysore Legislature (Prohibition of Simultaneous Membership) Act, 1951, passed by the old Mysore Legislature, does not apply to the new State and as it is necessary to implement the duty cast on the State Legislature by clause (1) of Article 190, the need for the Bill has arisen. If no bye-elections are held either to the Legislative Assembly or Legislative Council till their reconstitution, such a law will not be necessary till the election are held. But the law will have to be enacted before the next elections as cases of persons standing for election to both Houses may arise, and there should be some law as contemplated by Clause (1) of Article 190 of the Constitution. Hence this Bill.

(Published in the Gazette (Extraordinary) Part IV dated 17-12-1956 as No. 1175.)

\* \* \* \*

### <sup>1</sup>[KARNATAKA]<sup>1</sup> ACT No. 3 OF 1957

(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Twenty-fourth Day of January, 1957.)

### THE <sup>1</sup>[KARNATAKA LEGISLATURE]<sup>1</sup> (PROHIBITION OF SIMULTANEOUS MEMBERSHIP) ACT, 1956.

(Received the assent of the Governor on the Fifteenth Day of January, 1957.)

An Act to provide for the vacation by a person who is chosen a member of both

Houses of the Legislature of the 1[State of Karnataka]1 of his seat in one House or the other.

WHEREAS it is necessary to provide, in accordance with Article 190 of the Constitution of India for the vacation by a person who is chosen a member of both Houses of the Legislature of the 1[State of Karnataka]1 of his seat in one House or the other;

BE it enacted by the 1[Karnataka State]1 Legislature in the Seventh Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**1. Short title.-** This Act may be called the 1[Karnataka Legislature]1 (Prohibition of Simultaneous Membership) Act, 1956.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

**2. Definitions.-** In this Act unless there is anything repugnant in the subject or context,—

(1) "Assembly" means the Legislative Assembly of the 1[State of Karnataka]1;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) "Council" means the Legislative Council of the 1[State of Karnataka]1;

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(3) "House" means the Assembly or the Council.

**3. Vacation of seat by persons when elected as members of both the Assembly and the Council.-** (1) Any person who is chosen a member of both the Assembly and the Council and who has not taken his seat in either House may, by notice in writing signed by him and delivered to the Secretary of each of the Houses or to any person authorised by the Governor in this behalf, within ten days from the date of publication in the 1[Karnataka Gazette]1 of the declarations that he has been so chosen or, if such publications have been made on different dates, within ten days from the latter of such dates, intimate in which of the Houses he wishes to serve, and thereupon, his seat in the House in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the aforesaid period, his seat in the Council shall, at the expiration of that period, become vacant.

(3) Any intimation given under sub-section (1) shall be final and irrevocable.

**4. Vacation of seats by persons already members of one House on election to the other House.-** (1) If a person who is already a member of the Assembly and has taken his seat in the Assembly is chosen a member of the Council, his seat in the

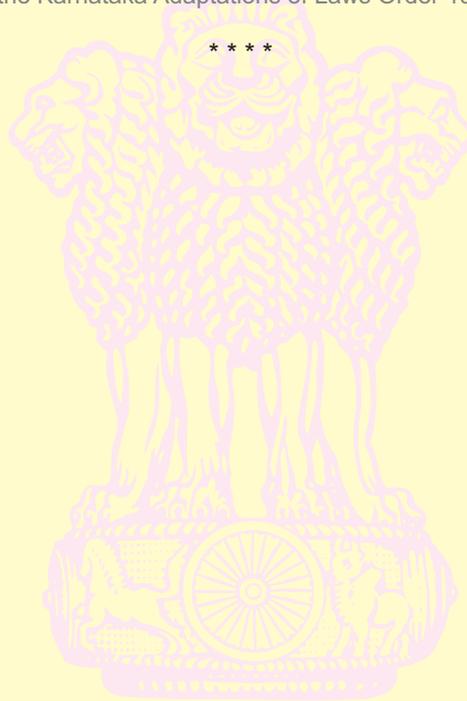
Assembly shall, on the publication in the 1[Karnataka Gazette]1, of the declaration that he has been so chosen, become vacant.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) If a person who is already a member of the Council and has taken his seat in the Council is chosen a member of the Assembly, his seat in the Council shall, on the publication in the 1[Karnataka Gazette]1 of the declaration that he has been so chosen, become vacant.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

\* \* \* \* \*



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**THE KARNATAKA LEGISLATURE (PREVENTION OF DISQUALIFICATION)  
ACT, 1956.**

**ARRANGEMENT OF SECTIONS.**

Sections :

1. Short Title
2. Definitions
3. Removal of certain disqualifications

\* \* \* \*

## STATEMENT OF OBJECTS AND REASONS

I

**Act 4 of 1957.-** Consequent on the taking over of life insurance business by the Government of India, any member of the State Legislature holding an office of profit in any of the Insurance Companies whose life insurance business has been taken over, will incur disqualifications from membership of the State Legislature. The disqualification in respect of members of Parliament holding similar offices of profit has been removed by section 15 of the Insurance (Emergency Provisions) Act, 1956 (Central Act 9 of 1956), and the Government of India have drawn attention of the State Government to this provision and have suggested consideration of enactment of similar law to cover cases of members of the State legislature. It is considered necessary to enact a similar law in the State. Hence the Bill.

(Published in the Mysore Gazette (Extraordinary) dated 18-9-1956 at page 2)

II

**Amending Act 35 of 1962.-** At present the Home Guards Organisation is in existence only in the Bombay-Karnataka Districts of the State. In view of the present emergency it is considered necessary to have a voluntary body of person throughout the State to discharge duties in relation to the protection of persons, the security of property and preservation of public order in emergency. Hence, it is proposed to organise Home Guards in the entire State. In order to effectively control and administer the Organisation it is necessary to have a uniform law. In view of the urgency and as the Legislature was not in session, the Mysore Home Guard Ordinance, 1962, was issued. The present Bill is intended to replace the said Ordinance.

Except for the two clauses relating to repeal and saving, and the addition of a provision for laying rules made under the Act before the Houses of Legislature, in other respects the provisions of the Bill are identical with the provisions of the Ordinance.

(Published in the Mysore Gazette (Extraordinary) Part IV-2A as No. 238 dated 1-12-1962.)

III

**Amending Act 34 of 1964.—** The Village Defence Parties exist in the four districts of the Bombay Area. These parties are voluntary organisations of able bodied villagers meant for the defence of villages against depredations of dacoits and other types of criminals. These parties are constituted under the Bombay Police Act, 1951.

2. In the present national emergency when the Police are engaged in important duties, it is considered necessary to organise village defence parties throughout the

State for the defence of the villages, protection of persons and property, and preservation of public order and tranquillity. The Mysore Home Guards Act, 1962 provides for constitution of Home Guards. Home Guards are normally appointed for the urban areas. The village defence parties are meant for the villages. The constitute Village Defence Parties throughout the State a uniform law is proposed to be enacted. Hence the Bill.

(Obtained from L.A. Bill No. 11087 dated 23-1-1964)

#### IV

**Amending Act 22 of 1989.**—It is considered necessary to amend the Karnataka Legislature (Prevention of Disqualification) Act, 1956 to declare that the offices of the Adhyaksha and Upadhyaksha of the Zilla Parishads constituted under the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayat Act, 1983 (Karnataka Act 20 of 1985) shall not disqualify and shall be deemed never to have disqualified a person for being chosen as or for being a member of the Karnataka Legislative Assembly or the Karnataka Legislative Council.

Ordinance No. 2 of 1989 was promulgated for the above purpose.

This Bill is intended to replace the said Ordinance.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, Dated 23rd March 1989 as No. 159 at page. 3)

#### V

**Amending Act 20 of 1991.**- The Pradhana and Upapradhana of Mandal Panchayats are entitled to receive monthly salaries of Rs. 300 and Rs. 150 respectively.

Under sub-clause (a) of clause (1) of Article 191 of the Constitution of India, Persons holding offices of profit under the State are disqualified from being chosen as or continuing as members of the State Legislature, unless the State Legislature declares by law, that the offices shall not disqualify them.

The Karnataka Legislature (Prevention of Disqualification) Act, 1956 was amended earlier to remove the disqualification arising from the holding of the office of the Adhyaksha or Upadhyaksha of the Zilla Parishads. However, the offices of the Pradhana and Upapradhana were not covered by the said amendment.

It is now proposed to amend the aforesaid Act to include the offices of the Pradhana and Upapradhana and to provide thereby that the holding of such offices will not amount to disqualification for being chosen or continuing as a member of the State Legislature.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, Dated 7th March 1991 as No. 91 at page. 177.)

**VI**

**Act 22 of 2000.-** Note: By this Act certain spent and obsolete laws were repealed. While doing so certain minor amendments are made to this and some other Acts.

**VII**

**Act 17 of 2006.-** The Karnataka Legislature (Prevention of Disqualification) Act, 1956 (Karnataka Act No. 4 of 1957) was enacted to exempt certain offices, holding of which will otherwise subject the holder of such office to disqualification. The consequence of disqualification of members of legislature on the ground of their holding an office of profit results in unnecessary expenditure and unforeseen financial burden upon the State exchequer. In view of the recent developments in this regard, it has become necessary to reconsider the issue regarding disqualification of members of the legislature on the ground of holding an office of profit. The Government of India has reconsidered the issue regarding the consequences of the member of the parliament holding office of profit and passed the Parliament (Prevention of Disqualification) (Amendment) Bill, 2006 (Bill No. 44 of 2006). In view of the same, it is proposed to amend the Karnataka Legislature (Prevention of Disqualification) Act, 1956 on the similar lines.

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

Hence the Bill.

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

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**<sup>1</sup>[KARNATAKA]<sup>1</sup> ACT No. 4 OF 1957.**

*(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Twenty-fourth Day of January, 1957.)*

**THE <sup>1</sup>[KARNATAKA LEGISLATURE]<sup>1</sup> (PREVENTION OF DISQUALIFICATION) ACT, 1956.**

*(Received the assent of the Governor on the Fifteenth day of January, 1957.)*

*(As amended by Act, 35 of 1962, 34 of 1964, 72 of 1976, 22 of 1989, 20 of 1991,*

22 of 2000 and 17 of 2006)

An Act to declare certain offices of profit not to disqualify their holders for being chosen as, or for being members of the <sup>1</sup>[Karnataka Legislative Assembly]<sup>1</sup> and the <sup>1</sup>[Karnataka Legislative Council]<sup>1</sup>.

WHEREAS it is expedient to declare that certain offices should not, under certain conditions, disqualify or be deemed to have disqualified, the holders thereof for being chosen as, or for being, members of the <sup>1</sup>[Karnataka Legislative Assembly]<sup>1</sup> and the <sup>1</sup>[Karnataka Legislative Council]<sup>1</sup>;

BE it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> Legislature in the Seventh Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

**1. Short title.**- This Act may be called the <sup>1</sup>[Karnataka Legislature]<sup>1</sup> (Prevention of Disqualification) Act, 1956.

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

(a) "Committee" means any Committee, Commission, Council, Board or any other body of one or more persons whether statutory or not, set up by the Government of India or the Government of any State;

(b) "Compensatory allowance" means such sum of money as the Central Government, or the Government of any State, as the case may be, may determine as being payable to the Chairman or any other member of a Committee by way of travelling allowance, daily allowance, sitting fee, conveyance allowance or house rent allowance for the purpose of enabling the Chairman or other member to recoup any expenditure incurred by him in attending any meeting of a Committee or performing any other function as a member of a Committee.

(c) "Statutory body" means any corporation, board, company, society or any other body of one or more persons, whether incorporated or not, established, registered or formed by or under any Central Law or the law of any State for the time being in force or exercising powers and functions under any such law.

**3. Removal of certain disqualifications.**- It is hereby declared that the following offices shall not disqualify and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being members of the <sup>1</sup>[Karnataka Legislative Assembly]<sup>1</sup> or the <sup>1</sup>[Karnataka Legislative Council]<sup>1</sup>:

<sup>2</sup>[(a) the offices of the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, the Minister of State, the Deputy Minister, the Parliamentary Secretary, the leaders of the Opposition or the Government Chief Whip in the Legislative Assembly

or in the Legislative Council.]<sup>2</sup>

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1971.

2. Deemed to have been substituted by Act 17 of 2006 w.e.f. 24.1.1957

(b) the offices held in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (Central Act XXXI of 1948), in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (Central Act LVI of 1948), and in the Auxiliary Air Forces Act, 1952 (Central Act LXII of 1952);

<sup>1</sup>[(bb) the office of a member of the Home Guards constituted under the <sup>1</sup>[Karnataka] Home Guards Act, 1962;]<sup>1</sup>

1. Inserted by Act 35 of 1962 w.e.f. 27.12.1962.

<sup>1</sup>[(bbb) (xxx)]<sup>1</sup>

1. Omitted by Act 17 of 2006 w.e.f. 4.11.2006.

<sup>1</sup>[(c) (xxx)]<sup>1</sup>

1. Omitted by Act 17 of 2006 w.e.f. 4.11.2006.

<sup>1</sup>[(c1) the offices of the President and the Vice-President of a Municipal Council under the Karnataka Municipalities Act, 1964.

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

(c3) the offices of Adhyaksha and Upadhyaksha of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats constituted under the Karnataka Panchayat Raj Act, 1993.]<sup>1</sup>

1. Substituted by Act 17 of 2006 w.e.f. 4.11.2006

<sup>1</sup>[(d) the offices of the Chairman, Vice-Chairman, President, Vice-President, Director, of the Governing body or a Member by whatever name any of the aforesaid office is called, of any Committee (by whatever name called) or of any Society registered under any other law relating to registration of societies.]<sup>1</sup>

1. Deemed to have been substituted by Act 17 of 2006 w.e.f. 24.1.1957

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## NOTIFICATION

**Bangalore dated 16/18th October 1965 [No. HD 354 PEG 65]**

**S. O. 3354.**—In exercise of the powers conferred by sub-section (3) of Section 1 of

the Karnataka Village Defence Parties Act, 1964 (Karnataka Act 34 of 1964), the Government of Karnataka hereby specified the 1st day of November 1965 as the date on which the said Act shall come into force in the whole of the State of Karnataka.

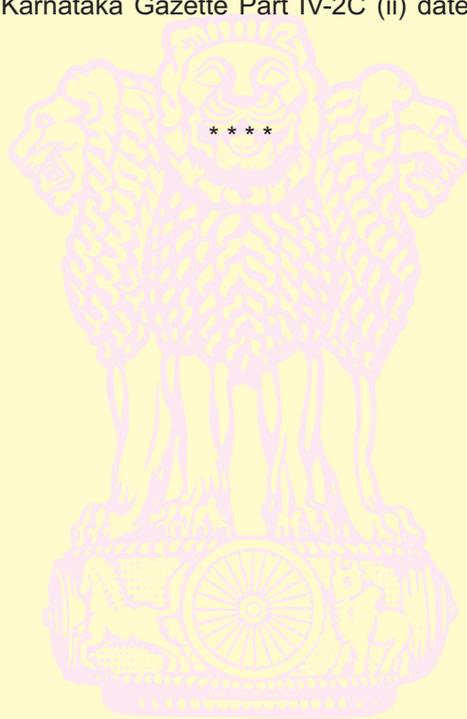
By Order and in the name of the Governor of Mysore

M.S. Shankar Rao

Secretary Home Department.

(Published in the Karnataka Gazette Part IV-2C (ii) dated 28-10-1965 at page 3160.)

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## **THE KARNATAKA MINISTERS SALARIES AND ALLOWANCES ACT, 1956.**

### **ARRANGEMENT OF SECTIONS**

Statement of Objects and Reasons:

Sections:

1. Short title and commencement.
2. Definitions.
3. Salaries of Chief Minister and Ministers.

4. Residences of Ministers.
5. Conveyances for Ministers.
6. Charges payable by the Minister and the Government.
- 6A. Salaries of Ministers of State.
- 6B. Residences of Ministers of State.
- 6C. Conveyance for Ministers of State
- 6D. Charges payable by the Minister of State and the Government
7. Salaries of Deputy Ministers.
8. Residences of Deputy Ministers.
9. Conveyance for Deputy Ministers.
- 9A. Use of helicopter and aircraft by Ministers etc
10. Charges payable by the Deputy Minister and the Government.
- 10A. State Government to bear electricity and water charges in certain other cases.
- 10B. Deductions in respect of house rent etc.
11. Travelling Allowances of a Minister, a Minister of State or a Deputy Minister on assuming or relinquishing office.
12. Travelling and other allowances on tours.
- 12A. Omitted.
13. Medical attendance.
14. Ministers, Ministers of State and Deputy Ministers not to practise profession, etc.
15. Power to make rules.
16. Repeal of Karnataka Ordinance No. 2 of 1956 and savings.

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### STATEMENT OF OBJECTS AND REASONS

I

**Act 5 of 1957.**— Not available

II

**Amending Act 26 of 1966.**—There is at present no specific provision in the Mysore Ministers Salaries and Allowances Act, 1956, regulating the travelling and daily allowances payable to the Ministers and Deputy Ministers for journeys outside

India. It is considered necessary to make provision for this purpose.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, Dated 27th July 1966 as No. 130 at page. 3.)

### III

**Amending Act 9 of 1967.**—The salaries and allowances payable to the Ministers and Deputy Ministers have been fixed nearly ten years ago. In view of the present high cost of living it is necessary to increase the same. It is necessary to provide motor cars to Deputy Ministers as they have to undertake tours on official duty.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, Dated 31st July 1967 as No. 160 at page. 4.)

### IV

**Amending Act 17 of 1968.**—The Mysore Ministers Salaries and Allowances Act, 1956, provides for the salaries and allowances for Ministers and Deputy Ministers of the State of Mysore. Consequent upon the appointment of Ministers of State, in addition to Ministers and Deputy Ministers, it became necessary to provide for their salaries and allowances. As the Houses of Legislature were not in Session, an Ordinance was promulgated making provision for payment of salaries and allowances to the Ministers of State.

This Bill is intended to replace the Ordinance.

As it was considered more appropriate to have specific statutory provisions for payment of insurance premia for insurance against accidents during air journeys, necessary provision was made in the Ordinance for this purpose.

Opportunity has been taken to make necessary statutory provisions in respect of the facility of free cars provided to Ministers during their stay at Delhi, and the payment of petrol charges for return of the motor car to Bangalore when a Minister on tour undertakes further journey either by train or by air. (Published in the Karnataka Gazette (Extraordinary) Part IV-2A Dated 26th August 1968 as No. 706 at page. 8.)

### V

**Amending Act 18 of 1974.**— Not available

### VI

**Amending Act 48 of 1976.**—The cost of travelling outside India as also the cost of living in the Capitals and country side of foreign countries, has considerably increased in recent years. The scale of T.A. at 1 and 1/5 times the single fare of the Class now admissible to the Ministers for journeys by Air, Train or Sea and daily allowance at Rs.

100 per day for the days of journeys and for the days of halt at any place and even the provision of Rs. 150 of daily allowance to be authorized under special circumstances has been found to be inadequate.

According to rules framed by the Government of India under Central Ministers Salaries Allowances Act, the provision for this purpose is that the President shall regulate the expenditure on tours of Ministers abroad in each case according to specific sanction. Since the actual expenditure varies from country to country depending on the cost of living and travel obtaining there, it is considered necessary to make similar provision by amending the Act.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 18th March 1976 as No. 1533 at page. 3.)

## VII

**Amending Act 32 of 1978.**—It is considered necessary to enhance the salary of Ministers, Ministers of State of Deputy Ministers. It is also considered necessary to provide certain additional facilities like extension of stay in the official residences for a period of two months immediately after the Minister relinquishes the office. It is also considered necessary to:—

- (i) Provide sumptuary Allowance by Rs. 200 p.m.
- (ii) Enhance House Rent Allowance by Rs. 150 in lieu of official residence.
- (iii) Enhance Conveyance Allowance by Rs. 350 p.m.
- (iv) Meet the cost of oil for the Motor Cars.
- (v) Meet the first Rs. 200 of the aggregate monthly charges for consumption of Electricity & Water by the Minister/Minister of State and the amount in Excess of Rs. 200 by the Government.
- (vi) Enhance Travelling Allowance from 75 Ps. to Rs. 1 per k. m. and the Daily Allowance Inside the State from Rs. 30 to Rs. 50 per day and for the stay outside the State Rs. 50 to Rs. 75 per day.
- (vii) Pay pension of Rs. 500 per month for Ministers/Ministers of State who have served for not less than 3 years per month and every additional of one years Service an additional pension of Rs. 50 subject to a maximum of Rs. 750 p.m.

Certain provisions are made with retrospective effect to cover the income tax paid by the Ministers.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 14th August 1978 as No. 1150 at page. 8.)

## VIII

**Amending Act 17 of 1979.**—According to the provisions of the Karnataka Ministers Salaries and Allowances Act, 1956 (Karnataka Act 5 of 1957), as amended by the Karnataka Ministers Salaries, Pensions and Allowances (Amendment) Act, 1978,—

(1) the enhanced conveyance allowance was payable to Ministers, Ministers of State and Deputy Ministers from a retrospective date;

(2) the road mileage was payable at Re. 1 per kilometre; and

(3) higher pension was payable to Ministers, Ministers of State, Deputy Ministers, Presiding Officers, Deputy Presiding Officers, Government Chief Whips and Leaders of the Opposition.

It was considered necessary—

(i) to give effect to the payment of conveyance allowance at enhanced rate only prospectively, i.e., from 26th December 1978, the date of the publication of the Amendment Act;

(ii) to reduce the rates of mileage allowance to 0–75 paise per kilometer; and

(iii) to empower Government to prescribe by rules the maximum plinth area of residential buildings to be provided to the Ministers, Ministers of State, Deputy Ministers and also the scale on which such buildings should be furnished;

(iv) that the Ministers, Ministers of State, Deputy Ministers, Presiding Officers, Deputy Presiding Officers, Government Chief Whips, and Leaders of the Opposition should get the same pension as Members of the Legislature and to delete the special provisions made in the Act.

As the Karnataka Legislative Assembly was not in session, the Karnataka Ministers Salaries, Pensions and Allowances (Amendment) Ordinance, 1978 was promulgated for the said purpose.

This Bill seeks to replace the said Ordinance.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 24th January 1979 as No. 82 at page. 5.)

## IX

**Amending Act 30 of 1979.**—In the Central Budget, in March, this year, there was an increase in the petrol and oil rates. Added to this OPEC also announced increase in the oil prices, which had its impact in the petrol and oil rates in the country. As a result, the rates of petrol has been on the increase from the last few months. Hence, it is considered necessary to increase the kilometerage allowance from 75 paise to one rupee to cope up with the enhanced rates of oil and petrol. It is also considered

necessary to provide for payment of loans to ministers, etc., for purchase, repair or construction of residential houses.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 24th September 1979 as No. 958 at page. 4.)

### X

**Amending Act 25 of 1981.**—Since the last enhancement of T. A. and conveyance allowance in 1978, the prices of petrol oil and lubricants have gone up considerably. It is therefore considered necessary to increase the travelling allowance and conveyance allowance admissible to a Minister from "one rupee" to "one rupee and fifty paise" per kilometre and from Rs. 750/- to Rs. 950/- per month respectively.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 28th March 1981 as No. 212 at page. 3.)

### XI

**Amending Act 14 of 1984.**—It is considered necessary to amend the Ministers Salaries and Allowances Act to make provisions (i) to regulate the use of the State owned Helicopter owned by the Government or an Aircraft that may be owned by Government at a later date by the Minister/Ministers of State/Deputy Minister, and (ii) to get the reimbursement of the actual motor car hire charges paid by the Ministers at the place where there is no motor car or if the motor car is hired when the regular car goes out of order.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 18th January 1984 as No. 51 at page. 3.)

### XII

**Amending Act 18 of 1987.**—It is proposed to amend the Karnataka Ministers Salaries and Allowances Act, 1956 to provide for the following:—

1. To enhance the salary of the Chief Minister to Rs. 3,000, Ministers to Rs. 2,500, Minister of State to Rs. 2,250 and Deputy Minister to Rs. 2,000.
2. Conveyance Allowance to be enhanced from Rs. 950 to Rs. 2,000.
3. Mileage Allowance to be enhanced from Rs. 1.50 per K.M. to Rs. 2.50 per K.M.
4. To enhance Dearness Allowance to Rs. 100 within the State and Rs. 150 outside the State, and travelling and other expenses for tour outside the country on duty or travelling for medical treatment, on par with a Minister of Government of India.
5. Sumptuary allowance to be enhanced to Rs. 5,000 in respect of the Chief

Minister and other Minister and Rs. 4,000 in respect of Minister of State and Deputy Ministers.

6. To enhance the payment of Houses Rent Allowance to the Ministers who reside in their own house to Rs. 1,000 per mensem.

Certain other consequential amendments are also made.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 2nd April 1987 as No. 275 at page. 4.)

### XIII

**Amending Act 6 of 1991.**—On the recommendations of the Committee constituted to consider enhancement of salary and allowances and other benefits to the Ministers, the following amendments are proposed to the Karnataka Ministers Salaries and Allowances Act, 1956:—

- (i) The Sumptuary Allowance is raised to Rs. 10,000 p.m. to the Chief Minister and Ministers and to Rs. 8,000 p.m. in respect of Ministers of State and Deputy Ministers.
- (ii) The House Rent Allowance is raised to Rs. 5000/- p.m. in respect of Ministers if they reside in their own houses.
- (iii) The cost equal to 300 litres of petrol is being given as Conveyance Allowance per month.
- (iv) Daily Allowance is raised at the rate of Rs. 250/- while on tour outside the State.

Hence the Bill.

(Obtained from LA Bill No. 32 of 1990.)

### XIV

**Amending Act 7 of 1994.**—It is considered necessary to enhance the allowances of the Chief Minister, Cabinet Minister and Minister of the State by amending the Karnataka Ministers' Salaries and Allowances Act, 1956.

Hence the Bill.

(Obtained from LA Bill No. 1 of 1994.)

### XV

**Amending Act 20 of 1997.**—It is considered necessary to enhance the allowances of Ministers, Deputy Ministers and Minister for States by amending the Karnataka Ministers Salaries and Allowances Act, 1956.

Hence the Bill.

(Obtained from LA Bill No. 36 of 1997.)

**XVI**

**Amending Act 13 of 2001.**—It is considered necessary to enhance the salaries and allowances of the Chief Ministers, Cabinet Ministers and Ministers of the State by amending the Karnataka Ministers Salaries and Allowances Act, 1956.

Hence the Bill.

(Obtained from LA Bill No. 44 of 2000.)

**XVII**

**Amending Act 23 of 2005.**—The salary and allowances of Ministers were last revised in the year 2000, after which there has been considerable rise in the living costs and relative depreciations of money value.

Therefore, it is considered necessary to enhance the salaries and allowances of the Ministers, Ministers of State and Deputy Ministers by amending the Karnataka Ministers Salaries and Allowances Act, 1956.

Hence the Bill.

[L.A. Bill No. 20 of 2005]

(Entry 40 of list II of Seventh Schedule to the Constitution of India.)

**XVIII**

**Amending Act 33 of 2011.**— There is a considerable increase in the cost of living. The salary and allowances to the Chief Minister, Ministers, Ministers of State and Deputy Ministers have not been revised since a long time. Therefore, it is considered necessary to revise the salaries, house rent allowances, conveyance allowances and the rates of Traveling Allowance and Dearness Allowance at the rate specified in the proposed amendment.

Hence, the Bill.

[L.A. Bill No. 25 of 2011, File No. Samvyashae 41 Shasana 2006]

[Entry 40 of List II of the Seventh Schedule to the Constitution of India.]

\* \* \* \*

**<sup>1</sup>[KARNATAKA] ACT No. 5 OF 1957**

*(First published in the <sup>1</sup>[Karnataka Gazette] on the Twenty-eighth Day of January, 1957.)*

**THE <sup>1</sup>[KARNATAKA] MINISTERS SALARIES AND ALLOWANCES ACT, 1956.**

*(Received the assent of the Governor on the Twenty-seventh Day of*

*January, 1957.)*

(As amended by Act, 26 of 1966, 9 of 1967, 17 of 1968, 18 of 1974, 48 of 1976, 32 of 1978, 17 of 1979, 30 of 1979, 25 of 1981, 14 of 1984, 18 of 1987, 6 of 1991, 7 of 1994, 20 of 1997, 13 of 2001, 23 of 2005 and 33 of 2011)

**An Act to provide for the <sup>2</sup>[Salaries and Allowances]<sup>2</sup> of the Ministers <sup>3</sup> [, Ministers of State and Deputy Ministers]<sup>3</sup> of the <sup>1</sup>[State of Karnataka]<sup>1</sup> and certain other matters.**

WHEREAS it is expedient to provide for the <sup>2</sup>[Salaries and Allowances]<sup>2</sup> of the Ministers<sup>3</sup> [, Ministers of State and Deputy Ministers]<sup>3</sup>, of the <sup>1</sup>[State of Karnataka]<sup>1</sup> and certain other matters;

BE it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> Legislature in the Seventh Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.
2. Substituted by Act 17 of 1979 w.e.f. 26.12.1978.
3. Inserted by Act 17 of 1968 w.e.f. 11.10.1968.

**1. Short title and commencement.-** (1) This Act may be called the <sup>1</sup>[Karnataka]<sup>1</sup> Ministers <sup>2</sup>[Salaries and Allowances]<sup>2</sup> Act, 1956.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.
2. Substituted by Act 17 of 1979 w.e.f. 26.12.1978.

(2) It shall be deemed to have come into force on the first day of November, 1956.

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

(a) 'highest class' in relation to journeys by train includes air conditioned accommodation available in the train;

<sup>1</sup>[(b) 'Minister', 'Minister of State' and 'Deputy Minister' mean respectively, 'Minister', 'Minister of State' and 'Deputy Minister'; and 'Minister' includes the Chief Minister.]<sup>1</sup>

1. Substituted by Act 17 of 1968 w.e.f. 11.10.1968.

(c) 'prescribed' means prescribed by rules made under this Act;

(d) 'residence' includes the staff quarters and other buildings appurtenant thereto and the gardens thereof.

**<sup>1</sup>[3. Salaries of Chief Minister and Ministers.-** There shall be paid to the Chief Minister a salary of <sup>2</sup>[thirty thousand rupees]<sup>2</sup> per mensem and to each Minister a salary of <sup>2</sup>[twenty five thousand rupees]<sup>2</sup> per mensem. They shall also be paid a sumptuary allowance of <sup>2</sup>[one lakh fifty thousand rupees]<sup>2</sup> per annum.]<sup>1</sup>

1. Substituted by Act 18 of 1987 w.e.f. 01.04.1987.
2. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

**4. Residences of Ministers.-** (1) Each Minister shall be entitled, <sup>1</sup>[x x x]<sup>1</sup>, to the use of a furnished residence in the City of Bangalore throughout his term of office and for a period of <sup>2</sup>[sixty days]<sup>2</sup> immediately thereafter, or in lieu of such furnished residence to a house rent allowance at the rate of <sup>3</sup>[fourty thousand rupees]<sup>3</sup> per mensem. <sup>4</sup>[The residence provided under this sub-section shall be furnished on such scales, and the plinth area thereof shall not exceed such limits, as may be prescribed.]<sup>4</sup>

1. Omitted by Act 32 of 1978 w.e.f. 23.03.1972.
2. Substituted by Act 32 of 1978 w.e.f. 23.03.1972.
3. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.
4. Substituted by Act 17 of 1979 w.e.f. 27.12.1978.

(2) In a residence used by a Minister who is entitled to a house rent allowance in lieu of a furnished residence, three rooms shall be furnished by the State Government on such scales as may be prescribed, to be used for official purposes. <sup>1</sup>[He shall be entitled for an allowance of <sup>2</sup>[ten thousand rupees]<sup>2</sup> per month for maintenance and upkeep of residence and for layout and maintenance of gardens included in such residence]<sup>1</sup>.

1. Inserted by Act 7 of 1994 w.e.f. 1.9.1993.
2. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

**5. Conveyances for Ministers.-** (1) The State Government may provide a suitable motor car for the use of each Minister.

(2) There shall be paid to each Minister a conveyance allowance <sup>1</sup>[equal to the cost of <sup>2</sup>[seven hundred and fifty litres]<sup>2</sup> of petrol]<sup>1</sup> per mensem.

1. Substituted by Act 6 of 1991 w.e.f. 1.11.1990.
2. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

**6. Charges payable by the Minister and the Government.-** (1) Each Minister shall in respect of the residence and motor car allotted for his use under sub-section (1) of section 4 and section 5, be liable to pay the following charges, namely:—

<sup>1</sup>[(a) cost of petrol required for their respective motor cars in excess of the cost of <sup>2</sup>[seven hundred and fifty litres]<sup>2</sup> of petrol paid by the Government]<sup>1</sup>.

1. Substituted by Act 6 of 1991 w.e.f. 1.11.1990.
2. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

<sup>1</sup>[(b) he first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence.]<sup>1</sup>

1. Substituted by Act 32 of 1978 w.e.f. 23.3.1972.

(2) All other charges for the maintenance and upkeep of the residence provided under sub-section (1) of section 4 and the motor car provided under section 5, including the cost of repairs thereof, the salaries and allowances of the drivers and

cleaners of such motor car, rates and taxes, and all expenditure for the layout and the maintenance of the gardens included in such residence, shall be borne by the State Government.

<sup>1</sup>[6A. Salaries of Ministers of State.- There shall be paid to each Minister of State a salary of <sup>2</sup>[sixteen thousand rupees]<sup>2</sup> per mensem <sup>3</sup>[and a sumptuary allowance of <sup>2</sup>[eighty thousand rupees]<sup>2</sup> per annum]<sup>3</sup>.

1. Sections 6A to 6D Inserted by Act 17 of 1968 w.e.f. 11.10.1968.
2. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.
3. Inserted by Act 32 of 1978 w.e.f. 26.12.1978.

6B. Residences of Ministers of State.- (1) Each Minister of State shall be entitled, <sup>1</sup>[x x x]<sup>1</sup>, to the use of a furnished residence in the City of Bangalore throughout his term of office and for a period of <sup>2</sup>[sixty days]<sup>2</sup> immediately thereafter, or in lieu of such furnished residence to a house rent allowance at the rate of <sup>3</sup>[forty thousand rupees]<sup>3</sup> per mensem. <sup>4</sup>[The residence provided under this sub-section shall be furnished on such scales, and the plinth area thereof shall not exceed such limits, as may be prescribed]<sup>4</sup>.

1. Omitted by Act 32 of 1978 w.e.f. 23.3.1972.
2. Substituted by Act 32 of 1978 w.e.f. 23.3.1972.
3. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.
4. Substituted by Act 17 of 1979 w.e.f. 27.12.1978.

(2) In a residence used by a Minister of State who is entitled to a house rent allowance in lieu of a furnished residence, three rooms shall be furnished by the State Government on such scales as may be prescribed, to be used for official purposes. <sup>1</sup>[He shall be entitled for an allowance of <sup>2</sup>[ten thousand rupees]<sup>2</sup> per month for maintenance and up keep of residence and for layout and maintenance of gardens included in such residence]<sup>1</sup>.

1. Inserted by Act 7 of 1994 w.e.f. 1.9.1993.
2. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

**6C. Conveyance for Ministers of State.-** (1) The State Government may provide a suitable motor car for the use of each Minister of State.

(2) There shall be paid to each Minister of State a conveyance allowance <sup>1</sup>[equal to the cost of <sup>2</sup>[seven hundred and fifty litres]<sup>2</sup> of petrol]<sup>1</sup> per mensem.

1. Substituted by Act 6 of 1991 w.e.f. 1.11.1990.
2. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

**6D. Charges payable by the Minister of State and the Government.-** (1) Each Minister of State shall in respect of the residence and motor car allotted for his use

under sub-section (1) of section 6B and section 6C, be liable to pay the following charges, namely:—

<sup>1</sup>[(a) cost of petrol required for their respective motor cars in excess of the cost of <sup>2</sup>[seven hundred and fifty litres]<sup>2</sup> of petrol paid by the Government]<sup>1</sup>.

<sup>3</sup>[(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence.]<sup>3</sup>

1. Substituted by Act 6 of 1991 w.e.f. 1.11.1990.

2. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

3. Substituted by Act 32 of 1978 w.e.f. 23.3.1972.

(2) All other charges for the maintenance and upkeep of the residence provided under sub-section (1) of section 6B and the motor car provided under section 6C, including the cost of repairs thereof, the salaries and allowances of the drivers and cleaners of such motor car, rates and taxes, and all expenditure for the layout and the maintenance of the gardens included in such residence, shall be borne by the State Government.]<sup>1</sup>

**7. Salaries of Deputy Ministers.-** There shall be paid to each Deputy Minister a salary of <sup>1</sup>[fourteen thousand rupees]<sup>1</sup> per mensem <sup>2</sup>[and a sumptuary allowance of <sup>1</sup>[sixty thousand rupees]<sup>1</sup> per annum.]<sup>2</sup>

1. Substituted by Act 33 of 2011 w.e.f. 4.7.2011

2. Inserted by Act 32 of 1978 w.e.f. 26.12.1978.

3. Substituted by Act 13 of 2001 w.e.f. 1.12.2000.

**8. Residences of Deputy Ministers.-** (1) Each Deputy Minister shall be entitled <sup>1</sup>[x x x]<sup>1</sup> to the use of a furnished residence in the City of Bangalore throughout his term of office and for a period of <sup>2</sup>[sixty days]<sup>2</sup> immediately thereafter or in lieu of such furnished residence to a house rent allowance at the rate of <sup>3</sup>[forty thousand rupees]<sup>3</sup> per mensem. <sup>4</sup>[The residence provided under this sub-section shall be furnished on such scales and the plinth area thereof shall not exceed such limits, as may be prescribed.]<sup>4</sup>

1. Omitted by Act 32 of 1978 w.e.f. 23.03.1972.

2. Substituted by Act 32 of 1978 w.e.f. 23.03.1972.

3. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

4. Substituted by Act 17 of 1979 w.e.f. 27.12.1978.

(2) In a residence used by a Deputy Minister who is entitled to a house rent allowance in lieu of a furnished residence, three rooms shall be furnished by the State Government on such scales as may be prescribed, to be used for official purposes. <sup>1</sup>[He shall be entitled for an allowance of <sup>2</sup>[ten thousand rupees]<sup>2</sup> per month for maintenance and up keep of residence and for layout and maintenance of gardens

included in such residence.]<sup>1</sup>

1. Inserted by Act 7 of 1994 w.e.f. 1.9.1993.
2. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

**<sup>1</sup>[9. Conveyance for Deputy Ministers.-** (1) The State Government may provide a suitable motor car for the use of each Deputy Minister.

(2) There shall be paid to each Deputy Minister a conveyance allowance <sup>2</sup>[equal to the cost of <sup>3</sup>[seven hundred and fifty litres]<sup>3</sup> of petrol]<sup>2</sup> per mensem.]<sup>1</sup>

1. Substituted by Act 9 of 1967 w.e.f. 10.8.1967.
2. Substituted by Act 6 of 1991 w.e.f. 1.11.1990.
3. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

**<sup>1</sup>[9A. Use of helicopter and aircraft by Ministers etc.-** Every Minister, Minister of State or Deputy Minister shall, subject to availability, be entitled to use the helicopter or aircraft owned by the State Government, for official purposes, free of charge.]<sup>1</sup>

1. Inserted by Act 14 of 1984 w.e.f. 1.11.1956.

**<sup>1</sup>[10. Charges payable by the Deputy Minister and the Government.-** (1) Each Deputy Minister shall in respect of the residence and motor car allotted for his use under sub-section (1) of section 8 and section 9, be liable to pay the following charges, namely:—

<sup>2</sup>[(a) cost of petrol required for their respective motor cars in excess of the cost of <sup>3</sup>[seven hundred and fifty litres]<sup>3</sup> of petrol paid by the Government.]<sup>2</sup>

<sup>4</sup>[(b) the first two hundred rupees of the aggregate monthly charges for the consumption of electricity and water in the residence.]<sup>4</sup>

(2) All other charges for the maintenance and upkeep of the residence provided under sub-section (1) of section 8 and the motor car provided under section 9, including the cost of repairs thereof, the salaries and allowances of the drivers and cleaners of such motor cars, rate and taxes, and all expenditure for the layout and the maintenance of the gardens included in such residence, shall be borne by the State Government.]<sup>1</sup>

1. Substituted by Act 9 of 1967 w.e.f. 10.8.1967.
2. Substituted by Act 6 of 1991 w.e.f. 1.11.1990.
3. Substituted by Act 33 of 2011 w.e.f. 04.07.2011.
4. Substituted by Act 32 of 1978 w.e.f. 23.03.1972.

**<sup>1</sup>[10A. State Government to bear electricity and water charges in certain other cases.-** In respect of the residence of a Minister, a Minister of State and a Deputy Minister, who does not avail the facility of furnished residence, monthly charges in excess of first two hundred rupees per month for consumption of electricity and water together in his residence shall be borne by the State Government.

1. Sections 10A and 10B Inserted by Act 32 of 1978 w.e.f. 23.3.1972.

**10B. Deductions in respect of house rent etc.**-There shall be deducted every month from the salary payable to a Minister, a Minister of State and a Deputy Minister,—

(a) a sum equal to ten per cent of his salary as house rent, if he is in occupation of residence provided by the State Government;

(b) a sum equal to two and a half per cent of his salary as rent of the furnishings of his residence, if the same has been furnished by the State Government.]<sup>1</sup>

1. Sections 10A and 10B Inserted by Act 32 of 1978 w.e.f. 23.3.1972.

**11. Travelling Allowances of 1[a Minister, a Minister of State or a Deputy Minister]1 on assuming or relinquishing office.**- (1) <sup>1</sup>[A Minister, Minister of State or Deputy Minister]1 shall:—

1. Substituted by Act 17 of 1968 w.e.f. 11.10.1968.

(a) for the journey in respect of assuming office, to the City of Bangalore, from his usual place of residence in the State if it is outside the City, and

(b) for the journey in respect of relinquishing office, from the City of Bangalore, to his usual place of residence in the State before he assumed office if such place is outside the City,

- be entitled to travelling allowance for himself and the members of his family and for the transport of his personal effects at the rates hereinafter specified, namely:-

(i) the actual charges incurred by 1[the Minister, the Minister of State or the Deputy Minister]1 for himself and the members of his family, whether the journey is made by train or by road or both;

(ii) the actual charges incurred for the transport of the personal effects whether by road or by rail; provided that if a railway wagon is reserved for such transport, the charges for such wagon.

**Explanation.**- For the purpose of this section, member of the family means the husband, wife, son, daughter, father, mother, brother or sister if wholly dependent on and residing with 1[the Minister, the Minister of State or the Deputy Minister]1, as the case may be.

1. Substituted by Act 17 of 1968 w.e.f. 11.10.1968.

**12. Travelling and other allowances on tours.**- (1) 1[Every Minister, Minister of State and Deputy Minister]1 shall be entitled, while touring on duty connected with his office, to travelling and daily or other allowances at the rates and upon the conditions specified in this section.

1. Substituted by Act 17 of 1968 w.e.f. 11.10.1968.

(2) While touring on official business <sup>1</sup>[every Minister, Minister of State and Deputy Minister]<sup>1</sup> shall be entitled,—

1. Substituted by Act 17 of 1968 w.e.f. 11.10.1968.

(a) for journeys by train to <sup>1</sup>[two times]<sup>1</sup> the single fare of the highest class available in the train:

Provided that if <sup>2</sup>[a Minister, a Minister of State or a Deputy Minister]<sup>2</sup> reserves a compartment for the journey, the charges for such compartment shall be borne by the State Government:

Provided further that if any person in addition to <sup>2</sup>[the Minister, the Minister of State or the Deputy Minister]<sup>2</sup> travels in the reserved compartment, the charges in respect of such person shall be recovered and credited to Government;

1. Substituted by Act 18 of 1974 w.e.f. 27.5.1974.

2. Substituted by Act 17 of 1968 w.e.f. 11.10.1968.

(b) for journeys by road, to road mileage at <sup>1</sup>[<sup>2</sup>[twenty rupees]<sup>2</sup> per kilometre;]<sup>1</sup>

1. Substituted by Act 9 of 1967 w.e.f. 10.08.1967.

2. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

(c) for journeys by air, to one and one-fifth times the single fare paid for such journeys <sup>1</sup>[and to the prescribed insurance premium for insurance against accidents during such journeys;]<sup>1</sup>

1. Inserted by Act 17 of 1968 w.e.f. 01.11.1956.

(d) to daily allowance at <sup>1</sup>[one thousand five hundred rupees]<sup>1</sup> per day for the days of journey and for the days of halt at any place:

Provided that in the case of tours outside the State, the daily allowance shall be at <sup>1</sup>[two thousand rupees]<sup>1</sup> per day for the days of journey and for the days of halt at any place:

Provided further that if <sup>2</sup>[a Minister, a Minister of State or a Deputy Minister]<sup>2</sup> is treated as a State Guest, he shall be entitled only to one-fourth of the daily allowance for the period for which he is treated as a State Guest.

1. Substituted by Act 33 of 2011 w.e.f. 4.7.2011.

2. Substituted by Act 17 of 1968 w.e.f. 11.10.1968.

<sup>1</sup>[(2A) Every Minister, Minister of State and Deputy Minister touring outside India on duty or travelling outside India for medical treatment shall be entitled to the same terms and conditions in regard to travelling and other expenses as a Minister of the Government of India.]<sup>1</sup>

1. Substituted by Act 18 of 1987 w.e.f. 1.4.1987.

<sup>1</sup>[(2B). When a Minister, Minister of State or Deputy Minister while making a journey by road in a motor car provided by the State Government, has to undertake in the public interest further journey by train or by air, he shall be entitled to the petrol charges incurred by him for the return of the motor car to the city of Bangalore from the place at which he ceases to use the motor car.

1. Inserted by Act 17 of 1968 w.e.f. 1.1.1966.

(2C). Every Minister, Minister of State and Deputy Minister shall in addition to the allowances payable under sub-section (2), be entitled to use without payment of charges, the motor cars maintained by the State Government at the <sup>2</sup>[Karnataka Bhavan]<sup>2</sup> in New Delhi.]<sup>1</sup>

1. Sub-Section 2A and 2B Inserted by Act 17 of 1968 w.e.f. 01.1.1966.

2. Adapted by the Karnataka Adaptations of laws order 1973 w.e.f. 1.11.1973.

<sup>1</sup>[Provided that if no such motor car is available for use and if a motor car is hired by him for journeys in connection with his official business he shall be entitled to recover the actual hire charges paid by him.]<sup>1</sup>

1. Inserted by Act 14 of 1984 w.e.f. 01.01.1966.

(3) The State Government may maintain suitable motor cars for tours by <sup>1</sup>[Ministers, Ministers of State and Deputy Ministers]<sup>1</sup> in prescribed places within the State which are not easily accessible, and when such motor cars are used by any <sup>1</sup>[Minister, Minister of State or Deputy Minister]<sup>1</sup> on tour, then, notwithstanding anything contained in sub-section (2), he shall not be entitled to any allowance other than the daily allowance.

1. Substituted by Act 17 of 1968 w.e.f. 11.10.1968.

<sup>1</sup>[(4) If a motor car provided to him by the State Government goes out of order while on tour by road and a motor car is hired by him for journeys connected with his official business, the Minister, Minister of State or the Deputy Minister shall be entitled to recover the actual hire charges paid by him.]<sup>1</sup>

1. Inserted by Act 14 of 1984 w.e.f. 01.11.1956.

**<sup>1</sup>[12A. x x x]<sup>1</sup>**

1. Omitted by Act 17 of 1979 w.e.f. 26.12.1978.

**13. Medical attendance.-** Subject to rules made by the State Government, <sup>1</sup>[a Minister, a Minister of State and a Deputy Minister]<sup>1</sup> and the members of the family of <sup>1</sup>[the Minister, the Minister of State or the Deputy Minister]<sup>1</sup> who are residing with and are dependent on him shall be entitled free of charge to accommodation in hospitals maintained by the State Government and to medical attendance and treatment. <sup>2</sup>[They shall also be entitled, subject to rules made by the State Government, to

reimbursement of the expenses incurred by them for medical attendance and treatment obtained at any other place<sup>3</sup>[whether within or outside India]<sup>3</sup>.]<sup>2</sup>

1. Substituted by Act 17 of 1968 w.e.f. 11.10.1968.

2. Inserted by Act 18 of 1974 w.e.f. 27.5.1974.

3. Inserted by Act 17 of 1979 w.e.f. 27.12.1978.

**Explanation.**—For the purpose of this section, member of the family means the husband, wife, son, daughter, father, mother, brother or sister.

**14. <sup>1</sup>[Ministers, Ministers of State and Deputy Ministers]<sup>1</sup> not to practise profession, etc.,-** <sup>1</sup>[A Minister, a Minister of State or a Deputy Minister]<sup>1</sup> shall not, during the tenure of his office, practise any profession or engage in any trade or undertake for remuneration, any employment other than his duties <sup>1</sup>[as Minister, Minister of State or Deputy Minister as the case may be.]<sup>1</sup>

1. Substituted by Act 17 of 1968 w.e.f. 11.10.1968.

**15. Power to make rules.-** (1) The State Government may, by notification in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup>, make rules for carrying out the purposes of this Act.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973

<sup>2</sup>[(1A) Any rule under this Act may be made to have effect retrospectively, and if any such rule is made, a statement specifying the reasons for making such a rule shall be laid before both Houses of the State Legislature along with the rule under sub-section (2).]<sup>2</sup>

1. Inserted by Act 17 of 1968 w.e.f. 01.11.1956.

(2) All rules made under sub-section (1) shall be laid, as soon as may be, after they are made, before each House of the State Legislature while it is in session for a total period of one month which may be comprised in one session or in two or more sessions and if, before the expiry of the said period, either House of the State Legislature makes any modification in the rules or directs that any rule shall not have effect and, if the modification or direction is agreed to by the other House, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be.

**16. Repeal of <sup>1</sup>[Karnataka]<sup>1</sup> Ordinance No.2 of 1956 and savings.-** The <sup>1</sup>[Karnataka]<sup>1</sup> Ministers' Salaries and Allowances Ordinance, 1956, is hereby repealed; but any rules made, anything done and any action taken under the said Ordinance shall be deemed to have been made, done or taken under this Act as if this Act had come into force on the first day of November, 1956 and all rules made under the said Ordinance shall be laid, as soon as may be, after the passing of this Act, before each House of the State Legislature while it is in session for a total period of one month which may be comprised in one session or in two or more sessions and if,



**ESTABLISHMENT AND CONSTITUTION OF THE BOARD**

3. Incorporation of the Board.
4. Constitution of the Board.
5. Disqualification for appointment on the Board.
6. Removal or suspension of a member of the Board.
7. Vacancy of Members.
- 7A. Filling of a casual vacancy.
8. Proceedings presumed to be good and valid.
9. Appointment of members of staff of Board and conditions of their service.
10. Appointments of Committees.
11. Meeting of the Board.
12. Power to make contracts.

**CHAPTER III****FUNCTIONS AND THE POWERS OF THE BOARD.**

13. Functions of the Board.
14. General Powers of the Board.

**CHAPTER IV****PREPARATION AND SUBMISSION OF PROGRAMMES.**

15. Preparation and submission of annual programme.
16. Sanction of programme.
17. Supplementary programme.

**CHAPTER V****FINANCE, ACCOUNTS, AUDIT AND DEBTS.**

18. Transfer of property.
19. Expenditure and contracts made before the establishment of the Board.
20. Subventions and loans to the Board.
21. Funds of the Board.
22. Application of fund and property.
- 22A. Recovery of moneys due to the Board as arrears of land revenue
23. Budget.
24. Sanction of budget.
25. Supplementary budget.
26. Annual Report.

- 27. Further report, statistics and returns.
- 28. Accounts and Audit.

## CHAPTER VI MISCELLANEOUS.

- 29. Members of the Board and Members of staff of the Board to be public servants.
- 30. Protection of action taken under this Act.
- 30A. Dissolution of the Board.
- 31. Rules. Short title, extent, commencement and repeal.
- 32. Regulations.
- 33. Amendment of Schedule.
- 34. Saving.
- 35. Omitted.

### SCHEDULE

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## STATEMENT OF OBJECTS AND REASONS

I

**Act 7 of 1957.**— Not available.

II

**Amending Act 25 of 1958.**—At the time when the Mysore Khadi and Village Industries Bill was introduced in the Legislative Assembly, the corresponding Board at the Centre known as the All India Khadi and Village Industries Board, was in existence. The All India Khadi and Village Industries Board has since been made a statutory body and is known as the Khadi and Village Industries Commission. As the Mysore State Khadi and Village Industries Act makes a reference to the All India Khadi and Village Industries Board, a few verbal changes are found necessary in the Act so as to incorporate in the State Act the expression 'Khadi and Village Industries Commission' wherever the expression 'All India Khadi and Village Industries Board' appears.

Hence the Bill.

(Notification No. LC 272 dated 1st May 1958. Obtained from file No. LAW 2 LGN 57.)

III

**Amending Act 9 of 1973.**—The Khadi and Village Industries Commission, Bombay, has been requesting the State Government to appoint a Financial Adviser

and Chief Accounts Officer preferably from the Indian Audit and Accounts Service Cadre in the Mysore State Khadi and Village Industries Board. The appointment of such an officer is necessary for the proper maintenance of the accounts of the Board. A Financial Adviser and Chief Accounts Officer has been appointed in the Khadi Boards of many other States. Under section 9 (2) of the Mysore Khadi and Village Industries Act, 1956 there is provision only for the appointment of an Accounts Officer by the State Government from among its officers. The proposed amendment to the Act is to facilitate the appointment of a Financial Adviser and Chief Accounts Officer from among the officers of either the Central Government or the State Government. It is proposed to provide for this by suitable amendments to sections 9 and 31 (2) (i) of the Act.

2. The Khadi and Village Industries Commission grants loans to the State Board which in turn advances funds to registered institutions. There is no provision in the Act to recover the dues as arrears of land revenue. The Commission has suggested that provision be made in the Act for this purpose as has been done in the Bombay Khadi and Village Industries Act. The Bill proposes to provide for this by insertion of a new section 22A to the Act.

3. (i) The Khadi and Village Industries Commission advances funds by way of grant and loans to the State Khadi and Village Industries Boards for implementation of the Khadi and Village Industries programme in the States. These advances are made in the bona fide belief that the State Boards being creations of the State Legislature are the responsibility of the State Government and as such the advances made by the Commission to the State Boards which are deemed to have the full financial backing of the State Governments are as secure as advances made to the State Government.

(ii) As a result of the situation arising out of the recent dissolution of the Orissa Khadi and Village Industries Board, the Khadi and Village Industries Commission desires the State Government to ensure the security of the funds advanced by the Commission to the Mysore Board for the development of Khadi and Village Industries in this State.

(iii) The Khadi and Village Industries Commission is a service agency assisting the State Board in developing Khadi and various Village Industries in the State and the Commission, therefore, desires that the funds advanced by them to the State Board may be made secure for continuing development of the industries in the State. The Commission has also intimated that the Government of West Bengal have recently decided to incorporate appropriate provisions in their Act, for this purpose.

(iv) The Bill proposes to provide for this in the Mysore Khadi and Village Industries Act, 1956 by insertion of new section 30A in the Act.

4. The Committee on Subordinate Legislation recommended in its VII Report that the Mysore Khadi and Village Industries Act, 1956 may be amended making

provisions for laying before the Legislature the rules framed under the Mysore Khadi and Village Industries Act, 1956. Under the existing Act; there is no such provision to place the rules before each House of the State Legislature.

In the Andhra Pradesh, Tamilnadu and Bombay Khadi and Village Industries Acts, there is a provision to place the rules issued under the Acts before their State Legislatures. Besides in the Khadi and Village Industries Commission Act 1956, there is a provision to place all the rules issued under that Act before both Houses of Parliament.

It is proposed to make similar provision in the Mysore Act by adding sub-section (3) to section 31 of the Act.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 19-10-1972, as No. 415, at page. 5-6.)

#### IV

**Amending Act 16 of 1978.**—There is no provision in the Act for grant of leave to the Chairman and for making in-charge arrangement during the leave period. It is considered necessary to provide for the same.

According to the existing provision, the State Government can appoint upto 15 Members on the Board, which will no doubt, become unwieldy. It was considered necessary to restrict the maximum number to nine.

Power is being taken to prescribe the term of office and conditions of service of the Chairman and Members.

Provisions are made for filling up of casual vacancies and empowering the Board to raise loans from Banks.

As the Karnataka Legislative Council was not in Session and as the matter was urgent an Ordinance was promulgated. This Bill seeks to replace the said Ordinance.

(Notification LA 14/1978. Obtained from file No. LAW 23 LGN 78.)

#### V

**Amending Act 21 of 1983.**—A decision was taken to extend pensionary benefits to employees of the Karnataka State Khadi and Village Industries Board by making necessary rules with retrospective effect. As there was no provision in the Act enabling the Government to make rules with retrospective effect and the matter was urgent, an Ordinance was issued. This Bill seeks to replace the said Ordinance.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 11-8- 1983, as No. 708, at page 10.)

#### VI

**Amending Act 8 of 1985.**—The activities and financial transactions of the

Karnataka Khadi and Village Industries Board have steadily increased since its inception. Government is giving large amounts to the Board by way of grant-in-aid. With a view to enable the Board to cope up with its extended activities and to organise, develop and regulate Khadi and Village Industries in the State more effectively, it is considered necessary to appropriately broad-base the Board and to introduce other changes in its constitution and organisation by making necessary changes in the Karnataka Khadi and Village Industries Act, 1956.

As the matter was of an urgent importance, the Karnataka Khadi and Village Industries (Amendment) Ordinance, 1985 (Karnataka Ordinance No. 4 of 1985) was promulgated.

This Bill seeks to replace the said Ordinance.

Hence the Bill.

(Notification LA No. 15/1985. Obtained from file No. LAW 16 LGN 85.)

## VII

**Amending Act 18 of 2009.-** Under Section 22-A of Karnataka Khadi and Village Industries Act, 1956, there is a provision for the defaulters of loan sanctioned by the Karnataka Khadi and Village Industries Board under various schemes to approach the Tribunal constituted by the State Government, if the question arises, as to whether a sum is payable to the Board is under dispute which is causing delay in recovery of loan. Hence, suitable amendments to the Karnataka Khadi and Village Industries Act, 1956 has been proposed.

Hence the Bill.

(LA Bill No. 29 of 2009, File No. DPAL 11 Shasana 2007)

[Entry 24 and 32 of List II of the Seventh Schedule to the Constitution of India.]

\* \* \* \* \*

### **<sup>1</sup>[KARNATAKA]<sup>1</sup> ACT No. 7 OF 1957.**

*(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Twenty-eighth Day of February, 1957).*

### **THE <sup>1</sup>[KARNATAKA]<sup>1</sup> KHADI AND VILLAGE INDUSTRIES ACT, 1956.**

*(Received the assent of the President on the Twenty-first day of February, 1957.)*

(As amended by Act 25 of 1958, 9 of 1973, 16 of 1978, 21 of 1983, 8 of 1985 and 18 of 2009.)

**An Act to provide for the organising, developing and regulating of Khadi and Village Industries in the <sup>1</sup>[State of Karnataka]<sup>1</sup> and to constitute a Board to carry out the said object.**

WHEREAS it is necessary to organise, develop and regulate Khadi and Village Industries in the <sup>1</sup>[State of Karnataka]<sup>1</sup> and to constitute a Board to carry out the said objects;

BE it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> Legislature in the Seventh Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

## CHAPTER I

**1. Short title extent, commencement and repeal.**- (1) This Act may be called the <sup>1</sup>[Karnataka]<sup>1</sup> Khadi and Village Industries Act, 1956.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) It extends to the whole of the <sup>1</sup>[State of Karnataka]<sup>1</sup>.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(3) It shall come into force in such areas from such <sup>2</sup>[dates]<sup>2</sup> as the State Government may by notification in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> specify.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. This Act came into force in Belgaum Area on 15.2.1959, in Gulbarga Area on 1.8.1959, & in rest of the State on 18.9.1957. Text of the notification is at the end of the Act.

(4) On the coming into force of this Act in the <sup>1</sup>[Belgaum Area]<sup>1</sup>, the Bombay Village Industries Act, 1954 (Bombay Act No. XLI of 1954), shall stand repealed and on the coming into force of this Act in the <sup>1</sup>[Gulbarga Area]<sup>1</sup>, the Hyderabad Khadi and Village Industries Act, 1955 (Hyderabad Act No. X of 1955), shall stand repealed.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

**2. Definitions.**- In this Act, unless there is anything repugnant in the subject or context.—

(i) "Board" means the <sup>1</sup>[Karnataka State Khadi and Village Industries Board]<sup>1</sup> constituted under section 4;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(ii) "khadi" means any cloth woven on handlooms in India from cotton, silk or woollen yarn handspun in India, or from a mixture of any two or all of such yarns;

(iii) "prescribed" means prescribed by rules made under this Act;

(iv) "Regulations" means regulations made under this Act;

(v) "village industry" means the Khadi Industry and any industry specified in the Schedule to this Act.

## CHAPTER II

### ESTABLISHMENT AND CONSTITUTION OF THE BOARD.

**3. Incorporation of the Board.-** (1) With effect from such date as the State Government may, by notification in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> appoint in this behalf, there shall be established for the purposes of this Act, a Board by the name of the <sup>1</sup>[Karnataka State Khadi and Village Industries Board]<sup>1</sup>.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both movable and immovable and to contract and do all things necessary for the purposes of this Act.

**4. Constitution of the Board.-** <sup>1</sup>[(1) (a) The Board shall consist of the following members, namely:—

- (i) one person from each district of the State, appointed by the State Government;
  - (ii) the Additional Director of Industries and Commerce and ex-officio Additional Registrar of Co-operative Societies, Directorate of Industries and Commerce;
  - (iii) an officer of the Finance Department not below the rank of a Deputy Secretary nominated by the State Government;
  - (iv) an officer of the Department of Commerce and Industries not below the rank of a Deputy Secretary nominated by the State Government;
  - (v) the State Director, Khadi and Village Industries Commission;
  - (vi) the Financial Adviser and Chief Accounts Officer of the Board; and
  - (vii) the Chief Executive Officer of the Board.
- (b) one of the members shall be appointed by the State Government as the Chairman of the Board.]<sup>1</sup>

1. Substituted by Act 8 of 1985 w.e.f. 1.6.1984.

(2) The Chairman, or any other member of the Board may at any time resign his office by submitting his resignation to the State Government:

Provided that the resignation shall not take effect until it is accepted.

(3) The Chairman, and other members shall receive such allowances as may be prescribed and the allowances shall be paid from the funds of the Board.

<sup>1</sup>[(4) Subject to the pleasure of the State Government and sub-section (4A), the term of office and the terms and conditions of service of the Chairman and other members of the Board shall be such as may be prescribed.

(4A) The State Government may, from time to time grant to the Chairman such leave as may be prescribed and may appoint any other member to act for the

Chairman during such leave and such member shall, while so acting, for the purposes of this Act, be deemed to be the Chairman.]<sup>1</sup>

1. Substituted by Act 16 of 1978 w.e.f. 11.5.1978.

(5) The Chairman and other members shall be eligible for reappointment.

**5. Disqualification for appointment on the Board.-** A person shall be disqualified for being appointed, or for continuing, as a 1[non-official member]<sup>1</sup> of the Board, if he,—

1. Substituted by Act 8 of 1985 w.e.f. 1.6.1984.

(a) does not wear khadi; or

(b) holds any office of profit under the Board; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) is an undischarged insolvent or has applied for being adjudged an insolvent; or

(e) has been convicted of an offence, which involves, in the opinion of the State Government, moral turpitude; or

(f) has directly or indirectly by himself, by his wife or son or by any partner, any share or interest in any subsisting contract or employment with, by, or on behalf of, the Board; or

(g) is a secretary or manager or other salaried officer of any incorporated company or any co-operative society which has any share or interest in any contract or employment with, by, or on behalf of, the Board:

Provided that a person shall not be disqualified under clauses (f) and (g), or be deemed to have any share or interest in any contract or employment with, by, or on behalf of, the Board, by reason only of,—

(i) his, or of the incorporated company or of a co-operative society of which he is a secretary, manager or other salaried officer, having a share or interest in any newspaper in which any advertisement relating to any affairs of the Board is inserted, or

(ii) his being a share-holder of such a company or society, if he has disclosed to the State Government the nature and extent of the share held by him from time to time.

**6. Removal or suspension of a 1[non-official member]<sup>1</sup> of the Board.-** (1) The State Government may, after such inquiry as may be necessary, remove from office the Chairman or any other <sup>1</sup>[non-official member]<sup>1</sup>, if he,—

1. Substituted by Act 8 of 1985 w.e.f. 1.6.1984.

(a) refuses to act; or

(b) has become incapable of acting;

(c) has abused his position in the Board so as to render his continuance on the Board detrimental to its interest; or

(d) fails, without such reason as may in the opinion of the State Government be sufficient, to attend three consecutive meetings of the Board; or

(e) ceases to reside in the <sup>1</sup>[State of Karnataka]<sup>1</sup>; or

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(f) has since his appointment incurred any of the disqualifications specified in section 5; or

(g) is otherwise unsuitable to continue on the Board.

(2) No order of removal under sub-section (1) shall be made, unless the <sup>1</sup>[non-official member]<sup>1</sup> concerned has been given an opportunity to submit his explanation to the State Government:

Provided that a <sup>1</sup>[non-official member]<sup>1</sup> may be suspended by the State Government pending an enquiry against him.

1. Substituted by Act 8 of 1985 w.e.f. 1.6.1984.

(3) A <sup>1</sup>[non-official member]<sup>1</sup> who has been removed under clause (c) or (f) of sub-section (1) shall not be eligible for appointment to the Board as <sup>1</sup>[non-official member]<sup>1</sup> or in any other capacity.

1. Substituted by Act 8 of 1985 w.e.f. 1.6.1984.

**7. Vacancy of <sup>1</sup>[non-official members]<sup>1</sup>.**- If a <sup>1</sup>[non-official member]<sup>1</sup> tenders his resignation in writing to the State Government, and if it is accepted by the State Government, he shall cease to be a <sup>1</sup>[non-official member]<sup>1</sup> from the date of such acceptance.

1. Substituted by Act 8 of 1985 w.e.f. 1.6.1984.