

**THE KARNATAKA SILKWORM SEED, COCOON AND SILK YARN
(REGULATION OF PRODUCTION, SUPPLY DISTRIBUTION AND SALE)
ACT, 1959**

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STATEMENT OF OBJECTS AND REASONS

I

Act 5 of 1960.—The following Acts are in force in the several areas of the new Mysore State:

1. The Mysore Silkworm Diseases Control Act, 1943 (Mysore Act VIII of 1943).
2. The Mysore Silkworm Seed (Control of Distribution) Act, 1952 (Mysore Act XXXIII of 1952).
3. The Madras Silkworm Diseases (Prevention and Eradication) Act, 1948 (Madras Act II of 1948).
4. The Madras Silkworm Seed (Production, Supply and Distribution) Act, 1956 (Madras Act XXIII of 1956).

The first mentioned Act was not given effect to in view of the subsequent passing of the Silkworm Seed (Control of Distribution) Act, 1952.

The third mentioned Madras Act of the Madras Government which is on the lines of the Mysore Silkworm Diseases Control Act, 1943 was not given effect to by the Government of Madras.

Consequent on the reorganisation of the State, it has become necessary to evolve a common law applicable to the whole of the reorganised State of Mysore. It is, therefore, proposed to repeal the above said Acts, and to enact a uniform law, applicable to the entire State. Hence this Bill called the Mysore Silkworm Seed (Production, Supply and Distribution) Bill, 1958.

The Bill provides, among other things, for the licensing of production of silkworm seeds, regulation of rearing, possession, disposal, sale or purchase of silkworms and silkworm cocoons, licensing of reeling establishments and control of cocoon markets. (Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 5th November 1958 as No. 157.)

II

Amending Act 29 of 1969.—In order to regulate more effectively the production, supply and distribution of silkworm cocoons it is considered necessary to make provision for—

- (i) the licensing of rearers;
- (ii) prohibiting the sale or purchase of silkworm cocoons except in the cocoon

markets established under the Act;

(iii) enhance penalties for certain offences; and

(iv) other incidental matters.

Hence this Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 1st September 1969 as No. 429 at page. 6.)

III

Amending Act 33 of 1979.- Since there are complaints from the sellers of the silk yarn in the State about the malpractices by the traders it is considered necessary to protect the interest of the reelers by providing for the establishment of silk exchanges in the State and for the regulation of the sale and purchase of silk yarn in the silk exchanges by amending the Karnataka Silkworm Seed and Cocoon (Regulation of Production, Supply and Distribution) Act, 1959.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 1st June 1979 as No. 538 at page. 8.)

IV

Amending Act 12 of 1980.- It was represented by some of the twisters that the provisions of Section 8A of the Karnataka Silkworm Seed Cocoon (Regulation, Production, Supply and Distribution) Act will cause hardship to them as they are required to bring the twisted silk yarn again to the Silk Exchange for sale. However, in the case of a trader in Silk yarn he need not bring the silk yarn to the Silk Exchange after it is twisted for sale. According to 8A it is only the twisters who purchase the silk yarn from the silk exchange for the purpose of twisting who have to bring the same again for sale to the silk Exchange after it is twisted. Therefore, it is proposed to amend section 8A to exclude the twister from bringing the silk yarn twisted again to the Silk Exchange for sale.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 3rd March 1980 as No. 163 at page. 4.)

Amending Act of 6 of 1981.-The Karnataka Silkworms, Seed, Cocoon and Silk yarn (Regulation of production, Supply, Distribution and Sale) Act 1959, as amended from time to time, regulation, inter-alia, the sale and purchase of silk yarn produced in the State and provides for the levy of a market fee on the sale and purchase of silk yarn in the silk exchange. In accordance with section 18(2) (ha) market fee is payable by reelers, the reelers who are also twisters and 'traders'. It has been contended in some cases before the court that the word 'trader' used in section 18(2) (ha) of the Act gives an impression that only traders who buy silk yarn for the purpose of selling are liable

for the payment of the market fee and the twistlers and the weavers who are also licensed for purchase of silk yarn in the silk exchange are exempt from the payment of fees. It is considered necessary to clarify the matter by substituting the word 'trader' used in section 18(2) (ha) by the word "licensed trader".

Section 18(2) (ha) provides for the levy of market fee in the silk exchange. It is considered necessary to make a specific provision prescribing the authority empowered to levy and collect the fees.

Section 18(2) (ha) empowers the Government to make rules regarding the levy of the market fee and to prescribe the rate of fee subject to the maximum indicated. Rule 17 I of the rules prescribed the levy of fees. The High Court of Karnataka while disposing the writ petitions filed challenging the constitution validity of the Karnataka silkworm seed, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 upheld the validity of the Act but the Court struck down rule 17 I as ultravires section 18(2) (ha). Consequently, a new rule was framed and was brought into effect from 8th December, 1980. It is considered necessary to validate the collection of market fee during the period the struck down rules was in force by giving retrospective effect to the new rule 17 I.

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 28th March 1981 as No. 214 at page. 4 & 5.)

VI

Amending Act 20 of 1984.- Under section 12 of the Karnataka Silk Worm Seed, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959, the Director of Sericulture is vested with powers to impose penalty on persons who have contravened the provisions of sections 3, 7, 8 and 8A of the said Act. The Act does not provide for the mode of recovery of such penalty from such persons. It is proposed to provide for the recovery of penalty and other amount due as arrears of Land Revenue.

It is also considered necessary to take power to make rules with retrospective effect.

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 6th February 1984 as No. 105 at page 3.)

VII

Amending Act 30 of 1994.- It is considered necessary to amend the Karnataka Silkworm Seed, Cocoon and Silk Yarn (Regulation of Production, Supply, Distribution

and Sale) Act, 1959,—

- (i) to provide for regulation of possession of silkyarn even in respect of a dyer;
- (ii) to authorise private institutions or organisations to take up research in, and development of silkworm races etc.,
- (iii) to enhance the fine
- (iv) to enhance the penalty

Certain consequential amendments are also made.

Hence the Bill.

(Obtained from LA Bill No. 5 of 1994.)

VIII

Amending Act 12 of 1997.— It was considered necessary to amend the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production Supply Distribution and Sale) Act, 1959,—

- (i) to include the definition of licenced dealer to bring licenced dealers within the scope of the Act;
- (ii) to require licenced dealers to furnish a declaration of the quantity of Silkyarn possessed by them in excess of the prescribed quantity.
- (iii) to make it compulsory to licenced dealer to sell or agree to sell the Silkyarn purchased or brought from outside the State only in the Silk exchange;
- (iv) to enhance the penalty imposable under section 12, 12B and 13.

As the matter was urgent and the Karnataka Legislative Assembly was not in session the Karnataka Silkworm Seed. Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) (Amendment) Ordinance, 1996 (Karnataka Ordinance No. 1 of 1997) was promulgated. This Bill seeks to replace the said Ordinance.

Hence this Bill.

(Obtained from file DPAL 1 Shasana 97.)

IX

Amending Act 22 of 2000.— Note: By this Act certain spent and obsolete laws were repealed and certain minor consequential amendments was made to Act 5 of 1960 and few other laws.

¹[KARNATAKA]¹ ACT No. 5 OF 1960

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-fifth day of February, 1960.)

**THE ¹[KARNATAKA]¹ SILKWORM SEED, ²[COCOON AND SILK YARN]²
(REGULATION OF PRODUCTION, SUPPLY, ²[DISTRIBUTION AND SALE]²)
ACT, 1959**

(Received the assent of the President on the Twelfth-day of February, 1960.)

(As Amended by Karnataka Acts 29 of 1969, 33 of 1979, 12 of 1980, 6 of 1981, 20 of 1984, 30 of 1994, 12 of 1997 and 22 of 2000.)

An Act to consolidate the laws providing for the regulation of the production, supply ²[distribution and sale]² of silkworm seed ²[cocoon and silk yarn]² in the ¹[State of Karnataka]¹

WHEREAS it is expedient to consolidate the laws providing for the regulation of the production, supply, ²[distribution and sale]² of silkworm seed ²[cocoon and silk yarn]² in the ¹[State of Karnataka]¹;

BE it enacted by the ³[Karnataka]³ State Legislature in the Tenth Year of the Republic of India as follows:—

1. Adopted by the Karnataka Adaptations of laws order 1973 w.e.f. 1.11.1973.
2. Substituted by Act 33 of 1989 w.e.f. 6.11.1979.

1. Short title, extent and commencement.— (1) This Act may be called the ¹[Karnataka]¹ Silkworm Seed ²[Cocoon and Silk Yarn]² (Regulation of Production, Supply, ²[Distribution and Sale]²) Act, 1959.

1. Adopted by the Karnataka Adaptations of laws order 1973 w.e.f. 1.11.1973.
2. Substituted by Act 33 of 1989 w.e.f. 6.11.1979.

(2) It extends to the whole of the ¹[State of Karnataka]¹.

1. Adopted by the Karnataka Adaptations of laws order 1973 w.e.f. 1.11.1973.

(3) ¹[Sections 10 and 19]¹ shall come into force at once in the whole of the ²[State of Karnataka]² and the rest of this Act shall come into force at once in the areas of the State in which the Mysore Silkworm Seed (Control of Distribution) Act, 1952, is in force. All or any of the provisions of this Act (except ¹[sections 10 and 19]¹) shall come into force in such other area or areas of the State on such ³[date or dates]³ as the Government may by notification specify.

1. Substituted by Act 22 of 2000 w.e.f. 25.2.1960.
2. Adopted by the Karnataka Adaptations of laws order 1973 w.e.f. 1.11.1973.
3. Different provisions of the Act came into force on different dates in different areas

of the State text of the notifications are at end of the pages.

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

(a) "cocoon" means cocoon produced by '[mulberry, tassar, muga and eri silkworms]', either green or stifled, dried or in any other state or condition, but shall not include pierced cocoon;

1. Substituted by Act 12 of 1997 w.e.f. 6.1.1997.

Explanation.- In this clause pierced cocoon means a cocoon from which moth has cut out;

(b) "cocoon market" means a market established under section 10, for the sale or purchase of cocoons of all kinds intended for reeling;

(c) "cross-breed cocoons" means cocoons produced by rearing silkworm seeds produced by cross-breeding of two different races of silkworms;

'[(ca) "dupion silk yarn" means silk yarn reeled out of double cocoons]' ²[or inferior cocoons]²

1. Inserted by Act 33 of 1989 w.e.f. 6.11.1979.

2. Inserted by Act 30 of 1994 w.e.f. 3.10.1994.

'[(cb) "dyer" means a person incharge of an establishment where silk yarn is dyed;]' ¹

1. Inserted by Act 30 of 1994 w.e.f. 3.10.1994.

(d) "Government" means the State Government;

'[(e) "Licensing Authority" means an officer appointed by notification by the Director of Sericulture in Karnataka for such areas and for such purposes, as may be specified in the notification;]' ¹

1. Substituted by Act 30 of 1994 w.e.f. 3.10.1994.

'[(ee) "Licenced dealer" means a person who carries on the business of buying and selling silkyarn, either brought from outside the State or purchased in silk exchange or from a licenced trader or any other licenced dealer.]' ¹

1. Inserted by Act 12 of 1997 w.e.f. 6.1.1997.

'[(f) "licensed trader" means a person who is licensed to purchase silk yarn in a silk exchange;]' ¹

1. Substituted by Act 33 of 1979 w.e.f. 6.11.1979.

(g) "notification" means a notification published in the Official Gazette;

(h) "prescribed" means prescribed by rules made under this Act;

(l) "rearer" means a person engaged in rearing silkworms for the production of

silkworm cocoons, whether for reproduction or reeling;

Explanation.- In this clause "rearing" includes all operations from the incubation of silkworm eggs and brushing of silkworms to the harvesting of cocoons;

¹[(ia) "reeler" means a person in charge of a reeling establishment and carrying on the business of reeling cocoons;

1. Clause (1a) to (1b) Inserted by Act 33 of 1979 w.e.f. 6.11.1979.

Explanation.- In this clause,—

(a) "reeling establishment" means an establishment where silk is reeled from cocoons with the help of any machine or contrivance of any kind worked by power or without power;

(b) "power" means any form of energy which is mechanically transmitted and is not generated by human or animal agency and includes electrical energy;

(ib) "silk exchange" means a silk exchange established under section 10A for the sale or purchase of silk yarn and includes silk stores;]¹

¹[(j) "silkworm" means mulberry tassar, muga and eri silkworm;]¹

1. Substituted by Act 12 of 1997 w.e.f. 6.1.1997.

(k) "silkworm seed" means silkworm cocoons of all kinds (except cross breed cocoons) used for preparing seed and includes moths, eggs and any silkworms of whatever description intended to be used or reared for purposes of reproduction.

¹[(l) "silk yarn", means silk reeled out of cocoons and includes twisted silk yarn, dupion silk yarn, spun silk yarn and noil silk yarn;

1. Clause (l) to (o) Inserted by Act 33 of 1979 w.e.f. 6.11.1979.

¹[**Explanation.-** For the purpose of this clause, "Noil silk Yarn means silk yarn spun from silk noils which is short staple residue from the dressing operation of the silk spinner;]¹

1. Inserted by Act 30 of 1994 w.e.f. 3.10.1994.

(m) "spun silk yarn" means silk yarn spun from pierced or spoilt cocoons, fluff from cocoons, pieces of silk noils or other silk waste;

(n) "twisted silk yarn" means two or more silk yarn twisted together and includes warps; and

(o) "twister" means a person in charge of an establishment where twisted silk yarn is produced.]¹

¹[(p) "weaver" means a person incharge of weaving establishment where fabrics are manufactured by using silk yarn;]¹

1. Inserted by Act 30 of 1994 w.e.f. 3.10.1994.

3. Regulation of production, etc., of silkworm seed.- No person shall produce, prepare, store, transport, sell or otherwise distribute or dispose of silkworm seed, except under and in accordance with the terms and conditions of a licence granted under this Act.

4. Regulation of rearing.-¹[(1) No person shall engage in the rearing of silkworms for the production of silkworm cocoons except under and in accordance with the terms and conditions of a licence granted under this Act.]¹

1. Substituted by Act 29 of 1969 w.e.f. 22.12.1969.

(2) The Government may by notification direct that in any specified area no silkworm other than silkworm of specified race shall be reared and that such silkworm shall be reared from silkworm seed obtained from specified sources. On the issue of such notification, no person shall rear in such specified area any other race of silkworm or obtain silkworm seed from any other source.

5. Regulation of possession of silkworm seed.- No person shall be in possession of silkworm seed unless,-

- (a) he is a rearer; or
- (b) he holds a licence granted under this Act; or
- (c) he is authorised in writing by the prescribed officer to possess silkworm seed.

¹[5A. Regulation of Possession of Silk Yarn.-²[(1)]² No person shall be in possession of silk yarn in excess of the prescribed quantity unless he is,—

1. Section 1 and Clause (a) to (e) Inserted by Act 33 of 1979 w.e.f. 6.11.1979.

2. Renumbered by Act 12 of 1997 w.e.f. 6.1.1997.

- (a) a reeler;
- (b) a licensed trader;
- ¹[(bb) a licenced dealer]¹

1. Inserted by Act 12 of 1997 w.e.f. 6.1.1997.

- (c) a twister;
- ¹[(c1) a dyer"¹];

1. Inserted by Act Act 30 of 1994 w.e.f. 3.10.1994.

- (d) a weaver; or
- (e) person authorised in writing by the prescribed officer.¹

¹[Different quantities may be prescribed in respect of different category of persons]¹

1. Inserted by Act 12 of 1997 w.e.f. 6.1.1997.

¹[(2) Every licenced dealer who is in possession of silkyam in excess of the

prescribed quantity shall submit a declaration in such form, to such officer, in such manner and at such intervals, as may be prescribed.]¹

1. Inserted by Act 12 of 1997 w.e.f. 6.1.1997.

6. Regulation of disposal of silkworm cocoons.- No rearer shall dispose of or agree to dispose of or in pursuance of an agreement entered into, make delivery of silkworm cocoons ¹[x x x]¹ except to persons holding a licence under this Act.

1. Omitted by Act 29 of 1969 w.e.f. 22.12.1969.

¹[7. Regulation of sale or purchase of silkworm cocoons for reeling.- (1) In any area in which a cocoon market is established under this Act,—

1. Section 1 and 2 Inserted by Act 12 of 1997 w.e.f. 6.1.1997.

(a) no rearer shall sell or agree to sell; and

(b) no person shall purchase or agree to purchase,

silkworm cocoons except in such cocoon market and except in accordance with such conditions and in such manner as may be prescribed.

(2) After a cocoon market is established for any area, no person shall except in such cocoon market, use or permit the use or assist in the use of, any building, room, tent, enclosure, vehicle, vessel or place in such area for the sale or purchase of silkworm cocoons or in any manner aid or abet the sale or purchase of silkworm cocoons.]¹

8. Regulation of reeling.- No person shall carry on the business of reeling silkworm cocoons unless he holds a licence granted under this Act.

¹[8A. Regulation of Sale and Purchase of Silk Yarn, etc.-After a silk exchange is established under section 10A,—

1. Section 1 and 2 Inserted by Act 33 of 1979 w.e.f. 6.11.1979.

(1) (a) no reeler ¹[or a reeler who is also a twister]¹ shall, sell or agree to sell silk yarn reeled, or as the case may be, ¹[reeled and twisted by him]¹;

1. Substituted by Act 12 of 1980 w.e.f. 6.11.1979..

¹[(b) no person, whether a licenced trader or not, shall purchase or agree to purchase silk yarn from a reeler or from a reeler who is also a twister,

1. Clause (b) and (bb) Substituted by Act 12 of 1980 w.e.f. 6.11.1979.

¹[(bb) no licenced dealer, shall sell or agree to sell silkyarn of any origin brought or caused to be brought by him from outside the State".]¹

1. Inserted by Act 12 of 1997 w.e.f. 6.1.1997.

-except in a silk exchange, and except in accordance with such conditions and in such manner as may be prescribed.]¹

(2) no person shall, except in such silk exchange, use or permit the use or assist, in the use of, any building, room, tent, enclosure, vehicle, vessel or place for the sale of silk yarn by or purchase of silk yarn from, a reeler '[x x x]' or in any manner aid or abet the sale or purchase of silk yarn.]¹

1. Omitted by Act 12 of 1980 w.e.f. 6.11.1979.

¹[(3) Nothing contained in sub-section (1) shall apply to,-

1. Sub-Section 3 and 4 inserted by Act 12 of 1997 w.e.f. 6.1.1997.

(i) second and subsequent sale of silkyarn of any origin brought from outside the State;

(ii) a licensed dealer who has hundred percent export oriented unit and imports silkyarn from outside India for the purpose of manufacture of silk fabrics and to export it outside India.

(4) No person shall carry on the business of buying and selling silkyarn brought from outside the State or purchased in a silk exchange or from a licensed trader or any other licenced dealer unless he holds a licence under this Act;

Provided that a person carrying on such business immediately before the commencement of this sub-section may continue to do so, for a period of three months from such commencement and, if he has made an application for such licence within the said period of three months, till the disposal of such application.]¹

9. Application for licence.- Every person who desires to obtain a licence under this Act shall make an application to the Licensing Authority in such form as may be prescribed.

10. Regulation and distribution of silkworm seed.- (1) The Government may, from time to time, by notification,

(a) specify the places at which cocoon markets, cocoon market yards and cocoon stores shall be located;

(b) appoint a Market Officer ¹[to levy and collect the market fee payable under this Act in respect of cocoons sold or purchased in the cocoon market]¹, and constitute a committee consisting of two representatives of rearers, and ²[three representatives of reelers]², with the Market Officer as Chairman, for regulating generally the procedure for the conduct of business in the cocoon market and for the performance of such functions as may be determined by the Government;

1. Inserted by Act 6 of 1981 w.e.f. 25.2.1960.

2. Substituted by Act 33 of 1979 w.e.f 6.11.1979.

(c) specify the sericultural areas in the State to be served by each cocoon market where silkworm cocoon produced within such areas shall be sold;

(d) assign zones and markets in which 2[any reeler]2 may carry on his business.

(2) All transactions involving the sale or purchase of cocoons in a cocoon market shall be by open auction, the payment of the price shall be in cash and the cocoons shall be sold by weight, as required by or under the 1[Kamataka]1 Weights and Measures (Enforcement) Act, 1958.

1. Adopted by the Kamataka Adaptation of laws order 1973 w.e.f. 1.11.1973.

1[10A. Establishment of Silk Exchange.- (1) The Government may, by notification,—

1. Subsection 1 and 2 Inserted by Act 33 of 1979 w.e.f. 6.11.1979.

(a) specify the place or places at which the silk exchanges shall be located;

(b) appoint for each silk exchange, a Silk Market Officer 1[to levy and collect the market fee payable in respect of silk yarn sold or purchased in the silk exchange]1 and constitute a committee consisting of four representatives of reelers, two representatives of twistors and two representatives of traders with the Silk Market Officer as Chairman for regulating generally the procedure for the conduct of business in the silk exchange and for the performance of such functions as may be prescribed.

1. Inserted by Act 6 of 1981 w.e.f. 6.11.1979.

(2) All transactions involving sale or purchase of silk yarn in a silk exchange shall be by open auction, the payment of price shall be in cash and the silk yarn shall be sold by metric weight.]1

1[(3) Subject to the pleasure of the Government the members of the committees constituted under clause (b) of sub-section (1), shall hold office for a period of one year.]1

1. Inserted by Act 12 of 1980 w.e.f. 6.11.1979.

1[10B. Research and development.- The Director of Sericulture in Karnataka may, subject to such conditions as may be prescribed, authorise any private institutions or organisations to take up research in, and development of silkworm races, production of cocoons and reeling of yarn.]1

1. Inserted by Act 30 of 1994 w.e.f. 3.10.1994.

11. Power to require information and powers of entry, inspection, seizure, etc.- (1) The 1[Director of Sericulture in Karnataka]1 or any officer authorised in this behalf by the Government, by notification, may, with a view to securing compliance with this Act,—

1. Adopted by the Kamataka Adaptation of laws order 1973 w.e.f. 1.11.1973.

(a) require any person licensed under this Act to furnish such information as may be specified;

(b) inspect or cause to be inspected any return, document or account book in the possession of a person licensed under this Act;

(c) ¹[x x x]¹ enter and inspect any premises, land, vessel, vehicle or place of any person licensed under this Act, with a view to satisfying himself that such person is complying with the provisions of this Act or of any rule or order made thereunder or with a view to detecting the presence or otherwise of any silkworm disease;

1. Omitted by Act 29 of 1969 w.e.f. 22.12.1969.

(d) at all reasonable times enter and search any premises, land, vessel, vehicle or place wherein or in any part of which silkworm is reared or ¹[silkworm, silkworm seed ²[cocoon or silk yam]²]¹ is stored or is being transported and seize or authorise any person to seize any ¹[silkworm, silkworm seed ²[cocoon or silk yam]²]¹, including any vessel, ³[vehicle]³ receptacle, apparatus, package or covering in which such ¹[silkworm, silkworm seed ²[cocoon or silk yam]²]¹ is contained, in respect of which he has reason to believe from personal knowledge or from information given by any person and taken down by him in writing that silkworm disease has occurred or that a contravention of this Act or of any rule or order made thereunder has been or is being committed;

1. Substituted by Act 29 of 1969 w.e.f. 22.12.1969.

2. Substituted by Act 33 of 1979 w.e.f. 6.11.1979.

3. Inserted by Act 30 of 1994 w.e.f. 3.10.1994.

(e) take or cause to be taken such steps as may be considered by him expedient or necessary to prevent the spread of silkworm disease or to eradicate it, including the disinfection of any place, or disinfection or destruction of any silkworm seed or silkworm, or of any vessel, receptacle or apparatus, used in its production, preparation, storage or transport, and such other action as may be prescribed.

(2) Every owner, occupier or other person in charge of any premises, land, vessel, vehicle or place referred to in clauses (c) and (d) of sub-section (1) shall give all reasonable facilities to the officer authorised under sub-section (1) in carrying out his functions under the said sub-section.

12. Penalties.- (1) Any person who contravenes the provisions of section 3 or 4 shall be punishable with fine which may extend to ¹[²[one thousand]² rupees]¹.

1. Substituted by Act 29 of 1969 w.e.f. 22.12.1969.

2. Substituted by Act 12 of 1997 w.e.f. 6.1.1997.

(2) Any rearer who contravenes the provisions of ¹[section 6 or clause (a) of sub-section (1) of section 7]¹, shall be punishable with fine which may extend to ²[one thousand rupees]².

1. Substituted by Act 29 of 1969 w.e.f. 22.12.1969.

2. Substituted by Act 30 of 1994 w.e.f. 3.10.1994.

¹[(2A) Any person who contravenes the provisions of clause (b) of sub-section (1) of section 7 or sub-section (2) of that section shall be punishable with imprisonment which may extend to three months or with fine which may extend to ²[five thousand rupees]² or with both.]¹

1. Inserted by Act 29 of 1969 w.e.f. 22.12.1969.

1. Substituted by Act 30 of 1994 w.e.f. 3.10.1994.

¹[(2B) Any person who contravenes the ²[provisions of section 5A or section 8A,]² shall on conviction be punished with imprisonment for a term which may extend to three years and with fine which may extend to ³[twenty five thousand rupees]³:

1. Inserted by Act 33 of 1979 w.e.f. 6.11.1979.

2. Substituted by Act 12 of 1997 w.e.f. 6.1.1997.

3. Substituted by Act 30 of 1994 w.e.f. 3.10.1994.

Provided that in the absence of special reasons to the contrary such imprisonment shall not be less than six months and fine shall not be less than one thousand rupees.]¹

¹[(3) Any person who contravenes the provisions of section 8 shall be punishable with fine which may extend to 3[one thousand and five hundred]3 rupees.]¹

1. Substituted by Act 29 of 1969 w.e.f. 22.12.1969.

(4) Save as otherwise provided in ¹[sub-sections (1), (2), (2A), ²[(2B)]² and (3)]¹, any person who contravenes any of the provisions of this Act or of any rule, order or notification thereunder, shall be punishable with fine which may extend to ³[five thousand]⁴ rupees]³.

1. Substituted by Act 29 of 1969 w.e.f. 22.12.1969.

2. Inserted by Act 33 of 1979 w.e.f. 6.11.1979.

3. Substituted by Act 30 of 1994 w.e.f. 3.10.1994.

4. Substituted by Act 12 of 1997 w.e.f. 6.1.1997.

¹[(5)xxx]¹

1. Omitted by Act 33 of 1979 w.e.f. 6.11.1979.

¹[12A. **Abetment.**- Whoever abets any offence punishable under this Act shall be punished with the punishment provided in this Act for such offence.

1. Section 12A and 12B inserted by Act 29 of 1969 w.e.f. 22.12.1969.

12B. Certain offences to be cognizable.- The offences under ¹[sub-sections (2A) and (2B)]¹ of section 12 shall be cognizable.]¹

1. Substituted by Act 30 of 1994 w.e.f. 3.10.1994.

¹[13. **Suspension or cancellation of licence, forfeiture of Property and Penalty, etc.,**-(1) The Director of Sericulture in Karnataka may,—

1. Sub section (1) to (3) Substituted by Act 33 of 1979 w.e.f. 6.11.1979.

(a) without prejudice to any punishment under section 12, after giving the person concerned a reasonable opportunity of being heard, if satisfied that such person has contravened the provisions of sections 3, 7, 8 or 8A, suspend or cancel the licence granted to such person,

(b) after giving the person concerned a reasonable opportunity of being heard direct that any,—

(i) silk worm seed, cocoons or silk yarn or any receptacle, apparatus, package or covering containing the same or any other article in respect of which such person has contravened any of the provisions of this Act or rules made thereunder, shall be forfeited to the Government; and

(ii) such person shall pay a penalty upto '[fifty thousand]² rupees]¹ but not exceeding the value of the property in relation to which the provisions of this Act or rules have been contravened.

1. Substituted by Act 30 of 1994 w.e.f. 3.10.1994.

2. Substituted by Act 12 of 1997 w.e.f. 6.1.1997.

(2) No person on whom the penalty is imposed under sub-clause (ii) of clause (b) of sub-section (1) shall be liable for prosecution in respect of the same facts for an offence under this Act.

(3) Any person aggrieved by the order of suspension or cancellation of licence, or forfeiture of property or imposition of penalty under sub-section (1) may appeal to the Sessions Judge of the District within such time, and in such manner as may be prescribed, and the decision of the Sessions Judge on such appeal shall be final.]¹

14. Composition of offences.- (1) Any offence punishable under this Act may be compounded by the '[Director of Sericulture in Karnataka]¹ or such other officer as may be prescribed on payment of such amount, not exceeding the amount of fine payable for such offence, as may be determined by the Director or such other officer.

1. Adopted by the Karnataka adaptations of laws order 1973 w.e.f. 1.11.1973.

(2) On the composition of an offence under sub-section (1), the person concerned, if in custody, shall be set at liberty, and if proceedings in any criminal court have been instituted against such person in respect of the offence, the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

15. Court competent to try offences under this Act and cognizance of offences.- (1) No court other than the court of Magistrate of the First Class shall take cognizance of any offence under this Act.

(2) No court shall take cognizance of ¹[an offence other than a cognizable offence] under this Act except on a complaint in writing of an officer empowered by the Government in this behalf.

1. Substituted by Act 29 of 1969 w.e.f. 22.12.1969.

16. Protection of persons acting under the Act.- No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

¹**[16A. Mode of recovery of dues.-** Any amount due to the Government under this Act, whether as fees, penalty or otherwise may, without prejudice to any other mode of collection, be recovered as an arrear of land revenue.]¹

1. Inserted by Act 20 of 1984 w.e.f. 2.12.1983.

17. Officers to be deemed public servants.- Every officer acting in pursuance of the provisions of this Act or rules or orders made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

¹**[17A. Establishment of Development and Price Stabilisation Fund.-** (1) There shall be constituted in the State of Karnataka a fund called the Karnataka Silk Worm Cocoon and Silk Yarn Development and Price Stabilisation Fund.

1. Sub section (1) to (3) Inserted by Act 33 of 1979 w.e.f. 6.11.1979.

(2) All moneys received by way of market fees, license fees, or other fees or charges and all grants or contributions made by the Government shall form part of the Fund established under sub-section (1).

(3) The amount at the credit of the said fund shall not be expended except for the purpose of stabilizing the prices of cocoons and silk yarn and for the development of rearing of silkworm seed, reeling and twisting of silk yarn and matters connected therewith and such other matters as may be prescribed.]¹

18. Power of Government to make rules.- (1) The Government may subject to the condition of previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

(a) the duties and powers of officers authorised to enforce the provisions of this Act and the manner of constitution of market committees and the powers and duties of such committees;

(b) the qualifications of persons who produce or prepare silkworm seed for rearing of silkworms and other persons to whom licences under this Act may be granted;

(c) the grant of licences and the imposing of conditions in respect of the same and fees for the grant of such licences;

(d) the sanitary and other conveniences that should be provided for at the production and distribution centres of silkworm seed;

(e) the grant of duplicate licences and the renewal of licences and fees for the same;

(f) appeals from any order under this Act, the authority to which such appeals shall lie, the time within which such appeals should be made and the procedure for dealing with such appeals;

(g) the forms of licences to be granted, returns to be submitted and accounts to be maintained under this Act;

¹[(h) the market fee payable by the rearers and the reelers in respect of cocoons sold and purchased in the cocoon market, such fee not exceeding two per cent of the price of the cocoons;

1. Clause (h) to (hd) Substituted by Act 33 of 1979 w.e.f. 6.11.1979.

(ha) the market fee payable by the reelers, ¹[the reelers who are also twistors and ²[licensed traders]²]¹ in respect of silk yarn sold or purchased by them in the silk exchange, such fee not exceeding two per cent of the price of silk yarn;

1. Substituted by Act 12 of 1980 w.e.f. 6.11.1979.

2. Substituted by Act 6 of 1981 w.e.f. 25.2.1960.

(hb) amenities and facilities to be provided in the silk exchange including settlement of disputes between the sellers and purchasers of the silk yarn;

(hc) the sitting fee and other allowances payable to the members of the committees constituted under sections 10 and 10A;

(hd) matters relating to the Fund constituted under section 17A;¹

(i) the particulars to be furnished by any person of the occurrence of silkworm disease in silkworm or silkworm seed, and the steps to be taken for the prevention or eradication of such disease;

(j) generally regulating the procedure to be followed in proceedings under this Act;

(k) any other matter which may be prescribed under this Act.

¹[(2A) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both the Houses of the State Legislature. Subject to any modification made under sub-section (3) it shall have effect as if enacted in this Act.]¹

1. Inserted by Act 20 of 1984 w.e.f. 2.12.1983.

(3) All rules made under this Act 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 thirty days 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 any rule or directs that any rule shall not have effect and if the modification or direction is agreed to by the other House, the said 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.

19. Repeal and Savings.- The Mysore Silkworm Diseases Control Act, 1943 (Mysore Act VIII of 1943) and the Mysore Silkworm Seed (Control of Distribution) Act, 1952 (Mysore Act XXXIII of 1952) as in force in the Mysore Area except Bellary District, the Madras Silkworm Diseases (Prevention and Eradication) Act, 1948 (Madras Act II of 1948) as in force in the Bellary District and the Madras Silkworm Diseases (Prevention and Eradication) Act, 1948 (Madras Act II of 1948) and the Madras Silkworm Seed (Production, Supply and Distribution) Act, 1956 (Madras Act XXIII of 1956) as in force in the 1[Mangalore and Kollegal Area]1, are hereby repealed:

1. Adopted by the Karnataka adaptation of laws order 1973 w.e.f. 1.11.1973.

Provided that such repeal shall not affect,—

(a) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, 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 this Act had not been passed:

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule framed) under the repealed enactments, so far as they are consistent with the provisions of this Act shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue until superseded by anything done or any action taken under this Act.

* * * *

**THE KARNATAKA SILKWORM SEED, COCOON AND SILK YARN
(REGULATION OF PRODUCTION, SUPPLY DISTRIBUTION AND SALE) ACT,
1959 (5 of 1960) has been amended by the following Acts, namely:-**

Amendments (Chronological)

SL. NO.	ACT NO. AND YEAR	SECTIONS AMENDED	REMARKS
1	5 OF 1960	1(3)	Sections 10 and 19 came into force w.e.f. 25.2.1960 in the entire State Of Karnataka and the rest of the provisions of the Act came into force w.e.f. 25.2.1960 in the old Mysore Area. All other sections except sections 10 and 19 came into force on different dates by several notifications mentioned at the end of the Act.
2	29 OF 1969	4,6,7,11(1),12(1),(2), 12(2A),12(3),(4), 12A, 12B, 15(2)	w.e.f. 22.12.1969 By notification No. NIL dated 12/16.12.1969
3	KAL ORDER 1973	Preamble,1(1),(2) (3), 10(2), 11(1), 14, 19	w.e.f. 1.11.1973
4	33 OF 1979	Preamble,1(1),(2), 5A, 8A, 10(1), 10A,11(1), 12(2B), (4),12(5), 12B, 13, 17A, 18(2)	w.e.f. 6.11.1979
5	12 OF 1980	8A(1), 8A(2),10A(3), 18(2)	w.e.f. 6.11.1979
6	6 OF 1981	10(1), 10A(1),18(2)	w.e.f. 25.2.1960
7	20 OF 1984	16A, 18(2A)	w.e.f. 2.12.1983
8	30 OF 1994	2, 5A(1), 10B,11(1), 12(2A),(4),12(2B),13(1)	

9	12 OF 1997	2, 5A(1), (2), 8A(1)(3), 12(1), 12(2B), 12(3), (4), 13(1)	w.e.f. 6.1.1997
10	22 OF 2000	1(3)	w.e.f. 25.2.1960

Amendments (section wise)

Sections	Act No. and year	Remarks
Preamble	(a) KAL Order 1973	w.e.f. 1.11.1973
	(b) 33 of 1979	w.e.f. 6.11.1979
1	(a) KAL Order 1973	w.e.f. 1.11.1973
	(b) 22 of 2000	w.e.f. 25.2.1960
	(c) 33 of 1979	w.e.f. 6.11.1979
2	(a) 33 of 1979	w.e.f. 6.11.1979
	(b) 30 of 1994	w.e.f. 3.10.1994
	(c) 12 of 1997	w.e.f. 6.1.1997
4	29 of 1969	w.e.f. 22.12.1969
5A	33 of 1979	w.e.f. 6.11.1979
6	29 of 1969	w.e.f. 22.12.1969
7	29 of 1969	w.e.f. 22.12.1969
8A	(a) 33 of 1979	w.e.f. 6.11.1979
	(b) 12 of 1980	w.e.f. 6.11.1979
	(c) 12 of 1997	w.e.f. 6.1.1997
10	(a) KAL order 1973	w.e.f. 1.11.1973
	(b) 33 of 1979	w.e.f. 6.11.1979
	(c) 6 of 1981	w.e.f. 25.2.1960
10A	(a) 33 of 1979	w.e.f. 6.11.1979
	(b) 12 of 1980	w.e.f. 6.11.1979
	(c) 6 of 1981	w.e.f. 25.2.1960
10B	30 of 1994	w.e.f. 3.10.1994
11	(a) 29 of 1969	w.e.f. 22.12.1969
	(b) KAL Order 1973	w.e.f. 1.11.1973
	(c) 33 of 1979	w.e.f. 6.11.1979
	(d) 30 of 1994	w.e.f. 3.10.1994

12	(a) 29 of 1969 (b) 33 of 1979 (c) 30 of 1994 (d) 12 of 1997	w.e.f. 22.12. 1969 w.e.f. 6.11.1979 w.e.f.3.10.1994 w.e.f.6.1.1997
12A	29 of 1969	w.e.f.22.12.1969
12B	(a) 29 of 1969	w.e.f. 22.12.1969
13	(b) 33 of 1979 (a) 33 of 1979 (b) 30 of 1994 (c) 12 of 1997	w.e.f.6.11.1979 w.e.f. 6.11.1979 w.e.f. 3.10.1994 w.e.f. 6.1.1997
14	KAL order 1973	w.e.f. 1.11.1973
15	29 of 1969	w.e.f. 22.12.1969
16A	20 of 1984	w.e.f.2.12.1983
17A	33 of 1979	w.e.f.6.11.1979
18	33 of 1979	w.e.f. 6.11.1979
18A	12 of 1980 6 of 1981 20 of 1984	w.e.f. 6.11.1979 w.e.f. 25.2.1960 w.e.f. 2.12.1983
19	KAL Order 1973	w.e.f. 1.11.1973

NOTIFICATIONS.

I

Bangalore, dated 28th April 1960. [No. CI 41 SAD 60]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Silkworm Seed and Cocoon Regulation of Production, Supply and Distribution) Act, of 1959 (Mysore Act 5 of 1960), the Government of Mysore hereby directs that the provisions of Sections 2 and 18 of the said Act shall come into force in the Hyderabad Area, Madras Area, Bombay Area, Coorg and Bellary Districts on 2nd May 1960.

By Order and in the name of the Governor of Mysore,
(A. ALIKHAN)

*Deputy Secretary to Government, Commerce and Industries
Department.*

II

Bangalore, dated 25th January 1961 (Magha 5, Saka Era 1882).

[No. CI 2 SAD 61]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Silkworm Seed and Cocoon (Regulation of Production, Supply and Distribution) Act, 1959 (Mysore Act 5 of 1960), the Government of Mysore hereby specifies the 30th day of January 1961, as the date on which Sections 3, 4, 5, 9, 11, 12, 13, 14, 15, 16 and 17 of the said Act shall come into force in the Bombay, Hyderabad and Madras Areas and the Coorg District of the State of Mysore.

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

(M. SUBRAMANYAM)

Secretary to Government, Commerce and Industries Department.

III

Bangalore, dated 28th January 1961 (Magha 8, Saka Era 1882).

[No. CI 2 SAD 61]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Silkworm Seed and Cocoon (Regulation of Production, Supply and Distribution) Act, 1959 (Mysore Act 5 of 1960), the Government of Mysore hereby specifies the 30th day of January 1961 as the date on which Sections 2, 3, 4, 5, 9, 11, 12, 13, 14, 15, 16 17 and 18 of the said Act shall come into force in all areas of the Mysore Area of the State of Mysore, other than the areas in which the said sections have already come into force.

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

(B. LAKSHMANARAO)

*Under Secretary to Government, Commerce and Industries
Department.*

IV

Bangalore, dated 13th/15th December 1962 (Margasira 22nd/24th Saka Era 1884). [No. CI 122 SAD 62]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyam (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies the 28th day of December 1962 as the date on which the provisions of Section 6, 7 and 8 of the said Act shall come into force in Chamarajanagar, Nanjangud and Gundlupet Taluks.

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

(B. LAKSHMANARAO)

Under Secretary to Government, Commerce and Industries Department.

V

Bangalore, dated 23rd/25th January 1963. [No. CI 5 SAD 63(I)]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyam (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies Thursday, the 31st January 1963 as the date on which the provisions of Sections 6, 7 and 8 of the said Act shall come into force in Kollegal and Yelandur Taluks.

By Order and in the name of the Governor of Karnataka,
(B. LAKSHMANARAO)

Under Secretary to Government, Commerce and Industries Department.

VI

Bangalore, dated 5th June 1963 [No. CI 50 SAD 63(I)]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyam (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies Monday the 17th June 1963 as the date on which the provisions of Section 6, 7 and 8 of the said Act shall come into force in Channapatna, Kanakapura and Ramanagaram Taluks in Bangalore District and Maddur Taluk in Mandya District.

By Order and in the name of the Governor of Karnataka,
(B. LAKSHMANARAO)

Under Secretary to Government, Commerce and Industries Department.

VII

Bangalore, dated 10th June 1963 [No. CI 47 SAD 63]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyam (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies Monday the 17th June 1963 as the date on which the provisions of Section 6, 7 and 8 of the said Act shall come into force in Mysore and T. Narasipur Taluks of Mysore District, Somawarpet Taluk of Coorg District and Malavalli Taluk of Mandya District.

By Order and in the name of the Governor of Karnataka,
(B. LAKSHMANARAO)

Under Secretary to Government, Commerce and Industries Department.

VIII

Bangalore, dated 5th August 1963. [No. CI 59 SAD 63(I)]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies the 6th September 1963 as the date on which the provisions of Sections 6, 7 and 8 of the said Act shall come into force in Kolar District and Devanahalli, Hoskote, Anekal and Bangalore South Taluks Bangalore District.

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

(J. T. BORKAR)

Under Secretary to Government, Commerce and Industries Department.

IX

Bangalore, dated 8th/15th April 1968 [No. CI 6 BAD 63(I)]

S. O. 775.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies 20th May 1968 as the date on which the provisions of Section 6, 7 and 8 of the said Act shall come into force in Bangalore North Taluk of Bangalore District.

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

(H. L. LINGARAJ URS)

Deputy Secy.

X

Bangalore, dated 10th-15th April 1968 [No. CI 27, BAD 67(I)]

S. O. 785.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies 20th May 1968 as the date on which the provisions of Sections 6, 7 and 8 of the said Act, shall come into force in the following areas, namely:

(1) Heggadadevanakote, Hunsur, Krishnarajanagar and Periyapatna Taluks in Mysore District.

(2) Mercara and Virajpet taluks in Coorg District.

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

(H. L. LINGARAJ URS)

Deputy Secretary.

XI**Bangalore, dated 8th-15th April 1968 [No. CI 20 BAD 67 (I)]**

S.O. 789.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies 20th May 1968 as the date on which the provisions of Sections 6, 7, and 8 of the said Act, shall come into force in Mandya Taluk of Mandya District.

By Order and in the name of the Governor of Karnataka,
(H. L. LINGARAJURS)
Deputy Secretary.

XII**Bangalore, dated 12th-16th December, 1969.**

S. O. 2596.—In exercise of the powers conferred by sub-section (2) of Section 1 of the Mysore Silkworm Seed and Cocoon (Regulation of Production, Supply and distribution) (Amendment) Act, 1969 (Mysore Act No. 29 of 1969), the Government of Mysore, hereby appoints 22nd day of December, 1969 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Mysore,
(CHANDAPPAPATEL)
Secretary to Government, Commerce and Industries Department.

XIII**Bangalore, dated 20th March 1972 [No. CI 31 BAD 71]**

In exercise of the powers conferred by sub-section (3) of Section 1 of the Karnataka Silkworm Seed Cocoon and Silkyarn (Regulation of Production, Supply, Distribution and Sale) Act, 1959 (Karnataka Act 5 of 1960) the Government of Karnataka hereby specifies the 23rd March 1972 as the date on which the provisions of section 6, 7 and 8 of the said Act shall come into force in the areas specified in the schedule below:—

District	Taluks/Village
1. Bangalore District	(a) All the villages of Nelamangala Taluk except the villages mentioned in Notification No. CI 131 SAD 59, dated 8th April 1960 where the provisions of the said section have already been in force.

(b) All the villages of Magadi Taluk except the villages mentioned in Notification No. CI 131 SAD 59, dated 8th April 1960 where the provisions of the said sections have already been in force.

(c) All the villages of Doddaballapur Taluk Except the villages mentioned in Notification No. CI 131 SAD 59, dated 8th April 1960 where the provisions of the said sections have already been in force.

2. Tumkur District

(a) All the villages of Kunigal Taluk except the villages mentioned in Notification No. CI 131 SAD 59, dated 8th April 1960 where the Provisions of the said sections have already been in force.

(b) All the villages of Gubbi Taluk except the villages mentioned in the Notification No. CI 131 SAD 59, dated 8th April 1960 where the provisions of the said Section have already been in force.



सत्यमेव जयते

THE KARNATAKA SOCIETIES REGISTRATION ACT, 1960.**ARRANGEMENT OF SECTIONS**

Statement of Object and Reasons

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Societies to which the Act applies.
4. Conditions of registration.
5. Mode of forming societies.
6. Requirements with respect to memorandum.
7. Societies not to be registered with undesirable names.
8. Registration of societies.
9. Alteration of memorandum of association.
10. Change of name, rules and regulations.
11. General meeting.
12. Accounts.
13. Balance sheet and annual list of governing body to be filed with Registrar.
14. Property of society how vested.
15. Suits by and against society.
16. Suits not to abate.
17. Enforcement of judgment against society.
18. Recovery of penalty accruing under bye-law.
19. Members liable to be sued as strangers.
20. Members guilty of offences punishable as strangers.
21. Procedure for amalgamation of societies.
22. Provision for dissolution of societies and adjustment of their affairs.
23. Upon dissolution, no member to receive profit.
24. Inspection of documents.
25. Enquiry by the Registrar, etc.
26. Surcharge.
27. Cancellation of registration and dissolution of certain societies.

- 27A. Appointment of Administrator.
- 28. Offences and penalties.
- 29. Cognizance of offences.
- 30. Power to make rules.
- 31. Repeal and savings.

STATEMENT OF OBJECTS AND REASONS

I

Act No. 17 of 1960.—In the integrated areas the following different Acts are in force:—

- | | | | |
|----|---|-----|---|
| 1. | Mysore Area. | ... | The Mysore Societies Registration Act, 1904. |
| 2. | Madras Area,
Bombay Area
and Coorg District | ... | The Societies Registration Act, 1860. (Central Act). |
| 3. | Hyderabad Area | ... | The Hyderabad Public Societies Registration Act,
1350F |

2. It is desirable to have an uniform law for the registration of Literary, Scientific, Charitable and other Societies in the State and the Bill has been prepared for this purpose.

3. The Bill has been drafted generally on the lines of the Mysore Societies Registration Act, 1904, which though based on the Central Act, contains some additional provisions which are very useful safeguards to ensure the proper working of Societies registered under the Act.

(Obtained from notification No. 1218 LC, dated 6th November 1958, PART IV—2-A, as No. 1218, at page. 15.)

सत्यमेव जयते II

Amending Act 26 of 1965.—Section 27 as it stands now empowers the Registrar of Societies to conduct enquiries if it appears to him that it is carrying on any unlawful activity or is allowing any unlawful activity to be carried on. The Registrar has jurisdiction over the entire State and he has many other items of work to attend to. It may not therefore be possible for him to conduct all such enquiries by himself. It would be desirable to provide for his authorising some other officers to conduct such enquiries. The amendment empowers the Registrar to delegate the powers of enquiry into the activities of the societies to some person authorised by him.

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 28th September 1965 at page. 7.)

III

Amending Act 20 of 1975.—Some of the Societies are finding it inconvenient to render returns on the basis of the calendar year under existing provisions of the Mysore Societies Registration Act 1960. It is proposed to amend the Act so as to enable societies to adopt any periods of twelve months according to their choice.

Opportunity has been taken to enhance the fees payable by the Societies for certain purposes in view of the increase in the cost of administration of the department.

(Published in Karnataka Gazette, Part IV-2A dated 23rd November 1972, at page. 12.)

Amending Act 65 of 1976.—When a general body meeting is not or cannot be held and a new governing body is not or cannot be elected, the affairs of a society constituted under the Karnataka Societies Registration Act, 1960 will go into a stalemate. Where the society is, for example one which has been given large Government aid by way of land or cash, or is running big educational institutions, a stalemate in the top management body would cause much hardship or harm to many and would affect public interest very considerably. When such a stalemate arises, there is no remedy in the existing Karnataka Societies Registration Act, 1960; there is no provision in the Karnataka Societies Registration Act for the appointment of an Administrator to temporarily manage the affairs of such a society until a valid election is held and a new governing body takes charge.

It was therefore considered necessary to amend the Karnataka Societies Registration Act, 1960 to provide for the appointment of an Administrator in the above mentioned situation. Provision is made in general terms that where any society has not held or is unable to hold the annual general body meeting or where the terms of office has been expired and a new governing body has not been constituted or where the State Government consider it necessary in public interest so to do, an Administrator may be appointed for a short period. It is further provided that the Administrator should take steps to convene the general body meeting and hold elections for the constitution of the new governing body before his term expires. In other words the whole thing is a stop-gap arrangement. Hence the Ordinance was promulgated by insertion of new section 27-A after section 27 of the Karnataka Societies Registration Act, 1960.

(Obtained from LC Bill No. 14 of 1976.)

V

Amending Act 7 of 1978.—Registration of all Societies is now being done at Bangalore. There are nearly 17,000 Societies in the State. The Registrar of Societies feels it very difficult to have effective control over all those societies. Moreover, inconvenience is caused to the public to come to Bangalore from remote corners of the State for registration of clubs, societies, etc. It is therefore considered necessary to decentralise this work.

At present a society could be registered under the Act for the development of among other things, sports other than horse racing. It is considered necessary to extend the scope of the Act to horse racing also.

It is considered necessary to increase the total period for which Administrator could be appointed from 2 years to 4 years and to provide for the appointment of an Advisory Council to assist the Administrator.

Some other consequential amendments are also made. As the matter was urgent an Ordinance was promulgated.

This Bill seeks to replace the said Ordinance.

(Published in Karnataka Gazette, (Extraordinary), PART IV—2-A, dated 18th March 1978, as No. 268, at page. 3.)

Amending Act 48 of 1986.—The proviso to section 27A of the Karnataka Societies Registration Act, 1960 provides for extending the period of appointment of the Administrator prospectively. It is considered necessary to empower the Government to extend the period of appointment of the Administrator, retrospectively also.

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 25th August 1986 as No. 653 at page 3.)

VII

Amending Act 11 of 1990.—To give effect to the proposals made in the Budget Speech, it is considered necessary to amend the Karnataka Societies Registration Act, 1960.

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 30th March 1990, as No. 155, at page. 28.)

VIII

Amending Act 9 of 1999. - To implement the Participatory Irrigation Management, the High level working group has suggested certain amendments to the Karnataka

Societies Registration Act, 1960 to enable the water users societies to fully implement the programmes.

Therefore, it is considered necessary to amend section 3 of the Karnataka Societies Registration Act, 1960 to provide for the proper use of the natural resources and scarce infrastructural facilities like land, power, water, forest and other resources.

Hence the Bill.

(Obtained from L.A. Bill No. 24 of 1997) (File No. SAMVYASAIE 23, SHASANA 97).

IX

Amending Act 7 of 2000.- To give effect to the proposals made in the Budget Speech, it is considered necessary to amend the Karnataka Stamp Act, 1957 and the Karnataka Societies Registration Act, 1960.

(Obtained from L.A. Bill No. 8 of 2000)

X

Amending Act 6 of 2002.- To give effect to the proposals made in the Budget Speech, it is considered necessary to amend the Karnataka Stamp Act, 1957 and the Karnataka Societies Registration Act, 1960.

Hence the Bill.

XI

Amending Act 38 of 2011.- At present there is no time limit provided in the Karnataka Societies Registration Act, 1960 within which the Registrar has to accept or reject an amendment to rules and regulations submitted by a society. Therefore, it is proposed to amend section 10 of the Karnataka Societies Registration Act, 1960 to give effect to the amendment proposed by the societies from the date of passing of the resolution, if the amendment is approved by the Registrar.

A Provision to condone the delay in submission of the resolution after the period of thirty days is also proposed.

Hence this bill.

[L.A. Bill No. 44 of 2011, File No. Samvyashae 38 Shasana 2011]

[Entry 32 of List II of the seventh Schedule to the Constitution of India.]

* * * *

[KARNATAKA ACT]¹ No. 17 OF 1960

(First published in the '[Karnataka Gazette]' on the Third day of November 1960.)

THE '[KARNATAKA]' SOCIETIES REGISTRATION ACT, 1960.

(Received the assent of the Governor on the Twenty-fifth day of October 1960.)

(As Amended by Karnataka Acts 26 of 1965, 20 of 1975, 65 of 1976, 7 of 1978, 48 of 1986, 11 of 1990 9 of 1999, 7 of 2000, 6 of 2002 and 38 of 2011.)

An Act to provide for the registration of literary, scientific, charitable and other societies.

WHEREAS it is expedient to provide for the registration of literary, scientific, charitable and other societies in the '[State of Karnataka]';

BE it enacted by the '[Karnataka State]'¹ Legislature in the Eleventh 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, extent and commencement.- (1) This Act may be called the '[Karnataka] Societies Registration Act, 1960.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(2) It extends to the whole of the '[State of Karnataka]'¹.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(3) It shall come into force on such 1[date]1 as the State Government may by notification in the official Gazette appoint.

1. Act came into force on 15.6.1961.

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

(a) "governing body" means the governors, council, directors, committee, trustees or other body to whom by the rules and regulations of the society, the management of its affairs is entrusted;

(b) "member" means a person who, having been admitted to membership of a society in accordance with the rules and regulations thereof, shall have paid his subscription and shall have signed the roll or list of members thereof, and shall not have resigned in accordance with such rules and regulations; but in all proceedings under this Act, no person shall be entitled to vote or to be counted as a member whose subscription at the time shall have been in arrear for a period exceeding three months;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "registered society" means a society registered or deemed to be registered under this Act;

¹[(e) 'Registrar' means such officer as the State Government may, by notification, appoint to perform the duties and functions of the Registrar under this Act, in such area as may be specified in the notification and where no such officer is appointed, the Inspector General of Registration in Karnataka.]¹

1. Substituted by Act 7 of 1978 w.e.f. 29.9.1977.

¹[(f) 'year' means the year ending on the 31st day of December or in the case of any society or class of societies the accounts of which are made up to any other date with the previous sanction of the Registrar, the year ending with such date.]¹

1. Inserted by Act 20 of 1975 w.e.f. 1.7.1975.

3. Societies to which the Act applies.- The following societies may be registered under this Act,—

Societies established for,—

- (a) the promotion of charity;
- (b) the promotion of education, science, literature, or the fine arts;
- (c) the promotion of sports ¹[x x x]¹;

1. Omitted by Act 7 of 1978 w.e.f. 29.9.1977.

(d) the instruction and the diffusion of knowledge relating to commerce or industry or of any other useful knowledge;

(e) the diffusion of political education;

(f) the foundation or maintenance of libraries or reading rooms for general use among the members or open to the public, or of public museums and galleries of painting and other works of art;

¹[(ff) the promotion of conservation and proper use of natural resources and scarce Infrastructural facilities like land, power, water, forest and such other resources and infrastructural facilities, as may be notified by the State Government from time to time.]¹

1. Inserted by Act 9 of 1999 w.e.f. 26.4.1999.

(g) the collection of natural history, mechanical and philosophical inventions, instruments or designs; and

which intend to apply their profits, if any, or other income in promoting their objects and prohibit the payment of any dividend or distribution of any income or profits among their members.

4. Conditions of registration.- No society, other than a society of which the State Government is a member, which does not consist of at least seven persons above the age of eighteen years shall be registered under this Act.

5. Mode of forming societies.- Any seven or more persons, above the age of eighteen years associated for any purpose specified in section 3 may, by subscribing

their names to a memorandum of association and otherwise complying with the requirements of this Act and the rules made thereunder, in respect of registration, form themselves into a society under this Act.

6. Requirements with respect to memorandum.- (1) The memorandum of association of every society shall state,—

- (a) the name of the society;
- (b) the objects of the society;
- (c) the names, addresses and occupations of the members of the governing body to whom, by the rules of the society, the management of its affairs is entrusted;
- (d) the place at which the registered office of the society is to be situate.

(2) There shall be registered with the memorandum of association, the rules and regulations of the society, which shall contain provisions relating to admission of members, general meetings, proceedings at such meetings including voting by members, the governing body and proceedings of meetings of the governing body:

Provided that save as otherwise provided in this Act, no rule or regulation of a society shall exclude any member from being entitled to vote.

(3) The memorandum and rules and regulations of the society shall be printed or typewritten, be divided into paragraphs numbered consecutively and be signed by each subscriber to the memorandum of association (who shall add his address, description, age and occupation, if any) in the presence of at least one witness who shall attest the signature and shall likewise add his address, description and occupation.

7. Societies not to be registered with undesirable names.- No society shall be registered by a name which, in the opinion of the Registrar, is undesirable. A name which is identical with, or too nearly resembles, the name by which a society in existence has been previously registered, may be deemed to be undesirable by the Registrar under this section.

8. Registration of societies.- (1) There shall be presented to the Registrar for registration the memorandum of association and the rules and regulations of the society ¹[xxx]¹.

1. Omitted by Act 7 of 2000 w.e.f. 1.4.2000.

(2) If the Registrar is satisfied that all the requirements of this Act and the rules made thereunder have been complied with, he shall retain and register the memorandum of association and rules and regulations, and shall certify under his hand that the society is registered and issue a certificate of registration.

(3) If the Registrar refuses to register a society, an appeal shall lie to the ¹[Karnataka Appellate Tribunal]¹ within sixty days from the date of communication of his refusal to register the society. ²[xxx]².

1. Substituted by Act 7 of 1978 w.e.f. 29.9.1977.

2. Omitted by Act 7 of 2000 w.e.f. 1.4.2000.

9. Alteration of memorandum of association.- (1) Whenever it shall appear to the governing body of any society registered under this Act which has been established for any particular purpose or purposes that it is advisable to alter, extend or abridge such purpose or for other purposes specified in section 3, the governing body may submit the proposition to the members of the society in a written or printed report, and may convene a special general meeting for the consideration thereof according to the rules and regulations of the society. But no such proposition shall be deemed to have been approved unless such report has been delivered or sent by post to every member of the society twenty-one days previous to the date of the special general meeting convened by the governing body for the consideration thereof, and unless such proposition shall have been agreed to by the votes cast in favour of the proposition by members who being entitled so to do, vote in person, or where proxies are allowed, by proxy, and such votes are not less than three times the number of the votes, if any, cast against the resolution by members so entitled and voting and confirmed by a similar majority of votes at a second special general meeting convened by the governing body after an interval of thirty days after the former meeting.

(2) Every change in the memorandum of association approved under sub-section (1) shall be filed with the Registrar within thirty days from the date of making thereof [x x] and the Registrar may if he is satisfied that the change is in accordance with the provisions of this Act and the rules made thereunder register such change. Such change shall not have effect until it has been so registered.

1. Omitted by Act 7 of 2000 w.e.f. 1.4.2000.

(3) If the Registrar refuses to register a change in the memorandum of association under sub-section (2) an appeal shall lie to the 1[Karnataka Appellate Tribunal]1 within sixty days from the date of communication of his refusal to register the change 2[x x x]2.

1. Substituted by Act 7 of 1978 w.e.f. 29.9.1977.

2. Omitted by Act 7 of 2000 w.e.f. 1.4.2000.

10. Change of name, rules and regulations.- (1) The name and the rules and regulations of a society may be amended by a resolution passed at a special general meeting convened for the purpose of which written or printed notice shall have been delivered or sent by post to every member of the society twenty-one days previous to the date of the special general meeting and the resolution proposing the amendment is passed by the votes cast in favour of the resolution by members who being entitled so to do, vote in person or where proxies are allowed, by proxy, and such votes are not less than three times the number of the votes, if any, cast against the resolution by members so entitled and voting.

¹[(2) every amendment made under sub-section (1) shall, within thirty days be filed with the Registrar. If the Registrar is satisfied that the amendment made under sub-section(1) is in accordance with the provisions of this Act, and the rules made thereunder, he shall register it. Such amendment shall have effect from the date of resolution passed under Sub-Section (1).

Provided that the Registrar if satisfied that there are sufficient cause for not filing the resolution for not filing the resolution with in the said period, he may condone the delay in writing for a period not exceeding one year.]¹

1. Substituted by Act 38 of 2011 w.e.f. 29.12. 2011.

(3) If the Registrar refuses to register the amendment under sub-section (2) an appeal shall lie to the ¹[Karnataka Appellate Tribunal]¹ within sixty days from the date of communication of his refusal to register the amendment. ²[xxx]².

1. Substituted by 7 of 1978 w.e.f. 29.9.1977.

2. Omitted by Act 7 of 2000 w.e.f. 1.4.2000.

11. General meeting.- (1) Every society registered under this Act shall hold every year a general meeting called the annual general meeting at which the report of the management of the society for the previous year together with an audited copy of the balance sheet, income and expenditure account and the auditor's report shall be submitted for approval.

(2) The first annual general meeting shall be held by a society within eighteen months of its registration. The next annual general meeting of the society shall be held within nine months after the expiry of the ¹[xxx]¹ year in which the first annual general meeting was held; and thereafter an annual general meeting shall be held within nine months after the expiry of each ¹[xxx]¹ year:

1. Omitted by Act 20 of 1975 w.e.f. 1.7.1975.

Provided that the Registrar may, for any special reason, extend the time within which an annual general meeting shall be held, by a further period not exceeding six months:

Provided further that except in the case referred to in the preceding proviso not more than eighteen months shall elapse between the date of one annual general meeting and that of the next.

(3) A special general meeting may be convened at any time on the requisition of the president or the chairman, if any, of the governing body, or on the requisition of not less than one-third of the number of members of the governing body, or one-tenth of the total number of members of the society, entitled to vote who shall state in writing the business for which they wish the meeting to be convened and the governing body shall, within ten days from the date of the receipt of the requisition, proceed duly to call a meeting for the consideration of the business stated on a day not later than forty days from the date of the receipt of the requisition.

(4) If a member has no registered address in India and has not supplied to the society an address within India for the giving of notice to him, a notice advertised in a newspaper in Kannada and in a newspaper in English or any other language circulating in the neighbourhood of the registered office of the society shall be deemed to be duly given to him on the day on which the advertisement appears in the newspaper.

12. Accounts. - (1) The governing body of every society registered under this Act shall keep at the registered office of the society or at such other place in the State as the governing body thinks fit, proper books of account with respect to,—

(a) all sums of money received and expended by the society and the matters in respect of which the receipt and expenditure takes place;

(b) all sales and purchases of goods by the society; and

(c) the assets and liabilities of the society.

(2) Every balance sheet of a society shall give a true and fair view of the state of affairs of the society as at the end of the '[x x x]' year and every income and expenditure account shall give a true and fair view of the excess of income over expenditure, or excess of expenditure over income, of the society for the '[x x x]' year.

1. Omitted by Act 20 of 1975 w.e.f. 1.7.1975.

¹[(3) In the case of a society the accounts of which are made up with the previous sanction of the Registrar to any date other than the 31st day of December, the first balance sheet and the first income and expenditure account of such society after such previous sanction is accorded shall, for the purposes of sub-section (2), be for such period as the Registrar may specify in the order according previous sanction.]¹

2. Inserted by Act 20 of 1975 w.e.f. 1.7.1975.

13. Balance sheet and annual list of governing body to be filed with Registrar. - On or before the fourteenth day succeeding the day on which the annual general meeting of a society is held, there shall be filed with the Registrar a list of the names, addresses and occupations of the members of the governing body then entrusted with the management of the affairs of the society and a copy of the balance sheet and income and expenditure account audited by a person who under section 226 of the Companies Act, 1956 (Central Act 1 of 1956), can act as an auditor of companies registered in the '[State of Karnataka]'. ²[x x x]²:

1. Adopted by the Karnataka adoption of Laws Order 1973 w.e.f. 1.11.1973.

2. Omitted by Act 7 of 2000 w.e.f. 1.4.2000

¹[¹Provided that if for any sufficient reason a society has not filed the list of members of governing body and a copy of balance sheet and income and expenditure account on or before the fourteenth day of the Annual General Body meeting of the Society it

may make an application to the Registrar to condone the delay and permit to file the records and the Registrar may if he is satisfied that there are sufficient reasons for the delay in filing such records, condone the delay and permit the society to file such records subject to payment of fine as may be prescribed and where no sufficient reasons are shown, he may after giving an opportunity of being heard to the society reject the application and return such records to the society:

Provided further that, where a society has failed to file such records for a consecutive period of five years, the Registrar, may after giving a reasonable opportunity of being heard to the society, by an order cancel the registration of such society and direct dissolution of the society, and thereupon the assets of the society shall be distributed, and the liabilities discharged in the same manner as if the society had been dissolved under section 22.

Explanation: For the purpose of this proviso, where the application filed by a society to condone the delay in filing records for any year is rejected and the records are returned under the first proviso, such society shall be deemed to have failed to file records for that year."]¹

1. Substituted by Act 6 of 2002 w.e.f. 1.4.2002.

14. Property of society how vested.- The property, movable and immovable, belonging to a society registered under this Act, if not, vested in trustees, shall be deemed to be vested, for the time being in the governing body of such society, and in all proceedings, civil and criminal, the property may be described as the property of the governing body of such society by their proper title.

15. Suits by and against society.- Every society registered under this Act may sue or be sued in the name of the president, chairman, or principal secretary or the trustees as shall be determined by the rules and regulations of the society, and, in default, of such determination, in the name of such person as shall be appointed by the governing body for the occasion:

Provided that, it shall be competent for any person having a claim or demand against the society, to sue the president or chairman, or principal secretary or the trustees thereof, if, on application to the governing body, some other officer or person be not nominated to be the defendant.

16. Suits not to abate.- No suit or proceeding in any civil court shall abate or discontinue by reason of the person by or against whom such suit or proceeding shall have been brought or continued, dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of such person.

17. Enforcement of judgment against society.- (1) If a judgment is passed against the person or officer named on behalf of the society, such judgment shall not

be enforced against the person or property of such person or officer, but shall be enforced against the property of the society.

(2) The application for execution shall set forth the judgment, the fact of the party against whom it shall have been passed having sued or having been sued, as the case may be, on behalf of the society only, and shall require to have the judgment enforced against the property of the society.

18. Recovery of penalty accruing under bye-law.- Whenever by any bye-law duly made in accordance with the rules and regulations of the society, or, if the rules do not provide for the making of bye-laws, by any bye-law passed at a general meeting of the members of the society convened for the purpose by a majority of not less than three-fifths of the members present at such meeting, any pecuniary penalty is imposed for the breach of any rule or bye-law of the society, such penalty, when accrued, may be recovered in any court having jurisdiction where the defendant shall reside, or the society shall be situate, as the governing body thereof shall deem expedient.

19. Members liable to be sued as strangers.- Any member who may be in arrear of a subscription which according to the rules of the society, he is bound to pay, or who shall possess himself of or detain any property of the society in a manner or for a time contrary to such rules, or shall injure or destroy any property of the society, may be sued for such arrear or for the damage accruing from such detention, injury or destruction of property in the manner hereinbefore provided.

20. Members guilty of offences punishable as strangers.- Any member of the society who shall steal, purloin or embezzle any money or other property, or wilfully and maliciously destroy or injure any property of such society, or shall forge any deed, bond, security for money, receipt or other instrument, whereby the funds of the society may be exposed to loss, shall be subject to the same prosecution, and, if convicted, shall be liable to be punished in like manner, as any person not a member would be subject and liable to in respect of the like offence.

21. Procedure for amalgamation of societies.- Whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to amalgamate such society, either wholly or partially with any other society, such governing body may submit the proposition to the members of the society in a written or printed report, and may convene a special general meeting for the consideration thereof according to the rules and regulations of the society. But no such proposition shall be deemed to have been approved unless such report shall have been delivered or sent by post to every member of the society, twenty-one days previous to the date of the special general meeting convened by the governing body for the consideration thereof, and unless such proposition shall have been agreed to by the votes, cast in favour of the

proposition by members who being entitled so to do, vote in person, or where proxies are allowed, by proxy, and such votes are not less than three times the number of votes, if any, cast against the resolution by members so entitled and voting and confirmed by a similar majority of votes at a second special general meeting convened by the governing body after an interval of thirty days after the former meeting.

22. Provision for dissolution of societies and adjustment of their affairs.- Any number not less than three-fourths of the members of any society may determine that it shall be dissolved and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities, according to the rules of the said society applicable thereto, if any, and if there are no such rules, as the governing body shall find expedient, provided that, in the event of any dispute arising among the said governing body or the members of the society, the adjustment of its affairs shall be referred to the principal court of original civil jurisdiction of the district in which the registered office of the society is situate; and the court shall make such order in the matter as it shall deem requisite: Provided that no society shall be dissolved unless three-fourths of the members shall have expressed a wish for such dissolution by their votes delivered in person, or where proxies are allowed, by proxy, at a special general meeting convened for the purpose: Provided further that whenever the State Government is a member of, or a contributor to, or otherwise interested in any society registered under this Act, such society shall not be dissolved without the consent of the State Government.

23. Upon dissolution, no member to receive profit.- (1) If upon the dissolution of any society registered under this Act, there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the said society or any of them, but shall be given to some other society, to be determined by the votes of not less than three-fifths of the members present personally or where proxies are allowed, by proxy at the time of the dissolution, or in default thereof, by the principal civil court of original jurisdiction of the district.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the members of any society dissolved, to determine by a majority of the votes of the members present personally or where proxies are allowed, by proxy, at the time of dissolution of such society that any property whatsoever remaining after the satisfaction of all its debts and liabilities shall be given to the State Government to be utilised for any of the purposes referred to in section 3.

24. Inspection of documents.- Any person may inspect all documents filed with the Registrar under this Act '[on payment of such fee as may be prescribed]' and any person may require a copy or extract of any document or any part of any document to

be certified by the Registrar, on payment of ¹[such fee as may be prescribed]¹ for every hundred words of such copy or extract; and such certified copy shall be prima facie evidence of the matters therein contained in all legal proceedings whatever.

1. Substituted by Act 7 of 2000 w.e.f. 1.4.2000.

25. Enquiry by the Registrar, etc. - (1) The Registrar may on his own motion and shall on the application of the majority of the members of the governing body or of not less than one-third of the members of the society, hold an enquiry or direct some person authorised by him by order in writing in accordance with the rules made in this behalf to hold an enquiry into the constitution, working and financial condition of a registered society.

(2) The Registrar or the person authorised by him under sub-section (1) shall have the following powers, namely,—

(a) he shall, at all reasonable times, have free access to the books, accounts, documents, securities, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents securities, cash or other properties to produce the same at any place at the headquarters of the society or any branch thereof;

(b) he may summon any person who, he has reason to believe, has knowledge of any of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath;

(c) (i) he may, notwithstanding anything contained in this Act or in any rule or regulation prescribing the period of notice for a general meeting of the society, require the governing body of the society to call a general meeting at such time and place at the headquarters of the society or any branch thereof and to determine such matters as may be directed by him. If the governing body of the society refuses or fails to call a meeting, he shall have power to call it himself;

(ii) any meeting called under sub-clause (i) shall have all the powers of a general meeting called under the rules or regulations of the society and its proceedings shall be regulated by such rules or regulations;

(iii) when an enquiry is made under this section, the Registrar shall communicate the result of the enquiry to the society concerned.

26. Surcharge. - (1) Where, in the course of an enquiry under section 25, it appears that any person who had taken part in the establishment or management of the society or any past or present president, secretary, member of the governing body or officer or any member of the staff of the society has misapplied or retained or become liable or accountable for any money or property of the society, or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, on a report

received from the officer or on an application received from the governing body of the society or of his own motion, examine into the conduct of such person and after giving reasonable opportunity to the person concerned to submit his explanation, make an order requiring him to repay or restore the money or property or any part thereof, respectively with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retainer, misfeasance or breach of trust as the Registrar thinks just.

(2) The order of the Registrar under sub-section (1) shall be final unless it is set aside by the '[Karnataka Appellate Tribunal]'¹ on an appeal filed before it within sixty days from the date of communication of the order. Every such appeal shall be accompanied by a fee of ten rupees.

1. Substituted by Act 7 of 1978 w.e.f. 29.9.1977.

(3) Any sum ordered under this section to be repaid to a society or recovered as a contribution to its assets may on a requisition being made in this behalf by the Registrar, be recovered by the Deputy Commissioner, in the same manner as arrears of land revenue.

(4) This section shall apply notwithstanding such person may have incurred criminal liability by his act.

27. Cancellation of registration and dissolution of certain societies.- (1) If it appears to the Registrar that any society registered or deemed to be registered under this Act, is carrying on any unlawful activity or allows unlawful activity to be carried on within any premises under the control of the society, 1[the Registrar may hold an enquiry or authorise any officer to hold an enquiry into the activities of such society and in respect of every such enquiry, the Registrar or the authorised officer]1 shall have the same powers as are specified in sub-section (2) of section 25. 2[The authorised officer shall, on completion of the enquiry, submit a report to the Registrar.]²

1. Substituted by Act 26 of 1965 w.e.f. 2.12.1965.

2. Inserted by Act 26 of 1965 w.e.f. 2.12.1965.

(2) If on an enquiry under sub-section (1), the Registrar is satisfied that any such society has been carrying on any unlawful activity or has allowed any unlawful activity to be carried on within any premises under the control of the society, he shall, after giving reasonable notice to the society to show cause why the registration of the society should not be cancelled and the society dissolved, and after considering the representations, if any, made on behalf of the society, by order cancel the registration of the society and direct dissolution of the society; and thereupon the assets of the society shall be distributed, and the liabilities discharged, in the same manner as if the society had been dissolved under section 22.

(3) An appeal shall lie to the '[Karnataka Appellate Tribunal]¹' against any order passed by the Registrar under sub-section (2), within sixty days from the date of communication of the order, and the decision on such appeal shall be final.

1. Substituted by Act 7 of 1978 w.e.f. 29.9.1977.

Explanation.—For purposes of this section, an activity shall be deemed to be unlawful if such activity is an offence punishable under any provision of law for the time being in force.

[27A. Appointment of Administrator.- Notwithstanding anything in this Act,—

1. Sub section 1 to 5, 5A, 6 inserted by Act 65 of 1976 w.e.f. 2.7.1976.

- (1)(a) where any society on account of the pendency of litigation or otherwise has not held or is unable to hold the annual general meeting; or
- (b) where the term of office of the members of the governing body of a society has expired and a new governing body has not for any reason been constituted; or
- (c) where on a report made by the Registrar or otherwise, on enquiry, the State Government considers it necessary in public interest so to do,

-the State Government may, by order published in the official Gazette, appoint an Administrator for such society for such period, not exceeding six months, as may be specified in the order, to manage the affairs of the society:

Provided that for reasons to be recorded in writing, the State Government may, by like order, '[extend either prospectively or retrospectively, the said period]¹ by any further periods not exceeding six months at a time, so however subject to the provisions of clause (5), the aggregate period shall not extend beyond 2[four years]2;

1. Substituted by Act 48 of 1986 w.e.f. 25.11.1986.

2. Substituted by 7 of 1978 w.e.f. 29.9.1977.

(2) the expenditure incurred by the State Government towards the salary and allowances of the Administrator shall be paid to the State Government from out of the funds of the society;

(3) on the appointment of the Administrator under clause (1) and during the period of such appointment the governing body of the society shall cease to exercise any powers and perform and discharge any functions or duties conferred or imposed on it by this Act, or its memorandum of association or the rules and regulations or any other law and subject to any directions which the State Government, may from time to time issue, all such functions or duties shall be performed or discharged by the Administrator;

(4) the Administrator shall, before the expiry of the period of his appointment take necessary action to convene the general body meeting of the society and hold elections for the constitution of the governing body;

(5) if the Administrator is not, for reasons beyond his control, able to convene the general body meeting or inspite of such meeting being convened, the general body fails to elect the governing body, the Administrator shall forthwith send a report to the State Government, who may pass such orders as are considered necessary, either extending the period of appointment of the Administrator for a further period or if satisfied that public interest so requires, for the dissolution of the society;

¹[(5A) the State Government may, if it thinks fit, appoint an Advisory Council to advise and assist the administrator appointed under sub-section (1) in the exercise of the powers and performance and discharge of the duties and functions conferred or imposed on him under this Act. The members of the Advisory Council shall hold office during the pleasure of the State Government.]¹

1. Inserted by Act 7 of 1978 w.e.f. 29.9.1977.

(6) where an order of dissolution is passed under sub-section (5) the assets of the society shall vest in and the liabilities shall devolve on the State Government.]¹

28. Offences and penalties.- If,—

- (a) the president, chairman, principal secretary or any member of the governing body or any officer of a society contravenes the provisions of sub-section (2) of section 9, or sub-section (2) of section 10, or sub-sections (1) and (2) of section 11, section 12 or section 13;
- (b) the president, chairman, principal secretary or an officer or member of the governing body of society wilfully makes or furnishes a false return or makes or furnishes a return or statement which he does not believe to be true; or
- (c) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawfully written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Act,

-such president, chairman, principal secretary, member or person shall, on conviction, be punishable with fine which may extend to ¹[one thousand rupees.]¹

1. Substituted by Act 7 of 2000 w.e.f. 1.4.2000.

29. Cognizance of offences.- No court inferior to that of a Magistrate of the First Class shall try an offence under this Act.

30. Power to make rules.- (1) The State Government may by notification in the official Gazette make such rules as may be necessary for carrying out the purposes of this Act.

1[(1A) Without prejudice to the generality of the provision of sub-section (1), the State Government may fix such fees and fines for the following, namely:-

1. Clause a to g Inserted by act 7 of 2000 w.e.f.. 1.4.2000.

(a) For the registration of Societies under sub-section (1) of section 8.

(b) For appeal before Karnataka Appellate Tribunal under sub-section (3) of section 8, sub-section (3) of section 9 and sub-section (3) of section 10.

(c) For filing of charge in Memorandum of Association under sub-section (2) of section 9.

(d) For filing of change of name, rules and regulations under sub-section (2) of section 10.

(e) Filing of the List and Balance sheet and Income and Expenditure account under section 13.

(f) Fines under sections 13 and section 28.

(g) Fee for enquiry under section 25.]¹

(2) All rules made under this Act 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 thirty days 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 the rules 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.

31. Repeal and savings.- The Mysore Societies Registration Act, 1904 (Mysore Act No. III of 1904), as in force in the Mysore Area, the Societies Registration Act, 1860 (Central Act No. XXI of 1860), as in force in the 1[Belgaum Area]1, the 1[Mangalore and Kollegal Area]1 and the Coorg District and the Public Societies Registration Act, 1350 Fasli (Hyderabad Act I of 1350 Fasli), as in force in the 1[Gulbarga Area]1 are hereby repealed:

Provided that every society registered under any of the repealed enactments shall be deemed to be registered under this Act:

Provided further that subject to the preceding proviso the provisions of section 6 of the 1[Karnataka]1 General Clauses Act, 1899, shall be applicable in respect of the repeal of the said enactments and sections 8 and 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this act.

1. Adopted by the Karnataka adoption of laws order 1973 w.e.f. 1.11.1973.

NOTIFICATIONS

I

Bangalore, dated 6th June 1961 (Jyelshta 16, Saka Era 1883).

[No. RD 129 GRG 60]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Societies Registration Act, 1960 (Mysore Act No. 17 of 1960), the Government of Mysore hereby appoint 15th day of June 1961 as the date from which the said Act shall come into force.

By Order and in the name of the Governor of Mysore,
(D. NAGSETTI)

Under Secretary to Government, Revenue Department.

II

Bangalore dated 19th June, 1975.[No. RD 70 EST 75]

S.O. 1734.—In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Societies Registration (Amendment) Act, 1975 (Karnataka Act No. 20 of 1975), the Government of Karnataka hereby appoints the 1st day of July, 1975 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka,
(MUDDUMALLAIAH)

I/c, Under Secretary to Government, Revenue Department

सत्यमेव जयते

THE KARNATAKA TRAFFIC CONTROL ACT, 1960
ARRANGEMENT OF SECTIONS

Sections :

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1. Short title, extent and commencement.
2. Definitions.

CHAPTER II
CONTROL OF TRAFFIC

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4. Traffic signs.
5. Main Roads.
6. Duty to obey traffic signs.
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8. Leaving vehicle or animal in dangerous position.
9. Towing of person riding cycle.
10. Leaving vehicle or animal unattended.
11. Duty of driver to stop in certain cases.
12. Duty of owner of vehicle or animal to give information.
13. Duty of driver in case of accident and injury to person.
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CHAPTER III
CONSTRUCTION EQUIPMENT AND MAINTENANCE OF VEHICLES.

15. General provision regarding construction and maintenance.
16. Power to make rules for construction, equipment and maintenance of vehicles.

CHAPTER IV
CONTROL OF PUBLIC VEHICLES.

17. Power to make rules for control of public vehicles.

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18. General provision regarding punishment of offences.
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23. Existing bye-laws to continue.
24. Repeal and savings.

SCHEDULES

First Schedule
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 Fourth Schedule

* * * * *

STATEMENT OF OBJECTS AND REASONS

I

Act 18 of 1960.- The law in force in the different areas of the State in regard to Control of traffic in public places is not uniform. It is necessary to have a uniform law in this behalf throughout the New State of Mysore. The Government of India have advised that the State Government may also take up legislation for controlling traffic other than motor vehicle traffic on both National and State Highways on the lines of the provisions of the Model Highway Bill sent by them. The Bill is intended for this purpose.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 5th March 1959 at page. 48.)

II

Amending Act 25 of 1986.- Clause (1) of sub-section (2) of Section 14 of the Karnataka Traffic Control Act, 1960 (Karnataka Act No. 18 of 1960) prohibits the riding by more than one person at the same time on Cycles other than the cycles designed for the purpose.

Now it is considered that Bicycle being a poor man's means of transport, there should be no bar, to allow two persons to ride on a Bicycle at the same time.

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 7th February 1986 as No. 84 at page. 3.)

III

Amending Act 22 of 2000.- Note.- While repealing certain spent and obsolete laws certain consequential amendments are made to certain Acts including this Act. 3

* * * * *

'[KARNATAKA ACT]' No. 18 OF 1960

(First published in the '[Karnataka Gazette]' on the Fifteenth day of December, 1960.)

THE '[KARNATAKA]' TRAFFIC CONTROL ACT, 1960

(Received the assent of the Governor on the Seventh day of November, 1960.)

(As Amended by Karnataka Act 25 of 1986 and Act 22 of 2000)

An Act to provide for the control of traffic in highways and public places in the '[State of Karnataka]' and other matters connected therewith.

WHEREAS it is expedient to provide for the control of traffic in highways and public places in the '[State of Karnataka]' and other matters connected therewith;

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

1. Adapted by the Karnataka adoption of laws order 1973 w.e.f. 01.11.1973

CHAPTER I**PRELIMINARY**

1. Short title, extent and commencement.- (1) This Act may be called the '[Karnataka]' Traffic Control Act, 1960.

1. Adapted by the Karnataka adoption of laws order 1973 w.e.f. 01.11.1973

(2) It applies to the whole of the '[State of Karnataka]'.

1. Adapted by the Karnataka adoption of laws order 1973 w.e.f. 01.11.1973

(3) (i) It shall come into force on such '[date]' as the State Government may, by notification, appoint.

1. Act came into force on 15.8.1979 vide notification No. HD 53 TMR 76 dated 2.8.1979.

(ii) If in any area, the '[Karnataka]' Public Conveyances Act, 1959, is in force, the provisions of Chapter IV of this Act and the rules made thereunder, corresponding to the provisions of the '[Karnataka]' Public Conveyances Act, 1959, and the rules made thereunder, shall not apply to such area, and save as aforesaid the provisions of this Act shall have effect in such area.

1. Adapted by the Karnataka adoption of laws order 1973 w.e.f. 01.11.1973

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

(a) "animal" means any elephant, camel, horse, ass, mule, cattle, sheep or goat;

(b) "driver" means in the case of a vehicle, the person in charge or control of the vehicle for the time being, and in the case of an animal, any person driving, leading,

riding or otherwise managing or controlling the animal, and the words "drive", "driving" and "driven" shall be construed accordingly;

(c) "highway" means any public thoroughfare whether a road, street, lane, bridlepath or a foot track, whether surfaced or unsurfaced, or whether on land owned by Government or a local authority or on land belonging to a private person over which the public have or have acquired, a right of way by usage, and includes,—

(i) the slope, berm, barrow pits, foot-paths, pavements and side drains of any such thoroughfare;

(ii) all bridges, culverts, causeways, carriageways or other road structures, built on or across such thoroughfares, and

The figure in the superscript mentioned above the brackets in the Act indicate the serial number of the Act mentioned at the end of the Act.

(iii) the trees, fences, posts and other highway accessories and materials and material stacks on the thoroughfare or on land attached to the thoroughfare;

(d) "motor vehicle" means a motor vehicle as defined in the Motor Vehicles Act, 1939 (Central Act IV of 1939);

(e) "notification" means a notification published in the official Gazette;

(f) "permit" means the document issued by an authority competent to issue it authorising the use of the vehicle as a public vehicle;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access or over which they have a right to pass, and includes any place or stand at which passengers are picked up or set down by a public vehicle;

(i) "public vehicle" means any vehicle used or constructed or adapted to be used for the carriage of passengers or goods for hire or reward, other than a motor vehicle;

(j) "Schedule" means a Schedule to this Act;

(k) "vehicle" includes any wheeled conveyance drawn, propelled or driven by any kind of power including human, animal, motor, steam or electric power and includes any barrow, sledge, plough, drag or like vehicle, but does not include a motor vehicle.

CHAPTER II

CONTROL OF TRAFFIC

3. Power to restrict the use of vehicles.— The State Government or any authority authorised in this behalf by the State Government, if it is satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may, by notification, prohibit or restrict subject to such exceptions and

conditions as may be specified in the notification, the driving of vehicles or animals either generally in a specified area or on a specified highway or part of a highway, and when such prohibition or restriction is imposed shall cause appropriate traffic signs to be placed or erected under section 4 at suitable places:

Provided that where any prohibition or restriction under this section is to remain in force only for a period of one month or less, notification thereof in the official Gazette shall not be necessary.

4. Traffic signs.- (1) The State Government or any authority authorised in this behalf by the State Government may cause or permit traffic signs of any size, colour, type or description, to be placed or erected in any highway or public place for the purpose of bringing to public notice any prohibitions or restrictions imposed under section 3, or generally for the purpose of regulating traffic other than motor vehicle traffic.

(2) Traffic signs erected under sub-section (1) for any purpose for which provision is made in the First Schedule shall have the meanings set forth in the First Schedule, but the authority empowered in this behalf by the State Government may make or authorise the addition to any sign set forth in the said Schedule of transcriptions of the words, letters or figures thereon in the Kannada script provided that the transcriptions shall be of similar size and colour to the words, letters or figures set forth in the First Schedule.

(3) Except as provided by sub-section (1) no traffic sign shall, after the commencement of this Act, be placed or erected on or near any highway, but all traffic signs erected prior to the commencement of this Act by any authority competent to do so shall for the purposes of this Act be deemed to be traffic signs under the provisions of sub-section (1).

(4) Any authority authorised in this behalf by notification by the State Government may remove or cause to be removed any sign or advertisement which is so placed in his opinion as to obscure any traffic sign from view or any sign or advertisement which is in his opinion so similar in appearance to a traffic sign as to be misleading.

(5) No person shall wilfully remove, alter, deface, or in any way tamper with any traffic sign placed or erected under this section.

(6) If any person accidentally causes such damage to a traffic sign as renders it useless for the purpose for which it is placed and erected under this section, he shall report the circumstances of the occurrence at the nearest police station, as soon as possible, and in any case within twenty-four hours of the occurrence.

5. Main Roads.- The State Government or any authority authorised in this behalf by the State Government may, by notification, or by the erection at suitable places of the appropriate traffic sign referred to in Part A of the First Schedule, designate certain

roads as main roads for the purposes of the regulations contained in the Second Schedule.

6. Duty to obey traffic signs.- (1) Every driver of a vehicle or animal shall drive it in conformity with any indication given by a mandatory traffic sign and in conformity with the driving regulations set forth in the Second Schedule and shall comply with all directions given to him by any police officer for the time being engaged in the regulation of traffic in any public place.

(2) In this section "mandatory traffic sign" means a traffic sign included in Part A of the First Schedule or any traffic sign of similar form (that is to say consisting of or including a circular disc) displaying a device, word or figure and having a red ground or border or any prescribed sign painted or marked on the road or erected or displayed for the purpose of regulating traffic other than motor vehicle traffic under sub-section (1) of section 4.

7. Signals.- The driver of a vehicle shall on the occasions specified in the Third Schedule make the signals specified therein.

8. Leaving vehicle or animal in dangerous position.- No person in charge of a vehicle or animal shall cause or allow the vehicle or animal to remain at rest on any highway in such a position or in such a condition or in such circumstances as to cause or is likely to cause danger, obstruction or undue inconvenience to other users of the highway or public place.

9. Towing of person riding cycle.- No driver of a vehicle shall tow a person riding a cycle and no person riding a cycle shall allow himself to be towed by any other vehicle.

10. Leaving vehicle or animal unattended.- No person in charge of a vehicle or animal shall allow such vehicle or animal to stand or proceed on a highway or public place unless it is under adequate control.

11. Duty of driver to stop in certain cases.- (1) The driver of a vehicle or animal shall cause the vehicle or animal, as the case may be, to stop and to remain stationary so long as may be reasonably necessary,—

(a) when required to do so by any police officer in uniform, or

(b) when the vehicle or animal is involved in the occurrence of an accident to a person, animal or vehicle or of damage to any property, whether the driving or management of the vehicle or animal was or was not the cause of the accident or damage, and he shall give his name and address and the name and address of the owner of the vehicle or animal to any person affected by such accident or damage who demands it, provided such person also furnishes his name and address. :

(2) The driver of a vehicle or animal shall, on demand by a person giving his own

name and address and alleging that the driver has committed an offence punishable under section 19, give his name and address to that person.

12. Duty of owner of vehicle or animal to give information.- The owner of a vehicle or animal the driver of which is accused of any offence under this Act shall on demand by any police officer give all information regarding the name and address of the driver which is in his possession or could by reasonable diligence be ascertained by him.

13. Duty of driver in case of accident and injury to person.- When any person is injured, or damage to property to the amount of twenty-five rupees or more is caused as the result of an accident in which a vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall,—

(a) take all reasonable steps to secure medical attention for any person so injured and, if necessary, convey him to the nearest hospital, unless the injured person, or his guardian, in case he is a minor, desires otherwise;

(b) give on demand by a police officer any information required by him or, if no police officer or other authority is present, report the circumstances of the occurrence as soon as possible, and in any case within twenty-four hours of the occurrence, at the nearest police station, or, if he continues his journey after the accident, at the next police station.

14. Power to make rules for control of traffic.- (1) The State Government may after previous publication by notification make rules for the purpose of carrying into effect the provisions of this Chapter, and different rules may be made for different areas of the State.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the removal and the safe custody of the vehicles including their loads which have broken down or which have been left standing or have been abandoned on a highway;

(b) the use of weighing devices;

(c) the determination, maintenance and management of parking places for the use of vehicles and animals and the fees, if any, which may be charged for their use;

(d) prohibiting the use of foot-paths or pavements by vehicles or animals;

(e) subject to specified conditions the segregation to any specified part of a highway of specified classes and descriptions of vehicle or animal traffic;

(f) prohibiting or restricting the use of audible signals at certain times or in certain places;

- (g) regulating the loading of vehicles and in particular limiting the loads carried in relation to the size and nature of the tyres fitted;
- (h) a right of way for ambulances and fire brigade vehicles;
- (i) prohibiting the use of devices designed to prevent the rotation of any wheel of a vehicle;
- (j) the control of animals likely to frighten other animals or pedestrians;
- (k) the control of children on highways;
- (l) prohibiting the riding by more than '[two persons]'¹ at the same time on cycles other than cycles designed for the purpose;
 - 1. Substituted by Act 25 of 1986 w.e.f. 28.5.1986.
- (m) prohibiting the riding of more than two cycles abreast;
- (n) limiting the age of drivers of vehicles;
- (o) the inspection of loads carried on vehicles and animals;
- (p) the use of nose-ropes for animals;
- (q) regulating the driving of vehicles and animals at night;
- (r) regulating the use of highways by pedestrians;
- (s) generally, the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic;
- (t) any other matter which is to be or may be prescribed.

(3) The rules made under this section shall take effect on such date as may be specified in such rules and such date shall not be earlier than one month from the date of their publication of such rules in the official Gazette.

CHAPTER III

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF VEHICLES

15. General provision regarding construction and maintenance.- Every vehicle used on a highway shall be so constructed and maintained as to prevent danger or inconvenience to persons using that vehicle and other road users.

16. Power to make rules for construction, equipment and maintenance of vehicles.- (1) The State Government may, after previous publication, by notification, make rules regulating the construction, equipment and maintenance of vehicles used on highways and public places, and different rules may be made for different areas of the State.

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section governing any of the following matters either generally in respect of

vehicles or in respect of vehicles of a particular class or description or in particular circumstances, namely:—

- (a) the width, height and length of vehicles.
- (b) the size, nature and condition of wheels and tyres.
- (c) brakes.
- (d) lamps and reflectors.
- (e) warning devices.
- (f) the inspection of vehicles by prescribed authorities.

(g) regulating the particulars exhibited on vehicles and the manner in which such particulars shall be exhibited.

CHAPTER IV CONTROL OF PUBLIC VEHICLES

17. Power to make rules for control of public vehicles.- (1) The State Government may, after previous publication, by notification, make rules for regulation of the use of public vehicles, and different rules may be made for different areas of the State.

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section governing any of the following matters either generally or in respect of public vehicles of a particular class or description or in particular circumstances, namely:—

- (a) the issue, renewal, modification or cancellation of permits and the transfer of permits from one person to another;
- (b) the issue, renewal or cancellation of driving licences;
- (c) the issue of duplicate copies in place of permits and driving licences mutilated, defaced, lost or destroyed;
- (d) the preferring of appeals by persons aggrieved by the refusal of the authority competent to grant or renew a permit or a driving licence, or to transfer a permit or by the cancellation or modification of a permit or the cancellation of a driving licence, and the hearing and conduct of such appeals;
- (e) the documents, plates and marks to be carried by public vehicles, the manner in which they are to be carried and the language in which such documents are to be expressed;
- (f) the badges and uniforms to be worn by drivers;
- (g) the fees to be paid in respect of permits, driving licences, duplicate copies of permits or driving licences, plates, badges, and appeals preferred under this Chapter;

(h) the production of permits and driving licences before specified officers for purposes of inspection;

(i) the conduct of persons licensed to act as drivers of public vehicles when acting as such and the conduct of passengers in such vehicles;

(j) the limiting of the number of public vehicles or public vehicles of any specified class or description for which permits may be granted in any specified area, or on any specified route or routes;

(k) the fixing of maximum or minimum fares or freights;

(l) the maximum number of passengers or the maximum quantity of goods that may be carried in a public vehicle;

(m) the conditions subject to which passengers, luggage or goods may be carried in a public vehicle;

(n) the construction and fittings of and the equipment to be carried by public vehicles, whether generally or in specified areas or on specified routes;

(o) the safe custody and disposal of property left in public vehicles;

(p) the conveyance in public vehicles of corpses or persons suffering from infectious or contagious diseases or goods likely to cause discomfort or injury to passengers and the inspection and disinfection of such vehicles, if used for such purposes;

(q) the requirements which shall be complied with in the construction or use of any stand or halting place, including the provision of adequate equipment and facilities for the convenience of all users thereof, the fees, if any, which may be charged for the use of such facilities, the records which shall be maintained at such stands or places, the staff to be employed thereat and the duties and conduct of such staff, and generally for maintaining such stands and places in a serviceable and clean condition;

(r) requiring the person in charge of a public vehicle to carry any person tendering the legal or customary fare;

(s) the inspection of public vehicles including animals used to drive them;

(t) the records to be maintained and the returns to be furnished by the owners of public vehicles;

(u) the appointment, terms of appointment, jurisdiction, control and functions of authorities for the purpose of administering the provisions of this Chapter; and

(v) any other matter which is to be or may be prescribed.

(3) The rules made under this section shall take effect on such date as may be specified in such rules and such date shall not be earlier than one month from the date of the publication of such rules in the Official Gazette.

CHAPTER V MISCELLANEOUS

18. General provision regarding punishment of offences.- Whoever contravenes any provision of this Act or of any rule made thereunder shall, if no other penalty is provided for the offence, on conviction, be punishable with fine which may extend to ten rupees, or if having been previously convicted of any offence under this Act, he is again convicted of an offence under this Act, with fine which may extend to fifty rupees.

19. Driving recklessly or dangerously.- Whoever drives a vehicle or animal on a highway at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the highway or public place where the vehicle or animal is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the highway shall be punishable on a first conviction for the offence with fine which may extend to one hundred rupees and for a subsequent offence with fine which may extend to two hundred rupees.

20. Power to arrest without warrant.- (1) A police officer in uniform may arrest without warrant,—

(a) any person who being required under the provisions of this Act to give his name and address refuses to do so, or gives a name and address which the police officer has reason to believe to be false, or

(b) any person concerned in an offence under this Act or reasonably suspected to have been so concerned, if the police officer has reason to believe that he will abscond or otherwise avoid the service of summons.

(c) A police officer or other authority arresting without warrant the driver of a vehicle or animal shall, if the circumstances so require, take or cause to be taken any steps he may consider proper for the temporary custody of the vehicle or animal.

21. Summary disposal of cases.- (1) A court taking cognizance of an offence under this Act may state upon the summons to be served on the accused person that he,—

(a) may appear by a legal practitioner and not in person, or

(b) may by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the court such sum as the court may specify.

(2) Where an accused person pleads guilty under clause (b) of sub-section (1) and remits the sum specified, no further proceedings in respect of the offence shall be taken against him.

22. Rules to be laid before State Legislature.- All rules made under this Act 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 thirty days 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 any rule or directs that such rule shall not have effect and if the modification or direction is agreed to by the other House such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

23. Existing bye-laws to continue.- Notwithstanding anything contained in this Act, all bye-laws in force at the commencement of this Act, -

(i) which have been made under the Bombay Municipal Boroughs Act, 1925 (Bombay Act XVIII of 1925), the Bombay District Municipal Act, 1901 (Bombay Act III of 1901), the Coorg Municipal Regulation, 1907 (Central Regulation II of 1907), the Hyderabad District Municipalities Act, 1956 (Hyderabad Act XVIII of 1956), and 10

(ii) which have been continued by the Madras Traffic Control Act, 1938 (Madras Act V of 1938), and the Mysore Traffic Control Act, 1955 (Mysore Act 13 of 1956),

shall, so far as they are consistent with the provisions of this Act, continue to be valid, but any such bye-laws may be cancelled or altered by a rule made under this Act.

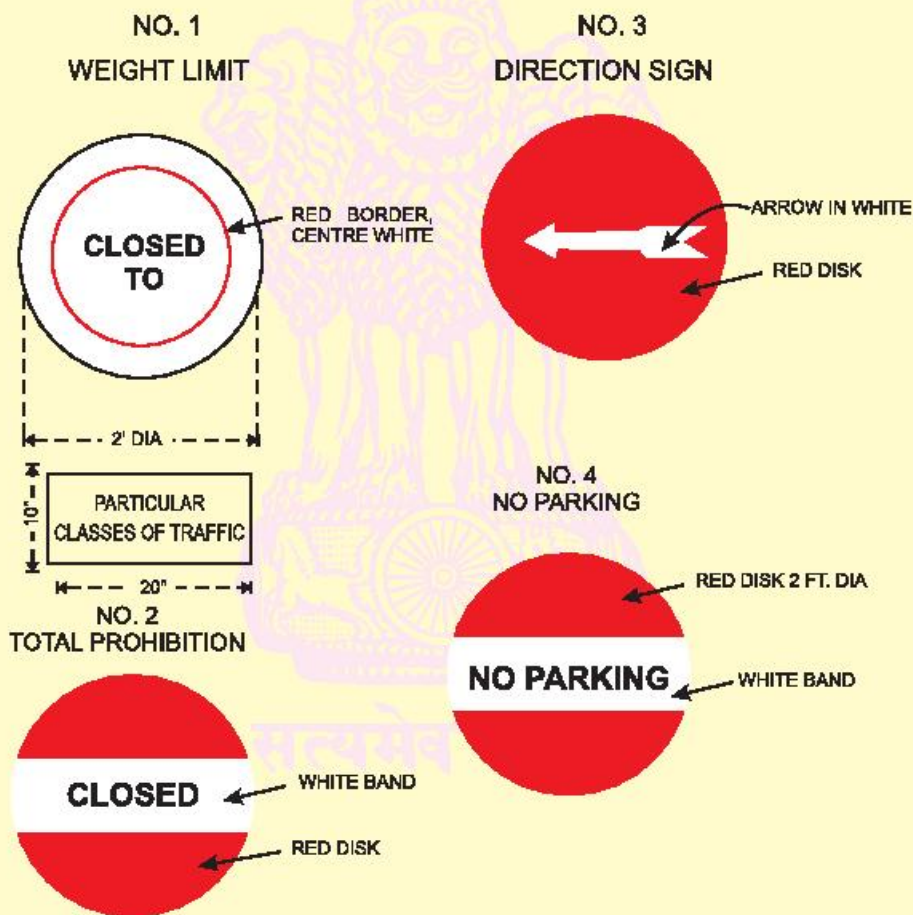
24. Repeal and savings.- The enactments specified in the Fourth Schedule are repealed to the extent mentioned in the fourth column thereof:

Provided that the provisions of section 6 of the ¹[Karnataka]¹ General Clauses Act, 1899 (¹[Karnataka]¹ Act III of 1899), shall be applicable in respect of the repeal of the enactments specified in serial numbers 5, 6 and 7 of the Fourth Schedule and section 8 and section 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

1. Adapted by the Karnataka adoption of laws order 1973 w.e.f. 01.11.1973

FIRST SCHEDULE
(See sections 4, 5 and 6.)

TRAFFIC SIGNS
PART A - MANDATORY SIGNS

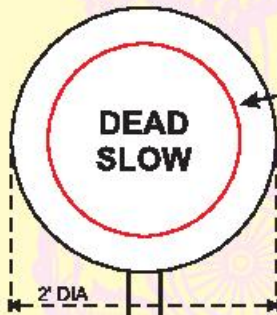


NO. 5
OVER TAKING PROHIBITED



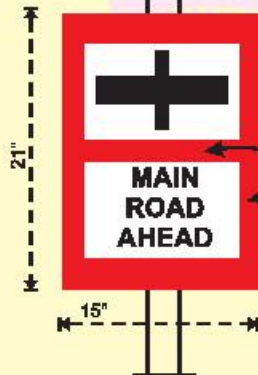
RED BORDER & BAND

NO. 6
MAIN ROAD AHEAD



RED BORDER
CENTRE WHITE

2' DIA



WHITE BACKGROUND

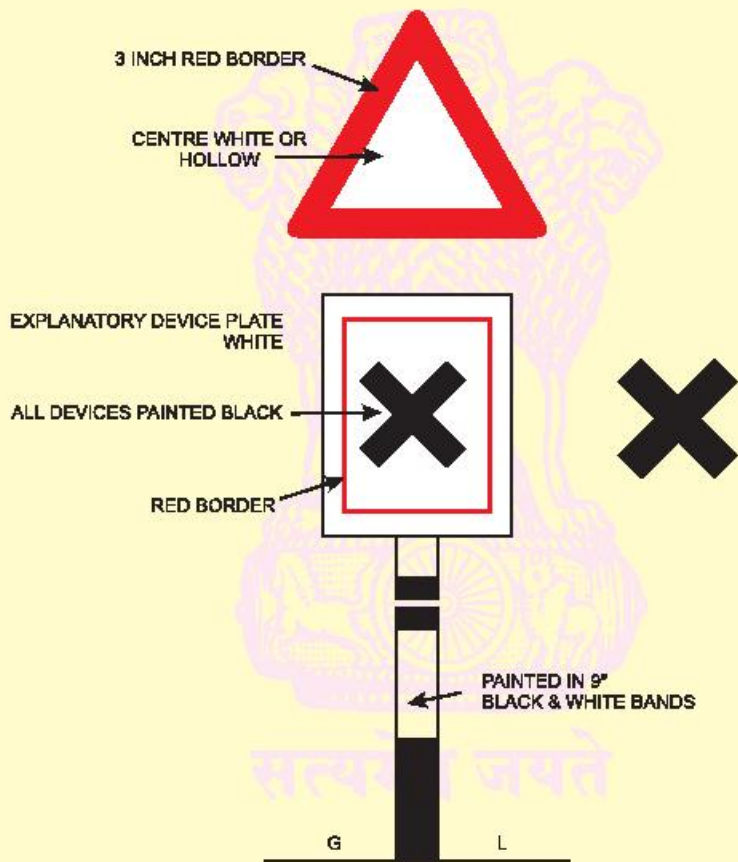
RED BORDER & BAND

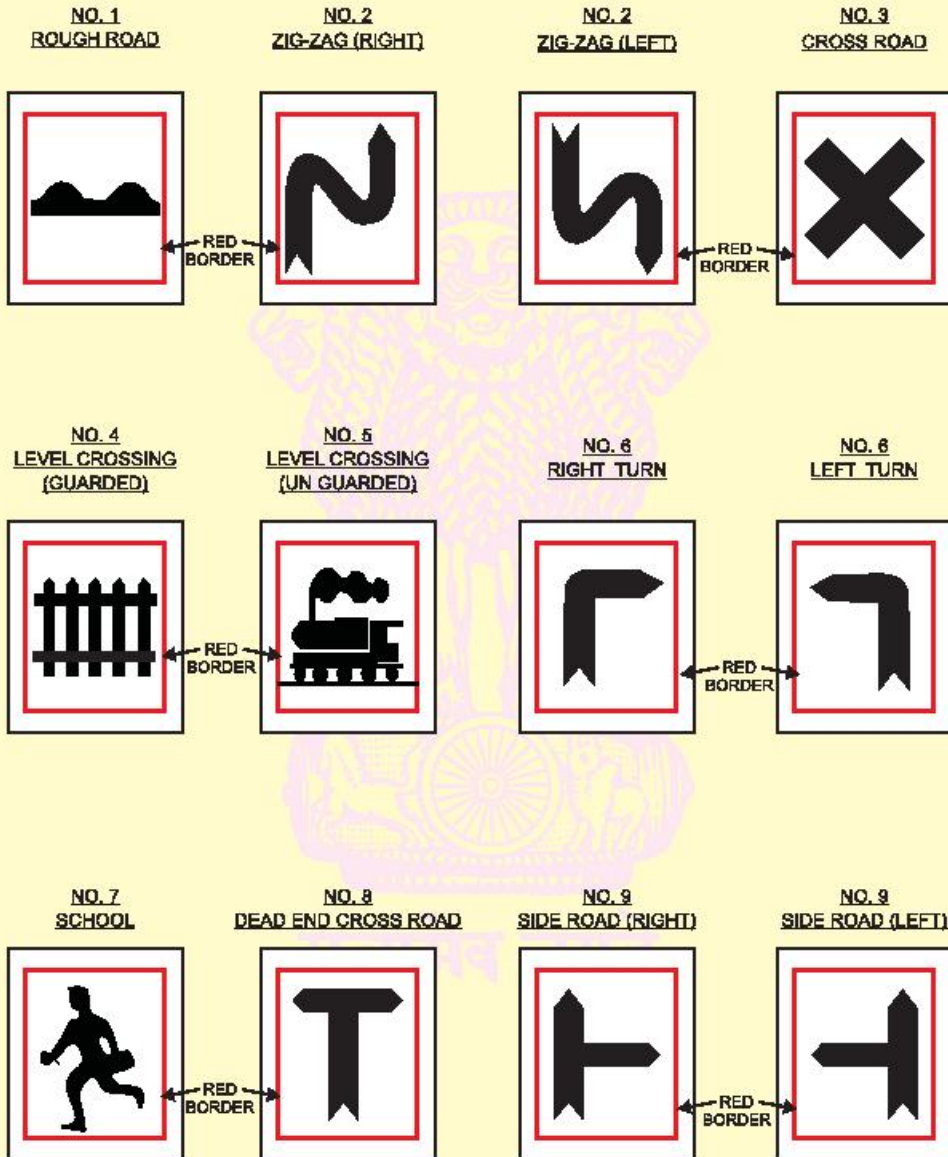
21"

15"

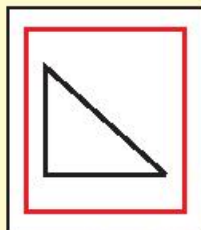
PART B - CAUTIONARY SIGNS

GENERAL DESIGN

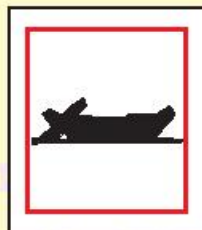




NO. 10
STEEP HILL



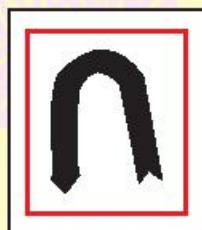
NO. 11
FERRY



NO. 12
HAIR PIN BEND (RIGHT)



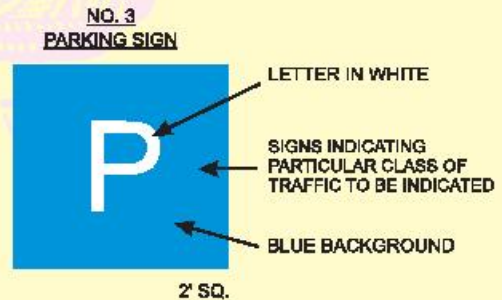
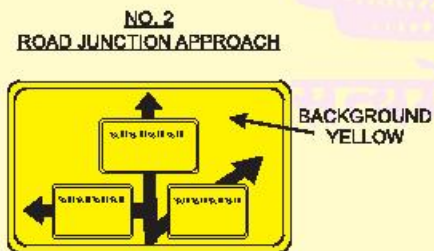
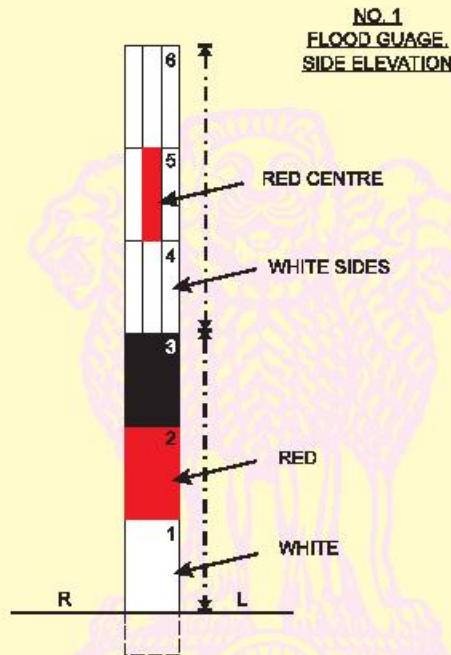
NO. 12
HAIR PIN BEND (LEFT)



NO. 13
NARROW BRIDGE



PART C - INFORMATORY SIGNS



SECOND SCHEDULE*[See Sections 5 and 6]***DRIVING REGULATIONS.**

1. The driver of a vehicle or animal shall drive the vehicle or animal as the case may be, as close to the left-hand side of the road as may be expedient and shall allow all traffic which is proceeding in the opposite direction to pass him on his right hand side.

2. Except as provided in regulation 3, the driver of a vehicle or animal when passing shall drive to the right of all traffic proceeding in the same direction as himself.

3. The driver of a vehicle or animal when passing may drive to the left of a motor vehicle or a vehicle or an animal the driver of which having indicated an intention to turn to the right has driven to the centre of the road.

4. The driver of a vehicle or animal shall not pass a vehicle travelling in the same direction as himself,—

(a) if his passing is likely to cause inconvenience or danger to other traffic proceeding in any direction;

(b) where a point or corner or a hill or an obstruction of any kind renders the road ahead not clearly visible.

5. The driver of a vehicle or animal shall not, when being overtaken or being passed by any class of traffic, do anything in any way to prevent the other traffic from passing him.

6. The driver of a vehicle or animal shall drive slowly when approaching a road intersection, a road junction or a road corner and shall not drive into or cross any such intersection or junction until he has become aware that he may do so without endangering the safety of persons thereon.

7. The driver of a vehicle or animal shall on entering a road intersection, if the road entering is a main road designated as such, give way to traffic proceeding along that road and in any other case give way to all traffic approaching the intersection on right hand.

8. The driver of a vehicle or animal shall,—

(a) when turning to the left, drive as close as may be to the left hand side of the road from which he is making the turn and of the road which he is entering;

(b) when turning to the right, draw as near as may be to the centre of the road along which he is travelling and cause the vehicle or animal to move in such a manner that,—

(i) so far as may be practicable it passes beyond, and so to leave on the driver's right hand a point formed by the intersection of the centre lines of the intersection roads; and

(ii) it arrives as near as may be at the left hand side of the road which the driver is entering.

THIRD SCHEDULE.

[See section 7]

SIGNALS.

1. When about to turn to the right or to drive to the right hand side of the road in order to pass another vehicle or for any other purpose, the driver of a vehicle shall extend his right arm or a whip if carried, in a horizontal position to his right outside the vehicle or otherwise so as to be visible from behind.

2. When the driver of a vehicle wishes to indicate to the driver of a motor vehicle or a vehicle behind him that he desires that driver to overtake him, he shall extend his right arm, or a whip if carried, horizontally to his right outside the vehicle or otherwise so as to be visible from behind and shall swing the arm or a whip, as the case may be backwards and forwards in a semi-circular motion.

FOURTH SCHEDULE.

'[[See section 24]]'

ENACTMENTS REPEALED.

Title of the enactment	Extent of Repeal
1. The Bombay District Municipal Act, 1901 (Bombay Act III of 1901).	Clause (t) of sub-section (1) of section 48.
2. The Bombay Municipal Boroughs Act, 1925 (Bombay Act XVIII of 1925).	Clause (z) of sub-section (1) of section 61.
3. The Coorg Municipal Regulation, 1907 (Central Regulation II of 1907).	Clause (r) of sub-section (1) of section 99.
4. The Hyderabad District Municipalities Act, 1956 (Hyderabad Act XVIII of 1956).	Clause (r) of section 311.

- | | |
|---|------------|
| 5. The Mysore Highway Act, 1920
(Mysore Act IV of 1920). | The whole. |
| 6. The Mysore Traffic Control Act,
1955 (Mysore Act 13 of 1956). | The whole. |
| 7. The Madras Traffic Control Act,
1938 (Madras Act V of 1938). | The whole. |

1. Substituted by Act 22 of 2000 w.e.f. 15.8.1979.

NOTIFICATION

Bangalore, dated 2nd August 1979 [No. HD 53 TMR 76]

In exercise of the powers conferred by clause (i) of sub-section (3) of section 1 of the Karnataka Traffic Control Act, 1960, (Karnataka Act No. 18 of 1960), the Government of Karnataka hereby appoints 15th day of August 1979 as the date on which the said Act shall come into force.

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

(V. N. SUBBAIAH)

Under Secretary to Government, Home Department.

सत्यमेव जयते

**THE KARNATAKA EVACUEE INTEREST (SEPARATION) SUPPLIMENTARY
ACT, 1961.**

ARRANGEMENT OF SECTIONS.

Sections:

1. Short title, extent and commencement.
2. Application of Evacuee Interest (Separation) Amendment Act, 1960, to the State of Karnataka.
3. Repeal of Karnataka Ordinance No. 6 of 1960.

* * * * *

STATEMENT OF OBJECTS AND REASONS

Act 3 of 1961.—The Government of India enacted a law in the year 1951, called the Evacuee Interest (Separation) Act. Since the provisions of the Act seemed to attract the provisions of entries 18 and 30 of List II of the Seventh Schedule to the Constitution of India, at the suggestion of the Government of India, supplementary legislation declaring that the Central Act in so far as it relates to any matter enumerated in List II of the Seventh Schedule shall be valid and binding as if it had been passed by the State Legislature, were passed by the Legislatures of the States in India.

2. The Evacuee Interest (Separation) Amendment Act, 1960, amending section 6 of the Evacuee Interest (Separation) Act, 1951 has been passed by Parliament, for the purpose of fixing a time limit for filing applications for the separation of evacuee interest from composite properties.

3. As some of the claims may relate to matters in the State List (List II) and in order to make the amendments effective in the State in so far as they relate to matters in the State List, the Government of India suggested that supplementary legislation may be enacted by the State Legislature. As the Legislature was not in session, an Ordinance was promulgated. The Act is intended to replace the Ordinance.

(Obtained from LAW 11 LGN 61.)

* * * * *

'[KARNATAKA ACT]' No. 3 OF 1961

(First published in the '[Karnataka Gazette]' on the Sixth day of April, 1961.)

THE '[KARNATAKA]' EVACUEE INTEREST (SEPARATION) SUPPLEMENTARY ACT, 1961

(Received the assent of the Governor on the Thirty-first day of March, 1961.)

An Act further to supplement certain provisions of the Evacuee Interest (Separation) Act, 1951, in its application to the '[State of Karnataka]'¹.

WHEREAS it is expedient to supplement certain provisions of the Evacuee Interest (Separation) Act, 1951 (Central Act LXIV of 1951), in its application to the '[State of Karnataka]'¹;

BE it enacted by the '[Karnataka State]'¹ Legislature in the Twelfth 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, extent and commencement.—(1) This Act may be called the '[Karnataka]' Evacuee Interest (Separation) Supplementary Act, 1961.

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

(2) It extends to the whole of the '[State of Karnataka]'¹.

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

(3) It shall be deemed to have come into force on the 15th day of October 1960.

2. Application of Evacuee Interest (Separation) Amendment Act, 1960, to the '[State of Karnataka]'¹.—The amendments made to the Evacuee Interest (Separation) Act, 1951 (Central Act LXIV of 1951), by the Evacuee Interest (Separation) Amendment Act, 1960 (Central Act 27 of 1960), shall, in so far as they relate to any matter enumerated in List II of the Seventh Schedule to the Constitution, be as valid in the '[State of Karnataka]'¹ as if the provisions contained therein had been enacted by the Legislature of the State.

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

3. Repeal of '[Karnataka]'¹ Ordinance No. 6 of 1960.—The '[Karnataka]'¹ Evacuee Interest (Separation) Supplementary Ordinance, 1960, is hereby repealed.

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

THE KARNATAKA VILLAGE OFFICES ABOLITION ACT, 1961
ARRANGEMENT OF SECTIONS

Statement of Objects and Reasons:

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Powers of Deputy Commissioner to decide certain questions and appeals.
4. Abolition of village offices together with incidents thereof.
5. Re-grant of land resumed under section 4 to the holder of the village office.
6. Re-grant of land resumed under section 4 to authorised holders.
7. Eviction of unauthorised holder and re-grant to him in certain circumstances of land resumed section 4.
- 7A. Restriction on transfer etc.,
8. Application of Tenancy Law.
9. Relief to holder of a village office.
10. Inquiries and proceedings to be judicial proceedings.
11. Rules.
12. Repeal and savings.

SCHEDULE I.

[SCHEDULE II Omitted]

STATEMENT OF OBJECTS AND REASONS

I

Act 14 of 1961.- In pursuance of the Government policy of abolition of intermediaries, it is considered desirable to abolish all the hereditary village offices, viz., Patels, Shanbhogs, Kulkarnis and inferior village servants in order to put the Revenue Administration at the point where it touches the people most, in consonance with the modern spirit. Moreover, these offices are a relic of the old feudal system and Government considers that the time has come to abolish them. The present Bill, therefore, provides for the abolition of hereditary village offices.

Sub-clause (3) of clause 1 of the Bill would enable Government to proceed with the abolition of these hereditary village offices in stages. This is essential because the

abolition of these offices and the replacement by stipendiary ones involves large financial commitments and other administrative problems.

Clauses 4 of the Bill provides for the abolition of all hereditary vilage offices together with their incidents. It provides for the resumption of all lands granted or continued in respect of or annexed to hereditary village offices by the State and makes them liable to land revenue.

Clause 5 provides for the regrant of the resumed lands to the holder of the village offices.

Clause 6 of the Bill provides for the regrant of the resumed lands to authorised holders.

In order to obviate any hardship caused to persons holding unauthorisedly any land resumed under sub-clause (3) of clause (4), provisions have been made in clause 7 permitting Government to regrant resumed lands to the unauthorised holders on certain conditions.

Clauses 10 and 11 of the Bill provide for the payment of compensation to the holder of village offices.

The other clauses provide for preferring of the appeals against the awards made by the Deputy Commissioner, framing of rules, saving of obligations and liabilities, etc.

(Published in the Kamataka Gazette (Extraordinary) Part IV-2A dated 29th December 1959 as No. 111 at page 13.)

II

Amending Act 8 of 1968.—The Mysore Village Offices Abolition Act, 1961 was brought into force from 1st February 1963. Sub-section (2) of section 9 of the Act provides that a holder of a Village Office entitled to payment of relief shall make an application to the Deputy Commissioner within one year from the appointment date. The operation of the Mysore Village Offices Abolition Act was stayed by the High Court and later by the Supreme Court on the petitions of some Village Officers. The Supreme Court in its order dated 21st January 1966 have since upheld the validity of the Mysore Village Offices Abolition Act and dismissed the petitions. Since the time limit of one year for making applications for relief by the Village Officers expired long back and in view of the fact that there have been repeated representations from Village Officers for extending the time limit, it was considered necessary to amend the Act, so as to provide an opportunity to the Village Officers to obtain relief. In view of the urgency and as the Legislature was not in session, an Ordinance was promulgated. The Act is intended to replace the Ordinance.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 2nd December 1967 as No. 271 at page. 3-4.)

III

Amending Act 13 of 1978.—The lands granted to hereditary village officers whose offices were abolished were regranted to them so that they may continue to enjoy the land. But it transpired that in most cases such lands have been disposed off by the ex-village officer and that he was left with no land to earn out his livelihood. It was therefore considered that such transfers be voided and the lands restored to the ex-village officers. As the State Legislature was not in session the Karnataka Village Offices (Amendment) Ordinance, 1975 was issued for the purpose.

The Act is to replace the said Ordinance. Transfers made with the permission of the State Government or the co-operative societies and nationalised Banks etc., are how ever saved.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 2nd February 1976 as No. 635 at page. 4.)

IV

Amending Act 27 of 1984.—The enfranchised inam lands in the old Madras area, viz., Bellary District and Kollegal Taluk of Mysore District were enfranchised (Freed from encumbrance) by the then Government of Madras and they were transferable and heritable. Inam title deeds were also issued.

On account of the amendment of the Karnataka Village Officers Act, 1961 (Act 14 of 1961) by Act 13 of 1978, the occupancy of lands regranted under the said Act become non-transferable unless the previous sanction of the Deputy Commissioner was obtained on payment of an amount equal to fifteen times the full assessment of the land. The Act did not distinguish between enfranchised inams and other inams and thereby new restrictions were attracted to the transfer of enfranchised inam lands. In view of the representations received, it is intended to suitably amend the Act in order to mitigate the rigour of the restriction.

Hence the Act.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 22nd March 1984, as No. 181 at page. 3.)

V

Amending Act 47 of 1986.—The Karnataka Village Offices Abolition Act, 1961 prohibits transfer of lands regranted under sub-section (1) of Section 5 for a period of 15 years from the date of commencement of the Karnataka Village Offices Abolition (Amendment) Act, 1978, i.e., 7th August 1978 otherwise than by partition among members of the Hindu Joint Family or by a transfer in favour of the State Government, a co-operative Society or a bank as security for loans granted for improvement of such land or for acquiring cattle or agricultural implements for cultivation of such land.

It is considered necessary to enlarge the scope of sub-section (5) of section 5 of the said Act to enable the Banks, Co-operative Societies and Government to advance crop loans on the security of the lands regranted under the Act and to remove the difficulties in the way of the said regrantees obtaining "Crop Loans" advanced by the State Government. Co-operative Society or a Bank on the security of such lands.

Hence the Act.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A, dated 29th August 1986 as No. 662. at page. 3.)

VI

Amending Act 22 of 2000.- Note.- While repealing certain spent and obsolete laws certain consequential amendments are made to certain Acts including this Act.

Amending Act 22 of 2003.- Sub-section (3) of section 5 and section 7A of the Karnataka Village Offices Abolition Act, 1961 prohibits transfer of re-granted land within a period of 15 years from the date of commencement of section 1 and section 7A of the Karnataka Village Offices Abolition (Amendment) Act, 1978. They have come into force with effect from 7.8.1978. The fifteen years period has already expired in the year 1993. Farmers are selling their land and thereby losing their lands which were granted to them by the Government earlier. Therefore, in order to safeguard the interest of farmers it is considered necessary to amend the said Act to prohibit transfer of re-granted land for a period of fifteen years from the date of re-grant made on or after the commencement of the Karnataka Village Offices Abolition (Amendment) Act, 2003

Hence the Bill.

(Published in Karnataka Gazette (Extraordinary) Part IV-A, dated 9th May 2003 as No. 497 at page 13)

सत्यमेव जयते

'[KARNATAKA ACT]' No. 14 OF 1961

(First published in the '[Karnataka Gazette]' on the Twentieth day of July, 1961.)

THE '[KARNATAKA]' VILLAGE OFFICES ABOLITION ACT, 1961

(Received the assent of the President on the Eighth day of July, 1961.)

(As amended by Acts 8 of 1968, 13 of 1978, 27 of 1984, 47 of 1986, 22 of 2000 and 22 of 2003)

An Act to abolish Village Offices in the '[State of Karnataka]'¹.

WHEREAS it is expedient in the public interest to abolish the village offices which were held hereditarily before the commencement of the Constitution and the emoluments appertaining thereto in the '[State of Karnataka]' and to provide for matters consequential and incidental thereto;

BE it enacted by the '[Karnataka State]' Legislature in the Twelfth 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, extent and commencement.— (1) This Act may be called the '[Karnataka]' Village Offices Abolition Act, 1961.

(2) It extends to the whole of the '[State of Karnataka]'¹.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(3) It shall come into force on such '[date]' as the State Government may, by notification, appoint. 1. Act has come into force on 01.02.1963 by notification. Text of the notification is at the end of the Act.

2. Definitions.— (1) In this Act, unless the context otherwise requires,—

(a) "appointed date" means the date appointed under sub-section (3) of section 1;

(b) "authorised holder" means a person in whose favour a land granted or continued in respect of, or annexed to, a village office by the State or a part thereof has been validly alienated permanently, whether by sale, gift, partition or otherwise, under the existing law relating to such village offices;

(c) "Code" means,—

(i) in relation to the Mysore Area excluding Bellary District, the Mysore Land Revenue Code, 1888;

(ii) in relation to the '[Belgaum Area,]'¹ the Bombay Land Revenue Code, 1879;

(iii) in relation to the '[Gulburga Area,]'¹ the Hyderabad Land Revenue Act, 1317-F;

(iv) in relation to the Coorg District, the Coorg Land and Revenue Regulation, 1899;

(v) in relation to the '[Madras Area]' and Bellary District, that corresponding revenue law or standing orders, in force in such area;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(d) "Deputy Commissioner" means an officer appointed by the State Government in respect of any area to perform the functions and exercise the powers of the Deputy Commissioner under this Act, and where no such officer is appointed, the Deputy Commissioner of the District;

(e) "emoluments" means,-

- (i) lands,
- (ii) assignments of revenue payable in respect of lands,
- (iii) fees in money or agricultural produce,
- (iv) money salaries and all other kinds of remuneration, granted or continued in respect of, or annexed to, any village office, by the State;

'[(ea) 'enfranchised inam' means an inam of which there is proof of enfranchisement as required under the Madras Enfranchised Inams Act, 1862 (Madras Act IV of 1862).]'

1. Inserted by Act 27 of 1984 w.e.f. 04.05.1984.

(f) "existing law relating to a village office" includes any enactment, ordinance, rule, bye-law, regulation, order, notification, firman, hukum, vat hukum or any other instrument or any custom or usage having the force of law, relating to a village office, which may be in force immediately before the appointed date;

(g) "holder of a village office" or "holder" means a person having an interest in a village office under an existing law relating to such office:

Provided that where any village office has been entered in a register or record under an existing law relating to such village office, as held by the whole body of persons having interest in the village office, the whole of such body shall be deemed to be the holder;

(h) "inferior village office" means every village office of lower degree than that of a Patel or Village Accountant;

(i) "notification" means a notification published in the Official Gazette;

(j) "officiator" means the person actually performing the duties of a village office, whether he be a person having right to perform the duties of such office or a substitute appointed under the existing law relating to such office;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "tenancy law" means,-

- (i) in the Mysore Area, the Mysore Tenancy Act, 1952;
- (ii) in the ¹[Bombay Area], the Bombay Tenancy and Agricultural Lands Act, 1948;

(iii) in the '[Hyderabad Area]¹, the Hyderabad Tenancy and Agricultural Lands Act, 1950;

(iv) in the '[Madras Area]¹, the Madras Cultivating Tenants Protection Act, 1955, and the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956;

(v) in the Coorg District, the Coorg Tenants Act 1957;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(m) "unauthorised holder" means a person in possession of a land granted or continued in respect of or annexed to a village office by the State without any right, or under any lease, mortgage, sale, gift or any other kind of alienation thereof, which is null and void under the existing law, relating to such village office;

(n) "village office" means every village office, to which emoluments have been attached and which was held hereditarily before the commencement of the Constitution under an existing law relating to a village office, for the performance of duties connected with the administration or collection of the revenue or with the maintenance of order or with the settlement of boundaries or other matter of civil administration of a village, whether the services originally appertaining to the office continue or have ceased to be performed or demanded and by whatsoever designation the office may be locally known.

(2) The other words and expressions used but not defined in this Act, shall have the meaning assigned to them in the Code.

3. Powers of Deputy Commissioner to decide certain questions and appeals.—(1) If any question arises,—

(a) whether any land was granted or continued in respect of or annexed to a village office by the State; or

(b) whether any person is a holder of a village office; or

(c) whether any person is an authorised holder; or

(d) whether any person is an unauthorised holder,

—the Deputy Commissioner shall, after giving the party affected an opportunity to be heard and after holding an enquiry in the prescribed manner decide the question.

(2) Any person aggrieved by such decision may file an appeal to the District Judge of the district within ninety days of such decision and the decision of the District Judge on such appeal shall be final. '[The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963) shall be applicable to such appeal.]¹

1. Inserted by Act 13 of 1978 w.e.f. 07.08.1978.

4. Abolition of village offices together with incidents thereof.— Notwithstanding anything in any usage, custom, settlement, grant, agreement, sanad, or in any decree or order of a Court, or in an existing law relating to village offices, with effect on and from the appointed date,—

(1) all village offices shall be and are hereby abolished;

(2) all incidents (including the right to hold office and the emoluments attached thereto, the right to levy customary fees or prerequisites in money or in kind and the liability to render service) appertaining to the said village offices shall be and are hereby extinguished;

(3) subject to the provisions of section 5, section 6 and section 7, all land granted or continued in respect of or annexed to a village office by the State shall be and is hereby resumed, and shall be subject to the payment of land revenue under the provisions of the Code and the rules and orders made thereunder as if it were an unalienated land or ryotwari land.

5. Re-grant of land resumed under section 4 to the holder of the village office.

— (1) A land resumed under clause (3) of section 4 shall, in cases not falling under section 6 and section 7, be granted to the person who was the holder of the village office immediately prior to the appointed date (hereinafter referred to as the holder) on payment, by or on behalf of such holder to the State Government, of the occupancy price equal to three times in the case of holders of inferior village office and six times in the case of holders of other village offices, the amount of the full assessment of such land within the prescribed period and in the prescribed manner and the holder shall be deemed to be an occupant or holder of a ryotwari patta within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government from the appointed date in accordance with the provisions of the Code and the rules and orders made thereunder; and all the provisions of the Code and the rules and orders relating to unalienated land or ryotwari land shall, subject to the provisions of this Act, apply to the said land:

Provided that in respect of land which was not assigned under an existing law relating to the village office as the remuneration of the village office, an occupancy price equal to the amount of the full assessment of such land in the case of holders of inferior village offices and three times such amount in the case of holders of other village offices, shall be paid by or on behalf of the holder for its re-grant.

(2) If there is a failure to pay the occupancy price under sub-section (1) within the prescribed period and in the prescribed manner, the holder shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily evicted therefrom by the Deputy Commissioner in accordance with the provisions of the Code.

(3) The occupancy or the ryotwari patta of the land, as the case may be, re-granted under sub-section (1) shall not be transferable otherwise than by partition among members of Hindu Joint Family 1[for a period of fifteen years from the date of re-grant made on or after the date of commencement of the Karnataka Village Offices Abolition (Amendment) Act, 2003]¹.

²[Provided that such occupancy or the ryotwari patta in respect of land granted to

the holder of a village office in an enfranchised inam shall be transferrable with the previous sanction of the Deputy Commissioner which shall be granted on payment of an amount equal to fifteen times the amount of full assessment of the land.]²

1. Substituted by Act 22 of 2003 w.e.f. 09.05.2003.

2. Inserted by Act 27 of 1984 w.e.f. 04.05.1984

[(4) Any transfer of land in contravention of sub-section (3) shall be null and void and the land so transferred shall, as penalty, be forfeited to and vest in the State Government free from all encumbrances and any person in possession thereof shall be summarily evicted therefrom by the Deputy Commissioner and the land shall be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands:

Provided that if the person who has transferred the land in contravention of sub-section (3) is not alive, while disposing of such land preference shall be given to the heirs of such person.

Explanation.—For removal of doubts it is hereby declared that in sub-section (3), and in this sub-section transfer includes creation of a lease.

(5) Nothing in sub-section (3) shall apply to transfer in favour of the State Government, a co-operative society and a bank as security for loans granted for improvements of such land 2[or for raising crops on such land]2 or for buying cattle or agricultural implements for the cultivation of such land .

Explanation.—'bank' means,—

(i) a banking company as defined in the Banking Regulation Act, 1949 (Central Act 10 of 1949);

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955);

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959);

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970);

(v) a regional rural bank constituted under the Regional Rural Banks Act, 1976 (Central Act 21 of 1976);

(vi) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963);

(vii) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956 (Central Act 1 of 1956).

(6) Notwithstanding anything contained in any law for the time being in force, any agreement for transfer of land resumed under clause (3) of section 4, entered into prior

to regrant thereof under sub-section (1), shall be null and void and any person in possession thereof in furtherance of such agreement shall be summarily evicted therefrom by the Deputy Commissioner.]

1. Sub-sections (4) to (6) inserted by Act 13 of 1978 w.e.f. 01.02.1963.

2. Inserted by Act 47 of 1986 w.e.f. 25.11.1986.

6. Re-grant of land resumed under section 4 to authorised holders.—Where any land resumed under clause (3) of section 4 is held by an authorised holder, it shall be regranted to the authorised holder on the payment by him to the State Government of the occupancy price equal to six times the full assessment of the land and subject to the conditions and consequences mentioned in section 5; and all the provisions of section 5 shall mutatis mutandis apply in relation to the re-grant of the land under this section to the authorised holder as if he were the holder of the village office.

[7. Eviction of unauthorised holders etc.—(1) Where any land resumed under clause (3) of section 4 is in the possession of an unauthorised holder such unauthorised holder shall be summarily evicted therefrom and the land shall be taken possession of by the Deputy Commissioner in accordance with law:

Provided that no such summary eviction shall be made except after giving the person affected a reasonable opportunity of making representation.

(2) Any order of eviction passed under sub-section (1) shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceeding taken or about to be taken by the Deputy Commissioner in pursuance of the power conferred by sub-section (1).

(3) The land from which an unauthorised holder is evicted under sub-section (1) shall,-

(a) if it was granted or continued in respect of or annexed to an inferior village office be regranted to the holder of such village office; and

(b) in other cases be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands]¹

1. Substituted by Act 13 of 1978 w.e.f. 24.12.1975.

[7A. Restriction on transfer etc.—(1) No person shall transfer or acquire by transfer 2[for a period of fifteen years from the date of re-grant made on or after the date of commencement of the Karnataka Village Offices Abolition (Amendment) Act, 2003]2 any land disposed or regranted under sub-section (4) of section 5 or sub-section (3) of section 7 and any transfer of such land in contravention thereof shall be null and void. The land so transferred shall vest in the State Government free from all encumbrances. The provisions of sub-section (5) of section 5 shall mutatis mutandis apply to transfer of such land.

(2) Any person who acquires by transfer such land in contravention of sub-section

(1) shall on conviction be punished with imprisonment which may extend to six months.]¹

1. Inserted by Act 13 of 1978 w.e.f. 07.08.1978

2. Substituted by Act 22 of 2003 w.e.f. 9.5.2003..

8. Application of Tenancy Law.—If any land granted or continued in respect of or annexed to a village office by the State has been lawfully leased and such lease is subsisting on the appointed date, the provisions of the tenancy law for the time being in force in that area in which the land is situate shall apply to the said lease and the rights and liabilities of the person to whom such land is granted under sections 5, 6 or 7 and his tenant or tenants shall, subject to the provisions of this Act, be governed by the provisions of the said tenancy law.

Explanation.—For the purpose of this section, the expression "land" shall have the same meaning as assigned to it in the tenancy law referred to above.

9. Relief to holder of a village office.—(1) A holder of a village office abolished under this Act, shall be paid in such manner and in such installments as may be prescribed,—

(i) in the case of a holder of an inferior village office, an amount equal to the aggregate of the amounts calculated in the manner provided in the following clauses (a), (b) and (c);

(ii) in the case of a holder of any other village office, an amount equal to the aggregate of the amounts calculated in the manner provided in the following clauses (a) and (b).—

(a) where the full or a portion of the assessment of the land granted or continued in respect of or annexed to, any village office by the State was assigned towards the emoluments of the holder of such officer, six times the amount equal to the difference between the amount of such assessment or portion and the amount of quit rent or jodi, if any payable to the State Government by the holder;

(b) six times the amount equal to the annual cash allowance or other annual payment of money (not being the rent of land resumed under clause (b) of Section 12 of the Bombay Hereditary Offices Act, 1874 Bombay Act III of 1874), or a like provision under any existing law relating to village offices) made by the State Government to the holder under the existing law relating to village offices:

Provided that where the land granted or continued in respect of or annexed to a village office is not less than three acres in extent, the sum payable shall be three times the amount specified in this clause:

Provided further that in determining the amount of annual cash allowance or other annual payment of money made by the State Government under this clause, the enhancement in such allowance or money ordered.—

(i) in the Mysore Area, excluding the Bellary District, by G.O. No. R. 23-77/L.R. 69-42-17, dated 18th October 1942, G.O. No. R. 3919-4007/L.R. 155-47, dated 24th September 1947 and G.O. No. RDF 111 VOA57, dated 8th June 1957;

(ii) in the Bombay Area, by G.O. No. G.R.R.D. No. 9790/33, dated 24th May 1944, G.R.R.D. No. 5741/45, dated 3rd July 1948 and G.O. R.D. No. RDF 111 VOA57, dated 8th June 1957;

(iii) in the Hyderabad Area, by G.O. No. (2), dated 8th October 1949, G.O. No. 2, dated 22nd December 1949 and G.O. No. RDF 111 VOA57, dated 8th June 1957;

(iv) in the Madras Area and Bellary District, by G.O. No. Mis. 877/Rev., dated 27th April 1945, G.O. No. 2108, dated 27th September 1946, and G.O. No. RDF 111 VOA57, dated 8th June 1957,

-shall be excluded;

(c) six times the cash value of the average of the customary fees or prerequisites in money or in kind levied or leviable by the holder of the inferior village office under the existing law relating to such office during the three years immediately preceding the appointed date; and such cash value shall be determined in the prescribed manner and shall not exceed the amount which under the existing law could on default of payment in kind, be recovered.

Provided that when the land granted or continued in respect of or annexed to the inferior village office is not less than three acres in extent, the sum payable shall be three times the cash value not exceeding the maximum specified in this clause.

¹[(2) (i) As soon as may be after the commencement of the ²[Karnataka]² Village Offices Abolition (Amendment) Act, 1967, the Deputy Commissioner shall determine in accordance with such of the provisions of sub-section (1) as may be applicable to any holder of a village office, the amount payable in respect of the office which has been abolished.

(ii) A holder of a village office entitled to payment under sub-section (1) may, within such time as may be prescribed or such further time as the Deputy Commissioner may in his discretion allow, apply in writing to the Deputy Commissioner for a copy of the data on the basis of which he proposes to determine the amount payable under sub-section (1). On receipt of such application, the Deputy Commissioner shall furnish the data aforesaid to the applicant and he shall also before passing any order under clause (i), give the applicant reasonable opportunity of making his representation in regard thereto, in writing or orally.

(iii) A copy of every order passed under clause (i) shall be communicated to the holder of the village office concerned.]¹

1. Substituted by Act 8 of 1968 w.e.f. 12.09.1967.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(3) Any person aggrieved by the order of the Deputy Commissioner under sub-section (2) may within sixty days from the date of the order appeal to the Divisional Commissioner and the decision of the Divisional Commissioner on such appeal, shall be final.

(4) Notwithstanding anything contained in sub-section (1), a holder of a village office abolished under this Act shall not be entitled to any payment under this section, if he is appointed to any stipendiary post in connection with the affairs of the '[State of Karnataka]'

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

10. Inquiries and proceedings to be judicial proceedings.—All inquiries and proceedings before the Deputy Commissioner under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 229 of the Indian Penal Code.

11. Rules.—(1) The State Government may, subject to the condition of previous publication, by notification, make rules for the purposes of carrying out the provisions of this Act.

(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 or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in any rule or both Houses agree that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. Repeal and savings.—(1) The enactments specified in Schedule I and any existing law relating to a village office in force in any area of the '[State of Karnataka]' so far as they apply to village offices or to emolument attached to such offices are hereby repealed.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

'[xxx]'

(3) Nothing in sub-sections (1) '[xxx]'

1. Omitted by Act 22 of 2000 w.e.f. 29.11.2000.

(a) any obligation or liability already incurred by the holder of a village office or other person before the appointed date;

(b) any proceeding or remedy in respect of such obligation or liability and any such proceeding may be continued or any such remedy may be enforced as if this Act had not been passed.

SCHEDULE I
Section 12(1)

Year	No.	Short title	Extent of repeal
1908	IV	The 1[Karnataka]1 Village Offices Act, 1908.	The whole
1895	III	The Madras Hereditary Village Offices Act, 1895.	Do
1874	III	The Bombay Hereditary Offices Act, 1874.	Do
1886	V	The Bombay Hereditary Offices (Amendment) Act, 1886.	Do
1894	II	The Madras Proprietary Estates village Service Act, 1894.	Do
1802 1802.	XXIX	The Madras Karnams Regulation,	Do

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

[SCHEDULE II x x x]¹

1. Omitted by Act 22 of 2000 w.e.f. 29.11.2000.

NOTIFICATION

Bangalore dated 9th January 1968, [No.RD 827 GVO 62]

(Pushya 19, Saka Era 1884).

In exercise of the powers conferred by sub-section (3) of section 1 of the Mysore Village Offices Abolition Act, 1961 (Mysore Act 14 of 1961), the Government of Mysore hereby appoints the First day of February 1963 as the date on which the said Act shall come into force.

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

(P. NAGESHARAO)

Under Secretary to Government,

Revenue Department.

(Published in the Karnataka Gazette Part IV-2C (ii) dated 17th January, 1963.)

* * * *

THE KARNATAKA ANIMAL DISEASES (CONTROL) ACT, 1961.

ARRANGEMENT OF SECTIONS.

CHAPTER I

PRELIMINARY

Statement of Objects and Reasons:

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of Veterinary Officers and Inspectors.
4. Veterinary Officers and Inspectors to be public servants.

CHAPTER II

PREVENTION AND CONTROL OF CONTAGIOUS OR INFECTIOUS DISEASES

5. Power to inoculate and regulate movement of animals and to control the holding of markets, fairs, etc., and traffic in infective animals.
6. Power to isolate infective animals and their examination and treatment.
7. Declaration of private infected places and examination of such places by Veterinary Officer.
8. Declaration of public infected place.
9. Power of State Government to declare infected area.
10. Removal of animals and other things from infected areas or places prohibited without licence.
11. Power to require animals, etc., brought from infected areas without licence to be returned.
12. Preventive vaccination or inoculation in infected places or areas.
13. Cleaning and disinfection of vessels and vehicles.
14. Disinfection of infected premises, vessels or vehicles.
15. Power of Veterinary Officer to hold post mortem.
16. Duty of certain persons to report contagious or infectious diseases.
17. Duty to segregate infective animals.
18. Powers of entry and inspection.

19. Manner of burial or disposal of carcasses of infective animals.
20. Prohibition of markets, fairs, etc., in infected areas.
21. Powers of Veterinary Officer to subject infective animals to tests.

CHAPTER III OFFENCES AND PUNISHMENT

22. Penalties.
23. Penalty for keeping or grazing infective animals in unenclosed land.
24. Penalty for bringing infected animal to market.
25. Penalty for placing carcass of infected animal in river, etc.
26. Penalty for disinterring carcass of diseased animal.
27. Penalty for sale or transfer of infective animals.
28. Penalty for vexatious entry, inspection or seizure.

CHAPTER IV MISCELLANEOUS

29. Time for complying with and enforcement of orders.
30. Power of Police Officer to arrest without warrant.
31. Cognizance of offences.
32. Jurisdiction of magistrates.
33. Bar of claim to compensation.
34. Protection of officers taking action under this Act.
35. Limitation for certain suits and prosecutions.
36. Power to make rules.
37. Rules and Notifications to be laid before the State Legislature.
38. Repeal and savings.

* * * *

STATEMENT OF OBJECTS AND REASONS

Act 18 of 1961.—In the Madras Area, Bombay Area, Coorg District and Mysore Area of the State, the following different enactments are in force to prevent and control contagious diseases of livestock:—

1. Bombay Animal Contagious Diseases (Control) Act, 1948.
2. Madras Cattle Diseases Act, 1866.
3. Madras Rinderpest Act, 1940.
4. Coorg Animal Contagious Diseases Act, 1941.
5. The Mysore Diseases of Animals Act, 1949.
6. The Glanders and Farcy Act, 1899.
7. The Dourine Act, 1910.

As it is necessary that a single integrated legislation applicable to the whole State be formulated, this Act is placed before the Legislature. This Act embodies all the essential provisions contained in the Acts now in force in the different areas.

Livestock fall a prey to a host of contagious diseases and in order to protect them from the ravages of these diseases, prompt measures have to be taken to prevent their occurrence, and check their spread to the healthy area. Among such steps are:—

(1) Segregation of infected animals and restricting the movement of such ailing animals to other parts to prevent the spread of the infection to the healthy area.

(2) Prohibition of large collection of livestock such as, in connection with cattle fairs, car festivals, etc., in areas where a contagious disease has broken out.

(3) Undertaking preventive inoculations of livestock to protect them against the disease.

(4) Effective treatment of infected cases.

(5) Proper disposal of carcasses of animals which die of the disease so as to prevent the spread of infection.

Hence this Bill.

(Obtained from Notification No.600 LC dated 21st July 1959. File No.LAW 113 LGN 1958.)

¹[KARNATAKA ACT]¹ No. 18 OF 1961

(First published in the ¹[Karnataka Gazette]¹ on the Fourteenth day of September, 1961.)

THE ¹[KARNATAKA]¹ ANIMAL DISEASES (CONTROL) ACT, 1961

(Received the assent of the Governor on the Seventh day of September, 1961.)

An Act to provide for the prevention and control of contagious and infectious diseases affecting animals in the ¹[State of Karnataka]¹.

WHEREAS it is expedient to provide for the prevention and control of contagious and infectious diseases affecting animals in the ¹[State of Karnataka]¹;

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

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

**CHAPTER I
PRELIMINARY**

1. Short title, extent and commencement.—(1) This Act may be called the ¹[Karnataka]¹ Animal Diseases (Control) Act, 1961.

(2) It shall extend to the whole of the ¹[State of Karnataka]¹.

(3) It shall come into force at once in the areas in which the enactments repealed by section 38 are in force; and shall come into force in any other area on such ²[date]² as the State Government may, by notification specify.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

2. Act came into force in a portion of Dakshina Kannada on 26.12.1963 by notification. Act came into force in areas other than the areas specified in sub-section (3) on 01.02.2000 by notification.

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

(a) "animals" means,—

(i) bulls, bullocks, cows, oxen, heifers, calves, buffaloes, elephants, sheep, goats, and includes all other ruminating animals as may be notified in this behalf by the State Government; and

(ii) dogs, swines, horses, camels, asses, mules, fowls, and such other domesticated animals as may be notified in this behalf by the State Government;

(b) "contagious or infectious disease" means rinder-pest, anthrax, hæmorrhagic septicæmia, rabies, glanders and farcy, epizootic lymphangitis, surra, dourine, equine influenza or pink eyes, sheep-pox, ranikhet disease, black-quarter,

foot and mouth disease, tuberculosis, John's disease, and includes such other diseases as may be notified by the State Government in this behalf;

(c) "infected area" means an area declared to be an infected area under section 9;

(d) "infected animal" means an animal which is affected with a contagious or infectious disease or has recently been in contact with or in close proximity to an animal so affected;

(e) "Inspector" means an Inspector appointed or empowered under section 3;

(f) "notification" means a notification published in the official Gazette;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "rules" means rules made under section 36;

(i) "Veterinary Officer" means a Veterinary Officer appointed under section 3. 4

3. Appointment of Veterinary Officers and Inspectors.—(1) The State Government may by notification, appoint a person duly qualified in veterinary medicine to be a Veterinary Officer for the purpose of this Act for such local area as may be specified in the notification.

(2) The State Government or any officer authorised in this behalf, may appoint any person duly qualified in veterinary medicine to be an Inspector for all or any of the purposes of this Act and may specify the area within which he shall exercise the powers and perform the duties of an Inspector under this Act.

(3) A Veterinary Officer shall within the area for which he is appointed exercise all the powers of an Inspector under this Act and may exercise such powers in addition to his powers as Veterinary Officer.

4. Veterinary Officers and Inspectors to be public servants.—Every Veterinary Officer and every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

CHAPTER II

PREVENTION AND CONTROL OF CONTAGIOUS OR INFECTIOUS DISEASES

5. Power to inoculate and regulate movement of animals and to control the holding of markets, fairs, etc. and traffic in infective animals.—(1) The State Government may for the purpose of preventing the outbreak or spread of any contagious or infectious disease in or from any area, by notification,-

(a) direct that all animals in such area or any class of such animals, shall be compulsorily inoculated in accordance with such rules as may be prescribed or such directions as may be specified in the notification;

(b) prohibit or regulate in such manner and to such extent as may be prescribed or as may be specified in the notification (i) the bringing into such area or any other area in the State or any part thereof, (ii) the removal from such area into any other area in the State or any part thereof or (iii) the transport from one place to another in such area, of animals, alive or dead or of any products of animals or of any parts of animals or of any fodder, bedding, or other thing used in connection with animals which may in the opinion of the State Government, carry infection; or

(c) prohibit or regulate in such manner and to such extent as may be prescribed or as may be specified in the notification in such area or any part thereof or any other area in the State,-

- (i) the holding of animal markets, animal fairs, animal exhibitions or other concentrations of animals; or
- (ii) the sale of or other traffic in, infective animals or their products or the carcasses of animals, which, at the time of their death were infective, or any parts of such animals or any fodder, bedding or other thing used in connection with such animals which may, in the opinion of the State Government, carry infection.

6. Power to isolate infective animals and their examination and treatment.—(1) Where an Inspector has reason to believe that any animal is infective, he may, by order in writing, direct the owner or person in charge or having control of such animal,-

(a) to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order; (b) subject it to such treatment as may be specified in the order.

Such owner or person in charge or having control of such animal shall comply with such order.

(2) Where there is no person in charge or having control of the animal and the owner is either unknown or cannot be ascertained without undue delay or the order cannot be communicated to him without undue delay or the owner or person in charge or having control of the animal fails to comply with the order under sub-section (1) within such time, as in the opinion of the Inspector is reasonable, the Inspector shall seize the animal and remove it to a place of isolation or segregation and may subject it to such treatment as may be necessary.

(3) The Inspector shall forthwith report to the Veterinary Officer every order or seizure made under sub-section (1) or sub-section (2).

(4) On receipt of a report under sub-section (3), the Veterinary Officer shall as soon as possible, examine the animal and all animals with which it has been in contact or to

which it has been in close proximity, and for this purpose may submit any animal to any prescribed test.

(5) If, after such examination, the Veterinary Officer,-

(a) is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person, who, in his opinion, is entitled to its possession:

Provided that where such person cannot, in the opinion of the Inspector, be found, he shall send the animal to the nearest cattle pound or deal with it in such other manner as may be prescribed;

(b) certifies in writing that any animal is affected with contagious or infectious disease, the Inspector shall destroy the animal or deal with it in such other manner as may be prescribed; or

(c) certifies in writing that any animal is infective, though not affected with contagious or infectious disease, the animal shall be subjected to such treatment, if any, and be otherwise dealt with in such manner as may be prescribed.

(6) The decision of the Veterinary Officer whether any animal is infective or has been in contact with or in close proximity with an animal suspected to be affected with contagious or infectious disease shall be final.

7. Declaration of private infected places and examination of such places by Veterinary Officer.—(1) If the Inspector has reason to believe that there is an infective animal in any land, building or other place in which animals are kept, temporarily or otherwise, he shall at once, by order in writing, declare such land, building or place, to be an infected place and shall deliver a copy of that order to the owner, occupier or person in charge of the infected place and report his action to the Veterinary Officer:

Provided that this sub-section shall not apply to any place owned by or under the control and management of any local authority or railway administration where animals are kept temporarily for purposes of sale, exhibition or transit.

(2) On receipt of a report under sub-section (1), the Veterinary Officer shall, as soon as possible, examine the infected place and the animals kept therein and confirm or cancel the order of the Inspector.

(3) If the Veterinary Officer confirms the order, he may cause notice to be served on the owner, occupier or person in charge of all places in which the animals are kept, temporarily or otherwise, within a radius not exceeding one mile from the infected place, declaring such place to be an infected place. The Veterinary Officer shall forthwith report the action taken by him under this sub-section to the prescribed authority.

(4) If the Veterinary Officer cancels the order passed by the Inspector, the place

specified in such order shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such building.

8. Declaration of public infected place.—(1) Where the Veterinary Officer has reason to believe that an infected animal is or has been kept in any place, which is owned by or is under the control, or management of any local authority, or railway administration where animals are kept temporarily, for purposes of sale, exhibition on transit, he may, by order in writing, declare such place to be an infected place.

(2) The Veterinary Officer shall,-

(a) cause a copy of the order passed by him under sub-section (1) to be exhibited prominently in the infected place in the language of the locality;

(b) cause a copy of such order to be delivered at the office of the local authority or to the nearest station master of the railway administration, as the case may be;

(c) cause another copy to be sent to the nearest police station; and

(d) forthwith report the action taken by him to the prescribed authority.

9. Power of State Government to declare infected area.—(1) On receipt of the report of the Veterinary Officer, under sub-section (3) of section 7 or sub-section (2) of section 8 the prescribed authority shall, after making such further enquiry, as it thinks fit, submit such report with its remarks thereon, if any, to the State Government, which may—

(a) confirm any declaration made under sections 7 (1), 7 (3) or 8 (1) either with or without modifications; or

(b) cancel any such declaration.

(2) (a) Where the State Government confirms any such declaration, either with or without modifications, it shall by notification, define the limits of the area to which the declaration with modifications, if any, made therein, shall apply and declare such area to be infected area;

(b) the State Government may by notification add, amend, vary or rescind any notification published under clause (a) either on its own motion or on a further report of a Veterinary Officer, submitted through the prescribed authority;

(c) on the publication of a notification under clause (a) or (b) any place declared by the Inspector or the Veterinary Officer to be an infected place and not included in the infected area as defined in such notification shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place;

(d) the Inspector shall cause to be exhibited in some prominent place in the infected area and in the language of the locality a copy of the notification issued under clause (a) or (b).

(3) Where the State Government cancels any declaration referred to in sub-section (1), any place specified in such declaration shall cease to be an infected place and the Inspector shall give notice accordingly to all persons to whom copies of such declaration were delivered or on whom notices of such declarations were served.

10. Removal of animals and other things from infected areas or places prohibited without licence.—(1) Where any area or place has been declared to be an infected area or place under the foregoing provisions, no person shall, while such declaration remains in force, remove any animal, alive or dead, or any part or product of any animal, or any food, bedding or other things used in connection with the animal, save in accordance with the conditions of a licence granted by the Inspector.

(2) Nothing contained in sub-section (1) shall apply to the carriage by railway of any animal or thing referred to in that sub-section through an infected area or place:

Provided that where any such animal or thing while in transit through an infected area or place is unloaded therein it shall not be removed therefrom, save in accordance with the provisions of sub-section (1).

11. Power to require animals, etc., brought from infected areas without licence to be returned.—Where any animal or thing referred to in section 10 is removed from an infected area or place otherwise than in accordance with the conditions of a licence granted under the said section, any Inspector or Police Officer may require the owner or person in charge of such animal or thing to return it to such area or place:

Provided that nothing in this section shall affect the powers of an Inspector under section 6, to deal with infective animals.

12. Preventive vaccination or inoculation in infected places or areas.—(1) In any area or place declared to be an infected area or place under this Act, the Veterinary Officer or the Inspector duly authorised by the Veterinary Officer in this behalf, shall, in all cases in which preventive vaccination or inoculation is possible and practicable, vaccinate or inoculate, as the case may be, such kinds or classes of animals in the area or place as may be prescribed and the owner or person in charge or having control of every such animal, shall render every facility or assistance to the Veterinary Officer or Inspector in carrying out such vaccination or inoculation.

(2) When a Veterinary Officer or Inspector vaccinates or inoculates any animal, he may for the purpose of identification mark such animal in such manner as may be prescribed.

13. Cleaning and disinfection of vessels and vehicles.—(1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected by him at such periods and in such manner as may be prescribed.

(2) The State Government may appoint places where an Inspector may detain and inspect any such vessel or vehicle and if it is not in sanitary condition, require it to be cleansed and disinfected in the prescribed manner.

(3) This section shall not apply to the rolling stock of any railway.

14. Disinfection of infected premises, vessels or vehicles.- Subject to such rules as may be prescribed, the Veterinary Officer may, by order in writing, require the owner, occupier or person in charge of any land, building or other place or of any vessel, or vehicle, in which an infected animal has been kept, to have such land, building, place, vessel or vehicle disinfected and the internal fittings thereof and other things found therein or near thereto to be disinfected or destroyed in such manner and to such extent as may be specified in the order. Such owner, occupier or person in charge shall comply with such order.

15. Power of Veterinary Officer to hold post mortem.- Subject to such rules as may be prescribed, the Veterinary Officer may make or cause to be made a post mortem examination of any animal which at the time of its death was infected or suspected to have been infected and for this purpose, he may cause the carcass of such animal to be exhumed.

16. Duty of certain persons to report contagious or infectious diseases.- Every owner or person in charge or having control of an animal, and every Veterinary Practitioner who has been called upon to treat an animal, which he has reason to believe to be infected with contagious or infectious disease, shall forthwith report the fact to the Inspector having jurisdiction in the area.

17. Duty to segregate infective animals.- Every owner or person in charge or having control of an animal, which he has reason to believe to be an infective animal, shall, as far as may be possible, segregate such animal in a place apart from all other animals which are not infective and shall take all possible steps to prevent any animal which is not infective from coming into contact with or approaching near such animal.

18. Powers of entry and inspection.- Subject to such rules as may be prescribed, any Inspector or Veterinary Officer may enter upon and inspect any land or building or other place, or any vessel or vehicle for the purpose of exercising and performing the duties conferred or imposed on him by or under this Act.

19. Manner of burial or disposal of carcasses of infective animals.- (1) Every animal which at the time of its death is infective or suspected to be infective shall be buried at least six feet below the surface of the ground or dealt with in such other manner as may be prescribed.

(2) Except in the case of the exhumation of a carcass under section 15, no person shall disinter or otherwise remove the carcass of an animal buried in compliance with the provisions of sub-section (1).

20. Prohibition of markets, fairs, etc., in infected areas.- No person shall organise, promote or hold in any infected area any animal market, animal fair, animal exhibition or other concentration of animals, whether for the purpose of sport or trade, without the permission in writing of the Deputy Commissioner or such officer as the State Government may authorise in this behalf.

21. Powers of Veterinary Officer to subject infective animals to tests.- If the Veterinary Officer suspects that an animal is infective, he may subject it to such tests as may be prescribed and the owner or person in charge or having control of such animal, shall render every facility and assistance to him in carrying out the tests.

CHAPTER III OFFENCES AND PUNISHMENT

22. Penalties.- Whoever,-

(a) fails to carry out any directions specified in, or contravenes the terms of, any notification issued under section 5; or

(b) fails to comply with an order made by an Inspector under sub-section (1) of section 6; or

(c) removes any animal or thing from an infected area or place in contravention of the provisions of section 10; or

(d) fails to comply with any direction given by an Inspector or by a Police Officer under section 11; or

(e) fails to render every facility and assistance to a Veterinary Officer as required by section 12; or

(f) fails to cleanse or disinfect any vessel or vehicle used for removing animals in the manner prescribed as required under sub-sections (1) and (2) of section 13; or

(g) fails to comply with an order made by a Veterinary Officer under section 14; or

(h) fails to report that an animal is infected as required by section 16; or

(i) fails to segregate any animal as required by section 17; or

(j) contravenes any of the provisions of section 19; or

(k) organises, holds or promotes as the case may be any animal market, animal fair, animal exhibition, or other concentration of animals in contravention of the provisions of section 20,

-shall be punished with fine which may extend in the case of a first conviction to one hundred rupees and in the case of a second or subsequent conviction, whether under the same or any other clause of this section, to five hundred rupees.

23. Penalty for keeping or grazing infective animals in unenclosed land.—Whoever keeps or grazes in any area, forest, open field, roadside or other unenclosed land to which other persons have a right of access for their animals, any animal which he knows to be infective, shall be punished with fine which may extend in the case of a first conviction to one hundred rupees and in the case of a second or subsequent conviction to five hundred rupees.

24. Penalty for bringing infected animal to market.—Whoever brings or attempts to bring to a market, fair, exhibition or other concentration of animals, any animal which he knows or has reason to believe to be infective, shall be punished with fine which may extend, in the case of a first conviction to one hundred rupees, and in the case of a second or subsequent conviction to five hundred rupees.

25. Penalty for placing carcass of infected animal in river, etc.—Whoever places or causes or permits to be placed in any river, lake, canal or other water or in the sea within such distance from the shore as may be prescribed, the carcass or any part of the carcass of any animal which at the time of its death was infected or which was destroyed as being infective or suspected of being infective, shall be punished in the case of a first conviction with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees or with both, and in the case of a second or subsequent conviction with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

26. Penalty for disinterring carcass of diseased animal.—Whoever, without lawful authority disinters or causes to be disinterred the carcass or any part of the carcass of any animal which, at the time of its death, was infective or which was destroyed as being infective, shall be punished with fine which may extend in the case of a first conviction to one hundred rupees and in the case of a second or subsequent conviction to five hundred rupees.

27. Penalty for sale or transfer of infective animals.—Whoever sells or attempts to sell or transfer in any manner to another person any animal which he knows or has reason to believe to be infective, shall be punished with a fine which may extend in the case of a first conviction to one hundred rupees, and in the case of second or subsequent conviction to five hundred rupees.

28. Penalty for vexatious entry, inspection or seizure.—(1) Whoever, being an Inspector or a Veterinary Officer, appointed under this Act, vexatiously and unnecessarily enters or inspects any land, building or other place or any vessel or vehicle or seizes or detains any animal, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

CHAPTER IV MISCELLANEOUS

29. Time for complying with and enforcement of orders.—(1) Where by any notice, requisition or order made under this Act or under any rule or notification issued thereunder, any person is required to take any measure or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time should be specified in such notice, requisition or order within which such measure shall be taken or such thing shall be done, as the case may be.

(2) If such measures are not taken or such thing is not done within the time so specified, the authority issuing the notice, requisition or order may cause the measures to be taken or the thing to be done at the cost of the person concerned.

(3) The costs of any measures taken or thing done under sub-section (2) shall be recovered from the person concerned as if it were an arrear of land revenue.

30. Power of Police Officer to arrest without warrant.—Any Police Officer not below the rank of a Sub-Inspector may, at the request in writing of a Veterinary Officer, arrest without warrant any person who has been concerned in any offence under this Act.

31. Cognizance of offences.—No magistrate shall take cognizance of an offence under this Act, except upon the complaint or report of a Veterinary Officer. 11

32. Jurisdiction of magistrates.—No magistrate shall try any offence under this Act unless he is a magistrate of the first class or a magistrate of the second class, specially empowered in this behalf by the State Government.

33. Bar of claim to compensation.—No person shall be entitled to any compensation in respect of the destruction of any animal or thing or of any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith.

34. Protection of officers taking action under this Act.—(1) No prosecution or other proceedings shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act, without the previous sanction of the State Government.

(2) No officer or servant of State Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of his duties, or the discharge of functions imposed by or under this Act.

35. Limitation for certain suits and prosecutions.—No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act

done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

36. Power to make rules.—(1) The State Government may, subject to previous publication, make rules, by notification, for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

- (i) the test to which an animal may be submitted under sub-section (4) and the manner in which the animal may be dealt with under sub-section (5) of section 6;
- (ii) the authority to be prescribed for the purposes of sections 7, 8 and 9;
- (iii) the circumstances under which licences may be granted by an Inspector under section 10, and the form and condition of such licences;
- (iv) the kinds or classes of animals which shall be vaccinated or inoculated in respect of each contagious or infectious disease referred to in sub-section (1) of section 12;
- (v) the manner in which the animal may be marked under sub-section (2) of section 12;
- (vi) the periods at which and the manner in which the vessels and vehicles shall be cleansed and disinfected under section 13;
- (vii) for disinfecting the land, building or other places or vehicle or vessel under section 14;
- (viii) the making of post mortem examination under section 15;
- (ix) for regulating the powers of an Inspector or Veterinary Officer under section 18; 12
- (x) the manner in which an animal may be buried under sub-section (1) of section 19;
- (xi) the distance from the shore within which the carcass shall not be placed under section 25; and
- (xii) all other matters expressly required or allowed by this Act to be prescribed.

37. Rules and Notifications to be laid before the State Legislature.—All rules made under section 36 and all notifications issued under section 5 shall be laid as soon as may be after they are made or issued before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more sessions and, if before the expiry of the

said period either House of the State Legislature makes any modification in the rules or notifications or directs that any rule or notification shall not have effect and if the modification or direction is agreed to by the other House, the rules or notifications, as the case may be, shall, thereafter, have effect only in such modified form or be of no effect, as the case may be.

38. Repeal and savings.—The Bombay Animal Contagious Diseases (Control) Act, 1948 (Bombay Act LIX of 1948), as in force in the '[Belgaum Area]', the Madras Cattle Disease Act, 1866 (Madras Act II of 1866), and the Madras Rinderpest Act, 1940 (Madras Act XIX of 1940), as in force in the '[Mangalore and Kollegal Area]', the Coorg Animal Contagious Diseases Act, 1941 (Coorg Act IV of 1941), as in force in the Coorg District, the Mysore Diseases of Animals Act, 1949 (Mysore Act XXI of 1949), as in force in the Mysore Area, the Glanders and Farcy Act, 1899 (Central Act No. XIII of 1899), and the Dourine Act, 1910 (Central Act No. X of 1910), as in force in the '[Belgaum]' and the '[Mangalore and Kollegal Areas]' are hereby repealed:

Provided that section 6 of the 1[Karnataka]1 General Clauses Act, 1899 ('[Karnataka]' Act III of 1899), shall be applicable in respect of the repeal of the said enactments and sections 8 and 24 of the 1[Karnataka]1 General Clauses Act, 1899, shall be applicable as if the said enactments had been repealed and re-enacted by a '[Karnataka Act]'.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

NOTIFICATIONS

I

Bangalore, dated 11th December, 1963. [No. RD 278 VAD 63]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Animal Diseases (Control) Act, 1961 (Mysore Act 18 of 1961), the Government of Mysore hereby specifies the 26th day of December, 1963, as the date on which the said Act shall come into force in areas of Hebri village other than Seethanadi and in Nadpal village of Karkal Taluk, South Kanara District.

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

(HARISARVOTHAM RAO)

Under secretary to Government.

(Published in the Karnataka Gazette, Part IV-2C(i), dated 19th December, 1963 at page. 760.)

II

Bangalore dated 17.02.2000 [No. AHF 122 AHP 99]

In exercise of the powers conferred by sub-section (3) of section 1 of the Karnataka Animal Diseases Control Act, 1961 (Karnataka Act 18 of 1961) the Government of Karnataka hereby specifies 1-2-2000 as the date on which the said Act shall come into force in the areas other than the areas specified in the said sub-section.

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

(K.C. JAYALAKSHMI)

*Under Secretary to Government,
Animal Husbandry and Fisheries Dept.*

THE KARNATAKA ANIMAL DISEASES (CONTROL) ACT, 1961 has been amended by the followings Acts, namely:-

Amendments (Chronological)

SL. No	Act No. and year	Sections amended	Remarks
1.	18 OF 1961		Act has come into force in areas of Hebrl village other than Seethanadi and in Nadpal village of Karkal Taluk, South Kanara District with effect from 26th day of December, 1963 and in aother areas w.e.f. 1-2-2000
2.	KAL Order 1973	Title, Preamble, 1(1)(2)	w.e.f. 1.11.1973

Amendments (Section-wise)

Sections	Act No. and year	Remarks
Title, Preamble 1(1)(2)	KAL Order 1973	w.e.f. 1.11.1973
	KAL Order 1973	w.e.f. 1.11.1973

THE KARNATAKA PORTS (LANDING AND SHIPPING FEES) ACT, 1961

ARRANGEMENT OF SECTIONS

Statement of Object and Reasons

Sections:

1. Short title, extent, commencement and application.
2. Definitions.
3. Levy of fees on goods shipped etc.
4. Powers and duties under this Act by whom to be exercised and performed.
5. Detention of goods until payment of fees made.
6. Liability of owner causing damage to pier, jetty, etc.
7. Expenditure of fees received under this Act.
8. Port Fees Fund Account.
9. Grouping of Ports.
10. Rules.
11. Offences by Companies, etc.
12. Effect of Act.
13. Protection of officers, etc.
14. Repeal and savings.

STATEMENTS OF OBJECTS AND REASONS

Act 20 of 1961.- The existing legislation in regard to the levy of fees on landing, shipping and storage of goods and on passengers embarking and disembarking at the several minor ports of the State is different in the North and South Kanara Districts. The procedure in vogue for the collection and credit of ports revenue and the operation of the accounts are likewise different in the two areas. It is found necessary in the interest of administrative convenience to have uniform legislative in regard to the levy of such fees and the procedure for collection and utilisation of the proceeds.

It is proposed to create a Port Fees Fund to which all the receipts from the different levies will be credited and in which the receipts on account of the levies under the Indian Ports Act will also be merged.

(Obtained from LAW 103 LGN 58.)

II

Amending Act 8 of 1980.- The regulation, conservancy and improvement of the Mangalore Minor Port were vested in the Mangalore Port Trust Board under the Mangalore Port Trust Act 1953.

After commissioning the New Mangalore harbour, no steamer is calling at the old port and only small sailing vessels carrying coastal cargo, viz., tiles, fish, salt, etc., are calling at the port. The steamer traffic stands diverted to New Mangalore harbour where better facilities are available. Thus, the revenue of the Old Port has steeply declined and the port is at present in a financial crisis. With the meagre income it is impossible to maintain the Old Port with the existing set up.

If the old port is taken over by the State Government under the Directorate of Ports and Inland Water Transport development works can be carried out by the State Government. As the Ports Department has got its own organisation for administration and maintenance of minor ports, it can take the old Mangalore Port under its control and it may not be necessary to have a separate Port Trust for Mangalore when all the other minor ports are being administered and maintained by the Department of Ports and Inland Water Transport. The old port may also be maintained properly as a fishing port in addition to its commercial activities to serve the coastal trade of tiles, salt etc.,

If the old Mangalore port under the Port Trust is transferred to the Government of India, the fishermen might be charged higher wharfage and other charges with the result it may adversely affect the progress of mechanised fishing in that port. It will also cause hardship to the fishermen who are now residing in Bengre, (opposite to old Mangalore Port) if they are displaced consequent to the old Mangalore Port being taken over by the Government of India. On the contrary, if this land is transferred to the Ports Department the whole area of Bengre can be developed as a fish processing complex for which it is ideally suited.

If the old Mangalore Port is transferred to the Department of Ports and Inland Water Transport, this centre can, at a future date, be developed as an important all weather fishing harbour like Malpe, with Central assistance and the second stage of development, namely, deepening the bar and the river mouth with provision of break waters can be taken up in due course. The Mangalore Port Trust was an autonomous body primarily interested in the development and conservancy of the commercial Port and it would not have been enthusiastic about taking up such development of the fishing industry. It is uneconomical to run the port with its present setup. The financial position of the Mangalore Port Trust Fund and the Mangalore Port Fund is poor and it

has become impossible to run the conservancy and administration of the port any further.

It is, therefore, proposed to transfer the administration of the Mangalore Port to State Government under the Directorate of Ports and Inland Water Transport in Karnataka, for being administered with other minor ports in the State by repealing the Mangalore Port Trust Act 1953.

As the matter was very urgent an Ordinance was promulgated. Hence the Bill to replace the said Ordinance.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 5th March 1980 as No.166 at pages 5-7.)

III

Amending Act 9 of 2007.- The Karnataka Ports (Landing and Shipping Fees) Act, 1961 was enacted in 1961 and the penalty incorporated therein was also fixed keeping in view the limit at that time. Therefore in order to bring the provisions of the Act more effectively, it is considered necessary to increase the amount of penalty for violation of the provisions of the Act.

Hence the Bill.

[L.A.Bill No. 4 of 2007]

[Entry 31 of List III of the Seventh Schedule to the Constitution of India.]

सत्यमेव जयते

[KARNATAKA ACT]¹ No. 20 OF 1961

(First published in the ¹ [Karnataka Gazette]¹ on the Twenty-eighth day of September, 1961.)

THE ²[KARNATAKA]² PORTS (LANDING AND SHIPPING FEES) ACT, 1961

(Received the assent of the President on the Twenty-first day of September, 1961.)

(As amended by Act 8 of 1980 and 9 of 2007)

An Act to provide for the levy of fees on landing, shipping and storage of goods, and on passengers embarking and disembarking within the ports of the ¹[State of Karnataka]¹ and for certain other purposes.

WHEREAS it is expedient to provide for the levy of fees on landing, shipping and storage of goods, and on passengers embarking and disembarking within the ports in the ¹[State of Karnataka]¹ and for certain other purposes;

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

1. Short title, extent, commencement and application.—(1) This Act may be called the ¹[Karnataka]¹ Ports (Landing and Shipping Fees) Act, 1961.

(2) It shall extend to the whole of the ¹[State of Karnataka]¹.

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

(4) It shall apply to all ports in the ¹[State of Karnataka]¹ ³[x x x]³.

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

2. Act came into force on 15th July 1964 by Notification No. PWD 75 CSP 61 dt. 6th July 1964

3. Omitted by Act 8 of 1980 w.e.f. 1.1.1980

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

- (a) "drift" includes timber or other floating matter, whether the same is in the possession or under the control of any person or not;
- (b) "goods" include wares and merchandise of every description and also vehicles, animals, packages and other articles;
- (c) "notification" means a notification published in the official Gazette;
- (d) "owner" when used in relation to goods or drift includes any consignor, consignee, shipper, or agent for the sale, custody, landing, or shipping of such goods or drift;

- (e) "passenger" means any person not below the age of three years carried in a vessel, other than the master and crew and the owner, his family and his servants;
- (f) "port" means the area included within the limits of a port to which all or any of the provisions of the Indian Ports Act, 1908 (Central Act XV of 1908) are for the time being applicable other than a major port;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "vessel" includes anything made for the conveyance mainly by water of human beings or property.

3. Levy of fees on goods Shipped, etc., -(1) 1 [Fees at such rates and subject to such conditions]¹ as may be prescribed shall be levied ¹[on]¹—

- (a) all passengers embarking or disembarking at any port,
- (b) goods landed from or shipped into any vessel lying or being within the limits of any port,
- (c) goods stored at any place provided for the purpose within the limits of any port, and
- (d) animals or vehicles bringing or removing goods to or from, or plying for hire within the limits of any port;
- 2[(e) transhipping of passengers or goods between vessels in the harbour of any port;
- (f) landing and shipping of passengers or goods from or to such vessels, from or to any wharf, quay, pier, dock, land, building or place in any port;
- (g) craning or portering of goods on any such place;
- (h) property or place in any port, used for the purpose of,—
 - (i) approaching or lying at or alongside any moorings, wharf, quay, pier, dock, land, building or place as aforesaid, by vessels or boats;
 - (ii) entering upon or plying for hire at or on any wharf, quay, pier, dock, land, building or place as aforesaid, by animals or vehicles carrying passengers or goods;
 - (iii) leasing of land or sheds in any port by owners of goods imported or intended for export or by steamer agents;
 - (iv) any other use of any land, works or appliances in any port;
- (l) any other service in respect of vessels, passengers or goods in any port.]²

in the ³[State of Karnataka]³:

Provided that the State Government may by notification exempt any class of goods, passengers, vessels, animals or vehicles, wholly or partly from any fee to which the same may be liable under this section.

²[Provided further that different fees and different conditions may be prescribed for the port of Mangalore.]²

(2) Any person who evades or attempts to evade payment of fees fixed under sub-section (1) shall be liable to pay such penalty not exceeding twice the fees payable, as may be prescribed.

(3) The fees and penalties prescribed under sub-sections (1) and (2) shall be payable in addition to all tolls or charges lawfully levied within any port.

1. Substituted by Act 8 of 1980 w.e.f. 1.1.1980

2. Inserted by Act 8 of 1980 w.e.f. 1.1.1980

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

4. Powers and duties under this Act by whom to be exercised and performed.—The levy of fees and penalties under this Act shall be made and all other powers and duties conferred and imposed by this Act or by any rules made hereunder, shall be exercised and performed by such officers and such persons as the State Government may from time to time direct in this behalf.

5. Detention of goods until payment of fees made.—(1) The officers and persons whose duty it may be to levy fees and penalties under this Act, shall have power to detain goods until the lawful fees and penalties are paid.

(2) When goods are so detained, a notice in writing shall be given by the officer detaining the goods to the owner or consignee, if his address is known, stating the amount of fees, penalties and charges payable in respect of such goods. If the amount due is not paid by the owner or consignee within a period of thirty days from the date on which such amount becomes payable or within fourteen days from the date of notice, whichever is later, it shall be lawful for such officer of Government to sell or cause to be sold by public auction, the said goods, and after paying the expenses of such detention and sale and double the amount of the fees and penalties by way of fine, to pay the surplus, if any, of the proceeds of the sale, to the owner or consignee or other person entitled thereto, if claimed within six months from the date of the sale:

Provided that if the goods are of perishable nature it shall be lawful for the officer to sell the same or cause them to be sold within such period as may be prescribed but not less than twenty-four hours after such fees became payable.

6. Liability of owner causing damage to pier, jetty, etc.—Where any vessel or drift fouls any pier, jetty, wharf or quay and causes damage thereto, the owner or the master of the vessel or the owner of the drift, or where any person, causes damage to

any pier, jetty, wharf or quay, such person shall be liable for the amount of damage caused. Such amount may be ascertained in the prescribed manner and recovered either by seizure and sale of such vessel or drift and of any property thereon or in such other manner as may be prescribed.

7. Expenditure of fees received under this Act.—All fees and other amounts received under this Act may be expended for the following purposes, namely:—

- (a) provision for improvement of facilities for storage and handling of cargo;
- (b) provision for improvement of facilities for passengers;
- (c) provision for payment of expenses for the administration of this Act;
- (d) generally for such items of works and services essential for the efficient functioning of the port.

8. Port Fees Fund Account.—(1) For every port there shall be a separate account called the Port Fees Fund Account with which shall be merged the Port Fund Account and the General Account of the Port specified in section 36 of the Indian Ports Act, 1908 (Central Act XV of 1908). Such account shall be kept and maintained by such authority and in such manner as may be prescribed

(2) All moneys received under this Act, all moneys received under the Indian Ports Act, 1908, to be credited in the Port Fund Account and all other moneys received on account of any port under any other law or otherwise, shall be credited in the Port Fees Fund Account of that port.

9. Grouping of ports.—(1) The State Government may by notification direct that for the purposes of section 8, any number of ports in the State shall be regarded as constituting a single port, and thereupon all moneys to be credited to the Port Fees Fund Account under section 8 shall form a common Port Fund Account called the 1[Karnataka Ports Funds Account]1 which shall be available for the payment of all expenses incurred for the sake of any of the ports.

(2) Where ports are grouped under sub-section (1), the following consequences shall ensue, namely:—

(a) the State Government may make rules with respect to the expenditure of the fund for the sake of the several ports of the group on the objects authorised by this Act and the Indian Ports Act, 1908; and

(b) the State Government may exercise the authority under this Act and under section 34 of the Indian Ports Act, 1908, as regards all the ports in the group collectively or as regards any of them separately.

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

10. Rules.—(1) The State Government may, after previous publication, by notification make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules may be made,—

(a) appointing places where goods or particular classes of goods intended for shipment or landed from ships within the port are to be placed for the purpose of assessing the fees payable under this Act and places where passengers may embark or disembark;

(b) prescribing the fees and penalties payable under section 3;

(c) regulating the manner in which such fees shall be assessed and the time when they shall be paid;

(d) providing for the manner in which table of fees shall be displayed at any port;

(e) providing for the ascertainment and recovery of the amount of any damage that may be caused to a pier, jetty, wharf or quay in a port by any person or by any vessel or drift;

(f) prescribing the uniforms or badges to be worn by officers and persons exercising powers under section 4;

(g) providing for management of the traffic over, in or about and to and from every area within the port limits;

(h) prescribing the authority and the manner of maintaining the Port Fees Fund Account and the ¹[Karnataka Ports Funds Account]¹

(i) generally for carrying out the purposes of this Act.

(3) Any rule made under this section may provide that a breach thereof shall, on conviction, be punished with fine which may extend to ²[One lakh rupees]² and when the breach is a continuing one with further fine which may extend to 2[five thousand rupees]² for every day after the first during which the breach continues.

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

2. Substituted by Act 9 of 2007 w.e.f. 28.04.2007

(4) Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions 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.

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

11. Offences by companies, etc.—(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

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

Explanation.—For the purpose of this section,—

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

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

12. Effect of Act.—The provisions of this Act shall have effect notwithstanding anything inconsistent with the provisions of the Indian Ports Act, 1908 (Central Act XV of 1908).

13. Protection of officers, etc.—(1) All officers and all persons appointed or authorised to perform any duty or exercise any power under any provisions of this Act or under any rule or order made thereunder shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act, or any rule or order made thereunder to be public servants within the meaning of section 21 of the Indian Penal Code.

(2) No suit, prosecution or other legal proceeding shall lie against any officer or person appointed or authorised to perform any duty or exercise any power under any provision of this Act or under any rule or order made thereunder for anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against the State Government for any damage caused by anything in good faith done or intended to be done under this Act.

14. Repeal and savings.—The Madras Outports Landing and Shipping Fees Act, 1885 (Madras Act III of 1885) and the Bombay Landing and Wharfage Fees Act, 1882

(Bombay Act VII of 1882), are hereby repealed:

Provided that section 6 of the '[Karnataka]' General Clauses Act, 1899 ('[Karnataka]' Act III of 1899), shall be applicable in respect of such repeal and sections 8 and 24 of the said Act shall be applicable as if the said Acts had been repealed and re enacted by this Act.

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

NOTIFICATION

Bangalore, dated 6th July, 1964 [No.PWD 75 CSP 61]

S.O.936.- In exercise of the powers conferred by sub-section (3) of section 1 of the Mysore Ports (Landing and Shipping Fees) Act 1961 (Mysore Act No. 20 of 1961), the Government of Mysore hereby appoints 15th July 1964 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka

(M.V. PANDIT)

Deputy Secretary,

(Published in the Karnataka Gazette Part IV-2C (ii) dated 9th July, 1964 at page 9)

सत्यमेव जयते