

The Karnataka Conduct Of Government Business In The State Legislature Act, 2005

KARNATAKA

India

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Act 26 of 2005

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The Karnataka Conduct Of Government Business In The State Legislature Act, 2005[24th August 2005]Act No. 26 of 2005An Act to provide for a certain minimum number of days of conduct of Government business in the State Legislature and matters connected therewith or incidental thereto;Whereas it is expedient to provide for a certain minimum number of days of conduct of Government Business in the State Legislature and matters connected therewith or incidental thereto and for the purposeshereinafter appearing;Be it enacted by the State Legislature in the fifty-sixth year of Republic of India as follows:-

Chapter I Preliminary

1. Short title and commencement.-

(1)This Act may be called the Karnataka Conduct of Government Business in the State Legislature Act, 2005.(2)It shall come into force from such date as the State Government may by notification appoint.

2. Definitions.

(1)In this Act, unless the context otherwise requires,-(a)“Chairman” means the Chairman of the Committee;(b)“Committee” means the Government Business Advisory Committee constituted under section 6;(c)“Conduct of Business Rules” means the Rules of Procedure and Conduct of Business of either House of the State Legislature under Article 208 of the

Constitution;(d)“Government” means the Government of Karnataka;(e)“House” means unless specific reference is made to the Karnataka Legislative Assembly or the Karnataka Legislative Council in any provision, either House of the State Legislature;(f)“Legislature” or “State Legislature” means the Karnataka State Legislature;(g)“Sessions” means the sessions of each House of Legislature;(h)“Year” means the Calendar Year commencing from the first day of January.(2)Any reference to the Constitution made in this Act shall be read as reference to the Constitution of India.

Chapter II

Holding of Sessions

3. Duration of Sessions.-

It shall be obligatory on the part of the Government to recommend summoning of the State Legislature and for conduct of sessions of Legislature for not less than sixty days in a year, including the duration of joint sittings.

4. Sittings of Legislature.-

The sittings of the Legislature in each year shall, as far as may be, divided into four sessions, namely:-(a)Opening Session – to begin with the Governor’s Address, ordinarily in the second week of January and to be held for a minimum period of fifteen days.(b)Budget Session – to begin ordinarily in the first week of March and to be held for a minimum period of twenty days.(c)Monsoon Session – to begin ordinarily in the second week of July and to be held for a minimum period of fifteen days.(d)Winter Session – to begin ordinarily in the second week of November and to be held for a minimum period of ten days.Provided that the State Government may on the advice of the Committee, recommend for enhancement or reduction of number of days of conduct of Government business in the State Legislature:Provided further that if there is no sufficient Government Business to hold the session in full in the manner specified above, the House may be adjourned and the shortfall of minimum number of days in one session shall be made good partly or fully in the succeeding sessions in the same year.

5. Convening of special session.-

Without prejudice to the foregoing provisions whenever the Government feels that a session of the Houses of Legislature has to be summoned to discuss any issue of special nature the Committee shall act upon it and recommend to the State Legislature the number of days required to be conducted for that special session.

Chapter III

Constitution and functions of the Government Business Advisory Committee

6. Constitution of the Committee.-

(1)As soon as may be after the commencement of this Act, the State Government shall constitute a committee to be called the Government Business Advisory Committee to advise the Government on the Government business to be transacted during each Legislature Session.(2)The Committee shall consist of,-

1 The Minister incharge of Parliamentary Affairs and Legislation	Chairman
2 The Secretary to Govt., Dept. of Personnel and Administrative Reforms	Member
3 The Secretary to Govt., Finance Department (Budget and Resources)	Member
4 The Secretary to Govt. Dept of Parliamentary Affairs and Legislation	Member
An Officer of the Department of Parliamentary Affairs and Legislation not below the rank of an Assistant Draftsman and Ex Officio Deputy Secretary to Government,	
5 nominated by the Secretary to Government, Department of Parliamentary Affairs and Legislation	Secretary

7. Functions of the Committee.-

(1)The Committee shall from time to time collect the Financial/ Legislative and other proposals of the Government and keep a consolidated list of all proposals. The Chairman shall present the proposals at the meetings of the Business Advisory Committee of either House indicating the priorities appropriate to each session, the probable time required for discussion and suggestions at introducing the proposals before either House, in a way to make the best utility of session time.(2)The Committee shall meet and decide the number of days required for the conduct of Government business in the State Legislature and may recommend for the enhancement or reduction of number of days of conduct of Government business in the State Legislature.(3)The Committee shall also co-ordinate the needs of the different departments of the State Government and taking into consideration the requirement of all the administrative departments recommend to the Speaker of the Legislative Assembly and the Chairman of the Legislative Council to provide for conduct of Government business in the respective Houses of the State Legislature.(4)The Committee shall adopt such procedure as it deems fit for conducting its business.(5)Absence of any member of the committee other than the Chairman shall not invalidate the proceedings of the committee.

Chapter IV

Miscellaneous

8. Application of other laws not barred.-

(1)The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.(2)Nothing contained in this section shall be construed as derogative of the provisions of Articles 174, 175 and 176 of the Constitution.

9. Protection of action taken in good faith:-

No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the State Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

10. Power to make rules.-

(1)The State Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act or any other matter which is required to be or may be prescribed.(2)Every rule made under this Act, shall be laid as soon as may be after it is made, before each House of the State Legislature, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions as aforesaid, both Houses agree in making any modification, in the rule or both Houses agree that the rule should not be made, the rule shall 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.

11. Power to remove difficulties.-

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.(2)Every order made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature.