

The Karnataka Legislature (Prevention Of Disqualification) Act, 1956.

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Act 4 of 1957

- Published in Gazette 4 on 24 January 1957
- Assented to on 24 January 1957
- Commenced on 24 January 1957
- [This is the version of this document as it was from 23 March 1989 to None.]
- [Note: The original publication document is not available and this content could not be verified.]

Karnataka Legislature (Prevention of Disqualification) Act, 1956(Act No. 4 of 1957)Statement of Objects and Reasons - (Act 4 of 1957). - Consequent on the taking over of life insurance business by the Government of India, any member of the State Legislature holding an office of profit in any of the Insurance Companies whose life insurance business has been taken over, will incur disqualifications from membership of the State Legislature. The disqualification in respect of members of Parliament holding similar offices of profit has been removed by section 15 of the Insurance (Emergency Provisions) Act, 1956 (Central Act 9 of 1956), and the Government of India have drawn attention of the State Government to this provision and have suggested consideration of enactment of similar law to cover cases of members of the State legislature. It is considered necessary to enact a similar law in the State. Hence the Bill.(Published in the Mysore Gazette (Extraordinary) dated 18-9-1956 at page 2)Statement of Objects and Reasons - (Amending Act 35 of 1962). - At present the Home Guards Organisation is in existence only in the Bombay-Karnataka Districts of the State. In view of the present emergency it is considered necessary to have a voluntary body of person throughout the State to discharge duties in relation to the protection of persons, the security of property and preservation of public order in emergency. Hence, it is proposed to organise Home Guards in the entire State. In order to effectively control and administer the Organisation it is necessary to have a uniform law. In view of the urgency and as the Legislature was not in session, the Mysore Home Guard Ordinance, 1962, was issued. The present Bill is intended to replace the said Ordinance.Except for the two clauses relating to repeal and saving, and the addition of a provision for laying rules made under the Act before the Houses of Legislature, in other respects the provisions of the Bill are identical with the provisions of the Ordinance.(Published in the Mysore Gazette (Extraordinary) Part IV-2A as No. 238 dated 1-12-1962.)Statement of Objects and Reasons - (Amending Act 34 of 1964). - The Village Defence Parties exist in the four districts of the Bombay Area. These parties are voluntary organisations of able bodied villagers meant for the defence of

villages against depredations of dacoits and other types of criminals. These parties are constituted under the Bombay Police Act, 1951.² In the present national emergency when the Police are engaged in important duties, it is considered necessary to organise village defence parties throughout the State for the defence of the villages, protection of persons and property, and preservation of public order and tranquillity. The Mysore Home Guards Act, 1962 provides for constitution of Home Guards. Home Guards are normally appointed for the urban areas. The village defence parties are meant for the villages. The constitute Village Defence Parties throughout the State a uniform law is proposed to be enacted. Hence the Bill.(Obtained from L.A. Bill No. 11087 dated 23-1-1964)Statement of Objects and Reasons - (Amending Act 22 of 1989). - It is considered necessary to amend the Karnataka Legislature (Prevention of Disqualification) Act, 1956 to declare that the offices of the Adhyaksha and Upadhyaksha of the Zilla Parishads constituted under the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayat Act, 1983 (Karnataka Act 20 of 1985) shall not disqualify and shall be deemed never to have disqualified a person for being chosen as or for being a member of the Karnataka Legislative Assembly or the Karnataka Legislative Council.Ordinance No. 2 of 1989 was promulgated for the above purpose.This Bill is intended to replace the said Ordinance.(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, Dated 23rd March 1989 as No. 159 at page. 3)Statement of Objects and Reasons - (Amending Act 20 of 1991). - The Pradhana and Upapradhana of Mandal Panchayats are entitled to receive monthly salaries of Rs. 300 and Rs. 150 respectively.Under sub-clause (a) of clause (1) of Article 191 of the Constitution of India, Persons holding offices of profit under the State are disqualified from being chosen as or continuing as members of the State Legislature, unless the State Legislature declares by law, that the offices shall not disqualify them.The Karnataka Legislature (Prevention of Disqualification) Act, 1956 was amended earlier to remove the disqualification arising from the holding of the office of the Adhyaksha or Upadhyaksha of the Zilla Parishads. However, the offices of the Pradhana and Upapradhana were not covered by the said amendment.It is now proposed to amend the aforesaid Act to include the offices of the Pradhana and Upapradhana and to provide thereby that the holding of such offices will not amount to disqualification for being chosen or continuing as a member of the State Legislature.(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, Dated 7th March 1991 as No. 91 at page. 177.)Statement of Objects and Reasons - Act 22 of 2000 - (Note). - By this Act certain spent and obsolete laws were repealed. While doing so certain minor amendments are made to this and some other Acts.Statement of Objects and Reasons - (Act 17 of 2006). - The Karnataka Legislature (Prevention of Disqualification) Act, 1956 (Karnataka Act No. 4 of 1957) was enacted to exempt certain offices, holding of which will otherwise subject the holder of such office to disqualification. The consequence of disqualification of members of legislature on the ground of their holding an office of profit results in unnecessary expenditure and unforeseen financial burden upon the State exchequer. In view of the recent developments in this regard, it has become necessary to reconsider the issue regarding disqualification of members of the legislature on the ground of holding an office of profit. The Government of India has reconsidered the issue regarding the consequences of the member of the parliament holding office of profit and passed the Parliament (Prevention of Disqualification) (Amendment) Bill, 2006 (Bill No. 44 of 2006). In view of the same, it is proposed to amend the Karnataka Legislature (Prevention of Disqualification) Act, 1956 on the similar lines.The proposed amendment will not only assist the government in avoiding unforeseen expenditures but also will help in having the rich experience of the peoples' representatives in

managing the affairs of different boards and corporations. Hence the Bill. [L.A. Bill No. 13 of 2006] (Received the assent of the Governor on the Fifteenth day of January, 1957) An Act to declare certain offices of profit not to disqualify their holders for being chosen as, or for being members of the [Karnataka Legislative Assembly] [Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.] and the [Karnataka Legislative Council] [Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.]. Whereas it is expedient to declare that certain offices should not, under certain conditions, disqualify or be deemed to have disqualified, the holders thereof for being chosen as, or for being, members of the [Karnataka Legislative Assembly] [Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.] and the [Karnataka Legislative Council] [Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.]; Be it enacted by the [Karnataka State] [Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.] Legislature in the Seventh Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the [Karnataka Legislature] [Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.] (Prevention of Disqualification) Act, 1956.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a) "Committee" means any Committee, Commission, Council, Board or any other body of one or more persons whether statutory or not, set up by the Government of India or the Government of any State; (b) "Compensatory allowance" means such sum of money as the Central Government, or the Government of any State, as the case may be, may determine as being payable to the Chairman or any other member of a Committee by way of travelling allowance, daily allowance, sitting fee, 6 Legislature (Prevention of Disqualification) [1957: KAR. ACT 4 conveyance allowance or house rent allowance for the purpose of enabling the Chairman or other member to recoup any expenditure incurred by him in attending any meeting of a Committee or performing any other function as a member of a Committee. (c) "Statutory body" means any corporation, board, company, society or any other body of one or more persons, whether incorporated or not, established, registered or formed by or under any Central Law or the law of any State for the time being in force or exercising powers and functions under any such law.

3. Removal of certain disqualifications.

- It is hereby declared that the following offices shall not disqualify and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being members of the [Karnataka Legislative Assembly] [Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.] or the [Karnataka Legislative Council] [Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.]: (a) [the offices of the Chairman, the Speaker, the Deputy Chairman, the Deputy Speaker, the Minister of State, the Deputy Minister, the Parliamentary Secretary, the leaders of the Opposition or the Government Chief Whip in the Legislative Assembly or in the Legislative Council.] [Deemed to have been substituted by Act 17 of 2006 w.e.f. 24.1.1957] (b) the offices held in the National Cadet Corps raised and maintained under the National Cadet Corps Act,

1948 (Central Act XXXI of 1948), in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (Central Act LVI of 1948), and in the Auxiliary Air Forces Act, 1952 (Central Act LXII of 1952);(bb)[the office of a member of the Home Guards constituted under the Karnataka Home Guards Act, 1962;] [Inserted by Act 35 of 1962 w.e.f. 27.12.1962.](bbb)[(xxx)] [Omitted by Act 17 of 2006 w.e.f. 4.11.2006.](c)[(xxx)] [Omitted by Act 17 of 2006 w.e.f. 4.11.2006.](c1)[the offices of the President and the Vice-President of a Municipal Council under the Karnataka Municipalities Act, 1964. [Substituted by Act 17 of 2006 w.e.f. 4.11.2006](c2)the Mayor or the Deputy Mayor of a Municipal Corporation constituted under the Karnataka Municipal Corporations Act, 1976.(c3)the offices of Adhyaksha and Upadhyaksha of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats constituted under the Karnataka Panchayat Raj Act, 1993.](d)[the offices of the Chairman, Vice-Chairman, President, Vice- President, Director, of the Governing body or a Member by whatever name any of the aforesaid office is called, of any Committee (by whatever name called) or of any Society registered under any other law relating to registration of societies.] [Deemed to have been substituted by Act 17 of 2006 w.e.f. 24.1.1957]