KARNATAKA ACT NO. 15 OF 2018

THE KARNATAKA TANK CONSERVATION AND DEVELOPMENT AUTHORITY AND CERTAIN OTHER LAW (AMENDMENT) ACT, 2018

Arrengement of Sections

Sections:

1. Short title and commencement
2. Amendment of the Karnataka Act 32 of 2014
3. Amendment of section 1
4. Amendment of section 2
5. Amendment of section 3
6. Amendment of section 4
7. Amendment of section 5
8. Amendment of section 6
9. Insertion of 6A
10. Amendment of section 8
11. Amendment of section 9
12. Amendment of section 10
13. Amendment of section 11
14. Amendment of section 12
15. Amendment of section 13
16. Amendment of section 14
17. Amendment of section 22
18. Amendment of Section 35
19. Repeal and Savings of the Karnataka Act 10 of 2015

STATEMENT OF OBJECTS AND REASONS

Act 15 of 2018.- It is considered necessary to amend the Karnataka Tank Conservation Development Authority Act, 2014 (Karnataka Act 32 of 2014) to strengthen the Tank Development Authority and repeal the Karnataka Lake Conservation and Development Act, 2014 (Karnataka Act 10 of 2015), to transfer all tanks located within the limits of Municipal Corporations including Bruhath Bengaluru Mahanagara Palike to the control of Minor Irrigation and Ground Water Development Department.

An opportunity is also taken to make certain consequential amendments also.

Hence, the Bill.

[L.A. Bill No.60 of 2018 File No. Samvyashae 11 Shasana 2018]
[entries 17 and 32 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT NO. 15 OF 2018

(First Published in the Karnataka Gazette Extra-ordinary on the Twenty Sixth Day of March 2018)

THE KARNATAKA TANK CONSERVATION AND DEVELOPMENT AUTHORITY AND CERTAIN OTHER LAW (AMENDMENT) ACT, 2018

(Received the assent of the Governor on the Twenty-Third day of March 2018)

An Act to amend the Karnataka Tank Conservation and Development Authority Act, 2014 (Karnataka Act 32 of 2014) and to repeal the Karnataka Lake Conservation and Development Authority Act, 2014 (Karnataka Act 10 of 2015);

Whereas it is expedient to amend the Karnataka Tank Conservation and Development Authority Act, 2014 (Karnataka Act 32 of 2014) and to repeal the Karnataka Lake Conservation and Development Authority Act, 2014 (Karnataka Act 10 of 2015) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty-ninth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Tank Conservation and Development Authority and Certain Other Law (Amendment) Act, 2018

(2) It shall come into force at once.

2. Amendment of the Karnataka Act 32 of 2014.- In the Karnataka Tank Conservation and Development Authority Act, 2014 (Karnataka Act 32 of 2014) (hereinafter referred as the Principal Act), in the preamble after the words, "Forest Department" the words, "Urban Development Department" shall be inserted.

3. Amendment of section 1.- In section 1 of the Principal Act, in sub-section (3), the words, “located outside the limits of all Municipal Corporations and Bengaluru Development Authority” shall be omitted.

4. Amendment of section 2.- In section 2 of the Principal Act, in sub-section (1),-

(i) in clause (d), after the words “Forest Department”, the words “Urban Development Department” shall be inserted; and

(ii) in clause (g), the words, "Medium Irrigation" shall be omitted.

5. Amendment of section 3.- In section 3 of the Principal Act, in sub-section (3) in the table,-

(i) for item (a) and the entries relating thereto, the following shall be substituted, namely:-

"(a) The Chief Minister - Chairperson
(a-1) The Minister for Minor Irrigation and Ground Water Development - Vice Chairperson"

(ii) after clause (k) the following shall be inserted, namely:-

“

(ka) The Member Secretary, Karnataka State Pollution Control Board, Bengaluru; -Member

(kb) The Chairman, Bengaluru Water Supply and Sewerage Board, Bengaluru; -Member

(kc) The Commissioner, Bengaluru Development Authority, Bengaluru; -Member

(kd) The Commissioner, Bruhath Bengaluru Mahanagara Palike, Bengaluru"; -Member

(ke) The Chairman, Karnataka Urban Water Supply and Sewerage Board –Member

”

(iii) sub-section (6) shall be omitted.

6. Amendment of section 4.- In section 4 of the Principal Act, in sub-section (2), after the words “any meeting” the words “the Vice Chairperson shall preside or if for any reason, he is also unable to attend such meeting then” shall be inserted.

7. Amendment of section 5.- In section 5 of the Principal Act,-

(i) for sub-section (10) the following shall be substituted, namely:-

"(10) To facilitate for impounding water through storm water, draining system, reduce siltation of tanks by taking appropriate soil and water conservation measures."

(ii) for sub-section (12), the following shall be substituted, namely:-

"(12) To utilize or allow to utilize the tanks for the purpose of drinking water, irrigation, tourism or any other purpose as the authority may determine."

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

(i) in sub-section (3), for the word, "approval", the word, "clearance" shall be substituted.

(ii) after sub-section (7), the following shall be inserted, namely:-

"(8) To call for any information from any department of the State Government or any local Authority or any other person which is required by it in the exercise of its powers and the performance of its functions under this Act or the rules or regulations made thereunder, and such department, Authority or person shall be bound to furnish such information.

(9) To alter, extend or abridge the purpose for which is established or merge or take over any other organization wholly or partially in furtherance of the objective of the Authority."

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

"**6A. Removal of a member.-** The Government may remove from the Authority any non official member who, in its opinion has,-

(1) been adjudged as an insolvent, or

(2) been convicted of an offence which involves moral turpitude; or

(3) become physical or mentally incapable of acting as a member; or

(4) so abused his position as to render his continuance in office detrimental to the public interest; or

(5) acquired such financial or other interest as is likely to affect prejudicially his functions as a member."

10. Amendment of section 8.- In section 8 of the Principal Act, in sub-section (2), after clause (g), the following shall be inserted, namely:-

"(ga) seek funds for the rejuvenation or development or maintenance of tanks".

11. Amendment of section 9.- In section 9 of the Principal Act, after sub-section (2), the following shall be inserted, namely:-

"(3) The Authority may, with the prior approval of the State Government, create such number and category of post of officers and other employees in the Authority as it considers necessary to carry out its functions under this Act.

(4) The Authority may, also engage such experts and technical persons on contract basis as it considers necessary to carry out its functions under this Act."

12. Amendment of section 10.- In section 10 of the Principal Act, in sub-section (1), after the words, "any Officer of the Government" the words, "not below the rank of Assistant Executive Engineer" shall be inserted.

13. Amendment of section 11.- In section 11 of the Principal Act, for the words, "or any Executive Engineer of the concerned district of Irrigation Department", the words, "Group 'A' Senior Officer of Revenue Department" shall be substituted.

14. Amendment of section 12.- In section 12 of the Principal Act,-

(i) in clause (2), the words "without permission of the Government" shall be omitted;

(ii) for clause (3), the following shall be substituted, namely:-
"(3) make any construction or carry on any commercial or recreational or industrial activity within thirty meters from the outer boundary of the tanks". and

(iii) for clause (6), the following shall be substituted, namely:-
"(6) Construct roads, bridges and allied works within tank area including the tank bund. The Authority may grant permission for such works only after ensuring that the original capacity of the tanks is not reduced even after such work".

15. Amendment of section 13.- In section 13 of the Principal Act, after sub-section (3), the following shall be inserted, namely:-

"(4) the Authority may issue specific directions to any Officer of the Government or local bodies to assist the custodians of any tank in the protection of the tanks".

16. Amendment of section 14.- In section 14 of the Principal Act, -

(i) in sub-section (2) in the proviso for the words “the Government” the words “the State Government” shall be substituted;

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

“(3) The arrested persons shall be produced before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.”

17. Amendment of section 22.- In section 22 of the Principal Act, after sub-section (5), the following shall be inserted, namely:-

"(6) The Deputy Commissioner and the Superintendent of Police of the District shall render support as may be required by the Authority to remove the encroachment from any tank.”

18. Amendment of Section 35.- In section 35 of the Principal Act, sub-section (3), shall be omitted.

19. Repeal and Savings of the Karnataka Act 10 of 2015.- (1) The Karnataka Lake Conservation and Development Authority Act, 2014 (Karnataka Act No.10 of 2015) is hereby repealed.

Provided that such repeal shall not affect,-

(a) the previous operation of the Act so repealed, or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act, so repealed;

(c) any penalty, forfeiture, or punishment incurred in respect of any offence committed under the Act so repealed; or

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

The above translation of **ಕರ್ನಾಟಕ ಕೆರೆ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ ಮತ್ತು ಕೆಲವು ಇತರ ಕಾನೂನು (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2018 (2018ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ : 15)** be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

VAJUBHAI VALA
GOVERNOR OF KARNATAKA

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

K.DWARAKANATH BABU
Secretary to Government
Department of Parliamentary
Affairs