

**KARNATAKA LOCAL AUTHORITIES (DISCIPLINARY
PROCEEDINGS AGAINST EMPLOYEES) ACT, 1969**

28 of 1969

[9th October, 1969]

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**KARNATAKA LOCAL AUTHORITIES (DISCIPLINARY
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An Act to make more effective provision for regulating disciplinary proceedings in respect of employees of local authorities in the State of Karnataka. Whereas, it is expedient to make more effective provision for regulating disciplinary proceedings in respect of the employees of local authorities in the State of Karnataka; Be it enacted by the Karnataka State Legislature in the Twentieth Year of the Republic of India as follows.

1. Short title, application and commencement :-

- (1) This Act may be called the Karnataka Local Authorities (Disciplinary Proceedings against Employees) Act, 1969.
- (2) It shall apply to all the employees of local authorities.
- (3) It shall come into force at once.

2. Definitions :-

In this Act, unless the context otherwise requires.

(1) "Employee" means an officer or servant employed in the service of a local authority, but does not include Government servants whose services are temporarily placed at the disposal of the local authority;

(2) "Government" means the State Government;

(3) "Local Authority" means a Municipal Corporation, a Municipal Council, a Notified Area Committee, a Planning Authority, the Bangalore Water Supply and Sewerage Board or any other authority, by whatever name called, constituted under any law for the time being in force for the purpose of municipal administration of any area and includes the Board of Trustees for the improvement of the City of Mysore constituted under the City of Mysore Improvement Act, 1903 (Mysore Act No. 3 of 1903) and the Board of Trustees for the improvement of the City of Bangalore constituted under the City of Bangalore Improvement Act, 1945 (Karnataka Act No. 5 of 1945);

(4) "Prescribed" means prescribed by the rules made under this Act;

(5) "Vigilance Commission" means the Karnataka State Vigilance Commission.

3. Powers of Government to punish employees :-

Notwithstanding anything contained in any enactment by or under which a local authority is constituted or in any other law, contract or agreement for the time being in force.

(1) every employee of local authority holds office during the pleasure of the Government; and

(2) in addition to the local authority concerned, the Government shall also have power to punish any employee if he is corrupt or is guilty of any breach of any rules or orders regulating his conditions of service or commits other misconduct or is unfit and it shall be competent for the Government to impose on the employee all or any of the penalties which may be imposed on him by or under any law or other provision regulating his conditions of service.

4. Powers of the Vigilance Commission to investigate or inquire :-

(1) The Vigilance Commission shall have jurisdiction and powers to.

(a) undertake an inquiry into any transaction in which an employee is suspected or alleged to have used his powers for an improper purpose or in a corrupt manner;

(b) cause an inquiry or an investigation to be made into.

(i) any complaint that an employee had exercised or refrained from exercising his powers for improper or corrupt purposes;

(ii) any complaint of corruption, misconduct, lack of integrity or any other kind of malpractice or misdemeanour on the part of an employee;

(c) call for any information from the local authority or any employee in respect of which it has jurisdiction.

(2) Where information is called for by the Vigilance Commission under sub-section (1), the chief executive authority of the local authority concerned shall furnish such information to the Vigilance Commission and afford all facilities for the inspection of books, vouchers, and accounts of the local authority.

(3) The Vigilance Commission shall investigate or conduct the inquiry in the prescribed manner and shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) to.

(a) summon and enforce the attendance of any person and examine him as a witness;

(b) require the discovery and production of documents by any person, body or office;

(c) receive any public records or copy thereof from any office; and

(d) inspect at all reasonable times, the accounts, registers and documents in the custody of any person, body or office.

(4) Where action is initiated or taken by the Government or the Vigilance Commission under this Act against any employee the local authority or any officer of the local authority concerned shall not be competent to take or continue any action in respect of the same subject matter.

5. Procedure of the Vigilance Commission :-

The Vigilance Commission may investigate any complaint against any employee in respect of any matter referred to in clause (a) or

clause (b) sub-section (1) of Section 4, received by the Vigilance Commission or which may come to its notice in any manner if in the opinion of the Vigilance Commission such complaint requires investigation.

6. Power of Government to direct disciplinary proceedings

:-

(1) Where the alleged misconduct of an employee is investigated by the Vigilance Commission either suo motu or on a reference from the Government or from any other authority and Vigilance Commission is of the opinion that disciplinary proceedings shall be taken, it shall forward the records of investigation along with its recommendation to the Government and the Government after examining the records may direct an inquiry into the case by the Vigilance Commission.

(2) After the inquiry is completed the records of the case with the findings of the Inquiring Officer and the recommendations of the Vigilance Commissioner shall be sent to the Government.

7. Power of Government to pass orders in disciplinary proceedings **:-**

(1) On receipt of the records under sub-section (2) of Section 6, the Government may, after consulting the Karnataka Public Service Commission, where such consultation is necessary, pass orders.

(i) either exonerating the employee; or

(ii) imposing any penalty.

(2) The orders passed by the Government under sub-section (1) shall be binding on the employee and the local authority concerned.

8. Saving **:-**

Nothing in this Act shall prevent any employee from being liable to any other penalty or punishment to which he would have been subject if this Act had not been passed.

9. Government to make rules **:-**

(1) The Government may, by notification in the official Gazette, and after previous publication, make rules for carrying all or any of the purposes of this Act.

(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 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 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.