

The Karnataka State Commission For Safai Karmacharis Act, 2012

KARNATAKA

India

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Act 2 of 2013

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The Karnataka State Commission For Safai Karmacharis Act, 2012[4th January 2013]Act No. 2 of 2013Preamble—An Act to constitute the Karnataka State Commission for Safai Karmacharis. Whereas it is expedient to constitute a Commission for the Safai Karmacharis and for matters connected therewith or incidental thereto; Be it enacted by Karnataka State Legislature in the Sixty third year of the Republic of India as follows:-

Chapter I Preliminary

1. Short title and commencement.—

(1) This Act may be called the Karnataka State Commission for Safai Karmacharis Act, 2012. (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.—

In this Act, unless the context otherwise requires,—(1) "Chairperson" means the Chairperson of the Karnataka State Commission for Safai Karmacharis; (2) "Commission" means the Karnataka State Commission for Safai Karmacharis constituted under section 3; (3) "Member" means a Member of the Commission; (4) "prescribed" means prescribed by rules made under this Act; (5) "Safai Karmachari" means a person engaged in, or employed for, manually carrying human excreta or any sanitation work.

Chapter II

State Commission for Safai Karmacharis

3. Constitution of Commission:-

(1)The State Government shall, by notification in the Official Gazette, constitute a Commission to be known as the Karnataka State Commission for SafaiKarmacharis to exercise the powers conferred on, and to perform the functions assigned to it under this Act consisting of the following, namely:-(i)A Chairperson to be nominated by State Government who in its opinion is a person having knowledge and associated with the socio-economic development and welfare of SafaiKarmacharis;(ii)Two members out of whom one shall be a women to be nominated by the State Gov-ernment who in its opinion is a person having knowledge and associated with the so-cio-economic development and welfare of SafaiKarmacharis.(2)The Head quarters of the Commission shall be at Bangalore.

4. Term of office and conditions of service of the Chairperson and Member.-

(1)Subject to the pleasure of the State Government, the Chairperson and every Member shall hold office for such period not exceeding three years as may be specified by the State Govern-ment in this behalf.(2)The Chairperson or a Member may, at any time by giving notice in writing under his signa-ture, addressed to the State Government, resign from the office of the Chairperson or the Mem-ber, as the case may be.(3)The State Government may by order, remove from office, the Chairperson or any Member if the chairperson or such member, as the case may be,-(a)becomes an un discharged insolvent; or(b)is convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or(c)is of unsound mind and stands so declared by a competent court of law; or(d)refuses to act or becomes incapable of so acting; or(e)without obtaining leave, absents himself from the commission or absents from three consecutive meetings of the commission; or(f)in the opinion of the State Government has so abused the position of Chairperson or Member so as to render that person's continuance in office detrimental to the interest of SafaiKarmacharis in the public interest:Provided that no person shall be so removed under this clause unless that person has been given a reasonable opportunity of being heard in the matter.(4)A vacancy caused under sub-section (2) or otherwise, shall be filled by fresh nomination, by the State Government.(5)The salaries and allowances payable to and other terms and conditions of service of the Chairperson, and Members shall be such as may be prescribed.

5. Staff of the Commission.-

The State Government shall provide the Commission with such officers and employees who are Government Servants as may be required for the proper functioning of the Commission under this Act. The strength and terms and conditions of the Officers and the employees of the Com-mission shall be such as may be prescribed.

6. Vacancy, etc., not to invalidate the proceedings of the Commission.-

No act or proceeding of the Commission shall be questioned or shall be invalid merely on the ground of the existence of any vacancy or defect in the constitution of the commission.

7. Procedure to be regulated by the Commission.-

(1)The Commission shall meet at such time and place as the Chairperson may think fit.(2)Subject to the provisions of this Act and the rules made thereunder, the commission shall have the power to regulate its own procedure.(3)All orders and decisions of the Commission shall be authenticated by the Chairperson or any other officer of the Commission duly authorised by the Chairperson in this behalf.

Chapter III

Functions and Powers of the Commissioner

8. Functions of the Commission.-

(1)The Commission shall perform all or any of the following functions, namely: -(a)recommend to the State Government specific programs of action towards elimination of inequalities in status, facilities and opportunities for Safai Karmacharis under a time-bound action plan;(b)to study and evaluate the implementation of the programs and schemes relating to the social and economic rehabilitation of SafaiKarmacharis and make recommendations to the State Government for Co-ordination and implementation of such programs and schemes;(c)to enquire in to specific grievances and take notice of matters relating to nonimplemen-tation of,-(i)programs or schemes in respect of any group of Safai Karmacharis;(ii)decisions, guidelines or instructions, aimed at mitigating the hardship of Safai-Karmacharis;(iii)measures for the social and economic upliftment of Safai Karmacharis;(iv)the provisions of any law in its application to Safai Karmacharis and take up such matters with the concerned authorities. (d)(d)to make periodical reports to the State Government on any matter relating to Safai-Karmacharis, taking into account any difficulties or disabilities being encountered by Safai Karamcharis;(e)any other matter which may be referred to it by the State Government. (2) In the dis-charge of its functions under sub-section (1), the Commission shall have power to call for information with respect to any matter specified in that sub-section from State Gov-ernment departments and its agencies/Corporations and local bodies.(2)In the discharge of its functions under sub-section (1), the Commission shall have power to call for information with respect to any matter specified in that sub-section from State Gov-ernment departments and its agencies/Corporations and local bodies

9. Powers of Commission:-

The Commission shall while investigating /enquiring any matter under section 8, have all the powers of civil court trying a suit under the code of civil procedure 1908, and in particular in respect

of the following matters, namely:-(i)summoning and enforcing the attendance of any person from any part of the state and ex-aminig him on oath.(ii)discovery and production of any documents and witness.(iii)receiving any evidence on affidavits.(iv)requisitioning for any public record or copy there of from any court or office,(v)any other matter which may be prescribed.

Chapter IV

Finance, Accounts and Audit

10. Grants by the State Government.—

(1)The State Government shall after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants such sums of money as the State Govern-ment may think fit, for being utilized for the purposes of this Act.(2)The Commission may spend such sums out of the grants as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

11. Accounts and audit.-

(1)Accounts of income and expenditure of the Commission shall be kept in accordance with such rules, as may be prescribed.(2)The Commission shall prepare an annual statement of accounts in such form as may be pre-scribed.(3)The accounts of the Commission shall be audited annually by such auditor as the State Gov-ernment may appoint.(4)The auditor shall, for the purposes of audit have access to all the accounts and other records of the Commission.(5)The Commission shall pay out of the grant such charges for the audit, as may be prescribed.(6)As soon as after the receipt of the report from the auditor, the Commission shall send a copy of the annual statement of accounts, together with a copy of the report of the auditor to the State Government and shall cause to be published the annual statement of accounts in such manner as may be prescribed.(7)After receipt of the audit report the State Government shall take necessary steps to lay the report before both houses of state Legislature.(8)The State Government may, after perusal of the auditor report give such directions as it thinks fit to the Commission and the Commission shall comply with such directions.

Chapter V

Miscellaneous

12. Chairperson and Members and staff of the Commission to be the public servants.-

The Chairperson, every Members, of the Commission and every officers appointed or autho-rized by the commission to exercise functions under this Act, shall be deemed to be public ser-vants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

13. Annual Report.-

The Commission shall prepare in such form and at such time for each financial year as may be prescribed its annual report giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.

14. Annual report to be laid before State Legislature.-

The State Government shall cause the annual report to be laid before each House of State Legislature along with the memorandum explaining the action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any.

15. Delegation of powers. -

The Commission may, by general or special order, delegate to the Chairperson or any Member or to any officer of the Commission subject to such conditions and limitations, if any as may be specified therein, such of its powers and duties under this Act as it may deem fit.

16. Protection of action taken in good faith.-

No suit, prosecution or other legal proceeding shall lie against the State Government, Commission, Chairperson, Members or any officer or other employee of the Commission for anything which is done in good faith or intended to be done under this Act.

17. Power to make rules.-

(1)The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.(2)In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:--(i)salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, and Members under sub-section (5) of section 4 and the officers and other employees of the Commission under section 5;(ii)the form in and the time at which the annual report shall be prepared under section 13.(iii)any other matter which is required to be, or as the case may be, to be made or prescribed.(3)Every rule made under this Act shall be laid, as soon as may be after it is made, before both the House of 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 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.

18. 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 appear to it to be necessary or expedient for removing difficulty: Pro-vided that no such order shall be made after expiry of the period of two years from the date of commencement of this Act. (2) Every order made under this section shall as soon as may be after it is made, be laid before both the houses of State Legislature.