

The Karnataka State Commission For Backward Classes Act 1995

KARNATAKA

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Act 28 of 1995

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The Karnataka State Commission For Backward Classes Act 1995[12th October 1995]Act No. 28 of 1995Statements of Objects and Reasons—It is considered necessary to constitute a permanent commission for Backward classes of citizens, for following reasons. (i) to ensure their social and economic development. (ii) to examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over in-clusion or under inclusion of any backward class in such lists. (iii) to make survey of the Social and Educational conditions and problems of the citizens belonging to the Backward classes; (iv) to su-pervise of the implementation of the various welfare schemes meant for the Backward classes.Hence the Bill.Preamble—An Act to constitute a Commission for Backward Classes of citizens other than the Schedule Castes and Schedule Tribes in the State of Karnataka and to provide for matters connected therewith or incidental thereto;WHEREAS it is expedient to constitute a Commission for Backward Classes of citizens other than the Schedule Castes and Schedule Tribes in the State of Karnataka and to provide for matters con-nected therewith or incidental thereto;PREAMBLEBE it enacted by the Karnataka State Legislature in the Forty-sixth 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 Backward Classes Act, 1995.(2)It shall come into force on such date as the State Government may, by notification in the Karnataka Gazette appoint.

2. Definitions.—

In this Act, unless the context otherwise requires,—(a)"Backward Classes" means such class or classes of citizens other than the Scheduled Castes and Scheduled Tribes, as may be notified by the State Government in the list from time to time;(b)"Commission" means the Karnataka State Commission for Backward Classes constituted under section 3;(c)"Lists" means lists prepared by the State Government, from time to time, for purposes of making provisions for the reservation in favour of Backward Classes of citizens under Article 15(4) and Article 16(4) of the Constitution;(d)"member" means a member of the Commission.

Chapter II

Constitution of the Karnataka State Commission for Backward Classes

3. Constitution of the Karnataka State Commission for Backward Classes.—

(1)The Government shall constitute a body to be known as the Karnataka State Commission for Backward Classes to exercise the powers conferred on and to perform the functions assigned to it under this Act with its headquarters at Bangalore.(2)The Commission shall consist of the following members:-(a)a Chairman, who is or has been a Judge of the High Court or who is eligible to be appointed as a Judge of the High Court or a social scientist ;(b)***(c)five persons who have special knowledge in matters relating to backward classes of whom one shall be a social scientist;(d)the Commissioner, Backward Classes Welfare, shall be the MemberSecretary of the Commission.

4. Term of office and conditions of service of Chairman and Members.-

(1)Subject to the pleasure of the State Government the Chairman and every member shall hold office for the term of three years from the date he assumes office(2)The Chairman or a member may in writing under his hand addressed to the State Government, resign from the office of the Chairman or of member, as the case may be at any time.(3)The State Government shall remove a person from the office of the Chairman or of a member if that person,-(a)becomes an undischarged insolvent;(b)is convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude;(c)becomes of unsound mind and stands so declared by a competent court;(d)refuses to act or becomes incapable of acting;(e)is, without obtaining leave of absence from the Commission, absents from three consecutive meetings of the Commission; or(f)has, in the opinion of the Government so abused the position of Chairman or member as to render that person's continuance in office is detrimental to the interests of backward classes or the public interest: Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.(4)A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.(5)The salaries and allowances payable to and the other terms and conditions of service of the Chairman and Members shall be such, as may be prescribed.

5. Officers and other employees of the Commission.-

(1)The State Government shall provide the Commission with such officers and employees, as may be necessary for the efficient performance of the functions of the Commission.(2)The salaries and allowances payable to and the other terms and conditions of service of the officers and other employees appointed for the purposes of the Commission shall be such, as may be prescribed.

6. Salaries and allowances to be paid out of grants.-

The salaries and allowances payable to the Chairman and members of the administrative expenses including salaries, allowances and pension payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 12.

7. Vacancies etc., not to invalidate proceedings of the Commission.-

No act or proceedings of the Commission shall be invalid merely on the ground of the existence of any vacancy or defect in the Constitution of the Commission.

8. Procedure to be regulated by the Commission.-

(1)The Commission shall meet as and when necessary, ordinarily at Bangalore and at such other places as the Chairperson may think fit.(2)The Commission shall regulate its own procedure.(3)All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

Chapter III

Functions and Powers of the Commission

9. Functions of the Commission.—

(1)The functions of the Commission shall be as follows:-(i)to examine requests for inclusion of any class of citizens as a Backward Class in the lists and hear complaints of over inclusion or under inclusion of any Backward Class in such lists and tender such advice to the State Government as it deems appropriate;(ii)to conduct survey on social and educational status of the citizens of the State, to identify the classes of citizens who are socially and educationally backward and to recommend to State Government for necessary measures;(iii)to supervise the implementation of various welfare schemes meant for the Backward Classes;(2)The advice of the Commission shall ordinarily be binding upon the Government. 10. Powers of the Commission.- The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:-(a)summoning and enforcing the attendance of any person from any part of the State and examining him on oath;(b)requiring the discovery and production of any document;(c)receiving evidence on affidavits;(d)requisitioning any

public record or copy thereof from any court or office;(e)issuing commissions for the examination of witnesses and documents; and(f)any other matter which may be prescribed.

10. Periodic revision of lists by the State Government.-

(1)The State Government may at any time, and shall, at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake re-vision of the lists with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists, new backward classes.(2)The State Government shall, while undertaking any revision referred to in subsection (1), consult the Commission.

Chapter IV

Finance, Accounts and Audit

12. Grants by the State Government.-

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 Government may think fit, for being utilised for the purposes of this Act.(2)The Commission may spend such sums 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).

13. Accounts and audit.-

(1)Accounts of the 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 prescribed.(3)The accounts of the Commission shall be audited annually by such auditor as the State Government may appoint.(4)The auditor shall, for the purpose of the audit, have access to all the accounts and other records of the Commission.(5)The Commission shall pay from its grant such charges for the audit, as may be prescribed.(6)As soon as may be after the receipt of the report of 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)The State Government may after perusal of the report of the auditor give such directions as it thinks fit to the Commission and the Commission shall comply with such directions.

14. 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.

15. Annual report and audit report to be laid before State Legislature.-

The State Government shall cause the annual report together with a memorandum of action taken on the recommendation contained therein in so far as they relate to the State and the reasons for the non-acceptance, if any, of such recommendations, to be laid, as soon as may be, after the reports are received, before each House of the State Legislature. The Commission may at its discretion submit from time to time special report on any matter of public importance to the state Government.

Chapter V

Miscellaneous

16. Chairman, members and employees of the Commission to be public servants.-

The Chairman, members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

17. 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.(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:-(a)salaries and allowances payable to, and the other terms and conditions of service of the Chairman and members under sub-section (5) of section 4 and the officers and other employees under sub-section (2) of section 5.(b)the form in which the annual statement of accounts shall be prepared under sub-section (2) of section 13;(c)the form in, and the time at which the annual report shall be prepared under section 14;(d)any other matter which is required to be, or may be prescribed.(3)Every rule made under this Act shall be laid as soon as may be after it is made, before each 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 provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty; Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.(2)Every order made under this section shall soon as may be after it is made, be laid before each

House of the State Legislature.