

Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Act, 2002

KARNATAKA

India

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Act 20 of 2002

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Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Act, 2002(Karnataka Act No. 20 of 2002)Statement of objects and Reasons - To give effect to announcement made in the Budget Speech of the year 2001-2002, it is considered necessary to enact a legislation to provide for Constitution of a permanent Commission for the persons belonging to the Scheduled Castes and the Scheduled Tribes, which shall,-(i) investigate and examine the working of various safeguards provided for the welfare and protection of the Scheduled Castes and Scheduled Tribes.(ii) inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes of Karnataka.(iii) to participate and advice on the planning process of socio-economic development of the Scheduled Castes and the Scheduled Tribes and evaluate the progress of their development in the state.(iv) make recommendations as to the measures that should be taken by the State Government for the effective implementation of safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled tribes and make report to the State Government annually.(v) discharge such other functions as may be entrusted by rules.The Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Bill, 2002, provides for,(i) The constitution of State Commission, and the terms of office and conditions of service of the chair person and other members.(ii) the powers and functions of the commission.(iii) Manner of maintaining account of the commission and the audit of such accounts.The Bill also provides for certain other incidental and consequential provisions.Hence the Bill. (L.A. Bill No. 2 of 2002)(First published in the Karnataka Gazette Extraordinary on the Eleventh day of September, 2002)An Act to provide for constitution of a Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes and to provide for matters connected therewith or incidental thereto;Wheres it is expedient to constitute a Commission for the Scheduled Castes and the Scheduled Tribes and to provide for matters connected therewith or incidental thereto;Be it enacted by the Karnataka State Legislature in the fifty 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 the Scheduled castes and the Scheduled Tribes Act, 2002. (2) It shall be deemed to have come into force with effect from the Fifth day of January, 2002.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Commission" means the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes constituted under section 3; (b) "Member" means a member of the Commission; (c) "Scheduled Castes" shall have the meaning assigned in clause (24) of Article 366 of the Constitution of India; (d) "Scheduled Tribes" shall have the meaning assigned in clause (25) of Article 366 of the Constitution of India. Chapter-II State Commission for the Scheduled Castes and the Scheduled Tribes

3. Constitution of the Commission for the Scheduled Castes and the Scheduled Tribes.

(1) The State Government shall, as soon as may be after the commencement of the Act constitute a body to be called as the Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes to exercise the powers and perform the functions assigned to it by or under this Act with its head quarters at Bangalore. (2) The Commission shall consist of the following members, namely: - (a) the Chairperson, who has special knowledge in matter relating to the Scheduled Castes and the Scheduled Tribes nominated by the State Government; (b) two persons, who have special knowledge in matters relating to the Scheduled Castes and the Scheduled Tribes nominated by the State Government; (c) The Director, Social Welfare or Director Tribal Welfare shall be the Member Secretary of the Commission respectively in matters pertaining to the Scheduled Castes and the Scheduled Tribes.

4. Term of Office and Conditions of service of the Chairperson and Members.

(1) Subject to the pleasure of the State Government, the Chairperson and every member shall hold office for a term not exceeding three years as may be specified by the State Government. (2) The Chairperson or a member of the Commission may, at any time by writing under his hand addressed, to the State Government, resign his office. (3) The State Government shall remove a person from the office of the Chairperson or of a member if that person, - (a) becomes an undischarged insolvent; or (b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or (c) becomes of unsound mind and stands so declared by a competent court; or (d) refuses to act or becomes incapable of acting; or (e) without obtaining leave of absence from the commission, absents from three consecutive meetings of the Commission; or (f) has in the opinion of the State Government so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the interest of the Scheduled Caste and the Scheduled Tribes: Provided that no person shall be removed under this clause unless 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 Chairperson and allowance payable to the Members shall be such, as may be prescribed.

5. Staff of the Commission.

(1)The State Government shall provide the Commission with such officers and employees as may be required for the proper functioning of the Commission.(2)The Administrative expenses of the commission including the salary and allowances payable to the Chairperson, allowance payable to members and salary and allowance payable to the Officers and employees of the Commission shall be paid out of the grants referred to in Section 11.

6. 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 in the office of membership of the commission or defect in the Constitution of the Commission.

7. Procedure to be regulated by the Commission.

(1)The Commission shall meet as and when necessary, ordinarily at Bangalore and at such places as the Chairperson may think fit.(2)The Commission shall have power to 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

8. Functions of the Commission.

- The functions of the commission shall be as follows,-(a)to investigate and examine the working of various safeguards provided in the constitution of India or under any other law for the time being in force or under any order of the Government for the welfare and protection of the Scheduled Castes and the Scheduled Tribes of Karnataka and;(b)to inquire into specific complaints with respect to the deprivation of rights and safeguard of the Scheduled Castes and the Scheduled Tribes of Karnataka and to take up such matter with the appropriate authorities;(c)to participate and advise on the planning process of socio economic development of the Scheduled Castes and the Scheduled Tribes and to evaluate the progress of their development in the State.(d)to make recommendations as to the measures that should be taken by the State for the effective implementation of safeguards and other measures for the protection, welfare and socio economic development of the Scheduled Castes and the Scheduled Tribes and to make report to the State Government annually and at such other time as the Commission may deems fit.(e)to discharge such other functions in relation to the protection, welfare, development and advancement of the Scheduled Castes and the Scheduled Tribes as may be prescribed:Provided that if any matter specified in this section is dealt with by the

National commission for Scheduled Castes and the Scheduled Tribes established under Article 338 of the Constitution of India the State Commission for Scheduled Castes and the Scheduled Tribes shall cease to have jurisdiction on such matter.

9. Laying of Report.

- The State Government shall cause such reports referred to in clause (d) of Section 8 to be laid before each House of the State Legislature explaining action taken or proposed to be taken and the reasons, if any, for non-acceptance of the recommendations.

10. Powers of Commission.

- The Commission shall, while investigating any matter under section 8, have all the powers of a civil court in 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.

Chapter-IV Finance, Accounts and Audit

11. 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 Government may think fit, for being utilised 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(I).

12. 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 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 shall cause the audit report to be laid as soon as may be after it is received before each House of the State Legislature.(8)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.

Chapter-V Miscellaneous

13. Chairperson, Members and employees of the Commission to be public servants.

- The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 4S of 1860)

14. Power to make rules.

(1)The State Government may after previous publication by notification in the official Gazette make rules for the purposes of carrying out the provisions of this Act.(2)In particular, and without prejudice to the generality of the foregoing provisions such rules may provide for all or any of the following matters, namely:-(a)salary and allowance payable to, and other terms and conditions of service of the Chairperson and allowances payable to Members under sub-section(S) of section 4;(b)the form in which the annual statement of accounts shall be prepared under sub-section(2) of section 12;(c)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 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 session immediately following session 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.

15. 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 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 as soon as may be after it is made be laid before each House of the State Legislature.

16. Repeal and savings.

(1)The Karnataka State Commission for the Scheduled Castes and the Scheduled Tribes Ordinance, 2001 (Karnataka Ordinance 8 of 2001) is hereby repealed.(2)Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.