SOCIAL WELFARE SECRETARIAT

NOTIFICATION

No. SWD 372 SDC 2016, Bengaluru, Dated: 25-10-2019

Whereas, the draft of the Karnataka State Commission for Safai Karmacharis Rules, 2018 was published as required by Sub-Section (4) of Section (2) of the Karnataka State Commission for Safai Karmacharis Act, 2012 (Karnataka Act 02 of 2013) in Notification No. SWD 372 SDC 2016, Dated: 10th July 2018 in Part IV-A of volume 154 of the Karnataka Gazette date:14.02.2019 inviting objections and suggestions from all persons likely to be affected there by within 15 days from the date of its publication in the official Gazette.

And whereas, no objections and suggestions have not been received by the State Government in respect of the said draft.

Now, therefore in exercise of the powers conferred by the Sub-Section (4) of Section (2) of the Karnataka State Commission for Safai Karmacharis Act, 2012 (Karnataka Act 02 of 2013) the Government of Karnataka hereby makes the following Rules, namely:-

RULES

CHAPTER – I

PRELIMINARY

1.Title and commencement.-(1) These rules may be called the Karnataka State Commission for Safai KarmacharisRules, 2018.

2.Definitions.- (1) In these rules, unless the context otherwise requires,-

(a)"Act" means the Karnataka State Commission for Safai Karmacharis Act 2012 (Karnataka Act 02 of 2013);

(b)"Government" means Government of Karnataka; and (c) "Section" means a section of the Act.

(2) The words and expressions used herein and not defined but defined in the Act, shall have the same meaning respectively assigned to them in the Act.

CHAPTER-II

GENERAL PROVISIONS

3. Salary and allowances of Chairperson and members of the commission.-(1) The Chairperson is entitled to pay and allowances and other privileges as per the status accorded to him by the Government. If the Chairperson is a member of the legislature of the Karnataka State, he shall not be entitled to any remuneration other than allowances as member of legislature under the relevant Act/ Rules. Where any person is appointed as a Chairperson who is in receipt of pension from Government or otherwise in respect of any previous service, the salary admissible to him under these rules shall be reduced by such amount of the pension.

(2) The members other than the Member-Secretary shall be entitled to the following sitting fee and allowances, namely:-

(a) Sitting fee Rs. 1000/- per sitting/meeting of the Commission subject to not exceeding Rs. 20,000/- per month. In addition, monthly allowance of Rs. 5,000/- (Rs. Five Thousand) a towards local conveyance, telephone and stationery expenses. Or the fee and allowances as decided by the government through a separate order, whichever is more.

(b) Traveling allowance and Dearness allowance as admissible to Group-A Senior Officer of the State Government. Number of days tours by the member as part of Commission shall not be exceeding 10 days per month and such Tours shall be limited to purpose shall be related to the function of the Commission.

(c) The Chairperson and the members may under take tours outside the State and Country based on need with the prior approval of the Government.

4. Arrangement in case of permanent or temporary vacancies.-If the office of the Chairperson becomes vacant or if the Chairperson for any reason absent or unable to discharge the duties of his office, those duties shall, until new Chairperson assumes office or the existing Chairperson of resumes his duties as the case may be, discharged by such Member as the Government may direct by order.

5. Other terms and conditions of Chairperson and members.-(1) The Chairperson shall be the head of the Commission and shall have the residuary powers to decide on all questions and matters arising in the Commission except such matters where specific provision has been made in these rules.

(2) The Chairperson shall be the authority to sanction leave and approve tours of the Members.

(3) The Chairperson shall preside over the meetings of the Commission.

(4) All important decisions of the Commission pertaining to the subjects allotted to the Members shall be taken with the approval of the Chairperson.

(5) The Chairperson may call for any records on any matter which he considers important and may take a decision on it placing it at the meeting of the Commission.

6. Duties and responsibilities of the members of the Commission.- (1) The Members of the Commission shall have collective responsibilities and function by participating in the meetings and sittings of the Commission and look after the subjects regions allocated to them. Important actions and decision of a Member may be brought at a meeting of the Commission which may review the same.

(2) Any Member may suggest items for inclusion of the subject or regions as may be allocated to him.

(3) Each member shall have overall responsibility of the subject or regions as may be allocated to him.

CHAPTER-III

7. Staff of the commission.-(1) The posts of staff in the Commission shall be filled by deputation of the officers or officials having equivalent pay scales and grade from any of the State Civil Services or Universities or Local Authorities or Public Sector Undertakings or Statutory Boards or Corporations or by way of contract appointments of persons retired on superannuation from any of the above services.

(2) The appointments on deputation and contract appointments shall be as per the provisions of the Karnataka Civil Services (General Recruitment) Rules, 1977 and any other orders of Government in force from time.

(3) The Secretary, Karnataka State Commission for Safai Karmacharies shall be the Member Secretary of the Commission. The Member Secretary shall be administrative Head of the Commission and shall assist the Commission in the discharge of its functions with the assistance of the staff of the Commission.

(4) All important administrative matters shall be placed before the Member Secretary who may pass general or specific orders on such matters.

(5) The Member Secretary shall be responsible for having agenda prepared for the meetings of the Commission and for circulating the minutes.

(6) The Member Secretary shall assist Commission in finalizing the reports.

(7) The Member Secretary may in his discretion, delegate any of his functions or authority to a subordinate staff of the Commission.

CHAPTER-IV

8. Meetings of the commission.- (1)The Commission shall meet as and when necessary at Bengaluru or at such other places in the State as the Chairperson may think fit. Provided that the Commission shall meet at least once in a month.

(2) The Commission shall have power to regulate its own procedure as and when it deems fit.

(3) All orders and decisions of the Commission shall be authenticated by the Member Secretary or any other officer of the Commission duly authorized by the member Secretary on his behalf.

(4) The Chairperson shall ordinarily give a minimum notice of three working days, if the meeting is to be held in Bengaluru and a minimum notice of seven days if the meetings of the Commission are to the held outside Bengaluru. Emergent meetings may also be called by the Chairperson either on his own or on the request of a member or the Member Secretary for disposing of important matters requiring urgent consideration by the Commission.

(5) The quorum of the Commission Meeting shall be two including the Chairperson, provided the quorum so fixed shall stand reduced by the number of vacancies that exist in the Commission, as and when there are such vacancies.

(6) Every decision of the Commission shall be decided by majority of the members present and voting.

(7) Subject to a decision to the contrary by the Commission, the minutes of the Commission meeting shall be recorded by the Member Secretary and he shall prepare the copies of the said minutes and circulate the same to the Chairman and the members as soon as possible after the meeting is over. He shall present the minutes for signature of the Chairperson at the next meeting. After the Chairperson's signature the minutes of the meeting shall stand confirmed.

(8) Objections, if any to the correctness of the recording of minutes of the Meeting may be taken in the next meeting of the Commission and the same shall be decided by the Commission.

(9) The Member Secretary shall keep a record of the proceedings and shall furnish certified Xerox copies to the members and the Chairperson. The entire proceedings of the Commission's meeting shall be kept confidential by all the concerned except when the Chairperson, in his discretion, authorizes publication of the same in writing.

9. Matters requiring decision by the commission at its meeting:- The following matters shall be brought up before the Commission at a meeting for consideration and decision.

(i) Any recommendation for an amendment to the Act or to these rules of procedure; (ii) Matters to be investigated or inquired by the Commission directly;

(iii) All the reports that are Member may like to bring to the meeting, with the approval of the Chairperson;

(iv) Any matters that a Member may like to bring to the meeting, with the approval of the Chairperson;

(v) Any matter that the Chairperson may direct to be placed at a meeting of the Commission.

10. Agenda for the meeting.- The agenda shall normally be circulated to all the Members at least 3 days in advance before the meeting Provided that for an Emergent Meeting the time limit may not apply. The minutes of a meeting shall be circulated as soon as possible to all the Members.

CHAPTER- V

11. Investigation and inquiry by the commission.-(1)The Commission may hold sittings for investigation in to matters relating to safe guards, protection, welfare development of the Safai Karmachari or for inquiring into specific complaints, for which the Commission or at any other place within the State.

(2) The sittings of the Commission shall be held after giving due notice to the parties intended to be heard and also due publicity notice to the general public, if required. Care shall be taken to see that the members of the Safai Karmachari who are affected in the matter under investigation of inquiry are given due information through notice or publicity, as the case may be.

(3) During the course of the investigation or inquiry the Commission, may take evidence on oath or receive affidavits. When considered necessary, the Commission, for the purpose of taking

evidence in the investigation or inquiry require the presence of any person and may issue summons to him .The summons shall provide at least seven days notice to the person directed to be present before the Commission from the date of receipt of the summons.

(4) Where the property, services or employment of Safai Karmachari and other related matters are under immediate threat and prompt attention of the Commission is required, the matter shall be taken cognizance by issue of fax or E-mail to the concerned authority for making it known to them that the Commission has taken up the issue, Urgent reply by fax or E-mail shall be called from the authority. In case no letter is received within a week the authority concerned shall be summoned at a short notice for enquiry.

(5) The Commission shall hold the required sitting and conduct investigation. Notice of collecting facts and evidence, Notice of Hearing and Public notice are provided in

Form I, II, III respectively.

12. Confidentiality of certain reports.-The Commission may, through a decision at a meeting or otherwise, direct that the contents of any report made on any matter shall be kept confidential and shall not be revealed to any person other than those who have been authorized access to such report.

13. Legal processes.-All summons and warrants that required to be issued in pursuance of the powers of a Civil Court by the Commission shall be written in the prescribed form and shall bear the seal of the Commission. The provision of the Code of Civil Procedure applicable for the service of the legal processes shall be followed by the Commission.

form IV and V respectively.

15. Issue of letters and notices.-Letters and notices requiring production of documents etc. which are to be issued without exercising the powers exercising the powers of the Civil Court may be provided by the Commission and signed by the Member Secretary or an authorized officer.

CHAPTER-VI

16. Sittings of the commission.- (1) Whenever a matter is to be investigated or inquired into directly by the Commission it may do so by holding sittings of the Commission.

(2) Officers to be present.-Whenever a Member is holding a sitting, an authorized Officer of the Commission or the Member Secretary shall be present to assist the Member(s)holding the sitting to discharge the functions properly and promptly. It shall be the duty of the authorized officer to assist the Member(s) in preparing the report if called upon to do by the Member(s). The Officer shall also be responsible for assisting the Member(s) in following the procedure.

(3) Frequency of sittings.-Sittings of the Commission may be held as and when necessary. The Commission may hold more than one sitting simultaneously in different parts of the State with different Members functioning separately.

(4) Program of the sittings.-The program of the sittings, both at the headquarters and other places, would normally be worked out each month in and duly circulated.

(5) Defraying expenses to witness.-(a)The Commission may defray travelling expenses to persons who have been called through summons to appear before the Commission in a sitting.

Provided that the place of residence of one person is more than 8 Kms. from the place of the sitting of the Commission. The amount so defrayed shall be limited to the actual travelling expenses plus Daily Allowance for the number of days that the person has appeared before the Commission in its

sitting, if the person is not entitled to travelling and daily allowance from any other source. The limit of travelling expenses shall be determined on the basis of the rail fare and road mileage calculated on the basis of the rates that may be specified by the Commission. In the case of any doubt

regarding the entitlement of the persons, the decision of the Member Secretary of the commission shall be final.

(b) Persons who are employees of the Government/Public Sector Undertaking shall be deemed to be on duty if they are summoned to depose before the Commission or produce documents.

(c) The Member Secretary of the Commission may devise a suitable procedure to ensure that such claims as above are paid to the persons concerned so appearing.

(d) The claim for travelling expenses as above shall not be admissible in the case of a person who appears before the Commission during any investigation or enquiry on his own accord or in response to a commission or in response to communication which is not a summon issued by the Commission.

CHAPTER-VII

17. Advisory role of the commission.- The Commission shall interact with the State Government Departments or other organizations through its Member Secretary by meetings, personal contacts, visits and correspondence. The information in this regard may be sent to the concerned Department or Organizations well in advance.

CHAPTER-VIII

18. Monitoring functions of the commission.-The Commission may determine from time to time the subjects or matters and reigions that it would monitor relating to safeguards and other Socio- economic development measure provided for the Safai Karmachari.

19. Returns and reports.-(1) Any authority responsible having control of the subject matter of which monitoring is being done by the Commission, shall furnish the reports as required by the Commission.

(2) The Commission may from time to time issue instructions to furnish information and data on any particular subject or matter from the State Government Departments, Local Bodies, Corporate Bodies or any other authorities which is charged with the implementation of the safeguards meant for the Safai Karmachari.

20. Follow- up action.-(1) In order to ensure that monitoring is done effectively the Commission, after taking a decision may as early as possible send out communications to the concerned authority describing the short comings that have been noticed in the implementation of the safeguards and suggest the necessary corrective steps.

(2) The Commission may ask for the comments of the concerned authority on the action taken in pursuance of the communications sent under sub rule (1).

(3) The Commission may include in its Annual report or any Special Report its findings and conclusion arrived at through the process of monitoring of the subjects relating to the safeguards and socio- economic

development measures meant for the Safai Karmachari under the Constitution or under any other law for the time being in force or under any order of the State Government.

CHAPTER-IX

21. Non-formal actions by the commission.-The Commission may initiate correspondence in special cases in matters or cases which are not strictly covered under the law if the matter is such that the welfare of an individual person belonging to a Safai Karmachari or that of a group of such persons is involved and it is necessary for the Commission in its inherent capacity as the protector of the interests of these classes of persons to take action. All routine formal communications from the Commission shall be issued under the signatures of Member Secretary or an authorized Officer. The Commission can sue or be sued through its Member Secretary.

22. Applicability of rules etc., of the State Government.-(1) All rules, regulations and orders issued by the State Government regarding disciplinary matters shall also mutatis mutandis apply to the employees / staff of the Commission.

(2) The provision relating to the delegation of financial powers in the State Government shall apply to the corresponding officers in the Commission.

23. Decision on matters not specified in these rules.-If a question arises regarding any matter for which no provision exists the decision of the Chairperson shall be sought. The Chairpersons may if deems fit, direct that the matter may be considered at a meeting of the commission.

CHAPTER-X

24. Evaluation and studies.- The Commission may undertake any evaluation and studies for the benefit of Safai Karmachari in the state resolution passed in that regard in the manner as prescribed for procurement of goods and services in the Government, with the prior approval of the Government.

(2) After each such evaluation and studies a report shall be placed before the Commission and the Commission may take such action as it deems fit or forward a copy of study report to the Government for appropriate action.

CHAPTER-XI

25. Budget of the Commission.-The budget of the Commission shall be prepared before 30th November of the every year and be submitted in duplicate to the Government for approval during the first week of December of each year.

26. Accounts and Audit of the Commission.- The Account of the Commission shall be maintained as follows, namely:-

(1) The statement of accounts regarding the receipt of budgetary grants and the statement of accounts of expenditure in respect of the budgetary grants in respect of each financial year and all accounts of the Commission shall be maintained in accordance with the instructions of the Government from time to time.

(2) The accounts of the Commission shall be audited during the year by the Accountant General in Karnataka.

27. Annual Report of the Authority.- (1) The Annual report of the Commission shall be prepared and forward to the Government, within three months from date of completion of financial year giving complete accounts of its activities during the previous year, as required under section 15 of the Act to the Government. The Government may lay the same before each houses of the legislature.

(2) As soon as may be after receipt of the report of the auditor the commission shall send a Copy of the annual statement of accounts together with a report of the auditor of the Government to lay the same before each house of Legislature.

28. Seal of the commission.- The seal of the Commission shall be specified by the Chairperson by order issued in this behalf.

FORM-I

[See rule 11(5)]

THE KARNATAKA STATE COMMISSION FOR SAFAI KARMACHARIS

4th Main Road, 16th Cross, 1st Floor,
Opp. Sampangiramanagar Police Station,
Bengaluru-560027.

Notice for Collecting Facts and Evidence

To,

Whereas a Petition/complaint/information has been received by the Karnataka State Commission for the Safai Karmacharis from …….. press news under caption …… appearing in …….. dated …….. as enclosed and the Commission has decided to investigate/inquire into the matter in pursuance of the powers conferred upon, you are hereby requested to submit the facts and information on the action taken on the allegations/matters to the undersigned within 30 days of receipt of this notice either by post or in person or by any other means of communication.

Please take notice that in case the Commission does not receive reply from you within the stipulated time, the Commission may exercise the powers of Civil Courts conferred on it under the Karnataka State Commission for Safai Karmacharis Actand issue summons for your appearance in person or by a representative before the Commission.

Signature
Secretary / Authorized Officer
The Karnataka State Commission for
Safai Karmacharis

Dated ……..

FORM-II

[See rule 11(5)]

THE KARNATAKA STATE COMMISSION FOR SAFAI KARMACHARIS

4th Main Road, 16th Cross, 1st Floor,
Opp. Sampangiramanagar Police Station,
Bengaluru-560027.

Case No.: ……..

To :

……
……
……
……
……
……
……
……

NOTICE OF HEARING

Take notice the complaint dated : …… lodged by you and registered in this Commission in the above Case No……. is posted before the Commission for examination/hearing. You are directed to appear at the place and time as specified below. You may appear in person or through a duly authorized legal representative. You are entitled to prodce evidence in support of your complaint and also to produce the documentary evidence in support of the same. In case you want the Commission to summon any witness you may furnish list of any of such witnesses with names and address well before the date of hearing.

Date of Hearing :
Time and Place of Hearing
:

Secretary,
Karnataka State Commission for Safai
Karmacharis
Bengaluru.

Date:

FORM-III

[See rule 11(5)]

THE KARNATAKA STATE COMMISSION FOR SAFAI KARMACHARIS

4th Main Road, 16th Cross, 1st Floor,
Opp. Sampangiramanagar Police Station,
Bengaluru-560027.

Case No.: ……..

To :

……
……
……
……
……
……
……
……

PUBLIC NOTICE

WHEREAS a complaint has been received by the Commission and the same is taken up for hearing by the Commission at the place and time specified below.

THEREFORE this Public Notice is given inviting objection, if any, to the said complaint. Any one desirous of filing objections may do so in writing well before the date of hearing. All such written objections shall be filed ……. in sets.

1)Name of the Complaint and Address :
2)Date & Time of Hearing :
3)Place of Hearing :
4)Relief prayed for by the complaint :

The objections may be filed in person or through authorized legal representatives.

Secretary,
Karnataka State Commission for Safai Karmacharis
Bengaluru.

Date:

FORM-IV

(See rule 14)

THE KARNATAKA STATE COMMISSION FOR SAFAI KARMACHARIS

4th Main Road, 16th Cross, 1st Floor,
Opp. Sampangiramanagar Police Station,
Bengaluru-560027.

SUMMONS

File No.:
To,

Whereas the State Commission has decided to investigate into the following matter in pursuance of powers conferred upon it, the Karnataka State Commission for Safai Karmacharis Act, your attendance is hereby required in person to appear before the State Commission on the _____ of _____ 20_____ at _____ hours at _____. You are required to being with you the connected for examination by the State Commission.

Case reference:

If you fail to comply with this order without lawful excuse, you shall be subjected to the consequences of non-attendance laid down in Rule 12 of Order XVI of Code of Civil Procedure, 1908.

Given under my hand and seal of the Karnataka State Commission for Safai Karmacharis exercising powers of Civil Court this _____ of _____ 20_____.

Court
Officer
SEAL

FORM-V

(See rule 14)

THE KARNATAKA STATE COMMISSION FOR SAFAI KARMACHARIS

4th Main Road, 16th Cross, 1st Floor,
Opp. Sampangiramanagar Police Station,
Bengaluru-560027.

WARRANTS

To,

……
……..
……
……..
……
……..

Whereas …… r/o …….. has been duly served with a summons but has failed to attend (absconds keeps out of the way for the purpose of avoiding service of a summons), the Karnataka State Commission for Safai Karmacharis exercising powers of a Civil Court hereby order you to arrest and bring the said …… before the State Commission at Bengaluru.

Your are further order to return this warrant on or before the ……. Day of ……. 20……. With an endorsement certifying the day and the manner in which it has been executed, or the reason why it has not been executed.

Given under my hands and the seal of the State Commission for Safai Karmacharis exercising powers of Civil Court, this…… of …….. 20…….

Signature

SEAL

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

SHAMBULINGAIAH
Deputy Secretary to Government-1,
Social Welfare Department.

¸ÀPÁðj ªÀÄÄzÀæuÁ®AiÀÄ, «PÁ¸À ¸ËzsÀ WÀlPÀ, ¨ÉAUÀ¼ÀÆgÀÄ. (¦7)
¥ÀæwUÀ¼ÀÄ: 100