GOVERNMENT OF KARNATAKA

No. SWD 199 SAD 2010

NOTIFICATION

Where as the draft of the Karnataka State Commission for the Scheduled Castes and Scheduled Tribes Rules 2011 was published as required by section 14 of Karnataka State Commission for the Scheduled Castes and Scheduled Tribes Act 2002 (Karnataka Act 20 of 2002) in notification No SWD 199 SAD 2010, dated 16-06-2011 in part of iv A of Karnataka Gazette dated 14-07-2011 inviting objections and suggestions from all persons likely to be affected there by within thirty days from the date of its publication in the official Gazette.

And whereas, the objections and suggestions perceived in respect of the said draft have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by section 14 of the Karnataka State Commission for the Scheduled Castes and Scheduled Tribes Act, 2002 (Karnataka Act 20 of 2002) the Government of Karnataka hereby makes the following rules namely.

RULES:-

1. Title and Commencement:- (1) These rules may be called the Karnataka State Commission for the Scheduled Castes and Scheduled Tribes Rules, 2012.

(2) They shall come into force from the date of their publication in the official

2. Definition:- In the rules, unless the context otherwise requires,-

1) "Act" means the Karnataka State Commission for the Scheduled Castes and Scheduled Tribes Act 2002 (Karnataka Act 20 of 2002);

2) "Chairperson" means the Chairperson of the Commission nominated by the Government under Sub-Section (2) (a) of Section 3 of the Act; -

3) "Government" means the Government of Karnataka.

4) "Commission" means the Karnataka State Commission for Scheduled Castes and Scheduled Tribes;

5) "Member" means duly appointed member of the commission.

6) "The expression" Schedule Castes & Scheduled "Tribes" shall have the meaning respectively assigned them in clauses 24 and 25 of article 366, of the Constitution of India.

Chapter II

3. Salary and allowances of the Chairperson, Members of the Commission :-

1) The Chairperson is entitled to the 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 that pension.

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

a) Sitting fee of Rs. 1000/- per sitting/meeting of the Commission but not exceeding Rs. 20,000 /- per month.

b) Monthly allowance of Rs. 5,000/- (Rs. Five Thousand only) towards local conveyance, telephone and other expenses.

c) Traveling allowance and Diem allowance as admissible to Senior Group-A Officer of the State Government. lt tours by the member shall be related to the functioning of the Commission.

d) The Chairperson and the members may undertake tours outside the State and Country based on need with the prior approval of the Government.

e) The official tours of the Chairperson and members of the Commission shall be restricted to ten days in a month.

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 the new Chairperson assumes his office or the existing Chairperson resumes his office as the case may be, discharge by the 'Member as the Government may direct.

5. Division of responsibilities and allocation of work:-

l) The Chairperson shall be 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 allocate subjects / regions and responsibilities among the Members of the Commission. The order allocating the subject / regions and responsibilities shall be circulated to all concerned by the Member Secretary or an authorized officer of the Commission.

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

4) The Chairperson shall preside over the meetings of the Commission.

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

6) 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.

7) 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 a Commission which may review the same.

8) Any Member may suggest items for inclusion of the meeting of the Commission and the same shall be so included for the decision of the Commission.

9) Each member shall have overall responsibility of the subject and / or regions as may be allocated to him.

10) One or more Members may, in accordance with the procedures specified in these rules, hold sittings of the Commission to give hearing to the cases or to collect evidence or information on any matter / issue / case under investigation or enquiry by the Commission.

11) The Members shall be assisted by the staff of the Commission in all matters including tours and travels.

Chapter III

6. STAFF OF THE COMMISSION

(1) The posts in the Commission shall be filled by deputation of the officers / officials having equivalent pay scales and grade, from any of the State Civil Services/ Universities / Local Authorities/ Public Sector Undertakings/ Statutory Boards/ Corporations or by way of contract appointments of persons retired or 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 to time.

(3) 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 the 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

7. Meetings of the Commission:-

(1) The Commission shall meet as and when necessary at Bangalore 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 in this behalf.

(4) The Chairperson shall ordinarily give a minimum notice of three working days, if the meeting is to be held in Bangalore and a minimum notice of seven days if the meetings of the Commission is to the held outside Bangalore. 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 for Commission Meeting shall be 2 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.

Provided the Chairman will have an additional casting Vote in case of an equal division.

(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 ofthe 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 at 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.

8. Matters Requiring Decisions 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 required to be considered by the Commission as provided in these rules;

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

(v) Important matters relating to safe guards and development for the Welfare and advancement of the Scheduled Castes and Scheduled Tribes.

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

9. 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

10. Investigation and Inquiry by the Commission :-

(1) The Commission may hold sittings for investigation in to matters relating to safeguards, protection, Welfare and development of the Scheduled Castes and Scheduled Tribes or for inquiring into specific complaints, for which the Commission decided to take up investigation or inquiry directly. Such sittings may be held either at the Headquarters of 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 Scheduled Castes or Scheduled Tribes who are affected in the matter under investigation or inquiry are given due information through notice or publicity, as the case may be.

(3) When a decision for direct investigation or inquiry is taken necessary staff may be attached to the Member(s) entrusted with such investigation or inquiry and they shall take all steps to arrange such sittings.

(4) 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.

(5) Where the property, service or employment of Scheduled Castes and Scheduled Tribes 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 telex or 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 telegram or fax or e-mail shall be called from the concerned authority. In case no letter is received within a week, the authority concerned shall be summoned at a short notice for enquiry.

(6) After holding the required sittings, the Member(s) who conducted the investigation shall make a report which shall be sent to the Member Secretary

or any other officer authorised to receive the report. After exarnination, action may be initiated on the report With the approval of the Chairperson. Notice of collecting facts evidence, Notice of Hearing and Public Notice are provided in

form I, Il and Ill respectively.

11. 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.

12. Lega1 Processes:- All summons and warrants that the required to be issued in pursuance of the exercise 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 provisions 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.

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

CHAPTER - VI

15. 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. In the case of such sittings the presence of all the Members may not be necessary.

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 so 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) **Programme of the Sittings :-** The program of the sittings, both at the Headquarters and other places, would normally be worked out each month in advance and duly circulated.

5) **Defraying Expenses to Witness:-**

(1) 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.

(2) 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.

(3) 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.

(4) The claim for traveling 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 communication or notice which is not a summon issued by the Commission.

CHAPTER- VII

15. Advisory role of the Commission: The Commission shall interact with the State Government Departments / other organizations through its Member Secretary by meetings, personal contacts, visits and correspondence. The information in this regard may be sent to the concerned Dept. / Organisations well in advance.

16. Interaction with the state Planning Board:- The Commission shall interact with the State Planning Board at appropriate levels through representation in committees, Working Groups or other such bodies set up by the Planning Board. The Commission may request the Planning Board to forward copies of all the

documents concerning the process of planning and development and evaluation of all programmes and schemes related to Scheduled Castes and Scheduled Tribes.

CHAPTER - VIII

17. Monitoring Functions of the Commission:- The Commission may determine from time to time, the subjects or matters and regions that it would monitor relating to safeguards and other socio-economic development measures provided for the Scheduled Castes and Scheduled Tribes.

18. 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 Scheduled Castes and Scheduled Tribes.

19. Follow-up Action:-

(1) In order to ensure that monitoring is done effectively by the Commission, after getting the information and after taking a decision may as early as possible send out communications to the concerned authority describing the shortcomings 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 conclusions arrived at through the process of monitoring of the subjects relating to the safeguards and socio-economic development measures meant for the Scheduled Castes and Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the State Government.

CHAPTER -IX

20. 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 Scheduled Caste or a Scheduled Tribes 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.

21. Applicability of rules, etc., of the State Government :-

(1) All rules, regulations and orders issued by the State Government and applicable shall also apply to the Commission.

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

22. 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

23. Evaluation and Studies:-

(1) The Commission may undertake any evaluation and studies for the benefit of Scheduled Caste or a Scheduled Tribes in the state by 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

24. Budget, Accounts, Audit and Annual report:-

(1) 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.

(2) 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.

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

(4) The Annual report of the Commission shall be prepared and forwarded to the Government, within three months from the 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 house of the legislature.

(5) 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.

25. Seal of the Commission:- The seal of the Commission shall be as specified by the Chairperson by order issued in this behalf.

By order in the name of the
Governor of Karnataka

(N.NARASIMHA MURTHY)
Under Secretary to Government-Il
Social Welfare Department

To:-

The Compiler, Karnataka Gazette (with a request to publish the notification in the next issue of Special Gazette and supply of 500 copies).

Copy to:-

(1) The Commissioner, Social Welfare Department, M.S. Building, Bangalore.
(2) The Director, Scheduled Tribe Welfare Department, Krushi Bhavan, Bangalore.
(3) The Secretary, Karnataka State Scheduled Castes Scheduled Tribe Commission. The Secretary,
(4) Department of Parliamentary Affairs and Legislation, Vidhana Soudha.
(5) Under Secretary for Government (Expenditure-3 & 9, Vidhana Soudha.
(6) Section Guard file.
(7) Spare copies-03.

FORM-I

KARNATAKA STATE COMMISSION FOR THE SCHEDULED CASTES AND SCHEDULED TRIBES

14/3, 2nd Floor, C.F.C. Building, Nrupathunga Road,
Bangalore-560 001.

Notice for Collecting Basic Facts

To

Whereas a Petition/complaint/information has been received by the Karnataka State Commission for the Scheduled Castes and Scheduled Tribes 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 Karnataka State Commission for The Scheduled Castes and Scheduled Tribes Act and issue summons for your appearance in person or by a representative before the Commission.

Signature

Secretary/Authorized Officer
Karnataka State Commission for the
Scheduled Castes and Scheduled Tribes

Page **11** of **15**

FORM-II

KARNATAKA STATE COMMISSION FOR THE SCHEDULED CASTES AND SCHEDULED TRIBES

14/3, 2nd Floor, C.F.C. Building, Nrupathunga Road,
Bangalore-560 001.

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 produce 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 the Hearing :

Secretary
Karnataka State Commission for SC/ST
Bangalore.

Date:

FORM-III

KARNATAKA STATE COMMISSION FOR THE SCHEDULED CASTES AND SCHEDULED TRIBES

14/3, 2nd Floor, C.F.C. Building, Nrupathunga Road,
Bangalore-560 001.

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 objections, 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 Complainant and Address :

2) Date & Time of Hearing :

3) Place of Hearing :

4) Relief prayed for by the complainant :

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

Secretary
Karnataka State Commission for SC/ST Bangalore.

Date:

FORM-IV

KARNATAKA STATE COMMISSION FOR THE SCHEDULED CASTES AND SCHEDULED TRIBES

14/3, 2nd Floor, C.F.C. Building, Nrupathunga Road,
Bangalore-560 001.

SUMMONS

File No:

To

Whereas the State Commission has decided to investigate into the following matter in pursuance of powers conferred upon it, Karnataka State Commission for The Scheduled Castes and Scheduled Tribes 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 documents 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 State Commission for SCs & Sts exercising powers of Civil Court this _____ of 20_____.

Court Officer

SEAL

FORM-V

KARNATAKA STATE COMMISSION FOR THE SCHEDULED CASTES AND SCHEDULED TRIBES

14/3, 2nd Floor, C.F.C. Building, Nrupathunga Road,
Bangalore-560 001.

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 Scheduled Castes and Scheduled Tribes exercising powers of a Civil Court, hereby order you to arrest and bring the said _____ before the State Commission at Bangalore.

You are further ordered 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 hand and the seal of the State Commission exercising powers of Civil Court, this _____ of _____ 20_____

Signature

SEAL