

THE KANNADA DEVELOPMENT AUTHORITY ACT, 1994

ARRANGEMENT OF SECTIONS

Statement of Objects and Reasons:

Sections:

CHAPTER I

1. Short title and commencement.
2. Definitions.

CHAPTER II

3. Constitution of the Authority.
4. Term of office and conditions of service.
5. Disqualification for office of membership.
6. Removal of member.
7. Secretary.
8. Officers of the Authority and conditions of service.
9. Meetings of the Authority.
10. Proceedings presumed to be good and valid.
11. Sub-committee.
12. Powers and duties of sub-committee.
13. Obtaining the services of experts.

CHAPTER III

14. Preparation of project and programmes.
15. Functions of the Authority.
16. Officers made responsible to carry out the objectives of the Authority.
17. Obtaining information.
18. Advise by the Authority..
19. Power to record dereliction of duty and to inform the appointing authority.

CHAPTER IV

20. Fund of the Authority.
21. Allocation for project and programme.
22. Grant by State Government.
23. Accounts and audit.

CHAPTER V

MISCELLANEOUS

24. Report.
25. Budget of the Authority.
26. Power to make rules.
27. Power of Authority to make regulations.

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STATEMENT OF OBJECTS AND REASONS

I

Act 28 of 1994.- It is considered necessary to provide statutory status to the Kannada Development Authority for the effective implementation of projects and programmes relating to development of Kannada and monitor and evaluate the implementation of Kannada as Official language.

Hence the Bill.

(Obtained from L.A. Bill No. 3 of 1994)

II

Amending Act 26 of 1997.- Consequent to the bifurcation of the Department of Law and Parliamentary Affairs into Department of Law and Department of Parliamentary Affairs and Legislation, it is proposed to have the Secretary of the Department of law as the member of the authority and the director of translations also as a member of the said authority and further to empower the authority to take action to secure priority for, and promotion of Kannada in the field of Education and Cultural activities.

Hence the Bill.

(Obtained from L.A. Bill No. 21 of 1996)

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KARNATAKA ACT No. 28 OF 1994

(First published in the Karnataka Gazette Extraordinary dated third day of October 1994)

THE KANNADA DEVELOPMENT AUTHORITY ACT, 1994

(Received the assent of the Governor on the Twenty-ninth day of September, 1994)

(As Amended by Act 26 of 1997)

An Act to provide for establishment of a Kannada Development Authority for development of Kannada, and to supervise the implementation of projects and programmes relating to development of Kannada and to monitor and evaluate the implementation of Kannada official language and its projects and programmes.

WHEREAS it is expedient to provide for the establishment of a Kannada Development Authority for development of Kannada and to supervise the implementation of projects and programmes relating to development of Kannada and to monitor and evaluate the implementation of Kannada official language;

BE it enacted by the Karnataka State Legislature in the Forty-fourth year of the Republic of India as follows:-

CHAPTER I

1. Short title and commencement.- (1) This Act may be called the Kannada Development Authority Act, 1994.

(2) It shall come into force on such '[date]' as the State Government may, by notification, appoint.

1. The Act has come into force by notification w.e.f. 1.11.1995. The Text of the notification is at the end of the Act.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "Authority" means, the Kannada Development Authority constituted under section 3;

(b) "Chairman" means, the Chairman of the Authority;

(c) "department" means, all departments of the State Government, including any body or corporation established by the State Government by or under any law or any institution or body of organisations receiving financial aid from the State Government;

(d) "Member" means, a member of the Authority;

(e) "Projects and programmes" means, the annual project, programmes prepared by the Authority for development of Kannada in various departments;

(f) "Secretary" means, Secretary of the Authority;

(g) "Regulation" means, regulations made under this Act.

CHAPTER II

3. Constitution of the Authority.- (1) As soon as may be, after the commencement of this Act there shall be established for the purposes of this Act, an Authority for development of Kannada to be called the Kannada Development Authority with its headquarters at Bangalore.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of the following members:-

- (a) A person who has worked for development of Kannada language nominated by the State Government to be the Chairman of the Authority. -- Chairman.
- (b) Seven persons nominated by the State Government having special knowledge or practical experience in the field of Literature, Administration, Education and Law. -- Members
- (c) The Secretary to Government, Department of Kannada and Culture -- Member
- (d) The Secretary to Government, Department of Law 1[x x x]¹ -- Member
1. Omitted by Act 26 of 97 w.e.f. 30.9.1997.
- (e) The Secretary to Government, Commerce & Industries Department. -- Member
- (f) The Director, Department of Kannada and Culture. -- Member
- ¹[(fa) Director of Translation. -- Member]¹
1. Inserted by Act 26 of 97 w.e.f. 30.9.1997.
- (g) The President, the Kannada Sahitya Parishad. -- *Ex-officio* Member.
- (h) The President, the Karnataka Kannada Sahitya Academy. -- *Ex-officio* Member.
- (i) The Secretary of the Authority -- Member-Secretary

4. Term of office and conditions of service.- (1) Subject to the pleasure of the State Government, the Chairman and other members nominated by the State Government shall hold office for a period of three years. This shall not apply in case of official member.

(2) The Chairman or a member other than an ex-officio member may resign his office by writing under his hand addressed to the State Government but shall continue in office until his resignation is accepted.

(3) A causal vacancy in the office of a Chairman or a member shall be filled by the State Government by nominating another person as Chairman or member as the case may be and the person so nominated shall hold office for the unexpired portion of the term of the office of his predecessor.

(4) The Chairman and other members shall receive such allowances as may be prescribed.

(5) The allowances payable to the Chairman and other members shall be defrayed out of the Fund of the Authority.

(6) No act or proceedings of the Authority shall be invalid by reason only of the existence of any vacancy or defect in the constitution of the Authority.

5. Disqualification for office of membership.- (1) A person shall be disqualified for being appointed as and for being a member, if he,-

(a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or

- (b) is of unsound mind and stands so declared by a competent court; or
- (c) is an undischarged insolvent ; or
- (d) has been removed or dismissed from service of the Central Government or a State Government or a body or corporation owned or controlled by the Central Government or a State Government; or
- (e) has directly or indirectly by himself or his partner any share or interest in any work done by the order of the Authority or in any contract or employment with or under or by or on behalf of the Authority.
- (f) is employed as a paid legal practitioner on behalf of the Authority or accepts employment of legal practitioner against the Authority;

(2) A person shall not be disqualified under clause (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause by reason only of his having a share or interest in any newspaper in which any advertisements relating to the affairs of the Authority is inserted.

6. Removal of member.- (1) The State Government shall remove the Chairman or other member if,-

- (a) he becomes subject to any of the disqualifications mentioned in section 5:

Provided that no Chairman or member shall be removed on the ground that he has become subject to the disqualification mentioned in clause (e) of sub-section (1) of that section, unless he has been given an opportunity of making his representation against the proposal ; or

- (b) he refuses to act or becomes incapable of acting; or
- (c) he without obtaining leave of absence from the Authority absents from three consecutive meetings of the Authority ; or
- (d) in the opinion of the State Government he has so abused his position as to render his continuance in office detrimental to the public interest:

Provided that no member shall be removed under this clause unless he has been given an opportunity of making his representation against the proposal.

7. Secretary.- The State Government shall appoint an officer not below the rank of Deputy Commissioner to be the Secretary of the Authority. The Secretary shall receive such salary and other allowances as the State Government may determine from time to time.

(2) The State Government may grant from time to time leave of absence to the Secretary.

(3) The Secretary shall be the Chief Executive of the Authority and shall,-

- (a) be responsible for implementing the projects and programmes approved by the Authority;
- (b) operate the fund of the Authority;
- (c) cause to be maintained accounts of the Authority;
- (d) discharge such other functions which are conferred on him by or under this Act or any other law for the time being in force; and
- (e) be responsible for presentation of records of the office during inspection of Chairman.

8. Officers of the Authority and conditions of service.- (1) Subject to such rules as may be prescribed, the State Government or such other officer as the State Government may authorise, may appoint or depute such officers and employees as it may deem necessary for the efficient discharge of its functions.

(2) The recruitment and terms and conditions of service of the officers and servants specified above shall be such as may be prescribed.

9. Meetings of the Authority.- (1) The meetings of the Authority shall be convened by the Chairman or by the Secretary with the prior approval of the Chairman and shall be held at any place within the jurisdiction of the Authority.

(2) The Authority shall meet at least once in every two months.

(3) The Chairman or the Secretary with the prior approval of the Chairman shall convene a special meeting if the Chairman feels it necessary.

(4) The Authority shall observe such rules of procedure in regard to the transaction of business at its meeting as may be provided by regulations.

(5) Every meeting shall be presided over by the Chairman and if for any reason, the Chairman is unable to attend any meeting any other member chosen by the members present at the meeting shall preside at the meeting.

(6) Eight members shall form the quorum.

10. Proceedings presumed to be good and valid.- No disqualification of or defect in the appointment of any person acting as Chairman or member shall be deemed to vitiate any act or proceeding of the Authority if such act or proceeding is otherwise in accordance with the provisions of this Act.

11. Sub-Committee.-The Authority may for any specific purpose constitute a Sub-Committee consisting of such members not exceeding five members from amongst its members, the Chairman of the Authority shall also be the Chairman of the Sub-Committee.

12. Powers and duties of Sub-Committee.- (1) The Sub-Committee shall exercise such of the powers and perform such duties of the Authority which are delegated to it by the Authority.

(2) The Sub-Committee shall meet at least once in a month.

(3) The Sub-Committee shall take decisions on urgent matters to review the prompt implementation of the decision of the Authority and suggest on urgent matter for action by the State Government.

(4) The Sub-Committee shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations.

13. Obtaining the services of experts.- (1) In order to carry out the purposes of the Act, the Authority if necessary, may obtain the services or assistance of the experts in such manner as it may deems fit.

(2) Honorarium and allowances payable to such experts for the services or assistance so rendered shall be of such an amount as may be prescribed;

CHAPTER III

14. Preparation of project and programmes.- The Authority shall every year prepare projects and programmes for the development of Kannada and forward it to the

State Government for approval. The State Government may approve the project and programmes with or without modification.

15. Functions of the Authority.- The Authority shall,-

(a) review the actions taken by the different departments; public undertakings, all institutions and local bodies and institutions and receiving grants by the State Government in the implementation of official language policy of the State Government;

(b) suggest measures to the State Government for the effective implementation of the recommendations of Dr. Sarojini Mahishi Report as approved by the State Government;

(c) identify the hurdles in the implementation of Kannada as the administrative language and to take suitable measures to solve them;

¹[(ca) take action to secure priority for, and promotion of Kannada in the field of education and cultural activities.]¹

1. Inserted by Act 26 of 97 w.e.f. 30.9.1997.

(d) review from time to time the system of Kannada Examinations (Service Examination), Examinations conducted for testing the knowledge of Kannada along with the relevant syllabus existing or that may be prepared and if necessary suggest the Government to revise, modify or renew the same, to conduct study and consultations regarding the manufacture, purchase and distribution of Kannada typewriters, the use of Kannada in modern equipments like computers, teleprinters, telex, which are used in the modernisation of offices and in this connection to take decisions that would promote extensive use of Kannada and to take necessary actions to get it implemented;

(e) arrange training programmes, workshops, exhibitions and seminars which would facilitate the use of Kannada for officers and officials and Kannada teaching courses for non kannadigas and to prepare the necessary syllabus and literature;

(f) publish, purchase and distribute useful publications relating to the development of Kannada;

(g) ensure all the forms used in the offices are printed in Kannada and to examine and grant permission for the printing of forms, publications and registers which are required to be in languages other than Kannada;

(h) examine whether the regional language as being used in the forms, notices and name plates that are in day to day use in accordance with the language policy of the Central Government in the offices of the Central Government, banks, post offices and in other offices and undertakings which have more public contacts in the State and to conduct correspondence with those offices in this connections;

(i) take decisions on the matters of preparation, revision, printing and distribution of reference books on administration and to implement the same and to monitor the progress in this field and suggest necessary measures;

(j) examine the standards of Kannada text books and give instructions to rectify the mistakes, if any, in these books.

16. Officers made responsible to carryout the objectives of the Authority.- (1) The Chief Secretary at the State level, the Divisional Commissioner at Divisional level, the Deputy Commissioner at District level, the Assistant Commissioner at the Sub-

divisional level and the Tahsildar at the Taluk level shall be responsible to carryout the objectives of the Authority.

(2) The State Government may by notification specify officer responsible for implementation of the different projects and programmes of the Authority and different class of officers may be specified for different departments.

17. Obtaining information.- The Authority may for the purpose of this Act seek and obtain information relating to implementation of Dr. Sarojini Mahishi Report and the Kannada Development from any officer of the State Government and such officer shall be bound to furnish the information sought by the Authority.

18. Advise by the Authority.- The Authority, in order to carryout the purposes of this Act, shall advise the State Government regarding implementation of its projects and programmes.

19. Power to record dereliction of duty and to inform the appointing authority.- The Authority in order to carryout the purposes of the Act, shall record, any violation by the officers and officials of the State Government and local bodies of any order, issued by the Government from time to time or of any order, which is already in force as dereliction of duty and shall advise to the appointing authority for necessary action.

CHAPTER IV

20. Fund of the Authority.- (1) There shall be a fund called the Authority Fund.

(2) The following shall form part of, or be paid into the Authority Fund, namely:-

(i) all grants, subversions, donations and gifts made by the Central Government, State Government, any local authority, any body whether in-corporated or not or any persons; and

(ii) all other sums received by or on behalf of the Authority from any source whatsoever.

(3) Except as otherwise directed by the State Government all money credited to the Fund shall be invested in any Scheduled bank.

(4) The administrative expenses to the Authority including the salaries, allowances and pensions payable to the Secretary and other officers and employees of the Authority shall be defrayed out of the Fund of the Authority.

21. Allocation for project and programme.- The State Government may keeping in view the project and programmes of the Authority, make financial allocations to the Authority in the annual Budget of the State.

22. Grant by State Government.- The State Government may every year make a grant to the Authority of a sum equivalent to the administrative expenses of the Authority.

23. Accounts and audit.- (1) Accounts of the income and expenditure of the Authority Fund shall be kept in accordance with such rules as may be prescribed.

(2) The Authority shall prepare an annual statement of accounts in such form as may be prescribed.

(3) The accounts of the Authority shall be audited annually by such auditor as the State Government may appoint.

(4) The auditor shall for the purposes of the audit, have access to all the accounts and other records of the Authority.

(5) The Authority shall pay from its fund 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 Authority 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 Authority and the Authority shall comply with such directions.

CHAPTER V MISCELLANEOUS

24. Report.- The Authority shall before such dates, in such form and at such interval as may be prescribed submit the prescribed report to the State Government.

25. Budget of the Authority.- The Authority shall prepare every year before such date and in such form as may be prescribed a budget estimate of its income and expenditure for the financial year to commence on the first day of April next following and shall forward it to the State Government.

26. Power to make rules.- (1) The State Government may, after previous publication by notification make rules to carryout the purposes of this Act.

(2) 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 both Houses agree in making any modification in the rule or decide that any 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.

27. Power of Authority to make regulations.- The Authority may subject to the provisions of this Act and the rules made under section 26 and with the previous sanction of the State Government, by notification, make regulations to carry-out the purposes of this Act.

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(The above translation of the ಕನ್ನಡ ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ ಅಧಿನಿಯಮ, 1994 (1994ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 28) was published in Part IV-2B of the Official Gazette (Extraordinary) dated 25-2-1995 as No. 286 under clause (3) of Article 348 of the Constitution of India.)

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