

THE KARNATAKA STATE MINORITIES COMMISSION ACT, 1994

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STATEMENT OF OBJECTS AND REASONS

I

Act 31 of 1994.- Government have recently taken far-reaching steps to safeguard the Social, Educational and Economic interest of the Minorities, besides attaching continuous attention towards the implementation of fifteen point programme for the Welfare of Minorities. The State Minorities Commission is presently conducting a Socio-Economic and Educational Survey of Minorities first of its kind in the Country. In order to see the allround progress it is considered necessary to confer Statutory Status on the State Minorities Commission.

Hence the Bill.

(Obtained from L.A. Bill No. 18 of 1994)

II

Amending Act 35 of 2011.- It is considered necessary to amend the Karnataka State Minorities Commission Act, 1994 (Karnataka Act No. 31 of 1994) to provide for,-

- (1) nomination of the members of the Commission who possess a minimum degree from a recognised University;
- (2) membership of atleast one each from Christian, Jain, Buddhist and Sikh community out of the eight other members;
- (3) payment of allowances to the members instead of salary and allowances;
- (4) additional function to the Commission to make recommendation for implementing the Prime Ministers new 15 Point Programme.

Hence the Bill.

[L.A. Bill No. 28 of 2011, File No.Samvyashae 44 Shasana 2010]

[Entry 5 of List II of the Seventh Schedule to the Constitution of India.]

III

Amending Act 13 of 2016.- It is considered necessary to amend the Karnataka State minorities commission Act, 1994,-

- (i) to provide for the representation of parsis, a minority community in the constitution of the commission; and
- (ii) to confer powers of civil court to the commission.

Hence the Bill .

[L.A. Bill No.03 of 2016, File No. Samvyashae 09 Shasana 2015]

[entry 32 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT No. 31 OF 1994

(First published in the Karnataka Gazette Extraordinary dated Third October, 1994)

THE KARNATAKA STATE MINORITIES COMMISSION ACT, 1994

(Received the assent of the Governor on Thirtieth day of September, 1994)

(As amended by Karnataka Act 35 of 2011 and 13 of 2016)

An Act to constitute a State Commission for minorities and to provide for matters connected therewith or incidental thereto.

WHEREAS it is expedient to constitute a State Commission for minorities and to provide for matters connected therewith or incidental thereto ;

BE it enacted by the Karnataka State Legislature in the forty-fifth year of the Republic of India, as follows :-

CHAPTER I

PRELIMINARY

1. Short title, extent and Commencement .- (1) This Act may be called the Karnataka State Minorities Commission Act, 1994.

(2) It shall extend to the whole of the State of Karnataka.

(3) It shall come into force at once.

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

(a) "Commission" means the Karnataka State Minorities Commission constituted under section 3 of the Act;

(b) "Government" means the Government of Karnataka;

(c) "member" means a member of the Commission;

(d) "minorities" means the persons belonging to minority communities residing in the State of Karnataka whom the Government has recognised as minorities.

CHAPTER II

STATE COMMISSION FOR MINORITIES

3. Constitution of the Commission.- (1) As soon as may be after the commencement of this Act, the Government shall constitute a body to be called as the Karnataka State Minorities Commission to exercise the powers conferred on and to perform the function assigned to it under this Act with its headquarters at Bangalore.

¹[(2) The Commission shall consist of,-

(a) the Chairman who shall be a person of a minority community and eight other members from the minority community holding a degree from a recognized

university out of which not less than one each member shall be from Christian, Jain, Buddhist, ²[Sikh and Zorostrian (Parsis) community]².

(b) the Secretary of the Commission, appointed by the Government being an officer not below the rank of Deputy Secretary to Government.]¹

³ [Provided that at least one such member shall be a woman.]³

1. Substituted by Act 35 of 2011 w.e.f. 16.7.2011.

2. Substituted by Act 13 of 2016 w.e.f. 26.04.2016.

3. Inserted by Act 13 of 2016 w.e.f. 26.04.2016.

4. Term of office and conditions of service of the Chairman and members.-

(1) Subject to the pleasure of the Government, the Chairman and members of the Commission shall hold office for a term of three years from the date they assume their offices.

(2) The Chairman or a member of the Commission may resign from his office in writing under his signature addressed to the Government, but shall continue in office until his resignation is accepted.

¹[(3) The Chairman shall receive such salary and allowances and the other members shall receive such allowances as may be prescribed.]¹

(4) The salary and allowances payable to the Chairman and ¹[allowances payable to other members]¹ shall be defrayed out of the grants referred to in sub-section (2) of section 12.

(5) A casual vacancy in the office of a member shall be filled up as soon as may be, by the authority concerned and a member so nominated shall hold office for the unexpired portion of the term of the office of his predecessor.

1. Substituted by Act 35 of 2011 w.e.f. 16.7.2011.

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

(a) has been convicted and sentenced for imprisonment for an offence which in the opinion of the 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) refuses to act or becomes incapable of acting; or

(f) without obtaining leave of absence from the Commission, absents from three consecutive meetings of the Commission; or

(g) has in the opinion of the Government, so abused the position of chairperson or member as to render that person's continuance in office is detrimental to the interests of the minorities or the public interest:

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(2) Any person who is disqualified under sub-section (1) shall be removed by the Government.

6. Secretary .- (1) The Secretary shall receive such salary and other allowance as the Government may determine from time to time.

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

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

(a) operate the grants of the Commission;

(b) cause to be maintained accounts of the Commission; and

(c) discharge such other functions, which are conferred on him by or under this Act or any other law for the time being in force.

7. Staff of the Commission .- (1) The Government shall provide such staff to the Commission, as may be required for the proper functioning of the Commission.

(2) The administrative expenses of the Commission including the salaries, allowances and pensions payable to the Secretary and other officers and staff of the Commission shall be paid out of the grants referred to in sub-section (2) of section 12.

8. Meetings of the Commission .- (1) The Commission shall meet as and when necessary at Bangalore or at other places as the Chairman may think fit:

Provided that the Commission shall meet atleast once in three months.

(2) The Commission shall regulate its own procedure.

(3) All the orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorised by the Secretary in this behalf.

9. Vacancies etc., not to invalidate proceedings of the Commission.- No act or proceeding of the Commission shall be questioned or shall be invalid merely on the ground of the existence of any vacancy or deficit in the constitution of the Commission.

CHAPTER III
FUNCTIONS OF THE COMMISSION

10. Functions of the Commission.- (1) The functions of the Commission shall be as follows :-

(a) to examine the working of various safeguards provided in the Constitution and in the laws passed by the State Legislature for the protection of minorities;

(b) to make recommendations with a view to ensuring effective implementation and enforcement of all the safeguards;

¹[(bb) to make recommendations for implementing the Prime Ministers new 15 Point Programme.]¹

(c) to monitor the working of the safeguards provided in the constitution, laws enacted by the State Legislature and policies and schemes of the Government for minorities;

(d) to conduct studies, research and analysis on the questions of avoidance of discriminations against minorities;

(e) to make a factual assessment of the representation on minorities in the services of the Government undertakings, Government and quasi-Government bodies and in case representation is inadequate, to suggest ways and means to achieve the desired level;

(f) to make recommendations for ensuring, maintaining and promoting communal harmony in the State;

(g) to make periodical reports at prescribed intervals to the Government;

(h) to study any other matter which in the opinion of the Commission is important from the point of view of the welfare and development of minorities and to make appropriate recommendation;

(i) to consider the grievances of the minorities and to suggest appropriate solution from time to time;

(j) to look into specific complaints regarding deprivation of rights and safeguards of minorities and take up such matter with the appropriate authorities:

Provided that if any matter specified in sub-section (1) is undertaken by the National Commission for Minorities constituted under section 3 of the National

Commission for Minorities Act, 1992 (Central Act 19 of 1992), the State Commission for Minorities shall cease to have jurisdiction in such matters.

(2) The Government shall cause the recommendations of the Commission to be laid before each House of the State Legislature along with the memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for non-acceptance, of any such recommendations.

1. Inserted by Act 35 of 2011 w.e.f. 16.7.2011.

¹[10A. **Powers of the commission.**- The commission shall, while performing any of the functions mentioned in sub-section (1) of section 10 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 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 as may be prescribed.]¹

1. Inserted by Act 13 of 2016 w.e.f. 26.04.2016.

11. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against the Commission or Chairman, any member thereof or any persons acting under the direction of the Commission, in respect of anything which is done in good faith or intended to be done in pursuance of this Act, by or under the authority of Commission or any report, paper or proceedings of the Commission.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

12. Budget of the Commission and grants by the Government.- (1) The Commission shall prepare every year before such date and in such form, as may be prescribed a budget estimates 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 Government.

(2) The 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 Government may think fit for being utilised for the purpose of this Act.

(3) The Commission may spend such sums out of the grant 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 (2).

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 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 out of the 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 Government and shall cause to be published the annual statement of accounts in such manner as may be prescribed.

(7) The 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 Government.

15. Annual report and audit report to be laid before the State Legislature.- The Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the State Government, and the reasons for the non-acceptance, if any, of 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 direction, submit from time to time, special reports on any matter of public importance to the Government.

CHAPTER V

MISCELLANEOUS

16. Chairman, etc., to be public servants.- The Chairman and every member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act, shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

17. Power to make rules.- (1) The 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,-

(a) to determine the status of Chairman of the Commission;

¹[(b) the salary, allowances and other emoluments payable to the Chairman, the allowances payable to other members of the Commission and other conditions of service.]¹

(c) any other matter which is to be or may be prescribed in pursuance of the provisions of the Act and that provision is in the opinion of the Government, necessary for the proper implementation of this Act.

(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 the sessions aforesaid both Houses agree in making any modifications 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.

1. Substituted by Act 35 of 2011 w.e.f. 16.7.2011.

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 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 order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order under this section shall, as soon as may be after it is made, be laid before each House of the State Legislature.

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(The above translation of the, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಅಲ್ಪಸಂಖ್ಯಾತರ ಆಯೋಗ ಅಧಿನಿಯಮ, 1994 was published in the official Gazette (Extraordinary) Part IV-2B dated 15.5.1997 as No. 567 at pages 1 to 8 under clause (3) of Article 348 of the Constitution of India.)

KARNATAKA ACT NO. 13 OF 2016

(First published in the Karnataka Gazette Extra-ordinary on the Twenty sixth day of April, 2016)

THE KARNATAKA STATE MINORITIES COMMISSION (AMENDMENT) ACT, 2016

(Received the assent of the Governor on the Twenty fifth day of April, 2016)

An Act further to amend the Karnataka State Minorities Commission Act, 1994.

Whereas it is expedient further to amend the Karnataka State Minorities Commission Act, 1994 (Karnataka Act 31 of 1994) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty-Seventh year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka State Minorities Commission (Amendment) Act, 2016.

(2) It shall come into force at once.

Sections 3 and 10A are incorporated in the Principal Act.

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