



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ - IV-A

ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಅಕ್ಟೋಬರ್ ೧೧, ೨೦೧೦ (ಅಶ್ವಯುಜ ೧೯, ಶಕ ವರ್ಷ ೧೯೩೨)

ನಂ. ೧೦೫೫

Urban Development Secretariat

NOTIFICATION

No. UDD 120 PRJ 2010 (P-6), Bangalore, Dated: 8th October, 2010

The draft of the following rules which the Government of Karnataka proposes to make in exercise of powers conferred by Section 24 of Mysore Tramways Act, 1906 (Mysore Act, II) is hereby published as required under Sub Section (1) to (5) of Section 26 of Mysore Tramways Act, 1906, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

Any objection or suggestion which may be received by the State Government from any person in respect of a said draft before the expiry of the period specified above will be considered by the State Government. The objections and suggestions may be addressed to Principal Secretary to Government (Additional Chief Secretary as the case may be), Urban Development Department, Vikas Soudha, Bangalore 01.

DRAFT RULES

THE BANGALORE METRO RAIL (PROCEDURE FOR INVESTIGATION OF MISBEHAVIOR OR INCAPACITY OF THE CLAIMS COMMISSIONER) RULES, 2010

In exercise of the powers conferred by Section 24 of Mysore Tramways Act, 1906, the State Government hereby makes the following rules, namely:-

1. Short title and commencement.-(1) These rules may be called the Bangalore Metro Rail (Procedure for Investigation of Misbehavior or Incapacity of the Claims Commissioner) Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.-

- (1) In these rules, unless the context otherwise requires,-
- (a) "Act" means the Mysore Tramways Act, 1906
 - (b) "Claims Commissioner" means the Claims Commissioner appointed by the State Government by a notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death or bodily injury to person or damage to any property arising out of the working Metro Rail.
 - (c) "Section" means a section of the Act;
 - (d) "Judge" means the Judge of the High Court appointed for conducting the inquiry under sub-rule (3) of rule 3.
- (2) All other words and expressions used herein but not defined shall have the same meaning respectively assigned to them in the Act.

3. Committee for investigation of complaints.-(1) The State Government, on receipt of a complaint alleging any definite charge of misbehaviour in respect of or incapacity to perform the functions of the office in respect of Claims Commissioner, shall make a preliminary scrutiny of such complaint.

(2) If, on preliminary scrutiny, the State Government considers it necessary to investigate into the allegation, it shall place the complaint together with supporting material as may be available before a Committee consisting of the following persons to investigate the charges of allegations made in the complaint:-

- (i) Chief Secretary - Chairman
- (ii) Secretary, Ministry of Urban Development - Member
- (iii) Secretary, Department of Law and Human Rights - Member

(3) The Committee shall devise its own procedure and method of investigation which may include recording of evidence of the complainant and collection of material relevant to the inquiry which may be conducted by a Judge of the High Court under these rules.

(4) The Committee shall submit its findings to the State Government as early as possible within, a period that may be specified by the State Government in this behalf.

4. Judge to conduct inquiry.-(1) If State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any imputation of misbehaviour or incapacity of Claims Commissioner, it shall appoint Judge of the High Court of Karnataka to conduct the inquiry.

(2) The State Government shall by order appoint the Judge of the High Court of Karnataka (hereinafter referred to as Judge) for the purpose of conducting the inquiry.

(3) Notice of appointment of a Judge under sub-rule (2) shall be given to the Claims Commissioner.

(4) The State Government shall forward to the Judge a copy of-

- (a) the Articles of charges against the Claims Commissioner concerned and the statement of imputation;
- (b) the statement of witnesses, if any; and
- (c) material documents relevant to the inquiry.

(5) The Judge shall complete the inquiry within such time or further time as may be specified by the State Government.

(6) The Claims Commissioner concerned shall be given a reasonable opportunity of presenting a written statement of defence within such time as may be specified in this behalf by the Judge.

(7) Where it is alleged that the Claims Commissioner is unable to discharge the duties of his office efficiently due to any physical or mental incapacity and the allegation is denied, the Judge may arrange for the medical examination of the Claims Commissioner by such Medical Board as may be appointed for the purpose by State Government and the Claims Commissioner concerned shall submit himself to such medical examination within the time specified in this behalf by the Judge.

(8) The Medical Board shall undertake such medical examination of the Claims Commissioner as may be considered necessary and submit a report to the Judge stating therein whether the incapacity is such as to render the Claims Commissioner unfit to continue in office.

(9) If the Claims Commissioner refuses to undergo such medical examination as considered necessary by the Medical Board, the Board shall submit a report to the Judge stating therein the examination which the Claims Commissioner has refused to undergo and the Judge shall on receipt of such report presume that the Claims Commissioner suffers from such physical or mental incapacity as is alleged in the complaint.

(10) The Judge may, after considering the written statement of the Claims Commissioner and the Medical Report if any, amend the charges referred to in clause (a) to sub-rule (4) and in such a case the Claims Commissioner shall be given a reasonable opportunity of presenting a fresh written statement of defence.

(11) The State Government shall appoint an officer of that Government or any Advocate to present the case against the Claims Commissioner, who shall be the presenting officer.

(12) Where the State Government has appointed an advocate to present its case before the Judge, the Claims Commissioner shall also be allowed to present his case by an Advocate chosen by

him, or an employee of the Government or a retired employee of the Government as the case may be.

- 5. Inquiry Report.**- After the conclusion of the investigation, the Judge shall submit his report to the State Government stating therein his findings and the reasons thereof on each of the articles of charge separately with such observations on the whole case as he thinks fit.
- 6. Provisions of Civil Procedure Code not binding.**-The Judge, while conducting an inquiry under Rule 4, shall not be bound by the procedure laid down by the Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and shall have power to regulate his own procedure including the fixing of places and times of his enquiry.
- 7. Suspension of Claims' Commissioner.**- Notwithstanding anything contained in Rule 4 and without prejudice to any action being taken in accordance with the said rule, the State Government, keeping in view the gravity of charges may suspend the Claims Commissioner against whom a complaint is under investigation or inquiry.
- 8. Subsistence allowance.**-The payment of subsistence allowance to Claims Commissioner under suspension shall be regulated in accordance with the rules and orders for the time being applicable to an officer of the Government of Karnataka drawing an equivalent pay.

By order and in the name of Governor of Karnataka,

KOUSALYA

Under Secretary to Government
Urban Development Department