



**LAW COMMISSION OF KARNATAKA**

**FIFTY-SEVENTH REPORT**

**KANNADA LANGUAGE  
COMPREHENSIVE DEVELOPMENT  
BILL, 2022**

**Government of Karnataka, Ministry of Law**

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# **LAW COMMISSION OF KARNATAKA**

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## **FIFTY-SEVENTH REPORT**

### **KANNADA LANGUAGE COMPREHENSIVE DEVELOPMENT BILL, 2022**

**Government of Karnataka, Ministry of Law**

# **LAW COMMISSION OF KARNATAKA**

**14.07.2022**

**57<sup>th</sup> Report**

**LCK/R-2/2022**

## **KANNADA LANGUAGE COMPREHENSIVE DEVELOPMENT BILL, 2022**

Dr. T. S. Nagabharana, Chairman, Kannada Development Authority by his communication dated 31.03.2022 has requested the Law Commission of Karnataka to look into the draft Bill "Kannada Language Comprehensive Development Bill, 2021" prepared by the Kannada Development Authority and suggest suitable amendments, modifications, etc., if any.

### **March towards implementation of Kannada as official language**

2. After independence, in the year 1956 there was reorganisation of States on linguistic basis as per the States Reorganisation Act, 1956. On 1<sup>st</sup> November, 1956, the different Kannada-speaking regions of southern India were brought together to form a new State of Mysore (now known as Karnataka). To promote Kannada language, the then State of Mysore (Karnataka) declared Kannada as official language of the State under the Karnataka Official Languages Act, 1963. In this regard to promote the Kannada language as official language, the State has passed the following laws:

- a) Karnataka Official Language Act, 1963;

- b) Karnataka Local Authorities (Official Language) Act, 1981 and
- c) Kannada Language Learning Act, 2015

Apart from these laws in order to implement the Kannada Language at all levels, the Government has been issuing various notifications, circulars, guidelines etc., In addition, the Government has also established Kannada Development Authority under the Kannada Development Authorities Act, 1994.

3. The grievances of the Kannada Development Authority are that in spite of the laws and various notifications and circulars, Kannada Language though declared as Official Language, has not been implemented in letter and spirit. The main reason according to the Authority is that the purpose of enactment of these three laws do not fulfil the overall object of making the Kannada as Official Language.

### **Steps taken so far by the State**

4. In order to promote the Kannada as official language, the State has as long back as in the year 1968 constituted 'Kannada Bhasha Samithi' (ಕನ್ನಡ ಭಾಷಾ ಸಮಿತಿ) to suggest steps to be taken to use Kannada language as official language at all levels. In fact, the year 1979 for the first time was celebrated as 'ರಾಜ ಭಾಷಾ ವರ್ಷ' (Official Language Year). As this step suggested by Kannada Bhasha Samithi failed to bring out the expected results, there was State wide movement in 1982 which was popularly known as 'Gokak Chaluvali'. In 1983, the then Government constituted 'Kannada

Adalitha Bhasha Kavalu Samithi' (ಕನ್ನಡ ಆಡಳಿತ ಭಾಷಾ ಕಾವಲು ಸಮಿತಿ). In or around 1966 there was certain border dispute between the neighbouring States of Mysore as to the formation of the then Mysore State on linguistic basis. In this regard, a committee headed by Former Chief Justice of India, Hon'ble Mr. Justice M. C. Mahajan submitted the report by settling the border disputes based on linguistic basis. In 1984, a committee called as 'Gadi Salaha Samithi' (ಗಡಿ ಸಲಹೆ ಸಮಿತಿ) was constituted to implement Justice Mahajan Commission Report. Later in 1985 both the committees were merged and renamed as 'Kannada Kavalu mattu Gadi Salaha Samithi' (ಕನ್ನಡ ಕಾವಲು ಮತ್ತು ಗಡಿ ಸಲಹಾ ಸಮಿತಿ). In 1983 to provide proper representation of Kannadigas in all public and private industries and establishments, a committee was constituted under the Chairmanship of Dr. Sarojini Mahishi, Former Union Minister, who submitted a report in 1986.

5. In 1992, the State constituted Kannada Development Board to implement Dr. Sarojini Mahishi recommendations and also for implementation of Kannada as official language. The Kannada Development Board Act, 1994 was enacted for this purpose which came into force w.e.f. 1<sup>st</sup> November, 1995. Under this Act, the Kannada Development Board was accorded status of an autonomous and statutory body and certain functions were assigned as per Secs.14 to 19 therein. After its inauguration in 1992, the Kannada Development Board brought out 20 point programme to implement the Kannada language as official language at all levels. It is the

grievance of the Development Authority that though under Sec.19 of the Act it has been empowered to record the alleged misconduct of the officials for not taking proper steps to implement Kannada language and to make suggestions to the Appointing Authority to take appropriate disciplinary action. However, according to the Kannada Development Authority, as the power conferred is only recommendatory in nature and in spite of its many such suggestions/recommendations, the concerned Appointing authority have not acted upon the suggestions of the Authority. It is stated that to implement the policy of the State there is a need for appointment of independent enforcing authority. Further it is stated that so far as implementation of Kannada language in general public sphere like display of boards, issuance of bills, notices, etc., in Kannada language and giving preference to the people who have studied in Kannada language especially in employment either in Government or non-Government sectors has not been specifically mentioned in the Act. Another grievance of the Development Authority is that though various functions have been assigned to it, no power has been conferred for taking necessary action. They are only recommendatory and there is no independent mechanism provided.

6. In the above circumstances the development authority has prepared the draft Bill namely 'Kannada Language Comprehensive Development Bill, 2021' and has requested the Law Commission of Karnataka to look into the same and suggest amendment/modifications to the said Bill.

### **Opinion of the Commission**

7. On going through the draft Bill, along with three Acts referred to above and various Circulars and Notifications issued from time to time, it is clear that there is no comprehensive and proper mechanism in existence to implement the Kannada Language as official language in the state.

8. The Commission in this regard held discussions and deliberations with

- (i) Sri. T. S. Nagabharana, Chairman, Kannada Development Authority;
- (ii) Dr. E. V. Ramana Reddy IAS, Addl. Chief Secretary to Government, Commerce & Industries Department;
- (iii) Dr. N Manjula IAS, Secretary, Kannada & Culture Department;
- (iv) Sri. Prakash G. Nittali KAS, Director, Directorate of Kannada & Culture;
- (v) Sri. Ramesh, Director (Technical Wing), Commerce & Industries Department;
- (vi) Sri. G Sridhar, Secretary, Dept. Parliamentary Affairs and
- (vii) Sri.Dwarakanath Babu, Director, KILPAR.

9. The Commission has looked into the three Acts and various Circulars, Notifications as compiled in 'Sarkarada Kannada Kayaka' (ಸರ್ಕಾರದ ಕನ್ನಡ ಕಾಯಕ) published by Kannada Development Authority and also various judicial pronouncements as well as similar laws passed by various States.

10. In view of the discussions and opinions expressed, by the aforesaid officials, the Commission is of the view that the draft Bill prepared by the



Development Authority requires major changes and as such, instead of suggesting amendments, the Commission deems it fit to draft a new Bill known as **“Kannada Language Comprehensive Development Bill, 2022”**.

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**KANNADA LANGUAGE COMPREHENSIVE  
DEVELOPMENT BILL, 2022**

## **INDEX**

<b>Section</b>	<b>Particulars</b>	<b>Page No.</b>
1	Short Title & Commencement	1
2	Definitions	1
3	Kannada to be the official language of the State	2
4	The Official Language shall be used	2
5	Authorised Kannada Translation of Central & State Acts, Rules, Regulation, etc.	3
6	The Directorate of Enforcement of Official Language	4
7	Enforcement Mechanism for implementing official language	4
8	Appointment of Enforcement Officers	5
9	Duties of Enforcement Officer	5
10	Functions of the Enforcement Committee/Officers	6
11	Kannada Language in Education	6
12	Kannada Language in Higher Education, Technical Education and Professional Education	6
13	Reservation in Higher Technical and Professional Education	7
14	Kannada to be the essential language for employment in the State Government, Local Authorities and in Statutory or non-statutory bodies, Co-operative Societies and Societies of the State Government	7
15	Language in the Courts	7
16	General measures to be taken for extensive use and propagation of Kannada language	8
17	Measures to be taken for the use of Kannada language in the area of information technology	10
18	Incentives for the development of kannada language	10
19	Entitlement of Concessions and Tax rebates or	10

	deferment	
20	Employment Portal	11
21	Punishment for non-compliance/failure to comply with the provisions of the Act by the Government Officer	12
22	Penalty for violations of the provisions of the Act by private individuals	12
23	Supervision by the State Level Committee	13
24	Power to make rules	13
25	Power to remove difficulties	13
26	Transitory provisions	14
27	Repeal & saving	14

## **Statement of Objects and Reasons:**

Article 345 of Constitution of India provides for States to adopt any one of the Languages as official language for official or any other purpose. Accordingly in the state of Karnataka Kannada Language was adopted as the official language. With the object of developing the regional/official language namely Kannada, the State of Karnataka has enacted The Karnataka Official Language Act, 1963 and Karnataka Local Authorities (Official Language) Act, 1981. In order to ensure greater and more effective implementation of Kannada Language at all levels, Kannada Development Authorities Act, 1994 came to be enacted and a statutory body was established called as Kannada Development Authority. Later another Act by name 'Kannada Language Learning Act, 2015' was promulgated for ensuring learning of Kannada as one of the language in all schools in the state of Karnataka.

Despite aforesaid enactments, notifications and orders, there is no much progress in proper implementation of the official Language in the State. The Kannada Language has been introduced as one of the Language subject in Schools but there is no proper provision for learning of Kannada Language in the Higher/Technical/Professional Education. Due to lack of co-ordination between various departments, there is a failure in implementation and usage of Kannada language in Offices, Industries, Shops and Establishment etc. The aforesaid Acts do not provide comprehensive mechanism to implement Kannada as an Official Language. Even the Kannada Development Authority though a statutory body has no proper authority and machinery to ensure implementation of the Kannada as the Official Language at all level.

Considering the scenario, to ensure the extensive use and propagation of Kannada Language and to co-ordinate the activities relating to the implementation of Kannada as Official Language new law is essential. In order to provide reservations for Kannadigas in private industry and

establishment getting the benefit of Land, Concession of Tax or grant-in-aid etc., and also other industries and establishments in the state and to supervise the proper implementation of the Act, it is necessary to provide a machinery with investigating powers.

Keeping in view these objects, it is necessary to enact a new comprehensive law by repealing the Karnataka Official Language Act, 1963 (Karnataka Act 26 of 1963) and the Karnataka local Authorities (Official Language) Act, 1981(Karnataka Act 30 of 1981).

**The salient features of proposed legislation are as follows:**

- (i) Introduction of Kannada as one of the language in Higher/Technical/Professional Education.
- (ii) Reservation in Higher, Technical and Professional Education to all the persons who have studied in Kannada medium.
- (iii) Introduction of Kannada as essential Language for seeking employment in the State Government, Local Authorities, Statutory and non-statutory bodies, Co-operative Societies and other societies in the State.
- (iv) Use of Kannada Language in Sub-ordinate Courts and Tribunals.
- (v) General Measures to be taken for Extensive use and Propagation of Kannada Language
- (vi) Measures to be taken for use of Kannada Language in information and technology and in software development.
- (vii) Incentives for development of Kannada Language.
- (viii) Entitlement for concessions, Tax rebates and deferment of taxes for industries providing reservation to Kannadigas as per Industrial Policy notified in the State.
- (ix) Establishment of Employment Portal.

- (x) Establishment of mechanism (Committees/enforcement officers) for implementation and supervision.
- (xi) Penalty for violation in implementation of provisions of the Act by Government Officers/Individuals.

Hence the Bill.

# **The Kannada Language Comprehensive Development Bill, 2022**

A Bill to provide for Comprehensive Development of Kannada Language and to provide better opportunities in Education and Employment of Kannadigas.

Whereas it is expedient to provide for comprehensive development of Kannada language to provide better opportunities and also welfare measures in all walks of life of kannadigas and for matters connected therewith or incidental thereto;

Be it enacted by the Karnataka Legislature in the Seventy Third Year of the republic of India as follows:-

**1. Short title and commencement:-** (1) This Act may be called "The Kannada Language Comprehensive Development Act, 2022".

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

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

- (a) "Disciplinary Authority" means the officer designated as Disciplinary Authority in the relevant Service Rules;
- (b) "Enforcement Authority" means the Committees designated as per Section 7 of the Act;
- (c) "Enforcement Officer" means an officer designated under Section 9 of the Act;
- (d) "Government" means the Government of Karnataka;
- (e) "Kannadiga" means a person or his parents or in their absence legal guardian who is/are ordinarily resident of Karnataka for not less than 15 years and having knowledge of reading and writing Kannada and possessing such documents in this regard as may be prescribed;



- (f) "Local Authority" means such of the local self Governments created by the law and includes any other statutory or non-statutory bodies, Trusts, co-operative and other societies established by the State Government and other bodies as may be notified by the State Government;
- (g) "Official Language" means Kannada language declared as per Section 3 of the Act;
- (h) "State" means State of Karnataka.

**3. Kannada to be the official language:-** The Kannada Language shall be the Official Language of the State and Local Authorities.

**4. Use of the Official Language:-**

(1) Kannada shall be used:-

- (i) In all Bills to be introduced and all Acts to be passed by the State Legislature;
- (ii) In all ordinances to be promulgated by the Governor of Karnataka under Article 213 of the Constitution of India;
- (iii) In all Orders, Rules, Regulations or Bye-laws issued by the Government, all Local Bodies, Boards, Corporations, Statutory and Non-Statutory Bodies or undertakings and registered Co-Operative Societies.

(2) All existing Legislations in English language enacted by the State Legislature before the commencement of this Act shall be translated and published in Kannada Language.

(3) All the important Central Acts with Karnataka Amendments shall also be translated into Kannada.

(4) Kannada language shall be used for all the official and administrative purposes and correspondences in the State and by the Local Authorities.

Provided that:

- (a) English language may be used for correspondence with The Government of India, Foreign Countries, Other States, High Courts, Supreme Court and in any other circumstances where English language has to be used as provided by law;
- (b) Linguistic minorities as far as possible use Kannada language or may use their language or English for correspondence with Government, Head of Departments and other Government offices. In such cases, the replies may be in Kannada or in their respective language or in English.
- (c) Where the English language cannot be dispensed with due to administrative reasons or where such communications are purely technical and scientific in nature, English language can be used.

**5. Official Language Commission:-** The Official Language Commission constituted under notification by the State Government from time to time shall be responsible for the translation of State and Central Acts from English to Kannada.

**6. Authorised Kannada translation of Central and State Acts, Rules, Regulations, etc:-**

(1) Translation of any Central Acts or Ordinances promulgated by the President with respect to any of the subject enumerated in List III of the seventh Schedule to the Constitution of India or of any State Acts or any Ordinances in Kannada language published under the Authority of the Governor, in any Official Gazette shall be deemed to be authoritative text.

(2) Translation in Kannada language of any Rules, Regulations, Bye-Laws, Schemes, Orders, Notifications, etc., made under any State or Central Act by the State Government and published in Official Gazette shall be deemed to be the authoritative text.

## **7. Enforcement mechanism for implementing official language:-**

The following Committees shall function as enforcement authorities in the State namely:-

### **(1) State Level Committee:**

There shall be a State Level Committee of

- i) The Chairman of Kannada Development Authority as the Chairperson;
- ii) The Chief Secretary to Government as the Co-Chairperson.

The following shall be the Members of the Committee:-

- a) President, Kannada Sahitya Parishat,
- b) Addl. Chief Secretary to Government, Department of Personnel & Administrative Reforms (DPAR),
- c) Secretary to Government, Department of Kannada and Culture.
- d) Director, Directorate of Kannada and Culture, shall be the convener of the committee.

### **(2) District Level Committee:**

There shall be a District Level Committee under the Chairmanship of the Deputy Commissioner consisting of following members:

- (i) The Chief Executive Officer of Zilla Panchayat or any officer designated by him;
- (ii) The Commissioner of the Corporation or any Officer designated by him if there is a Municipal Corporation in the District. In other Districts where there is no Corporation, the Municipal Commissioner/Chief Officer of City Municipal Council, as the case may be;
- (iii) Nominee of the Kannada Development Authority;
- (iv) The President, Zilla Kannada Sahitya Parishat;
- (v) The Deputy Director of Public Instructions of the District;

- (vi) The Joint Director, Department of Commerce & Industries of each District;
- (vii) The Assistant Director, Directorate of Kannada and Culture, shall be the convener-Member Secretary.

(3) Taluka Level Committee:

There shall be a Taluka Level Committee of

- i) The Tahasidar as the Chairperson;
- ii) The Executive Officer of the Taluka Panchayath shall be the co-Chairperson.
- iii) The following shall be the Members of the Committee:-
  - (a) The Block Education Officer of the Taluka;
  - (b) Chief Officer of Town Municipal Council;
  - (c) Panchayat Development Officers in the Taluka;
  - (d) Nominee of the Kannada Development Authority;
  - (e) The Deputy Tahasildar of the Taluka shall be the convener of the Committee.

**8. Functions of the Enforcement Authorities:-**

(1) (a) The Taluka Committee shall hold a meeting every month and submit its report regarding steps taken for the enforcement of Kannada Language to the District Level Committee within 15 days from the date of the meeting.

- (b) The District Committee shall hold a meeting once in two months and submit its report to the State Level Committee within 15 days from the date of the meeting.
- (c) The State Committee shall hold a meeting once in three months and submit its report to the Government within 15 days thereof.
- (d) The District and Taluka Level Committees shall take necessary action on the report submitted by the Enforcement Officer.

(2) The Assistant Director of Kannada and Culture being the convener of the District Level Committee shall co-ordinate with the Taluka

and District Committees to ensure that the meetings as specified above are conducted and the reports are submitted in time to the State Level Committee.

### **9. Designation of Enforcement Officer:-**

(a) An officer not below the rank of Group 'A' officer of the State Government preferably belonging to the Department of Kannada and Culture shall be designated as an Enforcement Officer.

(b) The Enforcement Officer shall be appointed by,-

- (i) The Deputy Commissioner for the District in respect of Government Departments, Statutory Boards and Corporations other than Local Bodies or
- (ii) The Commissioner of the Corporation for the Corporation area in respect of Local Bodies or
- (iii) The Joint Director, Department of Industries and Commerce in respect of industries, shops and commercial establishments

as the case may be.

Provided that in respect of Bruhat Bengaluru Mahanagara Palike (BBMP) area, the Chief Commissioner of BBMP may appoint more number of Enforcement Officers as required.

### **10. Duties of Enforcement Officer:-**

The Enforcement Officer in order to ensure the compliance of general measures prescribed under the provisions of this Act shall perform following duties:-

- i) conduct periodical inspection in the Government Departments and the Local Authorities as per Section 4(4) and Section 17(1) to (5) of this Act;
- ii) conduct periodical inspection to ensure compliance of Section 17 (6) to (9) of this Act;

iii) The inspection reports shall be submitted to the Committees concerned in such manner as may be prescribed.

### **11. The Directorate of Enforcement of Official Language:-**

The Directorate of Kannada and Culture shall also be the Directorate of Enforcement of the Official Language.

### **12. Kannada Language in Education:**

In so far as Education in all schools in the State are concerned, the provisions of Kannada Language Learning Act, 2015 shall continue to apply.

### **13. Kannada Language in Higher Education, Technical Education and Professional Education:-**

(a) As per the New Education Policy, in Higher, Technical and Professional Education course, practical and functional knowledge of Kannada language pertaining to concerned professional course shall be taught to the students as prescribed by the respective Universities.

(b) In so far as students who have not studied Kannada as one of the languages at the SSLC level shall also be taught basic Kannada Culture as a subject prescribed in the University syllabus.

### **14. Reservation in Higher, Technical and Professional Education:**

Students who have studied in Kannada medium from 1<sup>st</sup> Standard to 10<sup>th</sup> Standard in Karnataka or in Kannada Medium Schools in any other States shall be provided such percentage of reservation in Higher, Technical and Professional Education as may be notified by the State Government.

### **15. Knowledge of Kannada Language to be essential for employments in the State Government, Local Authorities, Boards, Corporations and in Statutory or Non-Statutory Bodies, Co-Operative Societies and Societies of the State Government:-** In

addition to other qualifications or conditions prescribed, every person seeking State Government employment or employment in any Local Authorities, Boards, Corporations, Statutory or Non-Statutory Bodies or registered Co-Operative Societies and other Societies of the State Government, must pass Kannada language examination conducted by the KPSC or any other Authority notified by the Government in this behalf which is equivalent to first or second language of 10<sup>th</sup> Standard or SSLC.

Provided that a person who has passed SSLC or equivalent examination in Kannada as first or second language is exempted from such Kannada Language examination.

#### **16. Language in the Courts:-**

(1) The District Courts or Trial Courts as the case may be and Tribunals shall conduct proceedings in Kannada and pronounce the orders and judgments in Kannada Language;

Provided that the Presiding Officer of any such Court or Tribunal may while recording evidence in Kannada, make use of English words and phrases wherever necessary;

Provided further that the High Court may by general or special order permit the Presiding Officer to record evidence in English.

(2) Notwithstanding anything contained in any other Act, all the Orders of all quasi-judicial functionaries of the State Government shall be in Kannada.

#### **17. General measures to be taken for extensive use and propagation of Kannada Language:-**

(1) The board displaying the name of the State Government Departments, Undertakings or Autonomous Bodies, Co-Operative and Public Undertakings, Educational Institutions and Universities, of the officers and designations shall be in Kannada apart from English.

(2) The particulars displayed on the boards erected under the supervision of various Government Departments and local authorities of the State including names of roads and extension areas, shall be in Kannada apart from English language.

(3) All Tender Notifications, Advertisements, Application forms, Digital Forms, Certificates and Notifications issued by the Government or Local Authorities for publication in Karnataka shall be in Kannada apart from any other language.

(4) The pamphlets, banners, flex, electronic display boards, informations, notices, etc., of programmes conducted by Government, Local Authorities, Institutions whether Aided or Un-Aided, shall be in Kannada apart from any other language.

(5) The Boards, Advertisements, Receipts, Bills, Notices, etc., in connection with any project undertaken by the Government or implemented with any kind of consideration, grant concession from Government or allied Institutions or Local Authorities shall be in Kannada apart from any other language.

(6) The upper half portion of boards displaying the names of Commercial, Industrial and Business Undertakings, Trusts, Counseling Centre's, Hospitals, Laboratories, Amusement Centers and Hotels etc., functioning with the approval and sanction of Government or Local Authorities, shall be in Kannada and lower half can be in any other language.

(7) All the Industrial and other consumer products manufactured within or outside the State which are sold in the State shall bear the product name and direction for use, if any, in Kannada apart from any other language.



(8) In all the boards displaying advertisements and notices published for the information of general public in the State, a fixed percentage of the content shall be in Kannada. The classification of advertisements or percentage of Kannada portions of advertisements to be displayed shall be as prescribed by the State.

(9) Every industrial establishment in the State owned by the State and Central Government, Public Sector Undertakings, Banks and Private Industries having more than 100 employees shall establish,-

(a) 'Kannada Cell' headed by senior employee of the organization having knowledge of Kannada for the purpose of usage of Kannada Language in day-to-day work/functions of the organization and to carry out such other functions as may be prescribed.

(b) 'Kannada Kalika Ghataka' (basic Kannada Teaching Unit) for non-Kannada speaking employees. The Kannada Development Authority at the request of such establishments shall provide necessary teaching staff and study materials.

## **18. Measures to be taken for the use of Kannada language in Information Technology:-**

(1) E-Governance Department shall develop open source software and accessories for the efficient use of Kannada language in the field of Information Technology.

(2) The information in the websites of various Departments of Government, Local Authorities, Quasi-Governmental Institutions, Public Sector Undertakings, Autonomous Bodies, Co-operative Societies, etc., shall be made available in Kannada in Unicode as well and website shall be modified for selecting any language to be used therein.

(3) The facility shall also be made available for the use of Kannada in the e-tenders and e-Governance projects being implemented in the Government Departments.

(4) All electronic applications developed by Government and Local Authorities shall also be in Kannada. All electronic application forms, messages, letters, etc., shall also be in Kannada.

(5) All the Government Departments, Corporations and Local Authorities shall use "Digital Case Dairy" App developed by High Court of Karnataka.

**19. Incentives for the development of Kannada Language:-**

Scheme shall be formulated by E-Governance Department for awarding incentives to persons who provide creative suggestions to the Government for the effective development of Kannada language in the field of Information Technology.

**20. Entitlement of Concessions and Tax rebates or deferment:-**

(1) No private industry, establishment or institution shall be eligible for concession of Land or any other concession of tax rebate or deferment of tax or any kind of grant-in aid unless such industry, establishment or institution provides not less than such percentage of reservation to Kannadigas as per the industrial policy notified by the State.

(2) If any industry which has undertaken to comply with the industrial policies of the State prescribed for reservation in employment for Kannadigas, fails to fulfill the obligation, shall be liable for disentitlement of continuation of benefits namely concessions and tax rebates or deferment or any kind of grant-in aid in future. Such disentitlement shall be invoked only after giving an opportunity of hearing to the said industry.

(3) The Finance Department and Commerce & Industries Department of the Government shall ensure the compliance of the provision of sub-section (1) and (2). Annual Report in this regard shall be laid before both Houses of State Legislature and upload in the Departmental website.

(4) The Commerce and Industries Department shall send report to the State Government and upload in the Departmental Website, the details of establishments who have availed incentives/concessions from the State and also the details of employment provided to the Kannadigas as per the industrial policy.

(5) All the industries governed by the Apprentice Act, 1961 shall give preference to kannadigas in providing apprentice training.

(6) In all industries having more than 100 employees which have received concession/incentives as per the industrial policy, the Enforcement Officer designated under Section 9(3) shall also function as the Nodal Officer, who shall be submit a quarterly report to the District Level Committee regarding measures taken for implementation/compliance as required under the Act.

## **21. Employment Portal:-**

The State Government shall establish employment portal for Government Offices, Institutions, Local Authorities, Public Enterprises, Private Industries, Establishments and their appointing agencies in Karnataka. Such portal shall notify the vacancies and posts to be filled-up along with the prescribed knowledge of Kannada for such employment.

## **22. Punishment for failure to comply with the provisions of the Act by the Government Officer:**

(1) The Government Officer entrusted with the duty of enforcing Official Language if fails to comply with the provisions of this Act, such conduct shall be deemed to be dereliction of duty and shall be liable for

such disciplinary action as may be determined by the Disciplinary Authority.

(2) Any failure on the part of the Government officials in using Kannada language in official and administrative transactions shall be deemed to be dereliction of duty and the same shall be reported by the respective Committees to the State Level Committee for needful disciplinary action.

### **23. Penalty for violations of the provisions of the Act by private individuals:**

(1) Whoever being the owner or person in-charge of any industry, shop, firm and commercial establishment, fails to comply with the provision of sub-Section (6) to (9) of Section 17 of this Act shall be liable for fine as noted below:

- (i) fine which may extend to Rs.5,000/- for the first offence.
- (ii) fine which may extend to Rs.10,000/- for the second offence and
- (iii) fine which may extend to Rs.20,000/- for every subsequent offence and shall also be liable for cancellation of the license.

### **Explanation:**

For this purpose before initiating any action, the Enforcement Officer shall issue a show-cause notice indicating the violation of the Act and provide opportunity for compliance of the provisions of this Act within fifteen days from the date of notice. Failure to comply with show cause notice will attract the aforesaid offence and penalty.

**24. Compounding of Offence:-** (1) Any offence whether committed before or after the commencement of this Act punishable under Section 23, may either before or after the institution of the prosecution, can be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.

(2) Where an offence has been compounded against the offender under sub-section (1), no further prosecution shall be taken against him.

## **25. Supervision by the State Level Committee:-**

(1) The State Level Committee shall supervise the implementation of provisions of this Act.

(2) It shall be the duty of the said Committee to inform the Appointing Authority or Disciplinary Authority to take suitable action against the officers responsible for violation of the provisions of this Act.

(3) It shall be mandatory for every Appointing Authority/Disciplinary Authority to take appropriate action on the recommendation of the State Level Committee within a reasonable time not exceeding one year from the date of communication of the report.

(4) The State Level Committee may also recommend for suitable action in respect of violation of other provisions of the Act to the Appropriate Authorities.

## **26. Power to make Rules:-**

(1) The Government may, by notification in the official gazette make Rules for carrying out the purposes of this Act.

(2) Every Rule made under this Act shall be laid as soon as may be 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. Protection of Action taken in good faith:**

No suit, prosecution or other legal proceedings shall lie against the State Government or the Local Authority or any Officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any Rules or Orders made there under.

**28. Power to remove difficulties:-**

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette, make provisions not inconsistent with the provisions of this Act which appear to be necessary or expedient, for removing the difficulty;

Provided that no such order shall be made after the expiry of period of two years from the date of commencement of this Act.

(2) Every order made under this Section shall, as soon as may be after it is made, be laid before the Karnataka State Legislature.

**29. Transitory provisions:-** All Rules, Orders, Notifications issued on the matters specified in this Act by the State Government before the commencement of this Act shall be valid and deemed to have been done or issued under the provisions of this Act and they shall continue until it is modified or withdrawn under this Act.

**30. Repeal and Saving:-**

(1) The Karnataka Official Language Act 1963 (Karnataka Act 26 of 1963) and

(2) The Karnataka Local Authorities (Official Language) Act, 1981 (Karnataka Act 30 of 1981)

are hereby repealed.

(3) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under this Act.

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