

**KARNATAKA ACT NO.8 OF 2004**  
**THE KARNATAKA SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER**  
**BACKWARD CLASSES (RESERVATION OF APPOINTMENT ETC.,)**  
**(SECOND AMENDMENT) ACT, 2004**

**Arrangement of Sections**

**Sections:**

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 4
4. Substitution of section 4D

**STATEMENT OF OBJECTS AND REASONS**

Government issued a Notification dated: 21.11.2001 under the Karnataka Civil Services (Unfilled Vacancies reserved for the persons belonging to Scheduled Castes and Scheduled Tribes (Special Recruitment) Rules, 2001 for filling up of vacancies reserved for persons belonging to the Scheduled Castes and Scheduled Tribes. This Special Recruitment Rules was published under clause (a) of sub-section (2) of section 3 of the Karnataka Civil Services Act, 1978 (Karnataka Act 14 of 1990) in Notification No. DPAR 13 SBC 2001, dated: 6<sup>th</sup> August 2001. The Notification was issued to fill all unfilled vacancies by all the appointing authorities, wherever the service conditions are governed by the Karnataka Civil Services Act, 1978. The Cabinet appointed a sub-committee of the Cabinet to monitor and review the progress. The Social Welfare Department was made the nodal Department. As on date the Social Welfare Department has identified 17021 numbers of vacancies out of them, 14485 have already been notified, of which 11573 vacancies are filled up and the balance is in the process of being filled. During the course of the review meeting it was pointed out to the Cabinet Sub Committee that the Karnataka Civil Services (Unfilled Vacancies reserved for the persons belonging to Scheduled Castes and Scheduled Tribes (Special Recruitment) Rules, 2001 does not apply to the Universities, including Agriculture Universities and other institutions, etc., because they do not come under the purview of the said Rules. The non-inclusion of these institutions under the purview of the Notification dated: 21.11.2001 and 1.6.2002 meant that the filling up of the backlog vacancies by the Universities and other institutions could suffer from a legal infirmity.

In view of the fact that the process of recruitment by these institutions i.e., Universities etc. 80% of the recruitment are already over, both for teaching and non-teaching staff and the persons recruited have already reported and are working, there is an immediate need to amend the Act to legally enforce the recruitment's already made. To avoid any legal complications, it is provided that the provisions of the Second Amendment Act would not affect any appointment already made, on the ground that the procedure prescribed was not fully or partially followed in making such appointments.

Under sub-rule (5) of rule 7 of the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of appointments etc.,) (Amendment) Rules, 2000 the Divisional Commissioners were the appellate authorities for all cases pertaining to verification

and determination of castes for Scheduled Castes, Scheduled Tribes and other Backward Classes. The posts of Divisional Commissioners have been now abolished and all their appellate or revisional powers have been conferred upon the Karnataka Appellate Tribunal by the Revenue Department vide its Notification No. RD 54 Samithi 2002, dated 20.1.2003. Subsequently the Karnataka Land Revenue Act, 1964 was amended by the Amendment Act 21 of 2003 and any appellate or revision power of the Divisional Commissioner under any other enactment or rules has been conferred on the State Government. Accordingly vide his letter appeal No.127/03 and etc., dated 19.08.2003, the Registrar, Karnataka Appellate Tribunal Bangalore returned all such files stating that appropriate authority to hear such cases would be the Government. Therefore there is an urgent need to provide an appropriate authority, to act as an Appellate authority in place of the then Divisional Commissioners.

Considering the nature and volume of work it is felt necessary that the Heads of Departments looking after the welfare and related matters of the Scheduled Castes, Scheduled Tribes and Other Backward Classes who are very conversant with the issues of the Scheduled Castes, Scheduled Tribes and Other Backward Classes be vested with the powers to act as a appellate authorities against the orders of the District Caste Verification Committee / District Caste and Income Verification Committee in place of the Divisional Commissioners.

In view of the above, it is considered necessary to amend the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.,) Act, 1990.

Hence the Bill.

(LC Bill No.4 of 2004)

(Article 15(4) and 16(4) and Entry 23 of List II of the Seventh Schedule to the Constitution of India)

**KARNATAKA ACT NO. 8 OF 2004**

(First published in the Karnataka Gazette Extraordinary on the twenty third day of February, 2004)

**THE KARNATAKA SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES (RESERVATION OF APPOINTMENT ETC.,) (SECOND AMENDMENT) ACT, 2004**

(Received the assent of the Governor on twenty second day of February, 2004)

An Act further to amend the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.,) Act, 1990

Whereas it is expedient further to amend the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.,) Act, 1990 (Karnataka Act 7 of 1991) for the purposes herein after appearing;

Be it enacted by the Karnataka State Legislature in the fifty fifth year of the Republic of India as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointment etc.,) (Second Amendment) Act, 2004.

(2) It shall come into force at once.

**2. Amendment of section 2.-** In section 2 of the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointment etc.,) Act, 1990 (Karnataka Act 7 of 1991) (hereinafter referred to as the principal Act), after clause (7), the following shall be inserted, namely:-

"(8) "Unfilled vacancies" means and includes,-

(i) the backlog in direct recruitment as contemplated in the Government order No. DPAR 19 SBC 89 dated 12<sup>th</sup> July 1989 read with the subsequent Government Order of even number, dated 22<sup>nd</sup> July 1989 and sub-section (2) of section 4 in respect of a service or post in an establishment in public sector existing as on the date of commencement of the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.) (Second Amendment) Act, 2004 (hereinafter referred to as the Second Amendment Act, 2004);

(ii) the vacancies to the extent they were not filled by the persons belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, as per the classification of the vacancies in accordance with the orders of reservation applicable to direct recruitment while regularising the services of the daily wage employees in an establishment in public sector in accordance with the Government Order issued in this behalf or any rule, statute, bye law, regulation or order etc. issued by any establishment in public sector, and existing as on the date of commencement of the Second Amendment Act, 2004; and

(iii) if even after taking into account the unfilled vacancies mentioned in clauses (i) and (ii) above, the percentage of representation of the persons belonging to the Scheduled Castes and the Scheduled tribes in any service or post in an establishment in public sector to which the order of reservation in direct recruitment under clause (4) of Article 16 of the Constitution are applicable, does not reach fifteen percent in respect of the persons belonging to the Scheduled Castes and three percent in respect of the persons belonging to the Scheduled tribes, as the case may be, of direct recruitment vacancies, then such shortfall of unfilled direct recruitment vacancies existing as on the date of commencement of the Second Amendment Act, 2004."

**3. Amendment of section 4.-** In section 4 of the principal Act, after sub-section (1) the following shall be inserted, namely:-

"(1A) Notwithstanding anything contained in any law for the time being in force, the appointing authority shall identify unfilled vacancies reserved for the persons belonging to Scheduled Castes and Scheduled Tribes in any service or post in an establishment in public sector as existing on the date of commencement of the Second Amendment Act, 2004 and take action to fill them as a one time measure within a specified time. The manner in which the number of vacancies is to be computed, the procedure for filling such vacancies and the time within which action is to be taken shall be as specified by notification by the State Government:

Provided that the provisions of this sub-section shall not apply to any unfilled vacancy in Karnataka State Civil Services or post in respect of which provisions have been already made:

Provided further that where the appointing authorities covered under this sub-section have already filled all or part of the unfilled vacancies before the date of coming into force of the Second Amendment Act, 2004 by making appointment of persons belonging to the Scheduled Castes and the Scheduled Tribes, then such appointments shall not be affected.

**4. Substitution of section 4D.-** For section 4D of the principal Act, the following section shall be substituted, namely:-

**"4D. Appeal.-** (1) Any person aggrieved by an order passed by the Verification Committee under section 4C may, within thirty days from the date of receipt of the order appeal,-

- (i) to the Commissioner / Director, Social Welfare in case the verification certificate relates to a person belonging to the Scheduled Castes;
- (ii) to the Director, Tribal Welfare in case the verification certificate relates to a person belonging to the Scheduled Tribes;
- (iii) to the Director, Backward classes Department, in case the verification certificate relates to a person belonging to other Backward Classes;

in such form and in such manner and on payment of such fee as may be prescribed.

(2) The Appellate Authority shall after giving to both the parties an opportunity of being heard pass such order in appeal as it deems fit.

(3) Any appeal under this section pending before the Divisional Commissioner or any other officer or other authority on the date of commencement of the Second Amendment Act, 2004 shall stand transferred to the respective Appellate Authorities referred to in sub-section (1) and they shall dispose them off as if they were filed before them."

The above translation of ಕರ್ನಾಟಕ ಅನುಸೂಚಿತ ಜಾತಿಗಳು, ಅನುಸೂಚಿತ ಬುಡಕಟ್ಟುಗಳು ಮತ್ತು ಇತರ ಹಿಂದುಳಿದ ವರ್ಗಗಳ (ನೇಮಕಾತಿ ಮುಂತಾದವುಗಳ ಮೀಸಲಾತಿ) (ಎರಡನೇ ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2004 (2004 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 8) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

**T. N. CHATURVEDI**  
**GOVERNOR OF KARNATAKA**

By Order and in the name of the Governor of Karnataka

**M.R.HEGDE**  
Secretary to Government,  
Department of Parliamentary Affairs and Legislation.