

KARNATAKA ACT NO 09 OF 2017

**THE KARNATAKA STATE CIVIL SERVICES (REGULATION OF TRANSFERS AND POSTINGS
OF FOREST OFFICERS AND OTHER OFFICIALS) ACT, 2016**

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STATEMENT OF OBJECTS AND REASONS

It is considered necessary to regulate transfer and posting of Deputy Range Forest Officers, Forest Guards and Forest Watchers of Forest Department thereby achieving the following objectives, namely:-

- (a) Provide equal opportunity to lower level field staff in selecting place of their choice during transfers; and
- (b) Improve administrative efficiency and discipline in the staff.

Hence, the Bill.

[L.A. Bill No.34 of 2016, File No. Samvyashae 32 Shasana 2015]
[entry 41 of List II of the Seventh Schedule to the Constitution of India]

KARNATAKA ACT NO 09 OF 2017

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THE KARNATAKA STATE CIVIL SERVICES (REGULATION OF TRANSFERS AND POSTINGS OF FOREST OFFICERS AND OTHER OFFICIALS) ACT, 2016

(Received the assent of the Governor on the Thirty First day of December, 2016)

An Act to provide for regulation of transfers and postings of forest officers and other officials of the Department of Forest in critical and other areas.

Whereas, it is expedient to provide for regulation of transfer of forest officers and other officials of the Department of Forest in critical and other areas and for the matters connected therewith or incidental thereto;

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 Civil Services (Regulation of Transfer of Forest Officers and other officials) Act, 2016.

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

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

- (1) "Appointment" means appointment by direct recruitment or by promotion on officiating basis of Forest Officer or other officials;
- (2) "Appointing authority" means the authority competent to make appointment to the respective cadres;
- (3) "Category of post" means a class of posts as specified below, namely:-

Category of Posts specified in Schedule I – officers and officials

Category 'A'	Collateral posts.	Posts other than those specified in category 'B' and 'C', based on the cadres of the Forest department
Category 'B'	Wildlife posts and Interstate boundary (territorial) posts.	Posts of Wildlife Division and Interstate boundary (territorial)
Category 'C'	Territorial posts.	Posts having statutory powers under the Karnataka Forest Act, 1964 and Rules made there under.

Category of Posts specified in Schedule II – Other Officials

Category 'A'	Posts other than those posts specified in category 'B' and 'C' location
Category 'B'	Posts in Taluk Headquarters
Category 'C'	Posts in District, Division, Circle or State Headquarters.

- (4) "Collateral Posts" means all posts other than (wildlife, interstate boundary (Territorial) and territorial posts);
- (5) "Competent authority" means the authority competent to make transfer of a Forest Officer or other officials;
- (6) "Counseling" means enabling and guiding a forest officer or other official to opt for a place of his choice on transfer or posting from among the posts notified as available;

- (7) "Department" means Karnataka Forest Department;
- (8) "Forest Officer" means an officer appointed to any of the posts specified in Schedule I;
- (9) "General Transfer" means the period notified by the Government for transfer or posting of Forest officers or other staff who have completed their normal tenure or to a vacant post;
- (10) "Government" means the Government of Karnataka;
- (11) "Government Institution" includes a Training center, an administrative office or any other institution by whatever name called and established by the Government belonging to Forest Department;
- (12) "Interstate boundary" means Karnataka State boundary with Neighboring States;
- (13) "Other officials" means officials appointed to any of the posts specified in Schedule II;
- (14) "Post" means post or an official position duly created by Government under the Department to discharge certain public duties and responsibilities;
- (15) "Prescribed" means prescribed by rules by the Government;
- (16) "Schedule" means schedule appended to this Act;
- (17) "Tenure" means the minimum period required to work in a place or post as may be prescribed by rules;
- (18) "Territorial post" means a post having statutory Powers under the Karnataka Forest Act, 1963 and the Karnataka Forest Rules, 1967;
- (19) "Transfer" means transfer of a forest officer or other official from one place or post to another place or post;
- (20) "Wildlife post" means a post in the area notified as wildlife division under Wildlife (Protection) Act, 1972 (Central Act 53 of 1972).

3. All initial appointments, transfers and postings shall be done through counseling.- (1) All Initial appointments and subsequent transfers and postings of all Forest officers and other officials shall be done through a process of counseling conducted in the prescribed manner.

(2) Any Forest officer or other official on initial appointment or promotion shall be compulsorily posted to category 'A' posts.

(3) Every Forest officer or other official who has completed the minimum tenure in a category 'A' post shall be entitled for transfer or posting to category 'B' post. Every Forest officer or other official who has completed minimum tenure in category 'B' posts shall be entitled for transfer or posting to category 'C' posts and every Forest officer or other official who has completed minimum tenure in category 'C' posts shall be eligible to be transferred or posted to category 'A' posts by rotation.

(4) Any Forest officer or other official, who is in service on the date of commencement of this Act and has put in more than ten years but has not served in any Category 'A' post shall be transferred and posted to a Category 'A' post forthwith on priority.

(5) No Forest officer or other official who has attained the age of 55 years shall be entitled for posting to a post in category 'B' and 'C'.

Provided that, no forest officer or other official, during his entire service in any cadre, shall be posted to a Vigilance or Forest Mobile Squad or Check Post for a period exceeding two years and also shall not be posted to these posts in their native districts.

(6) The Competent Authority may relax sub-section (3) in respect of officers and officials covered under sub-section(2) of section 6.

4. Transfer of Forest Officer or Other officials in Public interest.- Generally transfers shall be done during general transfer period. If any post in the department is considered as critical post as may be notified by the Competent Authority for the management of any particular forest area or a particular office and if no suitable person has opted to work in that post during general transfers, the Competent Authority may *suo-moto* appoint any suitable person to that post in public interest from among the eligible forest officers or other officials as the case may be.

5. Bar on consecutive posting in certain category of posts.- No officer or official shall be posted to any category B or category C post more than once consecutively.

6. Tenure of each posting and certain other exemptions.- (1) The tenure for each category of posts shall be as prescribed by rules. Every Forest officer or other official shall be given the opportunity to complete his tenure except in cases where disciplinary proceedings are contemplated or initiated against him.

(2) Tenure requirements may be waived or relaxed in accordance with the provisions made in the rules in following cases, namely:-

- (i) in the case of both husband and wife being State Government or Central Government employees and if one of the spouse is working in a different place, then the other spouse may be transferred to the same place or nearby place if he is in the same place subject to availability of clear vacancy;
- (ii) if an employee is a widow;
- (iii) if an employee is physically challenged;
- (iv) if an employee has spouse or children and they are suffering from serious ailment, for which medical treatment is not available at his place of work and his transfer is necessary to a place where such treatment is available so as to provide the required medical treatment:

Provided that, no transfers shall be considered unless the concerned employee produces a certificate from the District Medical Board Specifying the nature of ailment, certifying the fact that the required treatment is not available at his place of work, specifying the nearest place where the required treatment is available and certifying that his transfer is necessary to such a place to provide him the required medical treatment.

(3) No forest officer or other official shall be entitled for a posting in his native taluk except during the last two years before superannuation.

(4) No forest officer or other official who was suspended shall be posted to the same post from which he was suspended or to any post in category B and C after reinstatement.

7. Regulation of Deputation.- In unavoidable circumstances where deputation from one office to another office becomes absolutely necessary, then such deputation of officers or officials shall be made within the same category of posts.

8. Powers of Competent Authority.- The Competent Authority is empowered to effect the transfer or postings of Forest officers and other officials during the period other than General transfer to a clear vacancies only in the following cases, namely:-

- (a) in the event of disciplinary action or proceedings; or
- (b) consequent on the re-deployment of surplus staff or posts, if any,

9. Penalties.- If, any competent authority makes or any Government servant makes an order of posting or appointment or transfer in contravention of the provisions of this Act or the rules made thereunder, such competent authority or the Government servant as the case may be, shall be liable for disciplinary action under the relevant disciplinary rules applicable to such civil servant.

10. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official Gazette make provisions not inconsistent with the provisions of this Act, as it appears to be necessary or expedient for removing the difficulty,

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

11. Power to amend the Schedule.- The Government may, by notification, add or alter any entries specified in the Schedule I and II.

12. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against any officer of the Government for anything done or intended to be done under this Act in good faith.

13. Power to make rules: (1) The Government may, by notification and after previous publication, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature of the State agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled 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.

14. Act to override other laws.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law of the State for the time being in force.

SCHEDULE - I

[see section 2 (8) and section 11]

List of Forest Officers

Sl. No.	Cadre of posts
1	Deputy Range Forest Officers
2	Forest Guards
3	Forest Watchers

SCHEDULE - II

[see section 2 (13) and section 11]

List of Other Officials

Sl. No.	Cadre of posts
1	Such category of posts as may be notified by the Government.

The above translation of ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸಿವಿಲ್ ಸೇವೆಗಳ (ಅರಣ್ಯ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಇತರ ಸಿಬ್ಬಂದಿಯ ವರ್ಗಾವಣೆ ಹಾಗೂ ಸ್ಥಳನಿಯುಕ್ತಿಗಳ ನಿಯಂತ್ರಣ) ಅಧಿನಿಯಮ, 2016 be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

VAJUBHAI VALA
GOVERNOR OF KARNATAKA

By order and in the name of the
Governor of Karnataka,

K. DWARAKANATH BABU
Secretary to Government
Department of Parliamentary Affairs