



KARNATAKA LEGISLATIVE ASSEMBLY  
FIFTEENTH LEGISLATIVE ASSEMBLY  
SECOND SESSION

**THE KARNATAKA SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER  
BACKWARD CLASSES (RESERVATION OF APPOINTMENTS ETC.,)  
(AMENDMENT) BILL, 2018**  
**(LA Bill No. 12 of 2018)**

A Bill further to amend the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointments etc.,) Act, 1990.

Whereas it is expedient further to amend the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointments etc.,) Act, 1990 (Karnataka Act No.7 of 1991) for the purposes hereinafter appearing;

Be it enacted by Karnataka State Legislature in the Sixty-ninth 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 Appointments etc.,) (Amendment) Act, 2018.

(2) It shall come into force at once.

**2. Amendment of section 2.-** In the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointments etc.,) Act, 1990 (Karnataka Act No.7 of 1991) (hereinafter referred to as the principal Act), in section 2,-

(i) after clause (4), the following shall be inserted, namely:-

"(4a)" Period specific post or tenure post" means a permanent post held by a Government servant includes a service or post under State Government or in the establishment in public sector for a period of not more than forty five days, without reappointment."

(ii) in clause (8),-

(a) in sub-clause (i), for the brackets, words and figures "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), the words, "each time of the direct recruitment" shall be substituted.

(b) in sub clauses (ii) and (iii), for the words and figure "the Second Amendment Act, 2004" the words, "each time of the direct recruitment" shall be substituted.

**3. Amendment of section 3.-** In section 3 of the principal Act,-

(i) for clauses (a),(b) and (c), the following shall be substituted, namely:-

"(a) posts above the cadre of Group 'A' (Junior Scale) meant for conducting or guiding or directing research;

(b) posts above the cadre of Group 'A' (Junior Scale) classified as scientific posts;

(c) period specific posts or tenure posts filled on temporary, part time, contract basis for period less than 45 days".

(ii) clause (d) shall be omitted.

**4. Amendment of section 4.-** In section 4 of the principal Act, in sub-section (1A), for the words, bracket and figures "(Second Amendment) Act, 2004", in the two places where they occur, the words, "each time of the direct recruitment" shall be substituted;

**STATEMENT OF OBJECTS AND REASONS**

It is considered necessary to amend the Karnataka Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation of Appointments etc) Act, 1990 to,-

- (i) define the "tenure posts", to remove the ambiguity in the Act;
- (ii) define "unfilled vacancies", so that it is a continuing process;
- (iii) provide reservation so as to create various employment opportunities to the Scheduled Castes, Scheduled Tribes and Other Backward Classes by considering reservation in the process of appointment on contract basis in Government department, Boards, Corporations and Universities etc.,; and
- (iv) follow the reservation in the appointment of Group-C and D posts filled on temporary/part time/contract basis.

Hence the Bill.

**FINANCIAL MEMORANDUM**

There is no extra expenditure involved in the proposed legislative measure.

**PRIYANKA KHARGE**  
Minister for Social Welfare

**S. MURTHY**  
Secretary  
Karnataka Legislative Assembly

## ANNEXURE

**THE KARNATAKA SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER  
BACKWARD CLASSES (RESERVATION OF APPOINTMENTS ETC) ACT, 1990  
(KARNATAKA ACT NO.7 OF 1991)**

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**1. Definition.**-In this Act, unless the context otherwise requires.-

(7) "service or post" means a civil service of the State of Karnataka or a civil post under the State of Karnataka, and includes a service or post in the establishment in public sector;

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**(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.]

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**3. Applicability.**- Nothing in this Act, shall apply to ,-

- (a) posts meant for conducting or guiding or directing research;
- (b) posts classified as scientific posts;
- (c) tenure posts;
- (d) posts filled up on the basis of any contract;
- (e) ex-cadre posts;
- (f) posts which are filled up by transfer or deputation;
- (g) posts in respect of which recruitment is made in accordance with any provision contained in the Constitution; and
- (h) such other posts as the State Government may, from time to time, by order, specify:

Provided that every order made under clause (h) 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 fourteen days which may be comprised in one session or in two or more successive sessions.

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**4. Reservation of appointments or posts etc.- XX XX**

(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 onetime 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.

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