A Bill to amend the Karnataka State Civil Services (Regulation of Transfer of Teachers) Act, 2020.

Whereas it is expedient to amend the Karnataka State Civil Services (Regulation of Transfer of Teachers) Act, 2020 (Karnataka Act 04 of 2020) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy second 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 Teachers) (Amendment) Act, 2021.

(2) It shall be deemed to have come into force with effect from 29th day of April 2021.

2. Amendment of section 10.- In the Karnataka State Civil Services (Regulation of Transfer of Teachers) Act, 2020 (Karnataka Act 04 of 2020), in section 10, after sub-section (5), the following shall be inserted, namely:-

“(6) In case of a teacher who was transferred on compulsory transfer, zonal transfer or under rationalisation outside the taluk in case of a primary school teacher or district in case of a high school teacher during the year 2019-20 shall also be provided an opportunity to opt a place of transfer within the taluk or district
where they were working during the year 2019-20 as a onetime measure ahead of other types of transfers subject to the availability of vacancies so as to give the benefit of posting within the concerned taluk or district in the transfer done immediately after the date of commencement of the Karnataka State Civil Services (Regulation of Transfer of Teachers) (Amendment) Act, 2021 in the manner as may be prescribed."

3. **Repeal and savings.**- (1) The Karnataka State Civil Services (Regulation of transfer of Teachers) (Amendment) Ordinance, 2021 (Karnataka Ordinance 04 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

**STATEMENT OF OBJECTS AND REASONS**

The transfer pertaining to 2017, 2018 were held during the year 2019-20 in accordance with the Karnataka State Civil Services (Regulation of Transfer of Teachers) Rules, 2017. Under the said rules no exemption were provided to the teachers who have transferred in the year 2019-20 for conducting rationalisation (excess)/ compulsory transfer of teachers with specially abled child, women teachers who have completed fifty years of age, men teachers who have completed fifty five years of age, divorcee teacher having dependent child, pregnant teacher with dependent child or widower with dependent child. Hence it is considered necessary to give an opportunity to opt the place of transfer to those teachers who were working outside the taluk and in the high school cadre many of them have been deployed outside the district.

Therefore, it is considered necessary to amend the Karnataka State civil Services (Regulation of Transfer of Teachers) Act, 2020 (Karnataka Act 04 of 2020) to provide a teacher an opportunity to opt their place of transfer within the taluk or district where they were working during the year 2019-20 so as to give the benefit of posting within the taluk or district who was transferred on compulsory transfer, zonal transfer or transfer after under rationalization outside the concerned taluk or district as a onetime measure.

As the matter was urgent and both Houses of the State Legislature were not in session, the Karnataka State Civil Services (Regulation of transfer of Teachers)
(Amendment) Ordinance, 2021 (Karnataka Ordinance 04 of 2021) was promulgated to achieve the above object.

This Bill seeks to replace the said Ordinance.

Hence, the Bill.

EXPLANATORY STATEMENT AS REQUIRED BY SUB-RULE (1) OF RULE 80 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE KARNATAKA LEGISLATIVE ASSEMBLY.

The transfer pertaining to 2017, 2018 were held during the year 2019-20 in accordance with the Karnataka State Civil Services (Regulation of Transfer of Teachers) Rules, 2017. Under the said rules no exemption were provided to the teachers who have transferred in the year 2019-20 for conducting rationalisation (excess)/ compulsory transfer of teachers with specially abled child, women teachers who have completed fifty years of age, men teachers who have completed fifty five years of age, divorcée teacher having dependent child, pregnant teacher with dependent child or widower with dependent child. Hence it is considered necessary to give an opportunity to opt the place of transfer to those teachers who were working outside the taluk and in the high school cadre many of them have been deployed outside the district.

Therefore, it is considered necessary to amend the Karnataka State civil Services (Regulation of Transfer of Teachers) Act, 2020 (Karnataka Act 04 of 2020) to provide a teacher an opportunity to opt their place of transfer within the taluk or district where they were working during the year 2019-20 so as to give the benefit of posting within the taluk or district who was transferred on compulsory transfer, zonal transfer or transfer after under rationalization outside the concerned taluk or district as a onetime measure.

As the matter was urgent and both Houses of the State Legislature were not in session, the Karnataka State Civil Services (Regulation of transfer of Teachers) (Amendment) Ordinance, 2021 (Karnataka Ordinance 04 of 2021) was promulgated to achieve the above object.
FINANCIAL MEMORANDUM

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

| Clause 2: | Sub-section (6) of section 10 proposed to be inserted by clause 2 empowers the State Government to prescribe by rules the manner of transfer of teacher. |

B C NAGESH  
Minister for Primary and Secondary Education and Sakala

M.K. VISHALAKSHI  
Secretary (I/c)  
Karnataka Legislative Assembly

ANNEXURE

EXTRACT FROM THE (KARNATAKA STATE CIVIL SERVICES (REGULATION OF TRANSFER OF TEACHERS) ACT, 2020 (KARNATAKA ACT 04 OF 2020)

10. Exemptions from rationalization, zonal transfers and priority for request transfers.-

(5) The teachers falling under category (v) shall be given priority during request transfer. If the teacher is working in a different taluk as that of the spouse is allowed to seek transfer to the working taluk of the spouse only. If both are working in the same taluk then they are not eligible to make application under priority:

Provided that, during rationalization and zonal transfers the excess teacher shall be posted within the working taluk of the spouse.
ಸಂದರ್ಭದ ತಳಾ ಹೆಸರು ಎಂಬಿಕೆಯ (ಕೀರ್ತಿಸ್ಥಾನ ನಿಯಂತ್ರಣ) (ಇತಿಹಾಸ) ವ್ಯಾಪಾರ, 2021
(2021ರ ಪ್ರಮುಖ ಪಾಲ್ಪುರ ತಳಾ-34)

ಸಂದರ್ಭದ ತಳಾ ಹೆಸರು ಎಂಬಿಕೆಯ (ಕೀರ್ತಿಸ್ಥಾನ ನಿಯಂತ್ರಣ) ಅಧಿಕಾರಿಯ, 2020ರ ಮುಂದು ಇತಿಹಾಸ ನಿಯಂತ್ರಣ ವನ್ನು ಪ್ರಚಾರಿಸಿದೆ.

ಇದು, ಅಧಿಕಾರಿಯರು ಸಂದರ್ಭದ ತಳಾ ಹೆಸರು ಎಂಬಿಕೆಯ (ಕೀರ್ತಿಸ್ಥಾನ ನಿಯಂತ್ರಣ) ಅಧಿಕಾರಿಯ, 2020 (2020ರ ಸಂದರ್ಭದ ಅಧಿಕಾರಿಯ 04)ರ ಇತಿಹಾಸ ಹೊಂದಿದ್ದರು ಮೊದಲೆಕ್ಕಾಗಿದ್ದೆಂದು;

ಅದರ ಪ್ರತಿ ಕಾರ್ಯಾಲಯ ಅಧಿಕಾರಿಗಳು ಎಂಬಿಕೆಯ, ಸಂದರ್ಭದ ವನ್ನು ಪ್ರಚಾರಿಸಿದ್ದರು ಮೊದಲೆಕ್ಕಾಗಿದ್ದೆಂದು.

1. ಸಂದರ್ಭದ ತಳಾ ಹೆಸರು ಎಂಬಿಕೆಯ (1) ಅಧಿಕಾರಿಯರು ಸಂದರ್ಭದ ತಳಾ ಹೆಸರು ಎಂಬಿಕೆಯ (ಕೀರ್ತಿಸ್ಥಾನ ನಿಯಂತ್ರಣ) (ಇತಿಹಾಸ) ಅಧಿಕಾರಿಯ, 2021 ವರೆ ಪ್ರಚಾರಿಸಿದೆ.

   (2) ಅದರ 2021ರ ಮೇಷ್ಟಿ 29ರ ವಿವಿಧವಾಗಿ ಅಧಿಕಾರಿಯ ಪ್ರಚಾರಿಸಿದೆ.

2. 10ರ ಸಂದರ್ಭದ ನಿಯಂತ್ರಣ (ಇತಿಹಾಸ) - ಸಂದರ್ಭದ ತಳಾ ಹೆಸರು ಎಂಬಿಕೆಯ (ಕೀರ್ತಿಸ್ಥಾನ ನಿಯಂತ್ರಣ) (ಇತಿಹಾಸ) ಅಧಿಕಾರಿಯ, 2020 (2020ರ ಸಂದರ್ಭದ ಅಧಿಕಾರಿಯ 04)ರ 10ರ ಸಂದರ್ಭದ (5)ರ ಕಾರ್ಯಾಲಯದ ವಿವಿಧವಾಗಿ ಅಧಿಕಾರಿಯ ಹೊಂದಿದ್ದೆಂದು.