

The Karnataka Reservation of Appointments of Posts (In the Civil Services of the State) for Rural Candidates Act, 2000

KARNATAKA

India

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Act 1 of 2001

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The Karnataka Reservation of Appointments of Posts (In the Civil Services of the State) for Rural Candidates Act, 2000 (Karnataka Act No. 1 of 2001) Statement of Objects and Reasons - Amendment made to the Karnataka Civil Services (General Recruitment) Rules, 1977 by Notification No. DPAR 59 SRR 96 dated 28th April 1997, providing for addition of ten percent of marks to the percentage of marks secured by a rural candidate was questioned in the High Court of Karnataka in W.P.No. 13157/98 and the High Court declared the relevant provision as void and violative of Articles 14, 15 and 16. The State Government preferred an appeal to the Division Bench which came to be dismissed and a special leave petition preferred by the State Government to the Supreme Court was also dismissed. The State Government constituted a Commission of inquiry consisting of Justice R. Ramakrishna, a former judge of the High Court as Chairman and some other members to examine the various aspects relating to rural candidates and the Commission has given a report recommending for providing five percent reservation over and above the existing fifty percent reservation and to make a law in this behalf. The Government after careful consideration of the recommendations made in the report and all other matters consider it necessary to provide horizontal reservation to the extent of ten percent of the vacancies in all direct recruitment in each of the categories of general merit, Scheduled Castes, Scheduled Tribes and in each of the categories of other Backward Classes. Hence the Bill. (First published in the Karnataka Gazette on the Sixth day of January, 2001) (Received the assent of the Governor on the Fourth day of January, 2001) An Act to provide for reservation of appointments or posts (in the civil services of the State) for rural candidates. Whereas the Government by notification No. DPAR 5 SRR 92 dated 31st March 1992 inserted a new rule 3B in the Karnataka Civil Services (General Recruitment) Rules, 1977 providing for weightage to rural candidates in the form of an addition of fifteen marks to the total marks secured by them, for the purpose of direct recruitment to posts in Group C and Group D in the Civil Services of the State and defining a rural candidate as a person who has studied and passed the

Secondary School Leaving Certificate Examination in any of the schools situated in rural areas having population of less than 20000 as per the 1981 census. Whereas the aforesaid provision was modified from time to time and by the Notification No. DPAR 59 SRR 96 dated 28th April 1997 the said weightage was modified to be an addition of ten percent to the percentage of marks secured by a rural candidate and it was extended for the purpose of direct recruitment to the posts in Group A and Group B also and the term "rural candidate" was defined as a person, who has studied in the State of Karnataka, - (i) from first standard to tenth standard where the qualifying examination prescribed for a post was S.S.L.C or higher; or (ii) from first standard to the qualifying examination where the qualifying examination prescribed for a post was lower than S.S.L.C. in a school situated in an area or town with a population of less than 50,000 as per 1991 census. Whereas the aforesaid amendment was questioned in the High Court of Karnataka in W.P. No. 13157/98 and the Learned Single Judge declared the said rule 3B of the Karnataka Civil Services (General Recruitment) Rules, 1977 providing for weightage of marks to rural candidates as void and violative of Articles 14, 15 and 16. Whereas the State Government preferred an appeal to the Division Bench, which dismissed the appeal by its judgement dated 26.11.1999 and against it, the Government further filed Special Leave Petition before the Supreme Court and the Supreme Court also dismissed the special leave petition. Whereas the Division Bench has held that giving ten percent of marks as a rural weightage is arbitrary and violative of Article 14, 15 and 16 of the Constitution of India and has further observed as follows: "The State has not placed any material on record to show that they have made any comparative study regarding the schools in the rural areas, their standard of education, teaching methods etc., It is well known fact that even in urban areas the education standard of children of hut dwellers and other economically and socially backward classes is not of same standard as of rural areas". Whereas the Government constituted a Commission of Inquiry consisting of Justice R. Ramakrishna, a former Judge of the High Court, as Chairman and some other members to examine various aspects relating to rural candidates. Whereas the Commission has given its report in which it has observed that both from the point of view of available schooling facilities as well as infrastructural facilities in the existing schools it is evident that children in rural schools suffer from a serious handicap as compared to children in urban schools and further it has recommended to have a legislation to provide for further reservation of five percent over and above the reservation already provided to the persons belonging to the Schedule Castes, Scheduled Tribes and the other Backward Classes to the extent of fifty percent. Whereas the Supreme Court in the case of Indra Sawhney v. Union of India has held that the reservation under Article 16(4) shall not exceed fifty percent of the appointments or posts barring certain extraordinary situations explained therein. And whereas the Government after a careful consideration of the above matter have taken a policy decision that there shall be provided horizontal reservation for the rural candidates as defined in the Act, to the extent of ten percent of the vacancies in all direct recruitment in each of the categories of the General Merit, Scheduled Castes and Scheduled Tribes and in each of the categories of Other Backward Classes. Be it enacted by the Karnataka State Legislature in the fifty first year of the Republic of India as follows:

1. Short title and commencement.

(1) This Act may be called the Karnataka Reservation of Appointment or Posts (in the Civil Services of the State) for Rural Candidates Act, 2000 (2) It shall come into force on such [date] [All the

provisions of the Act have come into force w.e.f. 30-1-2001, vide notification No. DPAR 01 SENANI 2000 (Part-3) dated 30-1-2001.] as the Government may by notification appoint and different dates may be appointed for different provisions of the Act.

2. Definitions.

- In this Act unless the context otherwise requires,-(1)"Government" means the Government of Karnataka,(2)"Rural Candidate" means a candidate, who has studied,-(i)from first standard to tenth standard where the qualifying examination prescribed for a post is S.S.L.C or higher; or(ii)from first standard to qualifying examination where the qualifying examination prescribed for a post is lower than S.S.L.C. in a school situated in any area other than a larger urban area, smaller urban area or transitional area specified under the Karnataka Municipal Corporations Act, 1976 or the Karnataka Municipalities Act, 1964.

3. Reservation of appointments or posts for rural candidates.

- Notwithstanding anything contained in any judgement, decree or order of any court or other authority having regard to the serious handicap suffered by rural candidates who have studied in rural schools as compared to those who have studied in urban schools and the inadequate representation of rural candidates in the civil services of the State, twenty-five percent of the vacancies earmarked for direct recruitment in each of the categories of General Merit, the Scheduled Castes and Scheduled Tribes and in each of the categories of the Other Backward Classes shall be reserved for rural candidates:Provided that in the case of a rural candidate belonging to general merit or the other backward classes except category I concept of creamy layer as may be applicable as per the orders of the Government with regard to reservation issued under clause(4) of Article 16 of the Constitution shall apply mutatis mutandis.

4. 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 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 thirty days, which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session, immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the 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.

5. 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 official Gazette, make provisions not inconsistent with the provisions of this Act as

appear to it 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. (2) Every order made under this section shall as soon as may be after it is made, be laid before each House of the State Legislature. The above translation of the PÀÉÁðPÀUÁæ«ÄÄt C" sÀÿðUÀ½UÁV(gÁdå 1«¯i ,ÉÃªÉUÀ¼À°è)£ÉÃªÀÄPÁwUÀ¼ÀCxAªÁ °ÄÄzÉÝUÀ¼À«ÄÄ,À¯Áw CçüªAiÄÄªÄÄ