
KARNATAKA CIVIL SERVICES APPOINTMENT OF THE FAMILY MEMBER OF PERSONS DECEASED IN COMMUNAL CLASHES ON COMPASSIONATE GROUNDS (SPECIAL) RULES, 1993

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KARNATAKA CIVIL SERVICES APPOINTMENT OF THE FAMILY MEMBER OF PERSONS DECEASED IN COMMUNAL CLASHES ON COMPASSIONATE GROUNDS (SPECIAL) RULES, 1993

Whereas, the draft of the Karnataka Civil Services Appointment of the Family Member of Persons Deceased in Communal Clashes on Compassionate Grounds (Special) Rules, 1993 was published as required by sub-section (2) of Section 3 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) in Notification No. DPAR 1 SCA 93, dated 4th March, 1993, in Part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary, dated 10th March, 1993 inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of its publication in the Official Gazette. And whereas, the said Gazette was made available to public on 10th March, 1993. And whereas, the suggestions and objections received by the State Government on the said draft have been considered. Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 read with Section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), the Government of Karnataka hereby makes the following rules, namely.

1. Title and commencement :-

(1) These rules may be called the Karnataka Civil Services Appointment of the Family Member of Persons Deceased in Communal Clashes on Compassionate Grounds (Special) Rules, 1993.

(2) They shall be deemed to have come into force with effect from 1st day of August, 1990.

2. Definitions :-

(1) In these rules unless the context otherwise requires.

(a) "Communal Clash" means a clash between persons belonging to two or more communities having faith in their respective religion and includes such other clash or violence relating thereto as the State Government may, by notification specify;

(b) "Deceased" means persons deceased in communal clashes and certified as such by the Deputy Commissioner of the District concerned;

(c) "Family" means members of the family wholly dependent on the earning of the person deceased in communal clashes and whose family has no other income other than that earned by the deceased and includes.

(i) the wife or husband as the case may be, of the person deceased but does not include the wife or husband, as the case may be, separated from him by decree or order of Competent Court or in accordance with their personal laws;

(ii) legitimate son or daughter or step son or daughter and wholly dependent on the person deceased but does not include a child or a step child who is no longer in anyway dependent on him or whose custody he has been deprived by or under any law;

¹ [(iii) brother or sister of the person deceased, if he/she was unmarried;]

(d) "Form" means form appended to these rules.

(2) All other words and expressions used in these rules and not defined shall have the same meaning assigned to them in the Karnataka State Civil Services (General Recruitment) Rules, 1977.

1. Sub-clause (iii) inserted by GSR 1, dated 18-12-1995 and shall be deemed to have come into force w.e.f. 1-8-1990

3. Appointment :-

(1) Notwithstanding anything contrary to these rules contained in any rules in force made or deemed to have been made under the Karnataka Civil Services Act, 1978 (Karnataka Act 14 of 1990), no

member of the family of the person deceased in communal clashes shall be appointed in Group 'C' or 'D' category of posts in any of the State Civil Services unless.

(a) he is wholly dependent on the person deceased and has no other income;

(b) he produces a certificate of the Deputy Commissioner of the concerned District in Form 'D' regarding income, entitlement and other facts;

(c) he is found eligible within the age limit prescribed for the post;

(d) he possesses the educational qualifications prescribed for the posts in accordance with the Cadre and Recruitment Rules of the Department in which he is appointed;

(e) he produces the death certificate of the person deceased from the registrar of births and deaths;

(f) he produces an affidavit to the effect that his family has no other income;

(g) he produces a certificate from the Deputy Commissioner concerned that no other member of his family has claimed the appointment under these rules, in Form 'D':

[Provided that nothing in this sub-rule or sub-rule (5) of Rule 5 of the Karnataka Civil Services (General Recruitment) Rules, 1977 insofar as they relate to education qualification shall apply to appointment under these rules to any Group 'D' post.]

[Provided further that such appointment shall be confined to any post in Group 'C' or Group 'D', depending upon the qualification specified for the post, but excluding the posts carrying the pay scales higher than the scale of pay of the post of Assistant in the Karnataka Government Secretariat, as may be revised from time to time and any other post in either of the groups as may be specified by the Government from time to time.

(2) The appointment under sub-rule (1), shall be made in the order of the preference specified beipw.

(a) wife or husband as the case may be;

(b) if wife or husband is not available or not willing to join the service, son of the deceased;

(c) if son is not available or willing to join the service, the daughter of the deceased.

[(d) brother or sister of the person deceased, if he/she was unmarried.]

4. Application :-

(1) A family member of the person deceased shall submit his application for appointment in Form 'A' within one year from the date of death of the deceased [x x x x x] to the Deputy Commissioner of the concerned District.

¹ [Provided that where the person seeking appointment under these rules is a minor, he or she shall make an application within a period of two years from the date of death of the person deceased and he or she must have attained the age of eighteen years on the date of making the application:

Provided further that where an application could not be made before the publication of the Kamataka Civil Services (Appointment of the Family Member of Persons Deceased in Communal Clashes on Compassionate Grounds) (Special) (Third Amendment) Rules, 2000.

(i) by a person who was minor at the time of death of the deceased in communal clashes; or

(ii) by a person due to absence of the provision relating to relaxation of educational qualification contained in the first proviso to sub-rule (1) of Rule 3;

(2) The Deputy Commissioner on receipt of such application shall verify the particulars of the application with facts and recommend the same to the Divisional Commissioner of the concerned Revenue Division within three months from the date of receipt.

(3) The Divisional Commissioner of the concerned Revenue Division shall verify the recommendations of the Deputy Commissioner and if he finds that the said applicant is entitled for appointment under these rules shall then forward it to any one of the Head of the Department, with its recommendation, depending on the availability of the vacancy in that Department.

(4) The Head of the Department on receipt of such application, forwarded from the Divisional Commissioner shall appoint the

applicant after satisfying himself, after such enquiry as may be considered necessary that each of such candidate is found suitable in all respects for such appointment.

1. Provisos inserted by Notification No. DPAR29 SCA 96, dated 5-2-2001, w.e.f. 6- 2-2001

5. Registers :-

(1) The Deputy Commissioner of each District shall maintain a register in Form 'B' and shall enter the details of his recommendations in respect of the application forwarded to the Divisional Commissioner of the concerned Revenue Division and while recommending applications to the Government shall also certify that no applications of any other member of the family of the applicant has been recommended earlier for appointment under these rules.

(2) The Heads of the Departments shall also maintain a register in Form 'C' regarding the appointment made under these rules.