

**Karnataka Scheduled Castes, Scheduled Tribes And Other
Backward Classes (Reservation Of Appointment Etc.,)
(Second Amendment) Act, 2004**

8 of 2004

[23 February 2004]

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An Act further to amend the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.,) Act, 1990 Whereas it is expedient further to amend the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointment etc.,) Act, 1990 (Karnataka Act 7 of 1991) for the purposes herein after appearing; Be it enacted by the Karnataka State Legislature in the fifty fifth 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 Appointment etc.,) (Second Amendment) Act, 2004.
- (2) It shall come into force at once.

2. Amendment Of Section 2 :-

In section 2 of the Karnataka Scheduled Castes, Scheduled Tribes

and other Backward Classes (Reservation of Appointment etc.,) Act, 1990 (Karnataka Act 7 of 1991) (hereinafter referred to as the principal Act), after clause (7), the following shall be inserted, namely:-

"(8) "Unfilled vacancies" means and includes,-

(i) the backlog in direct recruitment as contemplated in the Government order No. DPAR 19 SBC89 dated 12th July 1989 read with the subsequent Government Order of even number, dated 22nd 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."

3. Amendment Of Section 4 :-

In section 4 of the principal Act, after sub-section (1) the following shall be inserted, namely:-

"(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 one time 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.

4. Substitution Of Section 4D :-

For section 4D of the principal Act, the following section shall be substituted, namely:-

"4D. Appeal.-

(1) Any person aggrieved by an order passed by the Verification Committee under section 4C may, within thirty days from the date of receipt of the order appeal,-

(i) to the Commissioner / Director, Social Welfare in case the verification certificate relates to a person belonging to the Scheduled Castes;

(ii) to the Director, Tribal Welfare in case the verification certificate relates to a person belonging to the Scheduled Tribes;

(iii) to the Director, Backward classes Department, in case the verification certificate relates to a person belonging to other Backward Classes;

in such form and in such manner and on payment of such fee as may be prescribed.

(2) The Appellate Authority shall after giving to both the parties an opportunity of being heard pass such order in appeal as it deems fit.

(3) Any appeal under this section pending before the Divisional Commissioner or any other officer or other authority on the date of

commencement of the Second Amendment Act, 2004 shall stand transferred to the respective Appellate Authorities referred to in sub-section (1) and they shall dispose them off as if they were filed before them."