
**KARNATAKA SCHEDULED CASTES, SCHEDULED TRIBES AND
OTHER BACKWARD CLASSES (RESERVATION OF
APPOINTMENTS, ETC.) ACT, 1990**

7 of 1991

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**KARNATAKA SCHEDULED CASTES, SCHEDULED TRIBES AND
OTHER BACKWARD CLASSES (RESERVATION OF
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An Act to provide for the reservation of appointments or posts in favour of the members of the Scheduled Castes, Scheduled Tribes and other Backward Classes in the State Civil Services and establishments in the Public sector and in admission to Universities and to the Educational Institutions established or maintained or aided by the State Government, Whereas, the members of the Schedule Castes, Scheduled Tribes and other Backward Classes of

citizens are not adequately represented in the services or posts in the State Civil Services and establishments in Public sector and among the students admitted to the Universities and to Educational Institutions established or maintained or aided by the State Government; And whereas, it is expedient to provide in favour of them such reservation; Be it enacted by the Karnataka State Legislature is the Forty-first 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.) Act, 1990.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires.

(1) "Appointed day" means the date notified under sub-section (2) of Section 1;

(2) "Appointing authority" in relation to a service or posts, means the authority empowered to make appointment to such service or post;

(3) "Establishments in public sector" means,

(i) a Co-operative society registered or deemed to have been registered under the Karnataka Co-operative Societies Act, 1959;

(ii) an educational institution established or maintained or aided by the State Government;

(iii) a Government company within the meaning of Section 617 of the Companies Act, 1956;

(iv) a local authority;

(v) a statutory body or corporation established by or under a State or Central Act, owned or controlled by the State Government;

(vi) a university established or deemed to have been established by or under any law of the State Legislature;

(4) "Other Backward Classes" means the communities, castes and tribes notified by the State Government from time to time under

Article 15(4) and Article 16(4) of the Constitution;

(5) "Scheduled Castes" shall have reference to the Scheduled Castes specified in the Constitution (Scheduled Castes) Order 1950 made under Article 341 of the Constitution of India and as amended from time to time;

(6) "Scheduled Tribes" shall have reference to the Scheduled Tribes specified in the Constitution (Scheduled Tribes) Order, 1950 made under Article 342 of the Constitution of India and as amended from time to time;

(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.

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 the 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.

4. Reservation of appointment or posts etc :-

(1) After the appointed day, while making appointments to any office in a civil service of the State of Karnataka or to a civil post under the State of Karnataka appointments or posts shall be reserved for the members of the Scheduled Castes, Scheduled

Tribes and Other Backward Classes to such extent and in such manner as may be specified from time to time in the order made by the Government under clause (4) of Article 16 of the Constitution of India.

(2) The provisions of the said order made under clause (4) of Article 16 of the Constitution shall be deemed to be an order made under this Act and shall mutatis mutandis apply to a service or post in an establishment in public sector.

(3) Subject to such rules as may be prescribed, while making admissions, after the appointed day, to a course of study in a university established or deemed to be established by or under any law of the State Legislature or an educational institution established or maintained or aided by the State Government, there shall be made reservation for the persons belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes to such extent and in such manner as may be prescribed.

(4) All appointments made in contravention of the provisions of this section shall be voidable.

4A. Issue of Caste Certificate and Income and Caste Certificate :-

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(1) Any candidate or his parent or guardian belonging to the Scheduled Castes or the Scheduled Tribes may, in order to claim benefit of reservation under Section 4, either for appointment to any service or post or for admission to a course of study in a University or any educational institution make an application to the Tahsildar in such form and in such manner as may be prescribed for issue of a Caste Certificate.

(2) Any candidate or his parent or guardian belonging to Other Backward Classes may, in order to claim benefit of reservation under Section 4, either for appointment to any service or post or for admission to a course of study in University or any Educational Institution, make an application to the Tahsildar in such form and in such manner as may be prescribed for issue of an Income and Caste Certificate.

(3) The Tahsildar may on receipt of an application under sub-section (1) or (2), and after holding such enquiry as he deems fit and satisfying himself regarding the genuineness of the claim made

by the applicant pass an order issuing a caste certificate or, as the case may be, an income and caste certificate in such form as may be prescribed, or rejecting the application.

(4) The Tahsildar shall follow such procedure as may be prescribed before passing the order under sub-section (3).

(5) The burden of proving that the candidate or his parent or guardian belongs to Scheduled Castes, Scheduled Tribes or Other Backward Classes shall be on the applicant.

1. Sections 4-A to 4-D inserted by Act No. 27 of 1997

4B. Appeal against order under Section 4-A :-

(1) Any person aggrieved by an order of the Tahsildar under Section 4-A may, within thirty days from the date of receipt of the order, prefer an appeal to Assistant Commissioner of the Revenue sub-division.

(2) The Assistant Commissioner of the Revenue sub-division may after giving both parties an opportunity of being heard pass orders allowing or dismissing the appeal and in appropriate cases directing issue of a caste certificate, or as the case may be, an income and caste certificate to the applicant.

4C. Verification of Caste Certificate and Income and Caste Certificate :-

(1) The State Government shall constitute one or more verification committees for each district consisting of such person or persons as may be prescribed for verification of caste certificate and income and caste certificate issued under Section 4-A or Section 4-B.

(2) Any person who has obtained a caste certificate or an income and caste certificate under Section 4-A or A-B or the Appointing Authority or any authority making admission to a course of study in the University or any Educational Institution may make an application to the verification committee in such form and in such manner as may be prescribed for issue of a validity certificate.

(3) The verification committee may after holding such enquiry as it deems fit within thirty days from the date of the application either grant a validity certificate in a prescribed form or reject the application.

4D. Appeal :-

(1) Any person aggrieved by an order passed by the verification committee under Section 4-C may within thirty days from the date of receipt of such order, appeal to the Divisional Commissioner of the concerned revenue division, in such form and in such manner and on payment of such fee as may be prescribed.

(2) The Divisional Commissioner shall after giving to both parties an opportunity of being heard pass such order in appeal as he deems fit.]

5. Penalty :-

If any appointing authority makes an appointment or any authority making admission to a course of study in a university or any educational institution makes admission in contravention of the provisions of this Act or rules made thereunder, he shall be punishable with fine which may extend upto rupees one thousand and imprisonment not exceeding six months:

Provided that nothing contained in this section shall apply in relation to appointment to any service or post of which appointing authority is the Governor.

6. Cognizance of offences :-

No prosecution for an offence under this Act shall be instituted except by, or with the sanction of, the State Government.

7. Maintenance of records and submission of annual report etc :-

(1) Every appointing authority and every authority making admissions to a course of study in a University or an educational institution having an establishment in public sector shall maintain such records and shall furnish to the State Government an annual report in such form and in such manner, as may be prescribed.

(2) Any officer authorised by the State Government in this behalf may inspect the records of an authority which is required to maintain under sub-section (1) for the purpose of ensuring proper implementation of the provision of this Act and rules made thereunder.

(3) It shall be the duty of the concerned appointing authority or the authority making admissions to the University or educational institution to produce such records and documents, furnish such information and afford all such assistance and facilities as may be

necessary for the aforesaid purpose.

8. Constitution of Standing Committee :-

There shall be a standing committee consisting of the following members, namely: -

Provided that on issue of a proclamation under Article 356 of the Constitution of India, the composition of the Committee may be altered by the State Government to such extent as it deems fit.

9. Functions of the Standing Committee :-

The Standing Committee shall perform the following functions namely.-

- (a) review of the implementation of the provisions of this Act and the rules made thereunder as far as possible twice a year;
- (b) suggest measures for the removal of difficulties in such implementation or for the improvement thereof; and
- (c) such other functions as the State Government may, from time to time, assign to the Committee.

10. Annual report :-

The State Government shall prepare an annual report on the working of this Act and lay the same before each House of the 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.

11. Protection of action taken in good faith :-

No suit, prosecution or other legal proceedings shall be against any person for anything which is done in good faith or intended to be done under this Act.

12. Removal of difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act, as the State Government may consider necessary for removing the difficulty.

13. Power to make rules :-

- (1) The State Government may make rules for carrying out the purposes of this Act.
- (2) Until such rules are made under sub-section (1) any executive

order made by the State Government relating to such reservation shall be deemed to be rules made under this Act.