

KARNATAKA STATE CIVIL SERVICES ACT, 1978

14 of 1990

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SCHEDULE 1 :- SCHEDULE

KARNATAKA STATE CIVIL SERVICES ACT, 1978

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An Act to regulate the recruitment and the conditions of service of persons appointed to Civil Services of the State of Karnataka and posts in connection with the affairs of the State of Karnataka. Whereas under clause (2) of Article 187, clause (2) of Article 229 and Article 309 of, and under entries 3 and 41 of List II of the Seventh Schedule to, the Constitution of India, the Legislature of the State may by law regulate the recruitment and the conditions of service of persons appointed to public services and posts in connection with the affairs to the State of Karnataka and to the Secretarial staff of the Houses of the Karnataka State Legislature, and the conditions of service of officers and servants of the High Court of Karnataka; And whereas it is expedient to make a law for the aforesaid matters and for other matters hereinafter appearing; Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:-

1. Short title and commencement :-

1

(1) This Act may be called the Karnataka State Civil Services Act, 1978.

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

1. Section 1 shall be and shall be deemed always to have been substituted by Act No. 37 of

2. Definitions :-

In this Act, unless the context otherwise requires,-

1[(1) "Board" means the Board consisting of the Chairman, Legislative Council and the Speaker, Legislative Assembly;]

2[(1-a)] "High Court" means the High Court of Karnataka;

(2) "Legislature" means the Karnataka State Legislature;

(3) "Public Service" means a civil service of the State and includes a Civil Post under the State, the Secretarial staff of the Houses of the Legislature and the officers or servants of the High Court;

(4) "Rules" means the rules made or deemed to have been made under this Act;

3 [(4-a) "Special Board" means the Board consisting of Chief Minister, the Chairman, Legislative Council, the Speaker, Legislative Assembly, the Minister-in-charge of Parliamentary Affairs and the Minister-in-charge of Finance;]

(5) "State" means the State of Karnataka.

1. Clause (1) inserted by Act No. 37 of 1991, w.e.f. 10-12-1991

2. Existing clause (1) renumbered as clause (1-a) by Act No. 37 of 1991, w.e.f. 10-12-1991

3. Clause (4-a) inserted by Act No. 37 of 1991, w.e.f. 10-12-1991

3. Regulation of recruitment and the conditions of service :-

(1) Subject to the provisions of this Act, the State Government, may, by notification, make rules,-

(a) specifying the different categories of posts in the different branches of public services of the State, the total number and nature of posts in each such category and the scale of pay

admissible to each such category;

(b) for the regulation of the recruitment and conditions of service of persons appointed to public services:

1[Provided that in respect of the officers and servants of the High Court, the powers of the State Government under this sub-section, shall be exercised by the Chief Justice of the High Court:

Provided further that in respect of the Secretariat Staff of the Houses of the Legislature, the powers of the State Government under this sub-section, shall be exercised by the Special Board.]

2 [(2) The power to make rules conferred by sub-section (1) shall be subject to the following conditions, namely.-

(a) the rules shall be made after previous publication for a period not less than thirty days;

(b) where the proposed rules relate to the methods of recruitment to civil services or civil posts in respect of which the Karnataka Public Service Commission has to be consulted under clause (3) of Article 320 of the Constitution of India and in the case of officers and servants of the High Court under the proviso to clause (1) of Article 229 of the Constitution of India, a copy of the draft rules as published under clause (a) shall be forwarded to the Secretary of the Karnataka Public Service Commission for communicating the views of the Commission on the proposed rules within the period specified under the said clause;

(c) the State Government or the Chief Justice of the High Court or the Special Board shall consider the views of the Karnataka Public Service Commission and any objection or suggestion from any person likely to be affected by the said rules received before the expiry of the period specified under clause (a) and make the rules with such modifications as it or he may deem fit:

Provided that nothing in this sub-section shall apply to rules regulating the pay and other emoluments of persons appointed to public services.]

(3) All rules relating to matters referred to in sub-section (1) and in force on the date of commencement of this Act.--

(i) made by the Governor under clause (3) of Article 187 of the Constitution of India regulating the recruitment and conditions of

service of persons appointed to the Secretarial staff of the Houses of Legislature;

(ii) made by the Chief Justice of the High Court of Karnataka or some other Judge or officer of the High Court of Karnataka authorised by the Chief Justice under clause (2) of Article 229 of the Constitution of India regulating the conditions of service of the officer and servant of the High Court of Karnataka; and

(iii) made by the Governor under the proviso to Article 309 of the Constitution of India, regulating the recruitment and conditions of service of persons appointed to the civil services and posts in connection with the affairs of the State; and

(iv) made by the Government under any law for the time being in force, shall be deemed to be rules made under sub-section (1) and shall continue in force until they are modified or replaced by rules made under this Act.

1. Provisos substituted for the proviso by Act No. 37 of 1991. w.e.f. 10-12-1991

2. Sub-section (2) substituted by Act No. 37 of 1991, w.e.f. 10-12-1991

4. Reservation of appointments and posts :-

In all cases of recruitment to public services there shall be reservation of appointment or posts in favour of members belonging to Scheduled Castes, Scheduled Tribes and other Backward classes of citizens to such extent and in such manner as may be determined from time to time by the State Government.

5. Provisions relating to disciplinary proceedings :-

(1) The State Government may, by notification, invest any authority or officer authorised by any law or the rules made or deemed to have been made under this Act to make an inquiry into the conduct of any member of public services with the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely.-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) any other matter which may be specified in such notification:

1[Provided that in respect of any inquiry against the officers and servants of the High Court or the Secretariat Staff of the Houses of the Legislature, the powers of the State Government under this sub-section shall be exercised by the Chief Justice of the High Court and the Special Board or the Board as the case may be respectively.]

2[Provided further] that in respect of any inquiry by any authority or officer authorised by the High Court or the Chief Justice of the High Court. The power of a civil court referred to in this sub-section may, by notification, be invested on such authority or officer by the High Court or the Chief Justice, as the case may be:

3 [Provided also] that notwithstanding anything contained in sub-section (1), the authorised inquiring authority shall not compel the Reserve Bank of India, the State Bank of India, any subsidiary bank as defined in clause (k) of Section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959) or any corresponding new bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970),-

(a) to produce any books of account or other documents which the Reserve Bank of India, the State Bank of India; the subsidiary Bank or the corresponding new Bank claims to be of a confidential nature, or

(b) to make any such books or documents a part of the record of the proceedings of the departmental inquiry, or

(c) to give inspection of any such books or documents, if produced, to any party before it or to any other person.

(2)

(a) Any authority or officer invested with the powers of a civil court under sub-section (1) shall be deemed to be a civil court and when any offence as is described in Section 175, Section 178, Section

(b) Any proceeding before the said authority or officer shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code, 1860 (Central Act 45 of 1860):

(3) If in any disciplinary proceeding against a member of the public services for misconduct or corruption it is proved that such member or any person on his behalf is in possession, or has, at any time during the period of office of such member, been in possession, for which such member cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income then on such proof, the disciplinary authority and the inquiring authority, if any, shall presume, unless the contrary is proved, that such servant is guilty of such misconduct.

Explanation.-For the purpose of this sub-section the expression "corruption" shall have the meaning assigned to the expression "Criminal misconduct in discharge of official duty" in sub-section (1) of Section 5 of the Prevention of Corruption Act, 1947 (Central Act 2 of 1947) or the meaning assigned to the expressions "taking gratification other than legal remuneration in respect of an official act" and "obtaining valuable thing without consideration" in Sections 161 and 165 respectively of the Indian Penal Code.

1. Proviso inserted by Act No. 37 of 1991, w.e.f. 10-12-1991
2. Substituted for the word "Provided" by Act No. 37 of 1991, w.e.f. 10-12-1991
3. Substituted for the words "Provided further" by Act No. 37 of 1991, w.e.f. 10-12-1991

6. Act to prevail over other laws :-

This Act and any rule made or deemed to have been made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law with respect to matters for which provision is made in this Act or for which rules can be made under this Act:

Provided that nothing in this Act shall affect or be deemed to affect the provisions of the Acts specified in the Schedule appended to this Act.

7. Amendment of Karnataka Acts, 4 of 1964, 22 of 1964, 27 of 1966 and 14 of 1977 :-

[(1) x x x x x.]

(2) In the Karnataka Police Act, 1963, (Karnataka Act 4 of 1964),-

(a) in Section 5,-

(i) the words and figures "the provisions made under Article 309 of the Constitution and" shall be omitted;

(ii) clause (b) and the proviso shall be omitted;

(b) Sections 23, 24 and 25 shall be omitted:

Provided that the rules made under that Act, relating to recruitment and conditions of service of the members of the Police force shall continue in force and the provisions of Sections 23, 24 and 25 shall also continue in force as part of the disciplinary rules as if they were rules made under this Act.

(3) In the Karnataka Municipalities Act, 1964, (Karnataka Act 22 of 1964) in sub-section (2) of Section 365 for the words "under Article 309 of the Constitution" the words and figures "under the Karnataka State Civil Services Act, 1978" shall be substituted.

(4) In the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 (Karnataka Act 27 of 1966), in sub-section (2) of Section 59 for the words "under Article 309 of the Constitution" the words and figures "under the Karnataka State Civil Services Act, 1978" shall be substituted.

(5) In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) in sub-section (2) of Section 83, for the words and figures "under the rules framed under the proviso to Article 309 of the Constitution of India" the words "to them" shall be substituted.

1. The figures and word "10 of 1959" omitted by Act No. 37 of 1991, w.e.f. 10-12-1991

2. Sub-section (1) omitted by Act No. 37 of 1991, w.e.f. 10-12-1991

8. Power to make rules :-

(1) The State Government may, by notification, make rules to carry out the purposes of this Act.

(2) Any rule made under this Act may be made with retrospective effect and when such a rule is made, the reasons for making the rule shall be specified in a statement to be laid before both Houses

of the State Legislature and subject to any modification made under sub-section (3), every rule made under this Act shall have effect as if it is enacted in this Act.

(3) 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 in which it is so laid or the sessions immediately following 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 modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

9. Repeal :-

1 [(I)] The public Servants (Enquiries) Act, 1850 (Central Act, 37 of 1850) in its application to the State of Karnataka and the Hyderabad Public Servants (Tribunal of Enquiries) Act, 1950 (Hyderabad Act, XXIII of 1950) as in force in the Gulbarga Area are hereby repealed.

2 [(2) Notwithstanding such repeal, anything done or any action taken under the repealed Acts shall be deemed to have been done or taken under this Act.]

1. Section 9 renumbered as sub-section (1) thereof by Act No. 37 of 1991, w.e.f. 10-12-1991

2. Sub-section (2) inserted by Act No. 37 of 1991, w.e.f. 10-12-1991

SCHEDULE 1

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[See Section 6]

1. The Karnataka State Civil Services Class-III posts (Recruitment) (Validation) Act, 1965.

2. The Karnataka State Civil Services (Prevention of Strikes) Act, 1966.

3. The Karnataka Civil Services (Regulation of Pay, Promotion and Pension) Act, 1973.

4. The Karnataka State Servants (Determination of Age) Act, 1974

5. The Karnataka Services Examination Act, 1976.

6. The Karnataka Lokayukta Act, 1984.