

THE KARNATAKA STATE CIVIL SERVICES ACT, 1978

ARRANGEMENT OF SECTIONS

Statement of Objects and Reasons:

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SCHEDULE

STATEMENT OF OBJECTS AND REASONS

I

Act 14 of 1990.- Articles 309, 187 (2) and 229(2) of the Constitution of India provide for the recruitment and conditions of service of civil servants being regulated by law of the State Legislature. It is therefore considered desirable to make a law for this purpose.

Since rules regulating the recruitment and conditions of service made under the Act relate to civil servants, the secretarial staff of the Karnataka State Legislature and conditions of service of the members of the establishment of the High Court, provision has been made in clause 3(2) for the previous publication of the rules and for ascertaining the views of the Presiding Officers of the Legislature and of the High Court before the rules are made.

Provision has been made in clause 3 for continuance of the rules made before the commencement of the Act. The Vigilance Commissioner, the officers of the Vigilance Commission and other officers who may be required to conduct inquiries into the conduct of civil servants will have to be invested with necessary powers to enable them to conduct the inquiries properly. For this purpose, it is proposed to take power to invest such officers with certain powers of a civil court while trying a suit under the Code of Civil Procedure, 1908. In order to deal with corrupt civil servants in possession of assets disproportionate to their known sources of income for which they cannot satisfactorily account, it is considered necessary to have provision for presuming misconduct when it is proved that a civil servant is in possession of disproportionate assets. Provisions for said matters have been made in clause 5 of the Bill.

(Published in Karnataka Gazette (Ex-ordinary) Part IV-2A dated 10.8.1978 as No 1135 at page 10.)

II

Amending Act 37 of 1991.- Keeping in view, the Independent Status of the Legislature and the High Court, it is considered necessary to amend the Karnataka State Civil Services Act, 1978. (Karnataka Act No.14 of 1990) suitably to confer on the Legislature and the High Court, the power of controlling their Staff as well as to enforce the compulsory reservation policy in the said services.

Opportunity is also utilised to make certain consequential amendments.

Hence the Bill.

(Published in Karnataka Gazettee (Extraordinary) Part IV-2A dated 30.9.1991 as No.621.)

II

Amending Act 17 of 2003.- It is considered necessary to reduce the period of 30 days specified in clause (a) of sub-section (2) of section 3 of the Karnataka State Civil Services Act, 1978 to 15 days in order to enable more expeditious completion of the process of making rules.

Hence the Bill.

[LA BILL No. 31 of 2002]

[Entry 41 of List-II of Seventh Schedule to the Constitution of India]

III

Amending Act 20 of 2010.- It is considered necessary to amend the Karnataka State Civil Services Act, 1978, to dispense with the requirement of previous publication of rules specifying only the number and nature of the posts created; and to replace the reference to the Prevention of Corruption Act, 1947, in the explanation below sub-section (3) of section 5, with that of the Prevention of Corruption Act, 1988 (Central Act No.49 of 1988) which repealed the old Act.

Hence the Bill.

[L.A.Bill No. 2 of 2009, File No.DPAL 16 Shasana 2008]

[Entry 41 of List II of the Seventh Schedule to the Constitution of India.]

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KARNATAKA ACT No. 14 OF 1990

(First published in the Karnataka Gazette Extraordinary on the Thirtieth day of May, 1990).

THE KARNATAKA STATE CIVIL SERVICES ACT, 1978

(Received the assent of the President on the Twelfth day of July 1985)

(As amended by Act 37 of 1991, 17 of 2003 and 20 of 2010)

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 of the State of Karnataka and to the Secretariat 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) This Act may be called The Karnataka State Civil Services Act, 1978.

1. Substituted by Act 37 of 1991 w.e.f. 30.5.1990.

(2) It shall come into force on such ¹[date]¹ as the State Government may, by notification, appoint.]¹

1. Act came into force 2.4.1992.

2. Definitions.- In this Act, unless the context otherwise requires,-

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

1. Inserted by Act 37 of 1991 w.e.f. 10.12.1991.

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

1. Renumbered by Act 37 of 1991 w.e.f. 10.12.1991.

(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 ;

¹[(4a) 'Special Board' means the Board consisting of Chief Minister, the Chairman of Legislative Council, the Speaker of Legislative Assembly, the Minister-in-charge of Parliamentary Affairs and the Minister-in-charge of Finance.]¹

1. Inserted by Act 37 of 1991 w.e.f. 10.12.1991.

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

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 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]¹

1. Substituted by Act 37 of 1991 w.e.f. 10.12.1991.

¹[(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 ²[fifteen days]²;

(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 (I) 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.]¹

1. Substituted by Act 37 of 1991 w.e.f. 10.12.1991.

2. Substituted by Act 17 of 2003 w.e.f. 08.04.2003.

¹[Provided further that nothing in clause (a) shall apply to rules specifying the number and nature of the posts.]¹

1. Inserted by Act 20 of 2010 w.e.f. 06.05.2010.

(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 officers and servants 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.

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 service 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 affidavits ;
- (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 :

[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.]

1. Inserted by Act 37 of 1991 w.e.f. 10.12.1991.

[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:

1. Substituted by act 37 of 1991 w.e.f. 10.12.1991.

[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),-

1. Substituted by act 37 of 1991 w.e.f. 10.12.1991.

(a) to produce any books of account or other documents which the Reserve Bank of India, the State Bank of India; the subsidiary 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, by 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 179, section 180 or section 228 of the Indian Penal Code, 1860 (Central Act 45 of 1860) is committed in the view or presence of the said authority or officer, the said authority or officer, may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 ;

(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" ¹[in sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 (Central Act No. 49 of 1988)]¹ 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. Substituted by Act 20 of 2010 w.e.f. 06.05.2010.

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, ¹[xxx]¹ 4 of 1964, 22 of 1964, 27 of 1966 and 14 of 1977.- ¹[(1) xxx]

1. Omitted by Act 37 of 1991 w.e.f. 10.12.1991.

(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.

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 subsection (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[(1)]₁ The Public Servant (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.

¹. Renumbered by Act 37 of 1991 w.e.f. 10.12.1991.

¹[(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

¹. Inserted by act 37 of 1991 w.e.f. 10.12.1991.

[SCHEDULE

(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.
2. The Karnataka Civil Services (Regulation of Pay, Promotion and Pensions) 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]₁

¹. Inserted by act 37 of 1991 w.e.f. 10.12.1991.

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The Karnataka State Civil Services Act, 1978 (14 of 1990) has been amended by the following Acts namely:-

Amendments (chronological)

Sl. No.	No. and year of the Act	Sections Amended	Remarks
1	14 of 1990	-	w.e.f 02.04.1992 By Notification No.DPAR 3 SDE 92 dt.4.3.1992
2	37 of 1991	1,2(1),2(1a),2(4a),3(1),3(2), 5(1),7(1),9(1),9(2),Schedule	w.e.f 10.12.1991

Amendments (Section-wise)

Sec.	Act No. and year	Remarks	Sec.	Act No. and year	Remarks
1	37 of 1991	w.e.f10.12.1991	5	37 of 1991	w.e.f10.12.1991
2	37 of 1991	w.e.f10.12.1991	7	37 of 1991	w.e.f10.12.1991
3	37 of 1991	w.e.f10.12.1991	9	37 of 1991	w.e.f10.12.1991
			Schedule	37 of 1991	w.e.f10.12.1991

NOTIFICATION

Bangalore dated 4th March 1992 [No. DPAR 3 SDE 92]

S.O.463.- In exercise of the powers conferred by sub-section (2) of Section I of the Karnataka State Civil Services Act, 1978 (Karnataka Act No. 14 of 1990) the Government of Karnataka hereby appoint the Second day of April 1992 as the date on which the provisions of the Karnataka Civil Services Act, 1978 shall come into force.

By order and in the name of the Governor of Karnataka
Motiram Pawar,
Under Secretary to Government
Dept. of personnel and Administrative Reforms 2
(Service Rules)

(Published in the Karnataka Gazette Part IV-2C(ii) dated 26.3.1992 at page 376.)

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