

**THE KARNATAKA SCHEDULED CASTES, SCHEDULED TRIBES AND
OTHER BACKWARD CLASSES (RESERVATION OF SEATS IN
EDUCATIONAL INSTITUTIONS AND OF APPOINTMENT OR POSTS IN THE
SERVICES UNDER THE STATE ACT, 1994.**

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STATEMENT OF OBJECTS AND REASONS

Act 43 of 1994 .- On the basis of the report submitted by the Karnataka Third Backward Classes Commission headed by Justice O. Chinnappa reddy determining the socially and educationally backward classes in the State and the guidelines issued by the Supreme Court in Vasanthkumar's case and in the judgement delivered by the Supreme Court on 16th november, 1992 in Indra Sawhaney' -Vs- Union of India (AIR 1993 SC 477), the State Government adopted a new reservation policy in order No. SWD 75 BCA 92 dated 20th April, 1994 to provide for reservation facilities in educational institutions and in appointments or posts in the services under the State for Other Backward Classes to fifty per cent in addition to reservation for Scheduled Classes and Scheduled Tribes to the extent of twenty-three per cent.

But after the issue of this order, the State Government, after considering the demands of several classes of people and associations and comparing the existing reservation provided to Other Backward Classes with the total population

in the State as well as the population of the persons belonging to Other Backward Classes residing in rural areas and taking into consideration that such classes are below the poverty line, modified the order dated 20th April, 1994 in G.O. No. SWD 150 BCA 94 dated 25th July, 1994 increasing the reservation quota for Other Backward Classes from fifty per cent to fifty-seven per cent. This was challenged by the religious institutions in the Supreme Court and the State Government has assured before the supreme court that the reservation order dated 25th July, 1994 would not be implemented.

At present, the Tamilnadu and other neighbouring States, on the basis of the population of the backward classes in the respective States have made provision for reservation more than fifty per cent. Recently, Tamilnadu Legislature has passed a legislation increasing the reservation quota of the backward classes to 69 per cent.

The President has assented to the Bill and it has become an Act. The Government of India has also introduced a Bill in the Rajyasabha, amending the constitution to include the said Act in the Ninth Schedule. The Bill has been passed by both the Houses of Parliament.

The State Government have taken into consideration the population of backward classes in the Karnataka State and having regard to the special status of the social and educational backwardness of these persons considered it necessary to bring a similar legislation to enforce the reservation policy issued in the Government Order dated 25th July, 1994 to enhance the over all reservation quota to eighty per cent.

Hence the Bill.

(Obtained from L.A. Bill No. 23 of 1994)

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KARNATAKA ACT No. 43 OF 1994

(First published in the Karnataka Gazette Extraordinary dated 24th October, 1994)

**THE KARNATAKA SCHEDULED CASTES, SCHEDULED TRIBES AND
OTHER BACKWARD CLASSES (RESERVATION OF SEATS IN
EDUCATIONAL INSTITUTIONS AND OF APPOINTMENTS OR POSTS IN THE
SERVICES UNDER THE STATE) ACT, 1994.**

*(Received the assent of the President on the Twenty third day of
October 1994)*

An Act to provide for reservation of seats in educational institutions in the State of Karnataka and of appointments or posts in the services under the State for the Other Backward Classes of citizens and for persons belonging to the Scheduled Castes and the Scheduled Tribes in the State.

WHEREAS the policy of reservation for the social and educational advancement of the people belonging to Backward Classes of citizens in admission to educational institutions in the State and for appointments in the services under the State has been under implementation in the State for a long time;

And whereas, clause (4) of Article 15 of the Constitution enables the State to make any special provisions for the advancement of any socially and educationally Backward Classes of citizens or for the Scheduled Castes and the Scheduled Tribes;

And whereas, clause (4) of Article 16 of the Constitution enables the State to make any provision for the reservation of appointments or posts in favour of any Backward Classes of citizens which in the opinion of the State is not adequately represented in the services under the State;

And whereas, clause (1) of Article 38 of the Constitution, the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of the national life;

And whereas under clause (2) of Article 38 of the Constitution, the State shall, in particular, strive to minimise the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations;

And whereas under clause (b) of Article 39 of the Constitution the State shall in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

And whereas under clause (c) of article 39 of the Constitution the State shall in particular direct the policy towards securing that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

And whereas under Article 46 of the Constitution, the State shall promote, with special care the educational and economic interests of the weaker sections of the

people, and in particular, of the Scheduled Castes and the Scheduled Tribes and shall protect them from social injustice and all forms of exploitation;

And whereas the Karnataka Third Backward Classes Commission has submitted its report taking into account all available information in regard to social and educational backwardness of the backward communities, castes and tribes and considering the level of poverty of each community their way of life, standard of living, habits and customs, place of each community in social hierarchy and the State Government, has taken into consideration of such report and the guidelines given by the Supreme Court of India in the Judgement of Vasanth Kumar and another Vs. State of Karnataka and the Judgement delivered on 16.11.1992, relating to reservation for socially and educationally Backward Classes in particular on the implementation of Mandal Commission Report in Indira Sawhney Vs. Union of India (AIR 1993 SC 477);

And whereas in the opinion of the State Government, Backward Classes of citizens and the persons belonging to the Scheduled Castes and the Scheduled tribes who constitute the majority of the total population of the State are not adequately represented in the services under the State in proportion to their population in the State of Karnataka;

And whereas the State government after careful consideration of the above factors have taken a policy decision that the existing level of seventy three per cent reservation in admission to educational institutions in the State and in the services under the State for the persons belonging to the Scheduled Castes and the Scheduled tribes and Other Backward Classes of citizens be raised to eighty per cent for ensuring the advancement of the aforesaid Classes in the State;

BE it enacted by the Karnataka State Legislature in the Forty-fifth year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title and commencement.- (1) This Act may be called the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of seats in Educational Institutions and of Appointments or posts in the services under the State) Act, 1994.

(2) It shall come into force on such '[date]' as the Government may, by notification appoint and different dates may be appointed for different provisions of the Act.

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

(i) "Backward Classes of Citizens" means the class or classes of citizens who are socially and educationally backward as may be notified by the Government in the Karnataka Gazette from time to time:

(ii) "Educational Institutions" means,-

(a) any college or other educational institution maintained by the State or receiving aid out of the State funds or affiliated to any University established by law including an University college: or

(b) any institute or training centre recognised or approved by the Government:

with the object of preparing, training or guiding its students for any certificate, decree or diploma or other academic distinctions granted or conferred by any University or authority established or approved in this behalf by the Government ;

(iii) "Government" means the Government of Karnataka;

3. Declaration.- It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles laid down in Part-IV in general and in particular Article 38, clauses (b) and (c) of Article 39 and Article 46 of the Constitution.

CHAPTER II

RESERVATIONS OF SEATS IN EDUCATIONAL INSTITUTIONS AND APPOINTMENTS IN SERVICES UNDER THE STATE

4 . Reservation of seats.- Notwithstanding anything contained in any judgement, decree or order of any Court or other authority having regard to the social and educational backwardness of the Other Backward Classes of citizens and the persons belonging to Scheduled Castes and Scheduled Tribes the reservation in respect of an annual permitted strength in each branch or faculty for admission into educational institutions in the State for the Backward Classes of citizens and for the persons belonging to the Scheduled Castes and the Scheduled Tribes, shall be seventy three per cent.

5. Reservation in appointments or posts in the services under the State.- Notwithstanding anything contained in any law or in any judgement decree or order of any Court or other authority having regard to the social and educational backwardness of the Other Backward Classes of citizens and the persons belonging to Scheduled Castes and Scheduled Tribes, the reservation for appointments or posts in the services under the State for the Other Backward Classes of citizens and for the persons belonging to the Scheduled Castes and the Scheduled Tribes, shall be seventy three per cent.

Explanation.- For the purposes of this Act, "Services under the State" includes the services under,-

- (i) the Government;
- (ii) the Legislature of the State;
- (iii) any local authority;
- (iv) any corporation or company owned or controlled by the Government ;

or

(v) any other authority In respect of which the State Legislature has power to make laws.

6. Reservation for Backward Classes and Scheduled Castes and Scheduled Tribes.- (1) The reservation referred to in sections 4 and 5 shall, in respect of Other Backward Classes, the Scheduled Castes and Scheduled Tribes be as specified respectively in the Schedule:

Provided that no person other than the Scheduled Castes and Scheduled Tribes and Category-I (most backward) of Other Backward Classes shall be entitled for reservation, if,-

(i) either of whose parents is a Group-A or Group-B Officer in the service of the Government or holds an equivalent post in public sector undertaking or an employment under a private employer and draws a salary which is not less than that of Group B Officer (initial stage of the pay scale of Rs.2050-3950);

(ii) either of whose parents is an income tax assessee/wealth tax assessee;

(iii) either of whose parents is assessed to sales tax;

(iv) either of whose parents or both together own more than ten hectares of rainfed wet land or its equivalent as specified in the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962).

(2) The Government may, from time to time, based on the recommendations or reports made at the appropriate periods to the Government by the Karnataka State Commission for Backward Classes, by notification, classify or sub-classify the Backward Classes specified in the Schedule or modify the Schedule for the purpose of this Act.

(3) Every notification issued under sub-section (2) shall be laid before each House of the State Legislature in the manner specified in sub-section (2) of section 8.

7. Reservations not to be affected.- Notwithstanding anything contained in sections 4 and 5, the claims of the students or members belonging to Other Backward Classes of citizens or the Scheduled Castes or Scheduled Tribes shall also be considered for the unreserved seats, appointments or posts which shall be filled on the basis of merit and where a student or member belonging to Other Backward Classes of citizens or the Scheduled Castes or Scheduled Tribes is selected on the basis of merit, the number of seats, appointments or posts reserved for Other Backward Classes of citizens or for the persons belonging to the Scheduled Castes or Scheduled Tribes, as the case may be, shall not in any way be affected.

8. Power to make rules.- (1) The Government may by notification in the Official Gazette make rules for carrying out the provisions of this Act.

(2) 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 immediately following the session or the successive sessions aforesaid, 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 such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

9. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the Official Gazette make provisions not inconsistent with the provisions of this Act as appear to it be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall as soon as may, after it is made, be laid before each House of State Legislature.

SCHEDULE

(See Section 6)

Sl.No.	Class of persons	Percentage of reservation
1	2	3
1.	Scheduled Castes	18 per cent
2.	Scheduled Tribes	5 per cent
3.	Category-I (Most Backward)	7 per cent
4.	Category-II (a) (relatively more Backward)	20 per cent
5.	Category-II (b) (More Backward)	6 per cent
6.	Category-III (a) (Backward)	7 per cent
7.	Category-III (b) (Relatively Backward)	10 per cent
	Total	73 per cent

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The above translation of the ಕರ್ನಾಟಕ ಅನುಸೂಚಿತ ಜಾತಿ, ಅನುಸೂಚಿತ ಪಂಗಡಗಳು ಮತ್ತು ಇತರ ಹಿಂದುಳಿದ ವರ್ಗಗಳ (ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಮತ್ತು ರಾಜ್ಯಾಧೀನ ಸೇವೆಗಳಲ್ಲಿನ ನೇಮಕಾತಿ ಅಥವಾ ಹುದ್ದೆಗಳಲ್ಲಿ ಮೀಸಲಾತಿ) ಅಧಿನಿಯಮ, 1994. was published in the Karnataka Gazette (Extraordinary) Part IV-2B dated 11.11.1994 as No. 955 under clause (3) of Article 348 of the Constitution of India.

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