



KARNATAKA ACT NO. 01 OF 2023

THE KARNATAKA SCHEDULED CASTES AND SCHEDULED TRIBES (RESERVATION OF SEATS IN EDUCATIONAL INSTITUTIONS AND OF APPOINTMENTS OR POSTS IN THE SERVICES UNDER THE STATE) ACT, 2022

Arrangement of Section

Sections:

1. Short title and commencement
2. Definitions
3. Reservation of seats
4. Reservation in appointments or posts in the services under the State
5. Reservations not to be affected
6. Power to make rules
7. Power to remove difficulties
8. Repeal and savings

STATEMENT OF OBJECTS AND REASONS

Act 01 of 2023:- A Bill 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 persons belonging to the Scheduled Castes and the Scheduled Tribes in the State.

Whereas, the State of Karnataka was formed from the erstwhile Mysore State and the Mysore State joined the Indian Dominion in the year 1948 and whereas the President of India issued an order under Article 341 and Article 342 of the Constitution of India declaring certain castes to be the Scheduled Castes and Scheduled Tribes.

Whereas, the number of castes increased drastically after the inclusion of some more communities, total population of the Scheduled Castes and Scheduled Tribes in the State went up by leaps and bound.

Whereas, in the year 1976 as per the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (Central Act 108 of 1976) the geographical limitations attached to the castes were removed which also led to extraordinary increase in the population of the





Scheduled Castes and the Scheduled Tribes in the State of Karnataka.

Whereas, the State of Karnataka had provided reservation vide Government Order E- 185-285 RBS-35-34-2 during April 1955, a combined reservation of 18% for the Scheduled Castes and Scheduled Tribes.

Whereas, the reservation quota provided to the Scheduled Castes and Scheduled Tribes continued to remain the same as it was in the year 1958, i.e., 15% for the Scheduled Castes and 3% for the Scheduled Tribes, though their population and coverage of number of castes increased subsequently.

Thereafter, the Government vide G.O.No. GAD (OM) 46 GRR 57, dated 04.02.1958 pending collection of data tentatively arrived at reservation for the Scheduled Castes at 15% and the Scheduled Tribes at 3%. The same percentage of reservation has continued in the latest Government Order No.SWD 225 BCA 2000, dated 30th March 2002 as under:

- (a) Scheduled Castes: 15%
- (b) Scheduled Tribes: 3%
- (c) Backward Class: 32%

Whereas, there has been a continuous demand and request by the members belonging to the Scheduled Castes and the Scheduled Tribes for increase in the reservation percentage, both in public employment and in educational institutions, as there was no adequate representation as per the constitutional mandate, and the Nayaka student's association approached the High Court of Karnataka.

Whereas, the High Court of Karnataka in W.P.No.16852/2015 directed the State Government to consider the representation filed by Nayak Students' Welfare Federation for increase of reservation to the Scheduled Castes and the Scheduled Tribes.

In order to take a decision in this regard as directed by the Hon'ble High Court and to procure empirical data, the State Government appointed a Commission headed by Mr. Justice H.N.





Nagamohandas, former Judge, High Court of Karnataka by way of a Reference Order No.SWD 303 PVY 2015, dated 22.07.2019.

Whereas, the Commission has undertaken an extensive study of the reference so made and submitted a report to the State Government on 02.07.2020. The salient features of the report include,-

- (a) evidence of social and educational backwardness that renders many of the castes and communities under the Scheduled Castes and the Scheduled Tribes marginalized and still outside the mainstream (the Particularly Vulnerable Tribal Groups (PVTGs), Manual scavengers, SafaiKarmacharis, Devadasis, Nomads, semi-nomads etc).
- (b) such backwardness is much starker in few communities who are living in the far-flung areas in the Western Ghats in addition to the dry regions of the state like Dakkligaru, Dholi Bhil, Maleru, soligaru etc. These communities have not been able to get the benefit of reservation adequately.
- (c) when compared with their population, there is evidence of inadequate representation in educational institutions, employment in the Government, for the Scheduled Castes and the Scheduled Tribes, which renders their attempt to come out of the backwardness extremely difficult.
- (d) the landholdings of the Scheduled Castes and the Scheduled Tribes is disproportionate and starkly less compared to their population and that reinforces the social and educational backwardness.
- (e) based on the above study, a special case is made out for increasing the reservations for the Scheduled Castes up-to 17% and 7% for the Scheduled Tribes, after making a special case for such increase based on detailed study and analysis.

Whereas, the Government appointed another Committee chaired by Justice SubhashAdia and others, to look into the





implementation of the Justice Nagamohandas Commission report and this Committee chaired by Justice SubhashAdi and others, gave its report on 06.07.2022.

Whereas, the Justice SubhashAdi committee also placed special circumstance as mentioned in the commission report and also pointed out the lack of parity in reservations for the Tribals compared to the reservations for the same in the Central Government employment and State Government employment.

Whereas, the report also cites a study by National Law School of India University, Bengaluru, which states 74% of the Tribal community have remained invisible and their literacy rates are lower than 3%.

The report also, mentioned that if there is a comparison made in the number of castes included under the Scheduled Castes and Scheduled Tribes with other States, then it can be seen that though other States have notified a smaller number of Castes their percentage of reservation is higher than the Karnataka State. The report includes examples of Madhya Pradesh, Rajasthan and Uttar Pradesh.

The report records about the need for reservations to the most deprived classes from amongst the Scheduled Castes and the Scheduled Tribes. In Karnataka 74% forms such part of population which makes it difficult for them to be identified and organized.

The report also records the need for positive measures, to reduce any inequality, which is within the State's power.

The report further mentions that, Social justice and affirmative action form the cornerstone of Governance and the State is bound to work to bring about an egalitarian society and the endeavor constantly is that members from the Backward Classes of the Scheduled Castes and the Scheduled Tribes should be a part of the mainstream society.

Whereas, to be part of public service as accepted by the





society of today, is to attain social status and play a role in Governance. The objective of Article 16 (4) of the Constitution is that the backward classes of the Scheduled Castes and the Scheduled Tribes should also be put in the mainstream to enable the sharing of power of the State by affirmative action.

Whereas, after considering the above the Government is satisfied about the extraordinary circumstances and a special case for an increase in reservations for members belonging to Scheduled Castes and Scheduled Tribes.

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.

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.

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.

Whereas, there are many other states who have increased the reservation quota from time to time, exceeding the limit of fifty percent.

As the matter was urgent and both Houses of the State Legislature were not in session, the Karnataka Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of Appointments or posts in the services under the State) Ordinance, 2022 (Karnataka Ordinance 07 of 2022) was promulgated Vide Notification DPAL 29 SHASANA 2022 dated: 23.10.2022 to achieve the above object. And all provisions of the said Ordinance brought in to force with effect from 1-11-2022.





This Bill seeks to replace the said ordinance.
Hence, the Bill.

[L.A. Bill No. 31 of 2022, File No. SAMVYASHAE 29 SHASANA 2022]
[Entry 41 of List II and entries 23 and 25 of list III of the Seventh Schedule to the Constitution of India]
[Published in Karnataka Gazette Extra-ordinary No.15 in part-IVA dated:12.01.2023]
KARNATAKA ACT NO. 01 OF 2023

(First Published in the Karnataka Gazette Extra-ordinary on the 12th day of January, 2023)

**THE KARNATAKA SCHEDULED CASTES AND SCHEDULED TRIBES
(RESERVATION OF SEATS IN EDUCATIONAL INSTITUTIONS AND OF
APPOINTMENTS OR POSTS IN THE SERVICES UNDER THE STATE) ACT,
2022**

(Received the assent of Governor on the 11th day of January, 2023)

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 persons belonging to the Scheduled Castes and the Scheduled Tribes in the State.

Whereas, the State of Karnataka was formed from the erstwhile Mysore State and the Mysore State joined the Indian Dominion in the year 1948 and where as the President of India issued an order under Article 341 and Article 342 of the Constitution of India declaring certain castes to be the Scheduled Castes and Scheduled Tribes.

Whereas, the number of castes increased drastically after the inclusion of some more communities, total population of the Scheduled Castes and Scheduled Tribes in the State went up by leaps and bound.

Whereas, in the year 1976 as per the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (Central Act 108 of 1976) the geographical limitations attached to the castes were removed which also led to extraordinary increase in the population of the Scheduled Castes and the Scheduled Tribes in the State of Karnataka.

Whereas, the State of Karnataka had provided reservation vide Government Order E- 185-285 RBS-35-34-2 during April 1955, a combined reservation of 18% for the Scheduled Castes and Scheduled Tribes.

Whereas, the reservation quota provided to the Scheduled Castes and Scheduled Tribes continued to remain the same as it was in the year 1958, i.e., 15% for the Scheduled Castes and 3% for the Scheduled Tribes, though their population and coverage of number of castes increased subsequently.





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Whereas, the High Court of Karnataka in W.P.No.16852/2015 directed the State Government to consider the representation filed by Nayak Students' Welfare Federation for increase of reservation to the Scheduled Castes and the Scheduled Tribes.

In order to take a decision in this regard as directed by the Hon'ble High Court and to procure empirical data, the State Government appointed a Commission headed by Mr. Justice H.N. Nagamohandas, former Judge, High Court of Karnataka by way of a Reference Order No.SWD 303 PVY 2015, dated 22.07.2019.

Whereas, the Commission has undertaken an extensive study of the reference so made and submitted a report to the State Government on 02.07.2020. The salient features of the report include,-

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- (b) such backwardness is much starker in few communities who are living in the far-flung areas in the Western Ghats in addition to the dry regions of the state like Dakkligaru, Dholi Bhil, Maleru, soligaru etc. These communities have not been able to get the benefit of reservation adequately.
- (c) when compared with their population, there is evidence of inadequate representation in educational institutions, employment in the Government, for the Scheduled Castes and the Scheduled Tribes, which renders their attempt to come out of the backwardness extremely difficult.
- (d) the landholdings of the Scheduled Castes and the Scheduled Tribes is





disproportionate and starkly less compared to their population and that reinforces the social and educational backwardness.

- (e) based on the above study, a special case is made out for increasing the reservations for the Scheduled Castes up-to 17% and 7% for the Scheduled Tribes, after making a special case for such increase based on detailed study and analysis.

Whereas, the Government appointed another Committee chaired by Justice Subhash Adi and others, to look into the implementation of the Justice Nagamohandas Commission report and this Committee chaired by Justice Subhash Adi and others, gave its report on 06.07.2022.

Whereas, the Justice Subhash Adi committee also placed special circumstance as mentioned in the commission report and also pointed out the lack of parity in reservations for the Tribals compared to the reservations for the same in the Central Government employment and State Government employment.

Whereas, the report also cites a study by National Law School of India University, Bengaluru, which states 74% of the Tribal community have remained invisible and their literacy rates are lower than 3%.

The report also, mentioned that if there is a comparison made in the number of castes included under the Scheduled Castes and Scheduled Tribes with other States, then it can be seen that though other States have notified a smaller number of Castes their percentage of reservation is higher than the Karnataka State. The report includes examples of Madhya Pradesh, Rajasthan and Uttar Pradesh.

The report records about the need for reservations to the most deprived classes from amongst the Scheduled Castes and the Scheduled Tribes. In Karnataka 74% forms such part of population which makes it difficult for them to be identified and organized.

The report also records the need for positive measures, to reduce any inequality, which is within the State's power.

The report further mentions that, Social justice and affirmative action form the cornerstone of Governance and the State is bound to work to bring about an egalitarian society and the endeavor constantly is that members from the Backward Classes of the Scheduled Castes and the Scheduled Tribes should be a part of the mainstream society.

Whereas, to be part of public service as accepted by the society of today, is to attain social status and play a role in Governance. The objective of Article 16 (4) of the Constitution is that the backward classes of the Scheduled Castes and the Scheduled Tribes should also be put in the mainstream to enable the sharing of power of the State by affirmative action.





Whereas, after considering the above the Government is satisfied about the extraordinary circumstances and a special case for an increase in reservations for members belonging to Scheduled Castes and Scheduled Tribes.

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.

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.

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.

Whereas, there are many other states who have increased the reservation quota from time to time, exceeding the limit of fifty percent.

Be it enacted by the Karnataka State Legislature in the seventy third year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of Appointments or posts in the services under the State) Act, 2022.

(2) It shall be deemed to have come into force with effect from the 01st day of November, 2022.

2. Definitions.- (1) In this Act, unless the context otherwise requires,-

- (a) **"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;
- (b) **"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;
- (c) **"Government"** means the Government of Karnataka;
- (d) **"Educational Institutions"** means any school, college or other educational institution maintained by the State or receiving aid out of the State funds;
- (e) **"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 these establishment in the Public Sector;
- (f) **"Establishment in Public Sector"** means, -





- (i) a Co-operative society registered or deemed to have been registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 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 (Central Act 01 of 1956);
- (iv) a local authority ;and
- (v) a statutory body or corporation established by or under a State Act owned or controlled by the State Government.

(2) All other words and expressions used but not defined in this Act shall have the same meaning as assigned to them in the Karnataka General Clauses Act, 1899 (Karnataka Act 03 of 1899).

3. Reservation of seats.- Having regard to the social and educational backwardness of the persons belonging to Scheduled Castes and Scheduled Tribes the reservation in respect of each branch or faculty for admission into educational institutions in the State for the persons belonging to the Scheduled Castes and the Scheduled Tribes, shall be seventeen percent and seven percent respectively.

4. Reservation in appointments or posts in the services under the State.- Having regard to the social and educational backwardness of the persons belonging to Scheduled Castes and Scheduled Tribes, the reservation for appointments or posts in the services under the State for the persons belonging to the Scheduled Castes shall be increased from fifteen percent to seventeen percent and the Scheduled Tribes shall be increased from three percent to Seven percent, respectively.

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; or
- (iv) any corporation or company owned or controlled by the Government.

5. Reservations not to be affected.- Notwithstanding anything contained in sections 3 and 4, the claims of the persons belonging to 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 person belonging to the Scheduled Castes or Scheduled Tribes is selected on the basis of merit, the number of seats, appointments or posts reserved for the Scheduled Castes and Scheduled Tribes as the case may be, shall not in any way be affected.





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

(2) Every rule made under this Act shall be laid 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.

7. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order, make provisions not inconsistent with the provisions of this Act as or 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 the State Legislature.

8. Repeal and savings.- (1) The Karnataka Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of Appointments or posts in the services under the State) Ordinance, 2022 (Karnataka Ordinance 07 of 2022) is hereby repealed.

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

The above translation of ಕರ್ನಾಟಕ ಅನುಸೂಚಿತ ಜಾತಿಗಳು ಮತ್ತು ಅನುಸೂಚಿತ ಪಂಗಡಗಳು (ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳಲ್ಲಿನ ಸ್ಥಾನಗಳಲ್ಲಿ ಮತ್ತು ರಾಜ್ಯಾಧೀನ ಸೇವೆಗಳಲ್ಲಿನ ನೇಮಕಾತಿ ಅಥವಾ ಹುದ್ದೆಗಳಲ್ಲಿ ಮೀಸಲಾತಿ) ಅಧಿನಿಯಮ, 2022 (2023 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ:01) be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

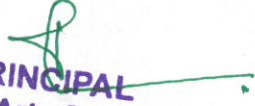
(G.SRIDHAR)





Secretary to Government
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