



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 5]

नई दिल्ली, वृहस्पतिवार, जनवरी 4, 2007 / पौष 14, 1928

No. 5]

NEW DELHI, THURSDAY, JANUARY 4, 2007 / PAUSA 14, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 4th January, 2007/Pausa 14, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 3rd January, 2007, and is hereby published for general information:—

THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN ADMISSION) ACT, 2006

No. 5 of 2007

[3rd January, 2007.]

An Act to provide for the reservation in admission of the students belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes of citizens, to certain Central Educational Institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Central Educational Institutions (Reservation in Admission) Act, 2006.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "academic session" means the period in a calendar year, or a part thereof, during which a Central Educational Institution is open for teaching or instruction in any branch of study or faculty;

(b) "annual permitted strength" means the number of seats, in a course or programme for teaching or instruction in each branch of study or faculty authorised by an appropriate authority for admission of students to a Central Educational Institution;

(c) "appropriate authority" means the University Grants Commission, the Bar Council of India, the Medical Council of India, the All India Council for Technical Education or any other authority or body established by or under a Central Act for the determination, coordination or maintenance of the standards of higher education in any Central Educational Institution;

(d) "Central Educational Institution" means—

(i) a university established or incorporated by or under a Central Act;

(ii) an institution of national importance set up by an Act of Parliament;

(iii) an institution, declared as a deemed University under section 3 of the University Grants Commission Act, 1956, and maintained by or receiving aid from the Central Government;

(iv) an institution maintained by or receiving aid from the Central Government, whether directly or indirectly, and affiliated to an institution referred to in clause (i) or clause (ii), or a constituent unit of an institution referred to in clause (ii);

(v) an educational institution set up by the Central Government under the Societies Registration Act, 1860;

(e) "faculty" means the faculty of a Central Educational Institution;

(f) "Minority Educational Institution" means an institution established and administered by the minorities under clause (1) of article 30 of the Constitution and so declared by an Act of Parliament or by the Central Government or declared as a Minority Educational Institution under the National Commission for Minority Educational Institutions Act, 2004;

(g) "Other Backward Classes" means the class or classes of citizens who are socially and educationally backward, and are so determined by the Central Government;

(h) "Scheduled Castes" means the Scheduled Castes notified under article 341 of the Constitution;

(i) "Scheduled Tribes" means the Scheduled Tribes notified under article 342 of the Constitution;

(j) "teaching or instruction in any branch of study" means teaching or instruction in a branch of study leading to three principal levels of qualifications at bachelor (undergraduate) masters (postgraduate) and doctoral levels.

Reservation of
seats in Central
Educational
Institutions.

3. The reservation of seats in admission and its extent in a Central Educational Institution shall be provided in the following manner, namely:—

(i) out of the annual permitted strength in each branch of study or faculty, fifteen per cent. seats shall be reserved for the Scheduled Castes;

(ii) out of the annual permitted strength in each branch of study or faculty, seven and one-half per cent. seats shall be reserved for the Scheduled Tribes;

(iii) out of the annual permitted strength in each branch of study or faculty, twenty-seven per cent. seats shall be reserved for the Other Backward Classes.

4. The provisions of section 3 of this Act shall not apply to

Act not to apply in certain cases.

(a) a Central Educational Institution established in the tribal areas referred to in the Sixth Schedule to the Constitution;

(b) the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule to this Act:

Provided that the Central Government may, as and when considered necessary, by notification in the Official Gazette, amend the Schedule;

(c) a Minority Educational Institution as defined in this Act;

(d) a course or programme at high levels of specialisation, including at the post-doctoral level, within any branch of study or faculty, which the Central Government may, in consultation with the appropriate authority, specify.

5. (1) Notwithstanding anything contained in clause (iii) of section 3 and in any other law for the time being in force, every Central Educational Institution shall, with the prior approval of the appropriate authority, increase the number of seats in a branch of study or faculty over and above its annual permitted strength so that the number of seats, excluding those reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, is not less than the number of such seats available for the academic session immediately preceding the date of the coming into force of this Act.

Mandatory increase of seats.

(2) Where, on a representation by any Central Educational Institution, the Central Government, in consultation with the appropriate authority, is satisfied that for reasons of financial, physical or academic limitations or in order to maintain the standards of education, the annual permitted strength in any branch of study or faculty of such institution cannot be increased for the academic session following the commencement of this Act, it may permit by notification in the Official Gazette, such institution to increase the annual permitted strength over a maximum period of three years beginning with the academic session following the commencement of this Act; and then, the extent of reservation for the Other Backward Classes as provided in clause (iii) of section 3 shall be limited for that academic session in such manner that the number of seats available to the Other Backward Classes for each academic session are commensurate with the increase in the permitted strength for each year.

6. The Central Educational Institutions shall take all necessary steps, which are required in giving effect to the provisions of sections 3, 4 and 5 of this Act, for the purposes of reservation of seats in admissions to its academic sessions commencing on and from the calendar year, 2007.

Reservation of seats in admissions to begin in calendar year, 2007.

7. Every notification made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament 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 notification or both Houses agree that the notification should not be made, the notification 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 notification.

Laying of notifications before Parliament.

रजिस्ट्री सं० डी० एन०—(एन)०४/०००७/२००३—१२

REGISTERED NO. DL—(N)04/0007/2003—12



भारत का राजपत्र

The Gazette of India

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EXTRAORDINARY

भाग II—खण्ड I

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० ३३] नई दिल्ली, बुधवार, जून २०, २०१२/ ज्यैष्ठ ३०, १९३४ (सक)
 No. 33] NEW DELHI, WEDNESDAY, JUNE 20, 2012/ JYAISTHA 30, 1934 (SAKA)

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 Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 20th June, 2012/Jyaistha 30, 1934 (Saka)

The following Act of Parliament received the assent of the President on the 19th June, 2012, and is hereby published for general information:—

THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN ADMISSION) AMENDMENT ACT, 2012

[No. 31 of 2012]

[19th June, 2012]

An Act to amend the Central Educational Institutions (Reservation in Admission) Act, 2006

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Central Educational Institutions (Reservation in Admission) Amendment Act, 2012. Short title.

2. In section 2 of the Central Educational Institutions (Reservation in Admission) Act, 2006 (hereinafter referred to as the principal Act), after clause (i), the following clauses shall be inserted, namely:— Amendment of section 2.

(ia) "specified north-eastern region" means the area comprising of the States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and the tribal areas of Assam referred to in the Sixth Schedule to the Constitution;

(ib) "State seats", in relation to a Central Educational Institution, means such seats, if any, out of the annual permitted strength in each branch of study or faculty as

are earmarked to be filled from amongst the eligible students of the State in which such institution is situated;'

Amendment
of section 3.

3. In section 3 of the principal Act, the following provisos shall be inserted, namely:—

"Provided that the State seats, if any, in a Central Educational Institution situated in the tribal areas referred to in the Sixth Schedule to the Constitution shall be governed by such reservation policy for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, as may be specified, by notification in the Official Gazette, by the Government of the State where such institution is situated;

Provided further that if there are no State seats in a Central Educational Institution and the seats reserved for the Scheduled Castes exceed the percentage specified under clause (i) or the seats reserved for the Scheduled Tribes exceed the percentage specified under clause (ii) or the seats reserved for the Scheduled Castes and the Scheduled Tribes taken together exceed the sum of percentages specified under clauses (i) and (ii), but such seats are—

(a) less than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, the total percentage of the seats required to be reserved for the Other Backward Classes under clause (iii) shall be restricted to the extent such sum of percentages specified under clauses (i) and (ii) falls short of fifty per cent. of the annual permitted strength;

(b) more than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, in that case no seat shall be reserved for the Other Backward Classes under clause (iii) but the extent of the reservation of seats for the Scheduled Castes and the Scheduled Tribes shall not be reduced in respect of Central Educational Institutions in the specified north-eastern region."

Amendment
of section 4.

4. In section 4 of the principal Act, clause (a) shall be omitted.

Amendment
of section 5.

5. In section 5 of the principal Act,—

(a) in sub-section (1), for the words "number of such seats available", the words "number of such seats available or actually filled, whichever be less," shall be substituted;

(b) in sub-section (2), for the words "three years", the words "six years" shall be substituted.

Amendment
of section 6.

6. In section 6 of the principal Act, for the figures "2007", the figures "2008" shall be substituted.

V. K. BHASIN,
Secretary to the Govt. of India.



**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**

Act No. 1 of 2023

Keywords:

Service or Post, Establishment in Public Sector, Researvation

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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.



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, Safai Karmacharis, 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 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
Department of Parliamentary
Affairs and Legislation

