GOVERNMENT OF KARNATAKA

Karnataka Civil Services (Appointment of Family Members of persons belonging to Scheduled Casts or Scheduled Tribes who die in atrocities on Scheduled Castes or Scheduled Tribes, on Compassionate Grounds) (Special) Rules, 1999.

(AMENDED AS ON ……)

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS

(SERVICE RULES)

Karnataka Civil Services (Appointment of Family Members of persons belonging to Scheduled Casts or Scheduled Tribes who die in atrocities on Scheduled Castes or Scheduled Tribes, on Compassionate Grounds) (Special) Rules, 1999.

NOTIFICATION NO. DPAR 53 SCA 97, DATED 14TH MARCH 2000

AMENDMENTS

1. DPAR 90 SCA 2012, DATED 18th December 2012

(Amendment to Rule 4 and 5)

GOVERNMENT OF KARNATAKA

Karnataka Civil Services (Appointment of Family Members of Persons belonging to Scheduled Castes or Scheduled Tribes who die in atrocities on Scheduled Castes or Scheduled Tribes, on Compassionate Grounds) (Special) Rules, 1999.

NOTIFICATION NO. DPAR 53 SCA 97, DATED 14TH MARCH 2000

Whereas the draft of the Karnataka Civil Services (Appointment of the Family Members of persons belonging to Scheduled Castes or Scheduled Tribes who die in atrocities on Scheduled Castes or Scheduled Tribes on Compassionate Grounds) (Special) Rules, 1999 was published as required by clause (a) of sub-section (2) of section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) in Notification No. DPAR 53 SCA 97, dated 4th November 1999 in Part IV Section 2c(i) of the Karnataka Gazette Extra-ordinary dated 4th November 1999 inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of the publication of the draft in the official Gazette.

And Whereas the objections and suggestions received have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with section 8 of the Karnataka State Civil Services Act, 1978

(Karnataka Act 14 of 1990), the Government of Karnataka hereby makes the following rules, namely:-

RULES

1. Title and Commencement:- (1) These rules may be called the Karnataka Civil Services (Appointment of Family Members of persons belonging to Scheduled Castes or Scheduled Tribes who die in atrocities on Scheduled Castes or Scheduled Tribes, on Compassionate Grounds) (Special) Rules, 1999.

(2) They shall be deemed to have come into force with effect from 10th July 1994.

2. Definitions:-

(1)In these rules unless the context otherwise requires-

(a)"Atrocity" means an offence punishable under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989).

(b)"Family" means members of the family wholly dependent on the earning of the person deceased due to atrocities, and whose family has no other income other than that earned by the deceased and includes:-

(i) Wife or husband, as the case may be, of the person deceased, but does not include the wife or husband, as the case may be, separated from him by decree or order of a competent court or in accordance with their personal laws;

(ii) Legitimate son or daughter or step son or daughter and wholly dependent on the person deceased but does not include a child or a step child who is no longer in any way dependent on him or whose custody he has been deprived by or under any law;

(iii)Brother or Sister of the person deceased, if he / she was unmarried;

(c)"Form" means a Form appended to these rules;

(d)"Persons Deceased" means a person belonging to Scheduled Castes or Scheduled Tribes who dies in atrocities and certified as such by the Deputy Commissioner of the district concerned.

(2) All other words and expressions used in these rules and not defined shall have same meaning assigned to them in the Karnataka Civil Services (General Recruitment) Rules, 1977.

3. Appointment:-

(1) Notwithstanding anything contrary to these rules contained in any rules in force made or deemed to have been made under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) a member of the family of the person deceased

in atrocity cases may be appointed in any Group "C" or "D" category of posts in any of the State Civil Services in accordance with these rules.

Provided that such appointment shall be confined to the posts of First Division Assistants or Second Division Assistants or posts in equivalent grade in Group "C" and any Group "D" post depending upon the qualification specified for the post but depending upon the qualification specified for the post but excluding such posts specified by the Government from time to time, in respect of compassionate appointment under sub-rule (4) of rule 4 of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996.

(2) Appointment of such member under sub-rule (1) shall not be made unless-

(a)he is wholly dependent on the person deceased and has no other income;

(b)he produces a certificate of the Deputy Commissioner of the concerned District in Form "D" regarding income, entitlement and other facts.

(c) he is found eligible within the age limit specified for the post;

(d) he possesses the educational qualifications specified for the post in accordance with the cadre and recruitment rules of the Department in which he is appointed;

(e) he produces the Death Certificate of the persons deceased from the Registrar of Births and Deaths;

(f) he produces an affidavit to the effect that his family has no other income;

(g) he produces a certificate from the Deputy Commissioner concerned that no other member of the family has claimed the appointment under these rules, in form "D";

(3) The appointment under sub-rule (1), shall be made in the order of the preference specified below:-

(a) wife or husband, as the case may be;

(b) if wife or husband is not available or not willing to join the service, son of the person deceased;

(c) if son is not available or not willing to join the service, the unmarried daughter of the person deceased.

(d) brother or sister of the deceased, if he / she was unmarried.

4. Application:-

(1) A member of the family of the person deceased shall submit his application for appointment to the Deputy Commissioner of the concerned District in form "A" within one year from the date of death of the person deceased or within one year from the date of publication of these rules in the Official Gazette whichever is later;

Provided that in the case of a claimant who is a minor, application shall be made within a period of two years from the date of death of the person deceased and he must have attained the age of eighteen years on the date of making the application;

Provided further that where an application could not be made for any reason during the period between 10th July 1994 and the date of commencement of these rules, by a member of the family of the person deceased after having attained the age of eighteen years, he may make an application within a period of one year from the date of publication of these rules in the Official Gazette.

1[(2) The Deputy Commissioner shall, on receipt of such application verify the particulars of the application with facts and recommend the same to the Regional Commissioner of the Concerned Revenue Region within three months from the date of receipt of such application.]1

1. Inserted by Notification No. DPAR 90 SCA 2012 Dated, 18.10.2012

1[(3) The Regional Commissioner of the concerned Revenue Region shall verify the recommendation of the Deputy Commissioner and if he finds that the said applicant is entitled for appointment under these rules, he shall then forward it to any one of the Heads of the Department, with his recommendation, depending upon the availability of the vacancy in that Department.]1

(4) The Head of Department on receipt of such application, forwarded from the 1[Regional Commissioner]1 shall, after such enquiry as may be considered necessary and satisfying himself that the applicant is found suitable for appointment in all respects, appoint such person to a direct recruitment vacancy.

5. Registers:-

(1) The Deputy Commissioner of each District shall maintain a register in form "B" and shall enter the details of his recommendations in respect of the application forwarded to the 1[Regional Commissioner of the concerned Revenue Region] and while recommending applications he shall also certify that no applications of any other member of the family of the applicant has been recommended earlier for appointment under these rules.

(2) The Heads of the Departments shall also maintain a register in form "C" regarding the appointment made under these rules.

1. Inserted by Notification No. DPAR 90 SCA 2012 Dated, 18.10.2012

By Order and in the name of the
Governor of Karnataka
(S.CHANDRASHEKARAPPA),
Under Secretary to Government-1
Department of Personnel and
Administrative Reforms