

GENERAL ADMINISTRATION SECRETARIAT**NOTIFICATION**

No. GAD 12 SSR 72, Bangalore, dated 8th January, 1974

G.S.R. 10 - Whereas for purposes of ensuring that the official duties of persons appointed to public services and posts in connection with the affairs of the State of Karnataka are satisfactorily performed, it is expedient to make provision requiring them to pass appropriate service examinations and the Kannada Language Examination;

Now, Therefore, in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and with the previous approval of the Government of India, under the proviso to sub-section (7) of Section 115 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) communicated in letter No. 5/28/72-SR (s), dated 16th November 1972 of the Government of India, Department of Personnel, the Governor of Karnataka hereby makes the following rules, namely:-

1. Title and Commencement.- (1) These rules may be called the Karnataka Civil Services (Service and Kannada Language Examinations) Rules, 1974.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.- In these rules, unless the context otherwise requires,-

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

(2) "Government servant" means a person to whom parts I and II of the Karnataka Civil Services Rules, for the time being in force, are applicable, *[except a person working as a Local Candidate or] holding a Class IV post;

*As amended in G.N. No. GAD 44 SSR 74 dated 7th February 1975. Gazette dated 27th February 1975.

(3) "Kannada language examination" means the Kannada language examination specified in Schedule I;

(4) "Prescribed examinations" with reference to any post means the service examinations prescribed for the holder of the said post as specified in Schedule-II [xxx]**

[5] "Schedule" means a Schedule to these rules;

[6] "Service Examination" means a service examinations specified in Schedule-I.

3. Obligation of Government servants to pass certain examinations.- (1) Save as otherwise provided in these rules, every Government servant shall within the period prescribed in sub-rule (2) pass,-

(i) the Kannada Language Examination, and

(ii) the prescribed examinations, if any, in respect of the post held by him.

@[Provided that where the State Government is satisfied that knowledge of Kannada Language of the standard prescribed in these rules for the Kannada Language Examination is not essential for the performance of duties attached to any category of posts or Class of posts belonging to the State Services Class III it may, by general order or special order and for reasons to be recorded in writing, exempt the holders of the said category of posts or Class of posts from passing the Kannada Language Examination or direct that they shall pass such test in the Kannada language as may be specified in the said order.] *[This proviso shall be deemed to have come into force with effect from 10th day of January 1977]

(2) (a) A Government servant,-

** As amended in G.N. No. GAD 11 SSR 75 dated 21st May 1975.

@ As amended in G.N. No. DPAR 9 SSR 78 dated 27th May 1978. Gazetted dated 1st June 1978.

* G.N.No. DPAR 9 SSR 78 dated 16th March 1979.

(i) in service on the date of commencement of these rules shall pass the said examinations within a period of two years from the said date;

(ii) appointed to any post on or after the date of commencement of these rules, shall pass the said examinations within a period of two years from the date of his appointment;

Provided that a person appointed to any post on probation shall pass the said examinations within the period of his probation.

**[(b) Where after the commencement of these rules,-

(i) a new service examination is prescribed for the holder of any post; or

(ii) a new post is created and service examinations are prescribed for the holder of the new post; or

(iii) provision is made for promoting the holder of a post to a higher post for which service examinations are already prescribed, by amending schedules I and II or in any other manner such holders shall pass the said prescribed examinations within a period of two years from the date of such prescription, or from the date such provision is made, as the case may be.]

Provided that the State Government may by general or special order, and for reasons to be recorded in writing extend the period under this sub-rule to such extent as it deems fit.

(3) (a) Notwithstanding anything contained in the Karnataka Civil Services Rules, the Karnataka Civil Services (General Recruitment) Rules, 1977 and the Karnataka Government Servants (Probation) Rules, 1977, @ no Government Servant shall be confirmed in the post held by him, or shall earn an increment in the time scale of pay of the post held by him, unless he passes

** As amended in G.N. No. DPAR 33 SSR 77 dated 9th July 1979. Gazetted dated 2nd August 1979.

@ Notification No. DPAR 41 SSR 80 dated 4th November 1980 Gazette dated 13th November 1980 (Effective 7th July 1977).

the Kannada Language Examination and the prescribed examinations if any in accordance with the provisions of sub-rules (1) and (2);

Provided that in the case of a Government servant other than a person appointed to any post on probation, the increment in the time scale of pay shall be granted during the period allowed under sub-rule (2) for passing the examinations.

Provided further that this sub-rule shall not be applicable to a Government servant who has been allotted or deemed to have been allotted to serve in connection with the affairs of the State of Karnataka under Section 115 of the States Re-organisation Act, 1956 while holding the post which he held on 1st November 1956 or the higher post on first stage promotion.

*[Provided also that nothing in clause (a) shall be applicable to a Government servant who has attained or who attains the age of 45 years for the purposes of earning annual increments only].

**[Provided also that a Government servant who is blind and whose job does not require him to read and write shall be exempt from passing any written service examination or the Kannada Language Examination for purposes of confirmation and earning annual increments, but shall however pass the Kannada Language Viva-Voce Examination.]

(b) A Government servant who during any period does not earn increment in the time scale of pay of the post held by him under clause (a), shall on becoming eligible to such increment by passing the Karnataka Language Examination and the prescribed examinations, if any, [or ***attaining the age of 45 years] be entitled to fixation of his pay in the time scale of pay at the appropriate stage under rules 51A of the Karnataka Civil Services Rules.

* As amended in G.N. No. DPAR 21 SSR 77 dated 28th November 1977. Gazette dated 1.12.1977.

** As amended in G.N. No. DPAR 3 SSR 82 dated 30th August 1982. Gazette dated 23rd September 1982.

*** As amended in G.N. No. DPAR 21 SSR 77 dated 28th November 1977. Gazette dated 1st December 1977.

4. Restriction on promotions and appointments by transfers.- (1) After the expiry of a period of two years from the date of commencement of these rules, or from the date of prescription of the service examinations whichever is later ^{*}[or from the date on which provision is made for promoting the holder of a post to higher post for which service examinations are already prescribed], no Government servant shall be eligible-

(i) for promotion to any higher post, ^{**}[unless he has passed, if not exempted under the proviso to sub-rule (1) of rule 3, the Kannada Language Examination or the test in Kannada Language referred to in the said proviso] and the prescribed service examinations, if any, for the holder of such higher post and the post already held by him:

Provided that this clause shall not be applicable in respect of the first stage promotion to the higher post on or after 1st November 1956, of a Government servant who has been allotted or deemed to have been allotted to serve in connection with the affairs of the State of Karnataka under Section 115 of the States Re-organisation Act, 1956.

(ii) for appointment by transfer to any post unless he has passed, if not exempted under the proviso to sub-rule (1) of Rule 3, the Kannada Language Examination or the test in Kannada Language referred to in the said proviso and the prescribed examinations, if any, for the holder of such post.

(2) sub-rule (1) shall not have effect -

^{*}[(a) for a period of one year from the first day of May, 1976 in respect of holders of posts for whom the service examination were prescribed on 10th January, 1974; and

^{*} As amended in DPAR 33 SSR 77 dated 9th July 1979, Gazette dated 2nd August 1979.

^{**} As amended in G.N. No. DPAR 41 SSR 78 dated 14th February 1979.

^{*} As amended in G.N. No. GAD 30 SSR 76 dated 24th April 1976, Gazette dated 29th April 1976.

(b) for a period of one year, from the date of expiry of two years from the date of such prescription in respect of holders of posts for whom the service examinations have been prescribed after 10th January, 1974.

°[x x x]

5. Savings.- (1) A Government servant who has passed-

(a) the Secondary School Leaving Certificate Examination or any examination declared as equivalent thereto by the State Government, or any examination higher than the Secondary School Leaving Certificate Examination,

(i) in which the question papers on different subjects are answered in Kannada Language; or

(ii) in which Kannada is the main language, Second Language or an optional subject, "[but not one of the subject in a composite paper], or

@[(aa) Diploma Course/Certificate Course in Kannada conducted by a University established by Law in India, or "Kava", "Jana" or "Rathna" examinations conducted by Kannada Sahitya Parishat.]

*[(ab) Correspondence course in Kannada conducted by the Central Institute of Indian Languages, Mysore].

(b) any examination specified in Schedule III as equivalent to the Kannada Language Examination, @[or who has won a prize in Kannada essay competition conducted by any University established by law,] shall on obtaining a certificate of exemption under sub-rule (5) be deemed to have passed the Kannada Language Examination under these rules.]

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- ° Notification No. DPAR 61 SSR 79 dt.18.8.89, Gazette dated 18th August 1989.
 - * Government Notification No. DPAR 5 SSR 82 dated 5th June 1982, Gazette dated 8th July 1982.
 - @ As amended in G.No. GAD 44 SSR 74 dated 7th February 1975 Gazette dated 27th February 1975 and GAD 65 SSR 75 dated 10th March 1976 Gazette dated 18th March 1976, DPAR 27 SSR 77 dated 17th April 1978 Gazette dated 27th April 1978.
 - * As Amend in G.N. No. DPAR 25 SSR 83, dated 9th January 1984.
 - * Notification No. DPAR 39 SSR 87 (I), dt. 13.2.89 Gazette dt.23.3.89.

*[Provided that a Government Servant who has passed on or before the eight day of July 1982, the Examination specified in clause (a) in which Kannada is one of the subjects in a composite paper shall, on obtaining a certificate of exemption under sub-rule (5) be deemed to have passed the Kannada Language Examination under these rules.]

***[Provided further that a Government servant holding Group- "C" post for which the educational qualification prescribed is less than S.S.L.C. shall, on obtaining a certificate of exemption under sub-rule (5) be deemed to have passed the kannada Language Examination under these rules, if such Government servant has passed Kannada as the main language, second language or an optional subject, but not as one of the subjects in a composite paper, in S.S.L.C. even if he has failed in other subjects.]

(2) A Government Servant who has passed any examination specified as equivalent to a service examination in Schedule III shall on obtaining a certificate of exemption under sub-rule (5) be deemed to have passed the said service examination under these rules.

**["(2A) If in Schedule III, an examination is specified as equivalent to a service examination for any Department then, the said examination shall, notwithstanding that it is not specified as equivalent to a similar service examination for any other Department be deemed to be the equivalent examination to the said service examination for such other Department also, for purposes of sub-rule (2)"];]

(3) A Government servant allotted or deemed to have been allotted to serve in connection with the affairs of the State of Karnataka under Section 115 of the States Re-organisation Act,

* As amended in G.N. No. DPAR 25 SSR 82, dated 9th January 1984.

** As amended in G.N. No. GAD 44 SSR 74 dated 19th February 1975, Gazette dated 27th February 1975.

*** G.N. No. DPAR 29 SSR 89, dated 29.8.2003. Gazette dated 15.9.2003.

1956, who in his parent State, was exempt from passing any examination specified as equivalent to a service examination, in Schedule-III on the ground that he has passed some other examination, shall on obtaining a certificate of exemption under sub-rule (5) be deemed to have passed the said service examination under these rules.

(4) A Government servant allotted or deemed to have been allotted to serve in connection with the affairs of the State of Karnataka under Section 115 of the State Re-organisation Act, 1956 who has attained the age of forty-five years shall be exempt from passing the Kannada Language Examination under these rules.

(5) A Government servant who has passed the examinations referred to in sub-rule (1) or sub-rule (2) or sub-rule (3) may make an application in Form I in triplicate for a certificate of exemption to the appropriate authority, and the said authority on being satisfied that the applicant has passed the said examination issue a certificate in Form II and make necessary entries of the exemption in the service records of the applicant.

Explanation.- For the purposes of this sub-rule "appropriate authority" means:-

(i) in the case of a Government servant who is a Head of a Department, the State Government;

*(ii) in the case of a Government servant who is a Gazetted Officer, other than a Head of a Department, the Head of the Department, or an officer authorised by the Head of the Department;

*(iii) in the case of a Government servant who is non-Gazetted Officer, the Head of the Office in which such officer is working

* As amended in G.N. No. GAD 44 SSR 74 dated 17th February 1975, Gazette dated 27th February 1975.

if the Head of the office is a Gazetted Officer, and if he is not a Gazetted Officer, the next official Superior who is a Gazetted Officer.

****6. Omitted.**

7. Effect of these rules.-These rules shall have effect notwithstanding anything contained in any rule made under the proviso to article 309 of the Constitution of India or in any order made by the Governor or the State Government in respect of any post, but shall not effect any provision made in any law or rule specifying the qualification *[other than passing of a service examination or Kannada language examination] required for recruitment to any post or category of posts in respect of which no provision is made in Schedule-II to these rules.

** Notification No. DPAR 36 SSR 86, dated 27th July 1987, Gazette dated 3rd September 1987.

FORM - I*[Vide Rule 5 (5)]***APPLICATION FOR CERTIFICATE OF EXEMPTION**

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| 1. Name of the Applicant | ... |
| 2. Father's Name | ... |
| 3. Date of birth and age | ... |
| 4. Date of appointment into Government Service | ... |
| 5. Post held | ... |
| 6. Examination in which certificate of exemption is claimed | ... |
| 7. Grounds on which certificate of exemption is claimed (Grounds in respect of each examination has to be given separately). | ... |
| 8. Documents enclosed in support of the Claim | ... |
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Date :

Place :

Signature of the applicant