



**KARNATAKA LEGISLATIVE ASSEMBLY
FIFTEENTH LEGISLATIVE ASSEMBLY
ELEVENTH SESSION**

**THE KARNATAKA STATE CIVIL SERVICES (REGULATION OF TRANSFER OF TEACHERS)
(SECOND AMENDMENT) BILL, 2021
(LA Bill No. 45 of 2021)**

A Bill further to amend the Karnataka State Civil Services (Regulation of Transfer of Teachers) Act, 2020.

Whereas it is expedient further to amend the Karnataka State Civil Services (Regulation of Transfer of Teachers) Act, 2020 (Karnataka Act 04 of 2020) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy second year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka State Civil Services (Regulation of Transfer of Teachers) (Second Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of long title and preamble.-In the Karnataka State Civil Services (Regulation of Transfer of Teachers) Act, 2020 (Karnataka Act 04 of 2020)(hereinafter referred to as the Principal Act), in the long title and preamble, for the words, “Government Primary Schools and Government High Schools”, in two places where they occur the words “Government Primary Schools, Government High Schools and Pre-University Colleges” shall be substituted.

3. Substitution of the word “School”.- In the principal Act, for the word “School”, wherever it occurs the words “School or Pre-university College”, shall be substituted.

4. Amendment of section 2.- In section 2 of the principal Act,-

(i) after clause (c), the following shall be inserted, namely:-

“(ca) “Lecturer” means a person appointed to a category of posts of Principal or lecturer in composite junior college or pre-university college as specified in Schedule-II;”

(ii) after clause (e), the following shall be inserted, namely:-

“(ea) “Pre-University College” means Pre-University Colleges or composite junior colleges belonging to the State Government;”

(iii) in clause (i), for the word “Schedule”, the word and figure “Schedule-I”, shall be substituted; and

(iv) in clause (k), after the words “Revenue Division”, the words “and Principals or Lecturers working in Pre-university College or Composite Junior College unit of seniority shall be the State”, shall be inserted.

5. Amendment of section 3.- In section 3 of the Principal Act, in sub-section (2), after third proviso, the following shall be inserted, namely:-

“Provided also that, the initial appointment or promotion of Principal or Lecturer shall be to a Government Pre-University College in Zone-C.”

6. Amendment of section 4.- In section 4 of the Principal Act,-

(i) in sub-section (1),-

(a) after the words “the teachers” the words “or lecturers” shall be inserted; and

(b) after the word “ratio” the words “or student-lecturer ratio” shall be inserted.

(ii) in sub-section (2), after the word “teacher” the words “or lecturers” shall be inserted.

7. Amendment of section 5.- In section 5 of the Principal Act, after clause (ii), the following shall be inserted, namely:-

“(iii) Since the State is the single unit for Department of Pre-University Education, the zonal transfer is not applicable for Lecturer working in the Government Pre-University College or Composite Junior College.”

8. Amendment of section 7.- In section 7 of the principal Act,-

(i) in sub-section (1), after fourth proviso, the following proviso shall be inserted, namely:-

“Provided also that, the total number of transfers made under sections 5 and 6 of this Act in a year, for Lecturers in a unit of seniority shall not exceed ten percent or such lower limit as notified by the State Government.”

(ii) in sub-section (2), after first proviso, the following shall be inserted, namely:-

“Provided further that, in case of Lecturer of Pre-University College or Composite Junior Collage the transfer shall be permitted not more than once in service, subject to condition that Lecturer of Pre-University College or Composite Junior College shall have completed minimum seven years of service or must be otherwise eligible to be transferred to that place and must have minimum five years of left over service.”

9. Amendment of section 8.- In section 8 of the principal Act, after sub-section (2), the following proviso, shall be inserted, namely:-

“Provided that, above provision shall not be applicable to the Lecturers working in Pre-University College or Composite Junior College.”

10. Amendment of section 9.- In section 9 of the principal Act,-

(i) for the words “The departmental Officer”, the words “In case of teacher working in a Primary School or a High School or Composite High School or Composite Junior College the departmental Officer”, shall be substituted;

(ii) after the words “Mysuru Division”, the words “and in case of Lecturer working in Pre-University College such grievances for redressal shall be made before the committee consisting of the Director, Joint Director (Administration) and the Deputy Director (Administration) of Department of Pre-University Education”, shall be inserted.”

11. Amendment of section 10.- In section 10 of the principal Act,-

(i) in sub-section (3), after the words “transfer limits”, the words “and ten percent in case of Lecturers working in Pre-University College (working strength of concerned category of Lecturers in the relevant subject) as”, shall be inserted.

(ii) after sub-section (6), the following shall be inserted, namely:-

“(7) In case of a lecturer working in Pre-University College who was transferred on compulsory transfer during the year 2018-19 shall also be provided an opportunity to opt a place of transfer within the unit of seniority as a one time measure ahead of other types of transfers subject to the availability of vacancies so as to give the benefit of posting within the unit of seniority in the transfer done immediately after the date of commencement of the Karnataka State Civil services (Regulation of Transfer to Teachers) (Second Amendment) Act, 2021 in the manner as may be prescribed.”

12. Amendment of Schedule .- In the schedule to the principal Act,-

(i) for the word “SCHEDULE”, the word and figure “SCHEDULE-I”, shall be substituted;and

(ii) after “SCHEDULE-I” as so re-numbered, the following SCHEDULE-II shall be inserted, namely:-

“SCHEDULE-II
(see section 2 and 16)

Sl.No.	Posts in the Government Pre-University College
1.	Principal
2.	Lecturer
3.	Lecturer in Physical Education

”

13. Repeal and savings.- The Karnataka State Civil Services (Regulation of transfer of teachers) Act, 2007 (Karnataka Act 29 of 2007) is hereby repealed:

Provided that, such repeal shall not affect,-

(a) anything done or any action taken under the said Act; or

(b) the previous operation of the said Act or anything duly done or suffered thereunder; or

(c) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or

(d) any penalty or punishment incurred in respect of any offence committed under the said Act:

Provided further that, the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) shall be applicable in respect of repeal of the said Act.

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Karnataka State Civil Services (Regulation of Transfer of Teachers) Act, 2020 (Karnataka Act 04 of 2020) to,-

- (i) ensure transparency and equitable opportunities in transfers of Principals or Lecturers of Pre-University Colleges;
- (ii) ensure availability of Lectures in rural areas;
- (iii) bring rationalization of posts and redeployment process at regular intervals to maintain the standard teacher : pupil ratio, student:lecturer ratio; and
- (iv) streamline the process of transfer and posting of lecturers, by providing options and flexibility to Lecturers to seek posting of their preference.

Hence, the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure.

B.C. NAGESH

Minister for Primary and Secondary
Education and Sakala

M.K. VISHALAKSHI

Secretary (I/c)
Karnataka Legislative Assembly

ANNEXURE**EXTRACT FROM THE KARNATAKA STATE CIVIL SERVICES (REGULATION OF TRANSFER OF TEACHERS) ACT, 2020 (KARNATAKA ACT 04 OF 2020)****XXX****XXX****XXX**

An Act to provide for regulation of transfer of teachers so as to ensure the availability of teachers in Government Primary school sand Government High schools.

Whereas it is expedient to provide for regulation of transfer of teachers so as to ensure the availability of teachers in Government Primary Schools and Government High schools and for the matters connected therewith or incidental thereto;

XXX**XXX****XXX**

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

XXX**XXX****XXX**

(c) "Competent authority" means the authority competent to make orders of transfer of teachers as may be prescribed;

XXX**XXX****XXX**

(e)"Order of priority" means priority list of teachers prepared based on weighted score obtained by the teacher as per the criteria as may be prescribed, for the purpose of counselling;

XXX**XXX****XXX**

(i) "Teacher" means a person appointed to a category of posts of a teacher in a primary school or a high school or composite high school or composite junior college or such other posts belonging to the State Civil Services as specified in the Schedule;

XXX**XXX****XXX**

(k) "Unit of seniority" means for primary school teachers the Unit of Seniority is an Educational district and for high school teachers, the unit of seniority is a Revenue division; and

XXX**XXX****XXX**

3. Compulsory appointment of a teacher to Zone-C.-

XXX**XXX****XXX**

(2) If no vacancy is available for posting on initial appointment or promotion in Zone-C, vacancy may be created by transfer of willing teachers working in 5 Zone-C who have completed minimum period of service to Zone-B in the order of priority and from Zone B-to Zone-A:

Provided that, posting of a teacher to Zone-C on initial appointment or promotion shall not apply to a teacher who has been appointed to a unit of seniority which does not comprise any area under Zone-C:

Provided further that, if no vacancies are available in Zone-C even after undertaking process under sub-sections (1) to (2), then a teacher may be posted to a school in order of Zone-B or Zone-A:

Provided also that, if a teacher who has already served more than ten years in Zone-C continuously or fifteen years in Zone-C cumulatively, such teacher on promotion may be posted to a school in the order to Zone-B or Zone-A through counselling subject to availability of such vacancies.

XXX**XXX****XXX**

4. Rationalisation of teachers.- (1) Every alternate year the sanctioned posts and the teachers working thereof in a school shall be rationalized based on the Pupil-Teacher ratio fixed by the State Government from time to time.

(2) After rationalisation the excess posts of a teacher in any school shall be redeployed to any school where it is deficit. The excess teachers so determined shall be transferred through counselling based on the order of priority, subject to such other conditions as may be prescribed.

XXX**XXX****XXX**

5. Zonal transfers.-Every alternate year,-

(i) every teacher who has not served minimum ten years in Zone-C and has served more than ten years continuously in Zone-A shall be transferred to Zone-C or Zone-B subject to such conditions as may be prescribed by the State Government.

(ii) if no vacancy is available for posting of a teacher transferred under sub-clause (i) to Zone-C, vacancy may be created by transfer of willing teachers working in Zone-C or Zone-B who have completed minimum period of service to Zone-A in the order of priority.

XXX**XXX****XXX**

7. Transfer by counselling.-**XXX****XXX****XXX**

(1) The transfer of teachers under sections 4, 5 and 6 shall ordinarily be done during the General transfer in the month of April and May, in a year through a process of computerized counselling conducted in such manner as may be prescribed:

Provided that, the transfer may be made even after the month of April and May in special circumstances for the reasons to be recorded in writing on direction of the State Government:

Provided further that, where no teacher has opted for a place in the process of counselling and it is required to be filled in the public interest based on the pupil-teacher ratio, the State Government may transfer any teacher to such place who has completed minimum period of service, subject to such other conditions as may be prescribed:

Provided also that, a teacher undergoing a major penalty under the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 or facing criminal charges in Court of Law shall be transferred to any vacancy in 'Zone-C' even if he has not completed minimum period of service:

Provided also that, the total number of transfers made under sections 5 and 6 under this Act in a year, for any cadre and in any unit of seniority shall not exceed fifteen percent or such lower limit as notified by the State Government:

XXX**XXX****XXX**

(2) The mutual transfer to a place outside the unit of seniority shall be permitted not more than once in-service subject to condition that both teachers must have completed minimum seven years of service; must be otherwise eligible to be transferred to that zone and must have minimum five years of left over service. He shall not be eligible for protection of seniority and be subject to such other conditions as may be prescribed.

Provided that, in respect of mutual transfer of a teacher within the unit of seniority he shall be otherwise eligible for transfer to that post.

XXX**XXX****XXX**

8. Transfer of teachers to specified posts.- (1) All specified posts shall be filled only through counseling by posting of a teacher based on merit list prepared through the examination specified for such posts:

Provided that, the State Government may in its discretion, post any teacher to a specified post, who has passed the prescribed examination and has fulfilled eligibility norms.

(2) The minimum and maximum periods of posting to such posts shall be three years and five years respectively.

XXX**XXX****XXX**

9. Redressal of grievances during transfers.- The departmental Officer not below the rank of a Joint Director of Public Instruction shall be designated as the Grievance Redressal Officer to oversee all transfer process under his jurisdiction and hear any written complaints and pass orders within seven days. The appeal against the order passed by the Grievance Redressal Officer shall lie with Additional Commissioner of Public Instruction, Dharwad for Belagavi division; Additional Commissioner of Public Instruction, Kalaburagi for Kalaburagi division and Director (Transfer Cell), Commissioner of Public Instruction office, Bengaluru in respect of Bengaluru and Mysuru Division. In case of violation of any provision of the 8 Act or the rules made there under by any officer, the same shall be reported to the concerned Disciplinary Authority.

XXX**XXX****XXX****10. Exemptions from rationalization, zonal transfers and priority for request transfers.-****XXX****XXX****XXX**

(3) The categories falling under clauses (i) to (iv) are classified as special categories. The transfers made under these categories shall not be counted under fifteen percent transfer limits specified under section 7.

XXX**XXX****XXX**

(5) The teachers falling under category (v) shall be given priority during request transfer. If the teacher is working in a different taluk as that of the spouse is allowed to seek transfer to the working taluk of the spouse only. If both are working in the same taluk then they are not eligible to make application under priority:

Provided that, during rationalization and zonal transfers the excess teacher shall be posted within the working taluk of the spouse.

XXX**XXX****XXX**

SCHEDULE
(see section 2 and 16)

Sl. No.	Cadre of teachers
I)	Posts in Government Primary Schools.-
1.	Head master/Head mistress in Government Higher Primary school
2.	Senior Headmaster/Head mistress in Model higher primary school/ Higher Primary School
3.	Primary school Assistant master/mistress consisting of the following categories .- (i) Primary School Teachers (for class 1 to 5) (ii) Graduate Primary Teachers (for class 6 to 8)
4.	Music teacher
5.	Physical education teacher
6.	Drawing Teacher in Government Higher primary school/Model Higher primary school / any other special teachers.
II)	Posts in Government High schools :
1.	Head Master/Head Mistress in Government High schools by whatever name called including Head Master/Mistress of Government Higher Secondary / Multipurpose High School and Head Master/Head Mistress of Government High School / Vice Principal of composite Pre-University college/ Karnataka Public School / Composite High school consisting of the following categories of posts
2.	Secondary school assistant (Grade - I)
3.	Secondary school assistant (Grade - II)
4.	Graduate Assistant Master/Mistress in Government High school, composite Pre-University college, Composite High school, consisting of the following categories of posts, namely:- (i) Assistant Master Arts in Kannada, English, Urdu, Hindi, Marathi, Tamil and Telugu mediums of instruction; (ii) Assistant Master in Physical Science in Kannada, English, Urdu, Hindi, Marathi, Tamil and Telugu mediums of instruction; (iii) Assistant Master in Biological Science in Kannada, English, Urdu, Hindi, Marathi, Tamil and Telugu mediums of instruction; (iv) Language Assistant in Kannada, English, Urdu, Hindi, Marathi, Tamil, Telugu and Sanskrit languages.
5.	Physical Education Teacher in Government High Schools and Composite Pre-University Colleges
6.	Drama Teacher
7.	Dance Teacher
8.	Drawing Teacher
9.	Music Teacher
10.	All Special Teachers

XXX

XXX

XXX