CHAPTER - II

UNIFORMITY IN ACTS, RULES AND REGULATIONS

It has already been mentioned in the Chapter on the historical retrospect of Karnataka Unification that the new State of Karnataka came into existence as a result of the States' Reorganisation Act 1956. The creation of the new State brought together areas with five different and distinct systems of administration with five sets of personnel, five sets of laws, rules and regulations in force and five different traditions. Immediately after the formation of the new State, all Government efforts were concentrated on the merger of these different systems of administration into one cohesive system.

The Fact-Finding Committee appointed under the Chairmanship of Shri M. Sheshadri by the Government of former Mysore State in 1954 in connection with the reorganisation of States observed, "In the event of the integration of Kannada areas of Bombay and Hyderabad with Mysore, it will become necessary to replace the existing Acts by a comprehensive act for the entire area of the new State". (1) The States' Reorganisation
Commission headed by S. Fazl Ali, had already pointed in 1955 a few problems the new States might have to tackle in case the States were reorganised. The Commission said, "The problems of transition will, by no means, be over with the passage of enabling legislation. In the first instance, there is the difficult question of the laws in force in the areas which might be grouped together. The laws extent in the existing administrative units, including those governing such vital matters as land tenure, agrarian reforms and prohibition, are not the same even in the geographically contiguous States. There has been no uniform attempt in the recent past, when mergers have taken place, to apply straightway the laws and regulations of one predominant area to the whole State. Some States have had to depart from this principle because of the prevalence of social and economic conditions in those areas justifying disparity in laws. In some States, old laws are still operative because of the delay in completing the process of unification of laws. The initial phase of transition during which two or more sets of laws are applicable in one State cannot, however, last for any length of time. Apart from prima facie objections on general grounds and the administrative inconvenience which it will involve, lack of uniformity in the application of
tax laws will make budgeting difficult and the lack of uniformity, in so far as it involves discrimination without justification, may even to be bad in law. For these reasons, every reorganised State will have to undertake, in the initial years, a laborious and exhaustive review of its existing legislation.\(^{(2)}\)

Similarly, the Governor of Karnataka in his address to the first joint Session of the State Legislature convened on December 22, 1956 referred to the problems of reorganised State and expressed the view: "It is very necessary that there should be an integrated and a uniform pattern evolved throughout the State. Our Government proposes to devote its energies to this task, in particular, it hopes to be able to place before you as early as possible measures to make the taxation laws uniform."\(^{(3)}\)

Thus regional integration gave rise to many problems. The State's administrative apparatus had to face certain dislocation in the early years. There were varying systems of taxation in the several areas of the new State. The Government of the new State was seized of this problem and tried to bring about uniformity in tax laws. This State was the first State to apply its mind to this difficult problem and formulate uniform taxation bills. Even before the expiry of the third year of integration,
the following acts(4) found a place on the statute book:

1) The Karnataka Sales Tax Act 1957;
2) The Karnataka Sale of Motor Spirit Taxation Act 1957;
3) The Karnataka Motor Vehicles Act 1957;
4) Karnataka Agricultural Income-Tax Act 1957;
5) The Karnataka Court Fees and Suit Valuation Act 1958;
6) The Karnataka Stamps Act 1957;
7) Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957;
8) The Karnataka Entertainment Act 1958;
9) The Karnataka Sugar Cane Cess Act 1958.

The five different regions which constituted our State had each of them their own system of laws, their own system of education and their own system of administration. The Government had to streamline various acts, rules and regulations. On the eve of States' Reorganisation, there were five different pieces of legislation applying to five different areas which constitute the new State. / The plethora of legislation inherited by the new State of Karnataka consequent on reorganisation has been the product
of developments that took place in different Kannada regions of Bombay, Hyderabad, Madras, Coorg and Old Mysore. It would be pertinent to narrate the historical background of those enactments prevailing in different areas before the emergence of the new State and the way in which uniformity in respect of those acts, rules and regulations was brought about by the new State.

A) Panchayati Raj Administration

With regard to the system of Panchayati Raj Administra-
tion, the position of Village Panchayats in the Bombay Karnataka area was governed by the Village Panchayats (Amendment) Act, 1939. The amendment in 1947 gave 15 percent of the land revenue to them. The Bombay Act of 1920 abolished Taluk Boards because they were not useful in practice and partly with the object of strengthening the Village Panchayats. The District Boards were made truly representative by dispensing with nominations. The peculiar feature in the area was the simultaneous existence of the District School Boards which arose out of the Association of local bodies with primary education. This Act was amended by the Bombay Primary Education Act 1947. These District School Boards consisted of some members nominated by the State Government, a few elected by the
Municipalities and the rest elected by the District Local Boards from amongst its own members. In Hyderabad Karnataka area, the Hyderabad District Board Act of 1941 provided for Boards which were mainly to be elected and the Hyderabad District Board Act 1955 extended the franchise. The elected bodies were not functioning but the nominated bodies under the Chairmanship of Deputy Commissioner continued to function. The Panchayats were governed by the Hyderabad Gram Panchayats Act 1956. Its progressive features included entirely elected composition of Panchayats, constitution of Gram Sabhas and assignment of Village Panchayats of enlarged functions and increased finance with 15 per cent of local cess and Land Revenue and an assessment of two annas per rupee of Land Revenue with Government sanction. However, all villages were not covered with Panchayats. In Madras Karnataka area, the Village Panchayats were constituted under the Madras Village Panchayats Act, 1950. The District Boards were constituted according to the Madras District Boards Act 1920. But the Madras District Boards Amendment Act of 1953 empowered the Government of Madras to appoint Special Officers to exercise the functions and powers of District Boards and their Presidents and also to hold elections for the several District Boards. While this position was continuing, the area covered by the seven...
taluka of Bellary District merged in the erstwhile Mysore State. The Madras Act of 1953 was amended by the Mysore Act of 1954 so as to provide for the continuance of the Special Officer already appointed there. In South Kanara District the Special Officer was appointed and this position had continued even after reorganisation. Mysore Village Panchayat and District Board Act 1952 was prevailing in Old Mysore. So far as Panchayats are concerned, both in Bellary and South Kanara Districts, they continued to function under the Madras Village Panchayats Act, 1950. In the Ex-Coorg area, the Coorg Panchayat Raj Act, 1956 had been passed just before the reorganisation. But the Act was not brought into force since the reorganisation of States was impending. Hence the provisions of the Coorg Village Panchayats Act, 1926 continued to be in force even after reorganisation. There were no Taluka Development Boards in Coorg District at any time before reorganisation. The District Board which was established in the year 1901, worked for over 50 years and was abolished in 1953. The divergence of these enactments hampered the administration of Panchayati Raj in the new State. Hence an Act known as the Karnataka Village Panchayats and Local Boards Act, 1959 was enacted. With the enforcement of this Act, the Panchayati Raj Administration has been brought under one uniform legislation.
B) Municipal Administration

With regard to municipal administration, the Municipal Acts varied in different regions. In Ex-Bombay area, the Municipal bodies were functioning under the Bombay Municipal Boroughs Act 1925.(9) According to this Act, larger district towns were constituted into Borough Municipalities consisting of councillors elected on adult franchise. Any Municipality having a population exceeding 15,000 was being notified as a City Municipality by the State Government.

In Madras Karnataka area, the Madras District Municipalities Act of 1920(10) and the Madras City Municipal Act of 1919 governed the constitution of Municipalities in towns and cities. The number of councillors in the Municipal bodies varied according to the population of the town.

In Hyderabad-Karnataka area, the Municipal bodies were governed by the Hyderabad District Municipalities Act 1956.(11) The urban areas with a population of 15,000 and above were generally constituted into City Municipalities and those with a population of 5,000 to 15,000 were constituted into Town Municipalities. The members of the Municipalities were elected on adult franchise. In Ex-Coorg area, the Municipalities were administered according to old enactment - the Coorg Municipal Regulations 1907.(12)
by the Government. The members were elected as well as
nominated. Besides these Municipalities, there were
other urban bodies known as Notified Area Committees which
were constituted for small townships not having more than
10,000 inhabitants. But in Old Mysore area, Municipalities
were classified into corporations, City Municipalities and
Town Municipalities and they were being governed\(^{13}\) by
the provisions of the City of Bangalore Municipal Corpora-
tion Act 1949, the City Municipalities Act 1953 and the
Mysore Town Municipalities Act 1951, respectively. The
above analysis reveals the fact that the different
enactments were prevailing. Hence all the Municipal bodies
in the State were brought under the uniform legislation by
enforcement of Karnataka Municipalities Act 1964 as amended
in 1966.

C) Judicial Administration

With regard to the pattern of judicial administration
subordinate to the High Court, different Acts and structures
were prevailing in five different areas. In Bombay-Karnataka
area, several courts\(^{14}\) of civil jurisdiction prevailed.
They were the Civil Courts under the Bombay Civil Courts
Act of 1869, the Court of the Agent for the trial of suits
against Dekkhan Sirdars under the Bombay Regulation XXIX
of 1827, Courts of Jagirdars and of Saranjamidars under the Bombay Regulation of 1830, Courts of Mamlatdars under Bombay Act II of 1906, the Village Munsiffes under the Bombay Act XVII of 1879 and Small Cause Courts. In Madras-Karnataka area, the Civil Courts outside the town of Madras were established by the Madras Civil Courts Act, 1873. It provided for the establishment of the District Courts, Subordinate Judges Courts, and District Munsiffes Courts. There were the following Courts of Civil jurisdiction in the Presidency of Madras.

1) The Madras City Civil Court (Act VII of 1873).
2) District Civil Courts (Act III of 1873).
3) Village Courts (Madras Act I of 1889).
4) Panchayats (Madras Regulation XII of 1816).
5) Small Cause Courts.

The Village Courts, Panchayat Courts and the appointment of Village Munsiffes were provided under the Madras Village Courts Act 1888 and amended by Act IV of 1904 and Act II of 1920. In the Hyderabad-Karnataka area, the pattern of administration of justice was more or less the same which existed in the rest of India. Some of the substantive laws and the major procedural laws of India were extended to the State of Hyderabad after the enforcement of the
Constitution in 1950. After April 1951, the Gulbarga Suba, which consisted of the three Karnataka districts via; Gulbarga, Raichur and Bidar, was abolished and each district in the Hyderabad Karnataka area was provided with a District and Sessions Court. There were separate city courts to entertain cases of a civil nature. In the districts, Civil Judges were individually invested with small cause powers wherever necessary. In addition to the above courts, the Sarf-e-Khas Mubarak, Paigaha and Jagirs had their own courts of law which administered justice. In the Ex-Coorg area, Section 2 of the Coorg Courts Regulation 1901 provided for five grades of civil courts in the province of Coorg. They were:

1) The Court of the Munsiff;
2) The Court of the Assistant Commissioner;
3) The Court of the Subordinate Judge;
4) The Court of the Commissioner;
5) The Court of the Judicial Commissioner.

The appointment of the Commissioner was made by the Governor General in Council and the Chief Commissioner used to appoint the Commissioner, Subordinate Judge, the Assistant Commissioner and the Munsiffs. In the Old Mysore area, the amending Act of 1955 amended the Mysore Civil Courts Act of 1883 and provided for a new class of Civil Courts designated as
Courts of District Judges in addition to the Courts of District Judges, Subordinate Judges, Munsiffis and Small Causes. It also determined the pecuniary and appellate jurisdictions of all the Civil Courts. To bring uniformity and rationalisation, Mysore Civil Courts Bill was passed by the State Legislature in 1964. Hence the new Act of 1964 envisages the structure of three classes of Civil Courts subordinate to the High Court. They are the District Courts, the Courts of the Civil Judges and the Munsifl's Courts. Similarly, under the Karnataka Small Causes Court Act 1961, the High Court by notification may invest any judge of the court of small causes with powers to hear appeals from such decrees and orders of Munsifl's Courts as may be referred to him by the District Judge. The Civil Judge and the Munsiff may be invested with Small Causes powers.

D) Tenancy Legislation

With regard to the Tenancy Legislation, the tenancy laws (21) were in force in the four out of the five integrated areas, namely, Old Mysore area, Bombay-Karnataka area, Hyderabad-Karnataka area and Madras-Karnataka area before reorganisation. In Coorg District, there was no tenancy law prior to the reorganisation. The Coorg Tenants
Act 1957 was enacted and brought into force in the Coorg District from 1st April 1957. In Bombay-Karnataka area, the Bombay Tenancy and Agricultural Lands Act of 1948 as amended in 1952 and 1955 was prevailing. The Act had recognised three categories of tenants namely: (1) Permanent tenants; (2) Protected tenants; and (3) Ordinary tenants, for ten years. In the Hyderabad-Karnataka area, the Hyderabad Tenancy and Agricultural Lands Act of 1950 as amended in 1951 was prevailing. Several Sections of its provisions were similar to those of the Bombay Act of 1948. The Act recognised two categories of tenants; (1) Protected tenants; and (2) Asami Shikmis. With a view to stopping the large scale eviction of tenants in which landlords were indulging, the Hyderabad Prevention of Evictions Ordinance had been promulgated in August 1952 but it lapsed in 1953 January. The Hyderabad Tenancy and Agricultural Lands Amending Act was passed in 1954 to improve the status of tenants. In the Old Mysore area, the Mysore Tenancy Act of 1952 was applicable. It recognised two classes of tenants known as Kadim tenants and Permanent tenants. In the Madras-Karnataka area, the Madras Cultivating Tenants Protection Act of 1955 and Madras Cultivating Tenants (Payment of Fair Rents) Act 1956 were in force. This Act did not give any protection to tenants or small owners. Hence the
provisions of the Act relating to resumption of land by landlords were suspended by an ordinance in March 1957. It was replaced by Madras Tenancy (suspension of provisions) Amendment Act 1957. In the Coorg area, the Coorg Tenants Act 1957 provided that the maximum rent should not exceed one third of the crop and that the landlords should not evict tenants. Thus all these laws provided for security of tenure and the prevention of unfair eviction of tenants by the landlords and that surrenders by tenants had to be registered before the Tahsildars. They also provided for the rights of tenants to be inheritable and that the tenancy would not get terminated by efflux of time. Thus the above description of the position in the various areas reveals that there was great divergence in the objectives proposed to be achieved by the tenancy laws in force in the different areas. Hence to bring about uniformity throughout the State in regard to rent, rights of resumption, conformity of ownership on tenants, provision of greater security to the tenants and ceilings on land holdings, a common Act known as the Karnataka Land Reforms Act 1957 was passed by the State Legislature by amending the various laws in force in the different areas.
to the tenants was not adequate to cover all classes of tenants. Hence the Karnataka Land Reforms Act 1961 re-enacted the provisions of all the tenancy laws with improvements both in their comprehensiveness and rigour and brought it into force with effect from 2nd October 1965. In the interregnum from 1961 to 1965, in order to perpetuate the security of tenure to the tenants, a law called the Karnataka Tenants (Temporary Protection from eviction) Act 1961 was brought into force on 2nd October 1965. But the working of the Act of 1961 disclosed certain defects and difficulties. In the meanwhile the Planning Commission had made recommendations regarding the absolute limit to the extent of land which any individual may hold and the occupancy rights of the existing tenants. Hence in order to improve the status of tenants and to provide for the implementation of the recommendations of the Planning Commission, a comprehensive Act known as the Karnataka Land Reforms Act 1974 was passed by the State Legislature. The new legislation has brought about complete uniformity in respect of all the tenancy laws of the different areas and has achieved revolutionary changes by way of conforming of ownership on the tenants, ceiling limit on land holdings and ban holding or acquiring of land by persons other than Agriculturists.
E) Agricultural Income-Tax

With regard to Agricultural Income-Tax system, the tax was in existence in all the five parts joining the new State except Bombay-Karnataka. The different Acts were in force in different areas. They were:

3) The Hyderabad Agricultural Income-Tax Act 1950;

Under the above Acts, agricultural income derived from commercial crops, plantations grown as the main crop and timber was made taxable. Bombay State was not levying any agricultural income-tax. Madras was levying agricultural income-tax, but it was restricted only to income from plantation crops. Coorg had been levying the tax but practically the burden mostly fell on plantations. Mysore levied the tax, but it was levied only on income derived from land used for growing certain specified commercial crops. A consolidated uniform Act known as the Karnataka Agricultural Income-Tax Act 1957 came into force with effect from 1st April 1957, covering all the areas and repealing the old Acts that
were in force in different areas of the State. This Act provides for levy of Agricultural Income-Tax at slab rates on all agricultural income derived from land on which commercial crops are grown.

F) Land Revenue System

With regard to the Land Revenue System, all the five regions had the Ryotwari system of land revenue. In the Ryotwari system, assessment was fixed on the holding of a ryot. The Jaghirs in Hyderabad-Karnataka area, the Inam Villages in Madras-Karnataka area and Old Mysore area and the Saranjams and Paragana Watans in Bombay-Karnataka area had been abolished by legislation. The intermediaries in those areas got some compensation under most of the laws relating to abolition. The Fact Finding Committee appointed by the Government of Old Mysore in 1954 and headed by Mr. M. Sheeshadri pointed out to the effect: "The Land Revenue System in Bombay and Hyderabad are Ryotwari. The Principles of Revenue Survey and Settlement are identical in Bombay, Hyderabad and Mysore. With the abolition of Jaghirs in Hyderabad, middlemen between the Government and the Ryots have been eliminated to a very large extent". The land revenue was being assessed in accordance with the Old Land Revenue
Codes that existed in the five different regions of the new State before reorganisation. The Mysore Land Revenue Code of 1888 was in force in Old Mysore area, the Bombay Land Revenue Code of 1879 was in force in Bombay-Karnataka area, the Coorg Land and Revenue Regulation of 1899 was in force in Coorg area, the Hyderabad Land Revenue Act of 1317 Basil was in force in Hyderabad-Karnataka area and Madras Revenue Board Standing Orders were in force in Madras-Karnataka area. All these old codes can be grouped under two broad systems: the Bombay System and the Madras System. The Madras System of assessment was prevailing in the three Districts of Bellary, South Kanara, Coorg and Kollegal Taluk of present Mysore District. The remaining sixteen Districts of Bombay-Karnataka area, Hyderabad-Karnataka area and Old Mysore area were governed by the Bombay System of assessment. In both these systems, the productive capabilities of lands were assessed after a detailed cadastral survey of the land with reference to the quality and type of the soil. Under the Bombay System, the land revenue was assessed with reference to the productive value of the land. The fixing of the maximum assessment was arbitrary and entirely depended on the subjective impressions of the Settlement Officer firstly
about local conditions and secondly about the justifi-
cability of the existing assessment. The basis of
the assessment in the Bombay System was, therefore
empirical. (28) Under the Madras System, the rate of
assessment was calculated on the basis of half the net
profit. (29) It took into consideration the average
out-turns of the standard grains that would be produced
on lands of different sorts. This created disparities
in the land revenue rates of one region and another.
Both the systems did not relate the land revenue to
changes in the price level. (30) Hence all the Old Acts
of land revenue existing in different areas were repealed
and a uniform Act known as the Karnataka Land Revenue
Act of 1964 was brought into force from 1st April 1964.

G) Settlement of Land Revenue

With regard to settlements and resettlements of
land revenue, the assessment of land revenue was fixed
by five different agencies working under five different
sets of instructions. There were disparities in the
settlement and resettlement of land revenue in the
different regions. "The system of assessment through
settlement for a definite period and revision of assessment
after that period prevails generally in all parts of India."
Under the periodical settlement system, an area for which a settlement is undertaken is cadastrally surveyed and classified according to fertility. The assessment so determined is fixed for a term of years, varying from 15 to 40 years, the usual period is thirty years. When the revision of a settlement becomes due, the various changes that have occurred since the last settlement, in the conditions and circumstances relevant to the assessment of land revenue, are taken into consideration. The following was the position prevailing in the five different areas. The first survey and settlement of the Bombay-Karnataka area was begun in the year 1843 and was completed in 1869. In Hyderabad-Karnataka area, it was in 1853 that land settlements were undertaken. In Old Mysore area, the settlement operations commenced in 1864 and were concluded in 1900. In Madras-Karnataka area, the lands were surveyed between the years 1884 and 1896. In Ooty area, a survey and settlement of a high order was completed between the years 1902 and 1912. The basic rates of land revenue fixed at these original settlements still continued even after reorganisation. At the time of reorganisation, the thirty-year limit of the settlement had already been over and revision
settlements had become long overdue. But, in the Bombay-Karnataka area, a revised procedure for revision settlements by amending the Bombay Land Revenue Code of 1879 had been adopted in 1955 and resettlements in accordance with this procedure were in progress. Hence for the fixation of the revised assessment all over the State on a uniform basis and to secure standardisation of the systems of revision settlements of the different areas, the Bombay procedure of 1955 was extended to the rest of the new State. "The settlement reports in this respect were placed on the table of the State Legislature in March 1965 and revised rates came into force with effect from 1st April 1965". Under the uniform procedure, the unit of settlement has been a zone instead of the taluka. Within the zone, groups are again formed on the consideration of the nature of crops and their prices over a period of ten years for which figures may be available. The settlement officer is required to tour those zones to find out average yields and prices of principal crops and cash crops. This will maintain the relation between land revenue and prices and thus introduce some flexibility in land revenue.

Thus a number of legislative enactments to secure the uniformity have been made by the State Government
since reorganisation. Although, the matter is one of complexity, Government have been successful in bringing about uniformity in respect of the laws, rules and regulations. The subjects covered so far relate to Village Panchayats and Local Boards, Cooperation, Weights and Measures, Compulsory Primary Education, Abolition of Hereditary Village Officers, Land Acquisition, Rent Control, Live-Stock Improvement, Medical Practitioners of the three systems of Medicine, Shops and Commercial Establishments, Business of the High Court, Land Reforms, Warehouse, Money-Lenders and Pawn-Brokers, Prohibition, Measures to Town and Country Planning and Housing Board, Civil Courts, Forests, Relief of Agriculturists from indebtedness, Police, Excise, Land Revenue Administration and Regulations of Cinemas etc.

**Uniformity in Personnel Management**

The public personnel belonging to the five different integrated areas came over to the organisation of the civil services of United Karnataka, after the formation of the new State. The rules of recruitment and other conditions of service of the personnel of all the five
integrated areas were quite different. The framing of uniform rules of recruitment and conditions of service after reorganisation became the most difficult problem for the State Government. The Public Service Commission was unable to function pending the finalisation of the uniform rules. The question of framing uniform rules for the new State was taken up by the State Government in consultation with the Commission. Several steps were taken in order to secure uniformity in respect of personnel management. They may be examined under the following three heads:

a) Uniformity in Civil Service matters;

b) Uniformity in Pay Structure;

c) Uniformity in Departmental Examinations.

a) Uniformity in Civil Service Matters

The Governor has the power to frame the Rules under Article 309(34) of the Constitution to regulate the recruitment and conditions of service of the employees appointed to the various State Civil Services and posts in connection with the affairs of the State. Pending the promulgation of such Rules, the Government by a notification(35) laid down an interim procedure for filling up regional and State-wide posts. It would
not be out of place if a brief reference is made to the different systems of recruitment and the conditions of service prevailing in all the five integrated areas.

1) **Old Mysore Area**

The Old Mysore was a part B State. There was no Public Service Commission until 1951. With the constitution of the Commission, in 1951, all appointments to the services of the State had come within the purview of the Commission. The public services had been divided into three classes: 1) Gazetted Services, 2) Upper Subordinate Services, and 3) Subordinate Services. The Gazetted services had been further divided into Classes I and II. The term "Upper Subordinate was applied in the case of the Non-Ministerial Wing of the Non-Gazetted Services was known as Subordinate Services. This classification had been continued up to the formation of the new State. The Mysore Civil Service was well organised public service for which competitive examinations were held at regular intervals. But no such competitive examination had been conducted after 1946. But with regard to recruitment of Non-Gazetted Services for ministerial appointments the competitive examination for testing the intelligence, handwriting and knowledge
of English and other general matters for the selection of candidates was being held once in a year or periodically at Bangalore and other District Headquarters.

2) Bombay-Karnataka Area

In the Bombay-Karnataka area, the Public Services had been regularly constituted department-wise and recruitment Rules had been framed. The civil and posts in the Bombay province were classified into the following categories:

1) The Bombay Civil Service (Executive Branch) Classes I and II;

2) The Bombay Forest Service Classes I and II;

3) The Bombay Agricultural Service Classes I and II;

4) The Bombay Veterinary Service Classes I and II;

5) The Bombay Co-operative Service Classes I and II;

6) The Bombay Excise Service Classes I and II;

7) The Bombay Registration Service Classes I and II;

8) The Bombay Civil Service (Judicial Branch) Assistant Judges not being the members of the Indian Civil Service;
9) The Bombay Subordinate Civil Judicial Service;
   (a) Judges of the Courts of Small causes at Ahmedabad and Poona; and
   (b) Subordinate Judges.
10) The Bombay Civil Service;
11) The Bombay Jail Service;
12) The Bombay Medical Service;
13) The Bombay Public Health Service;
14) The Bombay Educational Service (Administrative Branch and Collegiate Branch);
15) The Bombay Service of Engineers;
16) General Provincial Service.

But the subordinate services were classified into three categories known as the Executive Branch, Ministerial Branch and Inferior Branch.

1) The Executive Branch consisted of Agricultural Overseers, Sub-Overseers, Workshop Establishments, Mechanical Assistants, Engine Drivers, Managers of Farms, Sub-Assistant Surgeons and Compounders etc;

2) The Ministerial Branch consisted of Clerks, Superintendents, Assistant Superintendents, Artists, Auditors, Price-Inspectors, Mechanical Draftsmen and Tracers etc;
3) Inferior Branch consisted of Mukadams, Dairymen, Ploughmen, Peons, Malis, Watchmen.

Appointments to the Gazetted Services of Classes I and II were made by the Government, after consultation with the Public Service Commission, either on the results of competitive examination or by nomination or by promotion from a lower post. Recruitment to subordinate services was made by Heads of Departments and they were assisted by Advisory Committees. First appointments to clerical posts in the province of Bombay were ordinarily made by nomination from among candidates who should:

a) be not less than 18 years nor more than 25 years of age;

b) have passed the Matriculation Examination; or

c) have obtained the Indian Army Special Certificate of Education.

Candidates for appointment to posts of inferior service were not expected to be less than 18 years nor more than 25 years of age and were to satisfy the authority making the appointment that they were possessed of sufficient intelligence and physique to enable them to carry out their duties satisfactorily. Appointments to posts of clerks, peons and other posts in the inferior services
were made by Heads of Offices to whom powers had been delegated by the Heads of Departments. The Government of Bombay was following a different policy with regard to the policy of recruitment to ministerial posts in offices in Greater Bombay. The Government, by adoption of resolution, (37) sanctioned the scheme for the purpose of recruitment to all ministerial posts on the establishment of all offices under it in Greater Bombay. Examinations were held for recruitment to all clerical establishments under the Government of Bombay in Greater Bombay including the Upper and Lower Divisions of the Secretariat and attached offices, stenographers and typists.

3. Madras-Karnataka Area

In the Madras-Karnataka area, there were well organised civil services. The Government of Madras had framed the Cadres and Recruitment Rules for the various departments. The civil services of Madras were classified (38) into following two broad categories.

A) Gazetted Services

1) The Madras Agricultural Service;
2) Animal Husbandry Service;
3) Boiler Service;
4) Certified Schools Service;
5) Civil Service (Executive Branch);
6) The State Higher Judicial Service;
7) Commercial Taxes Service;
8) Cooperative Services;
9) State Judicial Service;
10) Educational Service;
11) Hindu Religious and Charitable Endowments Administration Service;
12) Jail Service;
13) Medical Service;
14) Police Service etc.

B) Non-Gazetted Services

1) Madras Agricultural Subordinate Service;
2) Animal Husbandry Subordinate Service;
3) Certified Schools Subordinate Services;
4) Commercial Taxes Subordinate Services;
5) Cooperative Subordinate Service;
6) Educational Subordinate Service;
7) Excise Subordinate Service;
8) Fire Subordinate Service;
9) Fisheries Subordinate Service;
10) Forest Subordinate Service etc.
Appointments to the Gazetted services were made by the Government in respect of direct recruitment on the results of combined competitive examinations conducted by the Public Service Commission and in respect of promotion, after consultation with the Public Service Commission. In respect of recruitment to Non-Gazetted service, competitive examinations were conducted by the Public Service Commission. Minimum General Educational Qualification like pass in the Secondary School Leaving Certificate Examination or pass in the European School Leaving Certificate Examination or pass in the Matriculation Examination was prescribed. The Madras Secretariat was having a separate and independent establishment. It consisted of the following categories of officers:

A) Category I - Superintendents including Librarian;
B) Category II - Upper Division Clerks;
C) Category III - Personal Clerks to the Chief Secretary;
D) Category IV - Lower Division Clerks;
E) Typists including Steno-typists;
F) Telephone Operators.

Appointments to the services were made by direct recruitment of: 1) Upper Division Clerks, 2) Lower Division Clerks,
3) Typists including Steno-typists from the lists of approved candidates drawn by the Public Service Commission.

4) Hyderabad-Karnataka Area

In the Ex-Hyderabad Karnataka area, there were well-organized civil services. The Government of Hyderabad issued orders from time to time constituting the various civil services for the State. All these Regulations were incorporated in a single compendium known as the Cadres and Recruitment Rules of the State and Subordinate Services. The following were the various departmental services:

1) Agricultural Service;
2) Administrative Service;
3) Accounts Service;
4) Anti-corruption Branch
5) Cooperative Service;
6) Commerce and Industries Branch;
7) Education Service;
8) Endowment Branch;
9) Fisheries Branch;
10) Forest Service;
11) Judicial Service.
The Non-Gazetted Services consisted of the posts like Naib Tahasildars, Peshkars, Girdawara, Accountants Grade II, Clerks Grades I, II and III, Stenographers and Typists. The inferior services consisted of the posts like shroffs, labourers, peons, chowkidars, farrash, watermen and sweepers. The appointments to the Gazetted Services were made by the Government on the results of the competitive examination held by the Public Service Commission. Similarly the Non-Gazetted posts were filled up by direct recruitment on the results of competitive examination held by the Public Service Commission. The Hyderabad Secretariat Service consisted of First Grade Clerks, Second Grade Clerks, Third Grade Clerks, First Grade Stenographers, Second Grade Stenographers, and Staff attached to the Cypher Section of the General Administration Department. The vacancies were filled by direct recruitment on the results of the competitive examination held by the Public Service Commission.

5) Ex-Coorg Area

In the Ex-Coorg area, which was a Chief Commissioner's province, the civil services were not systematically organised compared to the other integrated areas. With regard to the recruitment to Gazetted Service,
the Government of Coorg had not constituted any services on a regular basis. It was mostly depending upon the services of officers borrowed from the neighbouring States of Madras, Mysore and Central Government, on deputation basis. The Secretariat Services were not constituted independently. The Secretariat Staff and the Departmental Staff were interchangeable. In exercise of the powers conferred under the first schedule to the Coorg State Rules of Business, the Chief Commissioner issued the regulations, governing the initial recruitment of persons to Class III and Class IV services. But these rules were not applicable to promotions which were continued to be made solely on the basis of seniority. Minimum qualifications were laid down for the various services and posts. All candidates for initial recruitment to Class III service were to be selected by the Staff Selection Board. There was no Public Service Commission in Coorg.

Thus the Rules of recruitment and other conditions of service of the personnel of the erstwhile integrated areas were altogether quite different. Hence the framing of uniform Rules of Recruitment and Conditions of Service after reorganisation became the most difficult
problem for the Government of Karnataka. The State Government took nearly three years in tackling this problem. So the Public Service Commission came to a stand still for nearly three years. These three years may be described as a period of inaction for the Public Service Commission. It was activated during 1952 when the Cadres and Recruitment Rules were finalised by the issue of notifications. The Governor of Karnataka has framed the detailed Regulations pertaining to the Cadres and Recruitment Rules in respect of each of the departments. (The list of Cadres and Recruitment Rules in respect of all the departments is mentioned in Appendix No.1). Nearly ninety per cent of the work has been done by the State Government in the finalisation of the Cadres and Recruitment Rules. Steps are being taken to frame the Cadres and Recruitment Rules for the departments which do not have them. The conclusions have been drawn in the last Chapter.

Conditions of Service

Similarly the Conditions of the Service governing the employees of the five integrated areas were also quite different. The employees of the Bombay-Karnataka area were governed by the Conditions of Service laid down in the Bombay Civil Services Classification and
Recruitment Rules 1939 and the various resolutions adopted by the Government of Bombay from time to time in the Political and Services Department. In the Madras-Karnataka area, the employees were governed by the Conditions of Service laid down in the Madras Public Service (Classification, Control and Appeal) Rules 1955, the Madras Civil Services (Disciplinary Proceedings Tribunal) Rules 1955, the Madras Civil Services (Safeguarding of National Security) Rules 1954, the Madras State and Subordinate Services Rules 1955 and the Madras Services Manual Volumes I, II and III, 1954. In the Hyderabad-Karnataka area, the employees were governed by the Conditions of Service laid down in the Hyderabad Civil Services (Classification, Control and Appeal) Rules, 1952 and the various Government Orders issued from time to time by the General Administration Department. In the Coorg area, the employees were governed by the Conditions of Service laid down in the Central Civil Service Rules 1955. In the Old Mysore area, the employees were governed by the Conditions of Service laid down in the Mysore Service Regulations 1952.

In order to bring about uniformity in the governance of Conditions of Service, the Governor of Karnataka, in exercise of the powers under the proviso to Article 309
of the Constitution issued the following Rules governing the Conditions of Service of the employees of the new State. They are the following:

1) The Karnataka State Civil Services (General Recruitment) Rules 1957;
2) The Karnataka Government Servants (Probation) Rules 1957;
3) The Karnataka Government Servants Seniority Rules 1957;
4) The Karnataka Civil Services (Classification, and Appeal) Rules 1957;
5) The Karnataka Civil Services Rules 1958 Volumes I and II;
6) The Karnataka Civil Services (Conduct) Rules 1966;

Central Personnel Agency

The Regulations pertaining to the Central Personnel Agency were also quite divergent in the five integrated areas. In the Old Mysore area, the Public Service Commission was constituted on May 18, 1951. But the Notification No. L.D - Legisla 39-49-1 dated February 16,
1950 dealing with the establishment of Public Service Commission laid down the detailed Rules and Regulations for the functioning of the Public Service Commission. In the Bombay-Karnataka area, the Central Personnel Agency was governed by the Bombay Public Service Commission (Functions) Rules 1957. In the Madras-Karnataka area, the Central Personnel Agency was governed by the Madras Public Service Commission Regulations 1954 and the Madras Public Service Commission Rules of Procedure 1955. In the Ex-Coorg area, there was no independent Public Service Commission. But there was Staff Selection Board which was governed by the various orders issued from time to time by the Chief Commissioner of Coorg. In the Hyderabad-Karnataka area, the Central Personnel Agency was governed by the Hyderabad Public Service Commission Regulations 1952.

In order to bring about uniformity, the following Regulations pertaining to the Public Service Commission or the Central Personnel Agency were issued by the State Government from time to time:

1) The Karnataka Public Service Commission (Functions) Rules 1957;

2) The Karnataka Public Service Commission (Conditions of Service) Regulations 1957;
3) The Karnataka Public Service Commission (Consultation) Regulations 1958;
4) The Karnataka Public Service Commission (Conduct of Business and Additional Functions) Act 1959;
5) The Karnataka Public Service Commission (Services of Local Authorities) (Functions) Rules 1963;
6) The Karnataka Public Service Commission (Services of Local Authorities) Order 1963;

b) Uniformity in Pay-Structure

Among the administrative problems that cropped up after the integration of different areas into a composite State, the one relating to pay-scales was beset with complications. The Governor of Karnataka in his address to the first Joint Session of the Legislature of the new State expressed the desire, "while the pay-scales and Conditions of Service of the employees who have come over to us should not be adversely affected, steps should be taken to evolve uniform pay-scales and Conditions of Service and to
improve the level of pay at the lowest levels". The integration of five different areas brought under one administration employees with five different scales of pay and differing Conditions of Service. The problem of uniformity in pay-structure was rendered more complicated as the scales of salaries varied in different areas. The scales of pay of the former Mysore State employees were generally the lowest and the employees of Bombay, Madras and Hyderabad enjoyed the highest rates of pay. This disparity had created almost an intolerable situation. The scales of pay prevalent in Old Mysore, Bombay, Hyderabad, Madras and Coorg areas revealed marked variations both in respect of salaries and allowances. The following description exhibits the scales of salaries obtaining in different integrated areas.

1) Scales of Gazetted Cadres - Region-wise

A) In the Revenue Department, the Tahasildars of Hyderabad were drawing the scale of Rs.255-510 (I.O.). The Bombay Tahasildars were put in three grades: 1) Selection Grade - Rs.420-20-500; 2) Grade I - Rs.340-15-400; 3) Grade II - Rs.250-15-325. The Madras Tahasildars were drawing Rs.200-10-300. The Old Mysore Amildars or Tahasildars were put in the scale of -
Rs.200-20-300. The Coorg Tahasildars were drawing the scale of Rs.160-10-300. Similarly the Deputy Collectors or the Assistant Commissioners of Hyderabad were drawing the scale of Rs.340-650 (I.G.). The Deputy Collectors or the Assistant Commissioners of Bombay were put in two grades: 1) Grade I - Rs.695-45-875; 2) Grade II - Rs.350-30-500-EB-30-650. The Madras Deputy Collectors were drawing the scale of Rs.300-50/2-700. But the Assistant Commissioners of Old Mysore were put in two grades. Senior Grade carried the scale of Rs.500-25-600 and the Junior Grade carried the scale of Rs.300-25-500. The Assistant Commissioners of Coorg were drawing the scale of Rs.350-350-380-380-30-590-EB-30-770-40-850.

B) In the Police Department, the Deputy Superintendents of Hyderabad were drawing the scale of Rs.300-20-500-EB-20-600-25-700. But the Deputy Superintendents of Bombay were put in two grades. Grade I carried the scale of Rs.550-30-650-45-740 and the Grade II carried the scale of Rs.300-20-500. The Madras Deputy Superintendents were drawing the scale of Rs.280-30/2-310-40/2-350-50/2-650. The Deputy Superintendents of Old Mysore carried the scale of Rs.300-25-500. But in Coorg, the Deputy Superintendents were drawing the scale of Rs.280-30/2-310-40/2-350-50/2-650.
C) In the Public Works Department, the Executive Engineers of Hyderabad were drawing the scale of Rs. 600-30-720-30-40-1000. The Executive Engineers of Bombay were put in the scale of Rs. 500-30-650-45-1100. The Madras Executive Engineers were drawing the scale of Rs. 500-50/2-850. But the Executive Engineers of Old Mysore were drawing the scale of Rs. 500-25-750. The Executive Engineers in Coorg carried the scale of Rs. 500-50/2-850. Similarly, the Assistant Engineers of Hyderabad were drawing the scale of Rs. 300-500. The corresponding officers of Bombay were in the scale of Rs. 220-15-400-20-500-25-650. The Assistant Engineers of Madras were in the scale of Rs. 260-30/2-380-40/2-500, the Assistant Engineers of Old Mysore were in the scale of Rs. 250-25-450, the Assistant Engineers of Coorg were in the scale of Rs. 260-30/2-380-40/2-500.

D) In the Medical Department, the Civil Surgeons of Hyderabad were drawing the scale of Rs. 500-1000. But the corresponding officers of Bombay were in the scale of Rs. 350-30-650-30-45-1100, of Madras were in the scale of Rs. 450-75/2-750, of Old Mysore were in the scale of Rs. 500-30-800, of Coorg were in the scale of Rs. 500-30-800. Similarly, the Assistant Surgeons of Hyderabad were drawing the scale of Rs. 250-550. But the corresponding
officers, of Bombay were in the scale of Rs.220-15-400-EB-20-500-ED-25-650, of Madras were in the scale of Rs.200-25/2-400, of Old Mysore were in the scale of Rs.150-10-250-20-450, of Coorg were in the scale of Rs.120-8-160-10-200-EB-10-300.

E) In the Judicial Department, the Munsiffs of Hyderabad were drawing the scale of Rs.250-500. But the corresponding officers of Bombay were in the scale of Rs.220-20-500-EB-30-650, of Madras were in the scale of Rs.300-50/2-500, of Old Mysore were in the scale of Rs.250-25-500, of Coorg were in the scale of Rs.275-25-400.

2) Scales of Non-Gazetted Cadres - Region-wise

A) The Ministerial employees of Hyderabad were put in three grades. Grade I carried the scale of Rs.170-8-1/2-255-ED-13-320. Grade II carried the scale of Rs.105-4-129-KB-7-164-6-170. Grade III carried the scale of Rs.50-2½-75-EB-3-105. There was a sub-matriculation grade of Rs.35-1½-41-EB-2-45. But the corresponding employees, of Bombay were put in two grades. Grade I carried the scale of Rs.100-8-140-10-150 and Grade II carried the scale of Rs.46-3-85-EB-4-125-5-130. The Ministerial employees of Madras were put in two grades. Grade I carried the scale of Rs.100-5-150-10-190 and Grade II
carried the scale of Rs.51-3-75-2-1/2-100. The corresponding employees of Old Mysore were put in two grades. Grade I carried the scale of Rs.60-5-90-6-130-10-180 (Secretariat) and Rs.60-5-90-6-150 (Departments). Grade II carried the scale of Rs.45-3-60-4-100 (Secretariat) and Rs.40-2-50-3-80 (Departments). Similarly, the Ministerial employees of Coorg were put in two grades. Grade I carried the scale of Rs.120-8-200-10/2-220 and the Grade II carried the scale of Rs.100-5-125-6-155-EB-6-185.

B) In the Police Department, the Police Inspectors of Hyderabad were drawing the scale of Rs.170-8|-255->5B-9-300. In Bombay, the cadre of Police Inspectors consisted of three grades. The Selection Grade carried a consolidated pay of Rs.400. The First Grade carried a consolidated pay of Rs.375 and the Second Grade carried the scale of Rs.250-10-350. In Madras the Police Inspectors were drawing the scale of Rs.175-10-275. But the Police Inspectors of Old Mysore were put in three grades. The first grade was fixed at Rs.200/-, the second grade was fixed at Rs.175/- and the third grade was fixed at Rs.150/-. The corresponding employees of Coorg carried the scale of Rs.160-10-250-EB-10-300. Similarly, the Police Sub-Inspectors Hyderabad were drawing the scale of Rs.05-3|-120-EB-4-140. The corresponding employees, of Bombay
were in the scale of ₹.120-5-190-28-10-210, of Madras carried the scale of ₹.80-3-95-4-115-2-135-3-150, of Old Mysore carried the scale of ₹.70-150, of Coorg carried the scale of ₹.120-8-200-10/2-220.

(0) In the Education Department, the Primary School Teachers of Hyderabad were drawing the scale of ₹.35-50. The corresponding employees of Bombay were put in two grades. The Untrained Teachers carried the scale of ₹.35-1-40 and the Trained Teachers carried the scale of ₹.40-1-50-28-1/2-65 with a selection grade of ₹.65-2½-90. The Primary School Teachers of Madras were in the scale of ₹.30-1-50. The corresponding employees of Old Mysore were put in two grades. The Untrained Teachers carried the scale of ₹.25-1-45 and Trained Teachers carried the scale of ₹.30-1½-45-2-55. But in Coorg, the Primary School teachers were in the scale of ₹.55-1-40°.

From the foregoing, it is quite clear that there variations in the scales of salaries, both in respect of the minimum rate of increments, as well as the maximum for each grade. The integration of these different scales into uniform grades for the different departments without doing injustice to the existing personnel and the new entrants was a very difficult problem that had to be
faced. The Fact-Finding Committee headed by M. Sheehadri pointed out: "It is obvious that these different scales of pay cannot be left untouched for any appreciable time. The transfer of officers and officials from one area to another cannot be avoided. Sooner or later, sooner than later, the question of fixing uniform scales of salaries will have to be faced. It will be observed that the scales of salaries in Old Mysore are much lower than those prevailing particularly in Hyderabad and Bombay. It is, of course, possible for the New State to scale down the level of salaries. We do not know how far this will be practicable. Any attempt at the reduction of emoluments is bound to be an unpopular measure, the reactions of which it is difficult to anticipate. In any case, it would be difficult to resist the demand of the officials, particularly the Non-Gazetted Cadre, serving in Old Mysore State, for levelling up their scale of emoluments. Hence, the existing scales of pay were not to be varied to the disadvantage of those who were already in service. At the same time, it was not possible to bring down the scales of pay of those officers coming from Bombay, Madras, Hyderabad and Coorg to the pay-scales of Old Mysore. If the officers belonging to Bombay, Madras, Hyderabad and Coorg had
been allowed to enjoy higher salaries than those of Old Mysore Officers, dissatisfaction and heart-burn would have set in. The Pay Structure Committee appointed in July 1955 by the Government of Old Mysore observed:

"When the question of promotion comes up, after all is said and done, it is generally the salary that an officer is drawing that is taken into consideration, and not the length of service or qualification. It is not only the officer that suffers but also the present Mysore would lose the benefit of their service in higher grades. In view of the compelling reasons as stated above, the scales of pay of Old Mysore Government Servants should be brought on par with those of Bombay or Hyderabad whichever is higher and given effect to before the new State is formed. When the new State is formed, it will be the duty of the new Government to consider the pay-scales afresh and make suitable adjustments in salaries as are deemed necessary. No section of the service will be at an advantage or disadvantage. Both the sections will be on equal footing." (44)

The scales of pay in Old Mysore had been revised in 1947 on the recommendations of the Pay Committee constituted (45) under the Chairmanship of Justice G. Singaravelu Mudaliar. The Government of former Mysore State had constituted (46) in July 1955 a Pay Structure Committee
with Mr. V. H. Mascarenhas as Chairman. It had made several recommendations regarding the service conditions of the employees of Old Mysore State. It had suggested that the revised pay-scales with weightage benefits should be given before the reorganisation of States.

As the Government could not take action on the report prior to reorganisation, it sanctioned, in their Order, an interim relief of 10 per cent increase in the pay to all employees drawing the salary of Rs. 300 and below from 1st August 1956. After the formation of the new State of Karnataka, on 1st November 1956, the Government decided to re-examine the entire position in the light of the various pay-scales drawn by the allottees from other States. Hence, the Government, in their Order, constituted an Official Committee headed by Mr. G. Mathaias, Secretary to Government, Finance Department to examine and recommend the scales of pay for the new State of Karnataka. This Committee, with slight modifications, recommended the scales of pay as suggested by the Mascarenhas Committee. The Government accepted almost all the recommendations and issued an Order implementing them with effect from 1st January 1957. Such of the employees as had been allotted from other States were given the option of either retaining their old scales of pay subject to the protection given to them...
under the instructions (50) issued by the Government of India or to opt for the new scales of pay proposed by the Committee. Even after the introduction of the new scales of pay, there was discontent amongst certain sections of the employees. In the meanwhile, the Government of India appointed a Commission of Enquiry in 1957 with Mr. Justice Jagannadha Das, Judge of the Supreme Court of India as its Chairman for examination of Emoluments and Conditions of Service of Central Government Employees. The appointment of this Commission had its impact upon the employees of the new State of Karnataka. The employees of the State made representations to this Commission to consider the status of the State Government employees also in view of wide disparity already in existence between the emoluments of the employees of the Central Government and of the State Government. The Government of Karnataka appointed in their Order, (51) Pay Committee headed by Mr. G. Mathias to report on the pay structure and other service conditions of the State Government servants, keeping in view the prevailing economic and social conditions, the financial resources of the State. The Government accepted the recommendations (52) of the Committee and implemented them with effect from January 1, 1961. But discontent continued to prevail amongst the employees of the State
Government on the ground that the employees who had been allotted from the States of Bombay, Hyderabad, Madras and Coorg were feeling that their counterparts in their parent States had been getting higher salaries. Taking note of the general economic conditions prevailing in the country and the trend of the representations received from the employees, the Government, in their Order, appointed Honourable Justice Mr. T.K. Tulcol, Judge of the Karnataka High Court, as One-Man Pay Commission. The Government requested the Commission to review the existing pay-structure of all categories of employees, to examine the service conditions of employees and to suggest the criteria for fixation of pay. The Commission submitted its report in 1968. The recommendations of the Pay Commission were thoroughly examined by the Government and the Karnataka Civil Services (Revised Pay) Rules 1970 were issued by the Government. The Order pertaining to the revised pay scales recommending 20 grades of pay was implemented with effect from January 1, 1970. Recently in August 1974, the State Government, in their Order, appointed another One-Man Pay Commission headed by Mr. A. Narayana Pai, retired Chief Justice of the Karnataka High Court, to make a comprehensive review of the pay-structure of the State Government employees, taking into account the present
economic conditions and financial capacity of the State. Shri Harayana Pai submitted the report of the Commission on 8th March 1976. The report was placed on the table of the State Legislature and released to the Press simultaneously on 26th May 1976. After the release of the report, a number of representations were received by Government pointing out anomalies in the recommendations of the Pay Commission. Keeping these in view, the Government by a notification appointed an Official Committee to examine these representations and to make suitable recommendations thereon. The Committee submitted its report on 25th October 1976. After careful consideration, Government have accepted the recommendations of the Pay Commission, as modified by the Official Committee.

The seventeen new scales of pay approved by Government are as specified below:

1) Rs.250-5-300-10-340-15-400.
5) Rs.400-20-500-25-600-30-750-50-900.
6) Rs.460-20-500-25-600-30-750-50-1000.
7) Rs.500-25-600-30-750-50-1000-60-1120.
8) Rs.600-30-750-50-1000-60-1240.
9) Rs. 660-30-750-50-1000-60-1300.
10) Rs. 690-30-750-50-1000-60-1300-75-1375.
11) Rs. 750-50-1000-60-1300-75-1525.
12) Rs. 900-50-1000-60-1300-75-1750.
13) Rs. 1000-60-1300-75-1825.
14) Rs. 1300-75-1900.
15) Rs. 1525-75-1900-100-2000.
16) Rs. 2000-100-2500.
17) Rs. 2500-125/2-2750.

Thus, though belated, the work done by the State Government in bringing about uniformity in the pay-scales of the employees of all the five integrated areas is commendable.

c) Uniformity in Departmental Examinations

The Departmental Examinations had been prescribed for the employees of the five integrated regions in their parent States before reorganisation. Several employees had passed the departmental examinations prescribed for them according to the rules in force prior to 1st November 1956. The question of equating those examinations with the similar examinations to be prescribed for the purpose of exempting Government servants from passing the quivalent examinations of the new State became a great problem.
before the State Government. It would be quite pertinent here to examine the position of various departmental examinations prevailing in the five integrated regions of their parent States.

A) In the Department of Revenue, the employees of Bombay area were required to pass Revenue Higher Standard or Revenue Lower Standard, Sub-Service Departmental Examination for Clerks and Circle Inspectors, Head Accountants' Examinations. The employees of Madras area were to pass Revenue Test Parts I, II and III, Accounts Test Part I and II and Criminal and Judicial Test Parts I and II. The employees of Old Mysore area were to pass Revenue Higher, Revenue Lower, Accounts Higher, Accounts Lower, Criminal Higher and Civil Parts I and II. The employees of Hyderabad area had to pass Revenue Officers' Examination, Revenue Clerks' Examination. But the employees of Coorg area had to pass Special Test in Revenue, Accounts Test, Criminal Judicial and Civil Judicial Tests.

B) In the State Accounts Department, the employees of Bombay area were required to pass confirmatory test, Divisional Accountants' Test, S.A.S. Parts I and II. The employees of Madras area were required to pass local
Fund Accounts Test, S.A.S. Parts I and II. The employees of Old Mysore had to pass Accounts Lower and Higher, S.A.S. Parts I and II, the Indian Audit and Accounts Departmental Officers' Examination Parts I and II. But the employees of Hyderabad area had to pass confirmatory Test, S.A.S. Parts I and II. The employees of Coorg area were required to pass Accounts Test and S.A.S. Parts I and II.

C) In the Treasury Department, the employees of Bombay area were required to pass Sub-Service Departmental Examination and Head Accountants' Examination. The Officials of Bombay area who had passed the Divisional Accounts Test were exempted from passing Paper I (Precise Writing and Drafting), Paper IV (Public Works Accounts Code) of Part I of S.A.S. Examination and Paper I (Book-Keeping) of Part II of the S.A.S. examination. The employees of Madras area had to pass the Accounts Test for subordinate officers Parts I and II and Deputy Accountants' Examination. But the employees of Old Mysore area were required to pass Accounts Higher and S.A.S. Parts I and II. The employees of Hyderabad area had to pass Assistant Accountants' Examination and the Accountants' Examination. But the employees of Coorg area had to pass Accounts Test and Accountants' Examination.
D) In the Stamps and Registration Department, the employees of Bombay area were required to pass Registration examination. The employees of Madras area had to pass the Accounts Test and the Registration Test. The employees of Old Mysore area were required to pass the Accounts Higher and Registration Tests. The employees of Hyderabad area had to pass Registration and Stamps examination. But the employees of Coorg area were required to pass the Accounts Test and Registration Test.

E) In the Department of Charitable Endowments, the employees of Bombay area were required to pass the Judicial Higher Standard examination. The employees of Madras area had to pass Accounts Test for subordinate officers, Test in Higher Religious and Charitable Accounts and Rules. But the employees of Old Mysore area were required to pass Accounts Lower and Higher examination, Revenue Lower and Higher, Criminal Higher and Civil Parts I and II. But no examinations had been prescribed for the employees of Ex-Hyderabad area. The employees of Coorg area were required to pass the Accounts Test, Special Test in Revenue and the Test in Legal Procedure. For further details vide Appendix No.II.
From the above description, it is quite obvious that there were wide disparities and differences between the various departmental examinations prescribed for the employees of the five integrated regions. Consequent on the reorganisation of the State, the Government had to face twin problems in respect of departmental examinations. The first problem related to the determination of equivalence of various departmental examinations prevailing in the different integrated regions. The second problem related to the prescription of departmental examinations for the fresh recruits. As a first step in the direction of bringing about uniformity regarding departmental examinations, the Government, by their Order No. OSD 1 RDZ 57 dated 31st October 1957, provisionally prescribed the various departmental examinations as mentioned below:

1) Revenue Higher;
2) Revenue Lower;
3) General Paper on Law;
4) Accounts Higher;
5) Accounts Lower;
6) Registration;
7) Municipal and Local Boards;
8) Examination in Commercial Taxes - Higher;
9) Examination in Commercial Taxes - Lower;
10) Co-operative Inspectors' Examination;
11) Excise;
12) Forest;
13) Labour Laws;
14) Prisons;
15) Subordinate Accounts Service Part I - Civil;
16) Subordinate Accounts Service Part I - Electrical;
17) Subordinate Accounts Service Part II;
18) Kannada Language Test;
19) Civil Part I;
20) Civil Part II;
21) Criminal Higher.

The above examinations were to be conducted on a regional basis until uniform rules and regulations governing the departmental examinations were framed by the Government. The question paper on each subject was to be set in five groups, each group pertaining to Acts and Rules in force in one of the areas forming the new State of Karnataka-Hyderabad area, Bombay area, Madras area, Coorg area and Old Mysore area. The Non-Gazetted Officers appearing for examinations were required to answer questions from any one of the five groups, while Gazetted Officers were required to answer questions from at least two of the five groups. But regarding allottees,
who had already passed the departmental examinations, the Government, after careful consideration directed that the departmental examinations for the several departments held according to the rules in force prior to 1st November 1956 for different categories of Government servants should be equated with the examinations mentioned above as prescribed in Government Order No. OSD 1 RDE 57 dated 31st October 1957. The allottees who had passed any departmental examinations before 1st November 1956 or thereafter up to 31st October 1957, were exempted from passing the corresponding departmental examinations prescribed under the Government Order No. OSD 1 RDE 57 dated 31st October 1957 to which they were equivalent for purposes of earning increments and confirmation or for promotion to higher grades. The following are certain examples of the determination of equivalence of the departmental examination prevailing in the five integrated regions to the corresponding departmental examinations prescribed under the Government Order No. OSD 1 RDE 57 dated 31st October 1957.

A) In the Revenue Department, Revenue Higher Standard Examination of Bombay area, Revenue Test Parts I, II and III of Madras, Revenue Higher of Old Mysore, Revenue Officers Examinations of Hyderabad and Special
Test in Revenue of Coorg were determined as equivalent to the corresponding examination of Revenue Higher of the new State.

B) In the State Accounts Department, the confirmatory Test of Divisional Accountants' Test of Bombay area, Local Fund Accounts Test of Madras area, Accounts Higher of Old Mysore, Revenue Officers and Clerks examination of Hyderabad and Accounts Test of Coorg were determined as equivalent to the corresponding examination of Accounts Higher of the new State. For further details vide Appendix No. II.

Hence, the Governor of Karnataka, in exercise of the powers conferred by the proviso to Article 309 of the Constitution framed the Karnataka State Civil Services (Kannada Language Test and Departmental Examinations) Rules 1962. They were brought into force with effect from 1st May 1962 by the issue of Government Order. (58)

But the departmental examinations were the same departmental examinations prescribed in 1957 Government Order (59) for the several departments of the State Government. But in the meanwhile, some writ petitions had been filed in the High Court by Assistants and Superintendents of the Karnataka Government Secretariat against the Orders of Government reverting them to lower
grades on the ground of not having passed the prescribed Departmental Examinations and the Kannada Language Test. The High Court of Karnataka while delivering the judgment held the view: "a) unless in the Cadres and Recruitment Rules relating to the services concerned, the departmental examinations have been incorporated and prescribed; b) unless it is clearly specified for what purpose the tests are prescribed viz whether for increments or promotion etc.; and c) unless with the previous approval of the Central Government, the departmental examinations are prescribed in respect of allottees, the passing of departmental examinations cannot be legally insisted upon for grant of increments or for according promotion to higher posts etc." (60) In view of the above decision, it was found necessary to amend the rules and plug the loopholes of legal lacuna on the lines suggested by the High Court.

But in respect of allottees, the Central Government accorded its approval under the proviso to sub-section (7) of Section 115 of the States' Reorganisation Act 1956 communicated in letter No. 5/28/72-SR(S) dated 16th November, 1972. Hence the Government of Karnataka finally decided to issue a comprehensive scheme of departmental examinations requiring the Government servants
to pass them 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.

Therefore, in exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Karnataka framed the Karnataka Civil Services (Service and Kannada Language Examinations) Rules 1974. They came into force with effect from 10th January 1974.

The following examinations have been prescribed for the various departments and the categories of posts under Schedule II to the Karnataka Civil Services (Service and Kannada Language Examinations) Rules 1974.

A) Kannada Language Examination.

B) Service Examinations.

1) Accounts Higher;
2) Accounts Lower;
3) Revenue Higher;
4) Revenue Lower;
5) General Law Parts I and II;
6) Community Development Parts I and II;
7) Registration;
8) Treasury Accounts;
9) Insurance Advanced;
10) Insurance Higher;
11) Insurance Lower;
12) S.A.S. Parts I, II and III;
13) Local Laws and Commercial Book-Keeping;
14) Commercial Taxes Higher;
15) Commercial Taxes Lower;
16) Translation Test;
17) Municipal and Local Board;
18) Co-operation;
19) Marketing;
20) Prisons;
21) Excise;
22) Motor Vehicles;
23) Karnataka Police Manual;
24) Stores Purchase Departmental Manual;
25) Indian Contract Act;
26) Mining;
27) Sericulture;
28) Labour;
29) Employment Exchange Procedure Higher;
30) Employment Exchange Procedure Lower;
31) Forest;
32) Secretariat Manual Parts I and II;
33) Special Laws and Service Rules;
Thus with the promulgation of 1974 rules, full uniformity in respect of departmental examinations has been achieved by the State Government. Though certain legal hurdles had to be encountered by the State Government in bringing about uniformity, it has been successful in removing them and in paving the way for uniformity in respect of departmental examinations.

Recently another act known as the Karnataka Service Examinations Act 1976 has been passed. The Act has been deemed to have come into force on 1st November, 1956. The Act has made the following provisions for service examinations and connected matters:

"1) For the period commencing on 1st November, 1956 and ending on 9th January 1974, for the purpose of eligibility to promotion, no service examination shall be and shall ever be deemed to have been
prescribed for Government servants. 2) A Government servant who, during the aforesaid period, was not promoted solely on the ground of not passing any service examination shall, if he has not already been promoted and if he is otherwise eligible, be promoted. 3) Every promotion under sub-section (2) shall, notwithstanding anything in any judgment, decree or order of any court, be prospective only on and from a date after 10th January 1974, provided that:

a) the person promoted shall be entitled to initial pay on the date of actual promotion as if he was holding the promoted post from the date he would have been promoted but for not passing the service examination (hereinafter referred to as the eligibility date) but such person shall not be entitled to payment of any arrears for the period prior to the date of actual promotion.

b) If the person to be promoted has retired from service prior to 10th January 1974, he shall, if otherwise eligible, be deemed to have been promoted from the eligibility date and his pension and Death-cum-Retirement Gratuity shall be revised on the basis of the pay he would have drawn had he been so promoted from that date."
The remaining unsolved issues pertaining to this problem have been dealt with in the Concluding Chapter and suggestions have been made.
FOOT NOTES


6) Ibid., p. 3.

7) Ibid., p. 3.

8) Ibid., p. 9.

10) Ibid., p.482.

11) Ibid., p.483.

12) Ibid., p.484.

13) Ibid., p.484.


15) Ibid., p.345.

16) Ibid., p.345.

17) Ibid., p.347.


19) Ibid., p.333.


22) Ibid., p.83.


28) Ibid., p.97.
29) Ibid., p.98.
30) Ibid., p.98.


33) Ibid., p.99.


35) Official Memorandum No. GAD (S-1) 35 RSR 57 dated 17th June 1957. (Historical Records Section at the Karnataka Government Secretariat).

37) Resolution No. 4124/54 dated 18th September 1952, Political and Services Department, Government of Bombay.


39) Cadres and Recruitment Rules of the various States and Subordinate Services, printed at the Government Press Hyderabad, 1956, p.3.


43) Ibid., p.140.

45) Government Order No. 2484/2569/C.B 179/46/1, dated November 27, 1946, (Historical Records Section at the Karnataka Government Secretariat).

46) Government Order No. F.I(B) 5890-199-Bud, 26-55-1 dated July 20, 1955, (Historical Records Section at the Karnataka Government Secretariat).

47) Government Order No. F.I(B) 10291-10390-Bud, 35-961-1 dated October 17, 1956, (Historical Records Section at the Karnataka Government Secretariat).

48) Government Order No. F.I(B) 13058-78/Bud, 119-56-1 dated December 5, 1956, (Historical Records Section at the Karnataka Government Secretariat).

49) Government Order No. F.I(B) 14054-14133-Bud, 119-56-3 dated 25th January, 1957, (Historical Records Section at the Karnataka Government Secretariat).

51) Government Order No. FD 104, Bud 60 dated May 3, 1960, (Historical Records Section at the Karnataka Government Secretariat).


53) Government Order No. FD 43 SRP (1) 66, dated 17th November 1966, (Historical Records Section at the Karnataka Government Secretariat).

54) Government Order No. FD 73 SRP (1) 69, dated 16th February 1970, (Historical Records Section at the Karnataka Government Secretariat).


57) Government Order No. FD 133 SRP (3) 76, dated 20th December, 1976, published in the Karnataka Civil


60) Ibid., p.118.


62) Ibid., pp.61-89.