

TRIPURA BILL NO. 4 OF 2005

**THE TRIPURA SCHEDULED CASTES AND
SCHEDULED TRIBES (RESERVATION OF
VACANCIES IN SERVICES AND POSTS)
SECOND AMMENDMENT
BILL, 2005**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

**THE TRIPURA SCHEDULED CASTES AND SCHEDULED TRIBES
(RESERVATION OF VACANCIES IN SERVICES AND POSTS)
SECOND AMENDMENT BILL, 2005**

A

BILL

to amend "The Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act,1991.

WHEREAS the Scheduled Castes and the Scheduled Tribes who are under privileged section of the society are not adequately represented in the services and posts under the State of Tripura and it is expedient to provide reservation for them in the services and posts under the State of Tripura;

AND

WHEREAS adequate number of qualified and eligible Scheduled Caste and Scheduled Tribe candidates for appointment to various services and posts under the State are not available and it is expedient to provide for them

reservation of seats in educational institutions, higher studies and training to make qualified and eligible Scheduled Caste and Scheduled Tribe candidates available for appointment to various services and posts and for their educational advancement;

AND

WHEREAS it is expedient to regulate the issuance and cancellation of community certificates and check false claims to belong to the Scheduled Castes or Scheduled Tribes and prescribe punishment for those who obtain or have obtained false community certificates and matters connected therewith or incidental thereto;

AND

WHEREAS it is necessary to amend some of the existing provisions of “The Tripura Scheduled Castes and the Tripura Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1991” to bring it in conformity with the various court ruling;

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It is hereby enacted by the Legislative Assembly of Tripura in the fifty-fifth year of the Republic of India as follows :-

1. Short title, Extent and Commencement:

(1) This Bill may be called “The Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Second Amendment Bill, 2005”;

(2) It shall come into force on and from the date of its publication in the official gazette.

2. Definition

In this Bill, unless the context otherwise requires :-

“Principal Act” shall mean “The Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1991”.

3. Amendment of the preamble

For the preamble to the principal Act (except the eighth and the ninth line), the following shall be substituted, namely –

“WHEREAS the Scheduled Castes and the Scheduled Tribes who are backward classes of citizens are not adequately represented in the services and posts under the State of Tripura and it is expedient to provide reservation for them in the services and posts under the State of Tripura;

AND

WHEREAS adequate number of qualified and eligible Scheduled Caste and Scheduled Tribe candidates for appointment to various services and posts under the State are not available and it is expedient to provide for them reservation of seats in educational institutions, higher studies and training to make qualified and eligible Scheduled Caste and Scheduled Tribe candidates available for appointment to various services and posts and for their educational advancement;

AND

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WHEREAS it is expedient to regulate the issuance and cancellation of community certificates and check false claims to belong to the Scheduled Castes or Scheduled Tribes and prescribe punishment for those who obtain or have obtained false community certificates and matters connected therewith or incidental thereto;

AND

WHEREAS it is necessary to amend some of the existing provisions of “The Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1991” to bring it in conformity with the various court rulings;”

4. Amendment of section 1

In section 1 of the principal Act-

in sub-section (1) –

for the words “The Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1991” the words “The Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991” shall be substituted .

5. Amendment of section 2

In section 2 of the principal Act –

- (i) after clause “(a)” the following clause “(b)” shall be inserted, namely-

“(b) **Community certificate** means a certificate issued by the competent authority indicating therein the Caste or Tribe, as the case may be, to which a person belongs;”

- (ii) after the newly inserted clause (b) the following clauses may be inserted, namely-

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“(c) **Competent Authority** means an officer or authority empowered by this Act or the rules made there-under or by the Government by notification to perform the functions of the competent authority under this Act or the rules made there-under;

(d) **Educational Institution** means any School, College, Polytechnic Institute, Industrial Training Institute, Institute for Nursing or Midwifery or any other institute for imparting education or training under the control of any Board or University established by an Act of the Parliament or State Legislature and is owned or aided by the State Government;”

- (iii) Clause (b) shall be renumbered as clause “(e)”;
- (iv) In the renumbered clause “(e)” in the first line -

for the words “any office of the State Government” the words “any office under the State” shall be substituted;”

- (v) The existing clause (c) shall be renumbered as clause “(f)”;
 - (vi) In the renumbered clause “(f)” -
for the existing sub-clause (i) the following shall be substituted, namely-
“(i) the State; or”
 - (vii) The existing clause (d) shall be renumbered as clause “(g)”;
 - (viii) After the renumbered clause “(g)”-
the following new clauses shall be inserted, namely-
“(h) **False community certificate** means a Scheduled Caste certificate obtained by a person who does not actually belong to any of the Scheduled Castes or a Scheduled Tribe certificate obtained by a person who does not actually belong to any of the Scheduled Tribes;
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- (i) **Government** means the Government of Tripura;
 - (j) **Local authority** includes a Municipality or a Municipal Council, a Notified Area Authority, a Zilla Parishad, a Block Panchayat Samiti, or a Gram Panchayat etc ;
 - (k) **Notification** means a notification published in the Tripura Gazette and the word “notified” shall be construed accordingly;
 - (l) **Prescribed** means prescribed by rules made under this Act;
 - (m) **Recruitment year** means a period of twelve months beginning from the first day of April;
 - (n) **Schedule** means the schedule appended to this Act;
 - (o) **Scheduled Castes or Scheduled Tribes** shall have the same meaning as has been assigned to them respectively in Clause(24) and Clause (25) of Article 366 of the Constitution of India ;”

(ix) Clause (e) shall be omitted.

6. Amendment of section 3

In section 3 of the principal Act –

after clause (b) the following clause shall be inserted, namely –

“(c) any establishment in private sector.”

7. Amendment of section 4

In section 4 of the principal Act –

(1) in the heading -

for the words “in vacancies” the words “in services and posts under the State” shall be substituted.

(2) between the heading and clause (a) -

for the words “At the commencement of this Act, all appointments to

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services or posts in the establishment which are to be filled by direct recruitment” the following shall be substituted, namely –

“(1) Reservation for the Scheduled Castes and the Scheduled Tribes in any vacancy or vacancies in services or posts in an establishment which are to be filled up by direct recruitment”;

(3) for clause (a) (excluding the proviso) the following shall be substituted, namely –

“(a) There shall be seventeen percent reservation for the Scheduled Castes and thirty one percent reservation for the Scheduled Tribes in the manner as set out in the schedule;”

(4) in clause (d) the following shall be inserted at the end of the line :-

“and also for admission to educational institutions and undergoing any kind of training”.

8. Amendment of section 5

(1) Section 5 of the principal Act shall be renumbered as sub-section (2) of Section 4.

(2) In the heading of the re-numbered sub-section (2) of section (4) (i.e. Section 5 of the Principal Act)–

for the words “in vacancies” the words “in any vacancy or vacancies in services or posts under the State” shall be substituted.

(3) In section 5 of the principal Act (re-numbered as sub-section (2) of section 4 after the heading -

(i) The word “the” in the first line shall be omitted.

(ii) the words “members of” appearing in the first line shall be omitted;

(iii) for the words “in vacancies in services or posts” the words “in any vacancy or vacancies in services or posts under the State” shall be substituted;

(4) In Sub-section (a) of section 5 of the principal Act (re-numbered as sub-section (2) of section 4-

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for sub-section (a), excluding the proviso, the following shall be substituted, namely –

“(a) There shall be seventeen percent reservation for the Scheduled Castes and thirty-one percent reservation for the Scheduled Tribes as set out in the schedule;”

(5) In sub-section (b) of section 5 of the principal Act (re-numbered as sub-section (2) of section 4-

Sub section (b) shall be omitted;

(6) In sub-section (c) of section 5 of the principal Act (re-numbered as sub-section (2) of section 4-

Sub-section (c) shall be re-numbered as sub-section (b).

9. Insertion of new section 5

After re-numbering section 5 of the principal Act as sub-section (2) of section 4 the following new section 5 shall be inserted, namely-

“5. Reservation for Scheduled Castes and Scheduled Tribes in educational Institutions, in selection of students for higher studies and in selection of candidates and in-service personnel for higher studies and training:

- (a) There shall be seventeen percent reservation for the Scheduled Castes and thirty-one percent reservation for the Scheduled Tribes in admission of students to educational institutions, in selection of candidates and in-service personnel for higher studies or training;

Provided that the State Government may, from time to time, review the implementation of the reservation policy and take adequate measures including increase of percentage of reservation as mentioned in Sub-Section (a) above;

- (b) The candidates belonging to the Scheduled Castes and the Scheduled Tribes who qualify for selection on merit, shall be included in the general list and not against the reserved quota.”

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10. Amendment of section 7

- (1) for section 7 of the principal Act the following shall be substituted, namely –

“7 .Maintainance and inspection of records and submission of annual report :

- (1) Every authority shall maintain such records as may be prescribed and on requisition of the competent authority produce the same for inspection;

- (2) Every appointing authority shall furnish to the State Government an annual report on appointments made by it during the previous recruitment year and shall also furnish to the State Government such other reports or information as may be required;

- (3) Any officer authorized by this Act or by the rules made there-under or by the State Government in that behalf may inspect any record or

document which are maintained in relation to the provisions of this Act and the rules made there-under;

(4) It shall be the duty of every authority to produce the records or documents for inspection by the officer authorized under Sub-Section (3) and furnish such information and offer such assistance as may be necessary for him to carry out his functions under this Act or the rules made there-under;

(5) Notwithstanding anything contained in the Tripura Civil Service (Conduct) Rules, 1988 or in any other rules or orders, any member of the Scheduled Castes or Scheduled Tribes who is adversely affected on account of non-compliance with any provision of this Act or the rules made there-under may directly bring the fact to the notice of the State Government by an application and on such application being made by him the State Government or an authority empowered by the State Government may call for such records and take such decision thereon as it may deem fit;

(6) The State Government, of its own may, at any time, call for any record or records maintained under the provisions of this Act or the rules made there- under, review any order or decision and pass such order or

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orders or take such decision, not inconsistent with the provisions of this Act and the rules made there-under, as it may deem fit;

(7) Any order or orders passed or decision taken under Sub-Section(5) and (6) shall be final and binding on all concerned”.

11. Amendment of section 8

Section 8 of the principal Act shall be renumbered as section “13”.

12. Amendment of section 9.

In section 9 of the principal Act –

(1) before the words “No suit, prosecution” in the first line, the heading “**Indemnity for acts done in good faith**” shall be inserted.

- (2) section 9 with the newly inserted heading shall be renumbered as section “14.”

13. Insertion of new section 8, 9, 10, 11 and 12

After the amended section 7 the following sections shall be inserted, namely :-

“8. Offences and Penalties:

(1) (a) If an appointing authority makes any appointment in contravention of the provisions of Section 4 of the Act or the rules made there-under, he shall, on conviction, be punishable with simple imprisonment for a term which shall not be less than two years but which may extend to five years and also with fine which shall not be less than rupees five thousand but which may extend to rupees ten thousand. In addition, the State Government may, if it considers necessary, draw up disciplinary proceedings against such appointing authority for punishment under the service rules;

(b) Nothing contained in Sub-Section(1)(a) above shall apply in relation to an appointment to any service or post of which the appointing authority is the Governor;

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(c) If any authority who is authorized to authenticate orders of the Governor, issues or causes to be issued an order of appointment of which the appointing authority is the governor, in contravention of Section 4(a) of the Act or the rules made there-under, shall, on conviction, be punishable with imprisonment and fine as provided in Sub-section(1) (a) above;

(2) Whoever, having authority to admit, recommend, select or nominate any student to any educational Institution, admits, recommends or selects or nominates any student for higher studies or whoever having authority to admit, recommend, select or nominate any candidate or in-service personnel for higher studies or training, admits, recommends, selects or nominates any candidate in violation of Section 5 of the Act or the rules made there-under shall, on conviction, be punishable with imprisonment and fine as provided in Sub-Section(1) (a) above ;

(3) Whoever violates the provisions of Section 7 shall, on conviction, be punished with imprisonment and fine as provided under Sub-Section (1)(a) above;

(4) Whoever, not being a person belonging to the Scheduled Castes or Scheduled Tribes, obtains or has obtained a community certificate in his favour from the competent authority by –

- (a) furnishing false information; or
- (b) giving false statement or declaration / misrepresentation of facts or
- (c) by any other fraudulent means:

shall, on conviction, be punishable with rigorous imprisonment for a term which shall not be less than two years but which may extend to five years and also with fine which shall not be less than rupees five thousand but which may extend to rupees ten thousand;

Provided that any plea of the accused that the competent authority was satisfied after inquiry to issue in his favour the community certificate in question shall not be a defence;

(5) Whoever, not being a person belonging to the Scheduled Caste or Scheduled Tribe, gets elected to any elective office reserved for the Scheduled Castes or the Scheduled Tribes on the basis of a false

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community certificate, shall on conviction, be punishable with rigorous imprisonment for a term which shall not be less than two years but which may extend to five years and also with fine which shall not be less than rupees five thousand but which may extend to rupees ten thousand. Election of such person to the elective office in question shall also be void and the person concerned shall be deemed to have been debarred from contesting any election for a period of six years from the date of conviction;

(6) Whoever, not being a person belonging to the Scheduled Tribes, secures or has secured any benefit or protection available only to Scheduled Tribes under any rules, regulations or notification made under the Sixth Schedule of the Constitution of India or any other law for the time being in force in the Sixth Schedule area shall, on conviction, be punishable with imprisonment and fine as provided in Sub –Section (4) above;

(7) Any person or authority, who, while performing the functions of a competent authority under this Act or the rules made there-under, intentionally or with full knowledge that a person applying for issue of Scheduled Caste or Scheduled Tribe certificate does not actually belong to the Scheduled Castes or Scheduled Tribes, issues in favour of such person a community certificate shall, on conviction, be punishable with imprisonment and fine as provided in Sub-Section (1)(a) above;

(8) Whoever intentionally gives any false report, information or evidence before any competent authority under this Bill or rules made there-under with full knowledge that a person claiming himself to be a member of the Scheduled Castes or Scheduled Tribes does not actually belong to the Scheduled Castes or Scheduled Tribes, shall be punishable with imprisonment and fine as provided under Sub-Section (1) (a) above;

(9) Where no express provision for punishment of a person for contravention of any provision of this Act has been made, the person contravening any such provision of this Act shall be punishable with imprisonment and fine as provided under sub-Section (1)(a) above;

(10) Whoever abets any offence punishable under this Act or the rules made there-under shall, on conviction, be punishable with imprisonment and fine as provided for that offence;

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(11) (a) Notwithstanding anything contained in any other law or service rules, whoever, not being a person belonging to the Scheduled Castes or the Scheduled Tribes, secures or has secured any appointment to any service or post under the State shall, on cancellation of his community certificate, be forthwith terminated from the service or post;

(b) Whoever not being a person belonging to the Scheduled Castes or the Scheduled Tribes secures or has secured any admission or selection for admission to any educational institution for any study or training against a seat reserved for the Scheduled Castes or the Scheduled Tribes or enjoys any benefit or concession of the Scheduled Castes or the Scheduled Tribes shall, on cancellation of his community certificate, be forthwith debarred from the educational institution and any other benefit or concession being enjoyed by him as aforesaid shall forthwith be withdrawn. Any amount paid to such person by way of stipend,

scholarship, grant, allowance, educational loan etc. on the basis of the false community certificate shall also be recovered from him as arrears of land revenue;

(c) Any degree or diploma or any other educational qualification acquired by such person on the basis of a false community certificate, shall, on cancellation of the false community certificate obtained by him, also stand cancelled;

9. Power to try offences summarily:

Notwithstanding any thing contained in the Code of Criminal Procedure, 1973(Act No. 2 of 1974) every offence punishable under this Act and the rules made there-under may be tried summarily by a Magistrate of the first class.

10. Offences to be cognizable:

Notwithstanding any thing contained in the Code of Criminal Procedure, 1973,(Act No. 2 of 1974) all offences under this Act and the rules made there under shall be cognizable and non-bailable.

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11. Onus of Proof:

When in any proceeding under this Act or the rules made there under the question is whether a person belongs to the Scheduled Caste or Scheduled Tribe, the onus of proof shall be on the person who claims himself to be member of the Scheduled Castes or the Scheduled Tribes, as the case may be.

12. Bar of jurisdiction of Courts:

(1) No order passed or proceedings taken by any officer or authority under this Act or the rules made there-under shall be called in question in any court of law lower than the court of the District Session Judge.

- (2) No Civil Court shall entertain or continue any suit or proceeding or shall pass any decree or order or execute wholly or partially any
- (3) decree or order, if the claim involved in such suit or proceeding or if the passing of such decree or order or if such execution would, in any way, be contrary to any of the provisions of this Act or the rules made there-under.”

14. Amendment of section 10 & 11

The existing section 10 of the principal Act shall be renumbered as section “15”. The existing section ‘11’ of the principal Act shall be deleted.

15. Insertion of new section 16

After section 10 of the principal Act being renumbered as section 15, the following section 16 shall be inserted, namely -

“16. Act to override other laws

Save as expressly provided in this Act, the provisions of this Act and the rules made there-under shall have effect notwithstanding anything inconsistent therewith contained in any other law, rules, regulations or orders for the time being in force or any decree or order of any Court or other authority.”

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16. Amendment of section 12

- (1) Section 12 of the principal Act shall be renumbered as section “17”.
- (2) In the renumbered section 17 (Section 12 of the Principal Act)-

In sub-section (3) –

For the words “with fine which may extend to five thousand rupees” in the second and third line, the following shall be substituted, namely –

“with imprisonment which shall not be less than two years but which may extend to five years and also with fine which shall

not be less than rupees five thousand but which may extend to rupees ten thousand.”

17. Amendment of the Schedule

For the Schedule to the principal Act the following Schedule shall be substituted, namely –

“THE SCHEDULE
(See section 4 and 5)

1. The reservation for the Scheduled Castes and the Scheduled Tribes in the services or posts both in case of direct recruitment and promotion in an establishment shall be given effect to in accordance with two rosters, namely- the HUNDRED POINT ROSTER as shown in table (a) below and the REPLACEMENT ROSTER as shown in table (b) below:-

(a) THE HUNDRED-POINT ROSTER:

Roster Point No.	Meant for	Roster Point No.	Meant for
1	Unreserved	8	Scheduled Tribe
2	Scheduled Tribe	9	Unreserved
3	Unreserved	10	Scheduled Caste
4	Scheduled Caste	11	Unreserved
5	Unreserved	12	Scheduled Tribe
6	Scheduled Tribe	13	Unreserved
7	Unreserved	14	Scheduled Caste
15	Unreserved	58	Scheduled Tribe
16	Scheduled Tribe	59	Unreserved
17	Unreserved	60	Scheduled Tribe
18	Scheduled Tribe	61	Unreserved
19	Unreserved	62	Scheduled Caste
20	Scheduled Caste	63	Unreserved
21	Unreserved	64	Scheduled Tribe
22	Scheduled Tribe	65	Unreserved
23	Unreserved	66	Scheduled Tribe
24	Scheduled Tribe	67	Unreserved
25	Unreserved	68	Scheduled Caste
26	Unreserved	69	Unreserved
27	Scheduled Caste	70	Scheduled Tribe
28	Unreserved	71	Unreserved
29	Scheduled Tribe	72	Scheduled Tribe
30	Unreserved	73	Unreserved
31	Scheduled Tribe	74	Scheduled Caste

32	Unreserved	75	Unreserved
33	Scheduled Caste	76	Unreserved
34	Unreserved	77	Scheduled Tribe
35	Scheduled Tribe	78	Unreserved
36	Unreserved	79	Scheduled Tribe
37	Scheduled Tribe	80	Unreserved
38	Unreserved	81	Scheduled Caste
39	Scheduled Caste	82	Unreserved
40	Unreserved	83	Scheduled Tribe
41	Scheduled Tribe	84	Unreserved
42	Unreserved	85	Scheduled Caste
43	Scheduled Tribe	86	Unreserved
44	Unreserved	87	Scheduled Tribe
45	Scheduled Caste	88	Unreserved
46	Unreserved	89	Scheduled Tribe
47	Scheduled Tribe	90	Unreserved
48	Unreserved	91	Scheduled Caste
49	Scheduled Caste	92	Unreserved
50	Unreserved	93	Scheduled Tribe
51	Unreserved	94	Unreserved
52	Scheduled Tribe	95	Scheduled Tribe
53	Unreserved	96	Unreserved
54	Scheduled Tribe	97	Scheduled Caste
55	Unreserved	98	Unreserved
56	Scheduled Caste	99	Scheduled Tribe
57	Unreserved	100	Unreserved

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(b) THE REPLACEMENT ROSTER:

Roster for Direct Recruitment/Promotion for Cadre Strength up to 3 posts.

REPLACEMENT NO.

<u>Cadre Strength</u>	<u>Initial Recruitment</u>	1 st	2 nd	3 rd
1.	UR	ST	UR	SC
2.	ST	UR	SC	

- Note :-(1) For cadres of 2 to 3 posts the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row i.e. like “L”.
- (2) All the posts of a cadre are to be earmarked for the categories shown under column initial appointment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.
- (3) The relevant rotation by the indicated reserved category could be skipped over if it leads to more than 50% representation of reserved category.
2. The above-mentioned two rosters are post-based rosters to determine the entitlement of the reserved category of persons to the quota reserved for them. The roster is not to determine seniority.
3. There shall be separate roster for direct recruitment and for promotion.
4. Any higher Grade in any service or post which has the element of selection and rejection on the basis of seniority-cum-merit or merit-cum-seniority shall constitute promotion.
5. Within each category of service or post roster shall be maintained separately for (i) permanent appointment and temporary appointment likely to continue indefinitely, (ii) ad-hoc appointment and (iii) contingent appointment.

6. Where the number of posts in any service or cadre permits reservation to be made for all the reserved categories, the 100-point roster as shown at para-1(a) above shall be applicable and where the number of posts in any service or cadre is too small to permit reservation to be made for all the reserved categories, the replacement roster as shown at para-1(b) above shall be applicable.
7. The rosters are to be operated on the principle of replacement and not as a running account as heather to done.
8. While applying the replacement roster as shown at para-1(b) above initial recruitment against the posts shall be made by the category for which the post is earmarked. Replacement of incumbents posts shall be made by rotation as shown horizontally in the replacement roster. It must be ensured that on no occasion the percentage of reserved category of candidates exceeds 50%. If such a situation

arises at any time, the relevant reserved point occurring as a result of rotation shall be skipped.

9. At the time of initial operation of the roster the actual percentage of representation of the reserved categories in any service or post shall be determined afresh and if the total representation of any particular reserved category exceeds the prescribed percentage or if the total representation of all the reserved categories exceed 50%, the excess shall be adjusted in future recruitments and the existing incumbents shall not be disturbed.
10. For the purpose of calculation of the representation of the reserved category of persons in any service or post the total number of direct recruits and promotees in the services or posts shall be taken into account.
11. If, for want of any reserved category of person or for any other reason, any reserved post cannot be filled in any recruitment year, the roster point shall be kept vacant till the post is filled by a person of appropriate reserved category.
12. A reserved post may be filled by a person of un-reserved category only when the reserved post is de-reserved according to the procedure prescribed.
13. The back-log of reserved posts is to be determined afresh on the basis of the post-based rosters mentioned above.
14. Isolated individual posts and small cadres may be grouped together with the posts of the same class for the purpose of reservation taking into account the status, salary and qualifications prescribed for the posts in question.
15. There shall be 3% reservation for the Physically handicapped and 2% reservation for the Ex-serviceman only in direct recruitment. Physically handicapped and Ex-serviceman of Scheduled Caste category, Scheduled Tribe category and

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un-reserved category shall be accommodated respectively against the points reserved for the Scheduled Castes, the Scheduled Tribes and the Unreserved points of the 100 Point Roster. However, where posts are more than 400, the roster point shall stand extended up to 400 point to accommodate all categories i.e. Scheduled Castes, Scheduled Tribes & Unreserved. But where posts are less than 400, the reservation will be on replacement basis against the posts earmarked and shown category-wise i.e. Scheduled Castes, Scheduled Tribes & Unreserved. The reservation for the physically handicapped and ex-servicemen shall be made according to the post based 100-point roster as well as the replacement roster in the following manner :-

Cycle/Roster Point No. & Category	To be Reserved for	Category wise reservation of post on replacement basis
1/32-UR	PH-Blindness or low vision	UR - 17
1/50-UR	Ex-serviceman	UR - 26
1/54-ST	PH-Hearing impairment	ST - 17
1/83-ST	Ex-Serviceman	ST - 26
1/98-UR	PH-LoCo motor disability or cerebral palsy	UR - 51
2/04-SC	PH-Blindness or low vision	SC - 18
2/46-UR	Ex-serviceman	UR - 76
2/61-UR	PH-Hearing impairment	UR - 84
2/49-SC	Ex-serviceman	SC - 26
2/64-ST	PH-LoCo motor disability or cerebral palsy	ST - 51
3/25-UR	PH-Blindness or low vision	UR - 117
3/42-UR	Ex-serviceman	UR - 126
3/43-ST	Ex-serviceman	ST - 76
3/70-ST	PH-Hearing impairment	ST - 84
3/90-UR	PH-LoCo motor disability or cerebral palsy	UR - 151
4/04-SC	PH-LoCo motor disability or cerebral palsy	SC - 52
4/38-UR	Ex-serviceman	UR - 176
4/53-UR	PH-Blindness or low vision	UR - 184
4/77-ST	PH-Hearing impairment	ST - 117
4/99-ST	Ex-serviceman	ST - 124

16. Separate record shall be maintained for the physically handicapped and ex-serviceman to give effect to the reservation policy as enumerated in para 15 above.
17. Except as provided under paragraph 15 and 16 above, all other matters relating to reservation for the unreserved category of the Physically handicapped and the Ex-serviceman shall be governed exclusively by executive instructions to be issued by the Government from time to time and not according to the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

1. After enforcement of the Reservation Act, 1991, some changes have been effected by the various Court rulings and the Constitution (77th Amendment) Act, 1995 and the Constitution (85th Amendment) Act, 2001. The Government of India have also been pressing the State Governments to bring the Reservation Acts in conformity with the Court Rulings and Constitution Amendment Acts. Accordingly, a Bill called “The

Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services & Posts) Second Amendment Bill, 2005” has been prepared.

2. The major amendments proposed and the reasons therefore are briefly given below :-

- (i) Replacement of the existing vacancy based 100-point roster by a post based 100-point roster as per direction of the Hon’ble Supreme Court in the case of R.K. Sabharwal.
 - (ii) Incorporation of the existing principles of reservation in educational institutions, higher studies and training as per direction of the Supreme Court in Laveti Giri case.
 - (iii) Insertion of enhanced penal provisions for violation of the provisions of the Reservation Act as per direction of the Supreme Court in Laveti Giri case and the recommendations of the Government of India.
 - (iv) Incorporation in the Act the existing reservation policy of the state Government for the physically handicapped and the ex-servicemen.
 - (v) Renaming of the Reservation Act as “ The Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991” in place of “ The Tripura Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services & Posts) Act, 1991” as it covers reservation in educational institutions as well.
 - (vi) Other amendments which are consequential/incidental to the main amendments.
3. The bill seeks to achieve the aforesaid objective.

ANIL SARKAR
Minister
for Welfare of Scheduled Castes,
Government of Tripura.

FINANCIAL MEMORANDUM

The bill if passed and brought into operation shall not

involve any amount of additional expenditure from the Consolidated fund of the State.

TECHNICAL REPORT

The subject matter of the Bill is relatable to entry 41 of the State List (List-II) and entry 25 of the Concurrent List (List-III) of the Seventh Schedule to the Constitution of India. The provisions of the bill are not repugnant to any provisions of the Constitution of India or any existing central law on the subject. It is not a money bill within the meaning of Article 199 of the Constitution and therefore, prior recommendation of the Governor for introduction or moving of the bill is not necessary. The bill does not attract proviso to clause (b) of Article 304 of the Constitution. The State Legislature is competent to make a law on the subject.