

Manipur Reservation of vacancies in posts and services (For Scheduled Castes and Scheduled Tribes) Act, 1976

MANIPUR

India

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Act 1 of 1977

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Manipur Reservation of vacancies in posts and services (For Scheduled Castes and Scheduled Tribes) Act, 1976 (Manipur Act No. 1 of 1977) Last Updated 7th February, 2020 [Dated 24.02.1977] An Act to provide for adequate representation of Scheduled Castes and Scheduled Tribes in posts and services under the State of Manipur. Be it enacted by the Legislature of Manipur State in the twenty seventh year of the Republic of India as follows:-

1. Short Title and extent.

(1) This Act may be called the Manipur Reservation of vacancies in posts and services (for Scheduled Castes and Scheduled Tribes) Act, 1976. (2) It shall extend to the whole of State of Manipur. (3) It shall come into force on such date as the State Government, by notification, appoint in that behalf.

2. Definition.

- In this Act, unless the context otherwise requires:- (a) "Prescribed" means prescribed by rules made under this Act; (b) "Recruitment Year" means the financial year during which a recruitment is actually made; (c) "Reservation" means reservation of vacancies in posts and services for the Scheduled Castes/Tribes; (d) "Scheduled Castes" shall have reference to the Scheduled Castes specified in the Constitution (Scheduled Castes) Order, 1950 made under Article 341 of the Constitution of India and as amended from time to time; (e) "Scheduled Tribes" shall have reference to the Scheduled Tribes specified in the Constitution (Scheduled Tribes) Order, 1950 made under Article 342 of the Constitution of India and as amended from time to time; (f) "Select list" means the list of candidates arranged in order of precedence prepared according to the rules and orders issued

by the State Government in that behalf and adopted by the competent authority for making appointments in respect of initial rectt, and promotion;(g)"State" includes the Government and the Legislature of the State of Manipur, Autonomous District Councils and all other local authorities within the State or under the control of the State Government and any Corporation in which not less than 51% of the paid up share capital is held by the State Government.

3. Application of this Act.

- This Act shall apply to all appointments to the posts and services under the State except-(a)those meant for conducting or guiding or directing research;(b)those classified as scientific posts;(c)tenure posts;(d)those filled up on the basis of any contract;(e)ex-cadre posts;(f)those which are filled up by transfer or deputation;(g)those in purely temporary establishments, such as work-charged staff including daily-rated and monthly-rated staff and such staff the duration of whose appointment does not extend beyond the term of office of the person making the appointment;(h)temporary appointments of less than forty-five days duration;(i)those in respect of which recruitment is made in accordance with any provision contained in the constitution; and'(j)such other posts as the State Government may, from time to time, by order, specify;Provided that all orders made under clause (j) shall, as soon as after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions.

4. Determination of the percentage to be reserved.

(1)Except as otherwise provided in this Act, the vacancies reserved for the Scheduled Castes and the Scheduled Tribes shall not be filled up by candidates not belonging to the Scheduled Castes and Scheduled Tribes.(2)The reservation of vacancies in Posts and Services shall be at such percentage of the total number of vacancies as the State Government may from time to time, by order published in the official gazette determine:Provided that(a)in the case of initial recruitment, the percentage so determined shall, in no case be less than the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, in the total population of the State as recorded in 1971 Census;Provided that if there be only two vacancies, the roster points must be ensured after taking into account the carry-over of the percentage of the preceding three recruitment years; and(b)save as otherwise provided in this in the case of appointment by way of promotion, the percentage of reservation shall be equal to the percentage as on the 1st day of April, 1976 of the employees belonging to the Scheduled Castes or Schedule Tribes, as the case may be, in the lower grade from which the promotion is to be made so, however, that it shall not exceed the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes in the total population of the State.

5. Prescription of rosters for vacancies.

(1)The State Government shall prescribe model rosters indicating the number of vacancies to be reserved for the Scheduled Castes and the Scheduled Tribes and the number to be left unreserved.(2)The appointing authorities shall maintain rosters in the prescribed form.(3)The rosters shall be consulted for ascertaining the number of reserved vacancies but the appointments

against the reserved vacancies shall be made in accordance with the order of precedence of Scheduled Caste and Scheduled Tribe candidates as shown in the select list.

6. Exchange of reservation between communities.

- The reserved vacancies in appointments shall be exchanged between the Scheduled Castes and Scheduled Tribes in the event of non-availability of candidates from the respective communities, but the vacancies reserved for a particular community shall continue to be reserved for that community only for two recruitment years and if candidates are not available for appointment in particular reserved vacancies in the third year, the vacancy so filled by exchange shall be treated as reserved for the candidates of that particular community who are actually appointed.

7. Dereservation of vacancies.

- If, in any recruitment year the number of candidates either from Scheduled Castes or Scheduled Tribes is less than the number of vacancies reserved for them even after exchange of reservation between the scheduled Castes and Scheduled Tribes, the remaining vacancies may be filled up by general candidates after dereserving the vacancies in the prescribed manner, but the vacancies so dereserved may be carried forward to subsequent three years of recruitment. Provided that such carry forward should also be permitted in respect of vacancies to dereserved in preceding three years prior to enforcement of this Act. Provided further that in the years following the recruitment years the normal reserved vacancies together with the vacancies carried forward shall not exceed fifty percent of the total number of vacancies of the year in which recruitment is made and the excess over fifty per cent of reserved vacancies shall be carried forward to subsequent years of recruitment.

8. Relaxation of age , fee and payment of T.A.

- For initial appointment:-(a)the upper age-limit prescribed for recruitment shall be increased by five years;(b)fees prescribed for admission into any competitive examination or interview for recruitment shall be reduced to one fourth;(c)the Scheduled Caste and the Scheduled Tribe candidates shall be paid travelling allowance to attend competitive recruitment examination or interview by Manipur Public Service Commission at such rate as may be prescribed.

9. Process of selection and relaxation of Qualification.

(1)For recruitment through Employment Exchange in the requisition sent to the Exchange, the number of vacancies reserved for Scheduled Castes and Scheduled Tribes shall be specified against the total number of vacancies.(2)For recruitment made through the Manipur Public Service Commission or any Selection Board on the basis of competitive examination or interview, the advertisement shall specify the number of vacancies reserved for Scheduled Castes and Tribes against the total number of vacancies.(3)The Scheduled Caste and Scheduled Tribe candidates shall be recruited to the extent of the reserved vacancies if they possess the minimum qualifications

required for the posts or services. Provided that the pass marks, in all the recruitment examinations, for the Scheduled Tribe and Scheduled Caste candidates, in the aggregate may be relaxed by the State Government or M.P.S.C. Provided further that in the case of reserved vacancies in non technical and quasi-technical Class III and the Class IV posts the Scheduled Tribe and Scheduled Caste candidates who fulfil the prescribed educational qualification but have failed the prescribed test may be recruited on probation against the remaining reserved vacancies subject to passing the prescribed in service training course within the period of probation. (4) If the required number of Scheduled Caste and Scheduled Tribe candidates are not available for filling up the reserved vacancies, a fresh recruitment may be made only from candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be for filling up the remaining reserved vacancies. (5) If the required number of candidates belonging to the Scheduled Caste or the Scheduled Tribes are still not available or if the number of such candidates is less than the number of reserved vacancies, the vacancies which remain unfilled shall be filled by general candidates in accordance with procedure laid down in section 6 and 7.

10. Promotion on the basis of seniority.

(1) Where promotion is to be made on the basis of seniority subject to fitness, the Scheduled Caste and Scheduled Tribe Officers shall be promoted to the next higher posts or grade against reserved vacancies provided they possess the minimum qualifications and experience required for such promotion. (2) The number of reserved vacancies shall be determined on the basis of the reserved points shown in the roster maintained under section 5.

11. Promotion on selection.

- Where promotion is to be made on the basis of selection and the element of direct recruitment does not exceed fifty per cent, the procedure for filling up of the reserved vacancies shall be as may be prescribed and the number of reserved vacancies will be determined on the basis of the reserved points shown in the roster maintained under section 5.

12. Selection from different services.

- Where selection is to be made from different services the recruiting or appointing authority shall select Scheduled Caste and Scheduled Tribe candidates to the extent of the reserved quota, provided such candidates satisfy the minimum conditions of suitability, qualifications and experience laid down in respect of the posts concerned.

13. Reservation in Confirmation.

- In posts/services filled by direct recruitment on temporary basis reservation is required to be made for Scheduled Castes and Scheduled Tribes at the time of confirmation.

14. Annual Report of appointments.

- Every appointing authority shall furnish to the Government in the prescribed manner an annual report on appointment by the end of the month of July of the succeeding financial year and maintain such other records as may be prescribed.(2)Any Other authorised by the State Government in that behalf may inspect any record or documents and require the appointing authority to produce the roster and other records relating to appointments made by him which are maintained by his Office.(3)It shall be the duty of the appointing authority to produce such records and documents, furnish such information and afford all such assistance and facilities as may be necessary for the aforesaid purpose.

15. Responsibility of head of Departments.

- In each Department of the Government, the Head of Department shall be specially responsible for:-(a)ensuring proper implementation of the provisions of this Act and rule made thereunder;(b)ensuring compliance by the subordinate authorities;(c)ensuring timely submission of returns;(d)conducting annual inspection of roster and such other records as may be prescribed;(e)ensuring necessary assistance to the Tribal Welfare Department and the Hill Commissioner in the investigation of complaints received from organisations or individuals belonging to the Scheduled Castes and Scheduled Tribes.

16. Standing committee.

(1)There shall be a Standing committee consisting of the following members, namely,-

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| (a) Minister in charge of Tribal Welfare | - Chairman. |
| (b) Chief Secretary | - Member. |
| (c) Two M.L.As. belonging to Scheduled Castes and/or Scheduled Tribes to be nominated by the State Government | - Member. |
| (d) Secretary (TW). | - Member Secretary. |

Provided that on issue of a proclamation under Article 356 of the Constitution of India, the composition of the Committee may be altered by the State Government to such extent as they deem fit.

17. Function of the Standing committee.

- The Standing Committee shall perform the following functions namely:-(a)review of the implementation of the provision of this Act and the rules made thereunder, twice in a financial year;(b)suggesting measures for the removal of difficulties in such implementation or for the improvement thereof; and(c)such other functions as the State Government may, from time to time, assign to the committee.(d)an order issued by the State Government under Clause 3(j) shall be placed before the Standing Committee, when the Legislature is not in session. Such order shall later

be placed before the State Legislature in accordance with the provision of clause 3(j).

18. Annual report to be laid before the legislative assembly.

- The State Government shall prepare an annual report on the working of this Act and lay the same before the Legislative Assembly for a period of not less than fifteen days in the Budget Session of the succeeding financial year.

19. Power to make Rules.

(1)The State Government may, after previous publication makes rules to carry out all or any of the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing powers, they may make rules in respect of all matters expressly required or allowed by this Act to be prescribed.(3)All rules made under this Act shall, as soon as may be after they are made, be laid before the Sate Legislature for a total period of fourteen days which may be comprised in one or more sessions and, if during the said period, the State Legislature makes modifications, if any, therein the rules shall thereafter have effect only in such modified form, so however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.

20. Overriding effect of the Act.

- The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law or in any rule, order or resolution made by the State Government.