



**The Tripura Scheduled Castes and Scheduled Tribes (Reservation of Vacancies
In Services and Posts) Act, 1991**

Act 5 of 1991

Keyword(s):

Establishment in Public Sector, Establishment in Private Sector

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Tripura Act No. 5 of 1991

*THE TRIPURA SCHEDULED
CASTES AND SCHEDULED
TRIBES (RESERVATION OF
VACANCIES IN SERVICES
AND POSTS)
ACT, 1991*

**THE TRIPURA SCHEDULED CASTES AND SCHEDULED TRIBES
(RESERVATION OF VACANCIES IN SERVICES AND POSTS)
ACT, 1991**

**An
Act**

to provide for reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes.

Whereas the members of 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 Whereas it is expedient to provide for the reservation of vacancies in services and posts for them;

It is hereby enacted by the Legislative Assembly of Tripura in the Forty second year of the Republic of India as follows:—

1. Short title, extent and commencement —

(1) This Act may be called the Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and Posts) Act, 1991.

(2) It extends to the whole of Tripura.

(3) It shall come into force on such date as the State Government may, by notification in the official gazette, appoint.

2. Definition —

In this Act, unless the context otherwise requires.

(a) “Appointing authority” in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;

(b) “Establishment” means any office of the State Government, a local or statutory authority constituted under the Constitution of India or any other law for the time being in force or a Corporation in which not less than fifty one percent of paid-up share

capital in held by the State Government and includes Universities and Colleges affiliated to the Universities, Primary and Secondary schools and also other educational institutions which are owned or aided by the State Government and also includes an establishment in Public Sector ;

- (c) “Establishment in public sector” means any industry, trade, business or occupation owned, controlled or managed by —
 - (i) the State Government or any Department of the State Government, or
 - (ii) a Government Company as defined in section 617 of the Companies Act, 1956 or a Corporation established by or under a Central or State Act in which not less than fifty one percent of the paid-up share capital is held by the State Government, or
 - (iii) a local or statutory authority constituted under the Constitution of India or any other law for the time being in force.
- (d) “Establishment in private sector” means any industry, trade, business or occupation which is not an establishment in Public Sector ;
- (e) “Schedule” means the Schedule appended to this Act.

3. Act not to apply in relation to certain establishment —

This act shall not apply in relation to —

- (a) any employment under the Central Government ;
- (b) any employment in domestic service.

4. Reservation for Scheduled Castes and Scheduled Tribes in vacancies to be filled up by direct recruitment —

At the commencement of this Act, all appointments to services or posts in the establishment which are to be filled up by direct recruitment shall be regulated in the following manner, namely —

- (a) Subject to the other provisions of this Act ¹[sixteen] per cent of the vacancies shall be reserved for the candidates belonging to the Scheduled Castes and ²[thirty one] per cent for the Scheduled Tribes in the manner set out in the Scheduled ;

³[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 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 reserved quota ;
- (c) Fees, if any, prescribed for any examination for selection to any service or post shall be reduced to one-fourth in the case of candidates belonging to the Scheduled Castes and the Scheduled Tribes;
- (d) The members of the Scheduled Castes and the Scheduled Tribes shall be entitled to a concession of five years over the prescribed maximum age limit for appointment to any service or post.

5. **Reservation for Scheduled Castes and the Scheduled Tribes in vacancies to be filled up by promotion —**

The reservation for members of the Scheduled Castes and the Scheduled Tribes in vacancies in service or posts to be filled up by promotion in any establishment shall be regulated in the following manner, namely : —

- (a) There shall be reservation at ⁴[sixteen] percent for members of the Scheduled Castes and ⁵[thirty one] percent for the members of the Scheduled Tribes.

1. *Substituted by The Scheduled Castes and the Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1997, w. e. f. 16. 5. 1997.*

2. *Substituted ibid.*

3. *Inserted ibid.*

4. *Substituted ibid.*

5. *Substituted ibid.*

¹[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 mentioned in sub-section (a) above].

- (b) A separate hundred point roster in the form and manner set out in the Schedule shall be maintained by each establishment.
- (c) 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 reserved quota.

6. Power to exempt —

(1) If the state Government is of opinion that the reservation for members of the Scheduled Castes and the Scheduled Tribes shall not be applied to any specialised service or post in view of the specialised qualification or experience necessary and in absence of such qualified candidates from amongst the Scheduled Castes and the Scheduled Tribes the State Government may, by notification published in the official gazette, exempt such service or post, from the operation of this Act.

(2) Every notification under Sub-section (1) shall be laid, as soon as it is published, before the Tripura Legislative Assembly.

7. Penalty —

(1) If any appointing authority makes an appointment in contravention of the provisions of section 4 or section 5 of the Act and the Rules made thereunder he shall be punishable with fine which may extend to rupees five thousand. The State Government may, if considered necessary, also draw up disciplinary proceedings against such appointing authority for punishment under the service rules.

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

(3) If any authority who is authorised to authenticate orders of the

1. Substituted by The Scheduled Castes and the Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1997, w. e. f. 16. 5. 1997.

Governor, issues or causes to be issued an order of appointment of which the appointing authority is the Governor, in contravention of section 4 and 5 of the Act and the Rules made thereunder shall be punishable in the same manner as referred to in Sub-Section (1).

8. Cognizance of Offences —

No prosecution for an offence under this Act shall be instituted except by or with the sanction of the State Government.

9. No suit, prosecution or other legal proceeding shall lie against any person for any thing which is in good faith done or intended to be done under this Act.

10. Power to remove difficulties —

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Tripura Legislative Assembly.

11. Submission of annual report, maintenance of other records and inspection thereof —

(1) Every appointing authority shall maintain such records as may be prescribed by rules made under this Act and shall furnish to the State Government in the prescribed manner an annual report on the appointments made by it during the previous financial year.

(2) Any officer authorised by the State Government in that behalf may inspect any record or documents which are maintained in relation to appointments made by such appointing authority.

(3) It shall be the duty of the appointing authority to produce such records or documents for inspection by the officer authorised under Sub-Section (2), and furnish such information or offer such assistance as may be necessary for him to carry out his functions under this Act.

(4) Notwithstanding anything contained in the Tripura Civil Service (Conduct) Rules, 1988 any member of any Scheduled caste or any Scheduled Tribe who is adversely affected on account of non-compliance with the provisions of this Act or the rules made thereunder by any appointing authority ¹[or certificate issuing authority] may bring the fact to the notice of the State Government and upon such application made by him the State Government may call for such records ²[and] take such action thereon as it may think fit.

³(5) The State Government may, at any time call for any records maintained under the provisions of this Act or the rules made thereunder, review any order or decision and pass such orders or take such decision, not inconsistent with the provisions of this Act and the Rules made thereunder as it may think fit].

12. Power to make rules —

(1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely—

- (a) The form in which every establishment shall submit annual report to the State Government regarding the number of persons recruited in such establishment.
- (b) Any other matter which has to be or may be prescribed by rules made in this behalf.

(3) In making any rule the State Government may direct that a breach thereof shall be punishable with fine which may extend to five thousand rupees.

1. *Inserted by The Tripura Scheduled Castes and the Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1997, w. e. j. 16. 5. 1997.*

2. *Substituted ibid.*

3. *Inserted ibid.*

(4) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid for the session aforesaid the Legislative Assembly makes any modification in the rule or decides that the rule shall not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

(See Section 4 and 5)

1. The reservation for the members of the Scheduled Castes and Scheduled Tribes in services or posts in an establishment shall be given effect to in accordance with the following hundred point roster, namely :—

THE HUNDRED POINT ROSTER :

Point on the Roster	Whether reserved or unreserved	Point on the Roster	Whether reserved or unreserved
1.	Scheduled Tribe	20.	Scheduled Tribe
2.	Unreserved	21.	Unreserved
3.	Unreserved	² [22.	Unreserved
4.	Scheduled Caste	23.	Scheduled Tribe
5.	Unreserved	24.	Unreserved
6.	Scheduled Tribe	25.	Scheduled Caste
7.	Unreserved	26.	Unreserved
8.	Unreserved	27.	Scheduled Tribe
9.	Scheduled Tribe	28.	Unreserved
10.	Unreserved	29.	Scheduled Caste
11.	Scheduled Caste	30.	Scheduled Tribe
12.	Unreserved	31.	Unreserved
13.	Scheduled Tribe	³ [32.	Scheduled Tribe
14.	Unreserved	33.	Scheduled Caste
¹ [15.	Unreserved	34.	Unreserved
16.	Scheduled Tribe	35.	Scheduled Tribe
17.	Unreserved	36.	Unreserved
18.	Scheduled Caste	37.	Unreserved
19.	Unreserved	38.	Scheduled Tribe

¹ Substituted by The Tripura Scheduled Castes and the Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1997, w. e. f. 16. 5. 1997.

² Substituted *ibid*.

³ Substituted *ibid*.

Point on the Roster	Whether reserved or unreserved	Point on the Roster	Whether reserved or unreserved
39.	Unreserved	⁵ [65.	Unreserved
40.	Scheduled Caste	66.	Scheduled Tribe
41.	Unreserved	67.	Unreserved
42.	Scheduled Tribe	68.	Scheduled Caste
43.	Unreserved	69.	Unreserved
¹ [44.	Scheduled Caste	70.	Scheduled Tribe
45.	Scheduled Tribe	71.	Unreserved
46.	Unreserved	⁶ [72.	Unreserved
47.	Scheduled Caste	73.	Scheduled Tribe
48.	Unreserved	74.	Unreserved
49.	Scheduled Tribe	75.	Scheduled Caste
50.	Unreserved	76.	Unreserved
51.	Unreserved	77.	Scheduled Tribe
52.	Scheduled Tribe	78.	Unreserved
53.	Unreserved	79.	Unreserved
54.	Scheduled Caste	80.	Scheduled Tribe
55.	Unreserved	81.	Unreserved
56.	Scheduled Tribe	82.	Scheduled Caste
57.	Unreserved	83.	Unreserved
² [58	Scheduled Tribe	84.	Scheduled Tribe
³ [59.	Unreserved	85.	Unreserved
⁴ [60.	Scheduled Tribe	86.	Unreserved
61.	Scheduled Caste	87.	Scheduled Tribe
62.	Unreserved	88.	Unreserved
63.	Scheduled Tribe	89.	Scheduled Caste
64.	Unreserved	90.	Unreserved

¹ Substituted by The Tripura Scheduled Castes and the Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1997, w. e. f. 16. 5. 1997.

² Substituted *ibid*.

³ Substituted *ibid*.

⁴ Substituted *ibid*.

⁵ Substituted *ibid*.

⁶ Substituted *ibid*.

Point on the Roster	Whether reserved or unreserved	Point on the Roster	Whether reserved or unreserved
91.	Scheduled Tribe	96.	Scheduled Tribe
92.	Unreserved	97.	Scheduled Caste
93.	Scheduled Tribe	98.	Scheduled Tribe
94.	Unreserved	99.	Unreserved
95.	Unreserved	100.	Scheduled Tribe

2. A register shall be maintained for giving effect to the provisions contained in paragraph 1 for each type of recruitment and within it for each grade or service.

3. Before making an appointment by direct recruitment or by promotion the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is so reserved. Immediately after an appointment is made the particulars thereof shall be entered in the register and signed by the appointing authority.

4. The roster is a running account from year to year and shall be maintained in a cyclic order accordingly. If recruitment in a particular year stops at a particular point of the cycle, say at the fourth point, recruitment in the subsequent year shall be at the next point, that is, at the fifth point.

5. No gap shall be left in the Roster in filling vacancies and if a reserved vacancy, say at the fifth point of the cycle, has for want of an eligible Scheduled Caste candidates to be treated as unreserved the candidate appointed shall be shown against the point. An attempt shall be made at the time of filling each successive unreserved vacancy to recruit a Scheduled Caste candidate but if a Scheduled Caste candidate cannot still be found in the year in which the vacancy is filled the reservation shall be carried forward to the following year. The first unreserved vacancy in the year shall be reserved for the Scheduled Caste candidate in addition to any other vacancy available for them according to the cycle.

6. In the absence of an eligible Scheduled Caste or Scheduled Tribe candidate in a particular year, the vacancy shall be carried forward till the requisite percentage in that grade or cadre is filled up.

¹[7. Within each category of posts roster shall be maintained separately for (i) permanent appointment and temporary appointment likely to continue indefinitely, (ii) contingent appointment and (iii) ad-hoc appointment].

8. A vacancy arising out of any reason shall be treated as a fresh vacancy.

9. A candidate who claims to be a member of the Scheduled Caste or the Scheduled Tribe shall support his candidate by production of a certificate to that effect from such authority as may be prescribed by rules made under this Act.

10. The certificate referred to in paragraph 9 shall be granted by such authority and in such manner as may be prescribed by rules made under this Act.

²[11. If after appointment someone does not join the service or post the vacancy against that roster point shall be treated to have remained unfilled and unutilised.

12. There shall be 3% reservation for Physically handicapped and 2% reservation for Ex-serviceman only in direct recruitment. Physically handicapped and Ex-serviceman of Scheduled Caste category, Scheduled Tribe category and unreserved category shall be accommodated respectively against the points reserved for Scheduled Castes, Scheduled Tribes and Unreserved points of the 100 Point Roster. For them the roster shall stand extended upto 400 points i.e. upto 4th Cycle of the 100 Point Roster in the following manner :—

Category	1st Cycle	2nd Cycle	3rd Cycle	4th Cycle
Scheduled Caste	Point No. 44 for Physically Handicapped	Nil	Point No.44 for Ex-serviceman	Nil
Scheduled Tribe	Point No.45 for Ex-serviceman.	Point No.45 for Physically handicapped.	Point No.45 for Ex-serviceman.	Point No.45 for Physically Handicapped.
Unreserved	Point No.15 & 95 for Physically Handicapped, Point. No. 72 for Ex-serviceman.	Point No.15& 95 for Physically Handicapped, Point. Point No. 65 and 72 for Ex-serviceman	Point No.15 & 72 and 95 for Physically Handicapped	Point No.15 & 95 for Physically Handicapped Point. No. 65 and 72 for Ex-serviceman.
Total	5	5	5	5

1. Substituted by The Tripura Scheduled Castes and the Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1997. w. e. f. 16. 5. 1997.

2. Inserted *ibid*.

13. Except as provided under paragraph 12 above, all other matters relating to reservation for unreserved category of Physically Handicapped and Ex-serviceman shall be governed exclusively by executive instructions issued by the Government from time to time and not according to the provisions of this Act.]

LIST OF AMENDMENT

1. *The Tripura Scheduled Castes and the Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1997, w. e. f. 16.5.1997.*

