



सत्यमेव जयते

GOVERNMENT OF TRIPURA

**THE TRIPURA SCHEDULED CASTES AND SCHEDULED
TRIBES RESERVATION RULES, 1992**

(AS AMENDED UPTO MAY, 2007)

**DEPARTMENT FOR WELFARE OF SCHEDULED CASTES,
OTHER BACKWARD CLASSES AND MINORITIES
AND**

TRIBAL WELFARE DEPARTMENT

GOVERNMENT OF INDIA
DEPARTMENT OF MINISTERS FOR SCHEDULED CASTES AND SCHEDULED TRIBES
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GOVERNMENT OF TRIPURA
DEPARTMENT OF WELFARE FOR SCHEDULED CASTES
AGARTALA : TRIPURA

NO.F.2-146/SCW/GL/90

Dated, the 17th September, 1992

NOTIFICATION

In exercise of the powers conferred by Section 17 of the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 (Tripura Act No. 5 of 1991) the Governor of Tripura has been pleased to make the following Rules, namely :-

1. Short title and commencement .

(1) These Rules may be called [*The Tripura Scheduled Castes and Scheduled Tribes Reservation Rules, 1992*]¹

(2) They shall come into force on the date of their publication in the official Gazette.*

2. Definition.

(1) In these rules, unless the context otherwise requires -

["(a) "Act" means "The Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991"]²

(b) "Contingent appointment" includes work charged staff, Muster-roll workers, contingent paid-staff ,daily rated and monthly rated staff, except those required for such casual work e.g. staff for relief work, accident restoration etc. and also muster-roll workers who are engaged locally on casual basis on no work no pay according to necessity of work.

(c) [Director for Welfare of Scheduled Castes and Other Backward Classes]³ means the [Director for Welfare of Scheduled Castes and Other Backward Classes]³ under the Government of Tripura.

1. Substituted by "The Tripura Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (2nd Amendment) Rules, 2007 hereinafter shortly called "the 2nd Amendment Rules, 2007" which came into force on and from 2nd April, 2007.

* The Tripura Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1992 came into force on and from 2nd October, 1992.

2. Substituted by the Second Amendment Rules, 2007.

3. Substituted by the first Amendment Rules, 2000 which came into force from 18th October, 2000.

(d) [Director for Welfare of Scheduled Tribes]¹ means the [Director for Welfare of Scheduled Tribes]¹ under the Government of Tripura

(e) "Commission" means the Tripura Public Service Commission.

(f) "Form" means a form appended to these rules.

[(g) "Scrutiny Committee" means a committee constituted by the State Government for verification of community status and cancellation of community certificates.

(h) "Sub Committee" means a "Sub Committee" constituted by the State Government by notification in the official gazette at the Block level or Nagar Panchayat level or Municipal level for the purpose of verification of community status of a person who applies for grant of a Scheduled Caste certificate, and in case of Scheduled Tribe certificate, "Sub-Committee" means a "Sub-Committee" constituted at the Sub-Divisional Level by notification in the official gazette.

(i) "Vigilance Cell" means a "Vigilance Cell" attached to the Directorate of Vigilance for the purpose of verification of claims to belong to Scheduled Castes or Scheduled Tribes.

(j) "Member-Secretary" means "Member-Secretary" of the Scrutiny Committee.]²

(2) Other terms used in these rules, but not defined shall have the same meaning as assigned to them by the Act.

3. Proof of Caste or Tribal Status.

The claim that one belongs to Scheduled Caste or Scheduled Tribe shall be proved by a caste or Tribe certificate issued by the competent authority in Form-1. The [Sub-Divisional Magistrate]³ of the area where an applicant ordinarily resides will be the competent authority to issue a Scheduled Caste or Scheduled Tribe certificate.

1. Substituted by the Second Amendment Rules, 2007.

2. Inserted by the Second Amendment Rules, 2007

3. Substituted by the Second Amendment Rules, 2007

4. Further verification of claims of Scheduled Castes and Scheduled Tribes.

(1) An appointing authority shall verify the caste status of every Scheduled Caste or Scheduled Tribe candidate both at the time of initial appointment and again at the time of promotion to ensure that the Caste which a candidate belongs to has not been de-scheduled after his initial appointment or the candidate has not otherwise become disentitled to the benefits and concessions given to the Scheduled Castes and Scheduled Tribes.

(2) An appointing authority or any other authority who is supposed to accept one's claim to belong to Scheduled Caste or to Scheduled Tribes, if it so considers for any reason to verify the claim of a Scheduled Caste or Scheduled Tribe candidate, may do it through the [Director for Welfare of]¹ Scheduled Castes/Scheduled Tribes as the case may be.

[(3) & (4)]² (Deleted)

5. Procedure for issuing Scheduled Caste or Scheduled Tribe certificate.

(1) A Scheduled Caste certificate or a Scheduled Tribe certificate shall be issued by the [Sub-Divisional Magistrate]³ of the Sub-Division where the applicant ordinarily resides according to the following procedures :-

[(a) An application for issuance of a community certificate shall be submitted in the prescribed proforma before seeking admission to any educational institution or an appointment to a post or for any other purpose. On receipt of such application for a Scheduled Caste or Scheduled Tribe certificate the Sub-Divisional Magistrate shall cause a local enquiry through his administrative agency to ascertain if the applicant actually belongs to Scheduled Caste or Scheduled Tribe as the case may be.]³

1. Substituted by the Second Amendment Rules, 2007.

2. Deleted by the Second Amendment Rules, 2007.

3. Substituted by the Second Amendment Rules, 2007.

(b) On getting the enquiry report as stated under sub-rule(a) the [Sub-Divisional Magistrate]¹ shall send the application along with the enquiry report to the *[Block level or Nagar Panchayat Level or Municipal Level Scheduled Castes Welfare Sub-Committee or Sub-Divisional Level Scheduled Tribes Welfare Sub-Committee]*² if any, constituted by the Government for their opinion as to whether the applicant actually belongs to the Scheduled Caste or Scheduled Tribe.

(c) On getting the opinion of the Scheduled Castes Welfare Sub-Committee or Scheduled Tribes Welfare Sub-Committee as the case may be regarding the caste status of the applicant the concerned [Sub-Divisional Magistrate]¹ will verify if the local enquiry report submitted by his subordinate officer and the opinion of the Scheduled Castes Welfare Sub-Committee or the Scheduled Tribes Welfare Sub-Committee concerned are of similar nature for granting a Scheduled Caste certificate or a Scheduled Tribe certificate to an applicant.

(d) If the [Sub-Divisional Magistrate]¹ is satisfied from the local enquiry report and the opinion of the Scheduled Castes Welfare or Scheduled Tribes Welfare Sub-Committee that the applicant belongs to the Scheduled Caste or Scheduled Tribe as the case may be, he may issue a Scheduled Caste certificate or a Scheduled Tribe certificate to the applicant concerned.

(e) But if the [Sub-Divisional Magistrate]¹ finds that the local enquiry report and the opinion of the Scheduled Castes Welfare or Scheduled Tribes Welfare Sub-Committee are different in nature and it is difficult to arrive at definite conclusion regarding the actual caste identity of the applicant concerned he will refer the case along with the local enquiry report and opinion of the Sub-Committee through the District Magistrate and Collector concerned to the [Director for Welfare of Scheduled Castes and Other Backward Classes]¹ in case of Scheduled Caste certificates and to the [Director for Welfare of Scheduled Tribes]¹ in case of Scheduled Tribe certificates for their decision.

1. Substituted by the Second Amendment Rules, 2007

2. Inserted by the Second Amendment Rules, 2007

[(f) When any case is referred to the Director for Welfare of Scheduled Castes and Other Backward Classes or the Director for Welfare of Scheduled Tribes for a decision whether a community certificate should be issued or not, the Director concerned shall cause a thorough enquiry into the matter through the Vigilance Cell. The Director for Welfare of Scheduled Castes and Other Backward Classes or the Director for Welfare of Scheduled Tribes as the case may be, will place the vigilance enquiry report, local enquiry report of the Sub-Divisional Magistrate and opinion of the Sub-Committee concerned before the Scrutiny Committee for a decision. The Committee will examine the Vigilance report and other reports/ records sent by the Sub-Divisional Magistrate and take a decision whether a Caste or a Tribe certificate shall be issued or not. However, before taking a final decision, the Scrutiny Committee shall give the applicant a reasonable opportunity of being heard. The decision of the Scrutiny Committee shall be final and communicated to the concerned Sub-Divisional Magistrate]¹

(g) The Sub-Divisional Magistrate shall act on the decision of the [Scrutiny Committee as communicated by the]² [Director for Welfare of Scheduled Castes and Other Backward Classes]³ or Scheduled Tribes.

(2) (a) A competent authority, if satisfied, may issue a [Community]² certificate to an applicant who has migrated to Tripura from another State on production of the genuine community certificate issued to his father by the prescribed authority of the State of his father's origin. If the competent authority feels that before issuing such a community certificate a detailed enquiry is necessary through the applicant's State of origin, he may do so.

(b) The certificate under clause(a) may be issued irrespective of whether the Caste/Tribe in question is included in the list of Scheduled Castes or Scheduled Tribes of Tripura or not.

1. Substituted by the Second Amendment Rules, 2007.

2. Inserted by the Second Amendment Rules, 2007.

3. Substituted by the Second Amendment Rules, 2007.

(c) When a [community certificate]¹ under clause (a) of sub-rule (2) is issued the competent authority shall indicate in a note below the certificate in block letters that "THIS COMMUNITY CERTIFICATE HOLDER IS A MIGRANT TO TRIPURA".

(d) A community certificate holder who has migrated to Tripura from his State of origin for the purpose of seeking education, employment etc. will be deemed to be Scheduled Caste/Tribe of the State of his origin and will be entitled to derive benefits from the State of his origin and not from Tripura.

[6. Cancellation of Scheduled Caste or Scheduled Tribe certificate

An authority who issued a Scheduled Caste Certificate or Scheduled Tribe certificate to any one may, at a subsequent stage cancel it, if after an enquiry and after giving the party concerned an opportunity of being heard, it finds that the person to whom the Community Certificate was issued does not actually belong to the Scheduled Caste or the Scheduled Tribe, as the case may be.

Provided that in cancelling a Scheduled Caste Certificate, the issuing authority shall obtain the views of the concerned Block Level or Nagar Panchayat Level or Municipal Level Scheduled Castes Welfare Sub-Committee and in cancelling a Scheduled Tribe certificate, the issuing authority shall obtain the views of the Sub-Divisional Level Scheduled Tribes Welfare Sub-Committee, if any, constituted by the Government, as to whether the certificate holder belongs to Scheduled Caste or Scheduled Tribe and the views so given by the Scheduled Castes Welfare or Scheduled Tribes Welfare Sub-Committee shall form a part of the order cancelling the certificate in question.

Provided further that the Scrutiny Committee shall also be competent to cancel a community certificate issued by a competent authority. For arriving at a decision whether the community certificate in question shall be cancelled or not, the Scrutiny Committee shall follow the procedure prescribed in Rule 7A hereinafter along with reports/records obtained from the competent authority.]¹

1. Substituted by the Second Amendment Rules, 2007.

7. Constitution of Selection Committee/Selection Board/
Departmental promotion Committee etc.

(1) Notwithstanding anything contained in any other service rules, regulation or orders in force in constituting a Selection Committee/Selection Board /Departmental Promotion Committee or any other agency/forum by whatever name it goes, for direct recruitment or promotion to any post or service the [Director for Welfare of Scheduled Castes and Other Backward Classes]² and the [Director for Welfare of Scheduled Tribes]¹ or their representatives shall be associated as permanent members of the Selection Committee/Selection Board/Departmental Promotion Committee etc.

(2) The [Director for Welfare of Scheduled Castes and Other Backward Classes]² and the [Director for Welfare of Scheduled Tribes]¹ may authorise officers of their Directorates to represent them on the Selection Committee/Selection Board/Departmental Promotion Committee etc. as mentioned under Sub-rule (1) if the Director is unable to attend.

(3) With respect to [...]³ reservation, the opinion of the [Department for Welfare of Scheduled Castes ,Other Backward Classes and Minorities]² and [Tribal Welfare Department]¹ shall be final.

[7A Constitution, Powers and Functions of the Scrutiny Committee.

(1) At the State Level there shall be two Scrutiny Committees as follows -

(a) For verification of community status of Scheduled Caste Certificate holders, the Scrutiny Committee shall consist of :-

(i) The Secretary-in-charge of Department for Welfare of Scheduled Castes, Other Backward Classes and Minorities

- Chairman.

(ii) The Director for Welfare of Scheduled Castes and Other Backward Classes

- Member-Secretary

(iii) Joint Secretary or Deputy Secretary of the Law Department]¹

- Member

1. Substituted by the Second Amendment Rules, 2007

2. Substituted by the First Amendment Rules, 2000.

3. Omitted the word "this" by the First Amendment Rules, 2000.

[(iv) *Additional Director or Joint Director or Deputy Director for Welfare of Scheduled Castes & Other Backward Classes -*

- Member

(b) *For verification of community status of Scheduled Tribe certificate holders, the Scrutiny Committee shall consist of :-*

(i) *The Secretary-in-charge of the Tribal Welfare Department*

- Chairman

(ii) *The Director for Welfare of Scheduled Tribes*

- Member-Secretary

(iii) *The Director, Tribal Research Institute*

- Member

(iv) *Joint Secretary or Deputy Secretary of the Law Department]*¹

- Member

[(2) *Director of Vigilance shall constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of Police Inspectors and Sub-Inspectors to investigate into the community status and claims as may be required.*

(3) *The Investigating Officer would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed. He should personally verify and collect all the facts of the social status claimed by the certificate holder or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian or the certificate holder in relation to their caste etc. or such other persons who have knowledge of the community status of the certificate holder and submit a report to the Director of Vigilance who will verify the correctness of the report and transmit it to the Member-Secretary of the Scrutiny Committee concerned together with all particulars as envisaged in the proforma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.*

(4) *The Member-Secretary of the Scrutiny Committee concerned, on receipt of the report from the Director of Vigilance if finds the claim for*

¹ .Substituted by the Second Amendment Rules, 2007.

