

TRIPURA ACT NO. 5 OF 1991



GOVERNMENT OF TRIPURA

**The Tripura Scheduled Castes
and Scheduled Tribes
Reservation Act, 1991**

(As amended upto February, 2006)

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

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**GOVERNMENT OF TRIPURA
LAW DEPARTMENT**

No. F. 10(5)-Law/Leg/90

Dated, Agartala, August 14, 1991

The following Act of the Tripura Legislative Assembly received the assent of the Governor on the 26th July, 1991 and is hereby published for general information.

[The Tripura Scheduled Castes and Scheduled Tribes
Reservation Act, 1991]¹

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 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 rulings;]²

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

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1. Substituted for "The Tripura Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1991" by The Tripura Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2005, shortly called "the 2nd Amendment Act, 2005" as assented to by the Governor on 14.2.2006.
 2. Substituted by the 2nd Amendment Act, 2005

1. **Short title, extent and commencement.**

- (1) This Act may be called [**The Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991**]¹
- (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. **Definitions.**

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) 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;

(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;]²

(e)³ "Establishment" means [any office under the State]⁴, 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 the paid-up share capital is 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 ;

1. Substituted for "The Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and Posts) Act, 1991 by the 2nd Amendment Act,2005.

2. Inserted by the 2nd Amendment Act.2005

3. Substituted for "(b)" by the 2nd Amendment Act.2005

4. Substituted for " any office of the State Government" by the 2nd Amendment Act.2005

* The Act was given force with effect from the 2nd day of October,1992 vide Notification No.F.2-146/SCW/GL/90 dated the 17th September,1992 published in the Tripura Gazette, Extraordinary issue dated the 2nd October,1992.

(f)¹ "Establishment in public sector" means any industry, trade, business or occupation owned, controlled or managed by –

[(i) the State; or]²

(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.

(g)³ "Establishment in private sector" means any industry, trade, business or occupation which is not an establishment in Public Sector ;

(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;

(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 ;⁴

1. Substituted for "(c)" by the 2nd Amendment Act, 2005

2. Substituted for "the State Government or any Department of the State Government, or" by the 2nd Amendment Act, 2005.

3. Substituted for "(d)" by the 2nd Amendment Act, 2005

4. Inserted by the 2nd Amendment Act, 2005

(.....)¹

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 services and posts under the State]² to be filled up by direct recruitment.**

[(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 shall be regulated in the following manner, 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

[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]⁵

(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. **[and also for admission to educational institutions and undergoing any kind of training]⁶**

1. Omitted by the 2nd Amendment Act, 2005.

2. Substituted for "in vacancies" by the 2nd Amendment Act, 2005

3. Substituted by the 2nd Amendment Act, 2005

4. Substituted by the 2nd Amendment Act, 2005

5. Inserted by the Tripura Scheduled Castes & Scheduled Tribes (Reservation of Vacancies in Services and Posts) (First Amendment) Act, 1997, shortly called The "First Amendment Act, 1997"

6. Inserted by the 2nd Amendment Act, 2005.

[4. (2)]¹ Reservation for Scheduled Castes and Scheduled Tribes [in any vacancy or vacancies in services or posts under the State]² to be filled up by promotion.

(....)³ Reservation for(....)⁴ the Scheduled Castes and the Scheduled Tribes [in any vacancy or vacancies in services or posts under the State]⁵ to be filled up by promotion in any establishment shall be regulated in the following manner, 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;]⁶

[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.]⁷

(....)⁸

[(b)]⁹ 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.

[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.]¹⁰

1. Substituted for Section "(5)" by the 2nd Amendment Act,2005
2. Substituted for "in vacancies" by the 2nd Amendment Act,2005.
3. Omitted "the" by the 2nd Amendment Act,2005.
4. Omitted "members of" by the 2nd Amendment Act,2005.
5. Substituted for "in vacancies in services or posts" by the 2nd Amendment Act, 2005.
6. Inserted by the 2nd Amendment Act,2005.
7. Inserted by the First Amendment Act,1997.
8. Deleted "(b)" by the 2nd Amendment Act,2005
9. Clause "C" renumbered as Clause "b" by the 2nd Amendment Act,2005
10. Inserted by the 2nd Amendment Act,2005

6. Power to exempt.

(1) If the State Government is of opinion that the reservation for members of the Scheduled Castes or 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. Maintenance 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;¹

1. Inserted by the 2nd Amendment Act, 2005

[(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 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]¹

[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 may extend to five years and also with fine 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;

(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 ;]¹

1. Inserted by the 2nd Amendment Act, 2005

