

# TRIPURA GAZETTE

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**PART-IV--** Bills introduced in the Tripura Legislative Assembly, Report of Selection Committees presented or to be presented to that Assembly ; and Bills published before introduction in that Assembly.

**TRIPURA LEGISLATIVE ASSEMBLY**  
**SECRETARIAT**  
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No. F. 7(12-11)/LA/2020./3699

Dated, Agartala, the 22nd September, 2020.

## NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “**The Tripura Scheduled Castes and Scheduled Tribes Reservation (Fourth Amendment) Bill, 2020 (The Tripura Bill No.15 of 2020)**” as introduced in the Assembly on the 21<sup>st</sup> September, 2020 to be published in the Tripura Gazette.”

  
( B.P. Karmakar )

Secretary  
Tripura Legislative Assembly

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**THE TRIPURA BILL NO.15 of 2020**

**THE TRIPURA SCHEDULED CASTES AND SCHEDULED TRIBES RESERVATION (FOURTH AMENDMENT) BILL, 2020**

**A  
BILL**

to further amend the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 (The Tripura Act No.5 of 1991).

**WHEREAS**, the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 was enacted to provide for reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes of the State and the Act exclusively deals with the reservation of Scheduled Castes and Scheduled Tribes in services and posts under the State and also for admission to educational institutions and undergoing any kind of training; and

**WHEREAS**, the Central Legislation, viz, "The Rights of Persons with Disabilities Act, 2016 and subsequence Office Memorandum No 36035/02/2017-Estt(Res) dated 15<sup>th</sup> January 2018 of Department of Personnel & Training under Ministry of Personnel, Public Grievances and Pensions of Government of India on 'reservation for the persons with disabilities (physically handicapped)', the provision for reservation of posts for physically handicapped (i.e. the persons with disabilities) are adequately dealt with and chances of contradiction of the State law with the said Central Law relating to the provision contained in the paragraph 14, 15 & 16 of the Schedule appended to the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991" and those appear to be irrelevant, redundant and repugnant to the provisions of the aforesaid central law; and

**WHEREAS**, accordingly, the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 was amended by the Third Amendment Act, 2018, and the provision for reservation of posts for physically handicapped (i.e. the persons with disabilities ) contained in the paragraphs 14, 15 & 16 of the Schedule appended to the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 has been deleted and in the course of such deletion, the provision for reservation of posts for Ex-serviceman, along-with the reservation provision of physically handicapped (i.e. the persons with disabilities), was also wiped away, resulting therein there is no provision at present for reservation of posts for Ex-Serviceman in any Government service.

**AND WHEREAS**, as per policy of Govt. of India, reservation of 2% for Ex-serviceman is required to be maintained in all State Govt./PSU services. It is now expedient for the State Govt. to restore the provision by amending the relevant law, i.e., the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 (hereinafter referred to as the Principal Act) to provide 2% reservation of posts for the Ex-serviceman in direct recruitment.;

**BE** it enacted by the Tripura Legislative Assembly in the seventy first year of the Republic of India, as follows:-

**1. Short title and commencement:-**

(i) This may be called the 'Tripura Scheduled Castes and Scheduled Tribes Reservation (Fourth Amendment) Act, 2020';

(ii) It shall come into force on the date of its publication in the Tripura Gazette.

**2. Amendment of the Schedule:-**

The following paragraph are inserted below the paragraph-13 of the Schedule appended to the Principal Act:-

“14. (i) *There shall be 2% reservation for the Ex-serviceman in direct recruitment only. Separate roster for Ex-Serviceman accommodating the Ex-serviceman of Scheduled Castes category, Scheduled Tribes category and un-reserved category shall be prepared in accordance with the 100 Point Roster provided in the Schedule appended to the Tripura Scheduled Castes and the Scheduled Tribes Reservation Act, 1991 as below;*

(a) *When the cadre strength is less or up-to 100, the roster point for Ex-serviceman shall be extended up-to 100, and replacement roster shall be followed between SC Ex-servicemen and ST Ex-servicemen on alternative basis, e.g.- the first 50<sup>th</sup> post shall be reserved for UR Ex-Serviceman and the 99<sup>th</sup> roster point reserved for ST category, the immediate post before the 100<sup>th</sup> post shall be reserved for ST Ex-servicemen. In the next cycle the 50<sup>th</sup> roster point shall be reserved for UR Ex-servicemen and the 97<sup>th</sup> roster point shall be reserved for SC category, the immediate post before the 100<sup>th</sup> post shall be reserved for SC Ex-servicemen on replacement basis. and*

(b) *When the cadre strength is more than 100, the roster point shall be extended up-to 500<sup>th</sup> posts roster i.e. to covered 10(ten) reserved post for Ex-Serviceman as per 100 point roster. According to 100 points roster as provided in the Schedule appended to The Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991:-*

*the first reserved post for Ex-serviceman shall be for UR category  
the second reserved post for Ex-serviceman shall be for ST category  
the third reserved post for Ex-serviceman shall be for UR category  
the fourth reserved post for Ex-serviceman shall be for SC category,  
the fifth reserved post for Ex-serviceman shall be for UR category,  
the sixth reserved post for Ex-serviceman shall be for ST category,  
the seventh reserved post for Ex-serviceman shall be for UR category,  
the eighth reserved post for Ex-serviceman shall be for ST category, ,  
the ninth reserved post for Ex-serviceman shall be for UR category and  
the tenth reserved post for Ex-serviceman shall be for SC category as  
roster given below:*

<i>Reservation position</i>	<i>Category-wise Reservation Roster Point</i>
<i>1<sup>st</sup> reserved post for Ex-servicemen (50<sup>th</sup> post)</i>	<i>50<sup>th</sup> roster point unreserved post shall be reserved UR Ex serviceman.</i>

<i>2<sup>nd</sup> reserved post for Ex-servicemen (99<sup>th</sup> post )</i>	<i>99<sup>th</sup> roster point reserved for ST category, the immediate post before 100<sup>th</sup> post, shall be reserved for ST Ex serviceman.</i>
<i>3<sup>rd</sup> reserved post for Ex-servicemen (150<sup>th</sup> post )</i>	<i>150<sup>th</sup> roster point unreserved post shall be reserved UR Ex serviceman.</i>
<i>4<sup>th</sup> reserved post for Ex-servicemen (197<sup>th</sup> post )</i>	<i>197<sup>th</sup> roster point reserved for SC category, the immediate post before 200<sup>th</sup> post, shall be reserved for SC Ex serviceman.</i>
<i>5<sup>th</sup> reserved post for Ex-servicemen (250<sup>th</sup> post )</i>	<i>250<sup>th</sup> roster point unreserved post shall be reserved UR Ex serviceman.</i>
<i>6<sup>th</sup> reserved post for Ex-servicemen (299<sup>th</sup> post )</i>	<i>299<sup>th</sup> roster point reserved for ST category, the immediate post before 300<sup>th</sup> post, shall be reserved for ST Ex serviceman.</i>
<i>7<sup>th</sup> reserved post for Ex-servicemen (350<sup>th</sup> post )</i>	<i>350<sup>th</sup> roster point unreserved post shall be reserved UR Ex serviceman.</i>
<i>8<sup>th</sup> reserved post for Ex-servicemen (399<sup>th</sup> post )</i>	<i>399<sup>th</sup> roster point reserved for ST category, the immediate post before 400<sup>th</sup> post, shall be reserved for ST Ex serviceman.</i>
<i>9<sup>th</sup> reserved post for Ex-servicemen (450<sup>th</sup> post )</i>	<i>450<sup>th</sup> roster point unreserved post shall be reserved UR Ex serviceman.</i>
<i>10<sup>th</sup> reserved post for Ex-servicemen (497<sup>th</sup> post )</i>	<i>497<sup>th</sup> roster point reserved for SC category, the immediate post before 500<sup>th</sup> post, shall be reserved for SC Ex serviceman.</i>

*14 (ii) Separate record shall be maintained for the Ex-serviceman to give effect to the reservation policy as enumerated in paragraph 14(i) above;*

*14(iii) Except as provided under paragraph 14(i) and 14(ii) above, all other matters relating to reservation of the Ex-serviceman shall be governed exclusively by executive instruction to be issued by the Government from time to time and not according to the provisions of this Act.”.*

### **STATEMENT OF OBJECTS AND REASONS**

The Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 (The Tripura Act No.5 of 1991) was enacted to provide for reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes of the State. The Act exclusively deals with the reservation of Scheduled Castes and Scheduled Tribes in services and posts under the State and also for admission to educational institutions and undergoing any kind of training.

2. In paragraph 14, 15 & 16 of the Schedule appended to the Act, there was a provision for 3% reservation for the physically handicapped (i.e. persons with disabilities) and 2% reservation for the Ex-serviceman in direct recruitment. With the enactment of the Central Legislation viz. **'The Rights of Persons With Disabilities Act, 2016** and after framing of Rules under the Act prescribing the procedure of reservation for the persons with disabilities (i.e. physically handicapped persons), it appears, the provision contained in the paragraph 14, 15 & 16 of the Schedule appended to the Act, to be irrelevant, redundant and repugnant to the provision of the aforesaid central law. Accordingly, provision for reservation of post for physically handicapped ( persons with disabilities) contained in the paragraph 14, 15 &16 of Schedule to the Principal Act has been deleted through the Tripura Scheduled Castes and Scheduled Tribes Reservation (Third Amendment), Act 2018. In the process of such deletion, the provision contained for reservation of post for Ex-Servicemen in the paragraph 14, 15 & 16 of the Schedule to the Principal Act, has also been wiped away along with the provision for reservation of post for physically handicapped (person with disabilities).

3. As per the policy of the Government of India, 2% reservation of posts for Ex-serviceman is required to be maintained in all State Governments/PSU's service. In view of this policy of the Government of India, it is now expedient for the State Government to restore the provision of 2% reservation of posts for Ex-serviceman.

4. In order to restore the earlier existed provision for 2% reservation of posts for Ex-servicemen in direct recruitment, it is necessary to bring out this Bill for amendment of the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991.

5. The Bill seeks to *achieve the aforesaid object. The policies underlying the Bill are not inconsistent* with the Legislative Policy of the Central Government.

## **TECHNICAL REPORT**

The subject matter of the Tripura Scheduled Castes and Scheduled Tribes (Fourth Amendment) Bill, 2020 is relatable to Entry 41 of the State Law (List-II) & Entry 25 of the Concurrent List (List- III) of the Seventh Schedule, read with Article 16 (4) & 46 of the Constitution of the India and therefore the State Legislature is competent to make a Law on this subject. The provisions of this Bill are not repugnant to any provision of any existing Central Act or the Constitution of India.

The Bill does not attract the proviso to clause (b) of Article 304 of the Constitution of India and therefore previous sanction of the President of India is not required for introducing this Bill.

This is not a money Bill within the meaning of Article 199 of the Constitution and therefore prior recommendation of the Governor under Article 207 of the Constitution is not required.

## **FINANCIAL MEMORANDUM**

The Scheduled Castes and Scheduled Tribes (Fourth Amendment) Bill, 2020 on its enforcement shall not involve any additional expenditure from the Consolidated Fund of the State.