

MANIPUR



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GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, the 11th July, 2007

No. 2/14/2007-Leg/L.—The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on 10-7-2007 is hereby published in the official Gazette.

**THE MANIPUR RESERVATION OF VACANCIES IN POSTS AND SERVICES
(FOR SCHEDULED CASTES AND SCHEDULED TRIBES)
SECOND AMENDMENT ACT, 2007
Manipur Act No. 6 of 2007**

An
Act

to amend the Manipur Reservation of Vacancies in Posts and Services (For Scheduled Castes and Scheduled Tribes) Act, 1976 (Manipur Act No. 1 of 1977).

Be it enacted by the Legislature of Manipur in the Fifty-eighth Year of the Republic of India as follows :

1. Short title and commencement.—(1) This Act may be called the Manipur Reservation of Vacancies in Posts and Services (For Scheduled Castes and Scheduled Tribes) Second Amendment Act, 2007.

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

2. Amendment of section 2.—In clause (g) of section 2 of the Manipur Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1976 (hereinafter referred to as the principal Act), after the words 'by the State Government', the words "or any other authority in respect of which the State Legislature has the power to make laws" shall be inserted.

3. Amendment of section 3.— Clause (d) of section 3 of the principal Act shall be deleted.

4. Substitution of section 4.—For section 4 of the principal Act, the following shall be substituted, namely.—

* “4. Percentage of vacancies to be reserved—

(1) Subject to the provisions of section 3, there shall be reservation at such percentage of the total number of vacancies in services and posts as the State Government may, from time to time, by notification in the official Gazette, determine for Scheduled Tribes and Scheduled Castes respectively in—

(i) direct recruitments;

(ii) promotions made on the basis of competitive examination limited departmental candidates, within or to Classes II, III and IV posts, in grades or services in which the element of direct recruitment, if any, does not exceed 75%;

(iii) promotion made by selection from Class III to Class II, within Class II and from Class II to the lowest rung or category in Class I, in grades or services in which the element of direct recruitment, if any, does not exceed 75%;

(iv) promotions made by selection in or to Class III and IV posts, in grades or services in which the element of direct recruitment if any, does not exceed 75%;

(v) promotions made on the basis of seniority subject to fitness, in appointments to all Class I, Class II, Class III and Class IV posts in grades or services in which the element of direct recruitment, if any, does not exceed 75%.

(2) Every notification or order made under the sub-section (1) shall be laid before the State Legislature in the manner specified in sub-section (3) of section 19 of this Act.

5. Insertion of new section 4A—After section 4 of the principal Act, the following new section 4A shall be inserted, namely, —

“4A. For the purposes of this Act, any unfilled vacancies which are for being filled up by the Scheduled Castes or Scheduled Tribes, as the case may be, in any recruitment year or years shall be treated as separate class of vacancies to be filled up in any succeeding year or years and such vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.”

6. Deletion of section 6.-Section 6 of the principal Act shall be deleted.

7. Amendment of section 7.- In section 7 of the principal Act- #

(i) for the words "reserved for them even after exchange of reservation between the Scheduled Castes and Scheduled Tribes, the remaining vacancies", the words "reserved for them, the remaining vacancies shall be kept unfilled in case of appointment by direct recruitment and no dereservation of such unutilized reserved vacancies for direct recruitment shall be allowed. However, in the case of appointment by promotion, the remaining reserved vacancies which cannot be filled in a recruitment year due to non-availability of adequate number of eligible candidates from the reserved community" shall be substituted;

(ii) in the second proviso, in between the words "is made" and "and", the words "in respect of promotion only" shall be inserted.

8. Amendment of section 9,-For sub-section (3) of section 9 of the principal Act, the following shall be substituted, namely,-

"(3) The Scheduled Castes and Scheduled Tribes candidates shall be recruited to the extent of the reserved vacancies :

Provided that the pass marks, in all the recruitment examinations, for the Scheduled Castes and Scheduled Tribes candidates, in the aggregate may be relaxed by the State Government or Manipur Public Service Commission."

9. Insertion of new sections 9A, 9B, 9C and 9D.—After section 9 of the principal Act, the following new sections 9A, 9B, 9C and 9D shall be inserted, namely,—

"9A. Procedure of making promotion against reserved vacancies.- The procedure of making promotion to posts and services against vacancies reserved for the Scheduled Castes and Scheduled Tribes shall be as prescribed.

9B. Relaxation of qualifying marks, standards of evaluation, etc. for promotion.—The State Government may relax the qualifying marks in any examination or lower the standards of evaluation in favour of the Scheduled Castes and the Scheduled Tribes for reservation in matter of promotion to any class or classes of services or posts.

9C. Advertisement in Direct Recruitment.- If the required number of candidates of Scheduled Castes or Scheduled Tribes are not available for filling up the reserved vacancies, fresh advertisement may be made only for the candidates belonging to the member of the Scheduled Castes or Scheduled Tribes, as the case may be, to fill the backlog or remaining vacancies.

9D. Concession- Fees, if any, prescribed for any examination for selection to any service or post shall be reduced to 1/4 in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes.”.

10. Amendment of section 11.- The words “the element of direct recruitment does not exceed fifty percent” occurring in Section 11 shall be substituted by the words “the element of direct recruitment does not exceed seventyfive percent”.

11. Deletion of section 13.- Section 13 of the principal Act shall be deleted.

12. Amendment of section 15.- The full stop “(.)” at the end of clause (c) of section 15 of the principal Act, a colon “(:)” shall be substituted and thereafter the following proviso shall be inserted, namely,-

“Provided that in the event of failure of Administrative Department/ Head of Department to comply with the provisions of this Act, he shall be liable for disciplinary proceedings against him as per service rules applicable.”

13. Substitution of section 16-For section 16 of the principal Act, the following shall be substituted, namely.—

“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 Department of Personnel | — Chairman |
| (b) Minister in-charge of Tribal Development | — Member |
| (c) Chief Secretary | — Member |
| (d) Two Members of the Manipur Legislative Assembly belonging to Scheduled Castes or Scheduled Tribes to be nominated by the State Government | — Member |
| (e) Commissioner/Secretary (TD) | — Member |
| (f) Commissioner/Secretary (DP) | — 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 it may deem fit.

(2) One officer belonging to the Scheduled Caste or Scheduled Tribes, not below the rank of Under Secretary shall be posted in the Department of Personal who shall act as Nodal Officer for implementation of this Act.”

14. Insertion of new section 16A.—After section 16 of the principal Act, the following new section 16A shall be inserted, namely:-

“16A. Prevention of disqualification for membership of State Legislature.—It is hereby declared that the Chairman or member of the Standing Committee under section 16 of this Act shall not be disqualified and shall be deemed never to have been disqualified for being chosen as, or for being a Member of State Legislature.”

15. Insertion of new sections 18A and 18B.—After section 18 of the principal Act, the following new sections 18A and 18B shall be inserted, namely,-

“18A. Protection of action taken in good faith.—No suit, prosecution of other legal proceedings shall be against any person for anything which is done in good faith or intend to be done under this Act.

“18B. Removal of difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act as the State Government may consider necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid before the State Legislature in the manner specified in sub-section (3) of section 19 of this Act.”

16. Amendment of section 19.—(1) In section 19 of the principal Act,-

(i) for sub-section (2), the following shall be substituted, namely-

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

(a) manner and guidelines for determining the ceiling of fifty percent of reservation of the vacancies of the year under the provision of section 4A of the Act and Clause 4B of Article 16 of the Constitution of India;

(b) the procedure and guidelines of promotion on the basis of seniority;

(c) procedure of selection by the recruiting of appointing authority in respect of candidates who satisfy the required qualifications and experience as per the recruitment rules;

- (d) manner and guidelines on filling up of reserved vacancies both direct recruitment and promotion;
 - (e) maximum age limit for recruitment to any service or post;
 - (f) any other matter which is to be or may be prescribed.
- (ii) in sub-section (3), for the words "All rules made under", the "All rules, notifications or orders", shall be substituted

TH, KAMINIKUMAR SINGH,
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Government of Manipur.