



The Orissa Reservation of Vacancies in Posts and Services (For Scheduled Castes and Scheduled Tribes) Act, 1975

Act 38 of 1975

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**THE ORISSA RESERVATION OF VACANCIES IN POSTS
AND SERVICES (FOR SCHEDULED CASTES AND
SCHEDULED TRIBES) ACT, 1975**

CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement
2. Definitions
3. Applicability
4. Reservation and the percentage thereof
5. Model roster
6. Exchange of reservation between the Scheduled Castes and Scheduled Tribes.
7. Carry-forward of reservation and de-reservation
8. Relaxations and Concessions
9. Manner of initial recruitment
10. Promotion based on seniority-cum-fitness
11. Promotion based on selection
12. Selection from different services
13. Submission of annual report, maintenance of other records and inspection thereof.
14. Nomination of Liaison Officer
15. Constitution of Standing Committee
16. Functions of the Standing Committee
17. Annual report
18. Rule making power
19. Overriding effect of the Act

[THE ORISSA RESERVATION OF VACANCIES IN POSTS AND SERVICES (FOR SCHEDULED CASTES AND SCHEDULED TRIBES) ACT, 1975]

[Received the assent of the Governor on the 23rd August 1975, first published in an extraordinary issue of the Orissa Gazette, dated the 1st September 1975]

AN ACT TO PROVIDE FOR ADEQUATE REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN POSTS AND SERVICES UNDER THE STATE

BE it enacted by the Legislature of the State of Orissa in the Twenty-sixth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975. Short title, extent and commencement.

(2) It shall extend to whole of the State of Orissa.

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

2. In this Act, unless the context otherwise requires,—

- (a) "prescribed" means prescribed by rules made under this Act ;
- (b) "recruitment year" means the financial year during which a recruitment is actually made ;
- (c) "reservation" means reservation of vacancies in Posts and Services for the Scheduled Castes and the Scheduled Tribes ;

1. For Statement of Objects and Reasons see *Orissa Gazette*, Extraordinary, dated the 30th July, 1975 (No. 1272) and for Report of Select Committee, see *ibid.*, dated the 18th February 1975 (No. 316).

2. Came into force with effect from 1st July, 1976 Vide-Notification No. 1971/—Emp. (i)-36/75-TRW, dated the 18th June, 1976 Published in *Orissa Gazette*, Extraordinary dated the 23rd June 1976 (No. 1032).

(Sec. 3)

- (d) "Scheduled Castes" shall have reference to the Scheduled Castes specified in the Constitution (Scheduled Castes) Order, 1950 made under Article 341 of the Constitution of India and as amended from time to time;
- (e) "Scheduled Tribes" shall have reference to the Scheduled Tribes specified in the Constitution (Scheduled Tribes) Order, 1950 made under Article 342 of the Constitution of India and as amended from time to time ;
- (f) "select list" means the list of candidates arranged in order of precedence prepared according to the rules and orders issued by the State Government in that behalf and adopted by the competent authority for making appointments in respect of initial recruitment and promotion ;
- (g) "State" includes the Government and the Legislature of the State of Orissa and all local authorities within the State or under the control of the State Government.

Applicability

3. This Act shall apply to all appointments to the Posts and Services under the State except—

- (a) those meant for conducting or guiding or directing research ;
- (b) those classified as scientific posts ;
- (c) tenure posts ;
- (d) those filled up on the basis of any contract;
- (e) ex-cadre posts ;
- (f) those which are filled up by transfer or deputation ;
- (g) those in purely temporary establishments, such as, work-charged staff including daily-rated and monthly-rated staff and such staff the duration of whose appointment does not extend beyond the term of office of the person making the appointment ;

(Sec. 4)

- (h) temporary appointments of less than forty-five days duration ;
- (i) those in respect of which recruitment is made in accordance with any provision contained in the Constitution ; and
- (j) such other posts as the State Government may, from time to time, by order, specify:

Provided that all orders made under clause (j) shall, as soon as after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions.

4. (1) Except as otherwise provided in this Act, the vacancies reserved for the Scheduled Castes and the Scheduled Tribes shall not be filled up by candidates not belonging to the Scheduled Castes and Scheduled Tribes. Reservation and the percentage thereof.

(2) The reservation of vacancies in Posts and Services shall be at such percentage of the total number of vacancies as the State Government may, from time to time, by order, determine :

Provided that--

- (a) in the case of initial recruitment, the percentage so determined shall, in no case be less than the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, in the total population of the State; and
- (b) save as otherwise provided in this Act, in the case of appointment by way of promotion, the percentage of reservation shall be equal to the percentage as on the 1st day of April 1975, of the employees belonging to the Scheduled Castes or Schedule Tribes, as the case may be, in the lower grade from which the promotion is to be made so, however, that it shall not exceed the percentage of the persons belonging to the Scheduled Castes or the Scheduled Tribes in the total population of the State.

Explanation—The expression “ population ” means the population as ascertained at the last Census for which the relevant figures have been published.

Model roster 5. (1) The State Government shall prescribe model rosters indicating the number of vacancies to be reserved for the Scheduled Castes and the Scheduled Tribes and the number to be left unreserved.

(2) The appointing authorities shall maintain rosters in the prescribed form.

(3) The rosters shall be consulted for ascertaining the number of reserved vacancies but the appointments shall be made in accordance with the order of precedence as shown in the select list.

Exchange of reservation between the Scheduled Castes and Scheduled Tribes.

6. The reserved vacancies in appointments shall be exchanged between the Scheduled Castes and Scheduled Tribes in the event of non-availability of candidates from the respective communities, but vacancies reserved for a particular community shall continue to be reserved for that community only for two recruitment years and if candidates are not available for appointment in particular reserved vacancies in the third year, the vacancy so filled by exchange shall be treated as reserved for the candidates of that particular community who are actually appointed.

Carry-forward of reservation and de-reservation.

7. If, in any recruitment year, the number of candidates either from Scheduled Castes or Scheduled Tribes is less than the number of vacancies reserved for them even after exchange of reservation between the Scheduled Castes and Scheduled Tribes, the remaining vacancies may be filled up by general candidates after de-reserving the vacancies in the prescribed manner, but the vacancies so de-reserved may be carried forward to subsequent three years of recruitment :

Provided that in the years following the recruitment year the normal reserved vacancies together with the vacancies carried forward shall not exceed fifty per cent of the total number of vacancies of the year in which recruitment is made and the excess over fifty per cent of the reserved vacancies shall be carried forward to subsequent years of recruitment.

(Secs. 8-9)

8. For initial appointment—

Relaxation
and Con-
cessions.

- (a) the upper age-limit prescribed for recruitment shall be increased by five years ;
- (b) fees prescribed for admission into any competitive examination or interview for recruitment shall be reduced to one-fourth;
- (c) the Scheduled Caste and the Scheduled Tribe candidates shall be paid travelling allowance to attend competitive recruitment examination or interview at such rate as may be prescribed.

9. (1) For recruitment through Employment Exchange, in the requisition sent to the Exchange, the number of vacancies reserved for Scheduled Castes and Scheduled Tribes shall be specified against the total number of vacancies.

Manner of
initial re-
cruitment.

(2) For recruitment made through the Orissa Public Service Commission or any Selection Board on the basis of competitive examination or interview, the advertisement shall specify the number of vacancies reserved for Scheduled Castes and Scheduled Tribes against the total number of vacancies.

(3) The Scheduled Caste and Scheduled Tribe candidates shall be recruited to the extent of the reserved vacancies if they possess the minimum qualifications required for the posts or services.

(4) If the required number of Scheduled Caste and Scheduled Tribe candidates are not available for filling up the reserved vacancies, a fresh recruitment may be made only from candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, for filling up the remaining reserved vacancies.

(5) If after holding such fresh recruitment candidates belonging to the Scheduled Castes or the Scheduled Tribes are still not available or if the number of such candidates is less than the number of reserved vacancies, the vacancies which remain unfilled shall be filled up by general candidates in accordance with the procedure laid down in sections 6 and 7.

Promotion based on seniority-cum-fitness.

10. (1) Where promotion is to be made on the basis of seniority subject to fitness, the Scheduled Caste and Scheduled Tribe officers shall be promoted to the next higher post or grade against reserved vacancies provided they possess the minimum qualifications and experience required for such promotion.

(2) The number of reserved vacancies shall be determined on the basis of the reserved points shown in the roster maintained under section 5.

Promotion based on selection.

11. Where promotion is to be made on the basis of selection and the element of direct recruitment does not exceed fifty per cent, the procedure for filling up of the reserved vacancies shall be as may be prescribed and the number of reserved vacancies will be determined on the basis of the reserved points shown in the roster maintained under section 5.

Selection from different services.

12. Where selection is to be made from different services, the recruiting or appointing authority shall select Schedule Caste and Scheduled Tribe candidates to the extent of the reserved quota, provided such candidates satisfy the minimum conditions of suitability, qualifications and experience laid down in respect of the posts concerned.

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

13. (1) Every appointing authority shall furnish to the Government in the prescribed manner an annual report on appointments by the end of the month of July of the succeeding financial year and maintain such other records as may be prescribed.

(2) Any officer authorised by the State Government in that behalf may inspect any record or documents and require the appointing authority to produce the roster and other records relating to appointments made by him which are maintained in his office.

(3) It shall be the duty of the appointing authority to produce such records and documents, furnish such information and afford all such assistance and facilities as may be necessary for the aforesaid purpose.

of Liaison Officer.

14. In each Department of the Government, an officer not below the rank of an Under Secretary authorised by the Secretary of the Department in that behalf shall act as Liaison Officer in respect of the matters provided in this Act who shall be specially responsible for—

(a) ensuring proper implementation of the

(Sec. 15)

provisions of this Act and the rules made thereunder ;

- (b) ensuring compliance by the subordinate authorities ;
- (c) ensuring timely submission of returns ;
- (d) conducting annual inspection of rosters and such other records as may be prescribed ;
- (e) acting as Liaison Officer between the Administrative Department and the Tribal & Rural Welfare Department ; and
- (f) ensuring necessary assistance to the Tribal & Rural Welfare Department and the Commissioner for Scheduled Castes and Scheduled Tribes in the investigation of complaints received from organisations or individuals belonging to the Scheduled Castes and Scheduled Tribes.

15. There shall be a Standing Committee consisting of the following members, namely:—

Constitution
of Standing
Committee.

- | | |
|---|------------------|
| (a) Minister, Tribal & Rural Welfare. | Chairman |
| (b) Five members of the Orissa Legislative Assembly to be elected in such manner as may be determined by the Speaker. | Members |
| (c) Chief Secretary to Government. | Member |
| (d) Secretary to Government, Home Department. | Member |
| (e) Secretary to Government, Tribal & Rural Welfare Department : | 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 they deem fit.

(Secs. 16—19)

Functions of
the Standing
Committee.

16. The Standing Committee shall perform the following functions, namely:—

- (a) review of the implementation of the provisions of this Act and the rules made thereunder, as far as possible, twice a year ;
- (b) suggesting measures for the removal of difficulties in such implementation or for the improvement thereof ; and
- (c) such other functions as the State Government may, from time to time, assign to the Committee.

Annual
report.

17. The State Government shall prepare an annual report on the working of this Act and lay the same before the Legislative Assembly for a period of not less than fifteen days in the Budget Session of the succeeding financial year.

Rule making
power.

18. (1) The State Government may, after previous publication, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, they may make rules in respect of all matters expressly required or allowed by this Act to be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions and, if during the said period, the State Legislature makes modifications, if any, therein the rules shall thereafter have effect only in such modified form, so, however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.

Overriding
effect of the
Act.

19. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law or in any rule, order or resolution made by the State Government.

*For Rules see Notification No. 19712-Emp. (i) 57/76-T. R. W. dated the 18th June 1976 Published in *Orissa Gazette* - Extraordinary dated the 23rd June, 1976 (No. 1032).

ORISSA ACT 18 OF 1988

THE ORISSA RESERVATION OF VACANCIES IN POSTS AND SERVICES (FOR SCHEDULED CASTES AND SCHEDULED TRIBES) AMENDMENT ACT, 1988

[Received the assent of the Governor on the 8th December 1988 first published in an extraordinary issue of the Orissa Gazette, dated the 17th December 1988]

AN ACT FURTHER TO AMEND THE ORISSA RESERVATION OF VACANCIES IN POSTS AND SERVICES (FOR SCHEDULED CASTES AND SCHEDULED TRIBES) ACT, 1975.

Be it enacted by the Legislature of the State of Orissa in the Thirty-nine Year of the Republic of India, as follows:-

Short title	1. This Act may be called the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Amendment Act, 1988.	
Omission of section 11.	2. In the Orissa reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 (hereinafter referred to as the principal Act), section 11 shall be omitted.	Orissa Act 38 of 1975.
Amendment of section 13.	3. In the principal Act, in sub-section (1) of section 13, for the words “July of the succeeding financial year”, the words “April of the succeeding calendar year” shall be substituted.	
Amendment of section 14 and 15..	4. In the principal Act, in clauses (e) and (f) of section 14 and clauses (a) and (e) of section 15, for the words “Tribal and Rural Welfare”, the words “Harijan and Tribal Welfare” shall be substituted.	
Amendment of section 17.	5. In the principal Act, in section 17, for the words “Budget Session of the succeeding financial year”, the words “succeeding calendar year” shall be substituted.	

ORISSA ACT 11 OF 1992

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

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title
2. Amendment of section 6
3. Amendment of section 7

ORISSA ACT 11 OF 1992

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

[Received the assent of the Governor on the 4th February 1992, first published in an extraordinary issue of the Orissa Gazette, dated the 12th February 1992]

AN ACT FURTHER TO AMEND THE ORISSA RESERVATION OF VACANCIES IN POSTS AND SERVICES (FOR SCHEDULED CASTES AND SCHEDULED TRIBES) ACT, 1975.

Be it enacted by the Legislature of the State of Orissa in the Forty-second Year of the Republic of India as follows :—

Short title

1. This Act may be called the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Amendment Act, 1991.

Amendment
of
section 6.

2. In the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975, (hereinafter referred to as the principal Act), in section 6 the following proviso shall be inserted, namely :— Orissa Act 35
of 1975.

“Provided that nothing in this section shall apply to reserved vacancies in appointments in respect of Class-III and Class IV Posts and Services.”.

Amendment
of
section 7.

3. In the principal Act, in section 7, after the Second proviso the following proviso shall be inserted, namely :—

“Provided also that nothing in this Section shall apply to the vacancies reserved in respect of Class-III and Class IV posts. If candidates are not available for filling up such reserved vacancies these remaining vacancies shall be filled up by holding fresh recruitment only from candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, and sub-section (5) of Section 9 shall not apply to such vacancies.”.

*For the Bill, see *Orissa Gazette, Extraordinary*, dated the 16th December 1991 (No. 1511)

ORISSA ACT 6 OF 1993

***THE ORISSA RESERVATION OF VACANCIES IN POSTS AND SERVICES
(FOR SCHEDULED CASTES AND SCHEDULED TRIBES) AMENDMENT
ACT, 1993**

[Received the assent of the Governor on the 23rd March 1994, first published in an extraordinary issue of the *Orissa Gazette*, dated the 29th March 1993].

AN ACT FURTHER TO AMEND THE ORISSA RESERVATION OF VACANCIES IN POSTS AND SERVICES (FOR SCHEDULED CASTES AND SCHEDULED TRIBES) ACT, 1975;

BE it enacted by the legislature of the State of Orissa in the Forty-fourth Year of the Republic of India as follows :—

- | | |
|-------------------------------|---|
| Short title and commencement. | 1. (1) This Act may be called the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Amendment Act, 1993. |
| | (2) It shall be deemed to have come into force on the 8th day of March 1988. |
| Amendment of Section 3. | 2. In the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975, in Section 3 after clause (i), the following clause shall be inserted, namely :— |
| | “(i) a post which is single in any grade or cadre.” |

Orissa Act 38 of 1975.

*For S. C. Report, See *Orissa Gazette*, Extraordinary, dated the 16th February 1993 (No. 245).

ORISSA ACT 15 OF 1993

**THE ORISSA RESERVATION OF VACANCIES IN POSTS AND SERVICES
(FOR SCHEDULED CASTES AND SCHEDULED TRIBES)
SECOND AMENDMENT ACT, 1993**

TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title.
2. Amendment of section 4.
3. Amendment of section 12-B.
4. Amendment of section 13.
5. Insertion of new section 13-A.

ORISSA ACT 15 OF 1993

***THE ORISSA RESERVATION OF VACANCIES IN POSTS AND SERVICES
(FOR SCHEDULED CASTES AND SCHEDULED TRIBES
SECOND AMENDMENT ACT, 1993**

[Received the assent of the Governor on the 13th August 1993, first published in an extraordinary issue of the *Orissa Gazette*, dated the 20th August 1993].

**AN ACT FURTHER TO AMEND THE ORISSA RESERVATION OF VACANCIES IN POSTS
AND SERVICES (FOR SCHEDULED CASTES AND SCHEDULED TRIBES)
ACT, 1975.**

BE it enacted by the Legislature of the State of Orissa in the Forty-fourth Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Second Amendment Act, 1993.
- Amendment of section 4. 2. In section 4 of the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:—
- “(3) Notwithstanding anything contained in this section, one-third of the vacancies in Class-II, Class-III (including those specially declared to be Gazetted) and Class-IV, Services and Posts, reserved for the Scheduled Castes and the Scheduled Tribes in a year, which are required to be filled up by direct recruitment, shall be reserved for women belonging to the respective communities and, in the event of non-availability or availability of insufficient number of eligible woman candidates belonging to any particular community, the vacancies or, as the case may be, the remaining vacancies shall be filled up by male candidates of that community.”.
- Amendment of section 12-B. 3. In section 12-B of the principal Act, for the words “one thousand rupees”, the words “five thousand rupees” shall be substituted.
- Amendment of section 13. 4. In section 13 of the principal Act, in sub-section (2), after the words “in that behalf”, the brackets and words “(hereinafter referred to as the Inspecting Officer shall be inserted.
- Insertion of new section 13-A. 5. After section 13 of the principal Act, the following section shall be inserted namely—
- “13-A. (1) It shall be the duty of every Inspecting Officer to institute prosecution against an appointing authority who is found during his inspection under sub-section (2) of section 13 to have made any appointment in violation of this Act and Rules made thereunder, subject to the previous sanction of an authority who is one level above the said appointing authority and to whom such appointing authority is subordinate.
- (2) The authority competent to accord sanction under sub-section (1) may, on receipt of a reference for such sanction from the Inspecting Officer, either accord such sanction or refuse it if he so considers appropriate for reasons to be recorded in writing and shall, in every case of such reference, communicate his decision to the Inspecting Officer concerned within thirty days from the date of receipt of the reference.
- (3) Nothing in this section shall be construed to prevent any person from making a complaint to any Court alleging the commission of an offence under section 12-B.”.