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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.

Tripura Act No. 5 of 1991

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

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) [2] Act, 1991" to bring it in conformity with the various court rulings;]

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

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** [1]

Scheduled Tribes Reservation Act, 1991]

(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 [2] **owned or aided by the State Government;]**

(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 Septemvber,1992 published in the Tripura Gazette, Extraordinary issue dated the 2nd October,1992.

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

[(i) the State; or]

(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) "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 ;
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 ;]

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

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(……)

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 [5] increase of percentage 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 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** [6] **undergoing any kind of training]**

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.

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[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.

[4] (….) [3] Reservation for(….)

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 - 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 [1] for such records and take such decision thereon as it may deem fit;]

1.Inserted by the 2nd Amendment Act,2005

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[(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) [1] shall be final and binding on all concerned]

[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

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[(3) Whoever violates the provisions of Section 7 shall, on conviction, be punished with imprisonment and fine as provided under Sub-Section (1)(a) above;

(4) Whoever, not being a person belonging to the Scheduled Castes or Scheduled Tribes, obtains or has obtained a community certificate in his favour from the competent authority by –

(a) furnishing false information; or

(b) giving false statement or declaration / misrepresenting facts or] [1]

[(c) adopting any other fraudulent means:

shall, on conviction, be punishable with rigorous imprisonment for a term which may extend to five years and also with fine which may extend to rupees ten thousand;

Provided that any plea of the accused that the competent authority was satisfied after inquiry to issue in his favour the community certificate in question shall not be a defence;

(5) Whoever, not being a person belonging to the Scheduled Caste or Scheduled Tribe, gets elected to any elective office reserved for the Scheduled Castes or the Scheduled Tribes on the basis of a false community certificate, shall on conviction, be punishable with rigorous imprisonment for a term which may extend to five years and also with fine which may extend to rupees ten thousand. Election of such person to the elective office in question shall also be void and the person concerned shall be deemed to have been debarred from contesting any election for a period of six years from the date of such conviction;

(6) Whoever, not being a person belonging to the Scheduled Tribes, secures or has secured any benefit or protection available only to Scheduled Tribes under any rules, regulations or notification made under the Sixth Schedule of the Constitution of India or any other law for the time being in force in the Sixth Schedule area shall, on conviction, be punishable with imprisonment and fine as provided in Sub –Section (4) above;

(7) Any person or authority, who, while performing the functions of a competent authority under this Act or the rules made there-under, intentionally or with full knowledge that a person applying for issue of Scheduled Caste or Scheduled Tribe certificate does not actually belong to the Scheduled Castes or Scheduled Tribes, issues in favour of such person a community certificate 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

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[(8) Whoever intentionally gives any false report, information or evidence before any competent authority under this Act or rules made there-under with full knowledge that a person claiming himself to be a member of the Scheduled Castes or Scheduled Tribes does not actually belong to the Scheduled Castes or Scheduled Tribes, shall be punishable with imprisonment and fine as provided under Sub-Section (1) (a) above;] [1]

[(9) Where no express provision for punishment of a person for contravention of any provision of this Act has been made, the person contravening any such provision of this

Act shall be punishable with imprisonment and fine as provided under sub-Section (1)(a) above;

(10) Whoever abets any offence punishable under this Act or the rules made there-under shall, on conviction, be punishable with imprisonment and fine as provided for that offence;

(11) (a) Notwithstanding anything contained in any other law or service rules, whoever, not being a person belonging to the Scheduled Castes or the Scheduled Tribes, secures or has secured any appointment to any service or post on the basis of false certificate in any establishment under the State shall, on cancellation of the community certificate, be forthwith terminated from the service or post;

(b) Whoever not being a person belonging to the Scheduled Castes or the Scheduled Tribes secures or has secured any admission or selection for admission to any educational institution for any study or training against a seat reserved for the Scheduled Castes or the Scheduled Tribes or enjoys any benefit or concession of the Scheduled Castes or the Scheduled Tribes shall, on cancellation of his community certificate, be forthwith debarred from the educational institution and any other benefit or concession being enjoyed by him as aforesaid shall forthwith be withdrawn. Any amount paid to such person by way of stipend, scholarship, grant, allowance, educational loan etc. on the basis of the false community certificate shall also be recovered from him as arrears of land revenue;

(c) Any degree or diploma or any other educational qualification acquired by such person on the basis of a false community certificate, shall, on cancellation of the false community certificate obtained by him, also stand cancelled;] [1]

1. Inserted by the 2nd Amendment Act,2005

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[9. Power to try offences summarily:

Notwithstanding anything contained in the Code of Criminal Procedure, 1973(Act No. 2 of 1974) every offence punishable under this Act and the rules made there-under may be tried summarily by a Magistrate of the first class.] [1]

10. Offences to be cognizable:

Notwithstanding any thing contained in the Code of Criminal Procedure, 1973,(Act No. 2 of 1974) all offences under this Act and the rules made there under shall be cognizable and non-bailable.

11. Onus of Proof:

When in any proceeding under this Act or the rules made there under the question is whether a person belongs to the Scheduled Caste or Scheduled Tribe, the onus of proof shall be on the person who claims himself to be member of the Scheduled Castes or the Scheduled Tribes, as the case may be.

12. Bar of jurisdiction of Courts:

(1) No order passed or proceedings taken by any officer or authority under this Act or the rules made there-under shall be called in question in any court of law lower than the court of the District Session Judge.

(2) No Civil Court shall entertain or continue any suit or proceeding or shall pass any decree or order or execute wholly or partially any decree or order, if the claim involved in such suit or proceeding or if the passing of such decree or order

or if such execution would, in any way, be contrary to any of the provisions of this Act or the rules made there-under.] [1]

[2]

[13] Cognizance of Offences.

No prosecution for an offence under this Act shall be instituted except by or with the sanction of the State Government.

1. Inserted by the 2nd Amendment Act,2005

2 .Substituted for **"(8)"** by the 2nd Amendment Act,2005

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[1] [2]

[**14]**

[**Indemnity for acts done in good faith]**

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

[3]

[15] Power to remove difficulties –

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty ;

Provided that no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Tripura Legislative Assembly.

[16. Act to override other laws

Save as expressly provided in this Act, the provisions of this Act and the rules made there-under shall have effect notwithstanding anything inconsistent therewith contained in any other law, rules, regulations or orders for the time being in force or [4]

any decree or order of any Court or other authority]

[5]

(…..)

[6]

[17.] Power to make rules.

(1) The State Government may make rules for carrying out the purposes of this Act.

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

(a) The form in which every establishment shall submit annual report to the State Government regarding the number of persons recruited in such establishment.

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1. Substituted for **"(9)"** by the 2nd Amendment Act,2005

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

3. Substituted for **"(10)"**by the 2nd Amendment Act,2005 4.

Inserted by the 2nd Amendment Act,2005

5. Deleted **"(11)"** by the 2nd Amendment Act,2005

6. Substituted for **"(12)"**by the 2nd Amendment Act,2005

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(b) Any other matter which has to be or may be prescribed by rules made in this behalf.

(3) In making any rule the State Government may direct that a breach thereof shall be punishable **[with imprisonment which may extend to five years and also with fine which may extend to rupees ten thousand.]**[1]

(4) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid for the session aforesaid the Legislative Assembly makes any modification in the rule or decides that the rule shall not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

1.Substituted for “with fine which may extend to five thousand rupees” by the 2nd Amendment Act,2005.

THE SCHEDULE
(See section 4 and 5)

1. **The reservation for the Scheduled Castes and the Scheduled Tribes in the services or posts both in case of direct recruitment and promotion in an establishment shall be given effect to in accordance with two rosters, namely- the HUNDRED POINT ROSTER as shown in table (a) below and the REPLACEMENT ROSTER as shown in table (b) below:-**

(a) THE HUNDRED-POINT ROSTER:

Roster Point No.	Meant for	Roster Point No.	Meant for
1	Unreserved	30	Unreserved
2	Scheduled Tribe	31	Scheduled Tribe
3	Unreserved	32	Unreserved
4	Scheduled Caste	33	Scheduled Caste
5	Unreserved	34	Unreserved
6	Scheduled Tribe	35	Scheduled Tribe
7	Unreserved	36	Unreserved
8	Scheduled Tribe	37	Scheduled Tribe
9	Unreserved	38	Unreserved
10	Scheduled Caste	39	Scheduled Caste
11	Unreserved	40	Unreserved
12	Scheduled Tribe	41	Scheduled Tribe
13	Unreserved	42	Unreserved
14	Scheduled Caste	43	Scheduled Tribe
15	Unreserved	44	Unreserved
16	Scheduled Tribe	45	Scheduled Caste
17	Unreserved	46	Unreserved
18	Scheduled Tribe	47	Scheduled Tribe
19	Unreserved	48	Unreserved
20	Scheduled Caste	49	Scheduled Caste
21	Unreserved	50	Unreserved
22	Scheduled Tribe	51	Unreserved
23	Unreserved	52	Scheduled Tribe
24	Scheduled Tribe	53	Unreserved
25	Unreserved	54	Scheduled Tribe
26	Unreserved	55	Unreserved
27	Scheduled Caste	56	Scheduled Caste
28	Unreserved	57	Unreserved
29	Scheduled Tribe	58	Scheduled Tribe

59	Unreserved	80	Unreserved
60	Scheduled Tribe	81	Scheduled Caste
61	Unreserved	82	Unreserved
62	Scheduled Caste	83	Scheduled Tribe
63	Unreserved	84	Unreserved
64	Scheduled Tribe	85	Scheduled Caste
65	Unreserved	86	Unreserved
66	Scheduled Tribe	87	Scheduled Tribe
67	Unreserved	88	Unreserved
68	Scheduled Caste	89	Scheduled Tribe
69	Unreserved	90	Unreserved
70	Scheduled Tribe	91	Scheduled Caste
71	Unreserved	92	Unreserved
72	Scheduled Tribe	93	Scheduled Tribe

73	Unreserved	94	Unreserved
74	Scheduled Caste	95	Scheduled Tribe
75	Unreserved	96	Unreserved
76	Unreserved	97	Scheduled Caste
77	Scheduled Tribe	98	Unreserved
78	Unreserved	99	Scheduled Tribe
79	Scheduled Tribe	100	Unreserved

(b) THE REPLACEMENT ROSTER:

Roster for Direct Recruitment/Promotion for a Cadre Strength up to 3 posts.

Cadre Strength	Initial Recruitment	To be replaced by
1.	UR	UR
2.	ST	SC
3.	UR	UR

Note: For a cadre strength up to 3 posts, post No. 1 and 3 are unreserved and post No. 2 is reserved for the Scheduled Tribes. Post No. 1 and 3 are earmarked as unreserved and these points would continue to be treated as unreserved for the replacement purpose. Post No. 2 shall initially be filled by a Scheduled Tribe candidate and the next replacement shall be made by a Scheduled Caste candidate. All other subsequent replacements shall be made by rotation between the Scheduled Castes and the Scheduled Tribes candidates.

2. The above-mentioned two rosters are post-based rosters to determine the entitlement of the reserved category of persons to the quota reserved for them. The roster is not to determine seniority.

3. There shall be separate roster for direct recruitment and for promotion.

4. Any higher Grade in any service or post which has the element of selection and rejection on the basis of seniority-cum-merit or merit-cum-seniority shall constitute promotion.

5.` Within each category of service or post roster shall be maintained separately for (i) permanent appointment and temporary appointment likely to continue indefinitely, (ii) ad-hoc appointment or entrustment, in any form or manner to an officer of lower rank, of the charge and powers of a higher post, and (iii) contingent appointment.

6. Where the number of posts in any service or cadre permits reservation to be made for all the reserved categories, the 100-point roster as shown at para-1(a) above shall be applicable and where the number of posts in any service or cadre is too small to permit reservation to be made for all the reserved categories, the replacement roster as shown at para-1(b) above shall be applicable.

7. The rosters are to be operated on the principle of replacement and not as a running account as hitherto done.

8. At the time of initial operation of the roster the actual percentage of representation of the reserved categories in any service or post shall be determined afresh and if the total representation of any particular reserved category exceeds the prescribed percentage or if the total representation of all the reserved categories exceeds 50%, the excess shall be adjusted in future recruitments and the existing incumbents shall not be disturbed.

9. For the purpose of calculation of the representation of the reserved category of persons in any service or post the total number of direct recruits and promotes in the services or posts shall be taken into account.

10. If, for want of any reserved category of person or for any other reason, any reserved post cannot be filled in any recruitment year, the roster point shall be kept vacant till the post is filled by a person of appropriate reserved category.

Provided that in case of non-availability of Scheduled Caste/Scheduled Tribe candidate(s) unfilled reserved post(s) may be filled by exchange between

Scheduled Tribes and Scheduled Castes according to the procedure prescribed.

11. A reserved post may be filled by a person of un-reserved category only when the reserved post is de-reserved according to the procedure prescribed.

12. The back-log of reserved posts is to be determined afresh on the basis of the post- based rosters mentioned above.

13. Isolated individual posts and small cadres may be grouped together with the posts of the same class for the purpose of reservation taking into account the status, salary and qualifications prescribed for the posts in question.

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 50th post shall be reserved for UR Ex-Serviceman and the. 99th roster point reserved for ST category, the immediate post before the 100th post shall be reserved for ST Ex-servicemen. In the next cycle the 50th roster point shall be reserved for UR Ex-servicemen and the 97th roster point shall be reserved for SC category, the immediate post before the 100th 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 500th 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 sixth reserved post for Ex-serviceman shall be for ST category, the seventh reserved post for Ex-serviceman shall be for UR category, the eight 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:

Reservation position	*Category-wise Reservation Roster Point*
1st reserved post for Ex-servicemen (50th post)	*50th roster point unreserved post shall be reserved UR Ex serviceman.*
2nd reserved post for Ex-servicemen (99th post)	*99th roster point reserved for ST category, the immediate post before 100th post, shall be reserved for ST Ex serviceman*
3rd reserved post for Ex-servicemen (150th post)	*150th roster point unreserved post shall be reserved UR Ex serviceman.*
4th reserved post for Ex-servicemen (197th post)	*197th roster point reserved for SC category, the immediate post before 200th post, shall be reserved for SC Ex serviceman*
5th reserved post for Ex-servicemen (250th post)	*250th roster point unreserved post shall be reserved UR Ex serviceman.*
6th reserved post for Ex-servicemen (299th post)	*299th roster point reserved for ST category, the immediate post before 300th post, shall be reserved for ST Ex serviceman*
7th reserved post for Ex-servicemen (350th post)	*350th roster point unreserved post shall be reserved UR Ex serviceman.*
8th reserved post for Ex-servicemen (399th post)	*399th roster point reserved for ST category, the immediate post before 400th post, shall be reserved for ST Ex serviceman*
9th reserved post for Ex-servicemen (450thpost)	*450th roster point unreserved post shall be reserved UR Ex serviceman.*
10th reserved post for Ex-servicemen (497th post)	*497th roster point reserved for SC category, the immediate post before 500th post, shall be reserved for SC Ex serviceman*

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.".

15. * deleted.

16. *deleted.

* vide Third Amendment Act, 2018 issued vide Notification No.F.8(15)-Law/Leg-I/2018/20122 dated 20th December, 2018 published in the Extraordinary Issue of Tripura Gazette on 20th December, 2018.

Para-14 (i) (ii) & (iii) inserted by 4th Amendment, 2020 vide Notification No.F.8(24)Law/Leg-I/2020 dated 27th October, 2020 published in the Extraordinary Issue of Tripura Gazette on 2nd November, 2020.