

**Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit
Jan Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan)
Adhiniyam, 1994**

21 of 1994

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An Act to provide for the reservation of vacancies in public services and posts in favour of the persons belonging to the Scheduled Castes, Scheduled Tribes and other Backward Classes of citizens and for matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Forty-fifth Year of the Republic of India as follows :-- 1. Received the assent of the

Governor on 3-6-1994; assent first published in the Madhya Pradesh Gazette (Extraordinary), dated 8-6-1994.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon ke Liye Arakshan) Adhiniyam, 1994.

(2) It extends to the whole of Madhya Pradesh.

(3) It shall come into force on such date¹ as the State Government may, by notification, appoint.

1. Enforced on 1st July, 1994 vide Notfn. No. 6-25-1994-1-RC, dated 29-6-1994, published in the M.P. Rajpatra (Extraordinary), dated 29-6-1994 at p. 641.

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;

1[(b) "Establishment" means any office of the State Government or of a local authority or statutory authority constituted under any Act of the State for the time being in force, or a University or a company, corporation or a co-operative society in which not less than fifty-one percent of the paid up share capital is held by the State Government or the institutions receiving grant-in-aid or any cash grant from the State Government and includes a work charge or contingency paid establishments and such establishments in which casual appointments are made but does not include the establishments covered under Article 30 of the Constitution;]

"(b) "Establishment" means any office of State Government or of a local authority or statutory authority constituted under any Act of the State for the time being in force, or a University or a Company, Corporation or a Co-operative Society in which not less than fifty one percent of the paid up share capital is held by the State Government, and includes a work charge or contingency paid establishment."

(c) "Reservation" means reservation of posts in the services for the members of Scheduled Castes, the Scheduled Tribes and other Backward Classes;

(d) "Scheduled Castes" means any caste, race or tribe or part of, or group within caste, race or tribe specified as Scheduled Castes with

respect to the State of Madhya Pradesh under Article 341 of the Constitution;

(e) "Scheduled Tribes" means any tribe or tribal community or part of, or group within such tribe or tribal community specified as Scheduled Tribes with respect to the State of Madhya Pradesh under Article 342 of the Constitution;

(f) "Public Services and Posts" means the services and posts in any office of the establishment;

(g) "Other Backward Classes" means the other Backward Classes of citizens as specified by the State Government vide Notification No. F. 85-XXV-4-84, dated the 26th December, 1984 as amended from time to time;

(h) "Recruitment Year" in relation to a vacancy means a period of twelve months commencing on the first of January of a year within which the process of direct recruitment against such vacancy is initiated.

1. substituted by M.P. Act No. 10 of 2002 (w.e.f. 13-5-2002). Prior to substitution it read as under:

3. Application Of The Act :-

This Act shall apply to the establishment as defined in this Act but shall not apply to the following employments :--

(1) any employments under the Government of India;

(2) 1[x x x]

(3) Posts to be filled by transfer or by deputation;

(4) 1[x x x]

(5) Appointments made to the Madhya Pradesh High Judicial Service.

1. Items (2) and (4), Omitted by M.P. Act No. 10 of 2002 (w.e.f. 13-5-2002). Prior to amendment they were as under:

4. Fixation Of Percentage For Reservation Of Posts And Standard Of Evaluation :-

1[(1) Unless otherwise provided by or under this Act, the posts reserved for the members of Scheduled Castes or Scheduled Tribes or other Backward Classes shall not be filled by the members who do not belong to such castes or tribes or classes, as the case may be.

(2) Subject to other provisions of this Act there shall be reserved for the

"(2) Compassionate appointment made on account of the death of

Government servants or otherwise in accordance with general orders of the Government. (4) Casual appointment." persons belonging to the Scheduled Castes, Scheduled Tribes and other Backward Classes, at the stage of direct recruitment in public services and posts.

2[(i) at the State level, the following percentage of vacancies arising in a recruitment year, in Classes I, II, III and IV posts--

(a) In Class I and Class II posts--

Scheduled Castes 16 percent

Scheduled Tribes 20 percent

Other Backward Classes 14 percent

(b) Class III and Class IV posts--

Scheduled Castes 16 percent

Scheduled Tribes 20 percent

Other Backward Classes

5. Responsibility And Powers For Compliance Of The Act :-

(1) The State Government may, by order, entrust the appointing authority or any officer or employee with the responsibility of ensuring the compliance of the provisions of this Act.

(2) The State Government may, in the like manner, invest the appointing authority or officer or employee referred to in sub-section (1) with such powers or authority as may be necessary for effectively discharging the responsibility entrusted to him under sub-section (1).

6. Penalty :-

1[(1) Any appointing authority entrusted with the responsibility under sub-section (1) of Section 5, who wilfully acts in a manner intended to contravene or defeat the purposes of this Act, or endorses a false certificate in terms of Section 14-A, such act of the appointing authority shall be deemed to be misconduct under the conduct or service rules applicable to him and for such misconduct be liable for disciplinary proceedings under the said rules as well as for prosecution by a Court of competent jurisdiction and shall on conviction be punishable with imprisonment which may extend to one year or with fine which may extend to two thousand rupees or with both.]

(2) No Court shall take cognizance of an offence under this section except with the previous sanction of the State Government.

1. substituted by M.P. Act No. 10 of 2002 (w.e.f. 13-5-2002). Prior

to substitution it read as under:

"6. Penalty.- (1) Any appointing authority or officer or employee interested with the responsibility under sub-section (1) of Section 5 who wilfully acts in a manner intended to contravene or defeat the purpose of this Act shall on conviction, be punishable with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both."

7. Power Of Call For Record :-

If it comes to the notice of the State Government that any person belonging to any of the categories mentioned in sub-section (2) of Section 4 has been adversely affected on account of non-compliance of the provisions of this Act or the rules made thereunder or the Government orders in this behalf by the appointing authority, it may call for records of the appointing authority and take such action as it may consider necessary.

8. Representation In Selection Committee :-

1[The State Government may, by order, provide for nomination of officers belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes in the selection/screening or promotion committee by whatever name called, to such extent and in such manner as it may consider necessary where such committee is constituted either under the service rules or otherwise for the purpose of selecting persons for appointment or promotion to any public service or post.]

1. Substituted By M.P. Act No. 10 of 2002 (w.e.f. 13-5-2002). Prior to substitution it read as under:

"8. Representation in Selection Committee. -- The State Government may, by order, provide for nomination of officers belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes in the Selection/Screening or Promotion Committee by whatever name may called, to such extent and in such manner as it may consider necessary where such committee is constituted either under the service rules or otherwise for the purpose of selecting persons for appointment or promotion to public service or post."

9. Concession And Relaxation :-

(1) The State Government may, by order, grant such concessions in

respect of fees for any competitive examination or interview and relaxation in upper age limit, as it may consider necessary in favour of the categories of persons mentioned in sub-section (2) of Section 4.

(2) The Government orders in force on the date of the commencement of this Act, in respect of concessions and relaxations, including concession in fees for any competitive examination or interview and relaxation in upper age limit and those relating to reservation in direct recruitment and promotion, in favour of categories of persons referred to in sub-section (1), which are not inconsistent with the provisions of this Act shall continue to be applicable till they are modified or revoked, as the case may be.

10. Caste Certificate :-

For the purposes of reservation provided under this Act, the caste certificate shall be issued by such authority or officer and in such manner and form as the State Government may, by order provide and till such provision is made, the orders in force on the date of commencement of this Act shall continue to be applicable.

11. Removal Of Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provision not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty.

12. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceedings shall lie against the State Government or any person for anything which is in good faith done or intended to be done, in pursuance of this Act or the rules made thereunder.

13. Power To Make Rules :-

The State Government may, make rules for carrying out the purposes of this Act.

14. Irregular Appointments Voidable :-

All appointments made, in contravention of the provisions of the Act after the commencement of this Act shall be voidable.

14A. Certification By The Appointing Authority :-

1[Every appointing authority shall endorse on the appointment order to be issued by him, a certificate to the effect that he has complied with the provisions of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) and the instructions issued in the light of the provisions of the Act by the State Government and that he has full cognizance of the provisions of sub-section (1) of Section 6 of the said Act.]

1. Inserted by M.P. Act No. 10 of 2002 (w.e.f. 13-5-2002).

15. Half Yearly Report Of Appointments :-

A half yearly report of the appointments made by every department of the State Government and by every appointing authority or establishment subordinate to it shall be submitted to the State Government in the General Administration Department in such form and in such manner as may be prescribed for the period from January to June in the month of August and from July to December in the month of February every year and the relevant records connected therewith shall be maintained in such manner as may be prescribed.

(2) Any officer authorised by the State Government in this behalf may examine such records or may call for the records and rosters pertaining to the appointments from the appointing authority.

(3) It shall be duty of the appointing authority to make available such records or documents, information, assistance and services as may be required for the above purposes, whenever demand is made for the same.

16. Liaison Officer :-

All departments of the State Government shall nominate an officer not below the rank of Class I Officer to work as Liaison Officer in connection with the implementation of the provisions of this Act in every establishment and the Liaison Officer so appointed shall exercise such powers and perform such duties as the State Government may, by order, specify.

17. Constitution Of Standing Committee :-

(1) There shall be constituted a Standing Committee consisting of the following members, namely:--

(1) Minister, Scheduled Caste and Scheduled Tribe Welfare or Minister, Backward Class Welfare, Madhya Pradesh. Chairman

(2) Five members of the Madhya Pradesh Legislative Assembly to be nominated by the Speaker out of which one each shall be from member belonging to Scheduled Castes, Scheduled Tribes and Backward Classes. Member

(3) Secretary incharge of the General Administration Department, Madhya Pradesh Government. Member

(4) Secretary incharge of the Scheduled Castes, Scheduled Tribes and Backward Classes Welfare Department, Madhya Pradesh Government. Member-Secretary.

(2) The Standing Committee shall be constituted by the State Government for such period as may be prescribed.

18. Functions Of The Standing Committee :-

The Standing Committee shall perform the following functions, namely :--

(a) review the implementation of the provisions of this Act and the rules made thereunder;

(b) suggest measures for the removal of difficulties in implementing the provisions of this Act and the rules made thereunder;

(c) such other functions as the State Government may, from time to time, assign to the Committee.

19. Annual Report :-

The State Government shall prepare an annual report on the working of this Act and lay the same before the Legislative Assembly.

20. Laying Of Order Etc :-

All rules, notifications and orders made under the provisions of this Act, shall be laid down as soon as may be, before the Legislative Assembly.

21. Saving :-

The provisions of this Act shall be in addition to and not, save as expressly provided in this Act, in derogation of the provisions contained in any other Act for the time being in force.