

Punjab Scheduled Castes And Backward Classes (Reservation In Services) Act, 2006

[05 October 2006]

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Punjab Scheduled Castes And Backward Classes (Reservation In Services) Act, 2006

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AN ACT

to provide for reservation in services for the members of Scheduled Castes and Backward Classes and for the matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Punjab in the Fifty-seventh Year of the Republic of India as follows :-

1. Short title and commencement :-

(1) This Act may be called the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006.

(2) It shall come into force at once.

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) "appointment" means an appointment made by direct recruitment, by promotion or by transfer of a person already in service of the Government of India or a State Government;
- (b) "Backward Class" means a Backward Class, declared as such by the State Government by notification in the Official Gazette from time to time ;
- (c) "establishment" means any office of the State Government, a local authority or a statutory authority constituted under any State Law for the time being in force, or a Board or Corporation in which not less than fifty one per cent of the paid up share of capital is held by the Government of the State of Punjab and includes a university or college affiliated to the university, primary and secondary schools and other educational institutions, which are owned by the State Government and also includes an establishment in public sector ;
- (d) "establishment in public sector" means any industry, trade, business or occupation owned, controlled or managed by,-
 - (i) the State Government; and
 - (ii) Government Company as defined in Section 617 of the Companies Act, 1956, in which not less than fifty-one per cent of the paid up share capital is held by the Government of the State of Punjab ;
- (e) "prescribed" means prescribed by the rules made under this Act;
- (f) "Scheduled Castes" means Scheduled Castes, notified by the President of India under Article 341 of the Constitution of India by the Constitution (Scheduled Castes) Order, 1950, as amended from time to time ;
- (g) "section" means section of this Act; and
- (h) "State Government" means Government of the State of Punjab in the Department of Welfare of Scheduled Castes and Backward Classes.

3. Act not to apply in relation to certain employments :-

This Act shall not apply to,-

- (a) any employment under the Central Government;
- (b) any employment in private sector; and
- (c) any employment in domestic service.

4. Percentage of Reservation :-

- (1) While making appointments in services by any of the methods, provided under any Service Rules, reservation shall be made for the members of the Scheduled Castes and Backward Classes in the services under all the establishments.
- (2) The percentage of reservation for filling up the vacancies by direct recruitment or by transfer in Group A, Group B, Group C and Group D services, shall be twenty-five per cent for Scheduled Castes and twelve per cent for Backward Classes.
- (3) The percentage of reservation for filling up the vacancies by promotion by Scheduled Castes in Group A and Group B services shall be fourteen per cent.
- (4) The percentage of reservation for filling up the vacancies by promotion by Scheduled Castes in Group C and Group D services shall be twenty per cent.
- (5) Fifty per cent of the vacancies of the quota reserved for Scheduled Castes in direct recruitment, shall be offered to Balmikis and Mazhbi Sikhs, if available, as a first preference from amongst the Scheduled Castes.
- (6) Reservation shall be implemented by reserving vacancies by means of a running roster, as may be prescribed till the percentages of reservation, as specified in sub-sections (2), (3) and (4), are completed.
- (7) Reservation shall be applicable to vacancies to be filled on ad hoc basis, short term vacancies, work charged establishment, daily wages staff and the staff engaged on contract basis.
- (8) Reservation shall also be applicable to proforma promotion and appointment by transfer.

5. Certificate of identification :-

- (1) A candidate, who claims to be a member of Scheduled Castes, shall support his candidature as such by a certificate of caste identification, issued under the Constitution (Scheduled Castes) Order, 1950, notified by the President of India for the State of Punjab.
- (2) A candidate, who claims to be a member of Backward Classes, shall support his candidature as such by a certificate of class identification as per the notification, issued by the State Government in this regard from time to time.

6. To implement backlog of vacancies :-

- (1) The backlog or carry forward reserved vacancies for Scheduled

Castes shall be treated as a separate class of vacancies and the ceiling of fifty per cent on filling up these reserved vacancies in succeeding year or years, shall not apply to such class of vacancies.

(2) The vacancies, referred to in sub-section (1), 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.

(3) The backlog or carried forward reserved vacancies for Scheduled Castes shall be calculated keeping in view the total number of vacancies filled up in each cadre or service.

7. De-reservation of reserved vacancy :-

(1) There shall be no de-reservation of any reserved vacancy by any appointing authority in any establishment, which is to be filled up by direct recruitment or by promotion. In case, a qualified or eligible Scheduled Castes or Backward Classes candidate, as the case may be, is not available to fill up such vacancy, in that situation, such vacancy shall remain unfilled.

(2) Notwithstanding anything contained in sub-section (1), if, in the public interest, it is deemed necessary to fill up any vacancy referred to in that sub-section, the appointing authority shall refer the vacancy to the Department of Welfare of Scheduled Castes and Backward Classes for de-reservation. Upon such reference, the Department of Welfare of Scheduled Castes and Backward Classes may, if it is satisfied that it is necessary or expedient so to do, by order in writing, de-reserve the vacancy, subject to the condition that the vacancy so de-reserved, shall be carried forward against a subsequent unreserved vacancy.

8. Penalty :-

If any officer or official is found guilty of committing any omission or commission in contravening the provisions of this Act, he shall be punishable under the provisions of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 or any other relevant service Rules.

9. Protection of Action Taken in Good Faith :-

No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of the State Government for anything, which is in good faith done or intended to be done in

pursuance of any of the provisions of this Act and the rules made thereunder.

10. 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 may appear to it, to be necessary for removing the difficulty :

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

(2) Every order made under this section, shall be laid, as soon as may be, after it is made, before the House of the State Legislature.

11. Submission of Annual Report, Maintenance of other records, Roster Register and Inspection thereon :-

(1) Every establishment shall maintain such records, roster register or documents in respect of reservation in appointment and promotions, and in such form, as may be prescribed, and shall furnish to the State Government in the prescribed manner an annual report on the appointments and promotions made by it during the previous year reckoned according to the English Calendar.

(2) Any officer, authorized by the State Government in that behalf, may inspect any records or documents, which are maintained in relation to the appointments and promotions made by any establishment.

(3) It shall be the duty of the Establishment Branch In-charge to produce such records or documents for inspection by the officer authorised under sub-section (2), and furnish such information or afford such assistance, as may be necessary for him to carry out his functions under this Act.

12. Power to make Rules :-

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

(a) to prescribe the form of running roster under sub-section (6) of

section 4;

(b) to prescribe the form in which records, roster register or documents are to be maintained under sub-section (1) of section 11 by every establishment;

(c) to prescribe the manner in which annual report on the appointments and promotions made by every establishment is to be maintained and furnished under sub-section (1) of section 11 ;
and

(d) any other matter, which is required to be or may be prescribed.

13. Overriding effect :-

Notwithstanding anything to the contrary contained in any other law for the time being in force, or any judgement, decree, order or decision of any court or any authority, the provisions of this Act or the rules made thereunder, shall have effect.

14. Saving :-

Notwithstanding anything done or any action taken in pursuance of any instructions, issued before the commencement of this Act to implement the reservation policy by the State Government, shall be deemed to have been done or taken under the corresponding provisions of this Act and the rules made thereunder.