

Acts amending various provisions of West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) ACT, 1976.

1. Amendment Act, 1980

GOVERNMENT OF WEST BENGAL LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 3662-L. – 3rd October, 1980.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :-

West Bengal Act XLII of 1980

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1980.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd October, 1980.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

**West Ben. Act
XXVII of 1976.**

It is hereby enacted in the Thirty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :-

1. This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1980.
2. Section 4 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so numbered, the following sub-section shall be inserted:-

**Amendment
of section 4
of West Ben.
Act XXVII
of 1976.**

- 2) The number of any Scheduled Caste or Scheduled Tribe candidate qualifying on merit for appointment to any unreserved vacancy in a service or post in any establishment to be filled up by direct recruitment shall not be deducted from the quota reserved in such service or post for such candidate under sub-section (1).”.

By order of the Governor,
S.N. SANYAL,
Secy. to the Govt. of West Bengal.

2. Amendment Act, 1982

GOVERNMENT OF WEST BENGAL Legislative Department

NOTIFICATION

No. 2926-L.—11th October, 1982.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

West Bengal Act VII of 1982

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1982.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of 11th October, 1982.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

**West Ben. Act
XXVII of 1976.**

It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :-

1. This Act may be called the West Bengal Scheduled Castes and Scheduled
Short title. Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Amendment) Act, 1982.

2. In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted and shall be deemed to have been so substituted with effect from the 1st day of April, 1981 :-
Amend-ment of section 5 of West Ben. Act XXVII of 1976.

“(b) there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 2375;”.

3. (1) The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Third Ordinance, 1982 is hereby repealed.
Repeal and saving **West Ben. Ord. XIV of 1982.**

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Third Ordinance, 1982 shall be deemed to have been validly done or taken under the principal Act as amended by this Act as if this Act were in force on the day on which such thing was done or deemed to have been done or such action was taken or deemed to have been taken.

By order of the Governor,
H. CHAKRABARTY,
Secy. to the Govt. of West Bengal.

3. Amendment Act, 1983.

GOVERNMENT OF WEST BENGAL Legislative Department

NOTIFICATION

No. 2702-L.—31st October, 1983.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

West Bengal Act XXXI of 1983

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1983.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary* of the 31st October, 1983.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

West Ben. Act XXVII of 1976.

It is hereby enacted in the Thirty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1983.

Short title.

(Reservation of Vacancies in Services and Posts) (Amendment) Act, 1983.

2. After the proviso to clause (a) of section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, the following proviso shall be inserted :-

Amend-ment of section 5 of West Ben. Act XXVII of 1976.

Tribe
in any
reserved
in such service or post for the members of the Scheduled Castes or the Scheduled Tribes under this section.”.

“Provided further that the number of any Scheduled Caste or Scheduled employee appointed on promotion to any unreserved vacancy in a service or post establishment to be filled up by promotion shall not be deducted from the quota reserved in such service or post for the members of the Scheduled Castes or the Scheduled Tribes under this section.”.

Governor,

By order of the

G.C. CHATTERJEE,
Secy. to the Govt. of West Bengal.

4. Amendment Act, 1990.

**GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative**

NOTIFICATION

No. 1029-L.—15th June, 1990.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :-

West Bengal Act X of 1990

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1990.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 15th June, 1990.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

West Ben. Act XXVII of 1976.

It is hereby enacted in the Forty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :-

1.....This Act may be called the West Bengal Scheduled Castes and ScheduleTribes
Short title.reservation of Vacancies in Services and Posts) (Amendment) Act, 1990.

2. In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of
..... **Amendment of** .. Vacancies in Services and Posts) Act, 1976, for clause (b), the following
..... **section 5 of** .. clause shall be substituted :-
West Ben. Act
XXVII of 1976.

“(b) there shall be no reservation in any post in a scale of pay,
.....the maximum of which exceeds Rs. 6,000.”

By order of the Governor,
S.N.MUKHERJEE,
Secy. to the Govt. of West Bengal.

5. Amendment Act, 1992.

GOVERNMENT OF WEST BENGAL LAW DEPARTMENT Legislative

NOTIFICATION

No. 649-L.—10th April, 1992.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :-

West Bengal Act VII of 1992

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1992.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
.....*Extraordinary*, of the 10th April, 1992.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Forty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :-

1. (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1992.

Short title and commencement.

(2) It shall be deemed to have come into force on the 2nd day of March,1992.

2. In the Schedule to the West Bengal Scheduled Castes and Scheduled Tribes ..(reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act),

Amendment of Schedule to West Ben. Act XXVII of 1976.

(1) for paragraph (V), the following paragraph shall be substituted :-

“(V) There shall be no de-reservation of any reserved vacancy by any appointing authority. In the absence of a qualified Scheduled Caste or Scheduled Tribe Candidate to fill up any vacancy reserved for Scheduled Caste or Scheduled Tribe, as the case may be, the vacancy shall remain unfilled.”;

(2) for paragraph (VI), the following paragraph shall be substituted :-

“(VI) Notwithstanding the provisions contained in paragraph (V), if, in the public interest, it is necessary to fill up any reserved vacancy remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe Candidate, as the case may be, the appointing authority shall refer the vacancy to the State Government for de-reservation. Upon such reference, the State Government may, if it is satisfied that it is necessary or expedient so to do, by order de-reserve the vacancy, subject to the condition that the reservation against the vacancy so de-reserved shall be carried forward against the subsequent unreserved vacancy.”.

3. (1) The West Bengal Scheduled Castes and Scheduled Tribes (Reservation ofVacancies in Services and Posts) (Amendment) Ordinance, 1992, is herebyrepealed.

**Repeal and
saving.**

West Ben. Ord. I of 1992.

(2) Notwithstanding such repeal, anything done or any action taken under theprincipal Act as amended by the said Ordinance shall be deemed to have beenvalidly done or taken under the principal Act as amended by this Act.

By order of the Governor,
S. MAITRA,
Special Officer & Ex-Officio
Jt. Secy. to the Govt. of West Bengal.

6. Amendment Act, 1994.

**GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative**

West Bengal Act XLII of 1994

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 2nd September, 1994.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

**West Ben. Act
XXVII of 1976.**

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. (1) This Act may be called the West Bengal Scheduled Castes andScheduled Tribes (reservation of Vacancies in Services and Posts) (Amendment) Act, 1994. **Short title and commencement.**
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
2. In section 3 of the West Bengal Scheduled Castes and ScheduledTribes (Reservation of Vacancies in Services and Posts) Act, 1976(hereinafter referred to as the principal Act), clause (c) shall be omitted. **Amendment of section 3 of West Ben. Act XXVII of 1976.**
3. In section 4 of the principal Act, in clause (a) of sub-section (1),
 - (i) for the words “fifteen *per cent*”, the words “twenty-two *per cent*.” shall be substituted, and **Amendment of section 4**
 - (iii) for the words “five *per cent*”, the words “six *per cent*” shall be substituted.

**Amendment of
section 5.**

4. In section 5 of the principal Act,-
- (a) in clause (a),-
 - (i) for the words “fifteen *per cent*”, the words “twenty-two *per cent*” shall be substituted, and
 - (ii) for the words “five *per cent*”, the words “six *per cent*” shall be substituted;
 - (b) For clause (c), the following clause shall be substituted:
 - “(c) a separate fifty-point roster shall be maintained by every establishment in the manner set out in the Schedule.”

5. For section 6 of the principal Act, the following section shall be substituted:-

Substitution of new section for section 6.

Dereservation of reserved vacancy

“6. (1) There shall be no dereservation of a reserved vacancy by any appointing authority in any post in an establishment which is required to be filled up by direct recruitment. In the absence of qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, to fill up such vacancy, such vacancy shall remain unfilled.

- (2) Notwithstanding anything contained in sub-section (1), if, in the public interest, it is necessary to fill up any vacancy as aforesaid remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority shall refer the vacancy to the State Government for dereservation. Upon such reference, the State Government may, if it is satisfied that it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy.”

6. After section 6 of the principal Act, the following sections shall be inserted:-

Insertion of new sections.

Commissioner for reservation

“6A. (1) The State Government may appoint any officer, not below the rank of Secretary to the Government of West Bengal, to be the Commissioner for Reservation, West Bengal (hereinafter referred to as the Commissioner).

Explanation.—Secretary shall include a Special Secretary.

- (2) The Commissioner shall be responsible for ensuring reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes under this Act by an appointing authority—
 - (a) having territorial jurisdiction throughout West Bengal, or
 - (b) having its offices in Calcutta without having any fixed territorial jurisdiction.

Explanation.—“Calcutta” shall mean the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866.

Ben. Act IV of 1866.

- (3) If any appointing authority referred to in sub-section (2) contravenes any provision of this Act and thereby commits an offence punishable under section 7, the Commissioner or any officer, not below the rank of Inspector of Scheduled Castes and Tribes Welfare Department, authorised by him in this behalf, may file a complaint in any court having jurisdiction against such appointing authority, and thereupon such court shall, subject to the provisions of section 8, take cognizance of such offence.

6B. (1) The State Government may appoint any District Magistrate of a district to be the District Commissioner for Reservation for that district (hereinafter referred to as the District Commissioner).

Explanation.—“District Magistrate” shall include an Additional District Magistrate.

(2) The District Commissioner shall be responsible for ensuring reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes under this Act by an appointing authority—

(a) having territorial jurisdiction in the whole, or any part, of the district,
or

(b) having no fixed territorial jurisdiction in the district, but having his office in the district to which the jurisdiction of the District Commissioner extends.

(3) If any appointing authority referred to in sub-section (2) contravenes any provision of this Act and thereby commits an offence punishable under section 7, the District Commissioner or any officer, now below the rank of Inspector of Scheduled Castes and Tribes Welfare Department, authorised by him in this behalf, may file a complaint in any court having jurisdiction against such appointing authority, and thereupon such court shall, subject to the provisions of section 8, take cognizance of such offence.

6C. For the purposes of sections 6A and 6B,--

Territorial jurisdiction

(a) territorial jurisdiction shall, in relation to an appointing authority, mean the area to which its administrative jurisdiction extends; and
(b) an appointing authority, whose administrative jurisdiction does not extend to any fixed area, shall be deemed to be an appointing authority without having any fixed territorial jurisdiction.’

7. In the Schedule to the principal Act,--

Amendment of Schedule.

(1). for paragraph (i), the following paragraph shall be substituted:--

“(i) A roster of fifty vacancies will be necessary to give effect to the reservation of vacancies for the Scheduled Castes and the Scheduled Tribes. The roster given below shall be adopted for the purpose by each establishment:

1 st vacancy	Scheduled Caste
2 nd vacancy	Unreserved
3 rd vacancy	Unreserved
4 th vacancy	Scheduled Tribe
5 th vacancy	Unreserved
6 th vacancy	Unreserved
7 th vacancy	Scheduled Caste
8 th vacancy	Unreserved
9 th vacancy	Unreserved
10 th vacancy	Unreserved
11 th vacancy	Scheduled Caste

12 th vacancy	Unreserved
13 th vacancy	Unreserved
14 th vacancy	Unreserved
15 th vacancy	Scheduled Caste
16 th vacancy	Unreserved
17 th vacancy	Unreserved
18 th vacancy	Scheduled Caste
19 th vacancy	Unreserved
20 th vacancy	Unreserved
21 st vacancy	Scheduled Caste
22 nd vacancy	Unreserved
23 rd vacancy	Unreserved
24 th vacancy	Scheduled Tribe
25 th vacancy	Unreserved
26 th vacancy	Unreserved
27 th vacancy	Unreserved
28 th vacancy	Scheduled Caste
29 th vacancy	Unreserved
30 th vacancy	Unreserved
31 st vacancy	Unreserved
32 nd vacancy	Scheduled Caste
33 rd vacancy	Unreserved
34 th vacancy	Unreserved
35 th vacancy	Unreserved
36 th vacancy	Scheduled Caste
37 th vacancy	Unreserved
38 th vacancy	Unreserved
39 th vacancy	Unreserved
40 th vacancy	Scheduled Caste
41 st vacancy	Unreserved
42 nd vacancy	Unreserved
43 rd vacancy	Scheduled Tribe
44 th vacancy	Unreserved
45 th vacancy	Unreserved
46 th vacancy	Unreserved
47 th vacancy	Scheduled Caste
48 th vacancy	Unreserved
49 th vacancy	Unreserved
50 th vacancy	Unreserved.”;

(2) paragraph (v) shall be omitted;

(3) paragraph (vi) shall be omitted.

7. Amendment Act, 1996.

GOVERNMENT OF WEST BENGAL LAW DEPARTMENT Legislative

NOTIFICATION

No.1272-L.—12th July, 1996.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:--

West Bengal Act XV of 1996

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 12th July, 1996.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purposes and in the manner hereinafter appearing;

**West Ben. Act
XXVII of 1976.**

It is hereby enacted in the Forty-seventh Year of the Republic of India, by the Legislature of West Bengal, as follows :-

1. . (1) This Act may be called the West Bengal Scheduled Castes and
..... **Short title and**Scheduled Tribes(Reservation of Vacancies in Services and Posts)
..... **commencement.**(Amendment) Act, 1996.

..... (2) It shall come into force at once.

2. After section 5 of the West Bengal Scheduled Castes and Scheduled Tribes
Insertion of new ..(Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter
section 5A in West ..referred to as the principal Act), the following section shall be
Ben. XXVII of ..inserted:-
1976.

Certificate of
identification.

5A. A candidate who claims to be a member of the Scheduled
Castes or the Scheduled Tribes shall support his candidature
by.a. certificate. of identification .in. accordance.

with the provisions of the
(Identification) Act, 1994.”.

West Bengal Scheduled Castes and Scheduled Tribes

**West Ben. Act
XXXVIII of 1994**

3. In section 6 of the principal Act, after sub-section (2), the following sub-section shall be inserted:-

Amend-ment of section 6

“(3) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, if, in the public interest, it is necessary or expedient to fill up any vacancy in any post in any primary, secondary or higher secondary school in any district owned or aided by the State Government, caused by deputation or leave of the incumbent of that post for a period not exceeding ten months and remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority may refer the vacancy to the District Commissioner for Reservation, referred to in sub-section (1), or sub-section (1A), as the case may be, of section 6B, for that district for dereservation. Upon such reference, the District Commissioner for Reservation as aforesaid may, if he is satisfied that it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy in any such post caused by such deputation or leave for such period.”.

4. In section 6A of the principal Act,-

Amend-ment of section 6A.

(1) in sub-section (2), after clause (a), the following clause shall beinserted:-

“(a1) having its offices and fixed territorial jurisdiction in Calcutta, or”;

(2) after sub-section (3), the following sub-section shall be inserted:-

“(4) Where a complaint is filed in any court having jurisdiction against anappointing authority under sub-section (3) for contravening anyprovision of this Act and thereby committing an offence punishableunder section 7, the burden of proof that no contravention of anyprovision of this Act has been made by him, shall lie with him.”.

5. In section 6B of the principal Act,-

Amend-ment of section 6B.

(1) after sub-section (1), the following sub-section shall be inserted:-

“(1A) For the purposes of this section, Calcutta as defined in the ..*Explanation* to sub-section (2) of section 6A, shall be deemed to be a ..district, and the District Magistrate, South 24 Parganas, shall be the ..District Commissioner for that district.”.

(2) after sub-section (3), the following sub-section shall be inserted:-

“(4) Where a complaint is filed in any court having jurisdiction against an appointing authority under sub-section (3) for contravening any provision of this Act and thereby committing an offence punishable under section 7, the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.”.

6. In section 7 of the principal Act, for the words “he shall be punishable with fine which may extend to two hundred and fifty rupees:”, the words, figures and brackets “or fails to maintain records, or to furnish the annual return, referred to in sub-section (1) of section 12, he shall be punishable with imprisonment for a term of five years, or with fine of two thousand and five hundred rupees, or with both:” shall be substituted.

**Amend-ment
of section 7.**

**Amendment of
Schedule.**

7. In the Schedule to the principal Act, paragraph (ix) shall be omitted.

By order of the Governor,
S. MAITRA,
*Special Officer & ex-officio
Jt. Secy. to the Govt. of West Bengal.*

8. Amendment Act, 2000.

**GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative**

NOTIFICATION

No. 817-L.—11th April, 2000.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

West Bengal Act XI of 2000

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2000.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 11th April, 2000.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

**West Ben. Act
XXVII of 1976.**

It is hereby enacted in the Fifty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. **Short title and commencement**
 - (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2000.
 - (2) It shall be deemed to have come into force on the 3rd day of January, 2000.

2. **Amend-ment of section 5 of West Ben. Act XXVII of 1976.**

In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted, and shall be deemed to have been substituted, with effect from the 1st day of January, 1996:-

“(b) there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 18,300;”

3. **Repeal and saving.**
 - (1) The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Ordinance, 1999, is hereby repealed. **West Ben Ordinance VI of 1999**
 - ..(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

By order of the Governor,
S. MAITRA,
Special Officer & ex-officio
Jt. Secy. to the Govt. of West Bengal.

9. 2nd Amendment Act, 2000.

**GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative**

NOTIFICATION

No. 1736-L.—30th August, 2000.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

West Bengal Act XXIV of 2000

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 30th August, 2000.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purposes and in the manner hereinafter appearing;

**West Ben. Act
XXVII of 1976**

It is hereby enacted in the Fifty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000.
(2) It shall come into force at once.
Short title and commencement.
2. In section 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), in clause (e), for the words “the Schedule”, the word “Schedule” shall be substituted.
Amend-ment of section 2 of West Ben. Act XXVII of 1976.
3. In sub-section (1) of section 4 of the principal Act,-
(1) in clause (a), for the words “in the Schedule:”, the words and figure “in Schedule I:” shall be substituted;
(2) in clause (b), for the words “shall be reduced to one-fourth”, the words “shall not be charged” shall be substituted.
Amend-ment of section 4
4. In clause (a) of section 5 of the principal Act, for the words “Scheduled Tribes:”, the words and figures “Scheduled Tribes in the manner set out in Schedule II:” shall be
Amendment of section 5

substituted

5. In section 6 of the principal Act,-

Amendment of section 6

(1) to sub-section (2), the following provisos shall be added:

“Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgment or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no *mala fide* intention in this regard on the part of the appointing authority, by order in writing, regularise the appointment, if so applied for by the appointing authority, on the basis of the carry forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to Scheduled Caste or Scheduled Tribe for whom the vacancy was originally reserved, shall be carried forward to the nearest un-reserved vacancy available at the time of consideration of any application:

Provided further that the State Government may, if it considers it necessary or expedient so to do, by notification in the *Official Gazette*, empower any other authority not below the rank of District Magistrate and District Commissioner for Reservation to exercise the power of the State Government to de-reserve a reserved vacancy under this sub-section.”

(2) after sub-section (2), the following sub-section shall be inserted:-

“(2A) The appointing authority shall, for the purposes of sub-section (2), make an application to the State Government in such Form and in such manner, as may be prescribed by the State Government.”

6. In section 6A of the principal Act,-

Amendment of section 6A

(1) after sub-section (2), the following sub-section shall be inserted:-

“(2A) (a) The State Government may appoint an officer, not below the rank of Joint Secretary to the Government of West Bengal, to be the Joint Commissioner for Reservation, West Bengal (hereinafter referred to as the Joint Commissioner), an officer, not below the rank of Deputy Secretary to the Government of West Bengal, to be the Deputy Commissioner for Reservation, West Bengal (hereinafter referred to as the Deputy Commissioner), and an officer, not below the rank of Assistant Secretary to the Government of West Bengal, to be the Assistant Commissioner for Reservation, West Bengal (hereinafter referred to as the Assistant Commissioner).

(b) The Joint Commissioner, the Deputy Commissioner, and the Assistant Commissioner shall have the powers of the Commissioner for the purposes of this Act, subject to superintendence and control of the Commissioner.”;

(2) in sub-section (3), for the words “Inspector of Scheduled Castes and Tribes Welfare Department,” the words “an Inspector of Backward Classes Welfare Department.” shall be substituted.

7. In section 6B of the principal Act,-

Amendment of section 6B.

(1) sub-section (1A) shall be omitted;

(2) in sub-section (3), for the words “Inspector of Scheduled Castes and Tribes Welfare Department,” the words “an Inspector of Backward Classes Welfare

Department,” shall be substituted.

8. In section 11 of the principal Act, for the words “the Schedule”, the words “any Schedule” shall be substituted.

Amendment of section 11

9. In section 12 of the principal Act,-

Amendment of section 12

(1) in sub-section (1),-

- (a) after the words “such records”, the words “and documents” shall be inserted, and
- (b) for the words “financial Year”, the words “year reckoned according to the British calendar” shall be substituted;

(2) in sub-section (4), for the words and figures “the West Bengal Government Servants’ Conduct Rules, 1959,”, the words, figures and brackets “the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980,” shall be substituted.

10. In the Schedule to the principal Act,-

Amendment of Schedule

(1) for the words “THE SCHEDULE”, the word and figure “SCHEDULE I” shall be substituted;

(3) in paragraph (i),-

- (a) for the words “A roster of fifty vacancies”, the words “A roster of one hundred vacancies” shall be substituted,
- (b) after the words “the Scheduled Tribes”, the words “for direct recruitment” shall be inserted, and
- (c) for the figures, letters and words-

“50th vacancy Unreserved.”,

the following figures, letters and words shall be substituted:-

“ 50 th vacancy	Unreserved
51 st vacancy	Scheduled Caste
52 nd vacancy	Unreserved
53 rd vacancy	Unreserved
54 th vacancy	Scheduled Tribe
55 th vacancy	Unreserved
56 th vacancy	Unreserved
57 th vacancy	Scheduled Caste
58 th vacancy	Unreserved
59 th vacancy	Unreserved
60 th vacancy	Unreserved
61 st vacancy	Scheduled Caste
62 nd vacancy	Unreserved
63 rd vacancy	Unreserved
64 th vacancy	Unreserved
65 th vacancy	Scheduled Caste

66 th vacancy	Unreserved
67 th vacancy	Unreserved
68 th vacancy	Scheduled Caste
69 th vacancy	Unreserved
70 th vacancy	Unreserved
71 st vacancy	Scheduled Caste
72 nd vacancy	Unreserved
73 rd vacancy	Unreserved
74 th vacancy	Scheduled Tribe
75 th vacancy	Unreserved
76 th vacancy	Unreserved
77 th vacancy	Unreserved
78 th vacancy	Scheduled Caste
79 th vacancy	Unreserved
80 th vacancy	Unreserved
81 st vacancy	Unreserved
82 nd vacancy	Scheduled Caste
83 rd vacancy	Unreserved
84 th vacancy	Unreserved
85 th vacancy	Unreserved
86 th vacancy	Scheduled Caste
87 th vacancy	Unreserved
88 th vacancy	Unreserved
89 th vacancy	Unreserved
90 th vacancy	Scheduled Caste
91 st vacancy	Unreserved
92 nd vacancy	Unreserved
93 rd vacancy	Scheduled Tribe
94 th vacancy	Unreserved
95 th vacancy	Unreserved
96 th vacancy	Unreserved
97 th vacancy	Scheduled Caste
98 th vacancy	Unreserved
99 th vacancy	Unreserved
100 th vacancy	Unreserved”

11. After Schedule I of the principal Act, the following Schedule shall be inserted :-

“SCHEDULE II

(See Section 5)

The reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up by promotion in an establishment shall be given effect to in the following manner, namely:--

- (i) A roster of fifty vacancies will be necessary to give effect to the reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up. The roster given below shall be adopted for the purpose by each establishment.

1 st vacancy	Scheduled Caste
2 nd vacancy	Unreserved
3 rd vacancy	Unreserved
4 th vacancy	Scheduled Tribe
5 th vacancy	Unreserved
6 th vacancy	Unreserved
7 th vacancy	Scheduled Caste
8 th vacancy	Unreserved
9 th vacancy	Unreserved
10 th vacancy	Unreserved
11 th vacancy	Scheduled Caste
12 th vacancy	Unreserved
13 th vacancy	Unreserved
14 th vacancy	Unreserved
15 th vacancy	Scheduled Caste
16 th vacancy	Unreserved
17 th vacancy	Unreserved
18 th vacancy	Scheduled Caste
19 th vacancy	Unreserved
20 th vacancy	Unreserved
21 st vacancy	Scheduled Caste
22 nd vacancy	Unreserved
23 rd vacancy	Unreserved
24 th vacancy	Scheduled Tribe
25 th vacancy	Unreserved
26 th vacancy	Unreserved
27 th vacancy	Unreserved
28 th vacancy	Scheduled Caste
29 th vacancy	Unreserved
30 th vacancy	Unreserved
31 st vacancy	Unreserved
32 nd vacancy	Scheduled Caste

33 rd vacancy	Unreserved
34 th vacancy	Unreserved
35 th vacancy	Unreserved
36 th vacancy	Scheduled Caste
37 th vacancy	Unreserved
38 th vacancy	Unreserved
39 th vacancy	Unreserved
40 th vacancy	Scheduled Caste
41 st vacancy	Unreserved
42 nd vacancy	Unreserved
43 rd vacancy	Scheduled Tribe
44 th vacancy	Unreserved
45 th vacancy	Unreserved
46 th vacancy	Unreserved
47 th vacancy	Scheduled Caste
48 th vacancy	Unreserved
49 th vacancy	Unreserved
50 th vacancy	Unreserved

- (ii) A register shall be maintained for giving effect to the instructions contained in paragraph (i).
- (iii) Before giving any promotion, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or Unreserved and if it is reserved, for whom it is so reserved. Immediately after a promotion is given, the particulars thereof shall be entered in the register and signed by the appointing authority.
- (iv) The roster is a running account from year to year and shall be maintained accordingly. If promotion in a particular year stops at a particular point of the cycle, say, at the 5th point, promotion in the subsequent year shall begin at the next point, that is, at the 6th point.
- (v) The roster shall be maintained separately for permanent and temporary vacancies.
- (vi) A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy.”

By order of the Governor,
S. MAITRA,
Special Officer & ex-officio
Jt. Secy. to the Govt. Of West Bengal.