

असा. क्र. ९

रजिस्टर्ड नं. टीईसीएच/४७-३०३/एमबीआय/२००३-०५



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरूवार, जानेवारी २२, २००४/माघ २, शके १९२५

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra State Public Services [Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes] Act, 2001 (Mah. Act No. VIII of 2004), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRATIMA UMARJI,
Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. VIII OF 2004

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 22nd January 2004).

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, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes of Citizens and for matters connected therewith or incidental thereto.

WHEREAS, it is expedient to provide for the reservation of vacancies in public services and posts in favour of the persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes of Citizens and for matters connected therewith or incidental thereto; it is hereby enacted in the Fifty-second Year of the Republic of India as follows :—

भाग आठ—१३

(५२)

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001.

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

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

Definitions.

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

(a) "appointing authority" in relation to public services and posts means the authority empowered to make appointment to such services or posts;

(b) "De-notified Tribes (*Vimukta Jatis*)" means the Tribes declared as such by the Government from time to time;

(c) "establishment" means any office of the Government or of a local authority or statutory authority constituted under any Act of the State Legislature for the time being in force, or a University or a Company, a Corporation or a Co-operative Society in which share capital is held by the Government or any Government aided Institutions.

Explanation.—For the purposes of this clause the expression "Government aided institutions" shall also include institutions or industries which have been given either prior to coming into force of this Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by Government, or is recognised, licenced, supervised or controlled by Government;

(d) "Government" means the Government of Maharashtra;

(e) "Group 'A', 'B', 'C' or 'D'" means the posts falling within the Group 'A', 'B', 'C' or 'D', as the case may be, as classified by Government by issuing general or special orders issued in this behalf, from time to time;

(f) "Nomadic Tribes" means the Tribes wandering from place to place in search of their livelihood as declared by Government from time to time;

(g) "Other Backward Classes" means any socially and educationally backward classes of citizens as declared by the Government and includes Other Backward Classes declared by the Government of India in relation to the State of Maharashtra;

(h) "prescribed" means prescribed by rules framed by the Government

(j) "recruitment year" means the English calendar year during which the recruitment is actually made ;

(k) "reservation" means the reservation of post in the services for the members of Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes ;

(l) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings, respectively assigned to them in the clauses (24) and (25) of Article 366 of the Constitution of India ;

(m) "Special Backward Category" means socially and educationally backward classes of citizens declared as a Special Backward Category by the Government.

३(1) This Act shall apply to all the appointments made in public services and posts except,—

(a) the super specialised posts in Medical, Technical and Educational field ;

Provided that, Government may, by an order in the Official Gazette.

(2) When a vacancy is carried forward as provided in sub-section (1) it shall not be counted against the quota of the vacancies reserved for the concerned category of persons for the recruitment year to which it is carried forward :

Provided that, the appointing authority may, at any time undertake a special recruitment drive to fill up such unfilled vacancies and if such vacancies remain unfilled even after such special recruitment drive then, it shall be filled up in the manner prescribed by Government.

7. (1) The Government may, by order in writing, entrust upon every appointing authority or any officer under such authority, with the responsibility of ensuring the compliance with the provisions of this Act.

Responsibility and powers of compliance of Act.

(2) The Government may, in the like manner, invest the appointing authority or officer referred to in sub-section (1), with such powers or authority as may be necessary for such authority or officer to effectively discharge such duty assigned to such authority or officer, under sub-section (1).

8. (1) Any appointing authority or officer or employee entrusted with the duty or responsibility under sub-section (1) of section 7 who willfully acts in a manner intended to contravene or defeat the purposes of this Act shall, on conviction, be punished with imprisonment for a term which may extend to ninety days or fine which may extend to five thousand rupees, or with both.

Penalty.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government or officer authorised in this behalf by the Government.

9. When it comes to the notice of the Government or is brought to its notice, that, any person belonging to any of the categories specified in sub-section (2) of section 4 is adversely affected, on account of non-compliance with the provisions of this Act or the rules made thereunder or the Government orders in this behalf, by any appointing authority, it may call for such records and pass such appropriate order as deemed fit.

Powers to call for records.

10. (1) The Government may, by order, provide for nomination of officers belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes in the selections, screening and departmental promotion committee for the purpose of selecting persons for appointment or promotions, as the case may be, to public services and posts.

Representation in selection committee.

(2) The Government may, by order, grant such concession in respect of fees for any competitive examination or such other similar examinations or interviews, and relaxation in upper age limit as it may be consider necessary in favour of the categories of persons specified in sub-section (2) of section 4.

(3) The Government orders in force on the date of the commencement of this Act, in respect of concessions and relaxation including concession in fees for any competitive examinations or such other similar examinations or interview and relaxation in the upper age limit shall continue to be applicable, unless modified or revoked, by Government.

11. Any appointments made, in contravention of the provisions of this Act shall be void.

Irregular appointments void.

12. No suit, prosecution or other legal proceedings shall lie against any authority or person for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

Protection of action taken in good faith.

Power to
make rules.

13. (1) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty 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 or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, 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 or omitted to be done under that rule.

Provisions of
this Act to be
in addition to
any other law
for the time
being in
force.

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

Savings.

15. The provisions of this Act shall not apply to cases in which selection process has already been initiated before the commencement of this Act, and such cases shall be dealt with in accordance with the provisions of law and Government orders as they stood before such commencement.

Explanation.—For the purposes of this section, the selection process shall be deemed to have been initiated where, under the relevant service rules,—

(i) recruitment is to be made on the basis of written test or interview only, and such written test or the interview, as the case may be, has started, or

(ii) recruitment is to be made on the basis of both, the written test and interview and such written test has started.

Power to
remove
difficulties.

16. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, on occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty :

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

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