

MARATHI - MADHYA PRADESH LOK SEWA (ANUSUCHIT JATIYO, ANUSUCHIT JANJATIYO AUR ANYA PICHHDA VARGO KE LIYE ARAKSHAN) SANSOT

4 •frqq—2002. 15] 108/@NTü/2002. 30 2002 7 17, 1924 7 2002 Ro Qoo?. (qTftzii, aq•rtkT0T) Vlty. q. 430 7 2002 RO Roo?. 30 2002 3Tjqfi " 7 2002'] (air •fifiqq, t. G) 3firFT R. ait ÄTif R xrt, 3V*fq:— (Q) (R) F) a.ufq:— ' ' F) qrf, ÄTf, 7 2002 (at3) Êrqr @fi, ati fifiazi qR(T;". " gm, q•fizii 3R?T t'. q. 37fr4fizrq (R) qx, u•rtr fizrqä 430 (1) 1 430 (2) UTtT Sections : 1. 2. 3. 4. 5. 6. 7. 7 2002 q. qz, 3P1fq:-- a, qvi 13. 7 2002 (w. 348 (3) *Zii, aw«pr) 2002 10, 2002) MADHYA PRADESH Acr No. IO OF 2002 THE MADHYA PRADESH LOK SEWA (ANUSUCHIT JATIYON, ANUSUCHIT JANJATIYON AUR ANYA PICHHADE VARGON KE LIYE ARAKSHAN SANSHODHAN ADHINIYAM, 2002. TABLE ÖF CONTENTS Short title and Commencement. Amendment of Section 2. Amendment of Section 3. Amendment of Section 4. Amendment of Section 6. Substitution of Section 8. Insertion of new Section 14-A. 7 2002 MADHYA PRADESH ACT No. IO.OF 2002 THE MADHYA PRADESH LOK SEWA (ANUSUCHIT JATIYON, ANUSUCHIT JANJATIYON AUR ANYA PICHHADE VARGON KE LIYE ARAKSHAN. SANSHODHAN ADHINIYAM, 2002. (Received the assent of the Governor on the 30th April, 2002; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 7th May, 2002.) An Act, to amend the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994. Be it enacted by the Madhya Pradesh Legislature in the Fifty-third year of the Republic of India as follows I. (1) This Act may be called the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, *Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Sanshodhan Adhiniyam, 2002. (2) It shall come into force on such date as the State Government may, by notification, appoint

2. In Section 2 of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) (hereinafter referred to as the Principal Act), for clause (b), the following clause shall be substituted, namely "(b) "Establishment" means any office of the State Government or of a local authority or 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 establishment and such establishment in which casual appointments are made but does not include the establishments covered under Article 30 of the Constitution." 3. In 'Section 3 (.) of the Principal Act, item (2) and (4) shall be omitted

4. In Section 4 of Principal Act,— (i) for the existing marginal heading the following marginal heading shall be substituted, namely "Fixation of percentage for reservation of posts and standard of evaluation"; (ii) for clause (i) of sub-section (2), the following clause shall be substituted, namely . "(i) at the State level, the following percentage of vacancies arising in a recruitment year, in class I, II, III and IV posts — 430 (3) Short title . and Commencement. Amendment of Section 2. Amendment of Section 3. •Amendment Section 4. Scheduled Castes Scheduled Tribes Other Backward Classes 16 percent 20 percent 14 percent": 430 (4) Amendment of Section 6. Substitution of Section 8. Representation in selection committee. 7 2002 (iii) after clause (b) of sub-section (3), the following clause shall be inserted namely •Y "(C) Wherever the reserved vacancies for Scheduled Castes and Scheduled all cases of direct recruitment or promotion have remained unfilled in... earlier year or years, the backlog and/or carried forward vacancies would be treated as a separate and distinct group and will not be considered together with the reserved vacancies, of the year in which they are being filled up determining the ceiling of fifty percent reservation on total number of vacancies of that year. In other words, the ceiling of fifty percent on filling reserved vacancies would apply only on the reserved vacancies which in the current year and the backlog/carried forward reserved vacancies for Scheduled Castes or Scheduled Tribes of earlier year or years would be treated as a separate and distinct group and would not be subject to ceiling of fifty percent Provided that the appointing authority may at any time undertake a special recruitment to fill up such unfilled vacancies and if such vacancies remain unfilled, it shall not be deemed in any manner for filling up by the persons not belonging to the category for whom the post or posts are reserved"; (iv) after sub-section (4), the following sub-section shall be inserted, namely "(4-A) The State Government may by

genera! or speciat order tnake any provisions in Cavour of the members of the Scheduled Castes and the Scheduled Tribes, for relaxation in qualifying inarks in any examination or lowering the standards or evaluation. for reservation in matters Of recruitment and promotion to any class or classes of servicGs or posts in connection with the affairs of the State."; (v) after sub-section (5), the Iblollowing sub-section shall be inscrted, namely "(5-A) The State Government may Inake rules or issue any instructions in the matters of pron10tion with consequential seniority (0 any class or classes of posts in the Civit services or the • State in Cavour of the Scheduled Castes and the Scheduled Tribes."

5. For sub-section (I) of Section 6 of the Principal Act, the following sub-section shatl be substituted, namely 6."(I) Any appointing authority entrusted with the responsibility under sub-section (I) of Section 5, who wilfully acts in manner intended to contravene or defcal the purposes of this Act, or endorses a false certificate in terms of Section 14-A, such act of the appointing authority Shal! be deemed to be misconduct under the conduct or service rules applicable Io him and for such misconduct be liable ror disciplinary proceedings under the said rules as well as ror 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 tvs.'0 thousand rupces or with bolh.". For Section 8 of the Principal Act, the following Section shall be substituted, namcty "8. The State Government may, by order, provide ror 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 extnt and in such manner as it' may consider necessary where such conunittee i 7 2002 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."

7. After Section 14 of the Principal Act, the following section shalinbb inscrted, namely " 14-A Every appointing authority shall endorse on the appointrncnt 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 Jaliyon Aur Anya Pichhade Vargon Kc Liye Arakshan) Adhiniyam, 1994 (No.21 of 1994) and the instructions issued in the light of the provisions of the Act by the State Governmen(and that he has full cognizance of the provisions of sub-section (I) of Section 6 of the said Act.". lāmaz2002. 430
(5) Insertion of new Section 14-A. • Certification by the Appointing Auhority.