

ORISSA ACT 15 OF 1993

*THE ORISSA RESERVATION OF VACANCIES IN POSTS AND SERVICES
(FOR SCHEDULED CASTES AND SCHEDULED TRIBES
SECOND AMENDMENT ACT, 1993

[Received the assent of the Governor on the 13th August 1993, first published in an extraordinary issue of the *Orissa Gazette*, dated the 20th August 1993].

AN ACT FURTHER TO AMEND THE ORISSA RESERVATION OF VACANCIES IN POSTS
AND SERVICES (FOR SCHEDULED CASTES AND SCHEDULED TRIBES)
ACT, 1975.

BE it enacted by the Legislature of the State of Orissa in the Forty-fourth Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Second Amendment Act, 1993.
- Amendment of section 4. 2. In section 4 of the Orissa Reservation of Vacancies in Posts and Services Orissa Act (for Scheduled Castes and Scheduled Tribes) Act, 1975 (hereinafter referred to as 38 of 1975 the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:—
- “(3) Notwithstanding anything contained in this section, one-third of the vacancies in Class-II, Class-III (including those specially declared to be Gazetted) and Class-IV, Services and Posts, reserved for the Scheduled Castes and the Scheduled Tribes in a year, which are required to be filled up by direct recruitment, shall be reserved for women belonging to the respective communities and, in the event of non-availability or availability of insufficient number of eligible woman candidates belonging to any particular community, the vacancies or, as the case may be, the remaining vacancies shall be filled up by male candidates of that community.”
- Amendment of section 12-B. 3. In section 12-B of the principal Act, for the words “one thousand rupees”, the words “five thousand rupees” shall be substituted.
- Amendment of section 13. 4. In section 13 of the principal Act, in sub-section (2), after the words “in that behalf”, the brackets and words “(hereinafter referred to as the Inspecting Officer shall be inserted.
- Insertion of new section 13-A. 5. After section 13 of the principal Act, the following section shall be inserted namely—
- “13-A. (1) It shall be the duty of every Inspecting Officer to institute prosecution against an appointing authority who is found during his inspection under sub-section (2) of section 13 to have made any appointment in violation of this Act and Rules made thereunder, subject to the previous sanction of an authority who is one level above the said appointing authority and to whom such appointing authority is subordinate.
- (2) The authority competent to accord sanction under sub-section (1) may, on receipt of a reference for such sanction from the Inspecting Officer, either accord such sanction or refuse it if he so considers appropriate for reasons to be recorded in writing and shall, in every case of such reference, communicate his decision to the Inspecting Officer concerned within thirty days from the date of receipt of the reference.
- (3) Nothing in this section shall be construed to prevent any person from making a complaint to any Court alleging the commission of an offence under section 12-B.”