

THE MEGHALAYA RESERVATION FOR NON-CREAMY LAYER OF SCHEDULED TRIBES (IN STATE RESERVATION POLICY) BILL, 2024

A
Bill

To provide for reservation of non-creamy layer of Scheduled Tribes in the state while implementing the State Reservation Policy, and for matters connected therewith and incidental thereto.

WHEREAS it is expedient to ensure that the benefits of reservation provided under Articles 16(4) and 15(5) of the Constitution of India reach the most disadvantaged individuals within the Scheduled Tribes category, to address inter se economic disparities within the Scheduled Tribes category in the state, and to allocate opportunities more effectively.

BE it enacted by the Legislature of the State of Meghalaya in the Seventy-Fifth Year of the Republic of India as follows:-

Short title and commencement	1.	(1) This Bill may be called the Meghalaya Reservation for Non-Creamy Layer of Scheduled Tribes (in State Reservation Policy) Bill, 2024. (2) It shall come into force on the date of publication of this Bill in the Official Gazette of the Government of Meghalaya.
Definitions	2.	In this Bill, unless the context otherwise requires:- (a) "Government" means the state government; (b) "non-creamy layer" means the determination of economic condition of a person whose annual family income is less than Rupees Eight Lakhs, which is in conformity with benchmark income limit of non-creamy layer in Other Backward Classes and benchmark income limit of Economically Weaker Section as duly recognized by Government of India for purpose of reservation; (c) "Notification" means notification in the Official Gazette; (d) "Official Gazette" means Official Gazette of the Government of Meghalaya (e) "Scheduled Tribes" means the various tribes notified by the President of India under Article 314 of the Constitution of India vide the Constitution (Scheduled Tribes) Order, 1950 as amended from time to time in relation to the state of Meghalaya; (f) "State" means the state of Meghalaya; (g) "State Reservation Policy" means the extant set of Executive orders issued by Government, viz. principal Resolution and subsequent Office Memorandums, for implementing reservation of vacancies in posts and services under the state government and

		reservation of quota seats for academic studies allotted to the state government;
Applicability	3.	This Bill shall apply to all appointment of candidates to public employment and all selection of students to quota seats in academic courses allotted to the state, which are made in accordance with the State Reservation Policy by orders of the Government.
Percentage of reservation	4.	<p>(1) When implementing the State Reservation Policy, the Government shall mandatorily ensure not less than fifty percent reservation in favour of non-creamy layer of Scheduled Tribes against any quota of vacancies or seats reserved for Scheduled Tribes category.</p> <p>(2) Reservation of non-creamy layer as provided in sub-section (1) shall be effected by suitable amendment to the Roster system adopted by Government for implementing reservation.</p> <p>(3) The percentage of reservation for non-creamy layer of Scheduled Tribes as specified in sub-section (1) shall be liable to be revised as and when qualitative empirical data collected officially by the Government with regard to inter se economic disparity within the Scheduled Tribe category is made public by a Government approved report to be laid before the House of the state Legislature.</p>
Power to make rules	5.	<p>(1) The Government may, by Notification, make rules to carry out the purposes of this Act.</p> <p>(2) Every rule made under this Bill shall be laid, as soon as may be, after it is made, before the House of the state Legislature.</p>
Power to remove difficulty	6.	<p>(1) If any difficulty arises in giving effect to the provisions of this Bill, the Government may, by an order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Bill, as may appear to it to be necessary or expedient for removing the difficulty :</p> <p>Provided that, no such order shall be made under this section after expiry of a period of two years from the commencement of this Bill.</p> <p>(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the House of the state Legislature.</p>
Overriding effect	7.	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 Bill or the rules made thereunder, shall have effect.

STATEMENT OF OBJECT AND REASONS

Qualitative empirical data available with the Government of Meghalaya clearly shows that the economic condition of a greater percentage of the Scheduled Tribe population of the state is weak and disadvantaged;

2. And whereas Articles 16(4) and 15(5) of the Constitution of India allows for the state to make provisions so as to ensure that the benefits of reservation reach the most disadvantaged class of citizens;

3. And since a seven-judge constitutional bench of the Supreme Court in a 6:1 majority has upheld the validity of sub-classification within the Scheduled Caste and Scheduled Tribe categories, and gave a decision that states have the power to create these sub-classifications;

4. So to address inter se economic disparities within the Scheduled Tribes category in the state, and to allocate opportunities in public employment and education more effectively, a suitable legislation is required in interest of the disadvantaged people of the state.

Hence this Bill.

Adelbert Nongrum
MLA, 17 North Shillong

FINANCIAL MEMORANDUM

Implementation of the provisions of this proposed enactment shall involve no additional expenditure from the Consolidated Fund of the State.