

**Ministry of Home Affairs O.M. No.2/24/63-Estt.(D),
dated the 4th December, 1963, to all Ministries/Departments, etc.**

Subject :—Measures for securing increased representation of Scheduled Castes and Scheduled Tribes in the Central Services. Review of the "carry forward" rule.

The undersigned is directed to refer to para II of this Ministry's Office Memorandum No. 2/11/55-RPS, dated the 7th May, 1955, laying down the "carry forward" rule, according to which if a sufficient number of suitable candidates belonging to Scheduled Castes and Scheduled Tribes eligible for the reserved vacancies is not available from the respective classes in a particular year such vacancies are to be treated as unreserved vacancies during that year; and such shortfall in the number of Scheduled Castes and Scheduled Tribes is to be carried forward up to two subsequent recruitment years before the reservation is finally treated as lapsed since this rule does not provide for any restriction on the number of vacancies reserved for Scheduled Castes and Scheduled Tribes, being carried forward to the two successive years, there have been instances where the number of reserved vacancies has even exceeded 50 per cent of the vacancies available during the year. Thus, the "carry forward" rule is capable of offending against the provision of Article 16(1) and (2) of the Constitution as it can lead to excessive reservation, practically denying to members of other communities a reasonable opportunity of employment. Although the Constitution does not specifically restrict the extent to which the power conferred by Article 16(4) of the Constitution should be exercised, the power has to be exercised in such a manner as to keep intact the guarantees provided under Article 16(1) and (2) of the Constitution. In other words, Article 16(4), being a special provision, cannot be utilised in a manner which has the effect of over-riding the provisions of Article 16(1) and (2).

2. The Government of India have, therefore, revised their policy and decided as follows :—

If a sufficient number of suitable candidates eligible for reserved vacancies is not available from the appropriate classes on any occasion of recruitment, such vacancies may be treated and filled as unreserved vacancies but shall be carried forward for subsequent occasions of recruitment. However, on no such subsequent occasion, shall the number of normal reserved vacancies and the "carried forward" reserved vacancies together exceed 45 per cent of the total number of vacancies. Nevertheless if there be only two vacancies one of them may be treated as a reserved vacancy. But if there be only one vacancy, it shall be treated as unreserved.

The allocation of the "carried forward" vacancies within this limit among the Scheduled Caste/Scheduled Tribes candidates shall be in proportion to the total "carry forward" reserved vacancies of the two classes.

The surplus above 45 per cent shall be carried forward to the subsequent occasion of recruitment, subject, however, to the condition that the particular vacancies carried forward do not become time barred due to their becoming more than two years old.

3. The instructions contained in this Ministry's Office Memorandum dated 7th May, 1955 referred to above should be deemed to be superseded to the extent indicated above. These orders will take effect from the date of issue and all appointments to be made hereafter will be made subject to the provisions of this O.M.
