

**Ministry of Home Affairs OM No. 42/21/49-NGS
dated 28th January, 1952**

Subject :— Supplementary instructions connected with the orders on communal representation in the services.

The undersigned is directed to refer to the Ministry of Home Affairs Resolution No. 42/21/49-NGS, dated the 13th September, 1950, and to say that the instructions given below will govern the application of the orders on communal representation in the services.

Recruitment by open competition :

2. (a) If the candidates of Scheduled Castes, Scheduled Tribes and the Anglo-Indian community obtain by competition less vacancies than are reserved for them, the difference will be made up by the nomination of duly qualified candidates of these castes, Tribes and communities *i.e.*, candidates of these communities etc. *who have qualified in the test, selection etc.* held for the purpose, but have secured ranks lower than the candidates of other communities for whom no reservation have been made.

(b) A roster of 40 vacancies will be necessary to give effect properly to the reservations for Scheduled Castes and Scheduled Tribes and the roster given below should be adopted as a model roster for the services in which there are no reservations for Anglo-Indians :—

1	Scheduled Castes	21	Scheduled Tribes
2	Scheduled Castes	22—24	Unreserved
3—8	Unreserved	25	Scheduled Castes
9	Scheduled Tribes	26—32	Unreserved
10—16	Unreserved	33	Scheduled Castes
17	Scheduled Castes	34—40	Unreserved
18—20	Unreserved		

In the case of recruitment to services in which vacancies are reserved for members of the Anglo-Indian Community, rosters should be drawn up by the Ministries concerned in consultation with the Ministry of Home Affairs.

(c) Instructions for the maintenance of the rosters are given in Appendices A & B.

Recruitment otherwise than by open competition :

3. (i) The following roster should be followed for services to which recruitment is made on an all-India basis otherwise than by open competition :—

1	Scheduled Tribes	21	Scheduled Tribes
2	Scheduled Castes	22—24	Unreserved
3—6	Unreserved	25	Scheduled Castes
7	Scheduled Castes	26—30	Unreserved
8—12	Unreserved	31	Scheduled Castes
13	Scheduled Castes	31—36	Unreserved
14—18	Unreserved	37	Scheduled Castes
19	Scheduled Castes	38—40	Unreserved
20	Unreserved		

NOTE :— In every third cycle of the above roster, the 37th point will be treated as unreserved.

(ii) Instructions for the maintenance of the roster are given in Appendices A & B.

Local Recruitment :

4. (a) If the candidates of Scheduled Castes, Scheduled Tribes from the neighbouring areas are likely to be available, the percentages of reservations will be prescribed by the Ministries concerned in consultation with the Ministry of Home Affairs. Pending the results of the 1951 Census, the percentages of reservations will be

based on the population figures given in the 1941 Census Report. Proposals in this regard should be sent to the Ministry of Home Affairs as soon as possible and pending a decision on the percentages to be fixed, the reservations prescribed for recruitment on an all-India basis should be followed.

(b) the purely temporary establishments such as work charge staff including the daily rated and the monthly rated staff, shall be excluded from the scope of the orders regarding communal representation in services.

General :

5. (1) It has been decided as a rule not to grant any exemption from the scope of these orders in respect of posts and services, but exceptional cases should be referred to the Ministry of Home Affairs, for a decision.

(2) The communal representation orders are applicable separately :

(a) to permanent vacancies; and

(b) to temporary vacancies lasting three months or longer whether in permanent or in temporary posts.

(3) If a sufficient number of candidates of the communities for whom the reservation are made, who are eligible for appointment to the posts in question and are considered by the recruiting authorities as suitable in all respects for appointment to the reserved quota of vacancies, are not available, the vacancies that remain unfilled will be treated as unreserved and filled by the best available candidates; but a corresponding number of vacancies will be reserved in the following years for the communities whose vacancies are thus filled up in addition to such number as would ordinarily be reserved for them under the orders contained in the Resolution. (For further clarification please see rule III in Appendix 'A').

(4) If suitably qualified candidates of the communities for whom the reservations have been made are again not available to fill the vacancies carried forward from the previous year under clause (3) above the vacancies not filled by them will be treated as unreserved and the reservations made in those vacancies will lapse.

(5) A vacancy caused by the termination of the services of a probationer should not be treated as a fresh vacancy, but should be treated as (a) unreserved or (b) reserved for (i) Scheduled Castes or (ii) Scheduled Tribes or (iii) Anglo-Indians according as the vacancy was originally treated as unreserved or reserved.

(6) In order to justify a statement that a sufficient number of suitable candidates of a community are not available and the vacancy should, therefore, be treated as unreserved, it is essential that adequate steps should be taken to bring the existence of the vacancies to the notice of candidates of those communities. For this purpose, it is necessary to advertise the vacancies in newspapers and also to consult the agencies which may be in a position to assist in the matter. The instructions in the succeeding sub-paragraphs should be carefully followed in this connection :—

(a) All vacancies in services and posts recruitment to which is made on an all-India basis should, until further orders, be advertised in the newspapers indicated below :—

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|------------------|--|
| 1. Madras | The Mail, Madras.
The Hindu, Madras.
The Indian Express, Madras. |
| 2. Bombay | The Times of India, Bombay.
The Free Press Journal, Bombay.
The Bombay Chronicle, Bombay.
The Bharat, Bombay. |
| 3. West Bengal | The Hindustan Standard, Calcutta.
The Statesman, Calcutta.
The Amrit Bazar Patrika, Calcutta. |
| 4. Uttar Pradesh | The Amrit Bazar Patrika, Allahabad.
The Pioneer, Lucknow.
The National Herald, Lucknow.
The Frontier Mail, Dehra Dun. |

5. Orissa	The New Orissa, Cuttack.
6. Assam	The Assam Tribune, Gauhati.
7. Bihar	The Indian Nation, Patna.
8. Madhya Pradesh	The Hitavada, Nagpur. The Nagpur Times, Nagpur.
9. Punjab	The Tribune, Chandigarh.
10. Delhi	The Statesman, Delhi. The Hindustan Times, Delhi.

NOTE :—The above list is provisional and is subject to amendment.

In the case of local recruitment [c.f. para 4(a)] the local Head of the Department may decide the newspapers in which advertisements regarding vacancies in his office should be published.

- (b) In all cases, where experience has shown that a sufficient number of suitably qualified candidates of a particular community will not be forthcoming by advertisement for vacancies reserved for them, the local Head of a Department should consult the organisations mentioned in Appendix 'C' and such other organisations as are recognised by the Government of India from time to time as representative of the communities for whom the reservations are made. Detailed instructions, giving the addresses of the branches of these organisations in the various States, will issue separately.

It should, however, be made clear to these organisations that their functions are limited :—

- (i) to bring to the notice of suitable candidates any examinations for recruitment to services for which they could usefully enter and any advertisements of appointments to be made by selection,
- (ii) to advise the candidates about the examinations for recruitment to services for which they should apply, and
- (iii) To advise candidates on any matter which might be of assistance to them in preparing for, or applying for admission to examinations held for recruitment to the services; and that it will not be for them to press the claim of any individual candidates, who should submit their applications direct to the appointing authorities.

- (c) Copies of the advertisements should be sent to the Regional or Local Employment Exchange. Where the Local Employment Exchange is unable to provide suitable candidates, a reference will be made by it to the Directorate General of Resettlement and Employment, which maintains an all-India list of members of the Scheduled Castes, who have registered themselves with the Employment Exchanges for appointment to posts under the Government of India. The candidates recommended by the Employment Exchange/Directorate General of Resettlement and Employment should be considered along with those who apply direct in response to the advertisement, or at the instance of the organisations referred to in Appendix 'C'.

(7) The claims of candidates for employment to be treated as Scheduled Castes or Scheduled Tribes will ordinarily be verified by the appointing authorities through the District Magistrates of the place where such persons and/or their families ordinarily reside. At the discretion of the Selecting/Appointing authorities the following may also be accepted as sufficient proof of the claims.

- (a) Matriculation or School Leaving Certificates or birth certificates giving the caste or community of the candidates and place of residence in original or copies thereof duly attested by a Gazetted Officer of the Central or State Government.
- (b) Certificates issued by Gazetted Officers of the Central or of a State Government countersigned by the District Magistrate of the District to which the candidates belong.

These certificates should be in the form given in Appendix 'D'.

(8) (a) For purpose of these orders an 'Anglo-Indian' means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only.

(b) The procedure to be followed in verifying the claims of persons as belonging to the Anglo-Indian community will be as follows:—

- (i) A candidate's own claim to be an Anglo-Indian should be accepted unless there is any reason to doubt it.
- (ii) As regards doubtful cases a reference may be made to the nearest branch of the All-India Anglo-Indian Association and the candidates may be asked to furnish documentary evidence such as birth certificates, school leaving certificates and certificate from persons of responsibility and repute who are themselves Anglo-Indians. On the basis of the evidence thus obtained the appointing authority will decide whether the claims should be accepted.

6. *Grouping of Posts*: When applied to individual posts or to cadres consisting of a few posts only, the orders regarding communal representation in the services take long to produce the results aimed at, since an isolated post can be held only by a member of one community at a time and, in the case of small cadres, vacancies may not occur with sufficient frequency to enable for the Scheduled Castes etc., to secure adequate representation. To overcome this difficulty, it is necessary to group posts of similar status and salary and to apply these orders to the groups so formed. Instructions relating to grouping of posts are given in Appendix 'E'.

7. *Communal Returns*: The reservations provided for in the Resolution are based on provisions in the Constitution of India and it is therefore absolutely necessary that they should be strictly followed. In order to enable the Government of India to watch the observance of these orders, the Ministries should submit to the Ministry of Home Affairs 'Communal Returns' in the forms attached (Appendices G & H), Appendix 'F' contains the instructions which will govern in submission of these returns.

8. The communal returns submitted by the Ministries will show only whether the percentages of reservations prescribed for the various castes, tribes, etc. were followed during the year to which the returns relate and there is no provision in these returns to indicate the point in the communal roster (of paragraphs 2 and 3 above) at which recruitment began during the year in each grade, service or group. For this purpose, the appointing authorities will maintain communal registers in the form and according to instructions given in Appendices A and B and maintain a record of the appointments made annually.

9. The instructions apply *mutatis mutandis* to all Part C States as well. Such States should, also therefore, observe these instructions and submit their returns to the Ministry of Home affairs.

10. The orders contained in the Resolution of the 13th September, 1950 and in the Office Memorandum should be deemed to have come into force on the 26th January, 1950, and further recruitment to grades and services in which vacancies had been filled on or after the 26th January and before the issue of these orders should, where necessary, be suitably readjusted, with a view to protecting the interests of Scheduled Castes, Scheduled Tribes and Anglo-Indian in the matter of appointment to posts under the Central Government.

APPENDIX 'A'

N. B. :—Before making an appointment by direct recruitment the appointing authority should ascertain, by consulting the Communal register, whether the vacancy is reserved or unreserved; and if it is reserved, for which community it is reserved. Immediately after appointment has been made, the particulars should be entered in the register and the entry signed by the appointing authority.

RULES TO BE OBSERVED IN MAINTAINING THE ROSTER

I. Separate rosters should be maintained for vacancies filled by open competition and those filled otherwise, within the above two categories separate roster should be maintained for permanent and temporary appointments.

II. The roster is running account from year to year and must be maintained accordingly. For example, if recruitment in a year stops at point 6 of the cycle, recruitment in the following year will begin at point 7.

III. No gap should be left in the roster in filling vacancies and if a reserved vacancy (at, say the 25th point of the roster) has, for want of a suitable Scheduled Caste candidate, to be treated as unreserved, the candidate appointed should be shown against that point; but if a Scheduled Caste candidate cannot be recruited against an unreserved vacancy later in the year, the reservations should be carried forward to the following year and after the Scheduled Castes quota for the latter year has been filled, the first unreserved vacancy in that year (say, the 32nd point) should be treated as reserved for Scheduled Castes.

IV. Temporary appointments of less than three months duration should not be shown in the roster.

V. The appointment made by promotion or transfer should not be shown in the roster unless the promotion or transfer is treated as 'direct recruitment' (e.g. the appointment of a clerk as stenographer).

VI. The appointment of a temporary employee to a new temporary vacancy is a new appointment and should be accounted for again in the roster.

VII. The appointment of a temporary employee in a permanent capacity is a fresh appointment and should be made according to the roster for permanent appointments.

VIII. The appointment of a person holding a post to which the rules do not apply to a post to which they do apply should be made according to the roster for the latter.

IX. Vacancies due to whatever cause, except termination of service during probation or trial should be treated as fresh vacancies.

X. In column (3), persons belonging to communities other than Scheduled Castes, Scheduled Tribes and Anglo-Indians (in the case of recruitment to Railways, Telegraphs and Customs Services in which they are provided with reservations) should be shown as belonging to 'other communities'.

XI. These forms should not be kept as 'loose sheets' but should be bound into register of 20, 30 or 50 sheets. When printed registers become available, suitable instructions indicating the source from which these registers can be obtained will be issued.