

## CHAPTER 16

### STRICT OBSERVANCE OF THE ORDERS REGARDING RESERVATION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

Deptt. of Personnel & A. R. O. M. No. 36011/5/75- Estt. (SCT) dated 3-5-1975 O. M. No. 36011/7/80- Estt. (SCT) dt. 1-11-1980.

16.1 Ministries/Departments should impress upon the appointing authorities the need to observe the reservation and other orders relating to representation of Scheduled Castes and Scheduled Tribes in services strictly. Glaring instances of discrimination or deliberate infraction of the order relating to reservations and concessions in favour of Scheduled Castes and Scheduled Tribes employees in any office/establishment could be brought to the notice of the appropriate authorities for suitable action. Ministries/Departments etc. should ensure that wherever cases of such nature are brought to the notice of appropriate authorities, suitable action is taken on them promptly.

Deptt. of Personnel & A. R. O. M. No. 36022/20/76- Estt. (SCT) dated 8-9-1976 and No. 36013/5/78- Estt. (SCT) 19-12-1978. O. M. No. 36013/6/84 Estt. dt. 29-8-84

16.2 Procedure prescribed for filling vacancies reserved for Scheduled Castes and Scheduled Tribes should be strictly observed so that such vacancies are filled by candidates belonging to these communities only. Preposals for dereservation of vacancies reserved for Scheduled Castes/Scheduled Tribes should be made/considered only after ensuring that all the procedures prescribed in this regard have been strictly and fully followed and dereservation has become inescapable. It should also be ensured that the instructions for the maintenance and the periodical inspection of rosters are strictly followed by the appointing authorities and Liaison Officers. Cases of negligence or lapses in the matter of following the reservation and other orders relating to representations of Scheduled Castes and Scheduled Tribes should be viewed seriously and should be brought to the notice of appropriate authorities and suitable action should be taken promptly.

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#### COPIES OF OFFICE MEMORANDA ETC. ON CHAPTER 16

O. M. No. 36011/5/72 Estt. (SCT)	3-5-75
O. M. No. 36022/20/76 Estt. (SCT)	8-9-76
O. M. No. 36013/5/78 Estt. (SCT)	19-12-78 After Chapter 10
O. M. No. 36011/7/80 Estt. (SCT)	1-11-80
O. M. No. 36013/6/84 Estt. (SCT)	29-8-84

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**Department of Personnel & Administrative Reforms O. M. No. 36011/5/75-Estt. (SCT)  
dated 3rd May, 1975 to all Ministries etc.**

*Subject* :—Strict observance of the orders regarding reservations for Scheduled Castes and Scheduled Tribes.

In this Department's O. M. No. 27/2/71-Estt. (SCT), dated the 24th March, 1972, the Ministries/Departments were requested to impress upon the appointing authorities the need to observe the reservation and other relating to representation of Scheduled Castes and Scheduled Tribes in services strictly. It was also stated that cases of negligence or lapses in the matter of following the reservation and other orders relating to the Scheduled Castes and Scheduled Tribes coming to light through the inspections carried out by the Liaison Officers or otherwise, should be submitted to the Secretary/Additional Secretary to the Government in the respective Ministries/Departments and to the Head of the Department in respect of offices under a Head of Department and that necessary action should be taken as directed by the Secretary/Additional Secretary/Head of the Department on such reports to ensure strict compliance of the orders by the appointing authority concerned. A suggestion was made by the Commissioner for Scheduled Castes and Scheduled Tribes that in order to ensure proper implementation of reservation orders, suitable instructions should be issued to all concerned emphasising that disciplinary action would be taken against the erring officers. This matter was considered by the High Power Committee set up under the Chairmanship of the Prime Minister to review the representation of Scheduled Castes and Scheduled Tribes in the services, as its meeting held on the 9th April, 1974, when the Committee observed that while there was no need to issue further instructions in this regard, any glaring instances of discrimination or deliberate infraction of the orders relating to reservations and concessions in favour of Scheduled Castes and Scheduled Tribes employees in any office/establishment could be brought to the notice of the appropriate authorities for suitable action.

2. The observations of the High Power Committee indicated above are brought to the notice of the Ministries/Departments etc. with the request that it may be ensured that wherever cases of such nature are brought to the notice of the appropriate authorities, suitable action is taken on them promptly.

Department of Personnel & A. R. O. M. No. 36022/20/76-Estt. (SCT)  
dated the 8th September, 1976 to all Ministries etc.

**Subject** :—Strict observance of orders and proper maintenance of rosters for giving effect to reservations for Scheduled Castes and Scheduled Tribes—checking of rosters at regular intervals—Recommendations of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes has *inter-alia*, made the following Recommendations in its 41st Report:

**Recommendation No. 12 (Para 2.7)**

The Committee are distressed to find the insignificant representation of Scheduled Castes and Scheduled Tribes in Class I and II services of the Government as well as of the Public Sector Undertakings. The Committee also regret to note that even in Class III, the representation of Scheduled Castes and Scheduled Tribes is much below the quota reserved for them. The under representation of the Scheduled Tribes persist in Class IV also. Considering these heavy shortfalls, the Committee cannot but conclude that orders on the subject are neither being followed in letter and spirit by the appointing authorities nor is adequate attention being paid to improve the situation. The Committee would like the Department of Personnel and Administrative Reforms and the Bureau of Public Enterprises to take immediate corrective steps to ensure that all the vacancies reserved for Scheduled Castes and Scheduled Tribes are actually filled in by the candidates from these communities. In this connection, the Committee suggest that responsibility should be fixed and disciplinary action taken against those Officers who, due negligence or otherwise, fail to implement the reservation orders in favour of Scheduled Castes and Scheduled Tribes *in toto*.

**Recommendation No. 14 (Para 2.9)**

The Committee have not only received complaints but have themselves seen on their visits to various Offices and Organisations during their tours that Rosters are neither being maintained properly nor checked regularly, especially in the Public Sector Undertakings. The Committee need hardly emphasise the desirability of proper maintenance of Rosters and their checking by the prescribed authorities at regular intervals as per extant orders on the subject. The Committee feel that there is a real need for educating the Liaison Officers about the maintenance and inspection of Rosters. Guidelines should be planned and laid down for the benefit of those who are to operate the rosters. Disciplinary action should be taken against the defaulters in this respect.

2. The Ministries/Departments were requested to impress upon the apponinting authorities the need to observe the reservations and other orders relating to representation of Scheduled Castes and Scheduled Tribes in services strictly *vide* this Department's Office Memorandum No. 27/2/71-Esst. (SCT), dated the 24th March, 1972 and No. 36011/5/75-Estt. (SCT), dated the 3rd May, 1975 and No. 36011/1/76-Estt. (SCT), dated the 6th March, 1976. A strict procedure for derservation of reserved vacancies has also been prescribed and in addition to the earlier instructions in this regard the Ministries/Departments have been requested in this Department's Office Memorandum No. 16/27/74-Estt. (SCT), dated the 12th November, 1975 that whenever a reference is made to this Department for derservation of reserved vacancies (a copy of which is also to be sent to the Commissioner for Scheduled Castes and Scheduled Tribes) besides giving information as usual, a Note should also be recorded to the effect that the proposal is being made with the full knowledge and concurrence of the Liaison Officer concerned. As regards proper maintenance of rosters and their checking at regular intervals, attention of the Minisrty of Finance etc., is invited to paras 9 to 13 in the Brochure on Reservations for Scheduled Castes and Scheduled Tribes (4th edition, 1975) which contain the guidelines in this regard. The form of the roster is given in Appendix 4 of the Brochure, Detailed instructions for maintenance of rosters are given in Appendix 5. A hypothetical iliustration of roster is given in Appendix 6. The Liaison Officer nominated in the Ministries/Departments and in offices under the Heads of Departments are required to conduct annual inspection of rostes in the respective offices under their charge. The proforma of inspection of rosters is also given in Appendix 7 of the Brochure.

3. The recommendations of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes reproduced above are again specifically brought to the notice of the Ministries/Departments. They are requested to ensure that the procedures prescribed for filling vacancies reserved for Scheduled Castes and Scheduled Tribes are strictly observed so that such vacancies are filled by candidates belonging to these communities only. Proposals for deservation of vacancies reserved for Scheduled Castes/Scheduled Tribes should be made/considered only after ensuring that all the procedures prescribed in this regard have been strictly and fully followed and derservation has become inescapable. It should also be ensured that the instructions referred to above, for the maintenance and the periodical inspection of rosters are strictly followed by the appointing authorities and Liaison Officers. The difficulties and point of doubt, if any, in regard to maintenance and inspection of rosters should be intimated by the Ministries/Departments to this Department so that the question of issuing further guidelines on specific points, if any, could be considered in this Department.

4. Attention of the Ministry of Finance etc. is also invited to the instructions contained in this Department's Office Memoranda dated the 24th March, 1972, 3rd May, 1975 and 6th March, 1976 referred to in para I above. Cases of negligence of lapses in the matter of following the reservations and other orders relating to representation of Scheduled Castes and Scheduled Tribes should be viewed seriously and should be brought to the notice of appropriate authorities and suitable action should be taken promptly.

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Department of Personnel and Administrative Reforms O. M. No. 36011/7/80-Estt. (SCT)  
dated 1-11-1980

*Subject* :—Inadequate representation of Scheduled Castes and Scheduled Tribes—large gap between the percentage prescribed and their actual representation.

The undersigned is directed to say that during the course of discussion on the 25th Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1977-78 in the last session of the Parliament several member of Parliament expressed concern over the inadequate representation of Scheduled Castes and Scheduled Tribes in the service. To some extent this under-representation can be ascribed to the non-implementation of the reservation orders while making appointments. The Minister of State for Home Affairs, while replying to the debate, assured that necessary steps would be taken to fill in the backlog represented by the gap between the targeted percentage of reservation and actual representation of Scheduled Castes/Scheduled Tribes in services. The Ministries/Departments are, accordingly, requested to make every effort to wipe out this shortfall in the representation of Scheduled Castes and Scheduled Tribes by raising it to the level of prescribed percentage in this regard.

2. The present representation of Scheduled Castes and Scheduled Tribes in Central Government services as on 1-1-1979 is given in the following statement :

Group (CI)	Total No. of employees	Scheduled Castes	Per- centage	Scheduled Tribes	Per- centage
<i>As on 1-1-1979</i>					
Group A (Cl. I)	46,434	2,204	4.75	435	0.94
Group B (Cl. II)	56,287	4,150	7.37	579	1.03
Group C (Cl. III)	17,18,576	2,15,762	12.55	53,460	3.11
Group D (Cl. IV) (Excluding sweepers)	12,71,254	2,45,596	19.32	65,975	5.19
<b>TOTAL</b>	<b>30,92,551</b>	<b>4,67,712</b>	<b>15.12</b>	<b>1,20,449</b>	<b>3.89</b>

While one may derive some comfort from the percentage of representation of Scheduled Castes in Group D, services/posts, their representation in all other Groups is still below the prescribed level. Although there may not be a cause for grave concern in respect of Scheduled Castes representation in Group C—which, hopefully, will soon reach the target given even the maintenance of the trend—their under representation in Group B and A, where even the 50 percent of the targeted level, has not been achieved yet, is a matter for serious concern. The level of representation of members from Scheduled Tribes, in all the Groups, is chronically low and shows almost no sign of immediate recovery. Unless, therefore, a more positive approach is generated towards the problems of representation of Scheduled Castes in Groups B and A and of Scheduled Tribes in all Groups (D, C, B and A), and serious and sustained efforts are made to liquidate the current shortfall by the adoption of vigorous programmes of prospecting Scheduled Caste/Scheduled Tribe members for the vacancies reserved for them, 'safeguard' policy for Scheduled Castes/Scheduled Tribes will continue to flounder on the rock of ineffective implementation.

3. In regard to the implementation of the Government policy pertaining to the Scheduled Castes/Scheduled Tribes in the services. Ministries/Departments are requested to keep in view, and follow strictly, the essential steps to be taken for filling reserved vacancies as prescribed in Chapters 8 and 9 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes (5th edition—1978). It is to be impressed upon all the

appointing authorities that vacancies reserved for Scheduled Castes/Scheduled Tribes are meant to be filled up by member of these communities only and dereservation of reserved vacancies should not be restored to as a matter of routine, without making serious and sustained efforts as prescribed to procure Scheduled Castes and Scheduled Tribes candidates, and before exhausting all the avenues for obtaining Scheduled Castes/Scheduled Tribes candidates. No reserved vacancy can be filled up by general community candidates unless it is dereserved and the "reservation" carried forward to three subsequent recruitment years, wherever applicable.

4. Attention is also drawn to Department of Personnel and Administrative Reforms Office Memorandum No. 36011/5/75-Estt. (SCT) dated 3-5-1975 according to which Ministries/Departments should impress upon the appointing authorities the need to observe the reservation and other orders relating to representation of Scheduled Castes/Scheduled Tribes in services *strictly*. Glaring instances of discrimination or deliberate infraction of the orders relating to reservation and concessions in favour of Scheduled Castes/Scheduled Tribes in any office or establishment should immediately be brought to the notice of the appropriate authorities for suitable action. Ministries/Departments should ensure that whenever cases of such nature are brought to the notice of appropriate authorities, suitable action is also taken promptly. It should also be ensured that the instructions for the maintenance and the periodical inspection of rosters are strictly observed by the appointing authorities and Liaison Officers, and suitable action initiated against officials for deliberate negligence and lapses in the matter of following the reservation and other orders relating to Scheduled Castes/Scheduled Tribes 'Cells' should be immediately created, where they have not so far been done, as enjoined under this Department's instructions, and where they exist, they should be activated.

5. Apart from following strictly rules and procedures regarding reservation and other concessions for Scheduled Castes/Scheduled Tribes, what is needed is a sympathetic and appreciative attitude towards the genuine problems faced by members of these communities and if it is kept in mind that the policy providing reservation for Scheduled Castes/Scheduled Tribes is part of overall policy for the all-round development of the members of these communities (which itself can be viewed as part of social responsibility and obligation), it will be easier to adopt a more positive approach in this regard.

6. Ministry of Finance etc. are requested to once again bring the above instructions to the notice of all the concerned authorities under their control.

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**Department of Personnel and A. R. O. M. No. 36013/6/84-Estt. (SCT)  
dated 29th August, 1984**

**Subject :—**Recommendation made by the Commissioner for Scheduled Castes/Scheduled Tribes in his 27th Annual Report.

The undersigned is directed to refer to the above subject and to say that the Commissioner for Scheduled Castes/Scheduled Tribes has made the following recommendation in his 27th Report :

**Recommendation No. 62**

The Department of Personnel and A. R. is once again urged to issue immediate instructions to all concerned to ensure that the policy of the Government in regard to reservation which is based on the provisions made in the Constitution is properly interpreted before the courts and the cases do not go by default.....”

2. The Government has accepted this recommendation, Ministries/Departments are requested to ensure that the above recommendation is strictly complied with, and whenever cases are filed in courts, adequate steps are taken to project the policy of Government with regard to reservation correctly and also adequate steps are taken to defend such cases adequately in consultation with the Department of Personnel and A. R. if necessary.

3. Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all their attached and subordinate offices.