

CHAPTER 19

RESERVATIONS FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN THE SERVICES UNDER THE PUBLIC SECTOR UNDERTAKINGS, STATUTORY AND SEMI-GOVERNMENT BODIES AND VOLUNTARY AGENCIES RECEIVING GRANTS IN AID FROM THE GOVERNMENT

19.1 The various instructions given in this Brochure relate to reservations for Scheduled Castes and Scheduled Tribes in post/services under the Government. The Public Sector Undertakings, Statutory and Semi-Government Bodies, etc. under the control of the Government, have also been asked to make reservation for Scheduled Castes and Scheduled Tribes in their services on the lines of the reservations in services under Government by separate instructions as mentioned in the following paragraphs.

MHA O.M. No. **Public Sector Undertakings :**

5/1/63—SCT (I)
dt. 4-3-64.

19.2 In Ministry of Home Affairs O.M. No. 5/1/63 SCT (I) dated 4-3-64, Ministries were requested to issue suitable instructions to the public sector undertakings under their control to make reservations for Scheduled Castes and Scheduled Tribes in their services on the lines of the reservations in Central Government services.

The Bureau of Public Enterprises, Ministry of Industry has since arranged for issue to the various public sector undertakings, suitable directives through the administrative Ministries concerned for making reservations for Scheduled Castes and Scheduled Tribes in their services. The directive and supplementary directives were forwarded by the Bureau of Public Enterprises to the administrative Ministries for issue to the Public Undertakings with the following O.Ms :—

O.M. No. 2(115)/68 BPE (GM) dated 18-9-1969.

O.M. No. 2(115)/68 BPE (GM) dated 17-12-1970.

O.M. No. 6/1/73 BPE (IC) dated 10-5-1974.

MHA O.M. No. **Statutory and Semi-Government Bodies**

16/2/54 (SCT)
dated 23-11-54,
and No. 17/4/62,
Estt. (SCT) dated
3-2-70.

19.3 Autonomous bodies such as statutory and semi-Government bodies which are under the control of the Government should also make reservations for Scheduled Castes and Scheduled Tribes in their services on the lines of the reservations in the services under Government *vide* instructions issued in Ministry of Home Affairs O.M. No. 16/2/54-SCT dated 23-11-1954 read with O.M. No. 17/4/69-Estt. (SCT) dated 3-2-1970.

MHA O.M. No. **Autonomous Bodies Institutions including Municipal Corporations, Cooperative Institutions, Universities etc.**
39/40/74-SCT (I)
dated 30-9-74.

19.4 Suitable action should be taken by the Ministries/Departments concerned under advice to Ministry of Home Affairs to provide for reservations for Scheduled Castes and Scheduled Tribes in the services of the autonomous bodies/institutions which are receiving grants-in-aid from the Government of India by making suitable provision in the relevant statutes or in the Articles of Association of the respective bodies.

DP & AR O.M. Voluntary Agencies receiving Grants in Aid from the Government

No. 27/12/73-Estt
(SCT) dated
7-10-74

19.5 A clause providing for reservations being made in favour of Scheduled Castes and Scheduled Tribes in the services under the voluntary agencies should be included in the terms and conditions under which such voluntary agencies/organisations etc. are given grants-in-aid by Government, somewhat on the following lines:—

“.....(Name of Organisation/Agency etc.) agrees to make reservations for Scheduled Castes and Scheduled Tribes in the Posts/services under its control on the lines indicated by the Government of India.”

Such voluntary agencies etc. would be required to follow the broad features of the scheme of reservations.

(ii) The Ministries/Departments should insist on the above provisions relating to reservations for Scheduled Castes and Scheduled Tribes being followed by the voluntary agencies etc. as a pre-condition to the sanction of grants-in-aid to the agencies where;

- (a) the recipient body employees more than 20 persons on a regular basis and at least 50 per cent of its recurring expenditure is met from grants-in-aid from Central Government; and
- (b) the body is a registered society or a cooperative institution and is in receipt of a general purpose annual grant-in-aid of Rs. 2 lakhs and above from the Consolidated Fund of India.

(iii) The above decisions should be kept in view while sanctioning grants-in-aid to various voluntary agencies and the progress made by such agencies in employing Scheduled Castes and Scheduled Tribes candidates in their services should also be kept in view by the administrative Ministries/Departments while sanctioning future grants to them. The voluntary agencies etc. should also be informed that the progress in respect to the employment by them of Scheduled Castes and Scheduled Tribes in the services under them would be taken into account by Government while sanctioning future grants in aid to them.

COPIES OF OFFICE MEMORANDA ETC. NO CHAPTER 19

O.M. No. 16/2/54-SCT	23-11-54
O.M. No. 5/1/63-SCT (I)	4-3-64
O.M. No. 17/4/69-Estt. (SCT)	3-2-70
O.M. No. 39/40/74-SCT (I)	30-9-74
O.M. No. 27/12/73-Estt. (SCT)	7-10-74
O.M. No. 17016/1/76-SCT (I)	8-4-76

Ministry of Home Affairs O.M. No. 16/2/54-(SCT)
dated 23rd November, 1954

Subject :—Application of the Communal Representation Order to Statutory Bodies.

The undersigned is directed to invite a reference to para 5 of Section IX of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1952 in which it was recommended that the Statutory Bodies attached to the various Ministries of the Government of India should be requested to observe the orders regarding reservation of vacancies for Scheduled Castes and Scheduled Tribes (contained in the Ministry of Home Affairs Resolution No. 42/21/49-NGS, dated 13th September, 1950) while recruiting staff in their offices.

2. In order to find out whether any Statutory Bodies were not observing the reservation orders, the Ministries were requested to furnish *inter alia* a list of Statutory Bodies under their administrative control which were following those orders *vide* this Ministry's Office Memorandum No. 28/9/54-SCT dated 20th July, 1954. Replies to that office memorandum are not yet complete, but the information furnished by the Ministries from whom replies have been received so far indicates that while some of the Statutory Bodies are following the reservation orders, other are not doing so. The recommendation referred to in the preceding paragraph needs to be examined in relation to those Statutory Bodies which are not following the reservation orders.

3. After careful consideration, the Ministry of Home Affairs have agreed in principle that the reservation orders should also apply to the Statutory Bodies which are not following them now. It is, however, for examination in each case, on the basis of the relevant statute, whether the Government of India can pass an order directing that reservation orders would apply to the Statutory Body concerned. If the statute does not permit of such direction by Government, the only course would be to bring the policy of Government in the matter to the notice of the Statutory authority and suggest that they should make suitable rules, or amendments to their existing rules in accordance with this policy.

4. The undersigned is accordingly to request the Ministry of Finance etc. to examine, in respect of each of the Statutory Bodies attached to them or under their administrative control which are not following the reservation orders, the question whether the reservation orders can be extended formally to those Bodies, or whether they should merely be recommended to them for adoption. The result of such examination and the action taken in the matter may be communicated to the Ministry of Home Affairs as early as possible.

5. The Ministry of Finance etc. are also requested to ask the Statutory Bodies attached to them to furnish the communal returns in the manner prescribed in this Ministry's Office Memorandum No. 42/21/49-NGC, dated 28th January, 1952. Such returns should be forwarded to this Ministry along with the returns relating to the Ministry of Finance etc. and their attached and subordinate offices. The information relating to Statutory Bodies should not, however, be included in the consolidated statements of the returns.

Ministry of Home Affairs O.M. No. 5/1/63-SCT(I)
dated 4th March, 1964 to all Ministries etc.

Subject :—Reservation for Scheduled Castes and Scheduled Tribes in the services under the Public Sector Undertakings.

In the Ministry of Home Affairs O.M. No 5/13/56-SCT(I), dated 14th November, 1956 and 5/13/56-SCT(I), dated 5th September, 1957 (copies enclosed), Ministries were requested to issue instructions to the Public Sector Undertakings under their control to observe the orders regarding representation of Scheduled Castes and Scheduled Tribes in Government services, as far as possible consistently with the maintenance of efficiency. It has, however, come to the notice that in some of the Public Sector Undertakings due representation is still not being given to Scheduled Castes and Scheduled Tribes. The question of employment of Scheduled Castes and Scheduled Tribes recently came up for consideration before the Central Advisory Board for Harijan Welfare and the members were assured that action would be taken to see that these Undertakings gave as much benefit as possible to the Scheduled Castes and Scheduled Tribes. The working Group on the Welfare of Backward Classes in the 4th Plan have also recommended *inter-alia* reservations for Scheduled Castes and Scheduled Tribes in appointments in Public Sector Undertakings. Taking into consideration all relevant factors and the growing opportunities of employment in the Public Sector, it is important that, as in the case of employment in public services, the Scheduled Castes and Scheduled Tribes should be given fair share of appointments in Public Sector Undertakings also.

2. Ministries are accordingly requested to issue suitable instructions to the Undertakings under their control to make reservation for Scheduled Castes and Scheduled Tribes in their services on the lines of the reservations in Central Government services. It may be explained to the Undertakings that reservations for Scheduled Castes and Scheduled Tribes are subject to availability of *suitable* candidates of the respective class, and in case of non-availability of such *suitable* candidates for any reserved posts, such posts can be treated as unreserved and filled by others. Cases, if any where a Public Sector Undertakings finds difficulty in implementing the reservation orders wholly or even partly, may be further examined by the Ministry concerned in consultation with this Ministry.

3. The Undertakings may also be instructed to furnish to this Ministry and to the administrative Ministry by 1st March every year, annual returns in the forms given in Appendices I and II enclosed. In some Undertakings, the classification of posts may not be identical or similar to that in vogue in the Central Government service. In such cases, for the purpose of maintaining rosters and furnishing the returns, the posts may be treated as Class I, II, III and IV, as follows :—

Posts carrying a pay or a scale of pay with a maximum of not less than Rs. 950.	Class I
Posts carrying a pay or a scale of pay with a maximum of not less than Rs. 575 but less than Rs. 950.	Class II
Posts carrying a pay or scale of pay with a maximum of over Rs. 110 but less than Rs. 575.	Class III
Posts carrying a pay or a scale of pay the maximum of which is Rs. 110 or less.	Class IV

4. Copies of instructions issued to Public Sector Undertakings in pursuance of paragraphs 2 and 3 above may kindly be endorsed to this Ministry.

Ministry of Home Affairs O.M. No. 17/4/69-(SCT)
dated 3rd February, 1970 to all Ministries etc.

Subject:—Reservation for Scheduled Castes and Scheduled Tribes in the services under the autonomous bodies.

In the Ministries of Home Affairs Office Memorandum No 16/2/54-SCT, dated 23rd November, 1954, it was stated that the Ministry of Home Affairs Office had agreed in principle that the orders regarding reservations for Scheduled Castes and Scheduled Tribes should also apply to Statutory Bodies. The Ministries were requested to direct the Statutory Bodies to follow the reservation orders if the relevant statute permitted of such direction being given. They were also requested to examine in respect of each of the Statutory Bodies attached to them or under their administrative control which were not then following the reservation orders the question of formally extending the reservation orders to these bodies. In this Ministry's Office Memorandum No. 5/1/63-SCT(I) dated 4th March, 1974, the Ministries were requested to issue instructions to the Public Sector Undertakings under their control to make reservation for Scheduled Castes and Scheduled Tribes in their services on the lines of the reservations in the Central Government services. As a result of these instructions and follow-up action, most of the Public Sector Undertakings and Statutory and Semi Government Bodies have now agreed to make reservation for Scheduled Castes and Scheduled Tribes in their services

2. The Bureau of Public Enterprise, Ministry of Finance, has in its D. O. letter No. 2(115)/68-BPE (GM) dated 18th September, 1969, communicated to the Ministries a draft directive to be issued to the Public Enterprises on the subject. The Directive would cover bodies formed under a Statute and Companies registered under the Companies Act over which Government exercises control. Apart from such statutory bodies and public enterprises, there are various autonomous bodies over which control is exercised by Government. For instance, there are bodies which are registered under the Societies Registration Act and other institutions controlled by Government. It is necessary that the orders regarding reservation for Scheduled Castes and Scheduled Tribes should be followed in all aspects by such autonomous bodies also. Ministry of Education and Youth Services etc. are, therefore, requested to issue instructions to the autonomous bodies under their control to make reservations, for Scheduled Castes and Scheduled Tribes in their services according to the scheme in the Annexure

3. Copies of the instruction issued to the autonomous bodies in pursuance of para 2 above may please be endorsed to this Ministry also

Ministry of Home Affairs O.M. No. 39/40/74-SCT(I)
dated 30th September, 1974 to all Ministries etc.

Subject :—Reservation for Scheduled Castes and Scheduled Tribes in autonomous bodies/institutions.

The undersigned is directed to say that a suggestion was received from the Commissioner for Scheduled Castes and Scheduled Tribes that autonomous bodies, including Municipal Corporations, Co-operative institutions, universities, etc. should be asked to make reservations for Scheduled Castes and Scheduled Tribes in the matter of employment in services under their control. He also suggested that if the word "State" occurring in Article 12 of the Constitution did not cover these bodies, the Constitution should be amended suitably.

2. The question was considered in consultation with the Ministry of Law and Justice with particular reference to the interpretation of the word "State" occurring in Article 12 of the Constitution. The opinion of the Ministry of Law that the word "State" in this article of the Constitution while covering the Municipal Corporations would not cover the other autonomous bodies, Co-operative Institutions Universities, etc. but it was not necessary to amend the Constitution as the purpose of making reservations for Scheduled Castes and Scheduled Tribes in such bodies could be achieved by making suitable provision in the relevant statute or in the Article of Association etc.

3. It is, therefore, requested that suitable action may kindly be taken under advice to this Ministry to provide reservations for Scheduled Castes and Scheduled Tribes in the services of the autonomous bodies/institutions which are receiving grant-in aid from the Government of India by making suitable provision in the relevant statutes or in the Article of the respective bodies

**Department of Personnel and Administrative Reforms O.M. No. 27/12/73-Estt. (SCT)
dated 7th October, 1974 to all Ministries etc.**

Subject :—Reservation of vacancies for Scheduled Castes and Scheduled Tribes in the services posts under the voluntary agencies receiving grants-in-aid from the Government.

The policy of the Government of India has been to ensure that adequate representation is available to Members of Scheduled Castes and Scheduled Tribes in the posts and services under Government. As a further extension of this policy, the Ministry/Departments adiministratively concerned with the public section under taking have also been asked by the Bureau of Public Enterprises to issue suitable directives to the public undertakings under their control to provide for reservation for Scheduled Castes and Scheduled Tribes in the services under the public undertakings on the pattern of the scheme of reservations under Government.

2. The question of providing adequate representation to the Scheduled Castes and Scheduled Tribes in the services and posts under the control of voluntary agencies or organisation which receive grants-in aid from Government has been under consideration of Government for some time. The matter was also discussed at the last meeting of the High Power Committee held on the 9th April, 1974, under the Chairmanship of the Prime Minister, to review the performance in the matter of recruitment of Scheduled Castes and Scheduled Tribes candidates to posts under Govt. etc. It has now been decided that all the Ministries/Departments should include a suitable clause in the terms and conditions under which the voluntry agencies/organisations, etc. are given grants-in-aid by Government, to provide for reservation for Scheduled Castes and Scheduled Tribes in posts and services under such organisations or agencies. The relative provision could be somewhat on the following lines :—

“....(Name of Oraganisation/Agency etc.) agrees to make reservations for Scheduled Castes and Scheduled Tribes in the posts/services under its control on the lines indicated by the Government of India.”

It has been decided also that the voluntry agencies etc. need to follow only the broad features of the scheme of reservations as indicated in the enclosed Annexure

3. It has also been decided also that Ministries/Departments should insist on the above provisions relating to reservations for Scheduled Castes and Scheduled Tribes being followed by the voluntary organisations etc. as a precondition to sanction of grants-in-aid to the agencies where :—

- (a) the recipient body employs more than 20 persons on a regular basis and at least 50 per cent of its recurring expenditure is met from grant-in aid from Central Government; and
- (b) the body is a registered society of a cooperative institution and is in receipt of a general purpose annual grants-in-aid of Rs. 2 lakhs and above from Consolidated Fund of India.

4. Ministry of Finance etc. are, therefore, requested to keep the above decisions in view while sanctioning grats-in-aid to various voluntary agencies under them, and the progress made by such agencies in employing Scheduled Castes and Scheduled Tribes candidates in their services should also be kept in view by the administrative Ministries/Departments while sanctioning furtuer grants to them. The voluntary agencies etc. should also be duly informed that the progress in regard to the employment by them of Scheduled Castes and Scheduled Tribes into services under them would be taken into account by Government while sanctioning furture grants-in-aid to them.

ANNEXURE

Broad features of the scheme of reservations for Scheduled Castes and Scheduled Tribes for being following by the voluntary agencies receiving grant-in-aid from the Government

The following measures should be taken with regard to the reservations for Scheduled Castes and Scheduled Tribes in appointments to various posts under the Voluntary Agencies :

I. Percentages of Reservation :	Sch. Castes	Sch. Tribes
(i) Direct recruitment on an All India basis	15%	7½%.
(ii) Direct recruitment to posts which normally attract candidates from a locality or region. As shown in App. II		

II. Rosters :

To give effect to the above reservations, vacancies should be treated as 'reserved' or 'unreserved' according to a model roster as described below :—

- | | |
|---|---|
| (i) Direct recruitment on an All India basis | 40 point roster as given in Appendix I. |
| (ii) Direct recruitment to posts which normally attract candidates from a locality or | 100 point roster as given in O. M. No. 36013/4/85-Estt. (CST) dt. 24-5-85 |

The roster should be maintained in a register in the form given in Appendix III. This roster should be maintained in the form of a running account year by year *i.e.* If recruitment in a year stops at point 6, recruitment in the following year will start from point 7. After completing the cycle of 40/100 points, the roster will start again from point 1.

III. Procedure for dereservation :

Before any reserved vacancy is dereserved and filled by a general candidate, the prior approval of the Governing Body/Executive Council should be obtained.

IV. Essential steps to secure Scheduled Castes/Scheduled Tribe candidates :

The following steps should be taken to bring the reserved vacancies to the notice of the members of Scheduled Castes and Scheduled Tribes :—

- (i) All vacancies should be notified to the local or the regional Employment Exchange mentioning clearly the number of vacancies reserved for Scheduled Castes and Scheduled Tribes.
- (ii) The vacancies should be advertised in newspapers considered suitable for the purpose if candidates are not available through the Employment Exchange.

V. Separate interview of Scheduled Castes/Scheduled Tribe candidates :

Interview of Scheduled Castes/Scheduled Tribe candidates should be held on a day or sitting of the Recruitment Committee other than the day or sitting on which general candidates are to be interviewed so that the Scheduled Castes/Scheduled Tribes candidates are not judged in comparison with general candidates and the interviewing body is prominently aware of the need for judging the Scheduled Castes/Scheduled Tribe candidates by relaxed Standards.

VI. Carrying forward and Lapse of reservations :

If sufficient number of Scheduled Castes/Scheduled Tribes candidates are not available to fill the reserved vacancies in any particular year, these may be filled by general candidates after dereservation (*vide* para III above) but the reservations will be carried forward to three subsequent recruitment years before they could be treated as lapsed. In the third year of such carry-forward, and Scheduled Tribes can be considered against the vacancies reserved for Scheduled Castes if suitable Scheduled Caste candidates are not available, and

VII. Relaxation of age-limit :

The maximum age-limit prescribed for appointment to a post should be increased by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes.

VIII. Relaxation of standards :

If a sufficient number of Scheduled Castes/Scheduled Tribes candidates is not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities may be selected to fill up the remaining reserved vacancies by applying relaxed standards, subject to the fitness of these candidates for appointments to the post/posts in question.

APPENDIX I

Model Roster for posts filled by direct recruitment on all India basis

Point in the Roster	Whether unreserved or reserved
---------------------------	--------------------------------

1. Scheduled Caste
 2. Unreserved
 3. Unreserved
 4. Scheduled Tribe
 5. Unreserved
 6. Unreserved
 7. Unreserved
 8. Scheduled Caste
 9. Unreserved
 10. Unreserved
 11. Unreserved
 12. Unreserved
 13. Unreserved
 14. Scheduled Caste
 15. Unreserved
 16. Unreserved
 17. Scheduled Tribe
 18. Unreserved
 19. Unreserved
 20. Unreserved
 21. Unreserved
 22. Scheduled Caste
 23. Unreserved
 24. Unreserved
 25. Unreserved
 26. Unreserved
 27. Unreserved
 28. Scheduled Caste
 29. Unreserved
 30. Unreserved
 31. Scheduled Tribe
 32. Unreserved
 33. Unreserved
 34. Unreserved
 35. Unreserved
 36. Scheduled Caste
 37. Unreserved
 38. Unreserved
 39. Unreserved
 40. Unreserved
-

APPENDIX II

From of Register of Roster

Name of Voluntry agency/organisation.....

Name of Post/Posts

Reservations brought forward		Particulars of recruitment made					Reservations carried forward		Signature of appointing authority or other authorised office bearer of the voluntary agency/organisation	Remarks
From previous	year	Recruitment year	Roster and point No.	Unreserved or Reserved for SC/ST according to the roster applicable	Name of the person appointed & date of appointment	Whether he is SC/ST if not say 'Neither'	Sch. Castes	Sch. Tribes		
Sch. Castes	Sch. Tribes									
1	2	3	4	5	6	7	8	9	10	11