

## CHAPTER XI

### SPECIAL REPRESENTATION IN SERVICES FOR SC/ST

#### 1. CONSTITUTIONAL PROVISIONS

##### 1.1 Definition of Scheduled Caste/Scheduled Tribe

Articles 341 and 342 of the Constitution of India define as to who would be Scheduled Castes and Scheduled Tribes with respect to any State or Union Territory. The relevant Constitutional articles are quoted below :—

*Article 341.*—(1) The President may with respect to any State or Union Territory and where it is a State after consultation with the Governor thereof, by public notification specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

*Article 342. Scheduled Tribes.*—(1) The President may with respect to any State or Union Territory and where it is a State, after consultation with the Governor thereof by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purpose of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

1.2 *Reservation in Services/posts.*—The relevant Articles of the Constitution which govern the entire reservation set up are the following :—

Article 16(4) “Nothing in this Article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.”

Article 46 “The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.”

Article 335 “The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.”

1.3 *List of Scheduled Castes and Scheduled Tribes.*—The existing lists of Scheduled Castes and Scheduled Tribes are to be found in the following Orders and Acts :—

- (1) \*The Constitution (Scheduled Castes) Order, 1950;
- (2) \*The Constitution (Scheduled Tribes) Order, 1950;
- (3) \*The Constitution (Scheduled Castes) (Union Territories) Order, 1951.
- (4) \*The Constitution (Scheduled Tribes) (Union Territories) Order, 1951;

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\*As amended by the Scheduled Castes & Scheduled Tribes Lists (Modification) Order 1956, the Bombay Reorganisation Act, 1960, the Punjab Reorganisation Act, 1966, the State of Himachal Pradesh Act, 1970, The N. E. Area (Reorganisation) Act, 1971 and Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976.

- (5) The Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956;
- (6) The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959 as amended by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976;
- (7) The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962;
- (8) The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962;
- (9) The Constitution (Pondicherry) Scheduled Castes Order, 1964;
- (10) The Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967;
- (11) The Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968;
- (12) The Constitution (Goa, Daman, and Diu) Scheduled Tribes Order, 1968;
- (13) The Constitution (Nagaland) Scheduled Tribes Order, 1970;
- (14) The Constitution (Sikkim) Scheduled Castes Order, 1978;
- (15) The Constitution (Sikkim) Scheduled Tribes Order, 1978.

## II—SPECIAL REPRESENTATION IN SERVICES ORDERS

1.1 Detailed instructions regarding the special representation in services for members of the Scheduled Castes, Scheduled Tribes, and the various orders in that behalf are contained in a self-contained Brochure (Brochure on Reservations for Scheduled Castes and Scheduled Tribes in Services. Sixth Edition, 1982) which has been issued separately by the Department of Personnel & Training on this subject. Those instructions have, however, been briefly summarised below for reference :

1.2 Subject to exemptions mentioned hereafter, the following reservations are in force in favour of Scheduled Castes/Scheduled Tribes in filling vacancies in posts and services under the Government of India :

	<i>Scheduled Castes</i>	<i>Scheduled Tribes</i>
(i) Direct recruitment on an all India basis :—		
(a) By open competition (i.e. through the UPSC or by means of open competitive test held by any other authority)	15%	7½%
(b) Otherwise than at (a) above [MHA Resolution No. 27/25/68-Estts. (SCT), dated 25-3-1970]	16⅔%	7½%
(ii) Direct recruitment to Group 'C' and Group 'D' posts normally attracting 100 point roster drawn upon candidates from a locality or a region the basis of reservation generally in proportion to the population of Scheduled Castes/Scheduled Tribes in the respective States/Territories. (See Annexure V).		
[Deptt. of Personnel & Training O.M. No. 360/3/4/85-Estt. (SCT) dated the 24th, May, 1985].		
(iii) Posts filled by promotion :		
(a) through limited departmental competitive examination, Groups B and D, in grades or services in which the element of direct recruitment, if any, does not exceed 66⅔ per cent	15%	7½%
(b) By Selection to and/or in posts belonging to Groups D, C & B, and from Group B to the lowest rung or category in Group A, in grades or services in which the element of direct recruitment, if any, does not exceed 66⅔ per cent.	15%	7½%
(c) On the basis of seniority subject to fitness in all cases, i.e. Groups 'A' 'B' 'C' and 'D' posts in grades or services in which the element of direct recruitment, if any, does not exceed 66⅔ per cent.	15%	7½%

[M.H.A. OM Nos. 1/12/67-Ests(C), dt. the 11th July, 1968, No. 27/25/68-Est(SCT), dt. the 25th March, 1970 and DP OM No. 27/2/71-Estt(SCT) dated the 27th November 1972 and OM No. 10/41/73-Estt(SCT) dt. the 20th July 1974].

NOTE 1.—The appointment of a person, who holds a post which is exempted from the above reservation, to a post which is not so exempt shall, for the purpose of the maintenance of the roster as described hereafter be treated as appointment by direct recruitment.

[Rule VIII of Appendix A to MHA OM No. 42/21/49-NGS. dt. the 28th January, 1952]

NOTE 2.—If a post is to be filled by direct recruitment the reservation orders will apply even if a person already serving under Government is appointed to that post for which he has applied and has been selected as a direct recruit.

[MHA OM No. 8/4/68-Estt(C), dated the 8th January 1968].

1.3 Vacancies reserved for Scheduled Castes and Scheduled Tribes would be treated as reserved for the respective community only but Scheduled Tribes candidates would also be considered for Scheduled Castes candidates were such a vacancy could not be filled by Scheduled Caste candidate even in the third year to which the vacancy is carried forward. This arrangement will likewise apply in the case of vacancies reserved for Scheduled Tribes.

[MHA OM No. 27/25/68-Estt(SCT) dated 25-3-1970.]

1.4 Appointments to reserved vacancies will be subject to the over-all condition that candidates belonging to the Scheduled Castes/Scheduled Tribes possessing the prescribed qualifications and fit for appointment to the post(s) in question are available in sufficient numbers for the vacancies reserved for them. In cases such candidates are not available, the concerned vacancies may be dereserved after following the prescribed procedure stated hereafter and the reservation be carried forward to subsequent three recruitment years.

[Para 4(2) of MHA Resolution No. 42/21/49-NGS dt. 13-9-1950 and MHA OM No. 1/1/70-Estt(SCT) dt. 25-7-1970].

1.5 The reservations will apply to each grade or post separately but isolated posts will be grouped as stated hereafter. The reservations apply separately to :

- (i) Permanent appointments and temporary appointments likely to become permanent or to continue indefinitely, and
- (ii) Purely temporary appointments in each such grade or post or group.

[Para 6 of MHA OM No. 42/21/49-NGS dt. 28-1-1952 and MHA OM No. 31/10/63-SCT(I) dt. 27-3-1963].

1.6 The expression "by open competition" occurring in para 1.2 above would mean all recruitment by the UPSC whether through written examination or interview or both and recruitment made by other authorities including S.S.C. through written competitive examination or test (and not by interview alone). Any recruitment not made by UPSC or made through written competitive test by any other authority would mean direct recruitment otherwise than by open competition.

[DOP&AR OM No. 36011/33/81-Estt(SCT) dt. 5-10-81].

## 2. EXEMPTIONS AND EXCLUSIONS :

2.1 The reservation orders do not apply to :

- (i) vacancies filled by transfer on deputation;
- (ii) vacancies filled by promotion except those in posts covered by para 1.2 (iii);
- (iii) temporary appointments of less than 45 days duration.

[MHA OM No. 16/2/67-Estt(C), dt. 27-9-1967 and MHA OM No. 27/4/67-II-Estt(C), dt. 24-9-1968].

(iv) those work-charged posts which are required for emergencies like flood relief work, accident, restoration and relief etc.

(v) A post which satisfies the following conditions and has been specifically exempted from the purview of the reservation orders by the competent authority :

- (1) The post must be one classified as "Scientific or technical" in terms, of Cabinet Secretariat OM No. 85/11/CF-61(1), dt. 28-12-1961 and it should be in the grades above the lowest grade in Group A of the service concerned,
- (2) The post must be "for conducting research or for organising, guiding and directing research".

[MHA OM No. 9/2/63-SCT(I) dt. 2-11-1963 and 17-7-64 and No. 9/4/69-Estt(SCT), dated 6-10-1969.]

2.2 Whenever it is proposed to constitute a new All India or Central Service, the question of applicability of reservation orders at the initial constitution of the Service should be considered in consultation with the Department of Personnel and Training.

[MHA OM No. 27/12/71-Est (SCT) dated 28-10-1972]

2.3 Ministries/Departments can exempt, with the approval of the Minister concerned, gazetted posts under their control after satisfying themselves that the conditions at (v) of para 2.1 above are fulfilled.

2.4 Reservations do not apply to posts filled by deputation but when officers are proposed to be sent on deputation in the public interest, the Scheduled Castes/Scheduled Tribes employees serving in or under the Ministry/Department, who are eligible to be sent on deputation should also be considered alongwith other eligible employees.

[MHA OM No. 16|2|67-Est(C), dt. 27-9-1967]

### 3. ROSTERS

3.1 Every appointing authority should treat a vacancy as "reserved" or "unreserved" according to a model roster each of 40/100 points, as indicated below :

- (i) Direct recruitment made on an all-India basis :
  - (a) by open competition i.e. through the UPSC or by means of open competitive test held by any other authority as in the roster consisting of 40 points\*.
  - (b) otherwise than by open competition—as in the roster consisting of 40 points.†
- (ii) Direct recruitment to Class III and IV posts normally attracting candidates from a locality or a region—according to a roster consisting of 100 points.‡
- (iii) Promotions to which reservations apply—Para 1.2 (iii)—according to a separate roster on the same pattern as that in Appendix 1 in the Brochure.

[MHA OM No. 1|11|69-Est (SCT) dt. 22-4-1970 and Department of Personnel and A.R. OM No. 1|3|72-Est(SCT), dated 12-3-73 and 15-5-1974]

3.2 The actual number of vacancies to be reserved for Scheduled Castes/Scheduled Tribes in any recruitment year is to be determined on the basis of the points in the roster and also taking into account the reservations brought forward from the previous year. However, in any recruitment year, the number of normal reserved vacancies and the carried forward reserved vacancies taken together, shall not exceed 50% of the total number of vacancies filled in that year.

3.3 In the case of posts filled by direct recruitment, a common roster should be maintained for permanent appointments and temporary appointments likely to become permanent or to continue indefinitely, and a separate roster should be maintained for purely temporary appointments of 45 days or more.

NOTE :—(1) A temporary post included in the roster at the time of initial appointment when converted into a permanent post later will not, after such conversion, be shown again in that roster but will be treated as reserved or unreserved according to the point at which it was initially filled.

\*Appendix 1 in the Brochure.

†Appendix 2 in the Brochure.

‡cf DOP&AR OM No. 1/3/72-Estt (SCT) dt. 12-3-73 & 15-5-74.

(2) Permanent vacancies which occur due to death, retirement, resignation or for any other reason and which are also physical vacancies will be shown in the roster referred to at 3.3 above and reservation determined accordingly.

[MHA OM No. 31|10|63-SCT(I) dated 27-3-1963 and 2-5-1963]

3.4 Organisations receiving candidates from All India list prepared by SSC will maintain 40 point roster as in Appendix I in the Brochure. Organisations receiving candidates from the list prepared by SSC on the basis of centre-linked zonal scheme will maintain a 100 point roster based on the population of the SC/ST in the States where they are located.

[DOP&AR OM No. 36011/9/82-Estt(SCT) dt. 18-2-1983]

3.5 Consequent on the revision of percentages of reservation, resulting from 1981 census figures in States (except Assam) of SC/ST population, the Model 100 points Rosters for reservation for SC/ST in the recruitment on a local or regional basis, for all States (except Assam-Census figures not being available) have been revised and made effective from 1-6-1985. The old roster should be deemed to have been closed from 1-6-1985 and new roster will operate from the point next to the point at which recruitment stopped in the previous roster. The reservations which had to be carried forward in the previous roster shall be carried over to the new roster. The revised rosters are shown in Annexure to DOP&T OM No. 36013/4/85-Estt(SCT) dt. 24-5-1985. The revised roster for Uttar Pradesh, effective from 1-2-86 is given in DOP&T OM No. 36013/4/85-Estt(SCT) dt. 12-2-86.

3.6 There will be no change in the All India percentages of reservations for SC/ST as also the 100 point roster for Assam.

[DOP&T OM No. 36013|4|85-Estt(SCT) dt. 24-5-85]

3.7 All vacancies which occur due to death, retirement, resignation etc. and which are also physical vacancies will be reflected in a separate 40 or 100 points roster, as the case may be and reservation determined accordingly.

[DOP&AR OM No. 36011|12|82-Estt(SCT) dt. 25-6-82 & No. 36011|28|83-Estt(SCT) dt. 12-3-1984]

3.8 In each Ministry/Department the Deputy Secretary in-charge of administration (or another officer) designated for the purpose will act as a Liaison Officer, in respect of matters relating to representation of Scheduled Castes/Scheduled Tribes in all establishments and services under the administrative control of that Ministry/Department. The Liaison Officers will conduct an annual inspection of the rosters in the respective offices under their charge.

[MHA OMNo.16|17|67-Est(C) dated 10-4-1968 and Deptt. of Personnel OM No. 8|8|71-Est(SCT) dated 22-4-1971]

#### 4. ANNUAL STATEMENTS

4.1 (a) As soon after the first of January of every year as possible and latest by first of March, each appointing authority should send to the Ministry/Department concerned :—

- (i) A statement in the form given in Appendix 8 of Brochure showing the total number of Government servants and the number of Scheduled Castes and Scheduled Tribes amongst them as on the 1st January of the year.
- (ii) A statement in the form given in Appendix 9 of Brochure showing the particulars of recruitment made, during the calendar year and the numbers filled by Scheduled Castes and Scheduled Tribes. (A copy of the statement should be sent simultaneously by each appointing authority to the Department of Personnel and Administrative Reforms also).

- (iii) A statement in three parts in the form given in Appendix 8-A of Brochure in respect of the organised services, if any, controlled by the Appointing authority, showing the representation of Scheduled Castes and Scheduled Tribes in the various grades of the service on the first day of the last year, the particulars of recruitment to the various grades during the last year, and the resultant position regarding their representation grade-wise in these Services as on the 1st January of the current year.
- (iv) A statement in Appendix-12 of Brochure showing the class-wise number of reserved vacancies included in the roster for purely temporary appointments, which were treated as dereserved during the preceding year.

[MHA DO No. 29/47/66-Est(C) dated 13-12-1966 and Department of Personnel and A.R. OM No. 36027/7/75-Est (SCT) dated 17-1-1976 and No. 36022/6/76-Est(SCT) dated 10-5-1976, Deptt. of Personnel A.R. OM No. 36027/1/81-Estt(SCT) dated 17-2-1981. Deptt. of Personnel & A.R. OM No. 36027/9/78-Estt (SCT) dated 1978.]

(b) Each Ministry/Department should send to the Department of Personnel and Trg. with a copy endorsed to the Commission for SC/ST Lok Nayak Bhawan, New Delhi and the Commissioner for SC/ST, R. K. Puram, New Delhi by the 31st March, of each year :—

- (i) A consolidated statement in the form given in Appendix 8 of Brochure in respect of all offices and establishments under its control including its own;
- (ii) A consolidated statement in the form given in Appendix 9 of Brochure in respect of all offices and establishments under its control including its own; and
- (iii) Statements in forms given in Appendix 8 & 9 of Brochure in respect of its own establishment.
- (iv) A consolidated statement in three parts in the form given in Appendix-8-A of Brochure reflecting grade-wise the position of the representation of Scheduled Caste/Scheduled Tribe officers in the Organised Services controlled by the Ministry/Department on the first of January of the last year; the particulars of recruitment to the various grades of the service during the last year and the position of representation of Scheduled Caste/Scheduled Tribes officers, grade-wise, in the service on the 1st day of January of the current year.

[Deptt. of Personnel A.R. OM No. 36027/9/78-Estt(SCT) dated 18-11-1978, No. 36013/2/83-Estt(SCT) dt. 15-3-1984].

(c) The information in respect of Public Sector Undertakings, Statutory, Semi-Government and Autonomous Bodies; should not be included in the consolidated statements referred to in Sub-para (b) above. The Statutory, Semi-Government and Autonomous Bodies should furnish the consolidated information in the prescribed Proforma to the administrative Ministries, endorsing a copy to this Department. As regards the public sector undertakings, the instructions contained in the Bureau of Public Enterprises O.M. No. 6/33/75-BPE(IC) dated 17-12-75 may be followed.

[Deptt. of Personnel and A.R. OM No. 36027/1/79-Estt(SCT) dated 1-2-1979].

4.2 The Ministry/Department should scrutinise the annual statements in respect of all establishments and services in or under the control of the Ministry/Department. The annual statements will also be test-checked by the Department of Personnel and Training.

4.3 The Liaison Officers nominated in the Ministries/Departments and in offices under Heads of Departments will ensure timely submission of annual statements by each appointing authority in the offices under their charges and will also ensure scrutiny and consolidation of these statements. They will also ensure timely submission of consolidated statements in Appendix 8 and 9 to the Department of Personnel and Training.

4.4 The recommendations of the Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes in the 41st Report for ensuring submission of annual statements within

the stipulated time limit and their critical examination have been specifically brought to the notice of the Ministries/Departments. They are to ensure timely submission of annual statements in Appendix 8 and 9 Brochure and to see that no appointing authority lags behind in this respect. Failure to submit these statements in time without any valid reasons is to be brought to the notice of the Secretary/Additional Secretary to the Government in the Ministry/Department or to the Head of the Department in respect of offices under a Head of Department. It is also to be ensured that the annual statements on their receipt in the Ministry/Department are critically examined and analysed and the deficiencies noticed, if any are pointed out to the appointing authorities concerned expeditiously so that they could take necessary corrective measures without any delay.

[Deptt. of Personnel & A.R. OM No. 36022/6/76-Est(SCT) dated 10-5-1976]

4.5 While furnishing the figures of representation of Scheduled Castes and Scheduled Tribes in the services (under the various Groups A, B, C & D), the posts of Sweepers should not be included as such inclusion results in inflating the figures of representation of Scheduled Castes in Class IV (Group D). In the annual statement in Appendix 8 of Brochure prescribed vide para 4.1 above, information is required to be given separately in respect of "Class IV (excluding Sweepers)" and "Class IV (Sweepers)". In any other statistical information relating to representation of Scheduled Castes and Scheduled Tribes called for by the Department of Personnel & Training or by the Office of the Commissioner for Scheduled Castes and Scheduled Tribes or by any other authority, the information in respect of Class IV should not include the number of Sweepers appointed in the office/establishment etc. Such information, if necessary in regard to Sweepers/Scavengers should be given separately.

[Department of Personnel & A.R. OM No. 36024/8/76-Est(SCT) dated 9-11-1977].

4.6 Ministries/Departments should also furnish to the Department of Personnel & Training by the 30th April every year an annual statement in the proforma in Appendix-19 of Brochure showing the number of Scheduled Castes/Scheduled Tribes appointed in posts filled by deputation in pursuance of the above instructions. Ministries/Departments are further requested to send only one consolidated statement in respect of the Ministry/Department including all its attached and subordinate offices etc.

[Deptt. of Personnel and AR OM No. 36012/7/77-Estt(SCT) dated 21-1-1978].

## 5. GROUPING OF POSTS

5.1 In the case of direct recruitment, isolated individual posts and small cadres may be grouped with posts in the same class for purpose of reservation orders taking into account the status, salary and qualifications prescribed for the posts in question. A cadre/grade of the service consisting of less than 20 posts may be treated as small cadre for this purpose. A group so formed should not ordinarily consist of less than 25 posts. Isolated posts can be grouped together with other isolated posts or even with a grade/cadre consisting of more than 20 posts and already comprising a group by itself.

5.2 In the case of posts filled by direct recruitment, isolated posts and small cadres are to be grouped with posts in the same class for the purpose of reservation orders taking into account the status, salary and qualifications prescribed for the posts. For the purpose of determining the reservation, the vacancies occurring in various constituents of the Group may be plotted on the roster strictly in a chronological order i.e. sequence of date of occurrence. Further, as a single combined roster has to be maintained for giving effect to reservation while making confirmation against permanent vacancies in the various constituents of the Group, the permanent vacancies available for confirmation in the various constituents shall also be plotted in a chronological order in the roster while determining their reservation.

[DOP&T OM No. 36011/17/85-Estt(SCT) dt. 23-7-1985].

5.3 Proposals for grouping of posts should be referred to the Department of Personnel and Training for prior approval together with full particulars of the posts proposed to be grouped together in the following respects :

- (i) Designation and number of each post.
- (ii) Group to which the posts belong—(i.e. Group A, Group B, Group C or Group D).
- (iii) Scale of pay of each post.
- (iv) Method of recruitment for each post as provided in the recruitment rules.
- (v) Minimum qualifications prescribed for direct recruitment to each post.

5.4 While reservations would be made according to the groups formed as indicated above, total reservations in any of the posts/services so grouped will not exceed 50% of the vacancies to be filled in a particular post/service in a recruitment year.

[MHA OM No. 42/21/49-NGS, dt. 28-1-1952 and D/Pers. OM No. 1/4/70-Est(SCT) dt. 11-11-1971].

#### 6. RELAXATIONS AND CONCESSIONS AVAILABLE

6.1 In the case of candidates belonging to Scheduled Castes and Scheduled Tribes, the maximum age-limit prescribed for direct recruitment to a service or post shall be increased by 5 years, and where an upper age limit not exceeding 50 years is prescribed for promotion, it shall be relaxed by 5 years. The latter concession would not apply to posts which have arduous field duties or are meant for operational safety and to posts in para-Military Organisations.

[MHA Res. No. 42/19/15-MGS dt. 25-6-1962, No. 15/1/55-SCT, dated 30-4-1955 and D/Pers. OM No. 21/9/70-Est(SCT) dt. 8-12-1971].

6.3 SC/ST candidates are not required to pay any fees to write any recruitment examination/selection.

[DOP&T OM No. 36013/3/84-Estt(SCT), dated 1-7-1985].

6.4 In direct recruitment, by examination or otherwise, if sufficient number of Scheduled Castes/Scheduled Tribes candidates are not available on the basis of the general standard to the extent the number of vacancies are reserved for them, they will be taken by relaxed standard, subject to their fitness for appointment to the post(s) in question.

[MHA OM No. 1/1/70-Est(SCT) dt. 25-7-1970].

6.5 In the case of non-technical and quasi-technical Group C and Group D posts required to be filled by direct recruitment otherwise than by written examination, if requisite number of Scheduled Castes/Scheduled Tribes candidates are not available even by relaxing the general standard, the best among the remaining SC/ST candidates possessing the minimum educational qualifications prescribed should be appointed to the extent of reserved vacancies available for them and they should be given in-service training within the office itself. Such candidates will, however, be subjected to the rules/orders regarding probation. The fact that the posts are non-technical or quasi-technical should be indicated when the posts are advertised or notified to the Employment Exchange.

[MHA OM No. 24/7/67(i)-Est(SCT) dt. 24-9-1968 and OM No. 16/8/69-Est(SCT) dt. 30-10-1969].

6.6 For filling reserved vacancies interviews of the Scheduled Caste/Scheduled Tribe candidates should be held separately on days or sittings different than those for general candidates and the selection authority/committees/Board should be made aware of the provision of relaxed standards for Scheduled Castes/Scheduled Tribes candidates.

[MHA OM No. 1/1/70-Est(SCT) dt. 31-7-1970].

6.7 Where some period of experience is prescribed as an essential qualification for direct recruitment to a post and where in the opinion of the Ministry/Department concerned, the relaxation of the experience qualification will not be inconsistent with efficiency, a provision should be inserted under the 'Essential' qualification in Col. 7 of the Schedule to the relevant recruitment rules (according to the guidelines indicated in DOP&AR OM No. 27/10/71-Est(SCT) dated 5-9-1975 to enable the UPSC/competent authority to relax the 'Experience' qualifications in the case of SC/ST candidates.

6.8 Scheduled Castes/Scheduled Tribes candidates when called for interview are eligible to travelling allowance as below :

- (i) when called by the UPSC single railway fare as admissible, from the normal place of residence to the place of interview and back :
- (ii) when called for Group C and Group D advertised posts, single III class (Now II Class) railway fare by passenger train and shortest route for both inward and outward journeys. This is also admissible when called for a written test followed by an interviews, either directly or through Employment Exchange. The concession is, however, not admissible to those already in Govt. service.

[Min. of Fin. OM Nos. 5/25/E-IV(B)60 dt. 6-5-1960, 21-9-1960, 23-11-1960 and 22-7-1963]

6.9 The general standards should also be relaxed in favour of Scheduled Castes/Scheduled Tribes candidates in departmental competitive examination for promotion and in departmental confirmation examination.

[Department of Personnel OM No. 8/12/69-Est(SCT) dt. 23-12-1970]

6.10 The minimum educational standard wherever prescribed in the recruitment rules is to be treated as part of the educational qualifications; no relaxation is consequently admissible in the matters of educational standards in favour of SC/ST candidates. They have to fulfil the eligibility condition in terms of non-relaxable educational qualifications in order to be considered for appointment and no special dispensation in respect of any specific category of employees either existing or is to be extended in regard to the educational qualification (which is graduation) and the educational standard (which is 60%) [DOP&T OM No. 36011/8/84-Estt(SCT) dt. 29-5-85 and Clarification OM No. 36011/8/84-Estt(SCT) dated 17-10-1986]

## 7. PROCEDURE FOR FILLING RESERVED VACANCIES

7.1 (a) All reserved vacancies to be filled otherwise than through the UPSC or direct advertisement, should be notified in the prescribed form given in the Brochure, to the local/regional Employment Exchange who should be given a margin of at least 15 days to sponsor candidates.

(b) If sufficient number of candidates are not available through the Employment Exchange for the reserved vacancies, and if the vacancies are not already advertised by the DGE&T, the appointing authority should advertise the vacancies through the Directorate of Advertising and Visual Publicity, on an all-India/regional basis as may be necessary.

(c) Vacancies should also be brought to the notice of the Scheduled Castes/Scheduled Tribes organisations concerned, recognised for this purpose, pointing it out to them that their function is only to advise the Scheduled Castes/Scheduled Tribes candidates about the proposed recruitment, and not to recommend any candidate for the appointment.

(d) The result of selection should be intimated to the Employment Exchange within a month, while doing so, the reasons for not selecting a candidate belonging to Scheduled Castes/Scheduled Tribes for a vacancy reserved for that category should also be intimated to the Employment Exchange.

[MHA OM No. 14/12/67-Est(D), dt. 10-4-1968]

7.2 The procedure to be followed while sending a requisition to the UPSC is outlined below :

- (a) when direct recruitment (otherwise than through examination) is to be made to a reserved vacancy, advertisement on the first occasion will invite applications only from candidates belonging to Scheduled Castes and/or the Scheduled Tribes as the case may be.
- (b) If after first advertisement, any vacancy remained unfilled, it shall be readvertised as reserved but general candidates would also be eligible to apply but it shall, however, be clarified in the advertisement that the general candidates would be considered only if suitable Scheduled Caste/Scheduled Tribe candidates are not available.
- (c) In the case of direct recruitment (otherwise than through examination) for reserved as well as unreserved vacancies on any one occasion, a single advertisement for those vacancies may be issued indicating clearly the vacancies reserved for Scheduled Castes/Scheduled Tribes. Only Scheduled Caste/Scheduled Tribe candidates will be considered against reserved vacancies on this occasion. If any reserved vacancies remain unfilled, they should be readvertised as indicated at (b) above.
- (d) A reserved vacancy may be filled up on *ad-hoc* basis by a Scheduled Caste/Scheduled Tribe candidate pending selection of a regular incumbent in the manner at (a), (b) or (c) above, and subject to other conditions of appointment.
- (e) In the case of a direct recruitment through examination for reserved as well as unreserved vacancies, a single advertisement should be issued. If the required number of candidates are not available for reserved vacancies even by applying relaxed standards, the unfilled reserved vacancies may be filled by general candidates by dereserving the vacancies but the reservation should be carried forward to the next year.

7.3 If a vacancy reserved for a particular community has been carried forward to the third year of recruitment, applications should be invited from candidates belonging to both Scheduled Castes and Scheduled Tribes, stating clearly that for a vacancy reserved for Scheduled Castes, Scheduled Tribes candidates would be considered only if suitable Scheduled Castes candidates are not available and *vice versa*.

[MHA, O.M. No. 27/25/68-Est(SCT) dated 25-3-1970 and No. 1/1/70-Est(SCT) dated 31-7-1970.]

7.4 Pre-examination Training Centres have been set up to increase the employment potentialities of Scheduled Castes and Scheduled Tribes candidates in the matter of their appointment against vacancies filled through various competitive examinations. In order to enable these centres to draw up and dovetail the training programmes with the examinations undertaken by the Ministries/Offices, the authorities holding the various competitive examinations should inform the Pre-examination Training Centres well in advance of the actual date of the examination, the probable number of reserved vacancies and the syllabus for and the standard of the examination.

[Deptt of Personnel O.M. No. 28/8/72-Estt(SCT) dated 2-3-1972.]

#### 8. DERESERVATION

8.1 A reserved vacancy should not be filled by a general candidate without its dereservation. For dereservation of vacancies which are permanent and temporary likely to become permanent or to continue indefinitely, prior approval of the Department of Personnel & Trg. should be obtained by making a proposal in a self-contained U.O. or office memorandum and giving full details as per proforma prescribed in DOP&AR OM No. 36011/20/84/Estt(SCT) dated 26-4-1984, in support of the proposal, e.g. the number of vacancies reserved for S.C./S.T., the qualifications, experience etc. prescribed for the post, the number of S.C./S.T. appli-

cants, the number invited for interview/test, where this was necessary, the efforts made to get suitable candidates from S.C./S.T., the precise reasons for non-selection of S.C./S.T., etc. These details should also be given by the Ministries/Departments to the Commissioner for S.C./S.T. in cases where the Ministries/Departments are themselves competent to dereserve a vacancy. For reserved vacancies in non-technical and quasi-technical posts, every effort should be made to recruit a candidate of the reserved category and dereservation in such vacancies proposed/made only when such a course is inescapable. A copy of the reference for dereservation should be endorsed to the Commissioner for Scheduled Castes/Scheduled Tribes. Reserved vacancies of a purely temporary nature may be dereserved by the Ministries themselves after ensuring that all necessary steps have been taken to secure the services of Scheduled Castes/Scheduled Tribes candidates, and the Commissioner for Scheduled Castes/Scheduled Tribes should be informed about the dereservations made and the reasons for doing so.

8.2 A consolidated statement showing the dereservations made in a year in each Ministry/Department (including all its attached and subordinate offices), under its own powers in respect of purely temporary appointments should be sent to the Department of Personnel and Training in the prescribed form before the 1st April in the following year.

#### 9. CARRY-FORWARD OF RESERVATIONS

9.1 In the case of non-availability of suitable candidates for reserved vacancies, these can be dereserved as outlined in para 8 but the reservations should be carried forward to subsequent three years of recruitment (except in the case of promotions mentioned in para 10.3), provided that in any recruitment year, the number of normal reserved vacancies and the carried forward vacancies shall not exceed 50% of the total number of vacancies. The year in which no vacancy arises or only a single vacancy arises which has to be treated as unreserved, should not be counted as an effective year towards the period for which a reserved vacancy is to be carried forward. In the third year of carry forward a vacancy reserved for scheduled caste can be filled by a scheduled tribe and vice versa if a candidate of the appropriate reserved community is not available.

9.2 The surplus above 50% should be carried forward to the subsequent year of recruitment subject to the condition that the particular vacancies carried forward do not lapse due to their becoming more than three years old.

[MHA OM No. 2/24/63-Est(D), dt. 4-12-1963, OM No. 1/4/64-SCT(I), dt. 2-9-1964 and OM No. 27/25/68-BST(SCT) dt. 25-3-1970 and Department of Personnel & AR OM No. 16/5/74-Est(SCT), dt. 11-6-1974 and No. 36012/2/78-Estt(SCT), dt. 9-2-82.]

#### 10. PROMOTIONS

##### 10.1 Through limited departmental competitive examinations

The reservations in this case have already been indicated in para 1.3. Scheduled Castes/Scheduled Tribes candidates who fail to acquire the general qualifying standard should also be considered for promotion provided they are not found unfit for such promotions. The qualifying standard in their favour should be relaxed in keeping with the above criterion.

[Deptt. of Pers. OM No. 8/12/69-Estt(SCT), dt. 23-12-1970.]

##### 10.2 By selection within Group A :

In promotions to posts carrying an ultimate salary of Rs. 2000 p.m. or less (Rs. 2250 p.m. or less in the revised scale), the Scheduled Castes/Scheduled Tribes officers who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which select list is being drawn up would be included in that list provided they are considered fit for promotion. Their position in the select list will be according to the merit assigned to them by the D.P.C. They would not be given, for this purpose, one grading higher than the grading otherwise assignable to them on the basis of their record of service.

Scheduled Caste/Scheduled Tribe offices in Group A services/posts should be given more opportunities for institutional training and for attending seminars etc. They should also be given necessary advice and guidance for improving the quality of their work.

[MHA OM No. 1/9/69-Est(SCT), dt. 26-3-1970.]

10.3 *By selection to Group B within Group B and from Group B to the lowest rung in Group A.*

Selection against vacancies reserved for Scheduled Castes and Scheduled Tribes will be made only from among those Scheduled Castes/Scheduled Tribes officers who are within the normal zone of consideration prescribed by DP&AR OM No. 22011/3/76-Estt(D), dt. 24-12-80. Where adequate number of SC/ST candidates are not available within the normal field of choice, it may be extended to five times the number of vacancies and the SC/ST candidates (and not any other) coming within the extended field of choice should also be considered against the vacancies reserved for them. A select list should be prepared in which names of all the selected officers, general as well as those belonging to Scheduled Castes/Scheduled Tribes are arranged according to their inter-se-merit and seniority. A roster is to be followed for determining the number of vacancies to be reserved for Scheduled Castes and Scheduled Tribes in a select list. There will, however, be no carry-forward of reservation from year to year in the event of an adequate number of Scheduled Caste/Scheduled Tribe candidates not being available, in a particular year. A Scheduled Caste officer should be considered for a vacancy reserved for Scheduled Tribe and vice-versa in the year of reservation itself, if a candidate of the appropriate reserved community is not available for consideration for promotion.

10.4 *Promotion by selection in Class III and Class IV*

The reservations in this case have already been indicated in para 1.2. For this purpose the select list of Scheduled Castes/Scheduled Tribes officers should be drawn separately for reserved vacancies. If such candidates are considered fit for promotion they should be included in the select list, irrespective of their merit as compared to other officers, provided they satisfy the prescribed minimum standards.

[MHA OM No. 1/12/67-Est(C) dt. 11-7-1968 and Res. No. 27/25/68-Est(SCT) dt. 25-3-1970.]

10.5 In the D.O.P.&AR OM No. 22011/3/76-Estt(D) dated the 24th December, 1980 wherein the field of choice in respect of the posts to be filled by promotion on selection basis and the system of preparing select list have been revised, it has been mentioned that if adequate number of candidates belonging to Scheduled Castes/Scheduled Tribes are not available in the normal zone of consideration, the field of choice could be extended to five times the number of vacancies but Scheduled Castes/Scheduled Tribes Officers so considered in the extended field will be placed enbloc at the bottom. Various Ministries/Departments sought in the matter of applications of these orders to be Scheduled Castes/Scheduled Tribes employees particularly in the context of the earlier order contained in Department of Personnel OM No. 1/12/67-Estt(C) dated the 11th July, 1968, After careful examination of the issues, it is clarified as follows :

- (a) In promotions by selection in Groups 'C' and 'D' posts the earlier instructions contained in the OM No. 1/12/67-Estt(C), dated 11-7-1968 would continue to apply in the case of Scheduled Castes/Scheduled Tribes employees, as these are not superseded by the instructions of 24-12-1980. However, the procedure for identifying year-wise vacancies and preparation of year-wise panels as contained in the OM dated 24-12-1980 will be applied for preparation of separate panels for Scheduled Castes and Scheduled Tribes.

- (b) As regards promotion by selection from Group 'C' to Group 'B', within Group 'B' and from Group 'B' to the lowest rung of Group 'A', the principles enunciated in the OM of 24-12-1980 will apply to Scheduled Castes and Scheduled Tribes officials subject to the modification that meritorious Scheduled Castes/Scheduled Tribes candidates, even in the extended field of choice should not be made to lose the advantage earned by virtue of their superior merit in comparison to others in the normal zone. It has, therefore, been decided that such of the meritorious Scheduled Castes/Scheduled Tribes candidates who are in the extended field and get selected should retain their position in the panel in accordance with their gradation by the DPC. To this extent, para 3(e) of the OM dated 24-12-1980 may be deemed to have been amended.

[DP&T OM No. 36011/13/83-Estt(SCT), dt. 2-5-1983].

10.6 Though there is no formal reservation for members of SC/ST communities in ad-hoc promotions and hence concept of dereservation, carry forward of reservations etc. will not be applicable. However, the claims of eligible SC/ST officers should also be considered along with other eligible officers in the field.

[DP&T OM No. 36011/14/83-Estt(SCT), dt. 30-4-1983 & 30-9-1983]

#### 10.7 Promotion on the basis of seniority subject to fitness

The reservations in this case have already been indicated in para 1.2. For this purpose, a separate 40 point roster (as in Appendix I in the Brochure) to determine the number of reserved vacancies in a year should be followed. The Scheduled Castes/Scheduled Tribes officers should be adjudged by the DPC separately in regard to their fitness. Separate lists should be drawn up of eligible Scheduled Castes/Scheduled Tribes officers for consideration against reserved vacancies. A combined select list of officers in general category and those belonging to Scheduled Castes and Scheduled Tribes should thereafter be prepared by arranging the names in the order of inter-se seniority in the original seniority list of the category or grade from which promotion is being made and promotions effected from this list. These orders apply also to appointments to the Selection Grade.

[MHA OM No. 27/2/71-Estt(SCT) dated 27-11-1972 and No. 8/11/73-Estt(SCT) dated 12-9-1974.]

### 11. DEFINITION AND LIST OF SCHEDULED CASTES/SCHEDULED TRIBES

11.1 A person shall be held to be a member of a Scheduled Caste or Scheduled Tribe if he belongs to a cast, or a tribe which has been declared as such under the various orders issued by the Government.

11.2 No person who professes a religion different from the Hindu or the Sikh religion shall be deemed to be a member of the Scheduled Castes. The rights of a person belonging to a Scheduled Tribe are independent of his/her religious faith.

11.3 A person belonging to a Scheduled Caste or Scheduled Tribe will continue to be deemed as such irrespective of his/her marriage to a non-Scheduled Caste/Scheduled Tribe.

11.4 A convert or re-convert to Hinduism and Sikhism shall be accepted as a member of Scheduled Caste if he has been received back and accepted as a member of the concerned Scheduled Caste.

### 12. VERIFICATION

#### 12.1 Verification of claims of Scheduled Castes/Scheduled Tribes

The appointing authority may accept any of the following certificates as sufficient proof in support of a candidate's claim as belonging to the Scheduled Castes or Scheduled Tribes :

- (i) Matriculation or School-leaving certificate or the birth certificate giving the caste or community of the candidate and place of residence.
- (ii) A certificate in the prescribed form\* issued by one of the prescribed authorities.†

\*Appendix 15 of the Brochure.

†Appendix 16 of the Brochure.

12.2. If a candidate belonging to a Scheduled Caste/Scheduled Tribe is unable to produce a certificate as stated above, he may be appointed provisionally on the basis of prima-facie proof provided by him, subject to his submitting the prescribed certificate within a reasonable time or if he has genuine difficulty in obtaining the certificate, the appointing authority should itself verify his claim through the District Magistrate concerned.

12.3. If considered necessary, the appointing authority may verify the claim of a candidate through the District Magistrate of the place where the candidate/or his family ordinarily resides. If the candidate's claim is subsequently found as false, his services may be terminated in accordance with the relevant rules/orders.

12.4. The appointing authority should stipulate in the letter of appointment that a Scheduled Caste candidate should inform the authority about the change of his religion immediately after such a change. The serving Scheduled Caste employees should also be instructed to intimate the change in their religion, immediately to their appointing/administrative authority.

### 13. LIAISON OFFICERS

13.1. In para 3.4, mention has been made of the Liaison Officer in each Ministry/Department and his duties. In addition to those duties the Liaison Officer is responsible for :

- (i) ensuring due compliance by the subordinate appointing authorities with the orders and instructions pertaining to reservation in favour of Scheduled Castes/Scheduled Tribes.
- (ii) ensuring submission of the prescribed annual statement by the appointing authorities to the Department of Personnel & Trg and scrutiny and consolidation of the annual statements in respect of all offices under a Ministry/Department and forwarding them in consolidated form to the Department of Personnel and Trg.
- (iii) ensuring that while making references for dereservation of reserved vacancies, complete information is sent in time, both to the Department of Personnel & Trg as well as to the Commissioner for Scheduled Castes and Scheduled Tribes.
- (iv) Conducting annual inspections of rosters. Cases of negligence or lapses in the matter of reservation and other orders relating to Scheduled Castes and Scheduled Tribes coming to light through inspections may be submitted to the Secretary/Addl. Secretary/Head of Department.
- (v) giving necessary assistance to the Commissioner for Scheduled Castes/Scheduled Tribes in complaints received by him in service matters.
- (vi) acting as liaison Officer between the Ministry/Department and the Department of Personnel & Trg for supply of necessary information required by the latter.

13.2. A cell within the Ministry/Department should be set up under the direct control of the Liaison Officer. The cell is to assist him in discharging his duties effectively.

13.3. A note about the activities of the Cell should be included in the Annual Report of the concerned Ministry/Department.

13.4. Such Liaison Officers should also be appointed in offices under the control of each Head of Department. Their duties will also be similar to those mentioned above and those spelt out in D.O.P. & AR O.M. No. 36022/2/84-Estt(SCT) dt. 18-1-85.

### 14. OTHER INSTRUCTIONS :

#### 14.1 Confirmation

In posts/services filled by direct recruitment, reservation is to be made for Scheduled Castes/Scheduled Tribes both at the time of initial appointment or a temporary basis as well as at the time of confirmation. In posts filled by promotion, however, there is no reservation at the time of confirmation of promotees.

#### 14.2 *Departmental Promotion Committees etc.*

The Ministries/Departments may endeavour, as far as possible, to nominate a Scheduled Caste/Scheduled Tribe officer on D.P.C. etc. constituted for recruitment/promotion in posts/services under them.

#### 14.3 *Training of Class I Officers*

Intensive training should be arranged for directly recruited Class A officers. A large number of Scheduled Caste/Scheduled Tribes officers should be nominated for the training programmes run by various Departments and training institutions under a phased programme.

14.4 It will be useful to ear-mark 25% of the seats in training courses for officers of Scheduled Castes/Scheduled Tribes wherever possible. Whenever this is not possible, officers should be covered in the next course or a special programme be arranged for them. Scheduled Castes/Scheduled Tribes officers should also be included in various training programmes abroad.

14.5 Superiors of Scheduled Castes/Scheduled Tribes officers should take special care regarding on-the-job training considered necessary in consultation with the Training Division of the Department of Personnel & A.R.

14.6 Scheduled Castes/Scheduled Tribes candidates selected in the various competitive examinations by relaxed standards should be given extra training to enable them to come up to the standard of other candidates.

#### 14.7 *Forwarding of applications*

Applications of Scheduled Castes/Scheduled Tribes officers should be readily forwarded for employment elsewhere except in special cases involving public interest. All cases where such applications cannot be forwarded, should be reported within a month to the Liaison Officer in the Ministry/Department etc.

#### 14.8 *Retrenchment*

In the matter of retrenchment, Scheduled Caste/Scheduled Tribes employees who are not considered unfit for retention and have been classified as outstanding or fit for permanent retention should be retained in preference to other persons falling in the respective categories till they form such percentage among the direct recruitment as is specified for the representation of Scheduled Castes/Scheduled Tribes *vide* Retrenchment Instruction No. 7. Similar concession should also be given to Class III and Class IV grades or services filled by promotion to which the reservation orders apply *vide* Retrenchment Instruction No. 8.

[MHA O.M. No. 54/6/53CS(C), dt. 5-9-68 and O.M. No. 10/1/65-Estt. (D), dt. 19-7-65.]

#### 14.9 *Surrender of surplus staff*

While declaring surplus staff in a particular grade in a cadre the Scheduled Castes/Scheduled Tribes candidates in that grade should not be included so long as the total number of such candidates in that grade has not reached the prescribed percentage of reservation for them.

#### 14.10 *Recruitment rules*

The recruitment rules in respect of all services/posts within the purview of the reservation orders should contain a rule in the form of the prescribed savings clause preferably at the end of the rules regarding the reservation and concessions provided for Scheduled Castes/Scheduled Tribes in accordance with the orders issued by the Central Government from time to time in this regard.

#### 14.11 *Recruitment rules/regulations for examinations*

The provisions for relaxation in standards in favour of Scheduled Castes/Scheduled Tribes candidates to make up the deficiency in the reserved quota should be suitably provided in the regulations for the examination.