

Welcome

To

The Sessions

On

Inclusive Employment Policy of Government of India

Learning & Development Facilitator

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- Volunteer -Social Sector Venture activities

Objectives:

- *At the end of the Session the participants will be able to:*
- Define 'Good Governance'
- State the Principles of Good Governance
- Identify the provisions of the Constitution of India empowering the Government of India to frame policy on Reservation for backward classes citizens in Civil Services/Posts.
- Describe the conditions enshrined in the Provision for implementing the said Policy.
- Indicate the Provision of the Constitution which empowers the President of India to notify the initial list of identified backward classes communities/groups who can avail the benefits of the said Policy.
- State the events which affects the caste status of members of backward class which debars them from availing the benefits of the Policy.
- Explain the mechanism prescribed to implement the policy while making appointment to posts in Public Services.
- Identify the authority prescribed to monitor effective implementation of the policy in Public Services /Offices.

Good Governance ?

- Good governance involves action/activities that
- leads to minimise corruption,
- takes into account the opinions of minorities,
- listen to the voices of the oppressed people in the decision-making process, and
- respond actively to the needs of the community now and in the future.

Principles of Good Governance* -

- **Participation**

- An opportunity for everyone to voice their opinions through institutions or representations. In addition, everyone, without exception, has the right to freedom of association and expression.

- **Rule of law**

- The legal framework in the country must be enforced impartially, especially concerning human rights law.

- **Transparency**

- - means that every policy taken and implemented by the government must be carried out under existing regulations. In addition, there must be a guarantee that any information related to the policy can be accessed by everyone, especially those who are directly affected by the policy.

- **Responsiveness**

- Good governance needs institutions and processes to attempt to serve all stakeholders within a reasonable time.

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- [*8 Principles on the concept of G G - United Nations Economic and Social Commission for Asia and the Pacific \(UNESCAP\)](#)

Principles of Good Governance*

- **Consensus oriented**
- When the decision-making process cannot accommodate everyone's wishes, then at a minimum, the decision must be a decision that can be accepted by everyone and does not harm anyone.
- **Equity and inclusiveness**
- Good governance ensures justice for the community. Everyone has the same opportunity to maintain and improve their welfare.
- **Effectiveness and efficiency**
- Every decision-making process and its institutions must be able to produce decisions that meet every community need. Community resources must also be utilised optimally by the government.
- **Accountability**
- All institutions involved in good governance have full responsibility to the public for the sake of improving the quality of society.
- [**8 Principles on the concept of G G - United Nations Economic and Social Commission for Asia and the Pacific \(UNESCAP\)*](#)

Inclusive employment..?

- It refers to all activities which enable an individual/ a citizen to gain access to decent remunerated **work**.
- Work refers to all coordinated human activities where the purpose is to produce or contribute to producing something useful.
- Principles of equal access, equal treatment, integration and the involvement of the community.
- Better economic and social well-being of all.

Essence of Inclusive employment in Public Services....

- Creating /Providing a Culture, exhibiting diversity, equity and inclusion, where every individual, who have different backgrounds, traditions and beliefs, is not only acknowledged and supported, regardless of their differing background, but also recognize the value in diverse voices, other individual differences- gender, religion, race, ethnicity , or sexual orientation, thereby enabling everyone to evolve –both personally and professionally- leading to better innovation and success.

Inclusive employment – who are eligible

- Socially marginalised citizens
- identified as Backward class-
- Persons with (disability) physical /mental challenges
- Transgenders

Constitutional Provision

- Equality of opportunity in matters of public employment
- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State,
- (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.
- (3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

Article-16

Constitutional Provision.....

- 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.

Art.16(4)

Constitutional Provision....

- Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority[^], to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

Art.16(4A*)

* 77th Amendment Act 1995

[^] 85th Amendment 2001- 04 Jan 20022 wef.17 June 1995.

Constitutional provision.....

- Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.

Article 16(4B*)

* 81st Amendment -09th June 2000

Constitutional provision.....Article 16(6*)

- Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent of the posts in each category.

**103rd Amendment Act, 2019,- 14 Jan 2019.*

Constitutional provision.....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.

Constitutional provision – Proviso* to Article 335

- Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters or promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.

- * 82nd Amendment-08 Sept.2000

Constitutional provision.....

- National Commission for Scheduled Castes (Art.338)*
- National Commission for Scheduled Tribes (Art.338 A)**
- National Commission for Backward Classes (Art.338 B)***

* *2003-National Commission-instead of The Special Officer for SCs/STs-1950*

** *89th Amendment 2003 (28/9/2003)*

*** *102nd Amendment Act 2018 -dt.11 August 2018*

Constitutional provision.....

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.

Constitutional provision.....

- 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.

Constitutional provision.....Article 341(2)/342(2)

- 341 (2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause of 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.
- 342. Scheduled Tribes—(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.

Events which affects Caste Status

- Conversion
- Re-Conversion..?
- Adoption
- Migration

Mechanism/Tools to implement the Policy

Authority Prescribed to monitor effective implementation of the Policy

Safeguards available to employees belonging to backward classes

- Constitutional
- Institutional
- Procedural

Reservation in Direct Recruitment- Provisions

Reservation in Promotion- Conditions

Reservation for other entitled categories.

- Persons with Benchmark Disabilities
- Ex-servicemen
- Sportspersons

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- A quick recall of the salient points discussed on the topic

