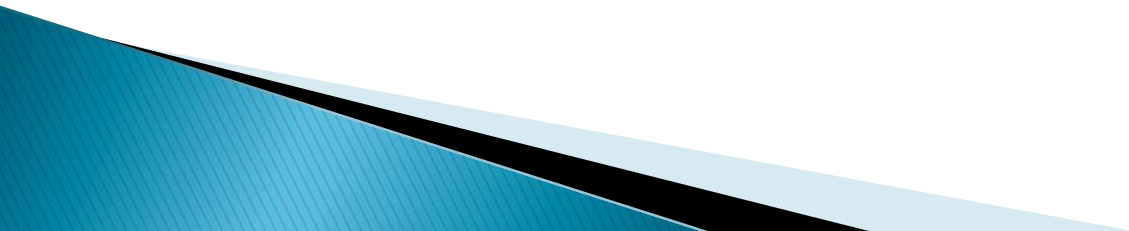


# RESERVATION FOR SC/ST/OBC

# CONSTITUTIONAL PROVISIONS

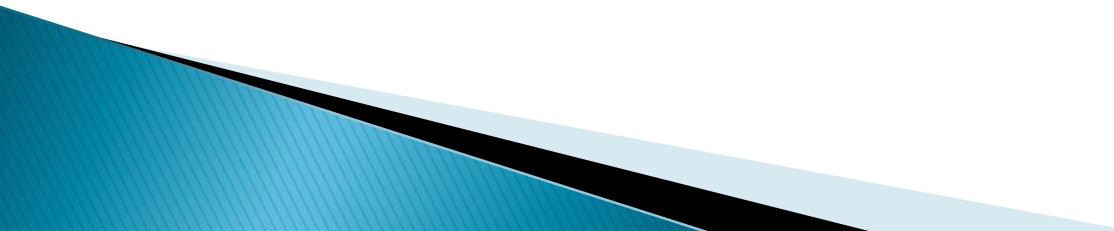


# PREAMBLE

**We the people of India** to constitute India into a sovereign, socialist, secular and democratic republic and to secure to all its citizens:

**JUSTICE**, social, economic and political;  
**LIBERTY** of thought, expression, belief, faith and worship;  
**EQUALITY** of status and opportunity;

And to promote among them all Fraternity assuring the **dignity of the individual** and the unity and integrity of the nation.



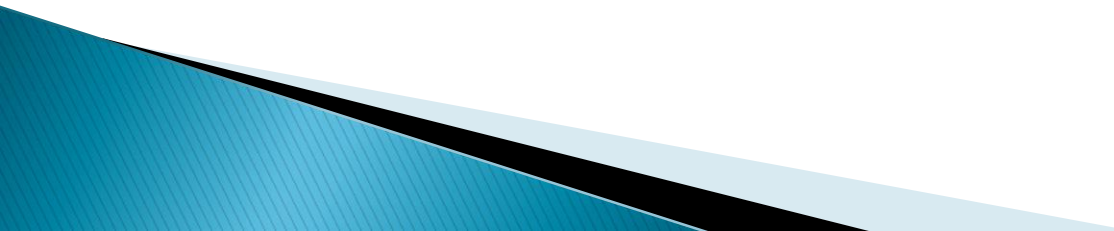
# Directive Principles of State Policy

## Article 46

The State to promote with special care the educational and economic interests of the people and, in particular, of the scheduled castes and scheduled tribes, and to protect them from social injustice and exploitation.

# Equality of Status

## ARTICLE 17

- Abolishes 'untouchability'
  - Forbids its practice in any form
  - Enforcement of any disability arising out of 'untouchability' shall be an offence
  - Punishable in accordance with law.
- 

# Legislations under Article 17

# The Protection of Civil Rights Act, 1955

# The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989



# Equality of Status

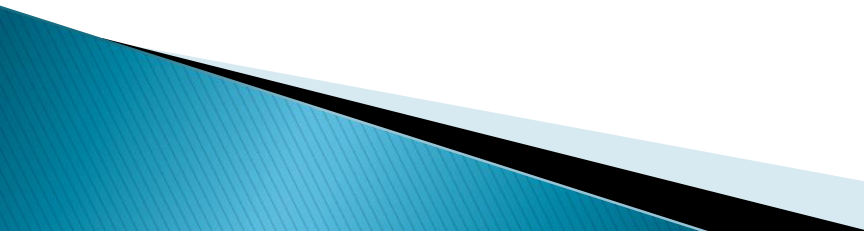
- ▶ **Article 25(2)– enables the State to make any law “providing for social welfare and reform or throwing open of Hindu religious institutions of public character to all classes sections of Hindus.”**

# Equality of Status

Article 15– No discrimination on grounds of religion, race, caste, sex, place of birth for the following:

A. Access to shops, public restaurants, hotels, places of public entertainment.

B. Use of wells, tanks, bathing ghats, roads and places of public resort.



# Equality of Opportunity

EDUCATIONAL  
ARTICLE 15(4), 15 (5)

RESERVATION IN EDUCATIONAL  
INSTITUTIONS



# Equality of Opportunity

ECONOMIC

Articles 16(4), 16(4A), 16(4B)

Reservation in Public Employment



# Equality of Opportunity

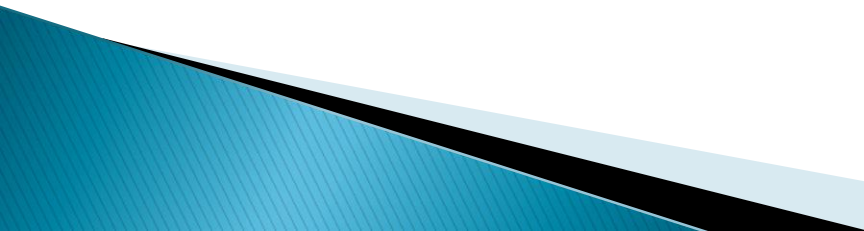
POLITICAL DECISION MAKING  
Article 330, 332

- Reservation– in Lok Sabha
- in State Legislative Assemblies
- 

# Equality of Opportunity in Matters of Public Employment

Article 16(1)– There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State,

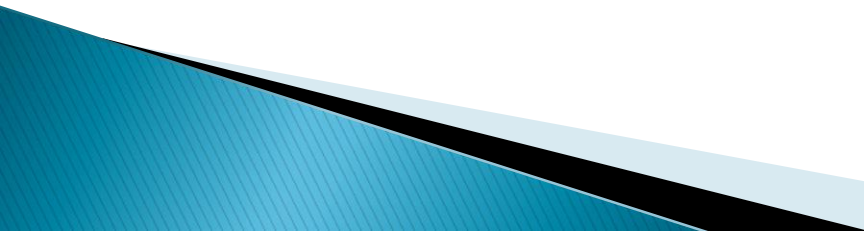
Article 16(2)– No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of any employment or office under the State.



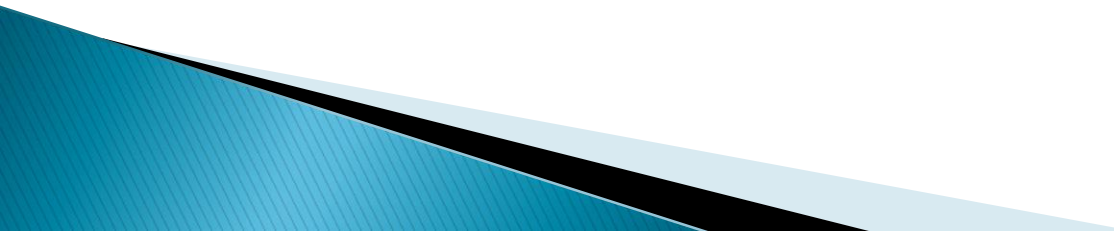
# How does the State provide reservation?

## 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.



# Interpretation by Supreme Court

- Enabling provision
  - Reservation not mandatory
  - Definition of 'State' as in Article 12
  - No time limit
  - Legislation not necessary
- 



# Interpretation by Supreme Court

“reservation of appointments or posts”

- Earlier interpretation included reservation in direct recruitment as well as promotion
- Later held to include only direct recruitment in Indra Sahani's case in 1993
- Held that reservation in promotion not permissible under Article 16(4)
- Reservation allowed to continue for 5 years
- Constitution amended to insert Article 16(4A)

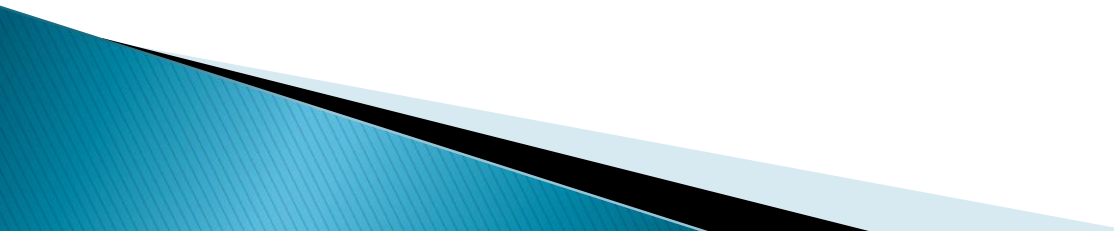
# ARTICLE 16(4A)

77<sup>th</sup> Amendment, 17.6.1995.

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. [\*85<sup>th</sup> Amendment Act, 2001 w. e. f. 17.6.1995]

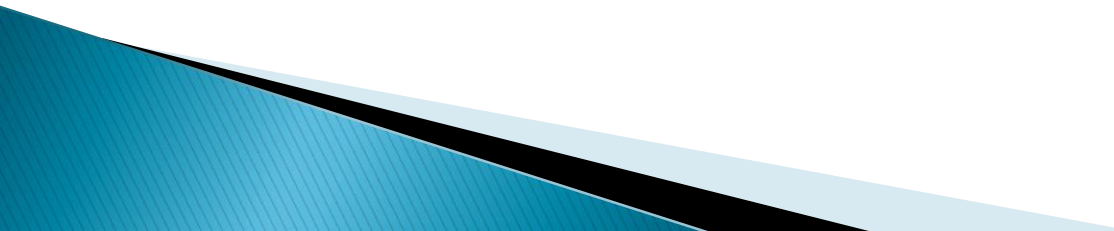
# Interpretation by Supreme Court

“Backward class of citizens”

- Not defined. Criteria to be evolved by the ‘State’
  - includes social as well as educational backwardness
  - Economic backwardness cannot be the sole criterion
  - Caste can be a social class
- 

# Interpretation by Supreme Court

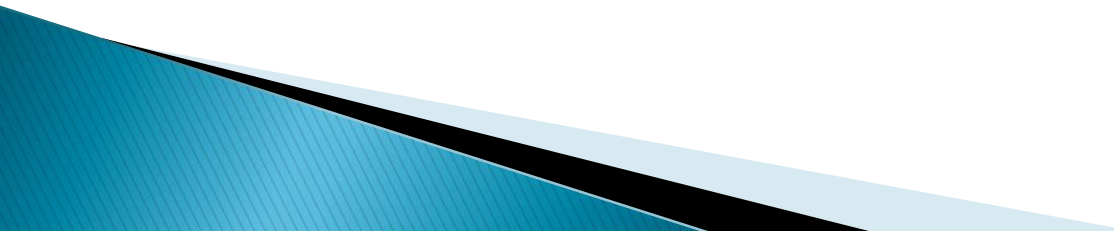
“not adequately represented”

- Percentage of reservation not prescribed
  - Test of adequacy is for the ‘State’ to determine
  - percentage based on proportion of population meets the test of adequacy
- 

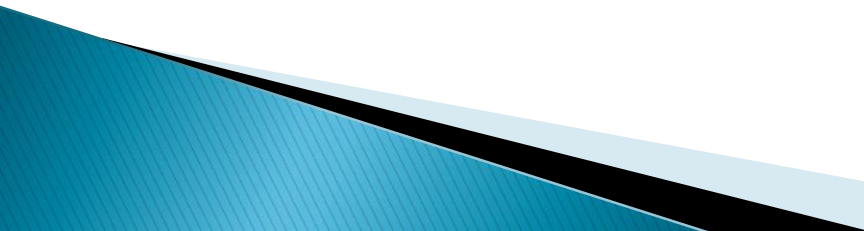
# LIMITATIONS

## Article 335

The claim 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.

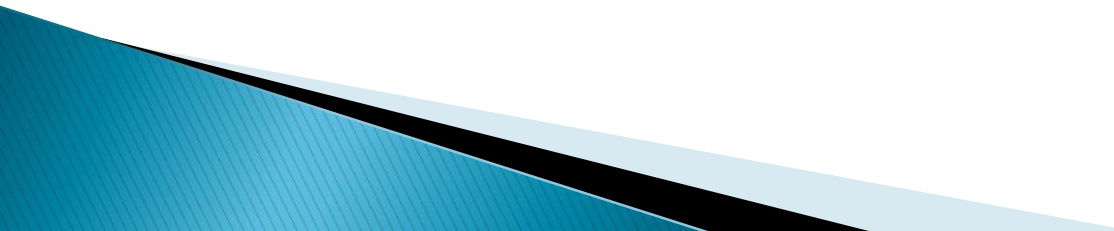


# Interpretation of Supreme Court

- Earlier interpretation permitted relaxation of standard of suitability in direct recruitment as well as promotion
  - Later held to be permissible only in direct recruitment and not in promotion following Indra Sahani's case in S.Vinod Kumar v U.O.I. in 1996
  - Constitution amended to insert proviso to article 335
- 

# 82<sup>nd</sup> Amendment, 2000, 8.9.2000

“provided that nothing in this article shall prevent the state in making of any provision in favour of the members of the scheduled castes and scheduled tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the state.”

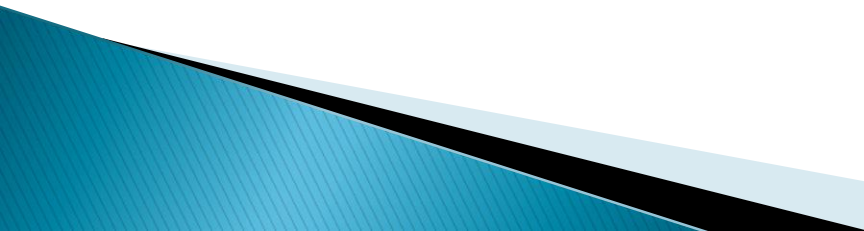


# POSTS Vs VACANCIES

- ▶ J. C. MALIK Vs. MINISTRY OF RAILWAYS;
- ▶ R. K. SABHARWAL Vs. STATE OF PUNJAB;
- Reservation should be applicable to posts and not to vacancies.



# 50% LIMIT

- Limitation of 50% reservation;
  - Applies to all reservations for all categories;
  - Also to recruitment occasions;
  - earlier interpretation included 'Current' reservation in 50% limit. 'Backlog' was outside the limit
  - Later 50% limit was imposed on 'Current' reservation & 'backlog' taken together
  - Constitution amended to insert article 16(4B)
- 

# Article 16 (4B), 81<sup>st</sup> Amendment, 9.6.2000

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 50% reservation on total number of vacancies of that year.

# GIST OF CONSTITUTIONAL PROVISIONS

## PREAMBLE

EQUALITY OF STATUS AND OF OPPORTUNITY.



# GIST

## ARTICLE 46

- PROMOTE EDUCATIONAL AND ECONOMIC INTERESTS;
- PROTECTION FROM SOCIAL INJUSTICE AND EXPLOITATION.

# GIST

## EQUALITY OF STATUS

- ART 17– ABOLOITION OF UNTOUCHABILITY;
- ART 25(2)– ENSURE ENTRY INTO RELIGIOUS INSTITUTIONS.

# GIST

## EQUALITY OF STATUS

- ART 15– NO DISCRIMINATION ON THE GROUNDS OF RELIGION, RACE, CASTE, SEX, PLACE OF BIRTH FOR:
  - access to shops, public restaurants, hotels, places of public entertainment;
  - use of wells, tanks, bathing ghats, roads & places of public resort.

# GIST

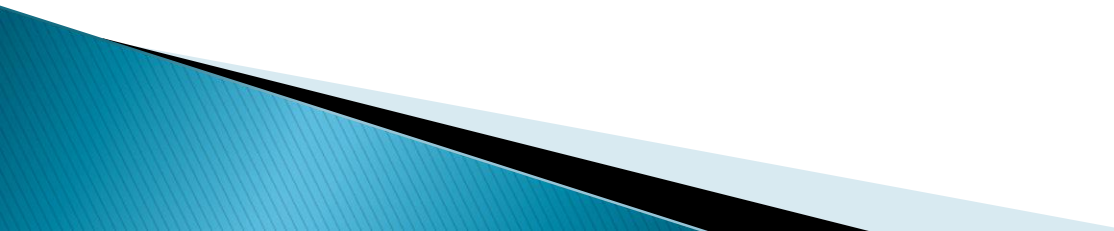
EQUALITY OF OPPORTUNITY  
RESERVATION  
EDUCATIONAL

- ART 15 (4)– EDUCATIONAL  
INSTITUTIONS.

# GIST

## ECONOMIC

### RESERVATION IN PUBLIC EMPLOYMENT

- ARTICLE 16 (4).
  - ARTICLE 16 (4A).
  - ARTICLE 16 (4B).
- 



# GIST

## POLITICAL DECISION MAKING

- ART 330, 332– RESERVATION IN STATE LEGISLATURES AND LOK SABHA.

# DEFINITION OF SC/ST

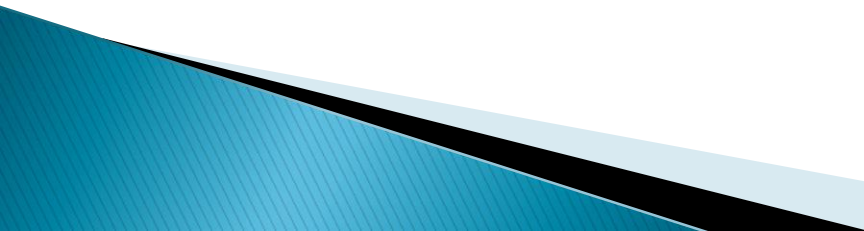
## ARTICLE 341

(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 purpose of this Constitution be deemed to be scheduled castes in relation to that State or Union Territory, as the case may be.

# DEFINITION

## ARTICLE 341

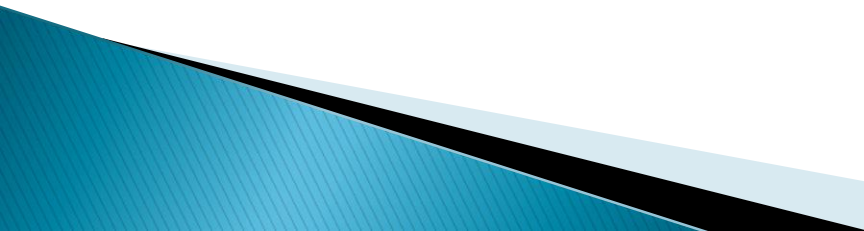
**(2) Parliament may by law include in or exclude from the list of Scheduled castes specified in a notification issued under Clause (1) any castes, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid, a notification issued under the said clause shall not be varied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



# DEFINITION

## ARTICLE 342

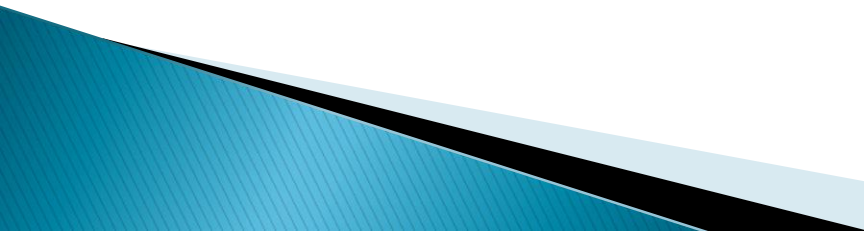
(1) The President may with respect to any State or Union Territory, and where it is a State, after consultation thereof, **by public notification**, specify the tribes or tribal communities, which shall for the purpose of this Constitution, be deemed to be **Scheduled Tribes** in relation to that **State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



# DEFINITION

## ARTICLE 342

**(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.**

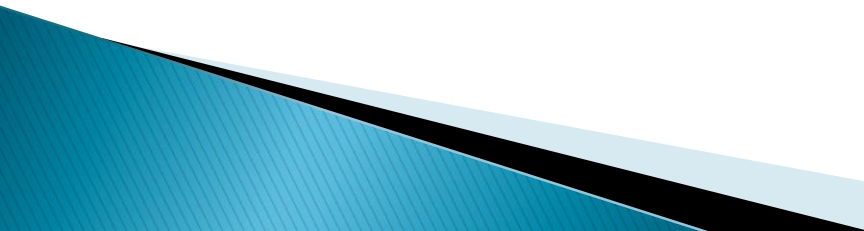


# PROVISION FOR OBC

Article 340 (1) The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made.....

# PROVISION FOR OBC

## ARTICLE 340

- (2) A Commission so appointed shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.
- (3) The President shall cause a copy of the report so presented together with a memorandum explaining the action taken thereon to be laid before each House of Parliament.
- 

# CRITERIA FOR INCLUSION IN THE LISTS

## **SCHEDULED CASTES**

EXTREME SOCIAL, EDUCATIONAL AND  
ECONOMIC BACKWARDNESS ARISING OUT OF  
THE TRADITIONAL PRACTICE OF  
UNTOUCHABILITY.

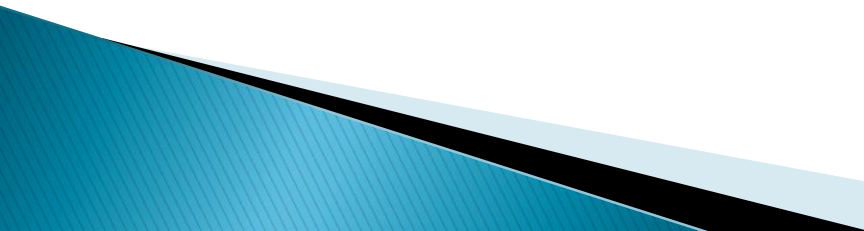
[SC–Hindus, Sikhs, Neo–Buddhists]





# CRITERIA FOR INCLUSION IN THE LISTS

## SCHEDULED TRIBES

- INDICATIONS OF PRIMITIVE TRAITS;
  - DISTINCTIVE CULTURE;
  - GEOGRAPHICAL ISOLATION;
  - SHYNESS OF CONTACT WITH THE COMMUNITY AT LARGE; AND
  - BACKWARDNESS.
- 

# EVENTS & THEIR EFFECT

## ➤ **MIGRATION**

- ❑ **NO CHANGE**

## ➤ **MARRIAGE**

- ❑ **NO CHANGE**

## ➤ **CONVERSION INTO ANOTHER RELIGION.**

- ❑ **SC – CHANGE OF SC STATUS.**

- ❑ **ST – NO CHANGE OF ST STATUS.**



# EVENTS & THEIR EFFECT

## ➤ RECONVERSION

### ✓ SC STATUS REGAINED IF

- ❑ ACCEPTED BY MEMBERS OF COMMUNITY;
- ❑ FRESH VERIFICATION BY THE COMPETENT AUTHORITY.

## ➤ ADOPTION

- ❑ SC/OBC STATUS OF THE PERSON ADOPTING ACQUIRED BY THE CHILD
- ❑ PROVIDED ADOPTION IS ACCORDING TO THE ADOPTION LAWS.

# VERIFICATION – SC/ST

- **VERIFICATION OF CASTE/ TRIBE/  
COMMUNITY ONLY BY CERTIFICATES**
  - **BY COMPETENT AUTHORITIES.**
  - **IN PRESCRIBED FORMATS.**
- 

# COMPETENT AUTHORITIES

- **D.M./ADM/COLLECTOR/D.C./ADDL. D.C. / DY. COLLECTOR/1<sup>st</sup> CLASS STIPENDARY MAG./ CITY MAG./SDM/ TALUKA MAG. / EXEC. MAG./ EXTRA ASST. COMM.**
- **CHIEF PRES. MAG./ADDL. CHIEF PRES. MAG. / PRES. MAG.**
- **SUB DIVISIONAL OFFICER.**
- **REVENUE OFFICER NOT BELOW THE RANK OF TEHSILDAR.**
- **ADMINISTRATOR/SECY. TO ADMINISTRATOR/ DEVELOPMENT OFFICER (LAKSHADWEEP ISLANDS)**

# CERTIFICATE FORMATS.

- **PRESCRIBED FORMATS**
- **NORMAL FORMATS.**
- **SPECIAL FORMAT IN CASE OF MIGRATION FROM ONE STATE TO ANOTHER.**

# **NORMAL FORMAT**

**1. This is to certify that Sh./Smt./Kum. \_\_\_\_\_  
son/daughter of \_\_\_\_\_ of village/  
town \_\_\_\_\_ in Dist. \_\_\_\_\_ of the  
State/UT \_\_\_\_\_ belongs to the \_\_\_\_\_ Caste/  
Tribe which is recognised as a \_\_\_\_\_ under  
\_\_\_\_\_.**

**2. Sh./Smt./Kum \_\_\_\_\_ and/or his/her  
family ordinarily reside in vill./town \_\_\_\_\_  
of \_\_\_\_\_ District of the State/UT of \_\_\_\_\_.**

**Signature**

**Designation**

**Seal**

# IN CASE OF MIGRATION

**This certificate is issued on the basis of SC/ST  
Certificate issued to Sh. \_\_\_\_\_ father of Sh./  
Smt./Kum. \_\_\_\_\_ of vill./town \_\_\_\_\_  
in Dist./Div. \_\_\_\_\_ of the State/UT \_\_\_\_\_  
who belong to the Caste/Tribe \_\_\_\_\_ which  
is recognised as a SC/ST in the State/UT \_\_\_\_\_  
issued by the \_\_\_\_\_ dated \_\_\_\_\_  
vide No. \_\_\_\_\_ .**

**Signature**

**Designation**

**Seal**



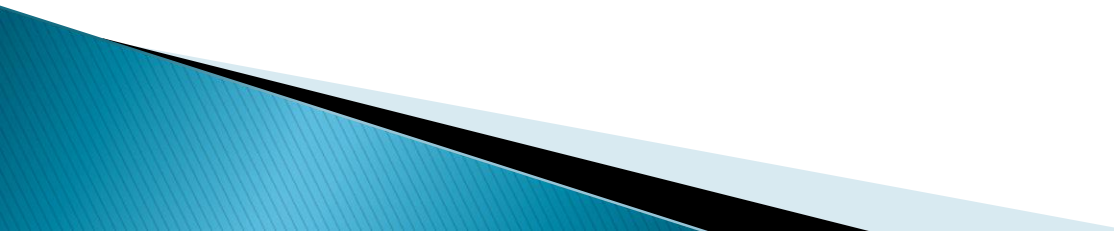


# VERIFICATION REQUIREMENTS

IN CASE OF SC/ST, APPOINTMENT LETTERS MUST CONTAIN:

“The appointment is provisional and is subject to the caste/tribe certificates being verified through the proper channels and if the verification reveals that the claim to belong to SC/ST, as the case may be, is false, the services will be terminated forthwith without assigning any reasons and without prejudice to such further action as may be taken under the provisions of IPC for production of false certificates.”(DOP&T O. M. 36012/6/88-Est (SCT) dated 24.4.90 and 16.3.99)

# VERIFICATION – OBC

- **VERIFICATION OF CLAIM ONLY BY CERTIFICATES**
  - **BY COMPETENT AUTHORITIES.**
  - **IN PRESCRIBED FORMAT.**
  - **DECLARATION FROM CANDIDATE AT THE TIME OF APPOINTMENT AS IN PRESCRIBED FORMAT.**
- 

## **CERTIFICATE FORMAT**

**1. This is to certify that Sh./Smt./Kum. \_\_\_\_\_  
son/daughter of \_\_\_\_\_ of village/  
town \_\_\_\_\_ in Dist. \_\_\_\_\_ of the  
State/UT \_\_\_\_\_ belongs to the \_\_\_\_\_ community  
which is recognised as a backward class under GOI, M/of  
Social Justice & Emp. Resolution N0..... Dated.....**

**2. Sh./Smt./Kum \_\_\_\_\_ and/or his/her  
family ordinarily reside in vill./town \_\_\_\_\_  
of \_\_\_\_\_ District of the State/UT of \_\_\_\_\_.**

**3. This is also to certify he/she does not belong  
to the creamy layer mentioned in \_\_\_\_\_**

**Comp. Auth.**

**Seal**

# **DECLARATION**

**1. I,.....son/daughter of Sh.....resident of vill./town/city.....Dist.....State.....hereby declare that I belong to the.....community, which is recognized as a backward class by the Govt. of India for the purpose reservation in services as per orders contained in DOP&T OM no.36012/22/93-Est (SCT) dated 8.9.1993.**

**2. It is also declared that I do not belong to persons/ sections (Creamy Layer) mentioned in Column 3 of the Schedule to the above referred Office memorandum, dated 8.9.1993.**

# VERIFICATION – OBC

In case of OBC candidates, the following declaration should be obtained: [OM no.36033/4/2003–Est.(Res), dated 25.7.2003]

I,.....son/daughter of Sh.....resident of vill./town/city.....Dist.....State.....hereby declare that I belong to the.....community, which is recognized as a backward class by the Govt. of India for the purpose reservation in services as per orders contained in DOP&T OM no.36012/22/93– Est (SCT) dated 8.9.1993.

# VERIFICATION REQUIREMENTS

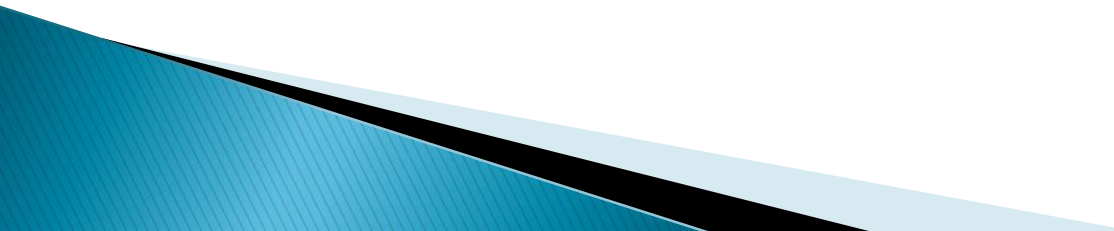
It is also declared that I do not belong to persons/sections (Creamy Layer) mentioned in Column 3 of the Schedule to the above referred Office memorandum, dated 8.9.1993.

# VERIFICATION REQUIREMENTS

In the offer of appointment, following clause must be added:

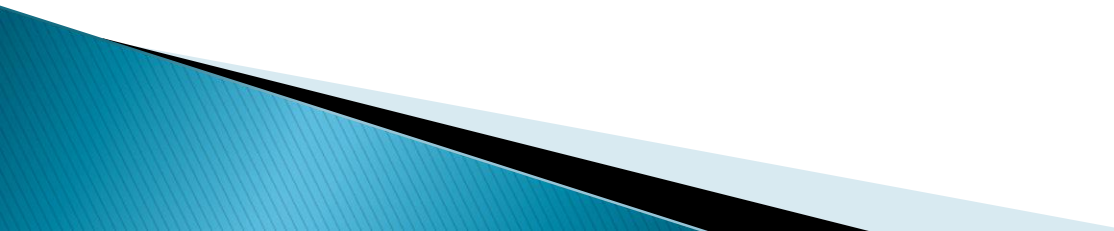
“The appointment is provisional and is subject to the community certificate being verified through the proper channels. If the verification reveals that the claim of the candidate to belong to OBC or not belong to creamy layer is false, his/her services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of IPC for production of false certificates”

# GIST

- President competent to schedule castes / tribes by notifications initially;
  - Any modification by Amendments by Parliament;
  - Castes / tribes scheduled with respect to every State / UT;
  - Permanent residence on the date of notification crucial;
- 



# GIST

- SC– Hindus, Sikhs and neo–Buddhists; ST– Any religion;
  - Migration, marriage make no difference;
  - Conversions affects SC, not ST;
  - Adoption changes SC/ST status of the child;
  - Strict verification through certificates by competent authorities.
- 

# APPLICATION OF RESERVATION ORDERS

## THREE STAGES

### ➤ STAGE I

- ❖ OCCURRENCE OF VACANCIES.
- ❖ CONSULT RECRUITMENT RULES.
- ❖ METHOD OF RECRUITMENT.
- ❖ APPLICABILITY OF RESERVATION ORDERS.
- ❖ PERCENTAGE OF RESERVATION.
- ❖ ELIGIBILITY CONDITIONS.
- ❖ SELECTION OF ROSTERS.
- ❖ DETERMINATION OF RESERVATION COMPONENT.

# APPLICATION OF RESERVATION ORDERS

## ➤ **STAGE II**

- ❖ **DRAFT ADVERTISEMENT/ DPC PAPERS**
- ❖ **ENSURE INCLUSION OF RELAXATIONS AND CONCESSIONS FOR SC/ST/OBC.**
- ❖ **ADVERTISEMENT.**
- ❖ **RECEIPT OF APPLICATIONS.**
- ❖ **EXAMINATION OR SHORT-LISTING, AS THE CASE MAY BE.**
- ❖ **HOLD DPC MEETINGS IF PROMOTION.**

# APPLICATION OF RESERVATION ORDERS

## ➤ **STAGE III**

- ❖ **SELECTION PROCESS.**
- ❖ **AVAILABILITY OF CANDIDATES.**
- ❖ **APPLICATION OF DERESERVATION/CARRY FORWARD PRINCIPLES.**
- ❖ **OTHER FORMALITIES.**
- ❖ **APPOINTMENT OF CANDIDATES.**
- ❖ **ENTRIES IN THE ROSTER AFTER CANDIDATES JOIN.**

# PERCENTAGE OF RESERVATION

## DIRECT RECT. ON ALL INDIA BASIS

- BY OPEN COMPETITION [UPSC or open competitive test by any other authority]

SC

15%

ST

7 - 1/2%

OBC

27%

# PERCENTAGE-D.R.

**DIRECT RECT. ON ALL INDIA BASIS**

➤ **OTHERWISE THAN BY OPEN COMP.**

**SC**  
**16-2/3%**

**ST**  
**7-1/2%**

**OBC**  
**25.84%**

# PERCENTAGE – D.R.

**DIRECT RECRUITMENT TO GROUP 'C' AND 'D'  
POSTS NORMALLY ATTRACTING CANDIDATES  
FROM A LOCALITY OR REGION**

- **PERCENTAGE – PROPORTION OF POPULATION  
OF SC/ST/OBC IN THE RESPECTIVE STATES/UT  
[Except Delhi]**

# PERCENTAGE

## PROMOTION

- ❖ IF ELEMENT OF DIRECT RECRUITMENT DOES NOT EXCEED 75% –



# PERCENTAGE-PROMOTION

BY LIMITED DEPARTMENTAL COMPETITIVE  
EXAMINATION  
[Groups B, C, D]

SC

15%

ST

7 & 1/2%

# PERCENTAGE-PROMOTION

BY SENIORITY SUBJECT TO FITNESS [Groups A,  
B, C, D]

SC

15%

ST

7 & 1 / 2%

# PERCENTAGE-PROMOTION

## BY SELECTION

[Groups B, C, D and from Group B to the  
Lowest Rung of Group A]

SC

15%

ST

7 & 1/2%

# EXEMPTIONS & EXCLUSIONS

- ❑ **RESERVATION DOES NOT APPLY TO**
  - **ARMED FORCES.**
  - **PROMOTION BY SELECTION BEYOND THE LOWEST RUNG OF GROUP 'A'.**
  - **POSTS FILLED BY PROMOTION, WHERE THE ELEMENT OF DIRECT RECRUITMENT EXCEEDS 75%.**
  - **POSTS FILLED BY TRANSFER OR DEPUTATION.**
  - **TEMPORARY APPOINTMENTS FOR LESS THAN 45 DAYS.**

# EXEMPTIONS

- **WORK CHARGED POSTS FOR EMERGENCY RELIEFS.**
- **POSTS IN THE DEPARTMENT OF SPACE, ELECTRONICS & THE TRAINING SCHOOL OF THE DEPARTMENT OF ATOMIC ENERGY. [Scientific & Technical Posts for Research]**
- **SCIENTIFIC & TECHNICAL POSTS IN OTHER ORGANIZATIONS FOR CONDUCTING RESEARCH OR FOR ORGANIZING, GUIDING AND DIRECTING RESEARCH BEYOND THE LOWEST RUNG OF GROUP 'A'.**
- **CADRES/GRADES HAVING 1 POST.**

# ROSTERS

- ❖ POST-BASED ROSTERS AS PER DOP&T O. M. NO. 36012/2/96- Estt. (Res.) DATED 2.7.1997.

# ROSTERS

- ❑ **MODEL ROSTERS TO POSTS FILLED BY DIRECT RECRUITMENT ON ALL-INDIA BASIS BY OPEN COMPETITION-**
  - **200 POINT ROSTER.**
  - **SC(30), ST(15), OBC(54).**
  - **14 POINT ROSTER FOR CADRE STRENGTH UP TO 13 POSTS.**

# ROSTERS

- ❑ **MODEL ROSTER FOR POSTS FILLED BY DIRECT RECRUITMENT ON ALL-INDIA BASIS OTHERWISE THAN BY OPEN COMPETITION-**
  - **120 POINT ROSTER.**
  - **SC(20), ST(9), OBC(31).**
  - **14 POINT ROSTER FOR CADRE STRENGTH UP TO 13 POSTS.**



# ROSTERS

- ❑ **MODEL ROSTER FOR POSTS FILLED BY DIRECT RECRUITMENT TO GROUP 'C & 'D' POSTS ATTRACTING LOCAL OR REGIONAL POPULATION**
- **100 POINT ROSTER BASED ON THE POPULATION OF SC/ST/OBC IN THE STATE/REGION [EXCEPT DELHI]**

# ROSTERS

## ▣ POSTS FILLED BY PROMOTION

- 200 POINT ROSTER.
  - SC(30), ST(15)
  - 14 POINT ROSTER FOR CADRE STRENGTH UP TO 13 POSTS.
- 

# ROSTERS-PRINCIPLES FOR MAINTENANCE

- **ROSTERS AN AID TO DETERMINE SHARE OF DIFFERENT COMMUNITIES.**
- **ROSTERS HAVE NO LINK WITH SENIORITY OF THE APPOINTED CANDIDATES.**
- **RESERVATION LIMITED TO PRESCRIBED PERCENTAGES.**
- **SIZE OF THE ROSTER EQUAL TO CADRE STRENGTH.**
- **ROSTER CONTRACTED OR EXPANDED IF CADRE STRENGTH IS DECREASED OR INCREASED.**

# ROSTERS-PRINCIPLES FOR MAINTENANCE

- SEPARATE ROSTERS FOR DIRECT RECRUIT. AND PROMOTION;
- SEPARATE ROSTERS FOR DIFFERENT MODES OF PROMOTION;
- DETERMINATION OF EXCESS OR SHORTFALL AS ON 2.7.1997 IS CRUCIAL.
- PRINCIPLE OF REPLACEMENT FOLLOWED IF NO EXCESS OR SHORTFALL.
- 50% LIMIT IS APPLICABLE TO CURRENT VACANCIES;
- 50% LIMIT DOES NOT APPLY TO BACKLOG.
- MERITORIOUS CANDIDATES SHOWN AGAINST UNRESERVED POINTS.

# Roster Format for more than 13 posts

S. No.	Name	Date of appt.	Sc/St/ Obc/ Gen.	Filled as ur or res.	Signature	Remarks

# Roster format for less than 14 posts

Cycle no. /Pt. No.	Ur/sc /st/ obc	Name	Date of Appt	Sc/st Obc/ Gen	Filed as res./ Ur	Signature	Remarks

# RESERVATION REGISTER

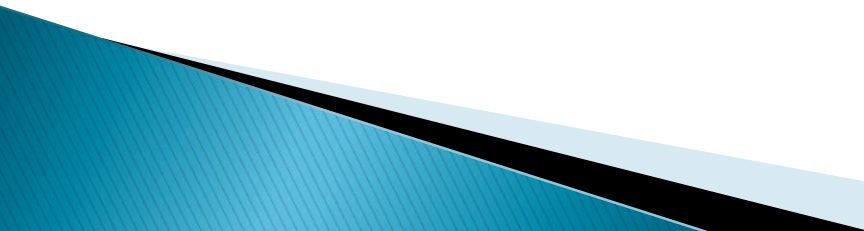
[For cadre strength of more than 13]

## ➤ **Initial Preparation of Reservation Register**

- **Names of all the candidates holding the post on that date of starting the reservation register may be entered in the register starting with the earliest appointee who was in the cadre as on the date of start of register;**
- **If an appointee in the cadre is a SC candidate, SC may be entered in column 4 of the register against his name;**
- **If that candidate was appointed by reservation, SC may be written in column 5;**

# **RESERVATION REGISTER**

**[For cadre strength of more than 13]**

- If the next appointee is a general category candidate, general shall be written in column 4 against his name and UR in column 5;**
  - Same procedure followed till all the appointments are adjusted;**
  - After making entries as indicated above, details about number of SC, ST and OBC candidates appointed by reservation, backlog vacancies, if any, may be indicated in 'Remarks' column.**
- 



# L-SHAPED ROSTER

➤ **FOR CADRES HAVING MORE THAN 2 POSTS BUT LESS THAN 13 POSTS;**

▪ **L-SHAPED ROSTERS PRESCRIBED VIDE DOP&T OM No. 36012/2/96-Estt (Res) dated 2.7.1997;**

▪ **L-SHAPED ROSTERS ARE 14 POINT ROSTERS;**

▪ **14 POINT ROSTERS ARE OPERATED BY ROTATION ON THE BASIS OF POINTS IN THE ROSTER;**

# **RESERVATION ROSTER REGISTER**

**[For cadre strength of 13 or less]**

<b>ROSTER POINTS</b>	<b>D. R.</b>	<b>PROMOTION</b>
1	UR	UR
2	UR	UR
3	UR	UR
4	OBC	UR
5	UR	UR
6	UR	UR
7	SC	SC
8	OBC	UR
9	UR	UR
10	UR	UR
11	UR	UR
12	OBC	UR
13	UR	UR
14	ST	ST

# **RESERVATION ROSTER REGISTER**

**[For cadre strength of 13 or less]**

## **➤ Initial Preparation of Reservation Roster Register**

- Roster registers shall be maintained for cadres with 2 to 13 posts;
- For preparing roster, names of all incumbents in the cadre as on 2.7.1997 may be entered in the register starting from the earliest appointee;
- If an appointee in the cadre is a SC candidate, SC may be entered in column 5 of the register against his name;
- If that candidate was appointed by reservation, SC may be written in column 6;
- If he was appointed on his own merit, UR will be written in column 6;
- If the next appointee is a general category candidate, general shall be written in column 5 against his name and UR in column 6, and so on till all appointments are adjusted;
- Suitable adjustments to be made in the register if candidates shown in Roster is from another category;

# PROCEDURE TO FILL UP RESERVED VACANCIES

## DIRECT RECRUITMENT

- **ALL INDIA BASIS BY OPEN COMPETITION:**
  - ❑ SINGLE ADVERTISEMENT FOR RESERVED & UNRESERVED VACANCIES.
- **ALL INDIA BASIS OTHERWISE THAN BY OPEN COMPETITION:**
  - ❑ 1<sup>ST</sup> ADVERTISEMENT – RESERVED & UNRESERVED COMBINED.
  - ❑ 2<sup>ND</sup> ADVERTISEMENT IF FIRST FAILS.
  - ❑ ONLY RESERVED POSTS ADVERTISED.

# PROCEDURE-DIR RECTT.

- **GROUP 'C' & 'D' POSTS ATTRACTING LOCAL & REGIONAL CANDIDATES:**
  - ❑ **EMPLOYMENT EXCHANGE.**
  - ❑ **LOCAL NEWSPAPERS.**
  - ❑ **LOCAL A. I. R. STATIONS.**
  - ❑ **VOLUNTARY ASSOCIATIONS.**
  - ❑ **DIRECTORS SC/ST WELFARE.**

# RELAXATIONS & CONCESSIONS

## DIRECT RECRUITMENT

- RELAXATIONS, CONCESSIONS FOR RESERVED CANDIDATES SHOULD BE MADE CLEAR IN THE ADS.
- AGE:
  - ❑ SC/ST: 5 YEARS.
  - ❑ OBC: 3 YEARS.
- FEES:
  - ❑ SC/ST: FULL EXEMPTION.

# REL./CONC.-DIR. RECTT.

## ➤ EXPERIENCE QUALIFICATION:

- ❑ SC/ST: RELAXED.
- ❑ NOT QUANTIFIED.
- ❑ PROVISION IN THE RECT. RULES.
- ❑ RELAXED WHEN SC/ST WITH REQUIRED EXPERIENCE NOT AVAILABLE.
- ❑ QUANTUM AT THE DISCRETION OF COMPETENT AUTHORITY.
- ❑ POSSIBILITY OF RELAXATION MADE CLEAR IN ADVERTISEMENTS.

# REL./CONC.-DIR. RECTT.

## ➤ EDUCATIONAL QUALIFICATION AND EDUCATIONAL STANDARDS

- ❑ NO RELAXATION.

## ➤ INTERVIEWS FOR SELECTION:

- ❑ SC/ST: IN SEPARATE DAY & SITTING.

- ❑ SC/ST MEMBER IN THE INTERVIEW BOARD.

- ❑ PROVISION FOR WOMEN OFFICERS & OFFICERS BELONGING TO MINORITY COMMUNITY IF NUMBER OF VACANCIES IS 20 OR MORE.



# REL./CONC.-DIR. RECTT.

- **SUITABILITY STANDARDS:**
- ▶ **BY COMPETITIVE EXAMINATIONS;**
- ▶ **OTHERWISE THAN BY COMPETITIVE EXAMINATIONS;**
- ❑ **RELAXED FOR SC/ST/OBC.**
- ❑ **NOT QUANTIFIED.**
- ❑ **SC/ST: PROVIDED THEY ARE NOT UNFIT FOR THE POSTS.**

# REL./CONC.-DIR. RECTT.

- **FURTHER RELAXATION OF STANDARD OF SUITABILITY**
- ▶ **IN GROUP 'C' & 'D' NON-TECHNICAL OR QUASI-TECHNICAL POSTS;**
- ▶ **FILLED THROUGH EMPLOYMENT EXCHANGES OR ON THE BASIS OF ADVERTISEMENTS.**
- **SC & ST CANDIDATES IF NOT AVAILABLE EVEN BY RELAXED STANDARDS:**
  - ❑ **APPOINT BEST AMONG THE SC/ST;**
  - ❑ **PLACE THEM ON PROBATION;**
  - ❑ **GIVE IN-SERVICE TRAINING.**

# REL./CONC.-DIR. RECT.

## ➤ TRAVELLING ALLOWANCE:

❑ AS PER EXISTING ORDERS.

# DERESRVATION/EXCHANGE

## DIRECT RECRUITMENT

[DOP&T OM no.36012/17/2002–Est. (Res.)  
Dated 6.11.2003]

- NO EXCHANGE.
- NO LAPSING OF RESERVED VACANCIES.

# DER./EXCH.-DIR. RECT.

- **IN CASE OF NON-AVAILABILITY-**
  - ❑ **BAN ON DERESERVATION.**
  - ❑ **2<sup>ND</sup> ATTEMPT TO FILL UP RESERVED VACANCIES.**
  - ❑ **IF 2<sup>ND</sup> ATTEMPT FAILS, RESERVED POSTS KEPT UNFILLED.**
  - ❑ **SUCH UNFILLED POSTS- BACKLOG.**

# DER./EXCH.-DIR. RECT.

- **NEXT RECRUITMENT YEAR:**
- ❖ **FOR SC/ST/OBC POSTS>**
- ❑ **CURRENT & BACKLOG KEPT SEPARATELY.**
- ❑ **50% LIMIT APPLIES TO CURRENT POSTS.**
- ❑ **50% LIMIT NOT APPLICABLE TO BACKLOG – ALL FILLED UP.**

# DER./EXCH.-DIR. RECT.

## ➤ IN GROUP 'A':

- ❖ DERESERVATION MAY BE PERMITTED;
- ❖ IN RARE & EXCEPTIONAL SITUATIONS;

## ➤ PROCEDURE:

- ❑ FRAME PROPOSAL IN PROFORMA;
- ❑ CONCURRENCE OF L. O.;
- ❑ OBTAIN COMMENTS OF NATIONAL COMMISSION FOR SC/ST/OBC;
- ❑ PLACE BEFORE COMMITTEE OF 3 SECRETARIES-  
DOP&T, SOCIAL JUSTICE & EMP., CONCERNED DEPT.
- ❑ FINAL APPROVAL OF MINISTER IN CHARGE, DOP&T.

# DERESERVATION – PROMOTION

- ▶ **IN CASE OF NON-AVAILABILITY OF SC/ST CANDIDATES:**
  - ▶ Dereservation permitted as per procedure;
  - ▶ General candidates appointed against reserved posts after dereservation;
  - ▶ No lapsing of reservation;
- 



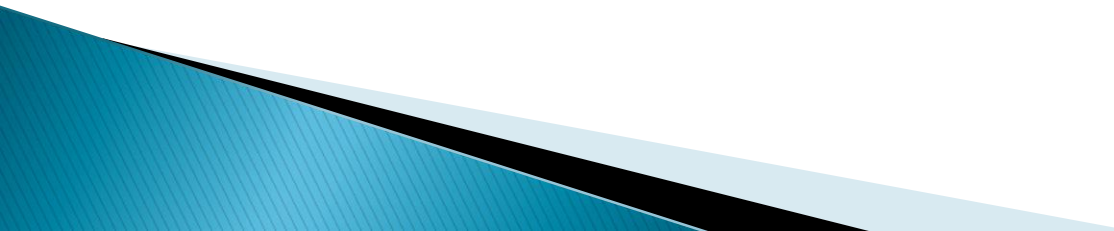
# CADRES HAVING 13 OR LESS POSTS

## – DR & PROMOTION

- ▶ Dereservation permitted;
- ▶ After dereservation, filled by general candidates;
- ▶ Reservation carried forward to 3 subsequent recruitment years;
- ▶ After 3 subsequent recruitment years, reservation will be treated as lapsed;
- ▶ No Exchange.

# PROCEDURE TO FILL UP POSTS BY PROMOTION

## PROMOTION BY SELECTION

- RESERVATION UP TO LOWEST RUNG OF GROUP 'A';
  - BEYOND LOWEST RUNG OF GROUP 'A': NO RESERVATION;
  - CONCESSION FOR SC/ST WITHIN GROUP 'A'.
- 

# PROMOTION BY SELECTION

## CONCESSION FOR SC/ST WITHIN GROUP 'A'

- ❑ **IN PROMOTION FROM LOWEST RUNG TO POSTS CARRYING ULTIMATE SALARY OF Rs.18300/ OR LESS;**
- ❑ **ONLY TO SC/ST WITHIN THE NO. OF VACANCIES AND ALSO IN ZONE OF CONSIDERATION;**
- ❑ **SC/ST EMPANELLED IF NOT UNFIT FOR PROMOTION.**
- ❑ **\_PLACE IN SELECT LIST AS PER GRADING & SENIORITY.**

# PROMOTION BY SELECTION

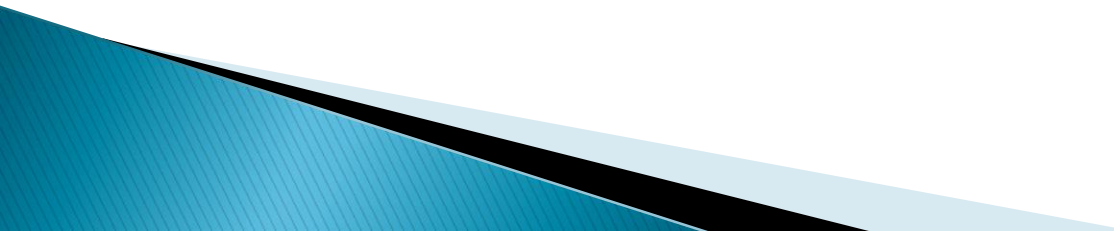
FROM GR. 'C' TO 'B, WITHIN 'B' & FROM 'B' TO LOWEST RUNG OF 'A'

- ❑ **ZONE OF CONSIDERATION  $2X+4$  (X is for number of posts)**
- ❑ **SC/ST IN NORMAL ZOC CONSIDERED FIRST;**
- ❑ **IF REQD. SC/ST NOT AVAILABLE WITHIN NORMAL ZOC, ZOC EXTENDED TO 5 TIMES FOR SC/ST.**

# PROMOTION BY SELECTION

- ❑ INCLUSION & PLACEMENT IN THE PANEL AS PER DOP&T OM 35034/7/97–Estt. (D) Dated 8.2.2002;
- ❑ DPC TO DETERMINE ‘BENCHMARK’;
- ❑ SC/ST INCLUDED IRRESPECTIVE OF ‘BENCHMARK’;
- ❑ COMBINED PANEL OF GENERAL & SC/ST AS PER SENIORITY/GRADING;
- ❑ PROMOTION IN THE ORDER OF POSITION IN THE PANEL;
- ❑ SC/ST OFFICERS PROMOTED FROM EARLIER PANEL TO RANK SENIOR TO THOSE PROMOTED FROM SUBSEQUENT PANEL.

# PROMOTION BY SELECTION

- ❑ PROMOTION IN THE ORDER OF POSITION IN THE PANEL;
  - ❑ SC/ST OFFICERS PROMOTED FROM EARLIER PANEL TO RANK SENIOR TO THOSE PROMOTED FROM SUBSEQUENT PANEL.
- 

# PREPARATION OF PANEL

## ➤ SENIORITY SUBJECT TO FITNESS

- ❑ SEPARATE LISTS OF GENERAL, SC AND ST DRAWN UP BY SPLITTING THE SENIORITY LIST;
- ❑ DPC TO ADJUDGE THE FITNESS OF GENERAL, SC AND ST SEPARATELY;
- ❑ MERGED TO FORM COMBINED SELECT LIST ARRANGED IN ORDER OF SENIORITY.
- ❑ PROMOTION MADE FROM THE SELECT LIST AS PER NAMES IN THE S/L.

# LIAISON OFFICERS

- FUNCTIONS INVOLVING STRICT COMPLIANCE/IMPLEMENTATION OF RESERVATION ORDERS.



# LIAISON OFFICERS

- CONDUCT ANNUAL INSPECTION OF ROSTERS AND REPORT.

# LIAISON OFFICERS

- FUNCTIONS INVOLVING SCRUTINY, CONSOLIDATION AND SUBMISSION OF ANNUAL RETURNS.

# LIAISON OFFICERS

- FUNCTIONS INVOLVING SCRUTINY AND RECOMMENDING PROPOSALS FOR DERESERVATION.

# LIAISON OFFICERS

- FUNCTIONS RELATING TO PANEL OF SC/ST MEMBERS FOR ASSISTING INTERVIEW BOARDS.

# LIAISON OFFICERS

- FUNCTIONS OF ASSISTING THE NATIONAL COMMISSION FOR SC/ST.

# LIAISON OFFICERS

- FUNCTIONS CALLING FOR LIAISON WORK.

# LIAISON OFFICERS

- FUNCTIONS RELATING TO ANNUAL REPORTS.

# LIAISON OFFICERS

- FUNCTIONS RELATING TO MAINTENANCE OF STATISTICS RELATING TO SC/ST EMPLOYEES IN THE ORGANIZATION.

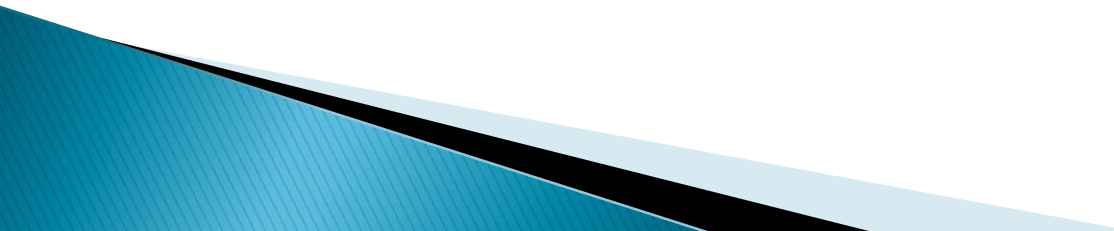


# INSPECTION OF ROSTERS

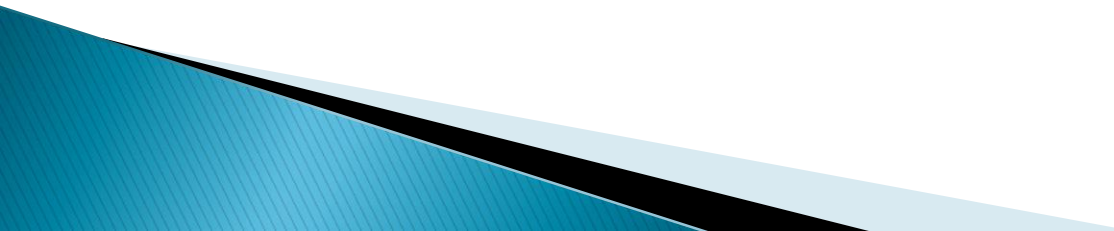
## SCOPE OF INSPECTION BY L. O.

- ▶ Whether separate rosters are being maintained for –
  - ▶ Direct recruitment;
  - ▶ Promotion;
  - ▶ Permanent app. and temp. appt. likely to become permanent;
  - ▶ Purely temp. appt. of  $> 45$  days.

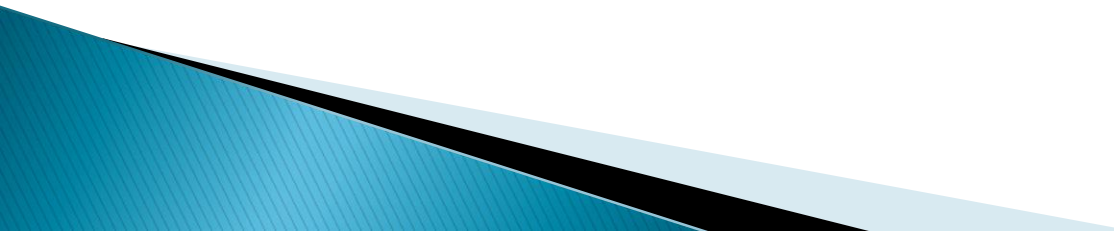
# INSPECTION OF ROSTERS

- ▶ Whether appropriate model rosters are maintained for:
    - ▶ Direct recruitment on all-India basis by open competition;
    - ▶ Direct recruitment on all-India basis otherwise than by open competition;
    - ▶ Direct recruitment on a local/regional basis;
    - ▶ Promotion.
- 

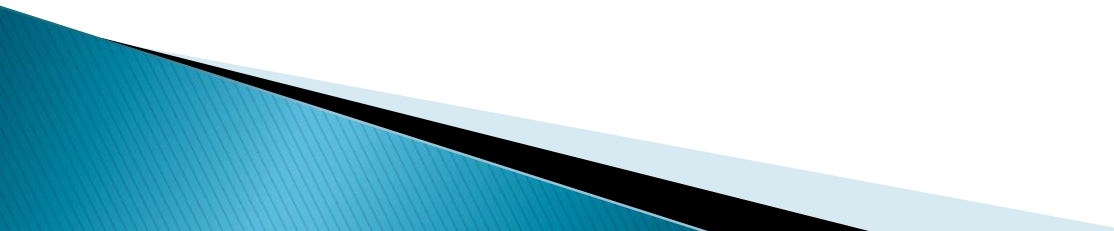
# INSPECTION OF ROSTERS

- Whether rosters are being maintained in the prescribed format;
  - Whether points as prescribed have been correctly earmarked;
  - Whether names have been entered in the roster immediately after appointment;
  - Whether any gap is left in the roster;
- 

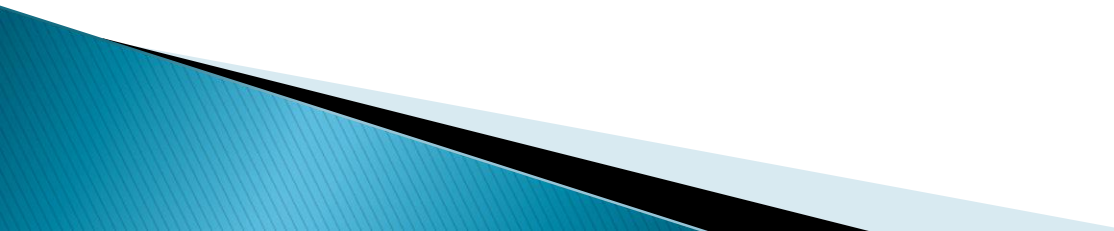
# INSPECTION OF ROSTERS

- Whether dereservation approval has been taken before appointing general category candidates;
  - Whether adequate explanations have been given in the “Remarks” column of the Roster;
  - Resume of defects, shortcomings and suggestions.
- 

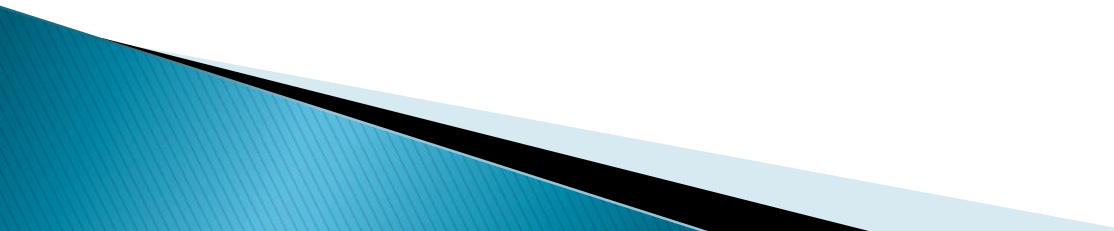
# ANNUAL REPORT

- ▶ **REPORT-I – Representation of SC/ST/OBC in services as on 1.1.2012 and number of appointments made during the calendar year 2011;**
  - ▶ **REPORT-II – Representation of SC/ST/ OBC in various organized Group ‘A’ services as on 1.1.2012.**
- 


# ANNUAL REPORT

- ▶ **REPORT-I – Representation of Persons with Disabilities in services as on 1.1.2012;**
  - ▶ **REPORT-II – Appointments of Persons with Disabilities during the year 2012.**
- 

# ROLE OF L. O. FOR PERSONS WITH DISABILITIES

- ▶ Ensure compliance of res. orders & other benefits admissible;
  - ▶ Ensure submission of statistical returns;
  - ▶ Annual inspection of the reservation rosters;
  - ▶ Bring the lapses & shortcomings to the notice of appropriate authorities.
- 

# ROLE OF L. O. FOR EX-SERVICEMEN

- ▶ Channel of communication with DOPT and Director General (Resettlement), MoD;
  - ▶ Ensure strict compliance of reservation orders;
  - ▶ Ensure submission of Annual Statements on time;
  - ▶ Get NOC from Employment Exchanges and DG (Resettlement);
  - ▶ Inspection of Registers;
  - ▶ Scrutiny of dereservation proposals.
- 



# NATIONAL COMMISSION FOR SC/ST

- ❑ ARTICLE 338 OF THE CONSTITUTION.
- ❑ COMMISSIONER FOR SC/ST UNDER ARTICLE 338 HAS BEEN REPLACED BY THE COMMISSION FOR SC/ST AFTER AMENDMENT IN 1990. [By 65<sup>th</sup> Amendment Act, 1990 w. e. f. 12.3.1992]
- ❑ THE UNION/STATE GOVT. SHALL CONSULT THE COMM. ON ALL MAJOR POLICY MATTERS AFFECTING SC/ST.

# COMMISSION FOR SC/ST

## DUTIES

- ❑ TO INVESTIGATE AND MONITOR ALL MATTERS RELATING TO THE SAFEGUARDS PROVIDED FOR THE SC/ST UNDER THE CONSTITUTION OR UNDER ANY OTHER LAW OR UNDER ANY ORDERS OF GOVT. & EVALUATE THE WORKING OF SUCH SAFEGUARDS;S

# COMMISSION-DUTIES

- ❑ TO INQUIRE INTO SPECIFIC COMPLAINTS W. R. T. THE DEPRIVATION OF RIGHTS AND SAFEGUARDS OF THE SC/ST;

# COMMISSION-DUTIES

- ❑ TO PARTICIPATE AND ADVISE ON THE PLANNING PROCESS OF SOCIO-ECONOMIC DEVELOPMENT OF THE SC/ST AND TO EVALUATE THE PROGRESS OF THEIR DEVELOPMENT UNDER THE UNION AND ANY STATE;

# COMMISSION-DUTIES

- ❑ TO PRESENT TO THE PRESIDENT, ANNUALLY AND AT SUCH OTHER TIMES AS THE COMMISSION MAY DEEM FIT, REPORTS UPON THE WORKING OF THOSE SAFEGUARDS;

# COMMISSION-DUTIES

- ❑ TO MAKE SUCH REPORTS RECOMMENDATIONS AS TO THE MEASURES THAT SHOULD BE TAKEN BY THE UNION OR ANY STATE FOR THE EFFECTIVE IMPLEMENTATION OF THOSE AFE GUARDS & OTHER MEASURES FOR THE PROTECTION, WELFARE AND SOCIO-ECONOM. DEVELOPMENT OF SC/ST;

# COMMISSION-DUTIES

- ❑ TO DISCHARGE SUCH OTHER FUNCTIONS IN RELATION TO THE PROTECTION , WELFARE AND DEVELOPMENT AND ADVANCEMENT OF THE SC/ST AS THE PRESIDENT MAY, SUBJECT TO THE PROVISIONS OF ANY LAW MADE BY PARLIAMENT, BY RULE SPECIFY.

# COMMISSION FOR SC/ST

## POWERS

- THE COMMISSION, WHILE INVESTIGATING/INQUIRING ANY MATTER SHALL HAVE THE POWERS OF A CIVIL COURT IN RESPECT OF THE FOLLOWING MATTERS:



# COMMISSION-POWERS

- ❑ SUMMONING/ENFORCING THE ATTENDANCE OF ANY PERSON FROM ANY PART OF INDIA AND EXAMINING HIM ON OATH;

# COMMISSION-POWERS

- ❑ REQUIRING THE DISCOVERY AND PRODUCTION OF ANY DOCUMENT;

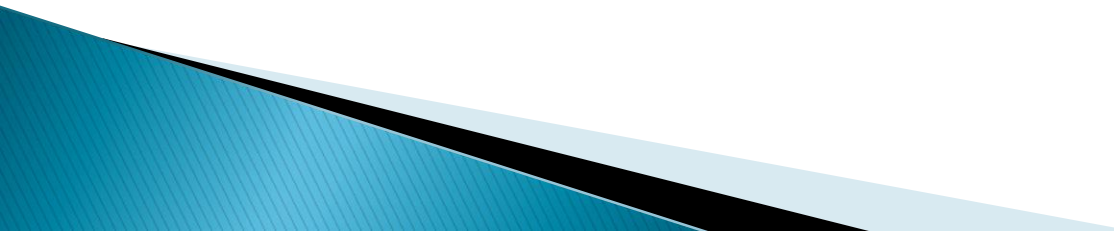
# COMMISSION-POWERS

- ❑ RECEIVING EVIDENCE ON AFFIDAVITS;

# COMMISSION-POWERS

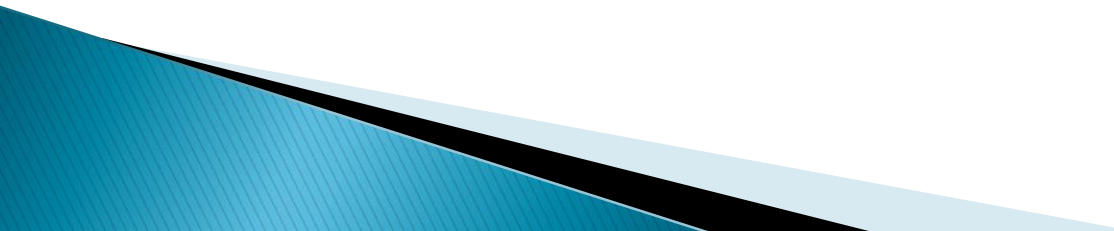
- ❑ REQUISITIONING ANY PUBLIC RECORDING OR COPY THEREOF FROM ANY COURT OR OFFICE;

# COMMISSION-POWERS

- ❑ ISSUING COMMISSIONS FOR THE EXAMINATION OF WITNESSES AND DOCUMENTS;
  - ❑ ANY OTHER MATTER WHICH THE PRESIDENT MAY BY RULE, DETERMINE.
- 

# COMMISSION FOR BACKWARD CLASSES

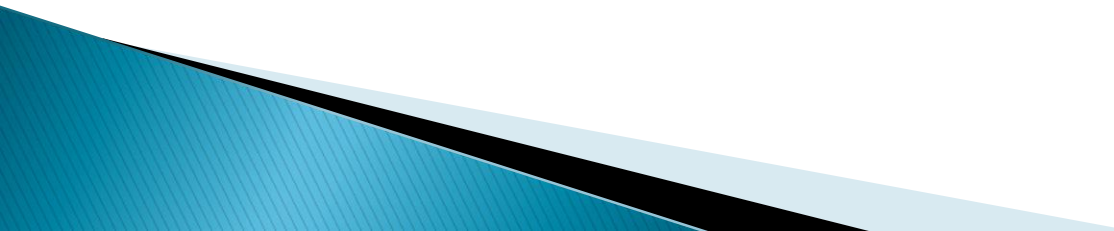
## ARTICLE 340

1. To investigate the conditions of SEBC;
  2. Make recommendations for steps to be taken to remove difficulties & improve conditions;
  3. Prescribe conditions for grants to Union or States.
- 

# NATIONAL COMMISSION FOR BACKWARD CLASSES

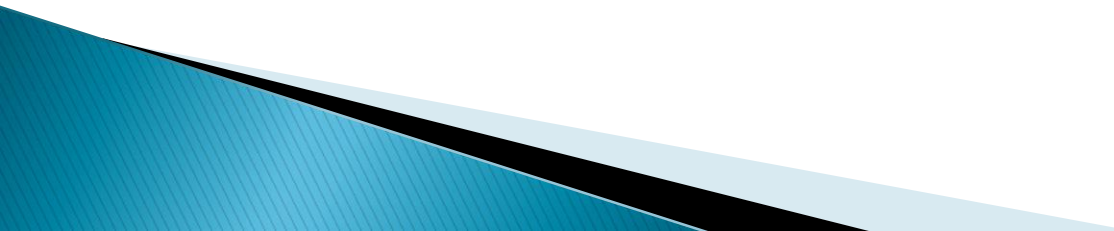
- ▶ Chairperson with 4 members.

## FUNCTIONS:

- ▶ Examine requests for inclusion/exclusion in the lists;
  - ▶ Hear complaints over or under-inclusion;
  - ▶ Tender advice to the Central Government.
- 

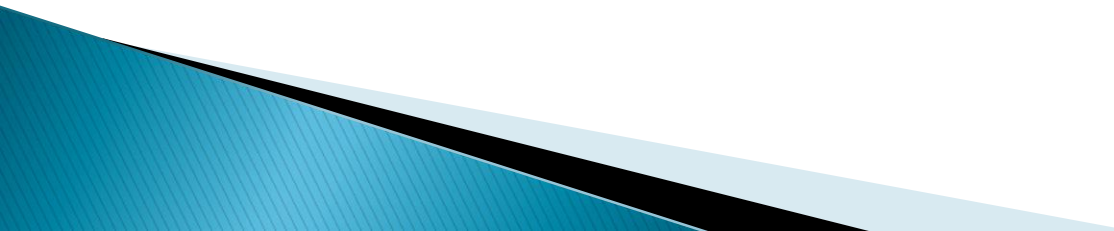
# NATIONAL COMMISSION FOR BACKWARD CLASSES

## POWERS

- Summon & enforce attendance of any person & examine him on oath;
  - Require discovery & production of any document;
  - Receive evidence on affidavits;
  - Requisition any public record or copy from any court or office.
- 

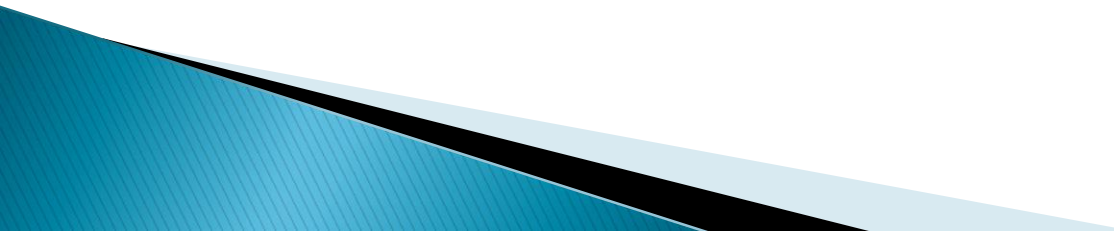


# PARLIAMENTARY COMMITTEE ON WELFARE OF SC/ST

- ▶ **Standing Committee;**
  - ▶ **Members from Lok Sabha and Rajya Sabha elected by the House;**
  - ▶ **FUNCTIONS:**
  - ✓ **Consider the Report submitted by the authority appointed under Article 338;**
  - ✓ **Measures to be taken by Union Govt. and Administration of UT;**
- 

# PARLIAMENTARY COMMITTEE ON WELFARE OF SC/ST

## ▶ FUNCTIONS:

- ✓ Consider action taken by Union Govt./UT on the measures proposed by the Committee;
  - ✓ Examine measures taken to secure due representation of SC/ST in services and posts in Union Govt./UT/PSU/Other Bodies;
- 

# PARLIAMENTARY COMMITTEE ON WELFARE OF SC/ST

## ▶ FUNCTIONS:

- ✓ Report on the working of welfare programmes for SC/ST in the UT;
- ✓ Examine such other matters as the Committee may deem fit or are specifically referred to it by the House or the Speaker.

# THANK YOU



