

Also Refer DBOD.No.BP.1142/C.469(47)-83 dt 27-05-83

DBOD.No.B.P.B.C.86/C.469(47)-79

June 18, 1979

The Chairmen,
All Indian Private Sector Banks

Dear Sir,

Reservation of Posts for Scheduled Castes and Scheduled Tribes

You are aware that Article 335 of the Constitution of India provides that "claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointments to services and posts and in connection with the affairs of the Union or of a State". Article 16(4) also permits "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". However, the Government of India have not declared any class, other than the Scheduled Castes and Scheduled Tribes as a backward class for purposes of Article 16. In pursuance of these Constitutional provisions, reservations have been in force in favour of Scheduled Castes and Scheduled Tribes in filling vacancies in posts and services under the Government of India with effect from the 26th January, 1950.

2. With a view to assessing the progress of measures already taken for representation of Scheduled Castes and Scheduled Tribes in services, Government of India set up a working group under the chairmanship of Shri M.R. Yardi, then Additional Secretary in the Ministry of Home Affairs. The study group recommended, inter alia, that the public sector undertakings should be made to follow the same rules and procedures as are being followed by Administrative departments concerned for posts under their control. Most of the public sector undertakings have already adopted reservation orders issued from time to time by the Government of India. However, the implementation of the reservation orders has not been quite satisfactory. Government accepted the recommendations of the Yardi Working Group and issued a direction to the public sector industrial undertakings for effective implementation of the reservations.

3. Reserve Bank of India and State Bank of India Group have also been following the policy laid down by Government. After nationalisation on 19.7.1960, the 14 major Indian Commercial Banks were also advised by Government to follow the policy in regard to reservations for and recruitment of Scheduled Castes and Scheduled Tribes in their services. All the banks have adopted Government policy in this regard.

4. The question of asking the commercial banks in the private sector to fall in line with the public sector banks in regard to reservations for the recruitment of Scheduled Castes and Scheduled Tribes in their services has been engaging the attention of Central Government for some time. The High Power Committee under the Chairmanship of the Prime Minister of India have also considered the matter and stressed the urgency and importance of the adoption of the Government policy by the private sector banks.

5. At the meeting the Governor had with the Chairmen of the leading private sector banks on the 28th November, 1978, it was agreed that these banks would provide reservations and necessary relaxations/concessions to Scheduled Caste/Scheduled Tribes candidates for recruitment in their services.

6. A set of instructions issued by Government to the public sector undertakings under their control is enclosed for your guidance and necessary action. The references in the instructions to the Managing Director may kindly be construed as references to the Chairmen or General Managers as the case may be. Similarly, other references to the public sector industrial undertakings may be conveniently equated with equivalent terms applicable in the private sector banks. You may also kindly ensure that in filling up posts in the bank, all possible steps are taken to get the maximum number of applicants from these communities. In any advertisement in this regard, the number of reserved posts should also be indicated.

7. It will be observed from Government instructions that the following percentages of reservations have been provided for Scheduled Castes/Scheduled Tribes communities respectively:-

(A) Direct Recruitment		<u>Scheduled Castes</u>	<u>Scheduled Tribes</u>
(i)	Direct recruitment on all India basis by means of open competitive test	15%	7½ %
(ii)	Direct recruitment on All Indian basis other wise than at (i) above	16 ^{2/3} %	7½ %
(iii)	Direct recruitment to class III and IV posts normally form a locality or a region	As shown in <u>appendix I</u>	

(B) Promotion

(i)	Posts filled by promotion through limited departmental competitive examination within or to Class II, III & IV in which the element of direct recruitment if any, does not exceed 66 ^{2/3} %	15%	7½ %
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(A) Direct Recruitment

Posts filled by promotion made by selection in or to Class II, III & IV in which the element of direct recruitment if any, does not exceed 66 ^{2/3} %	15%	7½ %
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8. It will be further observed that for giving proper effect to the reservations prescribed, your bank will have to maintain proper rosters in a register in the form given in Appendix V. Your bank will also have to submit annual statements to the Government in the form given in Appendix VII & VIII.

9. Though the fact remains that your bank may be functioning in the areas of your own choice, it will be appreciated if the percentages of reservations as prescribed by Government for different States (Appendix I) are followed by your bank also.

10. Please advise us of the progress made by your bank in implementing the above Government orders on a half yearly basis, i.e. at the end of June and December every year together with statistical information on the subject as in the proforma enclosed*.

Yours faithfully,

Sd/-

A. RANGACHARI
Deputy Chief Officer

* Not enclosed Discontinued vide DBOD.No.BP.1142/C.469(47)-83 dated 27/05/1983

To
Chief Executives of concerned Enterprises

Subject: Reservation of Scheduled Castes and Scheduled Tribes in appointments in public enterprises

Sir,

The working Group set up under the chairmanship of Shri M.R. Yardi, Additional Secretary, Ministry of Home Affairs to study *inter alia*, the progress of measures for representation of Scheduled Castes in services followed by administrative departments concerned for posts under their control. Most of the public sector undertakings have adopted the reservation orders issued by the Government from time to time though, in some cases, the implementation of the reservation orders was not quite satisfactory. The recommendation of the Yardi _____ under article _____ of the articles of association that the following measures should be taken with regard to the reservations for Scheduled Castes and Scheduled Tribes in appointments to various posts in the company:

		Scheduled Castes	Scheduled Tribes
(A) Direct recruitment			
i)	Direct recruitment on an All India basis by means of open competitive test	15%	7½ %
ii)	Direct recruitment on an All India basis otherwise than at (I) above	16-2/3%	7½ %
iii)	Direct recruitment to class III and IV posts normally attracting candidates from a locality or a region	As shown in <u>Appendix I.</u>	
(B) Promotion			
i)	Posts filled by promotion through limited departmental competitive examination with or to Class II, III & IV in which the element of direct recruitment if any, does not exceed 50%	15%	7½ %
ii)	Posts filled by promotion made by selection in or to class III and IV in which the element of direct recruitment, if any, does not exceed 50%	15%	7½ %

The above reservations will not apply to -

- i) Vacancies filled by transfer or by deputation;
- ii) Temporary appointment of less than 45 days' duration ;
- iii) Purely temporary establishments such as work charged staff including the daily-rated and the monthly-rated staff; and
- iv) Posts for conducting research or for organising, guiding and directing research.

2. In some undertakings, the classification of posts may not be identical or similar to that in vogue in the Central Government services. In such cases, for the purpose of implementing the reservation orders, the posts may be treated as Class 1, 11, III and IV as follows:-

Posts carrying a pay or scale of pay with a maximum of not less than Rs.950/-	Class I
Posts carrying a pay or scale of pay with a maximum of not less than Rs.575/- but less than Rs.950/-	Class II
Posts carrying a pay, or scale of Class III pay with a maximum of over Rs. 110/- but less than Rs.575/-	Class III

Posts carrying a pay or scale of Class IV pay the maximum of which is Rs. 110/- or less

Class IV

3. To give proper effect to the reservations prescribed, every appointing authority will treat vacancies as reserved or unreserved according to a model roster each consisting of 40 points/ 100 points as the case may be, as described below

- i) Recruitment made on an All India basis by open competition or posts filled by promotion for which reservation orders are made applicable in the roster as given in Appendix II. (Separate rosters will be maintained for posts filled by direct recruitment and by promotion).
- ii) recruitment made on an All India basis otherwise than by open competition in the roster as given in Appendix III.
- iii) recruitment attracting candidates from a locality or a region according to a roster to be drawn up after taking into account the points reserved to Scheduled Castes and Scheduled Tribes as shown in Appendix I.

4. The roster will be maintained in a register in the form given in Appendix V. Detailed instructions for maintenance of roster are given in Appendix VI.

5. Annual Statements:

As soon after the first of January every year as possible and latest by first of March, each undertaking will send to the administrative Ministry with copies to the Bureau of Public Enterprises, the Cabinet Secretariat (Department of Personnel) and the Cabinet Secretariat (Department of Cabinet Affairs).

- i) a statement in the form given in Appendix VII showing the total number of posts and the number held by members of Scheduled Castes and Scheduled Tribes in each class as on the first January of the year;
- ii) a statement in the form given in Appendix VIII showing particulars of recruitment made in a calendar year and the number filled by Scheduled Castes and Scheduled Tribes candidates.

6. Grouping of post :

In the case of isolated individual posts and small cadres in which vacancies may not occur with sufficient frequency to ensure adequate representation on Scheduled Castes and Scheduled Tribes, posts in the same class and carrying similar status, salary and qualifications may be grouped to facilitate the application of the reservation orders. A cadre or a grade or division of service consisting of less than 20 posts may be treated as a small cadre for this purpose. A group so formed should not ordinarily consist of less than 25 posts.

7. Procedure for dereservation:

Before any reserved vacancy is dereserved and filled up by a general candidate, the prior approval of the Board of Directors for Class I and II post and that of the Managing Director for Class III and IV posts should be obtained. The Board of Directors should be apprised from time to time the number of class III and Class IV vacancies dereserved. The contingency for dereserving a reserved vacancy would arise only when suitable candidates of the reserved community are not available or forthcoming. The following steps will be taken to bring the reserved vacancies in the direct recruitment quota-to the notice of Members of Scheduled Castes and Scheduled Tribes before they are dereserved:-

(i) Advertisement in newspapers

- (a) The vacancies in posts and services recruitment to which is made on all India basis should be advertised in

(b) Vacancies in Class III or class IV recruitment to which normally attracts candidates from a locality or a region should be advertised in such newspapers as the appointing authority may consider suitable for the purpose if candidates are not likely to be available through the employment exchanges.

(ii) Employment Exchanges

(a) All vacancies should be simultaneously notified to the local or the regional employment exchange in the form of requisition given in Appendix XI.

(b) Copies of advertisement should also be endorsed to the regional or local employment exchange.

(c) When a local employment exchange is unable to nominate any suitable candidate, it will refer the vacancy or vacancies to the Director General of Employment Exchanges who maintains all India List of Scheduled Castes and Scheduled Tribes registered with Employment exchanges.

(iii) Intimation of reserved vacancies to recognised associations and organisations of scheduled castes and scheduled tribes

Simultaneously with the advertisement, the vacancies should be brought to the notice of the Scheduled Castes/Scheduled Tribes organisations listed in Appendix X in the Directive. While doing so, it should be made clear to such organisations that their function is limited to advising the Scheduled Castes/Scheduled Tribes candidates about the recruitment proposed and that it will not be for them to recommend or press the names of any individuals. The candidates should apply to the appointing authority either direct or through the Employment Exchanges as the case may be.

7.A. (a) Advertisement of reserved vacancies (filled by direct recruitment otherwise than through examination) for Scheduled Castes/Scheduled Tribes candidates only

Where direct recruitment (otherwise than through examination) is to be made to a vacancy or vacancies reserved for Scheduled Castes or Scheduled Tribes only, (and not to any unreserved vacancy/vacancies as well) advertisement will be issued inviting applications only from the candidates belonging to the Scheduled Castes, and/or the Scheduled Tribes, as the case may be, and not from general candidates. However, if the reserved vacancy or vacancies referred to above include any such vacancy or vacancies which have been carried forward to the third year of recruitment, Scheduled Caste candidates can be considered for such of the vacancies as are reserved for Scheduled Tribes and vice versa vide para 8 of this directive. Accordingly, in the advertisement issued for filling in those reserved vacancies which have been carried forward to the third year of recruitment, applications should be invited both from Scheduled Castes and Scheduled Tribes candidates, but it should be clarified in the advertisement that for a vacancy reserved for Scheduled Castes, Scheduled Tribes candidates would be considered only in the event of non-availability of suitable Scheduled Caste candidates and similarly, in respect of vacancy or vacancies reserved for Scheduled Tribes, Scheduled Castes candidates would be considered only in the event of non-availability of suitable Scheduled Tribe candidates.

(b) Readvertisement for filling reserved vacancies

If, after following the procedure outlined in sub-para (a) above, the required number of Scheduled Caste or Scheduled Tribe candidates are not selected for the reserved vacancy or vacancies, the remaining reserved vacancy/vacancies will be readvertised but, on this occasion, general candidates would also be eligible to apply. The general candidates would, however, be considered only if no suitable Scheduled Caste or Scheduled Tribe candidates, as the case may be, are still not available for appointing to the vacancies reserved for them. This may be clarified in the advertisement. In case any general candidate is thus appointed against a reserved vacancy after its dereservation the reservation should be carried forward according to the instructions in this regard.

(c) Advertisement where recruitment is to be made both for reserved and unreserved vacancies

If direct recruitment otherwise than through examination is to be made for reserved as well as unreserved vacancies on any one occasion, a single advertisement can be issued for such reserved and unreserved vacancies specifying clearly therein the vacancies reserved for Scheduled Castes and Scheduled Tribes. If the reserved vacancy or vacancies referred to above include any vacancy/vacancies which have been carried forward to the third year of recruitment, it should also be clarified in the advertisement that Scheduled Tribes candidates would be considered for vacancies reserved for Scheduled Castes in the event of non-availability of suitable Scheduled Caste candidates and vice versa on the lines indicated in sub-para (a) above. If any reserved vacancies remain unfilled for want of suitable Scheduled Castes/Scheduled Tribes candidates, they should not be filled by general candidates on this occasion but should be readvertised and filled on the lines indicated in sub-para (b) above.

(d) Direct recruitment through examination:

Where direct recruitment is made through examination for reserved as well as unreserved vacancies, a single advertisement would be issued for such examination but the number of vacancies reserved for Scheduled Castes and Scheduled Tribes would be specified clearly in it and in case the required number of Scheduled Castes or Scheduled Tribes candidates are not available even by applying relaxed standards for the vacancy/vacancies reserved for them, the remaining reserved vacancy/vacancies could be filled by general candidates after dereservation of such vacancy/vacancies. The vacancy/vacancies so dereserved will be carried forward according to the instruction in this regard.

(e) Separate Interview of Scheduled Castes and Scheduled Tribes candidates:

- (i) When direct recruitment otherwise than through examination is to be made in accordance with the procedure in sub-para (b) or (c) above, the interview of Schedule Castes/Scheduled Tribes candidates should be held on a day or sitting of the Selection Committee other than the day or sitting on which general candidates are to be interviewed so that the Scheduled Castes and Scheduled Tribes candidates are not judged in comparison with general candidates and the interviewing authority/Board is/are prominently aware of the need for judging the Scheduled Castes/Scheduled Tribes candidates by relaxed standards.
- (ii) In direct recruitment made through examination along with interview also, the interview of Scheduled Castes/Scheduled Tribes candidates should be held on a separate day or sitting on the lines indicated in sub-para (i) above.

(f) Ad-hoc appointment of Scheduled Castes/Scheduled Tribes candidates:

If it becomes necessary to fill a reserved vacancy pending selection according to the procedure outlined in sub-paras (a), (b) or (c) above, the Public Enterprise may make ad hoc appointment of suitable Scheduled Castes or Scheduled Tribe candidate, as the case may be, against such reserved vacancy.

7.B. Reasons for Rejection of Scheduled Castes/Scheduled Tribes to be intimated to Employment Exchanges

The result of submission made by the Employment Exchange of Scheduled Caste/Tribe candidates should be intimated to the Employment Exchange within a period of one month. If any of the vacancies reserved for Scheduled Castes/Scheduled Tribes is not filled by candidates of the respective category sponsored by the Employment Exchange, specific reasons therefor should be communicated to the Employment Exchange.

8. Carrying forward and lapse of reservations

If a sufficient number of suitable candidates eligible for reserved vacancies is not available from the respective classes in a particular year, such vacancies may be treated and filled as unreserved vacancies during that year subject to the approval of the Board of Directors or Managing Director as the case may be for dereserving the reserved vacancies.

Scheduled Tribes will be carried forward upto three subsequent recruitment years before the reservation is finally treated as lapsed. However, in any recruitment year, the number of normal reserved vacancies and the carried forward vacancies together, shall not exceed 50% of the total vacancies. The surplus above 50% shall be carried forward to the subsequent year of recruitment subject, however, to the condition the particular vacancies carried forward do not become time barred due to their becoming more than three years old. However, the carried forward reserved vacancies would be available together with the current reserved vacancies for utilisation even where the total no of such reserved vacancies exceeds 50% of the vacancies filled in that year provided the overall representation of Scheduled Caste and Scheduled Tribe in the total strength of the concerned grade or cadre is found to be inadequate i.e. the total number of Scheduled Castes/Scheduled Tribes candidates in that grade has not reached the prescribed percentages of reservation for scheduled castes/scheduled tribes respectively, in the grade, as a whole.

While vacancies reserved for Scheduled Castes and Scheduled Tribes may continue to be treated as reserved for the respective community only, Scheduled Tribes candidates should be considered for appointment against a vacancy reserved for Scheduled Castes candidates where such vacancy could not be filled by a Scheduled Caste candidate even in the third year to which the vacancy is carried forward. While advertising or notifying a vacancy which has been carried forward to the third year it should be made clear in the advertisement/requisition that while the vacancy is reserved for Scheduled Castes, Scheduled Tribes candidates would also be eligible for consideration in the event of non-availability of suitable Scheduled Caste candidates. This arrangement will likewise apply also in the case of vacancies reserved for Scheduled Tribes.

9. Concessions to employees of Scheduled Castes and Scheduled Tribes in promotions by Selection method: Class I and II appointments

(A) *Promotion within Class I*

In promotion by selection to posts within class I which carry an ultimate salary of Rs.2,000/- per month, or less, 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 the select list has to be drawn up would be included in that list provided they are not considered unfit for promotion. Their position in the select list would, however, be the same as assigned to them by the Departmental Promotion Committee on the basis of their record of service. 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.

2. In order to improve the chances of Scheduled Castes/Scheduled Tribes officers for selection to the higher categories of posts in Class I, the following measures should be taken.

- i) Scheduled Castes/Scheduled Tribes officers in Class I services/posts should be provided with more opportunities for institutional training and for attending seminars/symposia/conferences. Advantage could in this connection be taken of the training facilities available at the Indian Institute of Public Administration, New Delhi, the Administrative Staff College, Hyderabad, etc.; and
- ii) It should be the special responsibility of the immediate superior officers of the Scheduled Castes/Scheduled Tribes Officers in Class I to give advice and guidance to the latter to improve the quality of their work.

Public Enterprises under whom Scheduled Castes/Scheduled Tribes Class I Officers might be serving should ensure that these decisions are implemented with expedition. Public Enterprises (or the Heads of Departments) under whom such officers might be serving may specially watch the progress of these officers so that all appropriate steps are taken, wherever necessary, to improve the efficiency of these officers for the purpose of their selection to higher posts.

3. Public Enterprises should nominate a considerably larger number of SC and ST Officers for the training programmes run by the various Training Institutions. They should lay down a time-limit, say 3 years, within which training of such officers in appropriate fields should be completed. A phased programme for sponsoring such officers for training to the various institutions should be drawn up. The

public enterprises should identify the training needs of the Scheduled Castes and Scheduled Tribes Officers and then examine to which training programme these officers should be deputed. The training Division of the enterprise would render all assistance in suggesting or even devising suitable programme, wherever necessary.

If the training Division of the enterprise draw up training programme to be conducted by them, adequate margin should be provided to take in as many Scheduled Caste and Scheduled Tribe officers as are sponsored by the enterprises. It would be useful to earmark 25% of the seats for officers of Scheduled Caste and Scheduled Tribes wherever possible. In case this becomes difficult in any particular programme, then such officers could be covered in the next course or special programmes may be arranged for them.

It would also be useful if officers of Scheduled Caste and Scheduled Tribes were included in the various training programmes abroad. It would enable them to broaden their outlook and also build up specialised knowledge. It is likely to boost up the morale of the officers of these communities.

While deputing officers to training, seminars and conferences etc., preference should be given to officers of Scheduled Caste and Scheduled Tribe.

(B) Promotions from Class III to Class II within Class II and from Class II to the lowest rung or category in class I

In promotions by selection from Class III to Class II and within Class II and from Class II to the lowest rung or category in Class I, the following procedure will be adopted.

In promotions made by selection, employees in the zone of consideration numbering 5 or 6 times the estimated number of vacancies are normally considered for inclusion in the select list. After rejecting those who are unfit for promotion, the Departmental Promotion Committee proceeds to categorise the remaining eligible employees into three categories, namely, 'Outstanding' 'Very Good' and 'Good'. Thereafter, the Committee draw up a select list placing all employees in the 'Outstanding' category at the top, followed by those categorised, 'Very good' and then by those categorised as 'Good' the interse seniority within each category being maintained. As a measure of improving representation of Scheduled Castes/Scheduled Tribes in services the following concession in grading shall be extended to them. .

If within the zone of consideration, there are any Scheduled Castes and Scheduled Tribes employees, those amongst them who are considered unfit for promotion by the Departmental Promotion Committee will be excluded from consideration. Thereafter, the remaining Scheduled Castes and Scheduled Tribes employees will be given by the Departmental Promotion Committee one grading higher than the grading otherwise assignable to them on the basis of their record of service i.e., if any Scheduled Caste or Scheduled Tribe employee has been categorised by the Committee on the basis of his record of service as 'Good', he should be recategorised by the Committee as 'Very Good'. Likewise, if any Scheduled Caste/Scheduled Tribe employee is graded as 'Very Good' on the basis of his record of service he will be recatagorised by the Committee as 'Outstanding'. Of course if any Scheduled Caste or Scheduled Tribe employee has already been categorised by the Committee on the basis of his record of service as 'Outstanding', no recategorisation will be needed in his case.

The above concession would be confined to only 25% of the total vacancies in a particular grade or post filled in a year from the Select List. While making promotions from the Select List the appointing authority should, therefore, check up -that the Scheduled Castes/ Scheduled Tribes employees promoted in a year on the basis of this concession are limited to 25% of the posts filled in a year from the Select List prepared according to the procedure outlined above i.e., the concession of higher grading should be given to one employee of Scheduled Caste/Scheduled Tribe against every four vacancies. For this purpose, a continuous account of vacancies should be kept. If the number of vacancies in a year is not divisible by four, the remainder should be carried forward to the following year for the purpose of this accounting. For example, if there are six vacancies in a year, the concession would be given to one employee of Scheduled Caste/ Scheduled Tribe against the first

four vacancies and the balance of 2 vacancies would be notionally carried forward to the following year and added to the vacancies arising in that year to determine the number of employees of Scheduled Castes and Scheduled Tribes who should be given this concession.

(ii) Those Scheduled Castes/Scheduled Tribes employees who are senior enough in, the zone of consideration so as to be within the number of vacancies for which the Select List has to be drawn, should be included in the Select List, if they are not considered unfit for promotion and should also be given one grading higher than the grading otherwise assignable to them on the basis of their record of service and their place in the Select List determined on the basis of this higher categorisation. This would imply that even where, in same case, the Select List were to consist of, say, only "outstanding" Non-Scheduled Caste/Non-Scheduled Tribes candidates, adequate number of them being available from the zone of consideration, those Scheduled Caste/Scheduled Tribe candidates who are high up in the zone of consideration and are within the number of estimated vacancies for which the Select List if being prepared will, even if they are only 'Good' and after higher categorisation by one degree are categorised as 'Very Good', have to be included in the Select List, but they will be placed below the 'Outstanding' candidates in the select list.

10. Reservation for scheduled caste and scheduled tribes in posts filled by promotion on the basis of seniority subject to fitness:

There will be reservation at 15% for Scheduled Castes and 7 1/2% for Scheduled Tribes in promotions made on the basis of seniority subject to fitness, in appointments to all classes of posts in grades or services in which the element of direct recruitment, if any, does not exceed 50%.

The following procedure may be followed to give effect to this:-

- (i) A separate 40 point roster to determine the number of reserved vacancies in a year should be followed on the lines of the roster prescribed in Annexure II, in which points 1, 8, 14, 22, 28, and 36 are reserved for Scheduled Castes and points 4, 17, and 31 are reserved for Scheduled Tribes.
- (ii) Wherever according to points in the roster there are any vacancies reserved for Scheduled Castes and Scheduled Tribes, separate lists should be drawn up of the eligible Scheduled Castes or the Scheduled Tribes officers, as the case may be, arranged in order of their *inter se* seniority in the main list.
- (iii) The Scheduled Castes and Scheduled Tribes officers should be adjudged by the Departmental Promotion Committee separately in regard to their fitness.
- (iv) When the select lists of officers in the general category and those belonging to Scheduled Castes and Scheduled Tribes have been prepared by the Departmental Promotion Committee, these should be merged into a combined Select List in which the names of all the selected officers general as well as those belonging to Scheduled Castes and Scheduled Tribes, are arranged in the order of their *inter se* seniority in the original seniority list of the category or grade from which the promotion is being made. This combined select list should thereafter be followed for making promotions in vacancies as and when they arise during the year.
- (v) The select list thus prepared would normally be operative for a period of one year, but this period may be extended by six months to enable such of the officers included therein, as could not be appointed to the higher posts during the normal period of one year, to be appointed during the extended period.
- (vi) If the number of eligible candidates belonging to Scheduled Castes/Scheduled Tribes found fit for promotions falls short of the number of vacancies reserved for either of them during the year, the extent of such short-fall should be reported to the Board of Directors in the case of Class III and II posts and to the Managing Directors in the case of Class III and IV posts, along with proposals, if any, for dereservation of vacancies in respect of which the shortfall has occurred. If the competent authority for dereservation approves of such dereservation, the vacancy so dereserved may be filled up by another candidate in the combined select list subject to carry forward of the reserved vacancy and treatment thereof, as indicated in para 8 of the Directive.

10A. Nomination of Scheduled Caste and Scheduled Tribe persons in the departmental promotion

committee/selection boards etc.

Departmental Promotion Committee, Selection Boards or recruiting authorities, are generally constituted with the departmental officers of appropriate status and background, keeping in view the nature of the post/posts for which recruitment/promotion is to be made. It may, not, therefore, be always possible to include Scheduled Caste/Scheduled Tribe officers in them. However, the public enterprises should endeavour as far as possible, no nominate a Scheduled Caste/Tribe Officer while constituting the Departmental Promotion Committees, Selection Board, etc., for the recruitment/ promotion to posts/services under them.

11. Instructions to be followed while filling by promotion of vacancies reserved for Scheduled Castes and Scheduled Tribes

- (1) (a) Scheduled Caste and Scheduled Tribe Officers who are within the normal zone of consideration should be considered for promotion along with others and adjudged on the same basis as others and those Scheduled Castes and Scheduled Tribes amongst them who are selected on that basis may be included in the general Select List in addition to their being considered for separate select lists for Scheduled Castes and Scheduled Tribes.
- (b) If candidates from Scheduled Castes and Scheduled Tribes obtain on the basis of their positions in the aforesaid general select list, less vacancies than are reserved for them, the difference should be made up by selected candidates of these communities who are in the separate select lists for Scheduled Castes and Scheduled Tribes respectively.
- (2) In the separate select lists drawn up for (i) Scheduled Castes and (ii) Scheduled Tribes, Officers belonging to Scheduled Castes or Scheduled Tribes, as the case may be, will be adjudged separately amongst themselves and not along with other officers, and, if selected, they should be included in the concerned separate select list, irrespective of their merit as compared to other officers. It is needless to mention that officers not belonging to Scheduled Castes and Scheduled Tribes will not be considered whilst drawing up separate select lists for Scheduled Castes and Scheduled Tribes. For being considered for Scheduled Tribes, as the case may be, would be of the same size as that for the general select list, that is, if for the general select list, the zone of consideration is 5 times the number of vacancies likely to be filled, the zone of consideration for the separate list for Scheduled Castes will also be 5 times the number of reserved vacancies for them, and like-wise for Scheduled Tribes, subject, of course to the condition that officers coming within such zone are eligible, by length of service etc. as prescribed for being considered for promotion.

11A. Reservation in confirmation-In posts/services filled by direct recruitment, reservation is required to be made for Scheduled Castes and Scheduled Tribes both at the time of initial appointment on a temporary basis as well as at the time of confirmation if a confirmation scheme is in vogue in the enterprise. In posts filled by promotion, however, there is no reservation at the stage of confirmation of the promoted.

12. Relaxation and concessions for Scheduled Castes and Scheduled Tribes

- (i) **Age limit:** The maximum age-limit prescribed for appointment to a service or posts shall be increased by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes.

(ii) Relaxation of standards

In the case of direct recruitment, whether by examination or otherwise, if sufficient number of Scheduled Caste/Tribe candidates are not available on the basis of the general standard to fill all the 'vacancies reserved for them, candidates belonging to these communities may be selected to fill up the remaining vacancies reserved for them, provided they are not found unfit for such post or posts. In other words, to the extent the number of vacancies reserved for Scheduled Castes and Scheduled Tribes cannot be filled on the basis of the general standard, candidates belonging to these communities will be taken by relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment of the post/posts in question.

In promotion/confirmation examinations prescribed to determine the suitability of candidates for promotions/confirmation, Scheduled Caste and Scheduled Tribe candidates who have not acquired the general qualifying standard are also to be considered for promotion/confirmation provided they are not found unfit for such promotion/confirmation. The qualifying standards in such examinations are to be relaxed, in favour of Scheduled Caste and Scheduled Tribe candidates in keeping with the above criterion.

(iii) Further relaxation of standards for non-technical and quasi technical Class III and Class IV posts

Where requisite number of Scheduled Caste/ Scheduled Tribe candidates are not available even after relaxing the standards as admissible in their cases to fill the vacancies reserved for them in non-written examination, the selecting authority should select for appointment the best among the Scheduled Caste/ Scheduled Tribe candidates who fulfil the minimum educational qualification laid down in the notice for recruitment or advertisement, for the post, to the extent of the vacancies reserved for these communities.

(iv) In-service Training

Scheduled Caste/Scheduled Tribe candidates promoted or initially appointed, on the basis of recruitment through competitive examinations or otherwise by relaxed standards should be given extra training to enable them to come up to the standards of other candidates. In-service training should be provided by the appointing authorities within their own offices. Such candidates should on their appointment be placed on probation, and the rules/orders of the enterprise regarding probation will apply to them.

If the public enterprise has any training institution for imparting training to its employees the latter should be advised to provide facilities of additional tutorial classes to the Scheduled Caste/Scheduled Tribe trainees at the institution in the subject in which the Scheduled Caste/ Scheduled Tribe candidates are lacking.

(v) Concessions in fees for examinations or selection to cadre.

The fees prescribed for admission to any examination or selection to the service or post should be reduced to one fourth in the case of candidates belonging to Scheduled Castes/Scheduled Tribes.

(vi) Grant of travelling allowance to Scheduled Caste/Scheduled Tribe candidates called for Interview, test, etc.

Scheduled Caste/Scheduled Tribe candidates called for interview for appointment to Class I and II posts should be given a single Second Class railway fare from the normal place of residence to the place of interview and back.

When Scheduled Caste/Scheduled Tribe candidates are called for interview for appointment to other posts, the recruiting authority should allow such candidates the lowest class rail fare, chargeable by the passenger train, by the shortest route from the Railway Station nearest to their normal place of residence or from which they actually perform the journey whichever is nearest to the place of interview and back to the same station, provided the distance travelled by rail each way exceeds fifty miles. No extra charges, if any, incurred for reserving seat/ sleeping berth in the train will, however, be reimbursed to them. For road journeys between stations not connected by rail, they may be allowed actual bus fare or road mileage at the lowest rate for the employees of the enterprise as admissible under its own rules, whichever is less, provided the distance covered by road is more than 20 miles each way.

The concession indicated in the preceding paragraph is applicable also to Scheduled Caste/ Scheduled Tribe candidates as are called for a written test on the basis of which appointments to such Class III and Class IV advertised posts are made. The travelling allowance to the candidates called for a written test will, however, be admissible subject to the condition that the written test and

any interview that may also be necessary would be held at one and the same station and on the same or adjacent days, so that the candidates would get travelling allowance for only one journey to and from the place of selection. The provisions in this and the preceding paragraph also apply to Scheduled Caste/Scheduled Tribe candidates.

The concessions of travelling allowance are not admissible in the case of those, who are already working in public enterprises or in Central/State Government service.

(vii) Forwarding of applications of Scheduled Caste/Scheduled Tribe employees.

Applications for employment elsewhere of employees belonging to Scheduled Caste/ Scheduled Tribe should be readily forwarded except in very rare cases where there may be compelling grounds of interest of the enterprise for withholding applications.

Cases where applications of employees belonging to SC/ ST could not be forwarded due to compelling grounds of interest of the enterprise should be reported within a month to the officer nominated as liaison officer in the enterprise.

(viii) Protection to SC/ ST in the context of Surrender of surplus staff or Retrenchment

Surplus staff in a cadre as a result of staff assessment studies etc. is normally surrendered in the reverse order of seniority in the cadre affected. However, while declaring surplus, in a particular grade in a cadre, SC/ST candidates in that grade should not be included so long as the total number of SC/ST employees in that grade has not reached the prescribed percentages of reservations for SC/ST respectively in the concerned grade in the cadre. Similar preference should be accorded to SC/ST in the context of retrenchment of staff SC/ST employees should not be included in the list of employees to be retrenched from a grade so long as the total number of SC/ST employees in that grade has not reached prescribed percentage of reservation for SC/ST respectively in that grade.

Where public enterprises have a classification of their employees into 'permanent' and 'temporary' the protection in regard to surrender of surplus staff or retrenchment should be confined to SCs/STs only among the temporary employees and moreover a temporary SC/ST employee may not be given preferential protection over permanent unreserved community candidates.

13. Verification of the claims of Scheduled Castes and Scheduled Tribes.

Any of the following certificates may be accepted by the appointing authority as sufficient proof in support of candidate's claim as belonging to the Scheduled Caste and Scheduled Tribes:-

- (i) Matriculation or school leaving certificate or birth certificate giving the caste or community of the candidate and place of residence.
- (ii) A certificate in the form given in Appendix XI issued by one of the authorities listed in Appendix XII.

Where a candidate belonging to a Scheduled Caste or Scheduled Tribe is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever *prima facie* proof he is able to produce in support of his claim subject to his furnishing the prescribed certificate within a reasonable time or if there is genuine difficulty in his obtaining a certificate, the appointing authority should itself verify his claim through the District Magistrate concerned.

An appointing authority may, if it considers necessary for any reason, verify the claim of a candidate through the District Magistrate of the place where the candidate and, or his family ordinarily resides. If in any, particular case, the verification reveals that the candidate's claim was false, his services may be terminated.

14. Definition and lists of Scheduled Caste and Scheduled Tribes.

belongs to a caste or a tribe which under the -

- (i) Constitution (Scheduled Caste) Order, 1950, and Constitution (Scheduled Castes) (Part 'C' States) Order, 1951, and Constitution (Scheduled Tribes) Order, 1950, and Constitution (Scheduled Tribes) (Part C States) Order, 1951, as amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, read with the Bombay Reorganisation Act, 1960, and the Punjab Reorganisation Act, 1966;
- (ii) The Constitution (Jammu & Kashmir) Scheduled Caste Order, 1956;
- (iii) The Constitution (Andaman & Nicobar Islands) Scheduled Tribes Order, 1959;
- (iv) The Constitution (Dadra and Nagar, Haveli) Scheduled Castes Order, 1962;
- (v) The Constitution (Dadra and Nagar, Haveli) Scheduled Tribes Order, 1962;
- (vi) The Constitution (Pondicherry) Scheduled Castes Order, 1964;
- (vii) The Constitution (Scheduled Tribes) Uttar Pradesh Order, 1967;
- (viii) The Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968;
- (ix) The Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1969; and
- (x) The Constitution (Nagaland) Scheduled Tribes Order, 1970; has been declared to be a Scheduled Caste or a Scheduled Tribe for the area of which he/she is resident.

No person who professes a religion different from the Hindu or 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.

A person belonging to a Scheduled Caste ceases to be so if he adopts the Buddhist or any other religion. Such a person will not be entitled to appointment to reserved vacancies or to other facilities provided for members of the Scheduled Castes.

A person belonging to a Scheduled Caste or a Scheduled Tribes will, however, continue to be deemed a Scheduled Caste/Tribe irrespective of his/her being married to a non-Scheduled Caste/Tribe.

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

Cases in which a doubt arises whether a person is a Scheduled Caste/Tribe or not may be referred to the Cabinet Secretariat (Department of Personnel).

15. **Liaison Officers**

In each undertaking, the officer in charge of administration (or any other officer designated for the purpose) will act as Liaison Officer in respect of matters relating to representation of Scheduled Castes and Scheduled Tribes. He will be specifically responsible for:-

- (i) Ensuring due compliance with the orders and instructions pertaining to the reservation of vacancies in favour of Scheduled Castes and Scheduled Tribes and other benefits admissible to them under this directive.
- (ii) collecting, consolidating and dispatching the annual returns relating to representation of Scheduled Castes and Scheduled Tribes.

(iii) acting as a Liaison Officer between the undertaking and the Ministry concerned for supply of other information, answering questions and queries and clearing doubts in regard to matters concerned by these orders.

(iv) Conducting annual inspection of the rosters maintained in the enterprise with a view to ensuring proper implementation of the reservation orders. The proforma for inspection of the roster is given in Appendix XIII.

(v) It should be ensured that the normal administrative inspections which are carried out periodically, give assessment of the performance of the enterprise in the matter of strict observance of orders regarding the reservation of Scheduled Castes and Scheduled Tribes and in filling vacancies reserved for these communities. The form of administrative inspections prescribed, if any, may also include columns for giving assessment of the performance of the enterprise in the matter referred to above.

The name of Liaison Officer appointed for your company may be intimated to this Ministry. Under the control of the Liaison Officer, a cell consisting of suitable number of Assistants should also be constituted to ensure the prompt disposal of the grievances of representations of the employees of Scheduled Castes and Scheduled Tribes. The Cell would mainly assist the Liaison Officer to discharge his duties effectively.

16. Provision of reservation in recruitment rules - The recruitment rules- in respect of all services/posts within the purview of the reservation orders should contain a separate rule on the following lines:-

Saving: Nothing in these rules shall effect reservation and other concessions required to be provided for Scheduled Caste and Scheduled Tribe and other special categories of persons in accordance with the orders issued with the approval of the Board of Directors from time to time in this regard.

17. Provision of relaxation of standards in favour of Scheduled Castes and Scheduled Tribes In rules/regulations for examinations

Provisions in rules/regulations for examinations may be worded as follows to enable relaxation in standards in favour of Scheduled Caste/Scheduled Tribe:

Candidates belonging to any of the Scheduled Castes or Scheduled Tribes may to the extent the number of vacancies reserved for Scheduled Caste and Scheduled Tribe cannot be filled on the basis of general standards, be recommended by the selecting authority by a relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for selection to the post, irrespective of their ranks in the order of merit at the examination.

The existing provisions in the recruitment rules/regulations may also be modified to incorporate the foregoing.

18. Steps should be taken to see that the service records and personal files of Scheduled Castes and Scheduled Tribes candidates are complete in all respects and contain such information as is necessary to ensure that the benefits of the rules applicable to them can be given.

19. It is requested that immediate action may be taken to implement the provisions of this directive.