

Standing Committee Report Summary

The Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation in Posts and Services) Bill, 2004

- The Standing Committee on Personnel, Public Grievances, Law and Justice submitted its 8th Report on The Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation in Posts and Services) Bill, 2004 on 26th July 2005. The Chairperson of the Committee was Shri E.M. Sudarsana Natchiappan.
- The Bill seeks to reserve a prescribed percentage of posts in the civil services for members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes (OBC) in certain establishments.
- The Committee observes that the definition of civil services needs to be included in the Bill to avoid interpretation issues. They suggest the definition include medical, engineering, education, policy, para-military, military, and judiciary services in addition to those already mentioned in the Bill
- The Bill defines establishment as any government department, any public sector undertaking or statutory authority constituted by a Central Act, a university established by a Central Act, government educational institutions, government owned or managed business, or any body receiving money from the Consolidated Fund of India. The Committee recommends revising the definition, and provides a list of establishments to be included under this definition. The Committee also recommends that the judiciary and armed forces be brought under this Bill.
- The Bill defines a backlog vacancy as one that was reserved in an earlier year but remains vacant. The Committee states that the definition of backlog vacancies should also include the shortfall of reservation with reference to the 1997 post-based roster and backlog vacancies that were in operation before July 2, 1997.
- The Bill applies to all SC, STs, and OBC not in the creamy layer. The Bill defines creamy layer as those OBC members who consist of the forward section of Backward Classes. The Committee believes that this clause should be deleted.
- The Bill excludes posts where appointments are for less than 45 days, work charged posts (posts required for emergency relief or accident restoration), posts higher than the lowest grade of Group A posts and classified as scientific or technical posts. The Committee notes that work charged posts such as emergency services often extend beyond their duration. The Committee recommends that the reservation policy should apply to all these categories.
- The Bill stipulates that reservation in appointment by promotion to the grade of posts where direct recruitment does not exceed 75%. The Committee notes that this will have an adverse effect because the reservation policy will not apply to establishments recruiting more than 75% of their posts. The Committee recommends removing the ceiling and recommends this provision not apply to promotion from Group D posts to Group C posts.
- The Committee recommends that reservation in promotion should be available at all levels, including Group A posts.
- The Bill allows the maximum age limit for direct recruitment to a post to be increased by five years for SCs/STs and three years for OBCs. The Committee believes that the maximum age be increased the same for OBCs.
- The Bill relaxes the experience qualifications required for direct recruitment to a post if SC/ST/OBC candidates do not have the experience. Furthermore, the Bill allows the general standard of suitability to be relaxed if SC/ST/OBC candidates are not available based on these standards. The Committee believes this provision does not fit with the scheme and recommends its deletion.
- The Bill requires a Liaison Officer in every ministry to ensure implementation of this Act. The Committee notes that the Officers powers are limited and officers will not be able to address the grievances of the communities. The Committee recommends a separate officer for SCs, STs, and OBCs.
- The Committee believes that the Bill should be included in the Ninth Schedule to avoid unwarranted judicial interventions. They also recommend that the government introduce separate legislation for each of the communities without delay.

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