



Bill Summary

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

- The Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation in Posts and Services) Bill, 2004 was introduced in the Rajya Sabha on December 22, 2004. The Bill was referred to the departmentally related Standing Committee on Personnel, Public Grievances, Law and Justice (Chairperson: Shri E.M. Sudarsana Natchiappan), which submitted its report on July 26, 2005. The Bill was introduced by the Ministry of Personnel, Public Grievances and Pension.
- The Bill seeks to reserve a prescribed percentage of posts in the civil services for members of the Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC) in certain establishments. The establishments include any government department, any public sector undertaking or statutory authority constituted by a Central Act, a university established by a Central Act, government owned or aided primary, secondary schools and other educational institutions, any business owned or managed by the government, or any autonomous body receiving money from the Consolidated Fund of India or grant from the government. The Bill excludes OBCs in the creamy layer category.
- A prescribed percentage of posts shall be reserved in the civil services to be filled by promotion of Scheduled Castes and Scheduled Tribes. The Bill states that in such cases direct recruitment cannot exceed 75% and outlines specific guidelines for different categories of posts as classified by the President.
- Reservations will not be made if the period is for less than 45 days, for posts required for any type of emergency relief, or for posts classified as scientific or technical.
- The Bill increases the maximum age limit for direct recruitment to a post by 5 years for SC/STs and by 3 years for OBCs. Qualifications regarding experience required for SC/ST/OBCs, the qualifying standard on examinations, and any general standard of suitability for direct recruitment are all lowered if sufficient numbers of candidates from these communities are not available on the basis of general standards. Examination and application fees are reduced for SC/STs.
- Vacancies reserved for SC/ST/OBC candidates will not exceed 50% of the total number of vacancies in a cadre.
- Vacancies reserved for direct recruitment of SC/ST/OBC may not be filled by anyone not belonging to these communities. If anyone knowingly falsifies his membership of an SC/ST/OBC community, will be punished with imprisonment of up to 3 years and/or a fine of Rs 50,000.
- If a post is to be abolished, an SC/ST/OBC employee shall not be surrendered if it lowers the representation of the community in relation to the percentage of reservation fixed for them.
- There shall be a Liaison Officer in every Ministry or Government Department to ensure the instructions issued by the government with regards to reservations are not violated. An appointed officer will submit an annual documentation of records to the central government.

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