

G.I., Dept. of Per . & Trg. O.M. No. AB- 14017/22/89- Estt. (RR),

Dated 15-5-1989

Subject :- Interests of SC/ ST to be kept in view while framing / amending the Rules.

The undersigned is directed to say that the following suggestions have been made as part of the measures for protecting and promoting the interests of Scheduled Castes and Scheduled Tribes :-

- (i) Here Service Rules are being framed for the first time or are being modified, it should be ensured that the interest of SC/ST candidates is not allowed to be adversely affected.
 - (ii) A suggestion has been made that wherever through amendment of rules a pre-existing advantage enjoyed by SC/St earlier had been extinguished, it should be restored. It may not, however, be feasible to lay down a general policy in this regard without taking into account the circumstances of each case.
2. The suggestions referred to above are brought to the notice of all Ministries / Departments for strict compliance.
 3. While framing / amending rules, it may kindly be ensured that the interests of persons belonging to Scheduled Castes and Scheduled Tribes are not adversely affected. For instance, according to the instructions in force, while making promotions by selection from Group 'B' to the instructions in force, while making promotions by selection from Group 'B' to the lowest rung or category in Group 'A' and in Groups 'B', 'C' and 'D' posts in the grades or services in which the element of 15% and 7¹/₂% of vacancies for Scheduled Castes and Scheduled Tribes, respectively. Thus, while prescribing an element of direct recruitment in excess of 75% in any grade, or service, the interests of persons belonging to Scheduled Castes and Scheduled Tribes in the feeder cadre for promotion are likely to be affected adversely. This aspect may kindly be kept in view while framing Recruitment Rules for new posts / services and also while making amendments to existing Recruitment Rules. Since the powers for framing / amending Recruitment Rules relating to Group 'C' and Group 'D' posts have been delegated to the Ministries / Departments vide the Department of Personnel and A.R., O.M. No. AB/ 14017/12/87- Estt. (RR), dated 18-3-1988, it has been decided that where a Ministry / Department proposes to prescribe an element of direct recruitment in excess of 75% for recruitment to any grade or service for which a feeder grade exists for promotion either at the time of framing Recruitment Rules or while amending the interests of SCs / STs should be clearly brought out on file and specific orders of the Minister-in-charge should be obtained.
 4. The interests of Scheduled Castes and Scheduled Tribes are adversely affected also while changing from non-selection method to selection method for promotion. Before making such changes also in respect of Group 'C' or Group 'D' posts, the procedure suggested above should be followed for obtaining the approval of the Minister-in-charge.
 5. It is also requested that if any changes of the nature referred to above adversely affecting the interests of Scheduled Castes and Scheduled Tribes have been made in the recent past in Group 'A' or Group 'B' posts / services, the same may kindly be reviewed in consultation with the Department of Personnel and Training.