CHAPTER -9

MONITORING AND INSTITUTIONAL SAFEGUARDS

Annual Returns

9.1 Soon after the first of January of every year, each Appointing Authority shall send to its administrative Ministry/Department:-

(i) SC/ST/OBC Report-I in the proforma given in **Annexure-I** showing the total number of Government servants and the number of SCs, STs and OBCs amongst them as on the 1st January of the year and the number of appointments made during the preceding calendar year alongwith the number of SCs, STs and OBCs amongst them; and

(ii) SC/ST/OBC Report-II in the proforma given in **Annexure-II** showing the representation of SCs, STs and OBCs in various grades of organised Group 'A' services as on the 1st January of the year and the particulars of recruitment to the various grades during the preceding calendar year in the service.

9.2 On receipt of the above reports, the administrative Ministry/Department shall consolidate the information received from all Appointing Authorities under it and shall send to the Department of Personnel and Training by the 31st March of each year:

(i) Consolidated SC/ST/OBC Report-I in respect of the Ministry/Department including information in respect of all Attached and Subordinate Offices under its control.

(ii) SC/ST/OBC Report-II in respect of each organised Group 'A' service under its control reflecting grade-wise position of the representation of SCs/STs/OBCs in the service as on 1st January of the year and particulars of recruitment to various grades of the service during the preceding calendar year.

9.3 Information in respect of public sector undertakings, statutory, semi-Government and autonomous bodies should **not be included** in the reports sent to the Department of Personnel

and Training. Statutory, semi-Government and autonomous bodies should furnish consolidated information in the prescribed proforma to the administrative Ministry/Department. The administrative Ministry/Department may maintain this information in respect of all statutory, semi-Government and autonomous bodies under its control. The Department of Public Enterprises may collect similar information in respect of all public sector undertakings and may maintain it.

9.4 While furnishing the figures of representation of SCs, STs and OBCs in Report-I, information in respect of the posts of "sweepers/safaikaramcharies" should not be included as such inclusion results in inflating the figures of representation of SCs in group D posts. In the report, information in respect of group D posts (excluding sweepers) and group D posts (sweepers) should be given separately.

9.5 The reports relate to persons and not to posts. Therefore, the posts vacant etc. should not be taken into account while furnishing the reports. A person on deputation should be included in the establishment of the borrowing Ministry/Department/Office and not in the parent office. Figures in respect of Scheduled Castes, Scheduled Tribes and Other Backward Classes should include persons appointed by reservation as well as appointed on their own merit. The persons permanent in one grade but officiating or holding temporary appointment in the higher grades should be shown in the figures relating to the class of service in which the higher grade concerned is included.

Incorporation of Reservation Information in Annual Reports

9.6 Each Ministry/Department should include in its Annual Report a note about the activities of the Reservation Cell set up within the Ministry/Department under the control of the Liaison Officer and the steps taken by the Ministry/Department to implement the provisions about reservation for SCs, STs, OBCs and PWDs. The statistics relating to representation of Scheduled Castes, Scheduled Tribes, Other Backward Classes and Persons with Disabilities should also be incorporated in the Annual Report. This should include the information contained in SC/ST/OBC Report-I, SC/ST/OBC Report-II, and reports prescribed in respect of persons with disabilities which each Ministry/Department is required to furnish to the Department of Personnel and Training in a consolidated form every year. Besides the consolidated information in respect of the Ministry/Department as a whole including all the attached and subordinate offices, it would be useful to incorporate information in respect of each organisation/establishment under the

Ministry/ Department in the Annual Report. Similar information in respect of statutory and semi-Government bodies and in respect of public sector undertakings under the control of the Ministry/Department may also be usefully included in the Annual Report.

Liaison Officers

9.7 In each Ministry/Department the Deputy Secretary in charge of administration or any other officer at least of the rank of Deputy Secretary will act as a Liaison Officer in respect of matters relating to the representation of Scheduled Castes and Scheduled Tribes in all establishments and services under the administrative control of the Ministry/Department. A separate Liaison Officer should be appointed for Other Backward Classes. The Liaison Officers will be specially responsible for:

(i) Ensuring due compliance by the subordinate appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes and other benefits admissible to them.

(ii) Ensuring timely submission of SC/ST/OBC Reports I and II by each appointing authority under the Ministry/Department to the Ministry/Department and ensuring scrutiny and consolidation of the above reports in respect of all establishments and services in and under the control of the Ministry/Department and sending the consolidated reports in the prescribed proformae to the Department of Personnel & Training.

(iii) Acquainting himself(Liaison Officer for SCs and STs) well in time about the dates of various DPCs, which will be held in future. He will have with him a ready list of officers of various levels belonging to SC/ST of a few sister Departments/ Ministries so that whenever requirement arises, an SC/ST officer of appropriate level consistent with the level of the other members of the DPC and the level of appointment for which a DPC is proposed to be convened, can always be associated as a member. Such a list may be prepared by the Liaison Officer by informally consulting the administrative wing of other Ministries/Departments.

(iv) Ensuring that while making a reference to the Department of Personnel and Training and to the National Commission for Scheduled Castes/the National Commission for Scheduled Tribes for dereservation of reserved vacancies, full details in support of the proposal for dereservation are given.

(v) Ensuring the extension of necessary assistance to the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes in the investigation of complaints received by the Commission, in regard to service matters and in the collection of information for his annual report.

(vi) Conducting annual inspection of the reservation registers/roster registers maintained in the Ministry/Department/Offices under the control of the Ministry/Department with a view to ensuring proper implementation of the reservation orders.

(vii) Acting as Liaison Officer between the Ministry/Department and the Department of Personnel & Training for supply of other information, answering questions and queries and clearing doubts in regard to matters covered by the reservation orders.

9.8 Each Ministry/Department should set up a Reservation Cell within the Ministry/Department under the direct control of the Liaison Officers. The functions of the Cell will mainly be to assist the Liaison Officers to discharge their duties effectively.

9.9 In offices under the control of each Head of Department also, the Liaison Officers will be nominated for work relating to representation of Scheduled Castes, Scheduled Tribes and Other Backward Classes in such offices. The duties of Liaison Officers for offices under such Heads of Departments will be similar to those mentioned above in respect of offices under their charge.

9.10 Cases of negligence or lapses in the matter of following the reservation and other orders relating to Scheduled Castes, Scheduled Tribes and Other Backward Classes coming to light through the inspections carried out by the Liaison Officers or otherwise, should be reported/submitted by him to the Secretary/Additional Secretary to the Government in the respective Ministry/Department or to the Head of the Department in respect of offices under the Head of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department shall pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned.

National Commissions for SCs and STs

9.11 The National Commission for Scheduled Castes and the National Commission for Scheduled Tribes have been constituted under Article 338 and Article 338-A of the Constitution respectively to investigate all matters relating to the safeguards provided for the Scheduled

Castes and Scheduled Tribes in the Constitution and report to the President upon the working of these safeguards.

9.12 In regard to the question whether the Commissions can call for the original records and files in specific cases where complaints have been made to them and whether Scheduled Caste and Scheduled Tribe Government servants can write to the concerned Commission direct bringing their grievances to the notice of the Commission, it is stated that:

(a) Files relating to the appointment of candidates belonging to the Scheduled Castes and Scheduled Tribes against the reserved quota should, on demand, be made available to the National Commission for Scheduled Castes or the National Commission for Scheduled Tribes, as the case be;

(b) In all other cases, comprehensive notes explaining the position may be furnished to the Commission;

(c) Should the Commission have any reservations or doubts in regard to the explanations given, the matter may be referred to the Secretary(Personnel), who will go through the original records and answer the queries by the Commission, where possible he will also send the record with the reply; and

(d) Scheduled Caste and Scheduled Tribe Government employees may write to the National Commission for Scheduled Castes or the National Commission for Scheduled Tribes, as the case may be, direct on matters relating to appointments against the reserved quota. It is not necessary for the Scheduled Caste and Scheduled Tribe Government employees to seek prior permission of the concerned administrative Ministry/Department for sending their representations to the concerned Commission.

Note: The expression "reserved quota" will include matters relating to confirmation, promotion, grant of other concessions allowed to Scheduled Caste and Scheduled Tribe employees by the Department of Personnel and Training from time to time.

9.13 Ministries/Departments and particularly, the Liaison Officers should ensure the extension of necessary assistance to the National Commissions for investigation of complaints received by the latter in service matters. The Communications received from the Commissions calling for facts, comments, etc. in respect of representations on service matters made by individuals should be replied to expeditiously.

9.14 Ministries/Departments should extend necessary assistance required by the Commissions for conducting special studies of the registers/ rosters maintained and of implementation of other orders regarding reservation of Scheduled Castes and Scheduled Tribes by any appointing authority under their administrative control. The follow-up action on the reports/ recommendations made by the Commission after such studies, should be completed and action taken reported to the concerned Commission's office within six months. Where for any reasons, it is not possible for any Ministry to adhere to this time scheduled, the reasons therefore should be communicated to the Commission before the expiry of six months indicating the details of the action already taken and also the probable time that would be further needed by them to send their final replies/reports.

9.15 The Supreme Court in the matter of the All Indian Overseas Bank Scheduled Castes and Scheduled Tribes Employees Welfare Association and Others Vs. Union of India and Others (Civil Appeal No.13700 of 1996) has held that the National Commission for the Scheduled Castes and Scheduled Tribes has no power of granting injunction, whether temporary or permanent. The Court also held that the powers of the Commission in terms of Article 338(8) of the Constitution were all the procedural powers of a Civil Court for the purpose of investigating and inquiring into the matters and that too for that limited purpose only. In view of the judgement of the Supreme Court, the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes have no powers to direct withholding of the operation of any orders issued by the Government. The Ministries/Departments etc. may keep in view the judgement of the Supreme Court while dealing with the directions given by the National Commission for the Scheduled Castes or the National Commission for the Scheduled Tribes.

Relevant Office Memoranda etc.

1	MHA O.M. No.16/17/67-Estt.(C)	10.4.1968
2	No.27/22/68-Estt.(SCT)	19.4.1969
3	DOP&AT OM NO. 27/4/(1)/70-Estt(SCT)	3.9.1970
4	Deptt. of Personnel O.M. No.8/8/71-Estt.(SCT)	22.4.1971
5	Deptt. of Personnel O.M. No27/2/71-Estt.(SCT)	24.3.1972
6	MHA O.Ms. No.8-2-69-SCT(I)	1.10.1974
7	DP&AR O.M. No.36022/5/76-Estt.(SCT)	27.5.1976
8	OM No. 36022/5/(1)/5/(1)/76-Estt(SCT)	28.5.1976
9	OM No. 36013/1/77/Estt(SCT)	7.6.1977
10	DP&AR O.M. No.36024/1/78-Estt.(SCT)	27.6.1978
11	DP&AR O.M. No.36024/1/78-Estt.(SCT)	20.2.1979
12	No.36028/1/79-Estt.(SCT)	11.10.1979
13	DP&AR O.M. No.36011/1-76-Estt.(SCT)	7.12.1981

14	DP&AR O.M.No.36034/2/83-Estt.(SCT)	23.2.1983
15	DP&AR O.M. No.36022/2/84-Estt.(SCT)	18.1.1985
16	DOP&T O.M. No.36012/25/92-Estt.(SCT)	1.9.1992
17	DOPT OM No. 42011/18/96-Estt(Res)	6.3.1997
18	DOP&T O.M. No.36036/2/97-Estt.(Res)	1.1.1998
19	DOP&T O.M. No 36036/2/97-Estt.(Res)	30.11.1998

Annexure-I to Chapter-9

SC/ST/OBC REPORT-I

ANNUAL STATEMENT SHOWING THE REPRESENTATION OF SCs, STs AND OBCs AS ON FIRST JANUARY OF THE YEAR AND NUMBER OF APPOINTMENTS MADE DURING THE PRECEDING CALENDAR YEAR

MINISTRY/DEPARTMENT/ATTACHED/SUBORDINATE OFFICE:

Groups	Representation of SCs/STs/OBCs (As on 1st January)				Number of appointments made during the preceding calendar year									
					By Direct Recruitment				By Promotion			By Deputation/Absorption		
	Total number of Employees	SCs	STs	OBCs	Total	SCs	STs	OBCs	Total	SCs	STs	Total	SCs	STs
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Group A														
Group B														
Group C														
Group D (Excluding Sweepers)														
Group D (Sweepers)														
TOTAL														

ANNEXURE-II to Chapter-9

SC/ST/OBC REPORT-II

ANNUAL STATEMENT SHOWING THE REPRESENTATION OF SCs, STs AND OBCs IN VARIOUS SERVICES AS ON FIRST JANUARY OF THE YEAR

MINISTRY/DEPARTMENT/ATTACHED/SUBORDINATE OFFICE:

SERVICE:

Pay Scale	Representation of SCs/STs/OBCs (As on 1st January)				Number of appointments made during the preceding calendar year									
					By Direct Recruitment				By Promotion			By Deputation		
	Total number of Employees	SCs	STs	OBCs	Total	SCs	STs	OBCs	Total	SCs	STs	Total	SCs	STs
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
PB 3 + GP Rs.5400														
PB 3 + GP Rs.6600														
PB 3 + GP Rs.7600														
PB 4 + GP Rs.8700														
PB 4 + GP Rs.8900														
PB 4 + GP Rs.10000														
HAG & above														
TOTAL														