CHAPTER -10

MISCELLANEOUS

Arrangements for Training

10.1 The following steps should be taken for training of Group A Officers belonging to Scheduled Castes and Scheduled Tribes:

(i) More intensive training should be arranged for directly recruited Group A officers belonging to Scheduled Castes and Scheduled Tribes by the Heads of the Training Institutions, wherever necessary, along with other officers.

(ii) Ministries/Departments should nominate a considerably larger number of Scheduled Caste and Scheduled Tribe officers for the training programmes run by various Departments and 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 Ministries/Departments should identify the training needs of the Scheduled Caste and Scheduled Tribe officers and then examine to which training programmes these officers should be deputed. Special attention may also be paid to the training of such officers as are selected for promotion by relaxed standards to enable them to give a good account of themselves. The Training Division of the Department of Personnel & Training would render all assistance in suggesting or even devising suitable programmes, wherever necessary.

(iii) In drawing up such training programmes, adequate margin should be provided to take in as many Scheduled Caste and Scheduled Tribe officers as are sponsored by the Ministries. It would be useful to earmark 25 per cent of the seats for officers of Scheduled Castes 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 a special programme may be arranged for them. It would also be useful if officers of Scheduled Castes and Scheduled Tribes were included in the various training programmes abroad. It would enable them to broaden their outlook and also build up specialized knowledge. It is also likely to boost up the morale of the officers of these communities.

(iv) Superiors of Scheduled Caste and Scheduled Tribe Officers should be asked to take special care regarding on the job training of these officers, identify areas where special training is considered necessary and take appropriate steps for such training in consultation with the Department's Training Coordinator and the Training Division of the Department of Personnel & Training.

(v) Cases of Scheduled Caste and Scheduled Tribe Officers should be considered sympathetically and they should be given preference while nominating officers for training or deputing them for attending seminars/conferences, symposia etc. While nominating officers for training programmes run by the various Departments and Training Institution or for training programmes abroad or for training, seminars and conferences, it should be indicated as to which of the officers nominated belong to Scheduled Castes and Scheduled Tribes, so that their cases may be duly considered by the appropriate authorities at the time of selection.

Intimation about Competitive Examinations to Pre-Examination Training Centres

10.2 Pre-examination Training Centres have been set up in various States to increase the employment potentialities of Scheduled Caste and Scheduled Tribe candidates in reserved vacancies filled through various competitive examinations. The authorities holding the various competitive examinations should inform these Pre-examination Training Centres well in advance of the actual date of the examination, the probable number of reserved vacancies and the syllabus for and the standard of the examination. This would enable the Pre-examination Training Centres to evolve the Scheme of Training which will be correlated to such examinations and which in turn would lead to improved intake of Scheduled Caste and Scheduled Tribe candidates against reserved vacancies.

Selection of Persons for Posting Abroad

10.3 While it will not be possible to provide for any specific norm of relaxation in favour of Scheduled Caste and Scheduled Tribe employees in the matter of posting in foreign countries, when a Ministry/Department etc. makes selection of persons for posting in its units etc. located in a foreign country, it should see that eligible employees belonging to Scheduled Castes and Scheduled Tribes are also considered alongwith others for such posting.

Forwarding of Application for Employment

10.4 Application for employment elsewhere of temporary or permanent Central Government servants belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes should be readily forwarded except in very rare cases where there may be compelling grounds of public interest for withholding such applications. Cases where applications of employees belonging to Scheduled Castes/Scheduled Tribes /Other Backward Classes could not be forwarded due to compelling grounds of public interest, should be reported within a month to the officer nominated as Liaison Officer in the administrative Ministry/ Department or in offices under the Head of Department.

Prevention of Discrimination

10.5 It has been pointed out on many occasions that the Scheduled Caste and Scheduled Tribe Officers, after appointment, are subjected to harassment and discrimination on grounds of their social origin. It has been pointed out that SC/ST officers are some times transferred to far-off places and also placed at insignificant positions. It has also been stated that these officers are not accepted at their places of postings by the concerned superior officers in some cases. In this connection, it is emphasized that Government servants should desist from any act of discrimination against members of SC/ST communities on grounds of their social origin. Senior officers, including the Liaison Officers of the Ministry/Department, should keep a close watch to ensure that such incidents do not occur at all. However, if any such incident comes to the notice of the authorities, action should be taken against the erring officials promptly.

Provisions In Recruitment Rules/Regulations For Examination

10.6 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:-

> "Savings: Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Persons with Disabilities and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard."

10.7 The provisions in recruitment rules and regulations for examinations for relaxation in standards in favour of Scheduled Castes/Tribes may be worded as follows:

"Candidates belonging to any of the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or the Persons with Disabilities may, to the extent the number of vacancies reserved for the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and the Persons with Disabilities cannot be filled on the basis of the general standard, be recommended by the Commission 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/service irrespective of their ranks in the order of merit at the examination."

Note: If the recruitment is not made through the UPSC, the reference to the Commission in the above provision may be modified to refer to the competent authority.

Clarifications about SC/ST/OBC Status

10.8 Cases in which a doubt arises whether a person belongs to a Scheduled Caste or Other Backward Class or whether a caste or community is a Scheduled Caste or included in Other Backward Classes may be referred to the Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi. If such a doubt arises about Scheduled Tribe status of a person or community, reference may be made to the Ministry of Tribal Affairs, Shastri Bhavan, New Delhi. However, a set of points which should be taken into account by the certificate issuing authorities are given below.

10.9 Where a person claims to belong to a Scheduled Caste, Scheduled Tribe or a Backward community by birth, it should be verified :

(i) That the person and his parents actually belong to the community claimed;

(ii) That this community is included in the Presidential Orders specifying the Scheduled Castes and Scheduled Tribes or included in the list of OBCs notified by the Ministry of Social Justice and Empowerment, Government of India in relation to the concerned State;

(iii) That the person belongs to that State and to the area within that State in respect of which the community has been scheduled/notified.

(vi) If the person claims to be a Scheduled Caste, he should profess either the Hindu or the Sikh or the Budhist religion.

Cases of Migration

10.10 (i) Where a person migrates from the portion of the state in respect of which his community is scheduled/notified to another part of the same State in respect of which his community is not scheduled/notified, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe or the Other Backward Class, as the case may be in relation to that State;

(ii) Where a person migrates from one state to another, he can claim to belong to a Scheduled Caste or Scheduled Tribe or Other Backward Class only in relation to the State to which he originally belonged and not in respect of the State in which he has migrated.

Claims through Marriage

10.11 No person who was not a member of Scheduled Caste or a Scheduled Tribe or Other Backward Class by birth will be deemed to be a member of Scheduled Caste or Scheduled Tribe or Other Backward Class merely because he or she had married a person belonging to a Scheduled Caste or Scheduled Tribe or Other Backward Class. On the other hand a person who is a member of a Scheduled Caste or a Scheduled Tribe or an OBC would continue to be a member of that Scheduled Caste, Scheduled Tribe or OBC, as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe or an Other Backward Class.

Cases of Conversion and Reconversion

11.12 (i) Where a Scheduled Caste person gets converted to a religion other than Hinduism or Sikhism or Buddhism and then reconverts himself back to Hinduism or Sikhism or Buddhism, he will be deemed to have reverted to his original Scheduled Caste, if he is accepted by the members of that particular caste as one among them.

(ii) In the case of a descendant of a Scheduled Caste convert, the mere fact of conversion to Hinduism or Sikhism or Buddhism will not be sufficient to entitle him to be regarded as a member of the Scheduled Caste to which his forefathers belonged. It will have to be established that such a convert has been accepted by the members of the caste claimed as one among themselves and has thus become a member of that caste.

Cases of Adoption

11.13 Great care has to be exercised in dealing with cases where a person claims to be a member of Scheduled Caste or Other Backward Class on the ground that he has been adopted by a Scheduled Caste/OBC person. The validity of the adoption has to be clearly established before any caste certificate can be given. It is for the party to prove his claim by cogent and reliable evidence:

(i) The requirements of valid adoption are given in sections 6 to 11 of the Hindu Adoption Maintenance Act, 1956. The actual giving and taking of the child in adoption is a mandatory requirement and thereafter the adopted child is deemed to be the child of his or her adoptive father or mother for all purposes and the child severs all ties with the family of his or her birth. Ordinarily, no child who has attained the age of 15 years or who is married can be given in adoption unless there is a custom or usage applicable to the parties.

(ii) In deciding whether an adoption is valid, the certificate issuing authority should satisfy himself that all the requirements of law have been complied with. He should also take into account the behaviour of the child after adoption whether he physically lives with and is supported by his adoptive parents and receives no financial help from his original parents. In case these conditions are not satisfied, the certificate should be refused.

(iii) Where the case relates to an adoption of a married person or of a person of the age of 15 years and above, the certificate shall be required to be given by the District Magistrate who shall after making due enquiries as to the validity of the adoption as to whether such adoption is permitted by a custom or usage applicable to the parties, make an endorsement to that effect on the certificate. Such custom or usage should have been continuously and uniformly observed for a long time and obtained the force of law among the Hindus of that particular area, or that community, group of family provided that the custom or usage is certain and not unreasonable or opposed to public policy and in the case of custom or usage in respect of a particular family that the custom or usage has not been discontinued. In addition, it should be verified that all other conditions for a valid adoption,

including the physical transfer of the adopted person to the family of the adoptive parents and that he has severed all ties with the original parents are fulfilled.

Relevant Office Memoranda etc.

1	MHA O.M. No.1/6/64-Estt.(SCT)(I)	19.3.1964
2	MHA letter No. 21/3/70-Estt(B)	31.3.1970
3	MHA O.M. No.22/2/70-Estt.(SCT)	21.4.1970
4	MHA's OM 1/1/70-Estt(SCT)	25.7. 1970
5	DOP&T O.M. No.27/4(iv)/70-Estt.(SCT)	2.9.1970
6	DOPT OM No. 8/12/71-Estt(SCT)	19.10.1971
7	Deptt. of Personnel O.Ms. No.1/9/69-Estt.(SCT)	5.11.1971
8	DP&AR O.M. No.1/1/73-Estt.(SCT)	10.12.1973
9	DP&AR O.Ms. No.16/4/74-Estt.(SCT)	18.4.1974
10	DOP & AR OM No. 160/32/74-Estt(SCT)	3.4.1976
11	DP&AR O.M. No.36022/13/76-Estt.(SCT)	14.9.1976
12	No.36013/18/77-Estt.(SCT)	4.9.1978
13	DOPT OM No. 36026/3/85-Estt(SCT)	24.6.1985
14	DOP&T O.M. No.36022/4/2005-Estt.(Res)	13.7.2005