

AS INTRODUCED IN THE RAJYA SABHA
ON THE 22ND NOVEMBER, 2019

Bill No. XXXV of 2019

**THE RESERVATION FOR SCHEDULED CASTES AND SCHEDULED
TRIBES IN PRIVATE SECTOR BILL, 2019**

A

BILL

*to provide for reservation for the persons belonging to Scheduled Castes and Scheduled
Tribes in private sector and for matters connected therewith or
incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Reservation for Scheduled Castes and Scheduled Tribes in Private Sector Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "private sector" means any organisation or establishment which is not owned by the Central Government; and but is under the regulatory control regime of the Central Government;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "reservation" means reservation in the matter of appointments and promotion in services in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes, in Private Sector.

Reservation in private sector.	<p>3. (1) There shall be reservation in favour of persons belonging to Scheduled Castes and Scheduled Tribes in private sector. 5</p> <p>(2) The reservation in favour of persons belonging to Scheduled Castes and Scheduled Tribes in private sector shall be not less than the percentage of reservation fixed for them in services under the Central Government.</p>
Compulsory compliance by Private Sector.	<p>4. Every private sector shall comply with the provisions contained in section 3. 10</p>
Non-compliance of provisions of Act.	<p>5. An organisation in private sector which does not comply with the provisions of this Act shall not be entitled to:—</p> <p>(i) the concessions or facilities as may be extended by the Central Government from time to time to private sector; and</p> <p>(ii) any loan facilities from any financial institution under the control of the Central Government. 15</p>
Power to make rules.	<p>6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.</p> <p>(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 20 25</p>

STATEMENT OF OBJECTS AND REASONS

Government has done well by making provision for reservation for Scheduled Castes and Scheduled Tribes in appointment and posts under the State and in educational institutions. Despite this, the community has not gained much. Jobs in Government sector are very few. Moreover, with the economic liberalisation and globalisation, the avenues in Government sector has shrunked very much as privatisation has become the new mantra now.

With the all-round privatisation and globalisation, the rights of persons belonging to Scheduled Castes and Scheduled Tribes are not getting any protection from the State. Nearly forty per cent of our population belongs to these communities.

The Government should give its attention in improving the economy of our country and at the same time the rightful claims of persons belonging to Scheduled Castes and Scheduled Tribes should not be ignored. The only alternative resting with the Government is to encourage private sector to make provision for reservation in their organisations.

The Bill seeks to achieve the above objectives.

KIRODI LAL MEENA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of administrative detail only and as such the delegation of legislative power is of a normal character.

RAJYA SABHA

A

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Scheduled Tribes in private sector and for matters connected therewith or
incidental thereto

(Dr. Kirodi Lal Meena, M.P.)