

**Bill No. XV of 2015**

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES  
(COMPULSORY NOTIFICATION AND FILLING UP  
OF RESERVED VACANCIES) BILL, 2015

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BILL

*to provide for compulsory notification and filling up of vacancies reserved for persons belonging to the Scheduled Castes and the Scheduled Tribes in services and posts under the Central Government and for matters connected therewith and incidental thereto.*

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Compulsory Notification and Filling up of Reserved Vacancies) Act, 2015.

Short title  
and com-  
mencement.

(2) It shall come into force on such date as the Central Government may, by notification  
5 in the Official Gazette, appoint.

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

Definitions.

(a) "appointing authority" means the authority empowered to make appointment in relation to a service or a post in the offices under the Central Government and includes all establishments which are wholly owned or managed by the Central Government or in which fifty-one per cent shares are held by the Central Government.  
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(b) "prescribed" means prescribed by rules made under this Act; and

(c) "vacancy" means vacancy in a service or a post reserved for the Scheduled Castes or the Scheduled Tribes in the offices under the Central Government or in establishments which are wholly owned or managed by the Central Government or in which fifty-one per cent. shares are held by the Central Government.

Compulsory notification of vacancies reserved for the Scheduled Castes and the Scheduled Tribes. **3. (1)** Every appointing authority shall, within one month of the existence of a vacancy, compulsorily notify that vacancy. **(2)** The vacancies referred to in sub-section (1),—  
**(a) besides being notified by the Employment Exchange, shall also be notified in such newspapers, including vernacular newspapers, as may be prescribed; and**

**(b) shall be given wide publicity on State run and other media channels.** 10

Compulsory filling of vacancies reserved for the Scheduled Castes and the Scheduled Tribes. **4. (1)** Every vacancy notified under section 3 shall be filled within six months from the date of notification.  
**(2)** Every unfilled vacancy shall be carried forward till such vacancy is filled by the candidates belonging to Scheduled Castes or Scheduled Tribes, as the case may be and in no case shall be deserved. 15

Penalty. **5.** Where any person responsible for implementing the provisions of the Act, intentionally contravenes any of the provisions thereof, he shall be subject to such disciplinary action as may be prescribed and shall also be liable to fine which shall not be less than fifty thousand rupees.

Power to remove difficulties. **6. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: 20

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act. 25

**(2)** Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect. **7.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. 30

Power to make rules. **8. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

**(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. 35 40

#### STATEMENT OF OBJECTS AND REASONS

In spite of various measures taken by the Government including special drive launched to fill the vacancies reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, it has been observed that the vacancies meant for these persons remain unfilled and after some attempts, vacancies are deserted on the ground that eligible candidates are not available to fill the vacancies. It has, therefore, become necessary that legislation should be brought forward to fix the responsibility of the appointing authority and the officer concerned to take steps from time to time to compulsorily notify and fill the vacant posts meant for the persons belonging to the Scheduled Castes and the Scheduled Tribes. In case, the officer responsible fails to take steps to fill the vacancy within a reasonable time, disciplinary action may be initiated against such officer in addition to a fine of rupees fifty thousand.

Hence this Bill.

P.L. PUNIA

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compulsory notification and publicity of vacancies reserved for Scheduled Castes and Scheduled Tribes. Hence, the Bill, if enacted, will involve recurring expenditure from the Consolidated Fund of India. At this stage, it is not possible to quantify the exact amount.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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*(Shri P.L. Punia, M.P.)*