

AS INTRODUCED IN THE RAJYA SABHA
ON THE 3RD DECEMBER, 2021

Bill No. XXXVI of 2021

THE PROMOTION OF EQUAL OPPORTUNITY AND PROHIBITION
OF DISCRIMINATION AGAINST SCHEDULED CASTES AND
SCHEDULED TRIBES IN EMPLOYMENT BILL, 2021

A

BILL

*to provide equal opportunity and prohibition of discrimination against Scheduled
Castes and Scheduled Tribes in services, trade, business and commerce or
other utility services in private sector establishment and for matters
connected therewith and incidental thereto.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5 **1.** (1) This Act may be called the Promotion of Equal Opportunity and Prohibition of
Discrimination Against the Scheduled Castes and Schedule Tribes in Employment Bill, 2021.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Short title,
extent,
commencement
and
application

(4) It shall apply to all private sector concerns engaging in any business, trade, commerce, contract, construction, transport and other utility services within the territorial jurisdiction of India.

Definitions.

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

(a) "Committee" means the equal opportunity and Prohibition of Discrimination monitoring Committee constituted under Sector 10. 5

(b) **Government Contracts**

(1) For the purposes of this Act, a "government contract" means a contract wherein one of the parties qualifies as 'state' for the purposes of Article 12 of the Constitution of India. 10

(2) Provided that a contract which is not a government contract as defined above, but which involves the performance of any obligations under a government contract, shall be considered a government contract, for the purposes of this Act.

(c) "Notification" means a notification issued under this Act and published in the Official Gazette of India; 15

(d) "Prescribed" means prescribed by rules made by the Ministry of Empowerment, the nodal ministry and under this Act, by the executive orders of the ministry, or those made by the Central Government and in force but not inconsistent with the Act or Rules made under this Act; 20

(e) "Prescribed Authority" shall mean the Ministry of Social Justice and Empowerment, Government of India, as nodal ministry or an officer authorised by it;

(f) "Private sector establishment" means any organization or establishment which is owned by private individual or a private corporation in which the govt. of India or state has no financial interest; 25

(g) "Rules" means those Rules made under this Act and instructions, directions, or orders issued under this Act or those existing but not inconsistent with this Act and Rules;

(h) "Scheduled Castes" and "Scheduled Tribes" shall have the same meaning assigned to them respectively under Clauses (24) and (25) of Article 366 of the Constitution. 30

(i) "Service" shall mean and include any service or post or class of posts or office, appointed to for remuneration in connection with the affairs of the private sector establishment by recruitment, promotion, transfer, deputation and up-gradation including contractually, through outsourcing, or otherwise. 35

(2) The respective State Governments may take suitable steps for framing similar enactments with provisions *mutatis mutandis* as a conditions to grant or allot loans, concessions, subsidies, share capital, land, or, utility services to any private sector establishment by whatever nomenclature used with in the territorial jurisdiction of the State as specified in the First Schedule to the Constituion. 40

Equal opportunity and facilities to the SC & STs.

3. (1) The Central Government and the private sector establishment shall promote and provide equal opportunity and facilities to members of the Scheduled Castes and Scheduled Tribes by an affirmative economic action programme and shall not discriminate against them in any economic activity, including but not limited to the awarding of contracts, subcontracts, services, trade, business, commerce, construction contracts, transport, contracts to supply goods or utility services: 45

Provided that a private sector establishment that avails or utilises the contract services of a subcontractor or contract labour agency shall ensure that at least 25 per cent. of the contractual services are awarded to Scheduled Castes and Scheduled Tribes.

(2) When a private sector establishment contracts to purchase goods or services from the suppliers of such goods or services, at least 25 percent. of such contracts for supply of goods or services shall be made with Scheduled Caste and Sheduled Tribe suppliers or small establishment enterprises or cooperative societies wholly composed of and managed by members belonging to Scheduled Castes or Scheduled Tribes or both only.

(3) When the Central Government or a Public sector undertaking, industry, company or utility service awards a contract to a private sector ebtablishment for supply of goods or services, the contract shall contain a clause that the private sector establishment shall purchase or avail at least 25 percent. of the contracted goods or services for Scheduled Caste or Scheduled Tribe suppliers or small establishments, enterprises or cooperative societies wholly composed of and managed by members belonging to Scheduled Castes or Scheduled Tribes or both only as subcontractors.

(4) When a private sector establishment obtains a construction contract with the Central Government or a public sector undertaking, industry company or utility service it shall avail or utilise the services of, or purchase at least, 25 percent. of the contracted goods or services from Scheduled Caste or Scheduled Tribe suppliers or small establishments, enterprises or cooperative societies wholly composed of and managed only by Scheduled Castes or Scheduled Tribes or both.

(5) In the awarding of contracts, outlets licenses, public utility services, leases, allotments or auction of shops, industrial units, plots of land for industrial or commercial purpose, dealerships and distribution of any other largesse, the Central Government or a public sector undertaking, industry, company or utility service shall allot at least 15 percent. to Scheduled Caste recipients and at least 7½ percent. to Scheduled Tribe recipients:

Provided that where adequate numbers from either category are not available or do not avail such awards, the residue shall be allotted to the other categories.

(6) (i) A private sector establishment in its allotment of contracts, outlets, licentses, utility services, leases, shops, franchises, dealerships, distribution of any work, goods or services, shall allot at least 15 percent. to Scheduled Castes recipients and 7½ percent. to Scheduled Tribe recipients:

Provided that where adequate numbers from either category are not available or do not avail such awards, the residue shall be allotted to the other categories:

Provided that benami transactions shall be void and the allotte of the benami acquires no right, title or interest therein.

(ii) The private sector establishment on satisfying itself as to the nature of the misrepresentation shall allot to any other Scheuled Caste or Schedule Tribe recipient such subcontract, supply, or service or goods.

Provided further that such benami transaction shall be cancelled following a just and fair procedure consistent with the principles of natural justice in such manner as may be prescribed and on such cancellation, the same shall be re-allotted to any other person belonging to Scheduled Caste or Scheduled Tribe.

(7) (i) If any person covered by the transactions described in Sub-sections (1) to Sub-section (6) misrepresents himself to be from the Scheduled Caste or Scheduled Tribe community, he shall be ineligible for such subcontract, supply, service or goods.

(8) Provided also that the Assistant Central Labour Commissioner having territorial jurisdiction over the private sector establishment shall, on a complaint, or in a *suo motu* proceeding, inquire into such benami transactions or misrepresentation and after giving

reasonable opportunity of oral hearing to the affected person, cancel the allotment in such manner as may be prescribed.

- Penalty for false statements. **4.** A private sector establishment, contractor, or a subcontractor making any false statement for the purpose of obtaining a contract, service, or supply of goods shall be liable to pay a penalty of not less than one-third of the total value of the contract or subcontract, which shall be recovered on a certificate issued by the Central Assistant Labour Commissioner as arrears of land revenue by the Executive Magistrate having territorial jurisdiction over the private sector establishment and the same shall be credited to a fund created by the nodal ministry. 5
- Power of enquiry of Central Assistant Labour Commissioner. **5.** The Central Assistant Labour Commissioner exercising territorial jurisdiction over the private sector establishment shall on a complaint, or in a *sou motu* proceeding, enquire into the veracity of the statement and after giving reasonable opportunity of oral hearing to the offending person pass brief reasoned orders in such manner as may be prescribed: 10
- Provided that the onus to prove that the statement is not false shall lie on the person making the statement and on rebuttal, the complainant, or in case of a *suo motu* proceeding, concerned Central Assistant Labour Commissioner shall be responsible to substantiate it. 15
- Appeal. **6.** An appeal against the orders of the Central Assistant Labour Commissioner shall lie to the Regional Central Labour Commissioner exercising territorial jurisdiction over the private sector establishment who, after giving reasonable opportunity of oral hearing to the appellant, shall decide the appeal within three months from the date of filing the appeal with brief reasons in support of the order, in such manner as may be prescribed. 20

CHAPTER IV

- The nomination of accountable person by the private sector and the authorised officer by the nodal ministry. **7. (1)** A Private Sector Establishment shall notify to the nodal ministry within two months from the date of commencement of this Act, an 'accountable person' of the Private Sector establishment who shall be responsible for the implementation of this Act, the rules made thereunder and all directions or orders issued by the nodal ministry or those in operation. 25
- (2) The nodal ministry shall authorise an officer of the rank of Joint Secretary for the implementation of the provisions of this Act. The rules made thereunder and all instructions or directions of the nodal ministry.
- (3) The authorised officer shall interact with the private sector establishment to secure the enforcement of and compliance with this Act to provide equal opportunity in service, trade, business, commerce or any other diverse contractual activity of the private sector establishment to the Scheduled Castes and Scheduled Tribes in matters related to the entry into contract, supply of contract labour service, goods, utility services or any other activity connected within the private sector establishment. 30 35
- (4) The authorised officer in consultation with the Secretary, Labour Department, Government of India, or any other department of the Government of India, shall collect all relevant information and maintain a register containing a list of eligible and qualified persons of Scheduled Caste and Scheduled Tribe community for supply when called for by any private sector establishment. 40
- Training. **8. (1)** The authorised officer, in collaboration with the private sector establishment or independently, shall arrange and organise training for Scheduled Caste and Scheduled Tribe persons so as to impart the necessary knowledge, training and skills required in the private sector establishment for service, trade, business, commerce, transport, manufacture of goods, utility service, performance of contract or transmission of information technology and so on, either in existing institutions will involve expenditure created for such purpose at such places as are necessary. 45
- (2) The accountable person of the private sector establishment shall interact with and inform the authorised officer of the nodal ministry of the eligibility requirements and qualifications of its personnel so as to enable him to make available the needed personnel to 50

the private sector establishment or, in collaboration with the private sector establishment, to organise and part the necessary training to Scheduled Caste and Scheduled Tribe persons.

(3) The private sector establishment shall also arrange to part from time to time, prior to or on appointment, promotion or up-gradation, the required knowledge, training and skills to all Scheduled Caste and Scheduled Tribe candidates.

9. (1) A member of the Scheduled Caste or Scheduled Tribe community who applies for appointment, award of contract, subcontract, agency, contract labour supply agency or any other economic activity and is not provided such opportunity for appointment, award of contract, subcontract, agency, contract labour supply agency or in any other economic activity, or is discriminated against, may make a complaint to the Central Assistant Labour Commissioner having territorial jurisdiction over the private sector establishment.

(2) On receipt of the complaint the Central Assistant Labour Commissioner shall summon the accountable person of the private sector, or anyone duly authorised by him, to appear in person or through counsel to explain to his case.

(3) On a *prima facie* concurrence that the complainant was denied opportunity or was discriminated against, the Central Assistant Labour Commissioner shall conciliate the matter between the complainant and the accountable person, or his authorised representative, and give such directions as may be necessary to provide opportunity to the complainant for his employment or participation in the concerned economic activity.

(4) In case the conciliation fails, the Central Assistant Labour Commissioner shall refer the matter to the office of the Regional Central Labour Commissioner who, upon such receipt, shall refer the same to the Regional Conciliation and Counselling Committee.

10. (1) The nodal ministry shall constitute in each region, of a State, a Regional Conciliation and Counselling Committee to further conciliate any matter received from the Central Assistant Labour Commissioner.

(2) The Regional Conciliation and Counselling Committee shall consist of —

(a) A representative of the private sector;

(b) A social activist with the necessary knowledge and experience in the concerned sphere of the private sector and who is also committed to social justice and the empowerment of the Scheduled Castes and Scheduled Tribes;

(c) A local advocate engaged in voluntary assistance to the Scheduled Caste and the Scheduled Tribe communities.

(3) The Regional Central Labour Commissioner shall convene a meeting of the Regional Conciliation and Counselling Committee for further counselling and conciliation between the private sector establishment and the complainant by summoning them to do so.

(4) The Regional Conciliation and Counselling Committee shall report the outcome of their efforts to the Central Regional Labour Commissioner.

(5) The Regional Central Labour Commissioner shall, after considering all necessary factors, take a decision with reasoned orders in support thereof and communicate it to both parties:

Provided that if the Regional Central Labour Commissioner so finds, he may direct the private sector establishment to employ the complainant or engage in economic activity with him:

Provided further that the claim is found unjustified the same shall be communicated to the complainant.

(6) The private sector establishment shall be directed to implement the order of the Regional Central Labour Commissioner within one month from the date of its receipt and report compliance thereof.

Complaints.

Regional
Conciliation
and
Counselling
Committee.

CHAPTER V

CONSTITUTION OF EQUAL OPPORTUNITY AND PREVENTION OF DISCRIMINATION
MONITORING COMMITTEE AND ITS POWERS AND PROCEDURE

Constitution
and
composition
of the Equal
Opportunity
and
Prevention of
Discrimination
Monitoring
Committee.

11. (1) The Central Government shall constitute a Committee to be known as the Equal Opportunity and Prevention of Discrimination Monitoring Committee with the following members:— 5

(a) Two Scheduled Caste Members of Parliament, one from the Lok Sabha and one from the Rajya Sabha;

(b) Two Scheduled Tribe Member of Parliament from either the Lok Sabha or the Rajya Sabha; 10

(c) The Secretary, Ministry of Corporate Affairs, Union Government;

(d) The Secretary, Ministry Social Justice and Empowerment, Union Government;

(e) The Secretary, Ministry of Labour, Union Government;

(f) A member representing the private sector; and

(g) A member with experience or knowledge of both private sector work and human rights. 15

(2) The Chairman of the Committee shall be elected from among the four Members of the Parliament and in the absence of chairman any other Member of Parliament may preside over the meeting.

(3) The Joint Secretary, Ministry of Social Justice and Empowerment, Government of India, shall be the Secretary of Committee and shall convene all meetings and have custody over its records. 20

(4) The term of the Committee shall run *co terminus* with the Lok Sabha.

(5) If any vacancy arises in the membership of the Committee under clauses (a) to (d) of sub-section (1) due to resignation, death, or otherwise, the same may be filled by the Central Government by appointing any other member for the remaining term of the Committee from the respective category. 25

(6) Till a succeeding Committee is constituted after general elections to the Lok Sabha, the existing Committee shall continue to operate and function.

(7) In the event of a vacancy in the Committee or the absence of any member attending its meetings, the proceedings of such meetings shall not be void or invalid. 30

(8) The Committee shall meet regularly at least twice a week and review the proper and effective implementation of this Act, the rules made thereunder, any directions, orders or policy affirmative action programmes for employment or socio-economic empowerment of the Scheduled Castes and the Scheduled Tribes. 35

(9) The Regional Central Labour Commissioner shall periodically report to the Equal Opportunity and Prevention of Discrimination Monitoring Committee every six months of all action taken in implementation of this Act.

(10) The Committee, upon the receipt of any complaint, or in a *suo motu* action, transmits its decisions to the Central Assistant Labour Commissioner exercising territorial jurisdiction over the relevant private sector establishment to take further action thereon. 40

(11) The Committee shall report to both Houses of Parliament every year of all action taken by it regarding the implementation of this Act, the rules made thereunder and all directions, orders or policy affirmative action programmes and any recommendation by the Houses of Parliament shall be enforced. 45

11. (i) The nodal Ministry shall constitute a fund for the implementation of this Act from its budgetary allocations as also from penalties recovered from the private sector establishments.

(ii) The Penalties recovered by the District Magistrate from the private sector as arrears of land revenue shall be credited to the account of the fund.

(iii) The amount accumulated in the fund shall be utilised to impart knowledge and skills training for all members of the Scheduled Castes and Scheduled Tribes employed in the private sector establishments or engaged in any economic activity therein.

12. The nodal Ministry, in collaboration with the Ministry of Corporate Affairs and Union Ministry of Labour and Empowerment shall be responsible for the coordination and implementation of the provisions of this Act, the rules made thereunder and all directions, orders or policy affirmative action programmes made thereunder and shall report to the Committee.

Coordination and implementation.

13. No suit, prosecution or other legal proceeding shall lie against any implementing officer for any act done in good faith in pursuance of this Act, its Rules, or any other direction.

Protection of action taken in good faith.

14. (1) All private sector establishments shall nominate an officer from among its Scheduled Caste or Scheduled Tribe officers of such rank prescribed under this Act to function as a liaison officer to enforce the provision of this Act and such an officer is not available, any other officer shall be nominated.

Nomination of liaison officer.

(2) The liaison officer shall be responsible, in particular for:

(a) Coordination and strict implementation of this Act, its Rules and all instructions or directions by the nodal ministry in true spirit and purpose to achieve the objects of this Act;

(b) Submission of reports and returns to the nodal ministry within the prescribed period;

(c) Facilitating the inspection of records by the authorised officer of the nodal ministry; and

(d) Any other incidental work necessary for the above purposes.

15. (1) Private sector establishment shall maintain such records as may be prescribed and shall furnish the same every year to the nodal ministry in such manner and at such time as may be prescribed including but not limited to an annual report on appointments, promotions, up-gradations and transfers of all Scheduled Caste or Scheduled Tribe personnel made during the previous year, information regarding the number of unfilled posts or vacancies and the steps taken to fill them up and the reasons for not filling them up.

Submission of annual report and maintenance of records thereof.

(2) An officer authorised by the nodal ministry, not below the rank of Director, shall inspect records relating to the services maintained by the private sector establishment so as to ensure implementation of this Act.

(3) It shall be the duty of the private sector establishment through its liaison officer to make available such records or documents relating to sub-section (2) for inspection by the inspecting officer and to furnish such information and extend or arrange such assistance as may be necessary to carry out the inspection.

16. A private sector establishment its liaison officers or the accountable person responsible for implementing the provisions of this Act found contravening the provisions of this Act, the Rules made thereby or any instructions or directions, shall be liable to pay a penalty of at least three lakh rupees Rs. 3,00,000:

Penalty for contravention of this Act.

Provided that if the concerned, liaison officer or accountable person proves that he made every *bona fide* and sincere effort and exercised utmost care, attention and diligence to implement this Act, the Rules made thereunder and all directions issued thereunder or those in force he shall be exempted from paying the penalty.

Affidavit.

17. (1) A person claiming to be a member of any Scheduled Caste or Scheduled Tribe community shall file an affidavit to that effect and duly attested by an officer as specified in the Schedule to this Act.

(2) As soon as an appointment to a reserved post is made, the appointing authority of the private sector establishment or the concerned department of the Central Govt., public sector undertaking, industry, company, or public sector bank, shall immediately send the affidavit, original social status certificate and application for recruitment, or social status existing as on date to the Director of Social Welfare or the Tribal Welfare Department of the appropriate State Government for verification. 5

(3) On receipt of the record mentioned in sub-section (2) from the private sector establishment, the appointing authority or a competent officer of the central Govt., public sector undertaking, industry, company, or Public Sector Nationalised Bank, the Director of Social Welfare or the Tribal Welfare Department of the appropriate State Government shall verify the veracity of the social status of the appointee and shall report back on such veracity within three months from the date of the receipt of the record. 10 15

(4) In case such report is adverse to the appointee, the appointing authority or a competent officer shall immediately issue a show cause notice to the appointee together with a copy of the report received from the Director of the Social Welfare or Tribal Welfare Department calling for an explanation within a specified time.

(5) On receipt of the explanation, if any, within the specified or extended time, the private sector concern shall take appropriate action within one month as per the rules or in accordance with the principles of natural justice and shall pass an order with brief reasons in support thereof: 20

Provided that if the appointee seeks oral hearing in person, before an order is passed, such an opportunity may be given and the order shall be served in person on the appointee or, in case of avoidance, sent by registered post with acknowledgement due to the last known address: 25

Provided further that a copy thereof shall be sent to the Director of the Social Welfare or the Tribal Department.

(6) An appeal shall lie against an order passed under sub-section (5) to the Head of the Department of the private sector establishment or the Head of the Department of the concerned Union Ministry, public sector undertaking, industry, company or public sector bank. 30

(7) The appellate authority shall, after giving an opportunity of personal hearing to the employee, decide the same with brief reasoned orders within three months from the date of filing the appeal. 35

(8) The order of appellate authority shall be served on the employee either in person or by registered post with acknowledgement due:

Provided that in case the order is favourable to the employee, a copy shall be communicated to the Director of the Social Welfare or the Tribal Welfare Department of the appropriate State Government. 40

Penalty for false claims.

18. (1) Whoever, falsely claims to be a member of a Scheduled Caste or Scheduled Tribe and produces such a social status certificate shall be liable to be punishable with imprisonment of not less than six months and fine up to twenty thousand rupees or more.

(2) Whoever, charged with the responsibility of issuing caste certificates to members of the Scheduled Castes and Schedule Tribes, issues a false caste certificate shall be liable to imprisonment of not less than three months and fine up to ten thousand rupees. 45

(3) The falsity of the claim or certificate shall be proved by the report of the Director of Social Welfare or the Tribal Welfare Department regarding the social status of the appointee and the burden shall be on the appointee or the certificate issuing officer to prove otherwise.

- (4) An appointee accused and convicted under sub-section (1) of this section shall stand disqualified for any future appointment in any private sector establishment or in the Union of India, State Government, public sector undertaking, industry, company or public sector banks and shall also not be eligible to contest any electoral representative office including Member of Parliament, Member of Legislative Assembly or Council and local bodies.
- (5) No prosecution for an offence under this Act shall be maintainable against an officer except by or with the sanction of the nodal ministry with prior approval of the National Commission for Scheduled Castes or National Commission for Scheduled Tribes.
- (6) The said Commissions shall examine the veracity of the conclusion of *prima facie* violation of this Act and the nodal ministry shall ordinarily accept such recommendation unless it further consults the respective Commission and if the respective Commission may revise such recommendation.
- (7) The respective Commissions for Scheduled Castes or Scheduled Tribes shall send their recommendation within three months from the date of receipt of communication from the nodal ministry.
- 19.** (1) No competent court shall take cognizance of an offence punishable under Section 18 save on a complaint filed by the aggrieved person or competent police officer or authorised officer of the nodal ministry or the Director of the Social Welfare or the Tribal Welfare Department of the appropriate State Government.
- (2) No court inferior to that of the Courts of the Metropolitan Magistrate or the Judicial Magistrate of the First Class shall try an offence punishable under this Act.
- 20.** The offences under this Act shall be cognisable and non-bailable.
- The provisions of the Protection of Civil Rights Act, 1955, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, stand inapplicable as to the extent of this Act.
- 21.** Every Private sector establishment shall be bound by this Act, the Rules made thereunder or such directions or instructions issued by the Central Govt. and in operation but not contrary to or inconsistent with the provisions of this Act or any general or special orders, given in writing from time to time, to give effect to the provisions of this Act.
- 22.** Notwithstanding anything contained in any other law for the time being in force the provisions of this Act shall have overriding effect.
- 23.** If any difficulty arises in giving effect to the provisions of this Act, the nodal ministry may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as may be necessary for removing such difficulty.
- 24.** The Ministry of Social Justice and Empowerment shall, every year, place before each House of Parliament a report giving a full account of the implementation of this Act during the preceding year.
- 25.** (1) The Ministry of Social Justice and Empowerment may, give proper and full effect to this Act, and by notification, make rules to carry out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing provisions, the nodal ministry may make such provisions and may provide for all or any of the following matters namely:—
- (a) to ensure that the percentages of posts, offices or services to be reserved in the private sector establishments for the members of the Scheduled Castes and Scheduled Tribes under this Act be not less than 15 percent and 7¹/₂ percent respectively or as may be amended from time to time;

Cognizance of the offence by a competent court.

Cognizance and non-bailable.

Power of Central Government to give directions.

Act to have over-riding effect.

Removal of difficulties.

Presenting of Annual Report.

Power to make rules.

(b) manner of filling the posts reserved for Scheduled Castes and Scheduled Tribes and relaxation of upper age limit etc.;

(c) exemption of fee for applying for recruitment to a service;

(d) rank of officer to be nominated as liaison officer under section 14;

(e) the manner of conducting annual inspection of records under Section 15; 5

(f) the records to be maintained by private sector establishments under Section 15, the manner in which, and the time at what, an annual report on the appointments, promotion or up-gradation of Scheduled Castes or Scheduled Tribes persons made during the previous year to be furnished;

(g) procedure for enquiry by the appointing authority and appellate authority; 10

(h) such other rules or orders or direction which is required to be prescribed to carry out the provisions of this Act.

(3) Every rule made under this Act or instructions or directions shall be placed, 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 of one session or of two or more successive sessions, and if, before the expiry of the session immediately following the current session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both 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. Any such modification or annulment shall be without prejudice to the validity of anything previously done under this Act, its Rule, directions or orders. 20

SCHEDULE

[Section 17(I)]

AFFIDAVIT

I _____ S/D/o _____
of Village/Town _____ within the jurisdiction of
_____ Police Station in _____ Taluk/Mandal/Subdivision _____
in the Districts/Division _____ of the State/Union Territory belong
to _____ Community/Caste/Tribe by birth and
continue to be a Scheduled Caste/Tribe which is recognised in item No. _____ as
Scheduled Caste/Scheduled Tribe under the Constitution (Scheduled Caste/Scheduled Tribe)
Order, 1950 or as amended from time to time by the Scheduled Caste/Scheduled Tribe List
Modification Order, 1956, the Bombay Reorganisation Act, 1960, The Punjab Reorganisation
Act, 1966, The State of Himachal Pradesh Act, 1970, The North-Eastern Areas (Reorganisation),
1971, and the Scheduled Caste/Scheduled Tribe Order Amendment Act, 1976 of the Scheduled
Caste/Scheduled Tribe Amendment Order _____

I _____ S/D/o _____ further state that my parents and
myself ordinarily/normally reside in the said Village/Town and within the
jurisdiction of _____ Police Station in _____ Taluk/
Mandal/Subdivision in the District/Division _____ of the
State/Union Territory. I further verify and solemnly state that the facts stated above are true
and correct to the best of my knowledge, belief and information and no part of the statement
is incorrect or false.

Signature of the Candidate

Attested by a Gazetted Officer

Note: In case the candidate is son or daughter of a migrant labour or transferee, and in
service of the Central Government or State Government or other authority, it should
further be stated in the affidavit of the date of migration or transfer of the parent and the
duration of stay in the migrated or transferred place in which the Caste or Tribe was not
recognised as Scheduled Caste or Scheduled Tribe.

The following officers are eligible to attest the affidavit:

- (1) District Magistrate/ Additional District Magistrate and the District Collector/ Deputy
Commissioner/ Additional Deputy Commissioner/ Deputy Collector/ Additional Joint
District Collector/ Judicial Magistrate First Class/ First Class Stipendiary Magistrate/
Sub-Divisional Magistrate/ Taluka Magistrate/ Executive Magistrate/ Extra Assistant
Commissioner.
- (2) Chief Presidency Metropolitan Magistrate/ Additional Chief Presidency, Metropolitan
Magistrate/ Presidency Magistrate.
- (3) Revenue Officer not below the rank of the Tehsildar.
- (4) Sub-Divisional Officer/ Mandal Revenue Officer / Mandal Development Officer of the
area where the candidate and/or his family normally reside/ migrated to or transferred.

STATEMENT OF OBJECTS AND REASONS

The constitutional philosophy of the Democratic and Socialist Republic of India is founded upon an inclusive and participatory Democracy. However, large social segments, in particular the Scheduled Castes and Scheduled Tribes are socially and economically deprived, disadvantaged and have faced historical and systemic discrimination.

The Constitution emphasizes the need to bring the Scheduled Castes and Scheduled Tribes into the national mainstream and guarantees social economic and political justice to all. The Constitution provides an imperative on the state to promote their welfare, minimize economic disparity, and endeavor to eliminate inequalities in status, facilities and opportunities.

Further, the state has to promote the particular economic interest of Scheduled Castes and Scheduled Tribes and protect them from all forms of exploitation. Citizens too have a fundamental duty of striving towards excellence.

In light of the changing nature of economy and increased Liberalization, Privatization and Globalization and consequent rolling back of a state, Scheduled Castes and Scheduled Tribes have increasingly been at receiving end. The private sector is increasingly becoming more participant in various socio-economic activities without commensurate responsibility of empowerment of weaker section of the society.

The participation of Scheduled Castes and Scheduled Tribes in private sector economy remains minimal. Therefore, in fulfillment of constitutional goals, private and corporate sectors are required to discharge their corresponding social responsibilities.

In view of the above a bill to prohibit discrimination in matters of employment and to provide equal opportunity to Scheduled Castes and Scheduled Tribes in private sector employment and matters arising out of this right or connected therewith or incidental thereto is necessary.

Hence, this Bill.

NEERAJ DANGI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

FINANCIAL MEMORANDUM

Clause 11 provides for establishment of a fund for the implementation of this Act.

The Bill, if enacted will involve additional expenditure from the Consolidated Fund of India, either recurring or non-recurring. At this stage, it is difficult to make any estimate of the expenditure.

RAJYA SABHA

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(Shri Neeraj Dangi, M.P.)