

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

LOK SABHA
UNSTARRED QUESTION NO. 563
(TO BE ANSWERED ON 06.02.2019)

AMENDMENT TO EXTEND RESERVATION

563. SHRI ARVIND SAWANT:

Will the **PRIME MINISTER** be pleased to state:

- (a) the view/stand of the Government on reservation;
- (b) whether there are provisions to do amendment in Constitution to extend the reservation;
- (c) if so, the steps that have been initiated by the Government in this regard;
- (d) if not, the reasons therefor; and
- (e) the measures the Government is taking to resolve the issue of reservation in light of various public litigations?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE
(DR. JITENDRA SINGH)**

(a): As per extant instructions, reservation is provided to Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) at the rate of 15%, 7.5% and 27% respectively in case of direct recruitment on all India basis by open competition. In case of direct recruitment on all India basis otherwise than by open competition, the percentage fixed is 16.66% for Scheduled Castes, 7.5% for Scheduled Tribes and 25.84% for Other Backward Classes.

In case of direct recruitment to Group C posts normally attracting candidates from a locality or a region, the percentage of reservation for SC/ST/OBC is generally fixed on the basis of proportion of their population in the respective States/Union Territories.

With the enactment of 'The Rights of Persons with Disabilities Act, 2016', reservation is also provided to Persons with Benchmark Disabilities against the posts and services of the Central Government at 4% of the total number of vacancies to be filled up by direct recruitment in the cadre strength in each group of posts i.e. Group A, B and C.

As per Ex-servicemen (Re-employment in Central Services and Posts) Rules, 1979, as amended from time to time, 10% of the vacancies in the posts upto of the level of the Assistant Commandant in all para-military forces; (ii) 10% of the vacancies in Group C posts; and (iii) 20% of the vacancies in Group D posts, to be filled by direct recruitment shall be reserved for ex-servicemen.

The persons belonging to Economically Weaker Sections (EWSs) who are not covered under the scheme of reservation for SCs, STs and OBCs shall get 10% reservation in direct recruitment in civil posts and services in the Government of India.

(b) to (d): Article 368 of the Constitution prescribes the procedure to amend the Constitution.

The 77th Constitution amendment was made to protect reservation to SC/ST Employees in promotions by inserting a new clause (4A) in Article 16.

The 81st Constitution amendment was made by inserting Article 16 (4B) to treat backlog vacancies as a separate class.

The 82nd Constitution amendment was made to continue relaxation of qualifying marks and other criteria in reservation in promotion for SC / ST candidates by inserting a proviso in Article 335 of the Constitution.

The 85th Constitution amendment was made to provide consequential seniority in case of promotions of SC/ST Employees.

Recently, new clauses namely Article 15(6) and 16(6) have been inserted in the Constitution vide the Constitution (One Hundred and Third Amendment) Act, 2019, with a view to provide reservation to Economically Weaker Sections (EWSs), not covered under the existing scheme of reservations for the SCs, STs and the OBCs, in civil posts and services in Government of India and for admission in Educational Institutions, to the extent of maximum 10%.

(e): Whenever any Court case, including public interest litigation, is filed against the reservation policies of the Government, appropriate steps are taken to effectively defend the reservation policies in the respective Court.
