

No.36011/6/2009-Estt.(Res.)

Government of India

Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block,
New Delhi-110001

Dated the 23rd December, 2009.

OFFICE MEMORANDUM

Subject:-Reservation for SCs, STs and OBCs in autonomous bodies/ institutions etc.

The undersigned is directed to say that instructions were issued vide Ministry of Home Affairs' O.M. No. 39/40/74-SCT (I) dated 30.9.1974 that the autonomous bodies/ institutions, which receive grant-in-aid from the Government of India, would make suitable provision in the relevant Statutes or in the Articles of Association of the respective bodies to provide reservation for Scheduled Castes (SCs) and Scheduled Tribes (STs) in services under their control. After introduction of reservation for Other Backward Classes (OBCs) on 8.9.1993, the autonomous bodies etc. were expected to make provision in this regard also. It has been brought to the notice of this Department that some of the autonomous bodies/ institutions have not made suitable provision about reservation in their Statutes/ Articles of Association.

2. All the Ministries/ Departments etc. are requested to ensure that suitable provisions of reservation for SCs, STs and OBCs are made in the Statutes/ Articles of Association of all the autonomous bodies/ institutions under them and such provisions are implemented scrupulously.

3. Hindi version will follow.



(G.S. Pundir)

Under Secretary to the Government of India

Tele: 23092110

To

1. All Ministries/ Departments of the Government of India.

2. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/ subordinate offices of this Ministry.
3. Department of Economic Affairs, New Delhi.
4. Department of Financial Services, New Delhi.
5. Department of Public Enterprises, New Delhi.
6. Railway Board.
7. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.
8. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
9. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
10. National Commission for SCs, Lok Nayak Bhavan, New Delhi.
11. National Commission for STs, Lok Nayak Bhavan, New Delhi.
12. National Commission for Backward Classes, Trikoot-I, Bhikaji Cama Place, R.K. Puram, New Delhi
13. Office of the Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi – 110002.
14. CBI, LBSNAA, ISTM, PESB, Central Sectt. Library, MHA Library.
15. Information and Facilitation Centre, DOPT, North Block, New Delhi.
16. Indian Council of Agricultural Research, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi.
17. NIC alongwith a copy of OM No.39/40/74-SCT (I) dated 30.9.1974 with the request to download it in the website of this Department.

**Ministry of Home Affairs O.M. No. 39/40/74-SCT(I)
dated 30th September, 1974 to all Ministries etc.**

Subject :—Reservation for Scheduled Castes and Scheduled Tribes in autonomous bodies/institutions.

The undersigned is directed to say that a suggestion was received from the Commissioner for Scheduled Castes and Scheduled Tribes that autonomous bodies, including Municipal Corporations, Co-operative institutions, universities, etc. should be asked to make reservations for Scheduled Castes and Scheduled Tribes in the matter of employment in services under their control. He also suggested that if the word "State" occurring in Article 12 of the Constitution did not cover these bodies, the Constitution should be amended suitably.

2. The question was considered in consultation with the Ministry of Law and Justice with particular reference to the interpretation of the word "State" occurring in Article 12 of the Constitution. The opinion of the Ministry of Law that the word "State" in this article of the Constitution while covering the Municipal Corporations would not cover the other autonomous bodies, Co-operative Institutions Universities, etc. but it was not necessary to amend the Constitution as the purpose of making reservations for Scheduled Castes and Scheduled Tribes in such bodies could be achieved by making suitable provision in the relevant statute or in the Article of Association etc.

3. It is, therefore, requested that suitable action may kindly be taken under advice to this Ministry to provide reservations for Scheduled Castes and Scheduled Tribes in the services of the autonomous bodies/institutions which are receiving grant-in-aid from the Government of India by making suitable provision in the relevant statutes or in the Article of the respective bodies