

Bill No. 22 of 2016

THE RESERVATION FOR THE SCHEDULED CASTES AND THE
SCHEDULED TRIBES IN PRIVATE SECTOR BILL, 2016

By

DR. UDIT RAJ, M.P.

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BILL

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

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

1. (1) This Act may be called the Reservation for the Scheduled Castes and the Scheduled Tribes in Private Sector Act, 2016. Short title and extent.

5 (2) It extends to the whole of India.

Definitions.	2. In this Act, unless the context otherwise requires,—	
	(a) “private sector” means any organisation or establishment which is owned purely by private individual or corporation or limited company or any organisation in which the Government of India or a State has no financial interest and wherein not less than one hundred persons are employed;	5
	(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.	
Government to encourage private sector to make provision for reservation.	3. (1) The Central Government shall give due encouragement to private sector to make provisions for reservation in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes in their organisations in proportion to the population of the Scheduled Castes and the Scheduled Tribes in the State, wherein such private organisation has its headquarters.	10
	(2) The encouragement as provided in sub-section (1) may include—	15
	(i) special concessions under various existing Central schemes; and	
	(ii) loans from nationalized banks at reduced rate of interest in such manner as may be prescribed.	
Annual report.	4. The Central Government shall cause to be laid an annual report before both Houses of Parliament about the action taken under this Act.	20
Power to make rules.	5. (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.	25 30

STATEMENT OF OBJECTS AND REASONS

At present, reservation is available in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes in services under the State. The only category in which the persons belonging to the Scheduled Castes and the Scheduled Tribes were once proportionately over-represented was Group 'D' posts, however, due to outsourcing policy of the Government and hiring of service on contract basis particularly in Group 'D' post work, the number of persons belonging to the Scheduled Castes and the Scheduled Tribes in Government jobs has considerably come down. Hence, the number of opportunities available for the persons belonging to the Scheduled Castes and the Scheduled Tribes has been reduced.

After liberalisation and privatisation, the number of jobs in the private sector has increased considerably. However, the presence of the persons belonging to the Scheduled Castes and the Scheduled Tribes in such private sector jobs is almost negligible. They are not a part of the share or stock market, private sector banks, media, private education sector, information technology, telecommunication and other related fields where the representations of the persons belonging to the Scheduled Castes and the Scheduled Tribes is negligible. The Government must make concessions and special schemes to encourage the private sector to open up job avenues in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes by providing reservation in the matter of appointments and promotion in services in their establishments.

Hence this Bill.

NEW DELHI;
February 9, 2016.

UDIT RAJ

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

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(Dr. Udit Raj, M.P.)