

**GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA**

STARRED QUESTION NO:165

ANSWERED ON:23.08.2007

RESERVATION OF JOBS IN PRIVATE SECTOR

Hussain Shri Syed Shahnawaz;Khandelwal Shri Vijay Kumar

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

- (a) whether the National Commission for Scheduled Castes has given any recommendation for providing reservation to Scheduled Castes in the private sector;
- (b) if so, the details thereof;
- (c) whether the Government has accepted the recommendations of the Commission;
- (d) if so, the details thereof;
- (e) whether the Government proposes to formulate a policy in this regard; and
- (f) if so, the details thereof?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SMT. MEIRA KUMAR)

(a) to (f) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 165 FOR 23.8.2007 REGARDING RESERVATION OF JOBS IN PRIVATE SECTOR

(a) to (d) : The National Commission for Scheduled Castes and Scheduled Tribes in its Fifth Report for the period 1998-99 had recommended that the Government of India should consider extending the social obligation, cast upon the public sector enterprises, of providing reservation in jobs to SCs and STs to the private sector also. The Report with Memoranda of Action Taken on the recommendations was laid on the Table of both the Houses in May,2002, wherein it was stated that the legal opinion in the matter was that the reservation in private sector will not be permissible under Article 16(4) of the Constitution and will be violative of the equality provisions in the Constitution.

However, before the ATN on the Fifth Report was laid on the Table, the Commission in its Sixth Report for the period 1999-2001 recommended that in consonance with the Constitutional scheme, the principle of positive discrimination should be extended to the private sector also to fulfill the obligations of social equity. This Report with ATN was laid on the Table of both the Houses in December, 2004 stating that the Government is very sensitive to the issue of affirmative action, including reservation in the private sector.

(e) and (f) : In pursuance of the commitment contained in the National Common Minimum Programme to initiate a dialogue with Industry and other associations to fulfill the aspirations of the Scheduled Castes and Scheduled Tribes youth, a Group of Ministers was formed. The Group met five times and also held consultations with the representatives of Apex Industry Associations.

To carry forward the process of dialogue, a Coordination Committee was constituted. During the discussions with the Industry Associations following points emerged :

i) Confederation of Indian Industry (CII), Associated Chambers of Commerce and Industry of India (ASSOCHAM) and PHD Chambers of Commerce and Industry (PHDCCI) have evolved a Code of Conduct of Affirmative Action. Federation of Indian Chambers of Commerce and Industry (FICCI) has also agreed to soon evolve a similar plan of action.

ii) Industry Associations are willing to intensify their efforts in developing the skill sets and developing entrepreneurial abilities amongst SC/ST persons

iii) There was a general agreement on positive discrimination in employment in favour of SC/ST persons i.e. other things being equal SC/ST persons will be given preference

iv) Industry Chambers are agreeable to reporting of data on SC/ST employment

v) Ombudsman will be appointed by Industry Associations to monitor the compliance with the voluntary Code of Conduct.