

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:2655

ANSWERED ON:05.08.2015

Reservation Policy

Lokhande Shri Sadashiv Kisan

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the reservation policy is governed by the direction issued from time to time by the Department of Personnel and Training and it has not been successful;

(b) if so, the reaction of the Government thereto;

(c) whether any steps have been taken by the Government for framing laws regarding taking primitive actions against the responsible persons/officers and for including the reservation laws in the Ninth Schedule to the Constitution for the effective implementation of the reservation policy; and

(d) if not, the reasons therefor?

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) & (b): The policy of reservation in services under the Government of India is administered through executive instructions – called Office Memoranda (OMs) issued by the Department of Personnel and Training from time to time. The OMs have laid down the policy frame-work in terms of which reservations in all public service appointments have been made all these years. The Supreme Court in the case of Indra Sawhney v/s. union of India has held that these instructions have the force of law.

(c) & (d): At present, there is no proposal for including the instructions relating to reservation in the Ninth Schedule to the Constitution.

According to existing instructions, any deliberate non-compliance of extant reservation policy by a Government employee makes him liable for disciplinary action.
