

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(2024-2025)**

(EIGHTEENTH LOK SABHA)

SECOND REPORT

ON

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

**ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS
CONTAINED IN THE TWENTY FIFTH REPORT (17TH LOK SABHA) OF THE
COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED
TRIBES ON THE SUBJECT "ROLE OF MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS (DEPARTMENT OF PERSONNEL AND TRAINING) IN
FORMULATION, IMPLEMENTATION AND MONITORING OF RESERVATION POLICY"**

Presented to Lok Sabha on 06.12.2024

Laid in Rajya Sabha on 06.12.2024



LOK SABHA SECRETARIAT

NEW DELHI

6th December, 2024/ ,1946 (Saka)

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COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (2024-25)

Dr. Faggan Singh Kulaste - Chairperson

MEMBERS - LOK SABHA

2. Shri A. Raja
3. Shri Tapir Gao
4. Smt. Pratima Mondal
5. Shri Vishnu Dayal Ram
6. Dr. Mallu Ravi
7. Shri Parbhubhai Nagarbhair Vasava
8. Shri Ananta Nayak
9. Shri Anil Firojiya
10. Shri Arun Kumar Sagar
11. Shri Jagannath Sarkar
12. Dr. Alok Kumar Suman
13. Shri Harish Chandra Meena
14. Shri Alfred Kannam S. Arthur
15. Shri Arun Bharti
16. Shri Govind Makthappa Karjol
17. Shri Daggumalla Prasada Rao
18. Shri Pushpendra Saroj
19. Shri Sasikanth Senthil
20. Adv. Chandra Shekhar

MEMBERS - RAJYA SABHA

21. Smt. Sumitra Balmik
22. Smt. S. Phangnon Konyak
23. Shri Mithlesh Kumar
24. Shri Rwngrwa Narzary
25. Smt. Phulo Devi Netam
26. Shri Devendra Pratap Singh
27. Dr. V. Sivadasan
28. Dr. Kanimozhi NVN Somu
29. Smt. Mamata Thakur
30. **Vacant***

SECRETARIAT

- | | | | |
|----|------------------------|---|----------------------|
| 1. | Shri D.R. Shekhar | - | Additional Secretary |
| 2. | Shri Rakesh Bhardwaj | - | Director |
| 3. | Shri Ajay Kumar Prasad | - | Deputy Secretary |
| 4. | Shri N.Touthang | - | Under Secretary |

INTRODUCTION

I, the Chairperson, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the Report on their behalf, present this _____ Report (Eighteenth Lok Sabha) on Action Taken by the Government on the recommendations/observations contained in the Twenty Fifth Report (Seventeenth Lok Sabha) on the "Role of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) in formulation, implementation and monitoring of reservation policy"

2. The draft Report was considered and adopted by the Committee at their sitting held on _____ (Appendix-II).

3. The Report has been divided into the following chapters:-

- I Report
- II Recommendations/Observations which have been accepted by the Government.
- III Recommendations/Observations which the Committee do not desire to pursue in view of replies of the Government.
- IV Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.
- V Recommendations / Observations in respect of which final replies of the Government have not been received.

4. An analysis of the Action Taken by the Government on the recommendations contained in the Twenty Fifth Report (Seventeenth Lok Sabha) of the Committee is given in Appendix-II.

New Delhi;
_____ 2024
____, 1946(Saka)

Chairperson
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.

CHAPTER I

REPORT

This Report of the Committee on Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the Observations/Recommendations contained in their Twenty Fifth Report (Seventeenth Lok Sabha) on the "Role of Ministry of Personnel, Public Grievances and Pensions(Department of Personnel and Training) in formulation, implementation and monitoring of reservation policy"

1.2 The Twenty Fifth Report (Seventeenth Lok Sabha) of the Committee was presented to Lok Sabha on 31st July, 2023 and laid on the Table of Rajya Sabha on 31st July, 2023. The Report contained 13 Observations/Recommendations. Action Taken Replies in respect of all the Observations/Recommendations contained in the Report have been received from the Government. The Replies have been examined and categorised as follows:

- I. Recommendations/Observations which have been accepted by the Government:
Recommendations Sl. Nos. 1, 2, 5, 6 & 9

(Total 5)
Chapter II
- II Recommendations/Observations which the Committee do not desire to pursue in the light of the Replies received from the Government:

-NIL-

(Total 0)
Chapter III
- III Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration:
Recommendations Sl. Nos. 3, 4, 7, 8, 10 & 11

(Total 6)
Chapter IV
- IV. Recommendations/Observations in respect of which final replies of the Government are still awaited:
Recommendations Sl. Nos. 12 & 13

(Total 2)
Chapter V

1.3. The Committee trust that utmost importance would be given to implementation of the recommendation/observations accepted by the

Government. In cases, where it is not possible for the Ministry/DoPT, New Delhi to implement the recommendations in letter and spirit for any reason, the matter should be reported to the Committee with reasons therefor. The Committee further desire that Action Taken Notes on the recommendations/observations contained in Chapter-I should be furnished to them within a stipulated period of time.

1.4 The Committee in the succeeding paragraphs will deal with the action taken by the Government on some of the Observations/Recommendations which merit comment or reiteration.

Recommendation (Sl. No.2)

Unique Identification Number for candidates for competitive exams.

1.5 The Committee are of the view that all candidates taking competitive examinations should be allowed to appear in the exam using a code number only without disclosing names for fair assessment. The Committee further desire that the name of the caste of SC/ST Community should also not be disclosed once selection processes in all aspects are completed so that any possible form of discrimination against such community may be less evident. The Committee, therefore, recommend that the Department of Personnel and Training should issue directions in this regard. The action taken report may be communicated to the Committee within three months of the presentation of the report.

Action Taken by Government

In examinations conducted by UPSC

1.6 All precautionary measures are taken to ensure that the identity of the candidate is not revealed to the examiners, who are entrusted with the responsibility of evaluating the answer sheets of the candidates. As a part of this exercise, before evaluation, the Roll Number written on every answer book is detached and computer-based randomized fictitious code number is given. At no stage of the evaluation process (including the moderation stage) the actual Roll Number/ identity of the candidate is disclosed to any of the examiners/ officials associated in the process.

Further, Ministry of Home Affairs' OM No. 1/1/70-Estt.(SCT) dated 31.07.1970 has laid down the procedure for conducting interview of the SC/ST candidates separately. These instructions are strictly followed in all Structured Examinations, conducted by UPSC, wherever interviews are conducted by UPSC. Details relating to categories of the candidates are not disclosed to the members of the Interview Board, except to the President of the Board.

In examinations conducted by SSC

In all the examinations conducted by SSC, every candidate is allotted a Roll No. which is unique to the candidate for an examination. The Commission does not collect information about caste of a candidate but only the category viz. SC, ST, OBC, EWS, UR etc. Category of a candidate is essential, inter-alia, for processing category-wise result for providing benefit of reservation as per extant rules/ guidelines of the Government of India. The name of a candidate is mentioned in the Admit Card issued for an examination; this is essential to ensure the identity of the appearing candidates with reference to any Government issued identity card. The examinations of the Commission are conducted in Computer Based Examination (CBE) mode. The evaluation/assessment of CBE is done by the system without any manual interference and, thus, there is not possibility of discrimination on the basis of category of an SC/ST candidate.

With regard to not disclosing name of caste once selection process is complete, it is mentioned that result is processed category wise so as to ensure reservation in final result as per extant Government guidelines/policy. Thus, the category of the candidate is mentioned in the dossier; however, caste is not disclosed. Starting from Examination Cycle 2022, document verification process is being undertaken by the User Departments and not by the Commission except in Selection Post examinations. During document verification, the caste certificate is obtained from the candidates and kept in the dossiers sent to the departments so that User Departments may verify the claim with regard to their claim for reservation etc.

Comments of the Committee

1.7. The Committee are pleased to note that precautionary measures and efforts are being taken to ensure that the identity of the candidate is not revealed to the examiners, even after selection process is completed. The Committee are of the firm view that revealing the caste or category of such candidates at any stage of examination would only pave ways for likely discrimination which could result in unfair and biased assessment. The Committee, as recommended earlier once again reiterated that the name of the caste of SC/ST Community should also not be disclosed even after selection processes in all aspects are completed so that any possible form of discrimination against such community may be less evident.

Recommendation (Sl. No.3)

Representation of SCs and STs in the Board of Directors

1.8 The Committee note that at present there is negligible presence or no presence of SC and ST members in the Board of Directors of almost all the Ministries/Departments/PSUs/Banks etc which in fact deprive SCs/STs to be part of the decision making process and policy matters and also not helpful in protecting the interests of SCs and STs in service matters. The most common

reason provided being that “the Officers of SC/ST community could not be appointed to the post of Members and Chairman, primarily due to non-availability of suitable candidate”. The Committee are not willing to accept routine reply as highly qualified deserving and meritorious candidates among SCs/STs are available. The Committee firmly believe that non-inclusion of SC/ST members in the Board of Directors is not in conformity with the participatory democracy which provides representation/participation of each section of the society. The Committee strongly recommend that DoPT being the formulator of central policy for the Central Government/Ministries/Department must come forward to formulate policy in coordination with all the Ministries/Departments, Department of Financial Services, Ministry of Social Justice and Empowerment and Department of Public Enterprises to ensure that there must be representation of SCs/STs in the Board of Directors of all Central Government Organisations/Ministry/Departments/PSUs/Banks/Autonomous Bodies etc. The Committee firmly believe that the long pending legitimate expectation of the Committee would come into effect with the earnest efforts of DoPT. The Committee may be apprised about the progress made by the Government in this regard.

Action Taken by Government

1.9 The appointments of Whole-Time Directors on the Board of Public Sector Banks and other financial institutions are made in terms of provisions of the relevant Statute/Act under which these organisations have been set up. The Government of India has constituted Financial Service Institutions Bureau (FSIB) on 1.7.2022 for the purpose of recommending persons for appointment on the Boards of Financial services institutions. The Non-official Directors (NODs) in accordance with the Appointment Committee of the Cabinet's (ACC) guidelines dated 23.03.2015. These guidelines provide, inter-alia, that wherever possible representation may be given to women and the persons belonging to SC/ST/OBC community.

At present, there are seven Directors on the Boards of various Public Sector Banks who belong to SC/ST category. Further, in their recommendation dated 15.07.2023, the FSIB has recommended names of 15 candidates for appointment to the post of Executive Director in the various Public Sector Banks for vacancies arising in the Financial Year 2023-24. Out of these, three candidates belong to SC/ST category.

In Board-level appointments in Public Sector Enterprises, the Public Enterprises Selection Board (PESB) follows the Government instructions and as of now, there is no Government policy of reservation on recommendation of names by PESB to the Board Level posts in CPSEs. Further, the recommendations are made keeping in view the performance of eligible candidate interviewed with special regard to their managerial capabilities, leadership, vision, track record, the available APARs and the inputs

provided by the Secretary of the concerned administrative Ministry/Department and CMD/MD/Chairman, wherever applicable, of the concerned CPSE.

Comments of the Committee

1.10 The Committee are not satisfied at the complacent stance taken by the Ministry/DoPT wherein the action taken reply has stated that there is no Government policy of reservation on recommendation of names by PESB to the Board Level posts in CPSEs. It is also stated that the appointments of Whole-Time Directors on the Board of Public Sector Banks and other financial institutions are made in terms of provisions of the relevant Statute/Act under which these organisations have been set up. The action taken reply further mentioned about ACC guidelines which state that wherever possible representation may be given to women and the persons belonging to SC/ST/OBC community. The Committee also feel that recommending 3 candidates from SC/ST category out of the total 15 candidates for Executive Directors in various Public Sector banks for the year i.e 2023-24 seems to be not satisfactory unless and until they are appointed in the Board of Directors. In this regard the Committee would again like to stress the need to mandatorily have an SC/ST member in the Board of Directors of all the Ministries/Departments/PSUs/Banks etc. The Committee strongly feel that the absence of SC/ST member deprive SCs/STs employees of their legitimate expectation to be a part of the decision making process and their involvement in policy matters. The Committee, in view of the constitutional mandate of socio-economic justice firmly believe that mandatory inclusion of a SC/ST member in such decision making Body is the need of the hour so as to give proper representation and to render justice to the most disadvantaged socio-economic groups of the society. The Committee feel that non-inclusion of SC/ST members in the Board of Directors does not augur well for the large number of SC/ST employees.

The Committee are of the view that there are highly qualified candidates among SCs/STs and that the Ministry/DoPT should devise a concrete monitoring mechanism in coordination of other Ministries/Department of Financial Services etc. to ensure that such candidates/members belonging to SC/ST category are mandatorily included in the decision making bodies of all Ministries/Departments/PSUs/Banks etc. The Committee are of the view that the Ministry/DoPT, being the formulator of central policy for the Central Government/Ministries/Department must come forward to formulate policy or take steps in reviewing the various terms of provisions of the relevant Act/Statute under which organizations have been set up so as to mandatorily include member of SC/ST category in various decision making bodies. The Committee reiterate that to protect the interests of SCs/STs in service matters representation of SCs and STs should be made mandatory in the Board of Directors of all

Government/Ministries/Department/PSUS/Banks etc. The Committee may be apprised about the progress made by the Government in this regard.

Recommendation (Sl. No.4)

Monitoring mechanism set up for Regulatory Body under DoPT for implementation of Reservation policy

1.11 The Committee note that the DoPT formulates and issues various instructions from time to time for implementation of reservation policies for SCs and STs. The Committee further note that the DoPT have made a provision for nomination of Liaison Officer, in each Ministry/Department to ensure due compliance of the orders and instructions pertaining to the reservation of vacancies in favour of SCs/STs and other benefits admissible to them. The Committee, however, are of the view that the DoPT should not feel contented by merely passing on the reservation policy and orders to the Ministries/Departments without monitoring and inspecting their performance in execution of SC/ST reservation policy. The Committee, however, do understand that in view of the large structure of Government of India, it may not be possible for DoPT to monitor implementation of the reservation policy in all the Ministries/ Departments/ Organisations/Establishments etc. The Committee, therefore, are of the view that DoPT must inspect certain Ministries/Departments of the Government of India where the stake of SCs and STs are high. The Committee are happy to note that the DoPT during evidence has informed that it monitors the progress with regard to filling up of backlog vacancies reserved for SCs, STs and OBCs with 10 Ministries/Departments and that frequent interactions are held with these Ministries/Departments through meetings and communications being issued to them from time to time seeking action taken report regarding filling up of reserved backlog vacancies. Like-wise, the Committee feel that DoPT being the nodal Ministry, it is legitimate expectation from the Department of Personnel and Training to monitor periodically whether or not various Ministries/ Departments are earnestly implementing the reservation policies and orders in letter and spirit. The Committee are of the firm view that to solely leave to individual Liaison Officer/Ministry to take up the decision to implement the reservation policies and orders is neither advisable nor in the interest of SCs and STs. The Committee are, therefore, of the firm view that the Ministry/DoPT should take up the matter with highest authority to set up a separate regulatory authority under DoPT to ensure meaningful and full implementation of the reservation policies and orders till legislation to this effect is enacted by the Government.

Action Taken by Government

1.12 As already informed to the Committee that as per the instructions issued by DoPT, every Ministry/Department and organisations under it is required to designate an

officer, atleast of the rank of Deputy Secretary, as Liaison Officer in respect of matters relating to the representation of the SCs and STs in order to ensure that subordinate appointing authorities comply with the orders and instructions pertaining to the reservation of vacancies in favour of SCs and STs. The Liaison Officers have been empowered to conduct inspection of the rosters, to call out for the records and convene meetings with the concerned officers to ensure that the reservation instructions are properly implemented. Although each organisation under the Ministry/Department is required to have a separate Liaison Officer, but he performs his duties as Liaison Officer under the overall supervision of the Liaison Officer of the administrative Ministry/Department. He has also been authorized to report any lapse/ negligence in following the reservation related instructions by the appointing authority concerned to the Secretary/ Additional Secretary of the administrative Ministry/Department.

DoPT has also requested the Ministries/Departments to constitute an In-House Committee under the chairmanship of Joint Secretary (Admn.) to identify the backlog reserved vacancies, and to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives.

However, in order to ensure prescribed representation and implementation of the policies of reservation in appointments, DoPT has also been playing an active role. DoPT holds frequent interactions with the Ministries/Departments urging them to take effective steps, as requested, for filling up of backlog reserved vacancies. ISTM, an attached office of DoPT, conducts training courses and workshop on reservation in services and Liaison Officers on regular basis for the officers of Ministries/Departments. During the last 6 years, 33 training courses/workshops have been held by ISTM in which 1168 officers of various Ministries/Departments participated. Many times officers of DoPT are also invited as guest faculty in workshops organized by ISTM on the subject of reservation in services

Officers of DoPT have also started separately holding workshops on reservation to educate the officers of various Ministries/Department or organisations under them on the subject and impressing upon them to take effective steps to ensure representation of SC/ST/OBC, as prescribed. Through these workshops, the participating officers of these Ministries/Departments/Organisations are also educated about role and importance of Liaison Officer in effective implementation of reservation policies of the Government and the need to take effective steps for filling up of backlog reserved vacancies. Queries of the participating officers, who are responsible for maintaining reservation rosters and reporting reserved vacancies to the recruiting agencies, are also addressed during the workshops. During the year 2023, officers of DoPT conducted workshops for IRCTC (in May 2023), THDC (in June, 2023), National Statistical Office under the Ministry of Statistics and Programme Implementation, Guwahati (in July 2023 in virtual mode). Further, Officers of DoPT also visited Central Sanskrit University and Lal Bahadur Shastri National Sanskrit University during July 2013 and met the Liaison Officer. Some reservation rosters were also checked by the officers and found them to be in order. It was explained that the Liaison Officer has the overall responsibility for ensuring that the reservation policies of the Government are properly implemented and the reservation rosters are maintained as per the guidelines. Their attention was also invited towards the consolidated instructions issued by DoPT on the roles and duties of

the Liaison Officers. CSU staff was however told that if they still have any difficulty in implementation of the reservation roster, they may approach the officers of DoPT for clarification over telephone also.

During the month of November, 2023, interactions were held with 25 Ministries/Departments and they were requested to take necessary action to fill up the backlog vacancies in a time bound manner.

Comments of the Committee

1.13 The Committee are pleased to note the various steps taken by the Ministry/DoPT for ensuring full implementation of reservation policy such as empowering of Liaison Officers to conduct inspection of the rosters, to call out for the records and convene meetings with the concerned officers to ensure that the reservation instructions are properly implemented. However, the Committee would like to reiterate that to solely leaving to individual Liaison Officer/Ministry to take up the decision to implement the reservation policies and orders is neither advisable nor in the interest of SCs and STs as even a small error on their part can have a huge negative impact w.r.t the number of vacant seats meant for SCs and STs. The Committee would also like to reiterate that instead of merely passing on the reservation policy and orders to the Ministries/Departments without monitoring its execution the Ministry/DoPT, being the central nodal organization should take up the matter with the highest authority to set up a separate regulatory authority which should be made accountable under DoPT. The Committee, once again reiterate that if required, a legislation to this effect may be enacted by the Government to ensure that reservation policies and orders are fully and meaningfully implemented. The Committee are of the view that constant and periodical inspection will certainly ensure the vigilance of Ministries/Departments/Organisations/Establishments etc w.r.t proper maintenance of the reservation rosters resulting in the rosters being in order at all times. The Committee, therefore, reiterate that the Ministry/DoPT must, if not all, randomly inspect certain Ministries/Departments/Organisations/Establishments etc where the stake of SCs and STs are high. The Ministry/DoPT must also have a mechanism to ensure that the Liaison officer works independently without any pressure from any corner and has the requisite expertise. Regular mandatory formal training be provided to all concerned to acquaint them with the reservation policy of the Government.

Recommendation (Sl. No.5)

Representation of SCs/STs in Services

1.14 The Committee are perturbed to note that the category-wise percentage representation at various levels for Scheduled Castes and Scheduled Tribe for Group A is far below the constitutionally mandated percentage of 15 % for SCs and 7.5 % for STs. The Committee also note that the representation of STs in Group B and C is well

below the mandated percentage. The Committee would like to be apprised regarding the reasons for very low percentage of representation in group A posts for both SCs and STs and also Group B and C post for STs despite various concessions/relaxation/reservation being offered. The Committee, therefore, strongly recommend that in view of the implementation of presidential mandate concerted efforts be made by the Ministry/DoPT to attain the Prescribed percentage of SC/ST Officers in all level of posts. The progress made in this regard may be informed to the Committee.

Action Taken by Government

1.15 Occurrence and filling of vacancies is a continuous process. As already stated above, instructions have been issued to all Ministries/Departments of the Central Government to constitute an In-House Committee for identification of backlog reserved vacancies, to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and fill them up through Special Recruitment Drives. Instructions already exists for designating an officer of the rank of Deputy Secretary and above, as Liaison Officer, to ensure due compliance of the orders and instructions pertaining to reservation and to set up a Special Reservation Cell under the direct control of Liaison Officer to assist her/him in discharge of duties. Frequent interactions are held with the Ministries/Departments and workshops are organized for the Ministries/Departments on reservation related issues, as stated above. Through these meetings/workshops, the Ministries/Departments are urged to take action in a time bound manner to fill up the backlog reserved vacancies.

As per the data furnished by the Ministries/Departments, as on 01.01.2022, the representation of SC and ST is equal to or more than the prescribed quota in Group B and C. The Overall representation of SC and ST is also more than the prescribed quota.

Comments of the Committee

1.16 The Committee may be given break-up of the representation of Scheduled Castes and Scheduled Tribes in Group 'B' and 'C' including Safaikaramcharis. The Committee may also be informed about the specific steps taken by the DoPT to ensure prescribed representation of SCs & STs in Group 'A' category.

Recommendation (Sl. No.6)

Clearance of Backlog vacancies

1.17 The issue of backlog vacancies pertaining to direct recruitment and promotion is of great concern and has been continuously raised by the Committee during evidence with various Ministries/Departments/PSUs/Banks etc. The Committee note that massive shortfall exists in both direct recruitment and promotion of SCs and STs in all categories of posts according to the statements furnished during such evidences. The Committee are, however, pleased to note that the Department of Personnel and Training issues instructions to all Ministries/Departments of the Central Government to constitute an in-house Committee for identification of backlog reserved vacancies, to study the root

cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives. For the purpose frequent interactions are held with 10 Ministries/Departments, having more than 90% of the employees in Central Government and communications being issued to them from time to time seeking action taken report regarding filling up of reserved backlog vacancies. The Committee are, nevertheless, not satisfied with the statement stated/made above as the monitoring by DoPT is not inclusive but specific to few Ministries/Departments. The Committee during the sitting held on 12.07.2022 had strongly desired that the Ministry/DoPT should review their monitoring mechanism by devising an effective detailed plan that should include all the Ministries/Departments, classifying Group-wise all the backlog vacancies existing in various Ministries and Departments for intelligible statistical data on priority basis. Accordingly, the Committee hope that all such identified backlog vacancies would be filled within a stipulated schedule by carrying out special recruitment drive as recommended. The Committee would like to be apprised of the progress made for filling up of backlog posts.

Action Taken by Government

1.18 Filling up of vacancies, including backlog reserved vacancies, is a continuous process. Instructions have been issued to all Ministries/Departments of the Central Government to constitute an in-house Committee for identification of backlog reserved vacancies, to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives.

DoPT had been monitoring the progress with regard to filling up of backlog reserved vacancies for SCs, STs and OBCs with 10 Ministries/Departments, having more than 90% of the employees in Central Government and the progress on filling up of backlog reserved vacancies was sought from them. Such progress report (in physical form) was sought from these 10 Ministries/Departments.

Workshops were organized during May, 2022 and May, 2023 on backlog reserved vacancies, in which representatives and Liaison Officers were invited. Attention of the officers was invited towards the concern shown by the Parliamentary Committee on existence of backlog reserved vacancies. The attention was also drawn towards the instructions issued by DoPT from time to time regarding constitution of an in-house Committee for identification of backlog reserved vacancies and to fill them up through Special Recruitment Drives, as stated above. These Ministries/Departments were requested to take urgent action to fill up the backlog reserved vacancies in a time bound manner. However, from 01.01.2023 onwards, all the Ministries/Deaprtments have been requested to submit online data regarding backlog reserved vacancies.

Comments of the Committee

1.19 The Committee are pleased to note from the reply that there is no deficiency in the representation of SCs and STs in Group 'B' & 'C' category and

about the various measures taken for filling up backlog vacancies viz. taking steps to constitute an In-House Committee to identify the backlog reserved vacancies, studying the root cause of such vacancies, initiation of measures to remove the factors causing such vacancies, workshop on reservation and to fill them through Special Recruitment Drives. As stated earlier the issue of backlog vacancies is of grave concern as it directly impacts the representation of SC/ST employees. The Committee are of the view that when the constitutionally mandated recruitment percentage is not achieved this becomes cyclic in nature as vacancies keep on piling up. In the age of modern technology where there is no dearth of intellectual and meritorious SC/ST candidates the Committee do not approve the routine reply of the Ministry stating that suitable candidates are not found for selection which also results in unwarranted deprivation for SC and ST candidates. The Committee, therefore desire that DoPT being the nodal organization should with the help of modern technology devise an effective detailed data based plan, classifying group-wise all the backlog vacancies for both recruitment and promotion existing in various Ministries/Departments and furnish quarterly report to the Committee with directions to the concerned Ministries/Departments to examine the deficiency and take corrective measures in this regard. Further, the Committee hope that available intelligible statistical data will also help the DoPT to monitor and in filling up of backlog vacancies for SCs/STs in a time-bound manner.

Recommendation (Sl. No.7)

Reservation Roster

1.20 The Committee are pleased to note that subsequent to the directions of the Hon'ble Parliamentary Committee, an Officer of DOPT was nominated to examine the rosters of Delhi University and found that reservation was not as per DoPT guidelines issued, and that thereafter, subsequent to verification of rosters, the Delhi University had organized an inter-active session with the Liaison Officers of various affiliated colleges, which was also attended by the representative of DOPT. The Committee is of the firm view that since rosters is a very important document as far as the welfare and interest of SCs and STs is concerned, separate post-based rosters be maintained for promotion and in direct recruitment since the whole system of implementation of reservation orders rest on maintenance of rosters. Roster being the only mechanism through which a watch is kept on the proper placement of SC/ST employees in their respective

cadres against the vacancies reserved for them, the Committee, therefore, recommend that a team consisting of DoPT officers should randomly check any roster prepared by the Ministries/Departments and also direct all the Ministries/Departments to follow a common roster format prescribed and approved and report to the Committee about the conformity pointed out by the DoPT in this regard. The Committee had also desired that DoPT should also from time to time or randomly check the rosters of one/two colleges of the Central Universities to ensure that rosters are being prepared as per DoPT norms. DoPT may use certain common format which may be applicable to all and then circulate the same to all central universities/colleges for common use. Discrepancies noticed during such inspection of rosters should be rectified immediately and also brought to the notice of the Head of the Department. The Committee, as such, are of the view that the officers concerned for the maintenance of rosters as well as Liaison Officers should be sensitized about any lapse and to avoid its recurrence. The Committee would like to be informed about the strict compliance with regard to DoPT inspection reports on rosters vis-à-vis the discrepancies identified/noticed and rectified. The Committee also recommend that roster prepared by each Ministry/Department/Autonomous Bodies must be uploaded on their respective intranet in order to maintain transparency in this regard.

Action Taken by Government

1.21 DoPT formulates policy and issues instructions from time to time for implementation of reservation policies. However, it is for the concerned Department/ Ministry/ Organisation to implement the said policies. Whenever any reference is made to this Department seeking clarifications on implementation of reservation policies, appropriate advice is given.

As per the provisions of Transaction of Business Rules and Allocation of Business Rules, all Departments/Ministries are equal and the Department of Personnel and Training has no power of superintendence over other Ministries to monitor the implementation of reservation policy. This is why each Ministry/ Department is entrusted to monitor the implementation of reservation policy in their Department/Ministry/Attached and Subordinate offices and organizations under their administrative control. Further, keeping in view the large structure of Govt. of India, it may not be possible for a single organization to monitor implementation of the reservation policy in all the Ministries/ Departments/ Organisations/ Establishments. Hence, through the mechanism of Liaison Officer, maintenance of reservation roster as per the guidelines of DoPT is ensured.

However, as per the directions of the Parliamentary Committee on the Welfare of SC and ST, officers of DoPT visited two Central Universities, i.e. Central Sanskrit University and Lal Bahadur Shastri National Sanskrit University during July, 2023. Some reservation rosters were checked on random basis by the officers of DoPT and they found those rosters as per the DoPT guidelines. The officers then also met the Liaison Officers and informed them about the latest developments in reservation in promotion and the Hon'ble Supreme Court judgment in the matter. Officers of DoPT also shared their mobile numbers with the concerned Liaison Officers advising them that they may either visit DoPT or contact on those numbers whenever they have any doubt with regard to the reservation roster.

As per the instructions, the reservation roster is not a confidential document and, therefore, there can be no objection in principle to the roster being shown to any individual/association. If any Government servant/recognised service association wants to see the reservation roster, there can be no objection to the roster being shown to them.

Comments of the Committee

1.22 The Committee are pleased to take note that representatives of the Ministry/DoPT randomly checked reservation rosters of two Central Universities and found that those were in conformity with the DoPT guidelines. The Committee also understand that each Ministry/Department is entrusted to monitor the implementation of reservation policy in their respective Department/Ministry/Attached and Subordinate offices and organizations and that through the mechanism of appointing Liaison Officer. The Committee are, however, not satisfied at the self-satisfied stance taken by the Ministry/DoPT stating that concerned Department/Ministry/Organisation is to implement the reservation policy formulated by DoPT. The Committee on the basis of its vast interaction with the Ministries/Departments/PSUs/Banks/Autonomous Bodies etc. are of the considered view that DoPT being the nodal Ministry should devise a mechanism at their end to enable it to monitor and to ensure implementation of reservation roster as per DoPT guidelines in this regard. The Committee, keeping in view that the whole system of implementation of reservation orders, promotion, seniority rest on proper maintenance and preparation of rosters

desire that DoPT must come forward with its expertise to ensure and monitor Ministries/Departments etc. on quarterly basis and submit report with statistical data for consideration of the Committee.

Recommendation (Sl. No.8)

Liaison Officer

1.23 The Committee are pleased to note that Liaison Officer and his staff are given training about the rules, regulations, provisions of reservation for SCs/STs. The Committee are given to understand that Liaison Officer apart from carrying out work relating to SCs/STs have been assigned technical/administrative work also. The Committee are of the view that the Liaison Officer is a key figure in an organisation and is responsible for ensuring implementation of reservation policies of the Government. Therefore, the Committee desire that Liaison Officer should be allowed to work independently and without any interference from any side and provided independent working space. The Committee strongly recommend that since the Liaison Officer is appointed to ensure due compliance of orders and instructions pertaining to reservations of vacancies in favour of SCs/STs, he/she should not be overburdened with other heavy official work apart from his liaising duties otherwise, the Liaison Officer will not be able to render justice to his main functions i.e. to look after the welfare of SCs/STs employees in the organisation/institution. The Committee are of view that the Liaison Officer, being a link between the Management and the SC/ST employees of the Ministries/Departments/ PSUs/Banks etc Liaison Officer and his supporting staff should be appointed from reserved communities, so that the SC/ST employees may discuss, send and represent their reservation related problem without fear in a candid way. The Committee further desire that reviewing officer of the liaison officer should be the head of the department only and that the ACR of the liaison officer should be written by the highest authority so that there is no interference from other senior officers which may be for any reasons against the interest of SC/ST employees. Moreover, SC/ST officer appointed as Liaison Officer should be able to augment confidence of SC/ST employees and that the Liaison Officer may in turn be able to do his job with more dedication and commitment.

Action Taken by Government

1.24 It is reiterated that in order to protect the interests of the SCs and STs and to ensure implementation of the reservation policies, each Ministry/Department, including attached/subordinate offices and organisations under it, is required to appoint a Liaison Officer, atleast of the rank of Deputy Secretary and it is the duty of the Liaison Officer to ensure due compliance of the orders and instructions pertaining to the reservation of

vacancies in favour of SCs/STs and other benefits admissible to them. Since Liaison Officer is a senior level officer, he is capable of ensuring that the reservation policies and guidelines of Government of India are followed in letter and spirit in his organisation. He has also been empowered to report the cases of negligence or lapses in implementing reservation rules/guidelines to the Secretary/Additional Secretary to the Government in the respective Ministry/Department who are required to pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned.

As already stated above, ISTM has been conducting workshops on reservation and Liaison Officers. The officers of DoPT have also been separately conducting workshops on reservation matters. During these workshops, the Liaison Officers, attending the workshops, are educated about the various provisions of reservation in appointments and the roles, duties and powers of the Liaison Officer. Thus, DoPT has been making efforts to educate Liaison Officers, as well as other concerned officers in the Ministries/Departments to ensure implementation of reservation policies in the Government of India in true letter and spirit.

Comments of the Committee

1.25 The Committee take note of the action taken replies wherein it was stated that each Ministry/Department, including attached/subordinate offices and organisations under it, are required to appoint a Liaison Officer, atleast of the rank of Deputy Secretary and it is the duty of the Liaison Officer to ensure due compliance of the orders and instructions pertaining to the reservation of vacancies in favour of SCs/STs and other benefits admissible to them. The Committee, however, during various sittings encountered many instances of Liaison Officers of an Organisations/Ministries/Departments/Banks accompanying the witnesses were not able to respond to simple queries w.r.t vacancies for SCs/STs, status of reservation rosters, lapses, if any in implementing reservation rules etc. The Committee are astounded to observe that Liaison Officer are appointed who have lack of knowledge and basic information about the reservation roster, contrary to the claim of DoPT that they are well trained and efficient enough to watch over implementation of reservation policy. The Committee in their earlier recommendations had touched upon issues on the need for the Liaison Officer to work independently and without any interference from any outside and to provide him/her independent working space, not to overburden him/her with other heavy official work apart from his liaisoning duties so as to enable him to render justice to his main function of looking after the

welfare of SC/ST employees in the organisation/institutions. The Committee had also desired that the ACR of the liaison officer should be written by the highest authority so that there is no interference from other senior officers. However, the action taken reply of the Ministry/DoPT have not responded to any of the aforesaid issues raised by the Committee. The Committee, therefore, strongly reiterate that an officer well-versed with the preparation of rosters for SCs and STs be appointed for efficacious delivery of goods. A complete comprehensive reply addressing the core issues raised in the report may be furnished to the Committee.

Recommendation (Sl. No. 10)

Verification of Caste Certificate

1.26 The Committee has observed that presently verification of caste certificate is carried at the fag end of the career of the employee. Many a times it is seen that retirement benefits of SC/ST employees are being withheld due to non-verification of their caste certificate as it is seen that verification process takes a long time because of old records being not accessible/easily accessible. This especially is the case if verification is being done after a long gap of more than 30-35 years of appointment of a person. In reply to a query regarding mechanism to ensure guidelines issued by DoPT with regard to verification of caste certificate it is stated that the State/UT Governments have been requested to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. DoPT further stated that the State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status. It has been observed that the State level scrutiny Committees usually cause inadvertent delay in processing the cases causing extreme mental harassment and financial difficulties to the retired employees. The Committee, therefore, strongly recommend that working of State level Scrutiny Committees be streamlined. The Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) should bring out clear guidelines which should be adhered to by all the State Governments/State Level Scrutiny Committees. The Committee are of the view that if Organization/Ministry/Department/PSU carries out the verification process immediately on joining of a person, no person can gain employment on the basis of false caste certificate. The Committee hence recommend that the process of verification should be streamlined by following scientific methods and deciding them in a time bound manner so that it does not become a tool for harassing innocent people and that responsibility should be fixed for any inordinate delay during the process of the verification of caste certificate. If the organisation carries out the verification process immediately on joining of a person, then no person can gain employment on the basis of false caste certificate. As recommended earlier also the Committee reiterate that Government may introduce a Bill to make the use of false caste certificate a punishable offence.

Action Taken by Government

1.27 The responsibility for issue and verification of caste/community lies with the concerned State/UT Government. Hon'ble Supreme Court, vide its judgement, dated 2.9.1994, in the matter of '*Kumari Madhuri Patil vs Addl. Commissioner*', has laid down detailed guidelines to be followed by the State Governments, for verification of the caste certificate.

DoPT has issued instructions from time to time to all the Ministries/ Departments as well as the State/ UT Governments for timely verification of the caste certificate of the employees. In fact, the State/UT Governments have been requested from time to time that they are required to ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments have also been requested from time to time to initiate disciplinary proceedings against the officers of the State who default in timely verification of Caste Status.

However, keeping in view the directions of the Parliamentary Committee on the Welfare of SC and ST, DoPT vide OM, dated 29.3.2023, again issued a communication to all the Ministries/ Departments requesting that all the Ministries/Departments, including their attached, subordinate offices, PSUs, Autonomous Bodies etc., may ensure that process for verification of the caste certificate of the employee may be initiated immediately and a communication may be issued to the concerned State/ UT Authorities within a week of joining of government service by the employee. The latest instructions also provided that if no report is received from the concerned State/UT Authorities within a period of one month, the matter may be taken up at the highest level and it may be ensured that the process for verification of the caste/tribe/community certificate of the employee is completed within a period of six months of her/his joining the service.

Insofar as the implementation of the aforesaid instructions regarding timely verification is concerned, it is reiterated that as per the instructions, which have been reiterated from time to time, each Ministry/ Department shall nominate an officer, not below the rank of Deputy Secretary, as a Liaison Officer in respect of matters relating to the representation of the Scheduled Castes and Scheduled Tribes. These instructions provides that it is the duty of Liaison Officer to ensure due compliance by the Ministry/ Department and subordinate appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of SC and ST.

Comments of the Committee

1.28 The Committee are pleased to note the action taken reply of the Ministry/DoPT and appreciate that DoPT has issued various guidelines from time to time for streamlining the process of verification of Caste Certificate of the employees and has time and again requested the State/UT Governments for timely verification of the same. However, the Committee are concerned to note that even after the detailed guidelines dated 02-09-1994 laid down by the Supreme Court for streamlining the procedure of the issuance of social status certificates, their scrutiny and their approval and also umpteenth instructions and reiterations from the Ministry/DoPT in this regard, the process of verification of Caste Certificate is still yet to be thoroughly streamlined which has resulted in withholding retirement benefits of many SC/ST employees due to non-verification of their caste certificate or even resulting in death of the retired employee before completion of the verification process. The action taken reply further stated that instructions have been issued to Ministries/Departments, including their attached, subordinate offices, PSUs, Autonomous Bodies etc., to ensure that process for verification of the caste certificate of the employee may be initiated immediately and to ensure that the same is completed within a period of six months of her/his joining the service. However, many instances/cases of withholding of pensionary benefits of the SC/ST employees serving in State/UT Governments have been noticed due to pendency of their caste verification process at the fag end of their retirement. Even in some cases, the Committee have experienced instances where employees are being forced to get their caste certificate verified before fag end of their retirement or otherwise they are being chargesheeted. The Committee, therefore, not only reiterate their earlier recommendation that responsibility should be fixed for any inordinate delay during the process of the verification of caste certificate but also that DoPT in coordination with the Ministry of Social Justice & Empowerment must prepare a suitable draft legislation to this effect so as to ensure timely verification of caste certificate and streamlining of the process of verification of caste certificate without adversely affecting the genuine SC/ST employees. The Committee are of the view that legislation to this effect is essential to assess and analyze the strict implementation of the various directions/instructions issued by the State Government & DoPT to avoid deprivation of bonafide pensionary benefits to the

retired persons. The Committee may be apprised about the progress made by the Government in this regard.

Recommendation (Sl. No.11)

Reservation in Outsourced/Contractual appointments

1.29 In reply to queries raised by the Committee regarding provision for reservation for SC/ST in contractual appointments as per instructions issued by Department of Personal & Training (DoPT), there shall be reservation for SCs, STs and OBCs in temporary appointments to Central Government posts and services, which are to last for 45 days or more. It is, however, seen that contracts for such outsourced services are awarded to the firms and the personnel engaged in such services are the employees of the private contractors or firms. As per DoPT instructions Ministries are required to issue suitable instructions to the Undertakings under their control to make reservation for SCs and STs in their services and that autonomous bodies, Cooperative Institutions, Universities etc., receiving grant-in-aid from the government of India, to provide reservations for SCs and STs by making suitable provisions in the relevant statutes or in the Articles of Association of the respective bodies. The Committee are made to understand that in various PSUs, Banks and their subsidiaries, with huge manpower and establishment/offices which spread across the country are outsourcing some specific non-core works to contractors and that reservation for SC/ST are not being implemented in these organizations. The Committee, in view of the fact that these subsidiaries are owned by the government strongly recommend that reservation should be extended to all such subsidiaries at the earliest. The Committee legitimately expect from such organizations that as per DoPT order contractual labours who have worked for more than 45 days are eligible for reservation in service. The Committee may be apprised of the compliance of DoPT order by various Ministries/Departments/PSUs/Banks etc in this regard. The Committee desire that a stringent monitoring mechanism be put in place so that DoPT instructions on reservation policy issued from time to time are strictly complied with and that any instructions issued by the Government regarding reservation for SCs/STs in outsourcing of works and contractual employment be strictly followed in all Ministries/Departments/PSUs/Banks etc. The Committee are of the firm view that since the payment to the contractual labours/personnel outsourced through a private entity are made from the consolidated fund of India and that Department of Personnel and Training being the principal employer should issue strict instructions and that there should be a special contract clause for implementation of reservation policy for SCs and STs to be followed by the Contractors while engaging the workers. Further, the Committee also recommend that a mechanism be put in place to ensure minimum wages, safety, health benefits and security to all contractual and outsourced workers. In this way the downtrodden sections of society will get proper representation and equal chance to be at par with other sections of the society.

Action Taken by Government

1.30 Rules 177 to 206 of the General Financial Rules, 2017 (GFR 2017), which have been issued by M/o Finance, allows the Ministries or Departments of the Government of India to hire 'Consulting Services' such as external professionals, consultancy firms or consultants or "Non-Consulting Services" such as hiring of vehicle, outsourcing of building facilities management, security, photocopier service, office errand services etc. in the interest of economy and efficiency. The personnel engaged in such services are the employees of the contractors or firms, who provide such services and are the employees of the private sector.

A Coordination Committee for Affirmative Action in the Private sector was set up by the Government in 2006. In the first Coordination Committee meeting, it was stated that the best course for achieving progress on the issue of affirmative action is through voluntary action by the industry itself. Accordingly, the Apex Industry Associations, namely Confederation of Indian Industry (CII), Federation of Indian Chamber of Commerce and Industry (FICCI), Associated Chambers of Commerce and Industry of India (ASSOCHAM) and Dalit Indian Chamber of Commerce and Industry (DICCI) have prepared Voluntary Code of Conduct (VCC) for their member companies centered around education, employability and entrepreneurship to achieve inclusion. Measures undertaken by the members of Industry Associations, inter-alia, include scholarships, vocational training, entrepreneurship development programmes, coaching etc.

Government is implementing various schemes for the welfare of labourers. To name a few, the Minimum Wages Act, 1948, provides for fixing minimum rates of wages in scheduled employments, including those in private sector. Life and Disability cover is provided through Pradhan Mantri Jeevan Jyoti Bima Yojna and Pradhan Mantri Suraksha Bima Yojna. The Government is implementing the Unorganised Workers Social Security Act (UWSS), 2008, across the country including rural areas to provide social security to unorganized workers by formulating suitable welfare schemes on the matters relating to life & disability cover, health & maternity benefits, old age protection and any other benefit as may be determined by the Central Government. The GeM portal, through which the services of the vendor are procured, also requires the service provider to ensure that wages to the contract labour are paid on time failing which the principal employer/buyer shall be liable to pay the wages to the contract labour directly and recover the amount from the service provider/contractor. Another condition which the vendor is required to ensure is compliance of all the applicable Laws/Acts/Rules etc. including minimum wages, insurance, PF, ESI etc. These are the conditions which are mandatorily required to be fulfilled by the vendor.

Comments of the Committee

1.31 The Committee take note of the action taken replies wherein it was stated that General Financial Rules allows the Ministries or Departments of the Government of India to hire ‘Consulting Services” such as external professionals, consultancy firms or consultants or “Non-Consulting Services” such as hiring of vehicle, outsourcing of building facilities management, security, photocopier service, office errand services etc. in the interest of economy and efficiency. The personnel engaged in such services are the employees of the contractors or firms, who provide such services and are the employees of the private sector. In this regard, the Committee are of the considered view that since payment to outsourced private entity are made from the Consolidated Fund of India and also in view of the fact that these subsidiaries are owned by the Government, the Committee had earlier recommended that reservation should be extended to all such subsidiaries at the earliest as per instructions issued by Department of Personnel and Training (DoPT), which states that there shall be reservation for SCs, STs and OBCs in temporary appointments to Central Government posts and services, which are to last for 45 days or more. The instructions further state that Ministries are required to issue suitable instructions in this regard to the Undertakings under their control. The Committee, therefore, reiterate their recommendation that since the payment to outsourced private entity are made from the Consolidated Fund of India and that Department of Personnel and Training being the principal employer should issue strict instructions and that there should be a special contract clause for implementation of reservation policy for SCs and STs to be followed by the Contractors while engaging the workers. A monitoring mechanism may also be put in place to oversee that all the instructions issued on reservation policies in outsourced contractual work for SCs/STs are strictly complied with. The Committee may be apprised about the progress made by the Government in this regard.

CHAPTER - II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No.1)

Due Representation in empanelment of officers on deputation

2.1 The Committee, in their Twenty Fifth Report, (17th Lok Sabha) had recommended as under:

The Committee is pleased to note that representation of Scheduled Castes and Scheduled Tribes candidates among higher echelons of bureaucracy to some extent is increasing but is still much below the expected level, rather dismal as data furnished shows an increase from 458 in 2017 to 550 in 2022, the maximum of which is at the level of DS/Director with 423 in 2017 to 509 in 2022 . At the senior level of JS/AS/Secretary the figure remains almost the same with 35 in 2017 and 41 in 2022. The Committee have been informed that the appointment of officers to the senior level posts under the Government of India are filled on deputation basis from officers of participating services, including All India Services (AIS). These posts are filled as and when the officers possessing requisite experience are made available by the State Government. Hence, representation of SC/ST officers in these posts depends on the number of officers belonging to such communities provided by the respective cadres. The Committee is also aware that there is no provision for reservation in the posts filled up on deputation basis under the CSS. It was, however informed that at the time of empanelment, every effort is made to empanel officers belonging to SC/ST categories and if necessary, by adopting liberal benchmark as compared to officers of unreserved category.

The Committee appreciate the Ministry for adopting liberal benchmark for SCs and STs category but at the same time agree that these higher level posts are filled as and when the officers possessing requisite experience are made available by the State Government including those officers from SC/ST and that representation of SC/ST officers in these posts depends on the number of officers belonging to such communities provided by the respective cadres. The Committee are of the opinion that there are adequate officers from SC/ST community who possess requisite experience for empanelment as they enter in Government services in their prime age and that too on their own merit as an unreserved candidate. The Committee have also been assured that effort is made to empanel officers belonging to SC/ST categories. The Committee, therefore, recommend the Ministry to explore all possibilities to increase representation of

SCs & STs in the process of empanelment so as to ease out the current imbalance in the empanelment process. The Committee is also made to believe that the dismal presence of SC/ST Officers at the higher level is due to non provision for reservation in the post filled up on deputation basis. The Committee may be apprised about the effective steps taken by the Government in this regard.

Action Taken by Government

2.2 The Ministry, in their Action Taken Reply stated as follows:

The Government is very sensitive towards the upliftment and welfare of SCs and STs. It is, however, stated that reservation in promotion is made upto the lowest rung of Group A. There is no provision of reservation in promotion within Group A.

Further, under the Central Staffing Scheme (CSS), the appointment of officers to the senior level posts under the Government of India such as Joint Secretary, Additional Secretary and Secretary are filled on deputation basis from officers of participating services, including All India Services (AIS). These posts are filled as and when the officers possessing requisite experience are made available by the State Government. Hence, representation of SC/ST officers in these posts depends on the willingness and relieving of the officers belonging to such communities by the respective cadres.

Recommendation (Sl. No.2)

Unique Identification Number for candidates for competitive exams.

2.3 The Committee are of the view that all candidates taking competitive examinations should be allowed to appear in the exam using a code number only without disclosing names for fair assessment. The Committee further desire that the name of the caste of SC/ST Community should also not be disclosed once selection processes in all aspects are completed so that any possible form of discrimination against such community may be less evident. The Committee, therefore, recommend that the Department of Personnel and Training should issue directions in this regard. The action taken report may be communicated to the Committee within three months of the presentation of the report.

Action Taken by Government

In examinations conducted by UPSC

2.4 All precautionary measures are taken to ensure that the identity of the candidate is not revealed to the examiners, who are entrusted with the responsibility of evaluating

the answer sheets of the candidates. As a part of this exercise, before evaluation, the Roll Number written on every answer book is detached and computer-based randomized fictitious code number is given. At no stage of the evaluation process (including the moderation stage) the actual Roll Number/ identity of the candidate is disclosed to any of the examiners/ officials associated in the process.

Further, Ministry of Home Affairs' OM No. 1/1/70-Estt.(SCT) dated 31.07.1970 has laid down the procedure for conducting interview of the SC/ST candidates separately. These instructions are strictly followed in all Structured Examinations, conducted by UPSC, wherever interviews are conducted by UPSC. Details relating to categories of the candidates are not disclosed to the members of the Interview Board, except to the President of the Board.

In examinations conducted by SSC

In all the examinations conducted by SSC, every candidate is allotted a Roll No. which is unique to the candidate for an examination. The Commission does not collect information about caste of a candidate but only the category viz. SC, ST, OBC, EWS, UR etc. Category of a candidate is essential, inter-alia, for processing category wise result for providing benefit of reservation as per extant rules/ guidelines of the Government of India. The name of a candidate is mentioned in the Admit Card issued for an examination; this is essential to ensure the identity of the appearing candidates with reference to any Government issued identity card. The examinations of the Commission are conducted in Computer Based Examination (CBE) mode. The evaluation/assessment of CBE is done by the system without any manual interference and, thus, there is not possibility of discrimination on the basis of category of an SC/ST candidate.

With regard to not disclosing name of caste once selection process is complete, it is mentioned that result is processed category wise so as to ensure reservation in final result as per extant Government guidelines/policy. Thus, the category of the candidate is mentioned in the dossier; however, caste is not disclosed. Starting from Examination Cycle 2022, document verification process is being undertaken by the User Departments and not by the Commission except in Selection Post examinations. During document verification, the caste certificate is obtained from the candidates and kept in the dossiers sent to the departments so that User Departments may verify the claim with regard to their claim for reservation etc.

Comments of the Committee

2.5 Please see Para No. 1.7 of Chapter I.

Recommendation (Sl. No.5)

Representation of SCs/STs in Services

2.6 The Committee are perturbed to note that the category-wise percentage representation at various levels for Scheduled Castes and Scheduled Tribe for Group A is far below the constitutionally mandated percentage of 15 % for SCs and 7.5 % for STs. The Committee also note that the representation of STs in Group B and C is well below the mandated percentage. The Committee would like to be apprised regarding the reasons for very low percentage of representation in group A posts for both SCs and STs and also Group B and C post for STs despite various concessions/relaxation/reservation being offered. The Committee, therefore, strongly recommend that in view of the implementation of presidential mandate concerted efforts be made by the Ministry/DoPT to attain the prescribed percentage of SC/ST Officers in all level of posts. The progress made in this regard may be informed to the Committee.

Action Taken by Government

2.7 Occurrence and filling of vacancies is a continuous process. As already stated above, instructions have been issued to all Ministries/Departments of the Central Government to constitute an In-House Committee for identification of backlog reserved vacancies, to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and fill them up through Special Recruitment Drives. Instructions already exists for designating an officer of the rank of Deputy Secretary and above, as Liaison Officer, to ensure due compliance of the orders and instructions pertaining to reservation and to set up a Special Reservation Cell under the direct control of Liaison Officer to assist her/him in discharge of duties. Frequent interactions are held with the Ministries/Departments and workshops are organized for the Ministries/Departments on reservation related issues, as stated above. Through these meetings/workshops, the Ministries/Departments are urged to take action in a time bound manner to fill up the backlog reserved vacancies.

As per the data furnished by the Ministries/Departments, as on 01.01.2022, the representation of SC and ST is equal to or more than the prescribed quota in Group B and C. The Overall representation of SC and ST is also more than the prescribed quota.

Comments of the Committee

2.8 Please see Para No. 1.16 of Chapter I.

Recommendation (Sl. No.6)

Clearance of Backlog vacancies

2.9 The issue of backlog vacancies pertaining to direct recruitment and promotion is of great concern and has continuously been raised by the Committee during evidence with various Ministries/Departments/PSUs/Banks etc. The Committee note that massive shortfall exists in both direct recruitment and promotion of SCs and STs in all categories of posts according to the statements

furnished during such evidences. The Committee are, however, pleased to note that the Department of Personnel and Training issues instructions to all Ministries/Departments of the Central Government to constitute an in-house Committee for identification of backlog reserved vacancies, to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives. For the purpose frequent interactions are held with 10 Ministries/Departments, having more than 90% of the employees in Central Government and communications being issued to them from time to time seeking action taken report regarding filling up of reserved backlog vacancies. The Committee are, nevertheless, not satisfied with the statement stated/made above as the monitoring by DoPT is not inclusive but specific to few Ministries/Departments. The Committee during the sitting held on 12.07.2022 had strongly desired that the Ministry/DoPT should review their monitoring mechanism by devising an effective detailed plan that should include all the Ministries/Departments, classifying Group-wise all the the backlog vacancies existing in various Ministries and Departments for intelligible statistical data on priority basis. Accordingly, the Committee hope that all such identified backlog vacancies would be filled within a stipulated schedule by carrying out special recruitment drive as recommended. The Committee would like to be apprised of the progress made in the filling up of backlog posts.

Action Taken by Government

2.10 Filling up of vacancies, including backlog reserved vacancies, is a continuous process. Instructions have been issued to all Ministries/Departments of the Central Government to constitute an in-house Committee for identification of backlog reserved vacancies, to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives.

DoPT had been monitoring the progress with regard to filling up of backlog reserved vacancies for SCs, STs and OBCs with 10 Ministries/Departments, having more than 90% of the employees in Central Government and the progress on filling up of backlog reserved vacancies was sought from them. Such progress report (in physical form) was sought from these 10 Ministries/Departments.

Workshops were organized during May, 2022 and May, 2023 on backlog reserved vacancies, in which representatives and Liaison Officers were invited. Attention of the officers was invited towards the concern shown by the Parliamentary Committee on existence of backlog reserved vacancies. The attention was also drawn towards the instructions issued by DoPT from time to time regarding constitution of an in-house Committee for identification of backlog reserved vacancies and to fill them up through Special Recruitment Drives, as stated above. These Ministries/Departments were requested to take urgent action to fill up the backlog reserved vacancies in a time bound manner. However, from 01.01.2023 onwards, all the Ministries/Departments have been requested to submit online data regarding backlog reserved vacancies.

Comments of the Committee

2.11 Please see Para No. 1.19 of Chapter I.

Recommendation (Sl. No.9)

Promotion of SC/ST employees

2.12 The Committee note that the percentage representation of promoted SC/ST in Group A during the last 05 years is well below the mandated percentage of 15 % for SCs and 7.5 % for STs. The mandated percentage for Group C and D is also not being maintained. With regard to factual note about the concession given to SC/ST candidates/employees at the time of direct recruitment/ appointments/ promotion and interview the Committee are informed that in case promotions made through departmental competitive examinations, if sufficient number of Schedule Caste / Scheduled Tribe candidates are not found eligible to the higher standard fixed, then steps are taken to fill up all the vacancies reserved for Scheduled Caste and Scheduled Tribe candidates by granting concession of 10% in qualifying standard marks to keep a chain of promotion and feeder cadre intact. The Committee appreciate to note that in order to enable a level playing fields for SC/ST candidates in promotion/written exams in various Ministries/Departments/PSUs/Banks etc. pre-promotion training is imparted. The Committee would like to impress upon Department of Personnel & Training that if they still are not able to find the eligible candidates in the feeder cadre, the backlog vacancies subject to conformity of rule, may be diverted temporarily to the direct recruitment quota by conducting departmental examination to fill up backlog in a time bound manner. In the subsequent year(s) when reserved vacancies in the direct recruitment quota becomes available they may be diverted to the promotion quota to make up the vacancies diverted earlier and filled from SC/ST candidates in feeder cadre who might by now have become eligible for promotion. The exchange of vacancies in this manner will ensure that structure and composition of the cadre remain unaffected over a period.

Action Taken by Government

2.13 As already stated above, filling up of vacancies, including backlog reserved vacancies, is a continuous process. Instructions have been issued to all Ministries/Departments of the Central Government to constitute an in-house Committee for identification of backlog reserved vacancies, to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives.

As per the data furnished by the Ministries/Department, as on 01.01.2022, the percent of SCs and STs in promotion made in Group 'B' during the calendar year 2021 was 20.12% and 9.24% respectively while percent of SCs and STs in promotion for Group

'C' made during the calendar year 2021 was 18.50% and 8.61% respectively. Further, overall representation of the SCs/STs in posts/services is more than their prescribed percentage of 15% for SCs and 7.5% of STs.

As already replied above, officers of DoPT are holding workshops and interacting with the Ministries/Departments through various communications requesting them to fill up all the backlog reserved vacancies in a time bound manner. Further, it is also stated that there is a ban on dereservation of vacancies falling on direct recruitment quota. In case of promotion, DoPT does not encourage dereservation of vacancies. It is advised to fill up the vacancies temporarily through some other mode of recruitment till the incumbent belonging to the reserved category is available.

CHAPTER - III

**RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT
DESIRE TO PURSUE IN THE LIGHT OF THE REPLIES FROM THE GOVERNMENT**

----- NIL -----

CHAPTER - IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendation (Sl. No.3)

Representation of SCs and STs in the Board of Directors

4.1 The Committee note that at present there is negligible presence or no presence of SC and ST members in the Board of Directors of almost all the Ministries/Departments/PSUs/Banks etc which in fact deprive SCs/STs to be part of the decision making process and policy matters and also not helpful in protecting the interests of SCs and STs in service matters. The most common reason provided being that “the Officers of SC/ST community could not be appointed to the post of Members and Chairman, primarily due to non-availability of suitable candidate”. The Committee are not willing to accept routine reply as there are highly qualified deserving and meritorious candidates among SCs/STs are available. The Committee firmly believe that non-inclusion of SC/ST members in the Board of Directors is not in conformity with the participatory democracy which provides representation/participation of each section of the society. The Committee strongly recommend that DoPT being the formulator of central policy for the Central Government/Ministries/Department must come forward to formulate policy in coordination with all the Ministries/Departments, Department of Financial Services, Ministry of Social Justice and Empowerment and Department of Public Enterprises to ensure that there must be representation of SCs/STs in the Board of Directors of all Central Government Organisations/Ministry/Departments/PSUs/Banks/Autonomous Bodies etc. The Committee firmly believe that the long pending legitimate expectation of the Committee would come into effect with the earnest efforts of DoPT. The Committee may be apprised about the progress made by the Government in this regard.

Action Taken by Government

4.2 The appointments of Whole-Time Directors on the Board of Public Sector Banks and other financial institutions are made in terms of provisions of the relevant Statute/Act under which these organisations have been set up. The Government of India has constitutes Financial Service Institutions Bureau (FSIB) on 1.7.2022 for the purpose of recommending persons for appointment on the Boards of Financial services institutions. The Non-official Directors (NODs) in accordance with the Appointment Committee of the Cabinet's (ACC) guidelines dated 23.03.2015. These guidelines provide, inter-alia, that wherever possible representation may be given to women and the persons belonging to SC/ST/OBC community.

At present, there are seven Directors on the Boards of various Public Sector Banks who belong to SC/ST category. Further, in their recommendation dated 15.07.2023, the FSIB has recommended names of 15 candidates for appointment to the post of Executive Director in the various Public Sector Banks for vacancies arising in the Financial Year 2023-24. Out of these, three candidates belong to SC/ST category.

In Board-level appointments in Public Sector Enterprises, the Public Enterprises Selection Board (PESB) follows the Government instructions and as of now, there is no Government policy of reservation on recommendation of names by PESB to the Board Level posts in CPSEs. Further, the recommendations are made keeping in view the performance of eligible candidate interviewed with special regard to their managerial capabilities, leadership, vision, track record, the available APARs and the inputs provided by the Secretary of the concerned administrative Ministry/Department and CMD/MD/Chairman, wherever applicable, of the concerned CPSE.

Comments of the Committee

4.3 **Please see Para No. 1.10 of Chapter I.**

Recommendation (Sl. No.4)

Monitoring mechanism set up for Regulatory Body under DoPT for implementation of reservation policy

4.4 **The Committee note that the DoPT formulates and issues various instructions from time to time for implementation of reservation policies for SCs and STs. The Committee further note that the DoPT have made a provision for nomination of Liaison Officer, in each Ministry/Department to ensure due compliance of the orders and instructions pertaining to the reservation of vacancies in favour of SCs/STs and other benefits admissible to them. The Committee, however, are of the view that the DoPT should not feel contented by merely passing on the reservation policy and orders to the Ministries/Departments without monitoring and inspecting their performance in execution of SC/ST reservation policy. The Committee, however, do understand that in view of the large structure of Government of India, it may not be possible for DoPT to monitor implementation of the reservation policy in all the Ministries/Departments/ Organisations/Establishments etc. The Committee, therefore, are of the view that DoPT must inspect certain Ministries/Departments of the Government of India where the stake of SCs and STs are high. The Committee are happy to note that the DoPT during evidence has informed that it monitors the progress with regard to filling up of backlog vacancies reserved for SCs, STs and OBCs with 10 Ministries/Departments and that frequent interactions are held with these Ministries/Departments through meetings and communications being**

issued to them from time to time seeking action taken report regarding filling up of reserved backlog vacancies. Like-wise, the Committee feel that DoPT being the nodal Ministry, it is legitimate expectation from the Department of Personnel and Training to monitor periodically whether or not various Ministries/ Departments are earnestly implementing the reservation policies and orders in letter and spirit. The Committee are of the firm view that to solely leaving to individual Liaison Officer/Ministry to take up the decision to implement the reservation policies and orders is neither advisable nor in the interest of SCs and STs. The Committee are, therefore, of the firm view that the Ministry/DoPT should take up the matter with highest authority to set up a separate regulatory authority under DoPT to ensure meaningful and full implementation of the reservation policies and orders till legislation to this effect is enacted by the Government.

Action Taken by Government

4.5 As already informed to the Committee that as per the instructions issued by DoPT, every Ministry/Department and organisations under it is required to designate an officer, atleast of the rank of Deputy Secretary, as Liaison Officer in respect of matters relating to the representation of the SCs and STs in order to ensure that subordinate appointing authorities comply with the orders and instructions pertaining to the reservation of vacancies in favour of SCs and STs. The Liaison Officers have been empowered to conduct inspection of the rosters, to call out for the records and convene meetings with the concerned officers to ensure that the reservation instructions are properly implemented. Although each organisation under the Ministry/Department is required to have a separate Liaison Officer, but he performs his duties as Liaison Officer under the overall supervision of the Liaison Officer of the administrative Ministry/Department. He has also been authorized to report any lapse/ negligence in following the reservation related instructions by the appointing authority concerned to the Secretary/ Additional Secretary of the administrative Ministry/Department.

DoPT has also requested the Ministries/Departments to constitute an In-House Committee under the chairmanship of Joint Secretary (Admn.) to identify the backlog reserved vacancies, and to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives.

However, in order to ensure prescribed representation and implementation of the policies of reservation in appointments, DoPT has also been playing an active role. DoPT holds frequent interactions with the Ministries/Departments urging them to take effective steps, as requested, for filling up of backlog reserved vacancies. ISTM, an attached office of DoPT, conducts training courses and workshop on reservation in services and Liaison Officers on regular basis for the officers of Ministries/Departments. During the last 6 years, 33 training courses/workshops have been held by ISTM in which 1168 officers of various Ministries/Departments participated. Many times officers of DoPT are also invited as guest faculty in workshops organized by ISTM on the subject of reservation in services

Officers of DoPT have also started separately holding workshops on reservation to educate the officers of various Ministries/Department or organisations under them on the subject and impressing upon them to take effective steps to ensure representation of SC/ST/OBC, as prescribed. Through these workshops, the participating officers of these Ministries/Departments/Organisations are also educated about role and importance of Liaison Officer in effective implementation of reservation policies of the Government and the need to take effective steps for filling up of backlog reserved vacancies. Queries of the participating officers, who are responsible for maintaining reservation rosters and reporting reserved vacancies to the recruiting agencies, are also addressed during the workshops. During the year 2023, officers of DoPT conducted workshops for IRCTC (in May 2023), THDC (in June, 2023), National Statistical Office under the Ministry of Statistics and Programme Implementation, Guwahati (in July 2023 in virtual mode). Further, Officers of DoPT also visited Central Sanskrit University and Lal Bahadur Shastri National Sanskrit University during July 2013 and met the Liaison Officer. Some reservation rosters were also checked by the officers and found them to be in order. It was explained that the Liaison Officer has the overall responsibility for ensuring that the reservation policies of the Government are properly implemented and the reservation rosters are maintained as per the guidelines. Their attention was also invited towards the consolidated instructions issued by DoPT on the roles and duties of the Liaison Officers. CSU staff was however told that if they still have any difficulty in implementation of the reservation roster, they may approach the officers of DoPT for clarification over telephone also.

During the month of November, 2023, interactions were held with 25 Ministries/Departments and they were requested to take necessary action to fill up the backlog vacancies in a time bound manner.

Comments of the Committee

4.6 **Please see Para No. 1.13 of Chapter I.**

Recommendation (Sl. No.7)

Reservation Roster

4.7 **The Committee are pleased to note that subsequent to the directions of the Hon'ble Parliamentary Committee, an Officer of DOPT was nominated to examine the rosters of Delhi University and found that reservation was not as per DoPT guidelines issued, and that thereafter, subsequent to verification of rosters, the Delhi University had organized an inter-active session with the Liaison Officers of various affiliated colleges, which was also attended by the representative of DOPT. The Committee is of the firm view that since rosters is a very important document as far as the welfare and interest of SCs and STs is concerned, separate post-based rosters be maintained for promotion and in direct recruitment since the whole system of implementation of reservation orders rest on maintenance of rosters. Roster being the only mechanism through which a watch is kept on the proper placement of SC/ST employees in their respective**

cadres against the vacancies reserved for them, the Committee, therefore, recommend that a team consisting of DoPT officers should randomly check any roster prepared by the Ministries/Departments and also direct all the Ministries/Departments to follow a common roster format prescribed and approved and report to the Committee about the conformity pointed out by the DoPT in this regard. The Committee had also desired that DoPT should also from time to time or randomly check the rosters of one/two colleges of the Central Universities to ensure that rosters are being prepared as per DoPT norms. DoPT may use certain common format which may be applicable to all and then circulate the same to all central universities/colleges for common use. Discrepancies noticed during such inspection of rosters should be rectified immediately and also brought to the notice of the Head of the Department. The Committee, as such, are of the view that the officers concerned for the maintenance of rosters as well as Liaison Officers should be sensitized about any lapse and to avoid its recurrence. The Committee would like to be informed about the strict compliance with regard to DoPT inspection reports on rosters vis-a-vis discrepancies identified/noticed and rectified. The Committee also recommend that roster prepared by each Ministry/Department/Autonomous Bodies must be uploaded on their respective intranet in order to maintain transparency in this regard.

Action Taken by Government

4.8 DoPT formulates policy and issues instructions from time to time for implementation of reservation policies. However, it is for the concerned Department/ Ministry/ Organisation to implement the said policies. Whenever any reference is made to this Department seeking clarifications on implementation of reservation policies, appropriate advice is given.

As per the provisions of Transaction of Business Rules and Allocation of Business Rules, all Departments/Ministries are equal and the Department of Personnel and Training has no power of superintendence over other Ministries to monitor the implementation of reservation policy. This is why each Ministry/ Department is entrusted to monitor the implementation of reservation policy in their Department/Ministry/Attached and Subordinate offices and organizations under their administrative control. Further, keeping in view the large structure of Govt. of India, it may not be possible for a single organization to monitor implementation of the reservation policy in all the Ministries/ Departments/ Organisations/ Establishments.

Hence, through the mechanism of Liaison Officer, maintenance of reservation roster as per the guidelines of DoPT is ensured.

However, as per the directions of the Parliamentary Committee on the Welfare of SC and ST, officers of DoPT visited two Central Universities, i.e. Central Sanskrit University and Lal Bahadur Shastri National Sanskrit University during July, 2023. Some reservation rosters were checked on random basis by the officers of DoPT and they found those rosters as per the DoPT guidelines. The officers then also met the Liaison Officers and informed them about the latest developments in reservation in promotion and the Hon'ble Supreme Court judgment in the matter. Officers of DoPT also shared their mobile numbers with the concerned Liaison Officers advising them that they may either visit DoPT or contact on those numbers whenever they have any doubt with regard to the reservation roster.

As per the instructions, the reservation roster is not a confidential document and, therefore, there can be no objection in principle to the roster being shown to any individual/association. If any Government servant/recognised service association wants to see the reservation roster, there can be no objection to the roster being shown to them.

Comments of the Committee

4.9 **Please see Para No. 1.22 of Chapter I.**

Recommendation (Sl. No.8)

Liaison Officer

4.10 **The Committee are pleased to note that Liaison Officer and his staff are given training about the rules, regulations, provisions of reservation for SC/ST. The Committee are given to understand that Liaison Officer apart from carrying out work relating to SCs/STs have been assigned technical/administrative work also. The Committee are of the view that the Liaison Officer is a key figure in an organisation and is responsible for ensuring implementation of reservation policies of the Government. Therefore, the Committee desire that Liaison Officer should be allowed to work independently and without any interference from any side and provided independent working space. The Committee strongly recommend that since the Liaison Officer is appointed to ensure due compliance**

of orders and instructions pertaining to reservations of vacancies in favour of SCs/STs, he/she should not be overburdened with other heavy official work apart from his liaising duties otherwise, the Liaison Officer will not be able to render justice to his main functions i.e. to look after the welfare of SCs/STs employees in the organisation/institutions. The Committee are of view that the Liaison Officer, being a link between the Management and the SC/ST employees of the Ministries/Departments/ PSUs/Banks etc Liaison Officer and his supporting staff should be appointed from reserved communities, so that the SC/ST employees may discuss, send and represent their reservation related problem without fear in a candid way. The Committee further desire that reviewing officer of the liaison officer should be the head of the department only and that the ACR of the liaison officer should be written by the highest authority so that there is no interference from other senior officers which may be for any reasons against the interest of SC/ST employees. Moreover, SC/ST officer appointed as Liaison Officer should be able to augment confidence of SC/ST employees and that the Liaison Officer may in turn be able to do his job with more dedication and commitment.

Action Taken by Government

4.11 It is reiterated that in order to protect the interests of the SCs and STs and to ensure implementation of the reservation policies, each Ministry/Department, including attached/subordinate offices and organisations under it, is required to appoint a Liaison Officer, atleast of the rank of Deputy Secretary and it is the duty of the Liaison Officer to ensure due compliance of the orders and instructions pertaining to the reservation of vacancies in favour of SCs/STs and other benefits admissible to them. Since Liaison Officer is a senior level officer, he is capable of ensuring that the reservation policies and guidelines of Government of India are followed in letter and spirit in his organisation. He has also been empowered to report the cases of negligence or lapses in implementing reservation rules/guidelines to the Secretary/Additional Secretary to the Government in the respective Ministry/Department who are required to pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned.

As already stated above, ISTM has been conducting workshops on reservation and Liaison Officers. The officers of DoPT have also been separately conducting workshops on reservation matters. During these workshops, the Liaison Officers, attending the workshops, are educated about the various provisions of reservation in appointments and the roles, duties and powers of the Liaison Officer. Thus, DoPT has

been making efforts to educate Liaison Officers, as well as other concerned officers in the Ministries/Departments to ensure implementation of reservation policies in the Government of India in true letter and spirit.

Comments of the Committee

4.12 Please see Para No. 1.25 of Chapter I.

Recommendation (Sl. No.10)

Verification of Caste Certificate

4.13 The Committee has observed that presently verification of caste certificate is carried at the fag end of the career of the employee. Many a times it is seen that retirement benefits of SC/ST employees are being withheld due to non-verification of their caste certificate as it is seen that verification process takes a long time because of old records being not accessible/easily accessible. This especially is the case if verification is being done after a long gap of more than 30-35 years of appointment of a person. In reply to a query regarding mechanism to ensure guidelines issued by DoPT with regard to verification of caste certificate it is stated that the State/UT Governments have been requested to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. DoPT further stated that the State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status. It has been observed that the State level scrutiny Committees usually cause inadvertent delay in processing the cases causing extreme mental harassment and financial difficulties to the retired employees. The Committee, therefore, strongly recommend that working of State level Scrutiny Committees be streamlined. The Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) should bring out clear guidelines which should be adhered to by all the State Governments/State Level Scrutiny Committees. The Committee are of the view that if Organization/Ministry/Department/PSU carries out the verification process immediately on joining of a person, no person can gain employment on the basis of false caste certificate. The Committee hence recommend that the process of verification should be streamlined by following scientific methods and deciding them in a time bound manner so that it does not become a tool for harassing innocent people and that responsibility should be fixed for any inordinate delay during the process of the verification of caste certificate. If the organisation carries out the verification process immediately on joining of a person, then no person can gain employment on the basis of false caste certificate. As recommended earlier also the Committee reiterate that Government may introduce a Bill to make the use of false caste certificate a punishable offence.

Action Taken by Government

4.14 The responsibility for issue and verification of caste/community lies with the concerned State/UT Government. Hon'ble Supreme Court, vide its judgement, dated 2.9.1994, in the matter of '*Kumari Madhuri Patil vs Addl. Commissioner*', has laid down detailed guidelines to be followed by the State Governments, for verification of the caste certificate.

DoPT has issued instructions from time to time to all the Ministries/ Departments as well as the State/ UT Governments for timely verification of the caste certificate of the employees. In fact, the State/UT Governments have been requested from time to time that they are required to ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments have also been requested from time to time to initiate disciplinary proceedings against the officers of the State who default in timely verification of Caste Status.

However, keeping in view the directions of the Parliamentary Committee on the Welfare of SC and ST, DoPT vide OM, dated 29.3.2023, again issued a communication to all the Ministries/ Departments requesting that all the Ministries/Departments, including their attached, subordinate offices, PSUs, Autonomous Bodies etc., may ensure that process for verification of the caste certificate of the employee may be initiated immediately and a communication may be issued to the concerned State/ UT Authorities within a week of joining of government service by the employee. The latest instructions also provided that if no report is received from the concerned State/UT Authorities within a period of one month, the matter may be taken up at the highest level and it may be ensured that the process for verification of the caste/tribe/community certificate of the employee is completed within a period of six months of her/his joining the service.

Insofar as the implementation of the aforesaid instructions regarding timely verification is concerned, it is reiterated that as per the instructions, which have been reiterated from time to time, each Ministry/ Department shall nominate an officer, not below the rank of Deputy Secretary, as a Liaison Officer in respect of matters relating to the representation of the Scheduled Castes and Scheduled Tribes. These instructions provides that it is the duty of Liaison Officer to ensure due compliance by the Ministry/ Department and subordinate appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of SC and ST.

Comments of the Committee

4.15 Please see Para No. 1.28 of Chapter I.

Recommendation (Sl. No.11)

Reservation in Outsourced/Contractual appointments

4.16 In reply to queries raised by the Committee regarding provision for reservation for SC/ST in contractual appointments as per instructions issued by Department of Personal & Training (DoPT), there shall be reservation for SCs, STs and OBCs in temporary appointments to Central Government posts and services, which are to last for 45 days or more. It is, however, seen that contracts for such outsourced services are awarded to the firms and the personnel engaged in such services are the employees of the private contractors or firms. As per DoPT instructions Ministries are required to issue suitable instructions to the Undertakings under their control to make reservation for SCs and STs in their services and that autonomous bodies, Cooperative Institutions, Universities etc., receiving grant-in-aid from the government of India, to provide reservations for SCs and STs by making suitable provisions in the relevant statutes or in the Articles of Association of the respective bodies. The Committee are made to understand that in various PSUs, Banks and their subsidiaries, with huge manpower and establishment/offices which spread across the country are outsourcing some specific non-core works to contractors and that reservation for SC/ST are not being implemented in these organizations. The Committee, in view of the fact that these subsidiaries are owned by the government strongly recommend that reservation should be extended to all such subsidiaries at the earliest. The Committee legitimately expect from such organizations that as per DoPT order contractual labours who have worked for more than 45 days are eligible for reservation in service. The Committee may be apprised of the compliance of DoPT order by various Ministries/Departments/PSUs/Banks etc in this regard. The Committee desire that a stringent monitoring mechanism be put in place so that DoPT instructions on reservation policy issued from time to time are strictly complied with and that any instructions issued by the Government regarding reservation for SCs/STs in outsourcing of works and contractual employment be strictly followed in all Ministries/Departments/PSUs/Banks etc. The Committee are of the firm view that since the payment to the contractual workers outsourced through private entity are made from the consolidated fund of India and that Department of Personnel and Training being the principal employer should issue strict instructions and that there should be a special contract clause for implementation of reservation policy for SCs and STs to be followed by the Contractors while engaging the workers. Further, the Committee also recommend that a mechanism be put in place to ensure minimum wages, safety, health benefits and security to all contractual and outsourced workers. In

this way the downtrodden sections of society will get proper representation and equal chance to be at par with other sections of the society.

Action Taken by Government

4.17 Rules 177 to 206 of the General Financial Rules, 2017 (GFR 2017), which have been issued by M/o Finance, allows the Ministries or Departments of the Government of India to hire ‘Consulting Services’ such as external professionals, consultancy firms or consultants or “Non-Consulting Services” such as hiring of vehicle, outsourcing of building facilities management, security, photocopier service, office errand services etc. in the interest of economy and efficiency. The personnel engaged in such services are the employees of the contractors or firms, who provide such services and are the employees of the private sector.

A Coordination Committee for Affirmative Action in the Private sector was set up by the Government in 2006. In the first Coordination Committee meeting, it was stated that the best course for achieving progress on the issue of affirmative action is through voluntary action by the industry itself. Accordingly, the Apex Industry Associations, namely Confederation of Indian Industry (CII), Federation of Indian Chamber of Commerce and Industry (FICCI), Associated Chambers of Commerce and Industry of India (ASSOCHAM) and Dalit Indian Chamber of Commerce and Industry (DICCI) have prepared Voluntary Code of Conduct (VCC) for their member companies centered around education, employability and entrepreneurship to achieve inclusion. Measures undertaken by the members of Industry Associations, inter-alia, include scholarships, vocational training, entrepreneurship development programmes, coaching etc.

Government is implementing various schemes for the welfare of labourers. To name a few, the Minimum Wages Act, 1948, provides for fixing minimum rates of wages in scheduled employments, including those in private sector. Life and Disability cover is provided through Pradhan Mantri Jeevan Jyoti Bima Yojna and Pradhan Mantri Suraksha Bima Yojna. The Government is implementing the Unorganised Workers Social Security Act (UWSS), 2008, across the country including rural areas to provide social security to unorganized workers by formulating suitable welfare schemes on the matters relating to life & disability cover, health & maternity benefits, old age protection and any other benefit as may be determined by the Central Government. The GeM portal, through which the services of the vendor are procured, also requires the service provider to ensure that wages to the contract labour are paid on time failing which the principal employer/buyer shall be liable to pay the wages to the contract labour directly and recover the amount from the service provider/contractor. Another condition which the vendor is required to ensure is compliance of all the applicable Laws/Acts/Rules etc. including minimum wages, insurance, PF, ESI etc. These are the conditions which are mandatorily required to be fulfilled by the vendor.

Comments of the Committee

4.18 **Please see Para No. 1.31 of Chapter I.**

CHAPTER-V

RECOMMENDATIONS/OBSERVATION IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT HAVE NOT BEEN RECEIVED

Recommendation (Sl. No.12)

Redressal of grievances of SCs/STs employees and Associations/Council/Federations etc.

5.1 The Committee are aware that there are many grievances related cases/complaints relating to caste verifications, retirement benefits, more particularly on under-representation of SCs & STs in the higher positions, deprivation of SCs and STs in getting promotion or attaining higher positions in various Ministries/Departments/PSUs/Banks etc. The Committee note that the grievances and complaints on service matters such as discrimination in promotion or non-consideration for promotion, non-inclusion of name in MACP Scheme, delay in financial upgradation, violation of reservation policies etc., have far reaching consequences and may have an adverse effect on the career growth of SC/ST employees. The Department of Personnel & Training in reply to a query has stated that the grievance of SCs/STs are taken care of by the Ministry/Department itself. The Committee are not satisfied with the reply as the Committee feel that DoPT, being the nodal Ministry/Department should evolve a mechanism to ascertain the status of such service related grievances from different Ministries/Departments/PSUs/Banks etc so that instructions may be issued to all Ministries/Departments to dispose of such grievances/complaints in a time-bound manner. The Committee recommend that DoPT should stringently monitor and assess such grievances/complaints related cases of employees belonging to SC/ST of all the Ministries/Departments. The Committee further recommend that DoPT should issue instructions to all Ministries/Departments/PSUs/Banks to hold separate periodic meetings with the representatives of the SC/ST Welfare Associations therein to sort out various problems/grievances relating to service matters. The Committee also recommend that the proceedings of the meetings should be recorded for follow up action and a copy of the minutes of such meetings be circulated to the representatives of the SC/ST Welfare Associations and to the concerned Ministry/Department/PSUs/Banks for information and necessary action so that purpose of such meetings may not be defeated. Further for recognized SC/ST Employees Association/Council/Federation, the Government must issue SOP in order to avoid split or dispute among the Associations to claim legitimate or recognized Association.

Recommendation (Sl. No.13)

Formation of SC and ST Employee Associations in Ministries/Deptt of Government of India

5.2 The Committee observe that Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) in their notification dated 5th November, 1993 under rule 5 (f) inter-alia mentioned that “the Service Association shall not be formed to represent the interests, or on the basis, of any caste, tribe or religious denomination or of any group within or section of such caste, tribe or religious denomination”. In this connection, the Committee are of the view that in above notification of DoPT, nomenclature of SC/ST has been misunderstood and misinterpreted by the DoPT. The Supreme Court in its Judgments has defined SC/ST as a class, not caste which represents thousands of castes and tribes. In pursuance of that number of welfare association/Council/Federation were allowed to be formed for welfare of SC/ST persons like Bank, Railways and other PSUs, etc. The Committee, therefore, desire that the interest of SC/ST employees can be properly looked into if welfare association/union for such marginalized class having common service interest are legitimately permitted to be formed. The Committee, therefore, expect from the DoPT to review above notification regarding recognition of legitimate SC/ST Employees Welfare Associations permissible in Banks, Railways and Autonomous Bodies etc.

Action Taken by Government

5.3 In view of the aforesaid recommendations and keeping in view the meeting of the Parliamentary Committee on the Welfare of SC and ST held on 20.12.2023 on this issue, the matter is being examined in the Department in consultation with the Ministry of Social Justice and Empowerment. Hence, the reply on these two recommendations will be communicated separately.

New Delhi;

_____ 2024

_____, 1946 (Saka)

**_____
Chairperson,
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.**

APPENDIX - II

(Vide Para 4 of Introduction)

Analysis of action taken by the Government on the recommendations contained in the Twenty Fifth Report (Seventeenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1.	Total number of recommendations-----	13
2.	Recommendations/observations which have been accepted by the Government (<u>vide</u> recommendations at Sl. Nos.1, 2, 5, 6 & 9).-----	05
	Number Percentage to the total-----	38.5%
3.	Recommendations/observation which the Committee do not desire to pursue in view of the Government replies-----	0
4.	Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (<u>vide</u> recommendations at Sl. Nos. 3,4,7,8,10 & 11)-----	06
	Number Percentage to the total-----	46%
5.	Recommendations/observations in respect of which final replies of the Government have not been received (<u>vide</u> recommendations at Sl. Nos. 12 & 13) -----	02
	Number Percentage to the total-----	15.4%