

SCTC No.710

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND SCHEDULED TRIBES
(2008-2009)**

(FOURTEENTH LOK SABHA)

THIRTY-SECOND REPORT

ON

**MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

Action taken by the Government on the recommendations contained in the Seventeenth Report (Fourteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes – “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in North Eastern Railway (NER)”.

Presented to Lok Sabha on 23.10.2008

Laid in Rajya Sabha on 23.10.2008

**LOK SABHA SECRETARIAT
NEW DELHI**

October, 2008/Kartika, 1930 (Saka)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES (2008-2009)**

Shri Ratilal Kalidas Varma - Chairman

MEMBERS – LOK SABHA

2. Shri Anandrao Vithoba Adsul
3. Shri Kailash Baitha
4. Shri Ajit Jogi
5. Shri S. Ajaya Kumar
6. Sardar Sukhdev Singh Libra
7. Shri Kailash Meghwal
8. Shri Rupchand Murmu
9. Shri A. Venkatesh Naik
10. Shri Jual Oram
11. Shri Virchandra Paswan
12. Shri Kishanbhai V. Patel
13. Shri E. Ponnuswamy
14. Shri Ashok Kumar Pradhan
15. Shri Sugrib Singh
16. Shri Ramjilal Suman
17. Shri Chengara Surendran
18. Shri Narsingrao H. Suryawanshi
19. Smt. Krishna Tirath
20. Shri G. Venkatswamy

MEMBERS – RAJYA SABHA

21. Shri Krishan Lal Balmiki
22. Dr. Radhakant Nayak
23. Shri Mahendra Sahnii
24. Shri Thomas Sangma
25. Shri Jesudas Seelam
26. Shri Veer Singh
27. Shri Tiruchi Siva
28. Shri Brij Bhushan Tiwari
29. Miss Anusuiya Uikey
30. Shri Nandi Yellaiah

SECRETARIAT

- | | | | |
|----|------------------------|---|-------------------------|
| 1. | Dr. (Smt.) P.K. Sandhu | - | Additional Secretary |
| 2. | Shri P.K. Misra | - | Joint Secretary |
| 3. | Shri Gopal Singh | - | Director |
| 4. | Ms. J.C. Namchyö | - | Deputy Secretary |
| 5. | Smt. Maya Lingi | - | Under Secretary |
| 6. | Shri L. Singson | - | Sr. Committee Assistant |

INTRODUCTION

I, the Chairman, 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 Thirty-second Report (Fourteenth Lok Sabha) on action taken by the Government on the recommendations contained in their Seventeenth Report (Fourteenth Lok Sabha) on the Ministry of Railways (Railway Board) regarding "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in North Eastern Railway (NER)".

2. The draft Report was considered and adopted by the Committee on 12th June, 2008 (Appendix-I).

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 Seventeenth Report (Fourteenth Lok Sabha) of the Committee is given in Appendix-II. It would be observed therefrom that out of 22 recommendations made in the report, 8 recommendations i.e. 36.3 per cent have been accepted by the Government. The Committee do not desire to pursue 5 recommendations i.e. 22.7 per cent of the total recommendations in view of the replies of the Government. There are 4 recommendations i.e. 18.1 per cent in respect of which replies of the Government have not been accepted by the Committee and require further reiteration and in respect of 5 recommendations i.e. 22.7 per cent of total recommendations, final replies of the Government have not been received.

NEW DELHI
October, 2008
 Kartika, 1930(Saka)

RATILAL KALIDAS VARMA
 Chairman
 Committee on the Welfare
 of Scheduled Castes and
 Scheduled Tribes

CHAPTER – I

REPORT

1.1 This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the recommendations contained in their Seventeenth Report (Fourteenth Lok Sabha) on the Ministry of Railways (Railway Board) regarding “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in North Eastern Railway (NER)”.

1.2 The Seventeenth Report was presented to Lok Sabha on 29th November, 2006. It contained 22 recommendations/observations. Replies of the Government in respect of all these recommendations/observations have been examined and may be categorised as under:-

- (i) Recommendations/Observations which have been accepted by the Government (Sl. Nos. 1, 3, 4, 5, 6, 12, 18 and 22).
- (ii) Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government (Sl. Nos. 7, 8, 9, 10 and 15).
- (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (Sl. Nos. 2, 11, 14 and 19).
- (iv) Recommendations/Observations in respect of which final replies of the Government have not been received (Sl. Nos. 13, 16, 17, 20 and 21).

1.3 The Committee desire that final replies in respect of the recommendations for which only interim replies have been given ought to be furnished within three months of the presentation of the Report.

1.4 The Committee will now deal with the Action Taken by the Government on some of the recommendations which need reiteration or comments.

Recommendation (Sl. No. 1, Para No. 1.17)

1.5 The Committee note that the Ministry of Railways (Railway Board) have a separate Reservation Cell which exclusively look after the interest of SC/ST employees. However, on analysis of the composition of the Cell and the community to which the officials belong, it appears that the Cell is not provided with adequate staff. The Committee feel that the Reservation Cell, being a nodal cell for the whole of Indian Railways, has an important role to play for the welfare of SC/ST employees. The Committee, therefore, recommend that to man the Cell properly and to discharge its assigned duties effectively towards a large number of SC/ST employees in all the 67 Divisions of the Railways in the country, the reservation cell should be provided adequate staff within a period of six months of the presentation of this report.

Reply of the Government

1.6 Ministry of Railways (Railway Board) have a separate full fledged reservation cell which is exclusively looking after the interest of Scheduled Caste/Scheduled Tribe employees. Adequate staff have been provided in the reservation cell to ensure efficient and timely submission of cases and its timely disposal. It is always ensured that the work flow of this cell do not suffer for want of incumbency so as to protect the interest of Scheduled Caste/Scheduled Tribe Railway employees and to achieve the very

Constitutional goal. Recently, in the Ministry of Railways (Railway Board) a restructuring exercise (as has been done in other Ministries also), has been carried out to upgrade the lower grade posts viz. Lower Division Clerks and Upper Division Clerks to higher grade posts of Section Officers, Deputy Directors, etc. Accordingly, the re-distribution of work force (staff/officers) based on work-study in various Directorate including reservation cell is under process which may take little more time. The final outcome of the said exercise would be apprised to the Hon'ble Committee in due course.

Comments of the Committee

1.7 The Committee would like to stress that the re-distribution of workforce (staff/officers) based on the work study which is underway in various Directorates including reservation cell should not be allowed to affect deployment of adequate staff in the reservation cell. The final outcome of the said exercise, as assured, must be furnished to the Committee for information.

Recommendation (Sl. No. 2, Para No. 1.18)

1.8 The Committee note that caste/creed is not the criteria for appointments to the posts of Members of Railway Board, Financial Commissioner and Chairman (Railway Board), which are regulated by norms, and guidelines laid down for the purpose and approved at the highest level in the Government. The Committee also deeply deplore the reply of the Ministry of Railways that no such information is maintained regarding SC/ST officer ever occupying the post of a Member (Staff) in the Railway Board, which reflects the attitude of the Government towards the welfare and interests of SC/ST people. The Committee would like to state that the Railway Board is the highest authority in the Ministry of Railways comprising highest number of employees under its

control where important policy matters having far reaching consequences are taken. The Committee feel that without proper representation of the Scheduled Castes/Scheduled Tribes in the Board, the interest of these communities may not be watched properly. The Committee, therefore, recommend that with a view to safeguard the interests of the SC/ST employees working in the Indian Railways, the Government should make available provisions for inclusion of SC/ST member in the Board by amending rules/regulations and guidelines governing appointments to the Board.

Reply of the Government

1.9 The posts of Members of Railway Board are of the level of Secretary to the Government of India level appointment. The appointments to the posts of Members including Member (Staff) of Railway Board, Financial Commissioner (Railways) and Chairman, Railway Board, are regulated by norms and guidelines laid down for the purpose and are approved at the highest level in the Government. Caste/creed is not the criteria for such appointments.

Comments of the Committee

1.10 The Committee are surprised that the Ministry of Railways (Railway Board) have nothing new to add except to repeat their earlier reply that appointments to the posts of Members including Member (Staff) of Railway Board, Financial Commissioner (Railways) and Chairman, Railway Board are regulated by norms and guidelines laid down for the purpose and are approved at the highest level in the Government and that caste/creed is not the criteria for such appointments. Had the Committee been satisfied with earlier reply, they would not have recommended to make provision for inclusion of SC/ST member in the Board by amending rules/regulations and guidelines governing appointments to the Board.

This view point of the Committee on the need for appointments of SC/ST members in the Board has neither been addressed appropriately by the Ministry of Railways (Railway Board) nor any interest has been evinced to act upon it. Instead of taking steps towards creation of opportunity for appointments of SC/ST member in the Board, the Government have simply stated the existing procedure. The nature of reply furnished by the Ministry of Railways (Railway Board) makes the Committee imply that the Government is indifferent and not willing to act when it comes to issues concerning the welfare of SC/ST. The Committee, therefore, urge upon the Government to focus on the need for inclusion of SC/ST members in the Board through amendment of existing norms and guidelines so that the larger interest of SC/ST employees of Indian Railways are served. The Committee, therefore, reiterate their earlier recommendation and urge the Government to initiate action to make available provisions for inclusion of SC/ST members in the Board by amending the existing rules/regulations and guidelines governing appointments to the Board and no further excuse in the matter is desirable. Action taken in the matter should be reported to the Committee at the earliest.

Recommendation (Sl. No. 5, Para No. 1.40)

1.11 The Committee view rosters as a very important document as far as the interest and welfare of SCs/STs are concerned. It is in this light that the CPO has taken up in its meeting with the Liaison Officer and Personnel Officers, the issue of the maintenance of the post-based rosters in Divisions/Extra Divisional Units and issued strict instructions for their effective maintenance. In fact the successful implementation of reservation rules wholly depends on proper maintenance of the rosters. Even slight miscalculation of

rosters points whether for recruitment or promotion by the official concerned may hamper employment/promotional opportunities for SCs/STs. The Committee, therefore, urge that the maintenance of rosters should be entrusted to an official who is well conversant with the reservation orders/rules and roster points. All necessary information pertaining to the officials concerned should be duly filled in the respective columns provided for the purpose. Every entry made in the rosters should be neat and clean and over writing should not be allowed. The Committee also recommend that the rosters should be inspected at regular interval of time-quarterly, half yearly and annually by the Liaison Officer and any discrepancies noted during inspection should be rectified immediately or brought to the notice of higher officials for corrections/rectifications. Rosters should clearly be signed and authenticated with official stamp of the inspecting officer concerned as a proof of having been inspected the same. The Committee further recommend that rosters should be shown to the SC/ST Employees Welfare Associations or any SC/ST employee, if they so desire to see. The Committee also recommend that necessary software should be developed for effective maintenance of rosters in the Railways, including North Eastern Railway.

Reply of the Government

1.12 The above recommendation has been examined and it is to state that the detailed instructions on the principle/guidelines regarding the proper maintenance of Roster Registers and the inspection of the same at regular intervals were issued from time to time since 1970, which was last reiterated on 3-06-2004. On receipt of the above-mentioned recommendation of the Hon'ble Committee, the same has been again reiterated to all the Zonal Railways including North Eastern Railway for strict compliance.

1.13 Further, as recommended by the Committee, the Zonal Railways have been advised that the Roster Registers may be shown to top level office bearers of SC/ST Association in the chamber of the Liaison Officer at an appropriate time, if so desired by them.

Comments of the Committee

1.14 The Committee urge the Government that apart from giving advice to the Zonal Railways to comply with the recommendations of the Committee, the top level office bearers of the SC/ST Associations of all Zonal Railways should be informed in writing that they can access the Rosters Registers in the chamber of the Liaison Officer at an appropriate time. The Committee should also be apprised of the action taken in regard to development of suitable software for effective maintenance of rosters in the Ministry.

Recommendation (Sl. No. 6, Para No. 2.29)

1.15 The Committee have observed that copies of notifications/advertisement of vacancies are published in Employment News, Regional Newspapers and leading National Newspapers. The copies of the advertisement are also sent to All India SC/ST Employees Welfare Associations and a copy of the same is also docketed to All India Radio for wide publicity. In addition to the above, the Committee recommend that copies of the Notifications/advertisement may be made available to the local MLAs/MPs and also to the Parliamentary Committee on the Welfare of Scheduled Castes/Scheduled Tribes for wide publicity. The Committee also recommend that as advised by the Railway Recruitment Boards, copies of the advertisement should be made available to Doordarshan for wide publicity.

Reply of the Government

1.16 Instructions already exists that while undertaking Special Recruitment Drive to wipe out the backlog vacancies of Scheduled Castes and Scheduled Tribes, wide publicity about the recruitment in all categories of services should be made through newspapers, doordarshan, radio etc. and information of the same should also been sent to the local MPs/MLAs of the area including the Scheduled Castes and Scheduled Tribes Associations, polytechnic colleges etc. Now, as recommended by the Hon'ble Committee, necessary instructions have been issued to all the Zonal Railways/Production Units and Railway Recruitment Boards advising to send the copies of Employment Notices/advertisements to the local MPs/MLAs/Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes also whenever recruitment action is undertaken by the Zonal Railways themselves or by the Railway Recruitment Boards with a view to give wide publicity and to have more response form the eligible candidates belonging to Scheduled Castes and Scheduled Tribes.

1.17 As per the extant practice the copies of notification/advertisement are also made available to Doordarshan for wide publicity.

Comments of the Committee

1.18 The Committee would like to state that as on date no copies of employment notices/advertisements etc. have been received by them from the North Eastern Railway. However, the Committee urge the Government that in future, copies of employment notices/advertisements on all recruitments taking place in the North Eastern Railway should also be made available to the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes. The Committee also desire that copies of employment notices/advertisements of all recruitments

should be posted on official websites of the Indian Railways or the concerned Railway Recruitment Board so that applicants can apply through online to save time and resources.

Recommendation (Sl. No. 11, Para No. 2.54)

1.19 The Committee were informed that to wipe out the shortfall of SCs and STs, panel from other Railway Recruitment Boards have been utilized to fulfil the quota for SC community candidates; wide publicity were given to the recruitment process in other regions of the country with greater population of Scheduled Tribes and since 1989 Special Recruitment Drives were undertaken from time to time to wipe out the backlog vacancies of SCs/STs within a time bound manner. Further, in pursuance of MR's announcement made in Railway Budget 2004-2005 and in pursuance of Government Minimum Programme, a Special Recruitment Drive has been launched on North Eastern Railway to wipe out the backlog vacancies existing as on 31.3.2004. In the said Special Recruitment Drive, 645 backlog vacancies were identified for clearance against which 354 SC/ST vacancies have already been filled and the balance 291 vacancies were at various stages of recruitment. The Special Recruitment Drive was to be completed by the end of September, 2005. However, the Committee were surprised to note that as on 1.1.2005, there is a huge shortfall of SC/ST employees in North Eastern Railway. In Group 'A' there is a shortfall of 17 SCs and 18 STs, in Group 'B' there is a shortfall of 12 STs, in Group 'C' there is a shortfall of 330 SCs and 1403 STs and in Group 'D' there is a shortfall of 743 STs. The Committee therefore, recommend that the NER should utilize all of its resources and undertake another round of Special Recruitment Drive on a much wider scale than previously held so as to completely wipe out the huge shortfall of

SCs and STs existing as on 1.1.2005. This should be done within one year of the presentation of this report and the Committee should be kept informed of the action taken in the matter.

Reply of the Government

1.20 The Special Recruitment Drive which was launched in the year 2004 was incomplete at the point of time of oral evidence of North Eastern Railway which was held on 13.9.2005 i.e., the drive was still continuing and 291 SC/ST vacancies which were under the process of recruitment have already been filled up by North Eastern Railway. Similarly, in case of promotion out of 3135 backlog vacancies identified as many as '2629' vacancies have been filled up expeditiously. The further backlog vacancies, if any, in case of recruitment which are accruing after 31.3.2004 on North Eastern Railway would be filled up in due course along with others.

1.21 However, necessary instructions have been issued to all the Zonal Railways including North Eastern Railway to carry out serious exercise to find out and pin point the real causes of shortfall and to review the position and chalk out effective action plan so as to wipe out the actual shortfall/backlog vacancies of Scheduled Castes/Scheduled Tribes/Other Backward Classes both in recruitment and promotional categories. Any further special recruitment drive would be undertaken on receipt of necessary instructions from the Nodal Ministry i.e. Ministry of Personnel, Public Grievances and Pensions (DOP&T).

Comments of the Committee

1.22 The Committee do not agree with the reply of the Ministry of Railways that any further special recruitment drive would be undertaken on receipt of necessary instructions from the Nodal Ministry i.e. Ministry of Personnel, Public

Grievances and Pensions (DOP&T). The Committee are of the opinion that once the Ministry of Personnel, Public Grievances and Pensions (DOP&T) have issued instructions to conduct special recruitment drive to wipe out shortfall/backlog, it becomes the bounded duty of the Ministry concerned to ensure that special recruitment drive continue till there is shortfall/backlog of SC/ST vacancies and they should not wait for further instructions from Ministry of DOP&T in this regard. Such course of action is all the more essential for the Ministry of Railways where vacancies still exist despite concerted efforts to wipe out the shortfall/backlog vacancies of Scheduled Castes and Scheduled Tribes in both recruitment and promotional categories. The Committee strongly recommend that the exercise to find out the real causes of shortfall be expedited and an action plan be initiated to wipe out shortfall/backlog in a time bound manner. The Committee must be apprised of the final outcome of the exercise undertaken to wipe out shortfall/backlog of SC/ST vacancies and shortfall, if any, should be accompanied by explanation for the shortfall.

Recommendation (Sl. No. 13, Para No. 2.65)

1.23 The Committee note that in pursuance of Government Common Minimum Programme, a Special Promotion Drive was launched to clear the backlog vacancies of SCs/STs existing as on 01.07.2004. In the said drive as many as 3135 backlog vacancies were identified against which a total of 1845 vacancies have been filled and a balance of 1290 vacancies are yet to be filled as on 1.11.2005. It was also stated that due to non-availability of candidates in promotional categories, vacancies are being diverted to recruitment categories, where it is permissible and there is an element of

direct recruitment, so as to fill up these vacancies through open market as per extant rules. As per the directions of the DOP&T, the drive was to be completed by 30.06.2005 which is to be complied by all Ministries and organisations concerned. The Committee, therefore, desire to know the latest status of these pending vacancies which are purportedly to be filled by direct recruitment through open market as per extant rules. The Committee feel that in such cases departmental candidates may be put to disadvantage due to direct recruitment. The Committee, therefore, desire that departmental candidates may also be allowed to take these direct recruitment examination where they fulfill the prescribed eligibility conditions.

Reply of the Government

1.24 The above recommendation of the Hon'ble Committee has been duly examined and it is stated that out of "3135" backlog vacancies existing on 01.07.2004 identified in the Special Promotion Drive, as many as "2629" (83.4%) vacancies have since been filled up on the North Eastern Railway. Remaining "506" vacancies are under the process of recruitment and would be filled up expeditiously in due course.

1.25 In regard to the Committee's recommendation for allowing departmental candidates to take part in direct recruitment examination where they fulfill the prescribed eligibility conditions, it is to state that such direct recruitment examination is also open to departmental candidates i.e. who are in service. However, departmental candidates fulfilling the eligibility criteria i.e. age, educational qualification etc. are required to apply through proper channel. Therefore, what has been recommended by the Hon'ble Committee is already in practice as per the extant rules.

Comments of the Committee

1.26 The Committee are surprised to note that the Special Promotion Drive initiated in 01.07.2004 to fill up backlog vacancies have not been completed yet. The tardy progress made in this regard gives a clear impression of the lackadaisical approach to the issue and welfare of SC/ST employees by the Indian Railways. The Committee had clearly desired to know the status of pending vacancies which were purportedly to be filled up by direct recruitment. It was reported that there were 506 vacancies. The Committee, therefore, urge the Ministry that the status of 506 vacancies which were under the process of recruitment should be furnished to them expeditiously.

Recommendation (Sl. No. 14, Para No. 3.10)

1.27 The Committee note that there is no scheme for giving pre-recruitment training to SC/ST candidates for appearing in the recruitment examination conducted by the North Eastern Railway because the Indian Railways have no provision for such training. It was stated that even though the Indian Railways is a vast organisation with huge manpower, the scheme had never been experimented. The Committee do not agree with the contention of the Ministry of Railways (Railway Board) that it is the assigned responsibility of the Ministry of Social Justice and Empowerment to provide pre-recruitment training to SC/ST candidates. The Committee would like to make the Ministry of Railways aware of the fact that many public sector undertakings such as banks are providing pre-recruitment training as a part of recruitment process. Railways is the largest employer of manpower but Railway zone like North Eastern Railway could not still fill up the reserved posts due to non-availability of SC/ST candidates. The

Committee are of the view that to attract more candidates and to enable them to qualify in the selection process, SC/ST candidates should be provided pre-recruitment training and stipend. The scheme should at least be started from such Railway Zones which have difficulty in getting the sufficient number of SC/ST candidates. The Committee, therefore, recommend that the Ministry of Railways (Railway Board) should take the initiative and provide pre-recruitment training to SC/ST candidates. The Committee should be kept apprised of the achievements made in this regard.

Reply of the Government

1.28 The above recommendation of the Hon'ble Committee has been duly examined and it is stated that Ministry of Railways is not in a position to provide that pre-recruitment training to any section of candidates including Scheduled Castes/Scheduled Tribes because the number of applicants in reference to recruitment notices normally may run into crores every year. However, there is a Central Sector Scheme (namely coaching and allied assistance) of free coaching provided/imparted by Ministry of Social Justice and Empowerment with a view to ensure effective implementation and monitoring of Government Programmes and assist the students belonging to weaker sections including Scheduled Castes and Other Backward Classes in a better manner. The objectives of the above scheme are to provide qualitative coaching for Group 'A' and 'B' Examinations conducted by the Union Public Service Commission (UPSC) and for non-gazetted, the Staff Selection Commission and the various Railway Recruitment Boards (RRBs) etc.

Comments of the Committee

1.29 The Committee do not agree with the contention of the Ministry of Railways (Railway Board) that they are not in a position to provide pre-recruitment training

to any section of candidates including Scheduled Castes and Scheduled Tribes because the number of applicants in reference to recruitment notices normally may run into crores every year. The Committee are not insisting that Railways should hold pre-recruitment training for all the posts. There are some specific posts in Railways where it is usually noticed that SC/ST candidates are not available and the posts reserved for them remain vacant or are not fully filled up. The Committee feel that the Ministry of Railways (Railway Board) should identify such posts and hold pre-recruitment training for SC and ST candidates, so as to fill up those SC/ST posts. The supposition of the Ministry of Railways that applications may run into crores might be an exaggeration. Had there been a large number of SC and ST applicants, the Committee feel the problem of shortfall/backlog of SCs/STs either in recruitment and promotion would not have become a permanent feature in the Indian Railways. Non-availability of suitable SC/ST candidates for the posts is often stated to be one of the reasons for non-filling up of SC/ST vacancies. Against this backdrop, it is construed that either the high eligibility criteria prescribed for the posts or the high standard of examination for recruitment may be the reasons for non-availability of SC/ST candidates. The Committee, therefore, strongly recommend that the Ministry of Railways (Railway Board) should provide pre-recruitment training programmes for SC/ST candidates to prepare them for competitive examination for jobs in Indian Railways. The Committee, therefore, reiterate their earlier recommendation that the Ministry of Railways (Railway Board) should take the initiative and provide pre-recruitment training to SC/ST candidates to prepare them to come up to the required standard and to help in wiping out the present and any eventual

shortfall/backlog of SC/ST vacancies for various posts existing under various Zones of the Indian Railways.

Recommendation (Sl. No. 16, Para No. 3.22)

1.30 The Committee note that the North Eastern Railway has taken certain measures to check recruitment/appointments on the basis of false caste certificates. However, 5 cases of appointments on false caste certificates have been detected out of which only one case has been finalised and the remaining 4 cases are still under investigation. The Committee desire that if a person of dubious integrity has secured employment on the basis of false caste certificate and prima facie is proved to be a false case, he should be removed from service immediately and necessary criminal proceedings should be initiated against him. The Committee also urge upon the North Eastern Railway to finalise the pending 4 cases on priority basis and inform the Committee of the progress made therein.

Reply of the Government

1.31 On receipt of complaints regarding false/bogus caste certificates, the same are referred to the respective certificate issuing authority viz. Block Development Officers, Tahsildars, District Magistrates etc. for verification of the genuineness thereof. In case the verification reveals that the caste certificate produced by the candidate is false, as per the extant instructions, the concerned employee is not only removed from service but necessary action is also taken under Indian Penal Code by referring the case to the local Police Station, so as to discourage such employees and other employees from committing such crimes in future. This provision has been made keeping in view the

spirit of constitutional provisions that the benefit of reservation may accrue to genuine Scheduled Caste/Scheduled Tribe candidates only.

1.32 Therefore, what has been recommended by the Hon'ble Committee are already in the practice/rules.

1.33 As regards, the status of the pending 4 cases of caste certificates, the position is as under:-

1. Case of Smt. N.N. Marandi, Staff Nurse/LNM Railway Hospital/Gorakhpur

Status Every effort is being made to finalize the complaint at the earliest. A personal inspector was deputed to obtain the status of the case from District Welfare Officer/Purnia. It is learnt that the District Welfare Officer/Purnia has been nominated by District Magistrate concerned to verify the caste certificate. The verification report from the civil authority is yet to be received.

2. Case of Shri Sadhu Saran, OS-II, Chief Commercial Manager's Office/Gorakhpur

Status The caste certificate submitted by the employee was found false as per the report of Additional District Magistrate/Kampiyarganj/Gorakhpur and the Tahsildar/Gorakhpur. A charge sheet of major penalty has already been issued against Shri Sadhu Saran. Further, necessary action as per the extant rules is under process by the competent authority.

3. Case of Shri Ram Ashish, SSE/Diesel Shed Gonda

Status The matter has been referred to concerned District Magistrate/Gorakhpur to verify the genuineness of caste certificates which is still awaited inspite of best efforts.

4. Case of Shri Chandra Prakash, SSE/Tele/BG/Gorakhpur

Status The verification report obtained from District Magistrate/Gorakhpur reveals that the employee belongs to OBC category and not to SC or ST. Against the above report, the employee has filed a court case at CAT/Allahabad. The Hon'ble High Court/Allahabad has passed an order, staying further action. Hence, the matter is sub-judice.

Comments of the Committee

1.34 The Committee would like to stress that securing employment on the basis of false caste certificates is a very grave issue. It should not be taken lightly as genuine SC/ST people have been deprived of their opportunity in getting Government jobs due to this menace. The Committee note the steps taken by the North Eastern Railway to curb recruitment/appointments on the basis of false caste certificates. The Committee are of the view that in case of proven false caste certificate, the competent authority should not only remove the person from service, but also initiate a criminal case against the guilty and pursue the same to its logical conclusion.

Recommendation (Sl. No. 17, Para No. 4.7)

1.35 The Committee appreciate that the North Eastern Railway has a systematic procedure prescribed for the redressal of complaints/grievances of SC/ST employees. Separate register is maintained to register the grievances of SC/ST employees and every effort is made to dispose/finalise the case within 3 months. However, the

Committee note that during the period 2004-05, the North Eastern Railway had received 109 complaints out of which 4 cases are still pending due to non-availability of full details to decide the matters or due to non-receipt of information under reference from various agencies. The Committee would like to opine that basically the nature of complaints of SC/ST employees are relating to service matters such as promotions, seniority etc., which may have a repercussion on their career if the complaints are not addressed in time. The Committee, therefore, urge that special attention should be paid to redress the complaints/grievances of SC/ST employees within 3 months and dispose of the remaining 4 cases without any further delay.

Reply of the Government

1.36 Every effort is being made to redress the grievances of SC/ST employees at the earliest. As per extant instructions, a separate complaints/grievances register for SC/ST employees, for its speedy disposal, is maintained on North Eastern Railway. Further, periodical inspection is carried out concerning their service matters etc. to see that they are disposed of within the stipulated period of 3 months. These instructions are reiterated from time to time to the Railways, including North Eastern Railway with the direction that such complaints/grievances of SC/ST employees should be disposed of within a period of 3 months. However, some times complaints of SC/ST employees cannot be disposed of within the specific period of 3 months due to court cases,

retirement of enquiry officer, non-furnishing of requisite information by the complainant etc. The status of the remaining 4 cases is as under:

Sl. No.	Name of the Complainant	Subject	Remarks/Action Taken
1	Shri Chandra Shekhar Arya, Sr. Clerk, Mech. Workshop/GKP	Harassment of Shri Chandra Shekhar Arya by Shri Munish Mishra.	In this case, Shri C.P. Shukla, Asstt. Production Engineer was nominated to conduct enquiry but, he retired from railway service without submitting the enquiry report. Shri O.P. Sinha, Asstt. Workshop Manager (Carriage) has now been nominated to conduct the enquiry. The case will be disposed of on the basis of enquiry report.
2	Shri Sant Prasad, Khalasi, BG/Con. Electrical/GKP	Regarding transfer of lien from East Central Railway to North Eastern Railway and payment of salary for transferred period.	The lien of Shri Sant Prasad has been fixed and transferred from Electrical construction, Samastipur, E.C.Railway to the office of Divisional Electric Engineer, Gorakhpur vide Rly's office NO. Ka/231/7/Sant Prasad/IX/Loose dated 18.10.2006. The due salary Rs.18585/- for transferred period has also been ordered for payment.
3	Shri Bhawani Shanker, Mali, DRM/IZN	Harassment of Shri Bhawani Shanker by Shri Pashupati.	There was an altercation between Shri Bhawani Shanker (SC), Mali and Shri Pashupati. Shri Bhawani Shanker had also filed a FIR on 23.3.2005. After Police verification the same was filed as criminal suit No. 165/05 in the court of CJM/Bareilly, which is under consideration. However, the said altercation was beyond duty period and duty place. Therefore, no departmental action has been taken. The action will depend upon the decision of court.
4	Shri Hira Lal Manjhi, Ex-Casual Labour/Con/GKP	Regarding absorption in railway against shortfall quota.	In this regard, a letter dated 27.7.79 has been sent to Shri Manjhi with advice to submit the proforma with full details within one month but the same is still awaited from Shri Manjhi. Accordingly, his absorption has not been made till now.

Comments of the Committee

1.37 The Committee are dismayed by the fact that in one case an officer about to retire was made an enquiry officer of a disciplinary proceedings due to which the case of harassment is pending. It should be ensured that the Inquiry officer completes the enquiry within a stipulated period of time so that complaints/

grievances of SC/ST employees are disposed of expeditiously. The Committee are also shocked to note that a complaint of a casual labourer is pending for almost 3 decades. The reply of the Government that they had written a letter on 27.7.79 asking him to submit the proforma with full details shows how callously the complaint from a SC/ST employee has been dealt with by them. It is a matter of grave concern that the case had been shown pending till now. The Committee urge the Government to expeditiously finalise all three cases and apprise them. Responsibility must be fixed on the person or persons responsible and action taken against those found guilty and a report submitted to the Committee.

Recommendation (Sl. No. 19, Para No. 4.38)

1.38 The Committee note that Indian Railways have taken a pro-active steps, keeping in view the social obligations of the Government towards weaker sections of the society and provided reservation up to 49.50% at 'D', 'E' and 'F' categories stations and 25% in award of licence for small catering units at 'A', 'B' and 'C' categories stations. However, the same has not been provided in case of award of licences of major units because management of major units requires large capital investments, technical skills and expertise to cater to large scale operations and best available professionals in the trade. Of course, SCs/STs are not debarred for award of catering contracts for major units. But the Committee feel that if reservation is provided in award of major catering contracts, many SC/ST entrepreneurs would be readily available to make investments. The Committee, therefore, recommend that reservation should be made in award of licences for major catering contracts in the Indian Railways. Otherwise certain quota of the contracts should be earmarked exclusively for SCs/STs.

Reply of the Government

1.39 Indian Railways have taken pro-active steps in the revised Catering Policy, 2005 dated 21.12.2005 to provide reservation although there is no provision for same under Contract Act or Companies Act. Reservation of up to 25% in the allotment of minor catering units at 'A', 'B' and 'C' category stations and 49.50% at 'D', 'E' and 'F' categories of stations have been primarily provided to look after the interest of weaker sections of the society.

1.40 The management of major units requires a lot of managerial acumen, functional capability and catering experience and capability to muster resources including financial resources and such management of catering services are required to cater a large scale operation in order to meet the aspirations and requirements of the traveling public. Major units require the best available professionals in the trade. Reservation in major catering contracts will lead to compromise on above important aspects.

1.41 The catering/vending contracts for major units require considerable financial involvement, organizing skill and high level of service quality as well as adoption of scientific method and new technologies in the catering segments for the satisfaction of the Railways consumers. Catering today is related with the development of tourism industry in India and at international level. A catering contract now is not merely a service contract for an individual to serve but has become more complicated and is beyond the competence of one or two persons to manage the multifarious activities involved in maintaining services under the contract. It requires a full-fledged organization/company with individuals having competence in the diverse activities which form the catering services. Hence the percentage of reservation as is necessary in service matter is not applicable for major catering units awarded by tender system.

1.42 Reservation is applicable to individuals, whereas catering contracts are awarded to individuals, firms and companies. Reservation cannot be made applicable to firms and companies.

1.43 Further, there are no directives from Central Government about reservation, its percentage and criteria for commercial contracts and licenses.

Comments of the Committee

1.44 The Committee agree that the management of major units required managerial acumen, functional capability and catering experience as also capability to muster financial resources. The Committee, however, do not fully agree with the contention of the Ministry of Railways that providing reservation in major catering contracts will lead to compromise on some important aspects. The time has now come that SCs and STs should not be underestimated. If given an opportunity, they can achieve what others have achieved. There may be many SC/ST entrepreneurs who are engaged in catering business but because of competition cannot stand a chance. To encourage them, reservation had been recommended by the Committee. The Committee also feel that many SC/ST people have now been able to earn professional degrees/diploma in hotel management and related field due to reservation provided to them in professional colleges/institutes, which enable them to use their skills in different professions but because of their family backgrounds they may find it difficult to find footholds in pursuing their dreams. In such a situation, the Committee recommend that the Government should offer them opportunity so that they may be able to work for their socio-economic development. The Committee are of the view that it is not

for Central Government to give directives about reservation in major contracts in catering/vending in Indian Railways because the subject matter is very much within the administrative jurisdiction of the Ministry of Railways (Railway Board). Keeping the above in mind, the Committee had recommended that reservation should be made in award of licences for major catering contracts or else to earmark certain quota of contracts exclusively for SC/STs. The Committee, therefore, reiterate their earlier recommendation and insist that action taken should be reported to them.

Recommendation (Sl. No. 20, Para No. 4.39)

1.45 The Committee note that as per Catering Policy – 2005, applications have been invited for 148 contracts for 'D', 'E' and 'F' categories stations out of which 80 contracts are earmarked for reserved categories for which 143 applications have been received. The Committee desire to know the status of these contracts reserved for SCs/STs which were in the process of allotment.

Reply of the Government

1.46 The matter has been referred to North Eastern Railway by E(SCT) Directorate, and a report from North Eastern Railway is placed at S. No. 4. According to their report about 74 reserved category stall have been earmarked among the vacancies of D, E and F category of stations. Out of these, 28 stalls were earmarked to SC and 46 to ST. Among these 02 SC and 05 ST stalls were already allotted by Railways to the successful applicants following prescribed policy and guidelines. Applications were not received in regard to 2 SC units and 5 ST units for which re-notification were issued which are under

process. On date allotment is under process for the units. The detail position is as under:-

1.	Total reserved category allotment	Earmarked to SC	Earmarked to ST
	74	28	46
2.	Applications not received	SC	ST
	9	2	7
3.	Allotment made	SC	ST
	7	2	5
4.	Allotment under process	SC	ST
	67	26	41

Comments of the Committee

1.47 The Committee note that earlier it was stated that 80 contracts were earmarked for reserved categories for which 143 applications had been received. In the latest information, only 74 contracts have been earmarked for reserved category. The Committee should be apprised about the discrepancy. The Committee also note from the reply that applications for 2 SC units and 5 ST units were not received for which re-notification were issued, whereas the information given in the Table shows that 9 applications for reserved category were not received out of which 2 units are earmarked for SC and 7 units for ST. The discrepancy in the figure may be corrected and the progress made in its re-notification may be apprised to the Committee. The Committee also desire to know the reasons for delay in allotment of 67 units reserved for SC and ST which are still under process. The Committee urge the Government to expedite the process of allotment of these units in time bound manner and inform the Committee accordingly.

Recommendation (Sl. No. 21, Para No. 4.40)

1.48 The Committee note that as per Bookstall Policy – 2004, a reservation of 10% (6% for SCs and 4% for STs) out of 25% has been provided in the allotment of new bookstalls at ‘B’, ‘C’, ‘D’, ‘E’ and ‘F’ category stations. Whereas, reservation is not provided in allotment of new bookstalls at ‘A’ category stations because the bookstalls licence of major stations are to be awarded on competitive bidding through open tender on two packet bidding system and the criteria prescribed being professional competence, financial soundness and past experience in bookstall business. It was also stated that the aim of the Bookstall Policy – 2004 is professionalisation of the bookstall sources as well as bringing in adequate transparency and objectivity in the award of licence. The Committee observe that the Bookstall Policy – 2004 is not in the best interest of SCs/STs because reservation is not provided for them in allotment of licences for bookstalls at major stations as a part of the policy of the Indian Railways. The Committee would further like to stress that there is no dearth of SC/ST businessmen to invest in bookstalls business, but unless protection is given to them in the form of reservation, they will not be able to compete against rich and influential businessmen in the fray. The Committee, therefore, recommend that the Bookstall Policy – 2004 should be amended and reservation should be provided to SCs/STs in allotment of bookstalls licences at major stations.”

Reply of the Government

1.49 It is to state that as regards the process of awarding new licenses for bookstall and criteria for collection of license fee of bookstalls, an SLP (Special Leave Petition) No. (C) 12096 has been filed in the Hon’ble Supreme Court of India against the judgment delivered in Writ Petition No. 475 filed by M/s. A. H. Wheeler and Company in

the High Court of Judicature of Allahabad. As such, the matter is sub-judice. The issue would be considered only after the matter is decided by the Supreme Court of India.

Comments of the Committee

1.50 The Committee desire to know the grounds on which the writ petition had been filed by M/s A.H. Wheeler and Company. They should be informed of the decision taken in the matter after the outcome of judgement of the Supreme Court of India.

CHAPTER – II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No. 1, Para No. 1.17)

2.1 The Committee note that the Ministry of Railways (Railway Board) have a separate Reservation Cell which exclusively look after the interest of SC/ST employees. However, on analysis of the composition of the Cell and the community to which the officials belong, it appears that the Cell is not provided with adequate staff. The Committee feel that the Reservation Cell being a nodal cell for the whole of Indian Railways has an important role to play for the welfare of SC/ST employees. The Committee, therefore, recommend that to man the Cell properly and to discharge its assigned duties effectively towards a large number of SC/ST employees in all the 67 Divisions of the Railways in the country, the reservation cell should be provided adequate staff within a period of six months of the presentation of this report.

Reply of the Government

2.2 Ministry of Railways (Railway Board) have a separate full fledged reservation cell which is exclusively looking after the interest of Scheduled Caste/Scheduled Tribe employees. Adequate staff have been provided in the reservation cell to ensure efficient and timely submission of cases and its timely disposal. It is always ensured that the work flow of this cell do not suffer for want of incumbency so as to protect the interest of Scheduled Caste/Scheduled Tribe Railway employees and to achieve the very Constitutional goal. Recently, in the Ministry of Railways (Railway Board) a restructuring exercise (as has been done in other Ministries also), has been carried out to upgrade the lower grade posts viz. Lower Division Clerks and Upper Division Clerks

to higher grade posts of Section Officers, Deputy Directors, etc. Accordingly, the re-distribution of work force (staff/officers) based on work-study in various Directorate including reservation cell is under process which may take little more time. The final outcome of the said exercise would be apprised to the Hon'ble Committee in due course.

[Vide Ministry of Railways (Railway Board) O.M.No.2003-E(SCT)/I/80/3 Part, dated 28.12.2007]

Comments of the Committee

2.3 Please see Para No. 1.7 of Chapter – I.

Recommendation (Sl. No. 3, Para No. 1.32)

2.4 The Committee observe that a Reservation Cell has been set up in the Headquarters of North Eastern Railway under the control of SPO(Res.) to look after the interest of Scheduled Caste and Scheduled Tribe employees, but the number of Staff/officials deployed in the cell is not adequate. The Committee is dismayed to note that sanctioned posts at various levels to man the cell was 10 but only 4 officials were actually working out of which only 3 officials belong to SC/ST community. The Committee would like to stress that setting up a Reservation Cell without adequate staff to man is meaningless. The Committee further emphasize that the work of the Reservation Cell should not be allowed to be affected by shortage of staff. The Committee, therefore, recommend that the workload of the cell should be assessed and adequate staff should be provided and accordingly all sanctioned posts of the cell should be filled up within three months of the presentation of this report and most preferably from SC/ST community so that their interests are well taken care of.

Reply of the Government

2.5 The assessment of work load in reservation Cell of North Eastern Railway has since been done. Accordingly, 09(nine) staff and officers including Senior Personnel Officer (Reservation Point) are working in the reservation Directorate/Cell for smooth and efficient functioning of Reservation Cell. The composition of the cell is as under:-

Sl. No.	Post	Community	No. of Officer/Staff working/posted
1.	SPO/RP	ST	01
2.	C. Steno.	OBC	01
3.	Peon	SC	01
4.	Personnel Inspector-II	SC	01
5.	Chief O.S.	ST	01
6.	Head Clerk	SC	02
7.	Sr. Clerk	SC	01
8.	O.S.-II	SC	01

2.6 It is seen that out of the 9 staff/officers of reservation Cell, as many as '8' belong to Scheduled Castes/Scheduled Tribes and one staff belong to Other Backward Class.

[Vide Ministry of Railways (Railway Board) O.M.No.2003-E(SCT)/I/80/3 Part, dated 28.12.2007]

Recommendation (Sl. No. 4, Para No. 1.33)

2.7 The Committee are of the view that the Liaison Officer is an important figure of an organisation and so are his functions as far as the interest of SCs/STs are concerned, because he is responsible for ensuring correct implementation of reservation policies. The Committee, therefore, stress that the person to be appointed as Liaison Officer should possess sufficient experience and should be well conversant with reservation

orders/rules and he should be given training on reservation related matters etc. The Committee also desire that the Liaison Officers should be protected from frequent transfers and postings so as to utilize his services for a considerable period of time. Further, the Committee would like to stress that the Liaison Officer should be allowed to function independently without any external pressure within the ambit of his jurisdiction. His views/opinions on matters like promotions/selections should not be overruled but should be taken note of and corrective action be taken at the earliest.

Reply of the Government

2.8 The suggestions/recommendations of the Hon'ble Committee regarding induction/transfer and functioning of Liaison Officer independently has since been examined and it is to state that various issues recommended by the Hon'ble Committee are taken care of and the same are already in practice on the Zonal Railways/Production Units etc. with a view to maintain smooth/efficient functioning of reservation cells in protecting the interest of Scheduled Caste and Scheduled Tribe employees in Railway Services.

[Vide Ministry of Railways (*Railway Board*) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

Recommendation (Sl. No. 5, Para No. 1.40)

2.9 The Committee view rosters as a very important document as far as the interest and welfare of SCs/STs are concerned. It is in this light that the CPO has taken up in its meeting with the Liaison Officer and Personnel Officers, the issue of the maintenance of the post-based rosters in Divisions/Extra Divisional Units and issued strict instructions for their effective maintenance. In fact the successful implementation of reservation rules wholly depends on proper maintenance of the rosters. Even slight miscalculation of

roster points whether for recruitment or promotion by the official concerned may hamper employment/promotional opportunities for SCs/STs. The Committee, therefore, urge that the maintenance of rosters should be entrusted to an official who is well conversant with the reservation orders/rules and roster points. All necessary information pertaining to the officials concerned should be duly filled in the respective columns provided for the purpose. Every entry made in the rosters should be neat and clean and over writing should not be allowed. The Committee also recommend that the rosters should be inspected at regular interval of time – quarterly, half yearly and annually by the Liaison Officer and any discrepancies noted during inspection should be rectified immediately or brought to the notice of higher officials for corrections/rectifications. Rosters should clearly be signed and authenticated with official stamp of the inspecting officer concerned as a proof of having been inspected the same. The Committee further recommend that rosters should be shown to the SC/ST Employees Welfare Associations or any SC/ST employee, if they so desire to see. The Committee also recommend that necessary software should be developed for effective maintenance of rosters in the Railways, including North Eastern Railway.

Reply of the Government

2.10 The above recommendation has been examined and it is to state that the detailed instructions on the principle/guidelines regarding the proper maintenance of Roster Registers and the inspection of the same at regular intervals were issued from time to time since 1970, which was last reiterated on 3-06-2004. On receipt of the above mentioned recommendation of the Hon'ble Committee, the same has been again reiterated to all the Zonal Railways including North Eastern Railway for strict compliance.

2.11 Further, as recommended by the Committee, the Zonal Railways have been advised that the Roster Registers may be shown to top level office bearers of SC/ST Association in the chamber of the Liaison Officer at an appropriate time, if so desired by them.

[Vide Ministry of Railways(Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

Comments of the Committee

2.12 Please see Para No. 1.14 of Chapter – I.

Recommendation (Sl. No. 6, Para No. 2.29)

2.13 The Committee have observed that copies of notifications/advertisement of vacancies are published in Employment News, Regional Newspapers and leading National Newspapers. The copies of the advertisement are also sent to All India SC/ST Employees Welfare Associations and a copy of the same is also docketed to All India Radio for wide publicity. In addition to the above, the Committee recommend that copies of the Notifications/advertisement may be made available to the local MLAs/MPs and also to the Parliamentary Committee on the Welfare of Scheduled Castes/Scheduled Tribes for wider publicity. The Committee also recommend that as advised by the Railway Recruitment Boards, copies of the advertisement should be made available to Doordarshan for wide publicity.

Reply of the Government

2.14 Instructions already exists that while undertaking Special Recruitment Drive to wipe out the backlog vacancies of Scheduled Castes and Scheduled Tribes, wide publicity about the recruitment in all categories of services should be made through newspapers, doordarshan, radio etc. and information of the same should also been sent

to the local MPs/MLAs of the area including the Scheduled Castes and Scheduled Tribes Associations, polytechnic colleges etc. Now, as recommended by the Hon'ble Committee, necessary instructions have been issued to all the Zonal Railways/Production Units and Railway Recruitment Boards advising to send the copies of Employment Notices/advertisements to the local MPs/MLAs/Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes also whenever recruitment action is under taken by the Zonal Railways themselves or by the Railway Recruitment Boards with a view to give wide publicity and to have more response from the eligible candidates belonging to Scheduled Castes and Scheduled Tribes.

2.15 As per the extant practice the copies of notification/advertisement are also made available to Doordarshan for wide publicity.

[Vide Ministry of Railways(Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

Comments of the Committee

2.16 Please see Para No. 1.18 of Chapter – I.

Recommendation (Sl. No. 12, Para No. 2.55)

2.17 The Committee note that Special Recruitment Drive has been launched in 2004, to fill 645 identified backlog vacancies of SCs/STs in North Eastern Railway. Out of these 645 vacancies, a total of 354 vacancies have already been filled as on 01-08-2005. Whereas, the remaining 291 vacancies are yet to be filled which were at various stages of recruitment. The drive was targeted to be completed by the end of September, 2005. During the evidence, the General Manager, North Eastern Railway stated that the remaining vacant posts should be filled by December, 2005. The Committee should,

therefore, be apprised of the latest position of these posts yet to be filled as well as status of 9 appointment cases pending due to lack of vigilance clearance.

Reply of the Government

2.18 It is to state that as many as 645 backlog vacancies of Scheduled Castes and Scheduled Tribes which was identified in the said special recruitment drive have been wiped out fully as on 30.08.2006 including those 9 candidates whose appointments were pending due to vigilance clearance, i.e. the recruitment drive has since been completed on North Eastern Railway.

[Vide Ministry of Railways(Railway Board) O.M. No.2003-E(SCT)/I/80/3 Part, Dated 28.12.2007]

Recommendation (Sl. No. 18, Para No. 4.14)

2.19 The Committee note that during the years 2000 to 2005, the Ministry of Railways (Railway Board) have appointed 3889 persons on compassionate grounds out of which 502 were SC and 75 were ST candidates. So far as the North Eastern Railway is concerned, no application from SC/ST community is in waiting list for appointment on compassionate grounds. The Committee appreciate these achievements of the North Eastern Railway in particular and the Ministry of Railways (Railway Board) as a whole. The Committee hope to see that the good work is continued in years to come especially for pending cases of compassionate grounds appointment where the candidates are still a minor. The Committee also appeal to the Board to be a little more considerate to SC/ST candidates who could not be appointed on compassionate grounds due to not possessing requisite qualifications etc. and to give them alternative placements in the Railways where they could well fit into on humanitarian ground.

Reply of the Government

2.20 Minimum educational qualification required for entry to a post (Group 'D') on compassionate grounds have been laid down as class VIII pass. However, if on merit of an individual case, the General Manager feels that relaxation in the minimum educational qualification is absolutely necessary, then such cases can be referred to the Board. Railway Board in such cases are considerate and generally take a lenient view keeping other factors into account for such appointment.

2.21 Keeping in view the above, the recommendation of the Parliamentary Committee on the Welfare of SC/ST is already in practice as cases can be covered in terms of stipulation made above.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/I/80/3 Part, Dated 28.12.2007]

Recommendation (Sl. No. 22, Para No. 4.43)

2.22 The Committee note that the Indian Railways have actively participated in the socio-economic development of backward areas. The Indian Railways have also undertaken new projects in the form of construction of new lines, conversion of meter and narrow gauge to broad gauge, passenger improvement services, setting up of more computerized reservation system in backward, tribal, remote, hilly and under developed areas in the country even though they are not economically viable from the view point of financial rates of return. It was stated that these projects are taken up purely with an aim for socio-economic development of these areas. The Committee, therefore, urge that a total of 92 projects undertaken by the Indian Railways for the socio-economic development of backward, tribal, remote and hilly areas should be accorded priority and

expedite their completion in a time bound manner. The Committee may be apprised of the latest progress made in these projects.

Reply of the Government

2.23 Though identification of backward regions and a comprehensive plan for their development is under the purview of Planning Commission, National Development Council, etc, Railways are participating in the development of backward areas and are engaged in building a Rail Transport Infrastructure by construction of new lines and conversion of Meter Gauge/Narrow Gauge Lines to Broad Gauge (BG) selectively to have industrial and economic development of those areas, which though have potential for growth, have not been able to develop for want of rail infrastructure.

2.24 In August'2002, a list of ongoing new line and gauge conversion projects taken up primarily on socio-economic considerations, were submitted to RCC which contained 96 projects. Out of the 96 projects, 12 have been completed and 2 have been dropped. During the period from 2002-2003 to 2007-08, 39 projects (25 new line and 14 gauge conversion) have been included primarily on socio-economic consideration, out of which 1 new line and 1 gauge conversion project has been completed. State Governments have been requested to participate financially in Railway projects in their States including socially desirable projects. Hon'ble Minister of Railways have requested Chief Ministers of the State Governments to participate in funding of these projects to the extent of 50% or more for expediting the implementation of these projects.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

CHAPTER – III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT

Recommendation (Sl. No. 7, Para No. 2.30)

3.1 The Committee note that candidates are issued call letters for written test/interview one month in advance. They also note that in case of appointments, the letter is issued to selected candidates giving one month's time to report. The Committee are of the view that since most SC/ST candidates hail from backward and remote areas with little means of communication, one month's time to report for duty is slightly insufficient. The Committee, therefore, recommend that at the expiry of one month's time, a reminder should be issued to find out whether the earlier communication had actually been received by the candidate and if need be, efforts should be made to make personal contact with the candidate to confirm his willingness to accept the offer of appointment.

Reply of the Government

3.2 The above recommendation have been examined and it is to state that as per the extant instructions, it is ensured that for timely delivery, joining letter/offer of appointment are sent to the selected candidates by registered/acknowledge due post and candidates are given four weeks time for joining duty. If, the appointment letters are not delivered to the candidate in the first attempt for any reason, another attempt is made to deliver the letter to the candidate. Normally selected candidates (including candidates belonging to Scheduled Castes and Scheduled Tribes) report to join duty on time or if there is any difficulty, necessary request for extending joining period are submitted by the concerned

candidates. However, it is already in practice that reminders are sent to such candidates in the event of non-reporting to joining on time.

3.3 As regards the personal contact with the candidates to confirm his willingness to accept the offer of appointment it is to state that the same is neither required keeping in view the above position nor it is feasible since Railway does not have such a large number of inspectors to be deputed when they are already engaged with massive and large scale other more important and urgent activities.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/I/80/3 Part, Dated 28.12.2007]

Recommendation (Sl. No. 8, Para No. 2.31)

3.4 The Committee do not agree with the contention of the Government that arrangements for conducting examinations in places of high tribal areas are not practicable. As such most examinations for tribal candidates are being conducted in Lucknow and Gorakhpur only because these two places are areas quite central to majority of tribal candidates found in Uttaranchal, Rajasthan, Jharkhand and Bihar. In case of large backlog vacancies for tribal candidates on North Eastern Railway, special indents are made to Railway Recruitment Boards like Ranchi and Ajmer where the tribal density is quite high. The Committee do not agree with this contention of the Ministry of Railways and stress that holding examinations in tribal areas should not be a problem because the Government has all the requisite logistics and resources to undertake such exercise keeping in view the interest of the poor tribals living in remote areas. The Committee, therefore, recommend that for recruitment of tribal candidates, the NER should as far as possible conduct written examinations in other prominent town/cities of Rajasthan, Uttaranchal, Bihar and Jharkhand where the density of tribal population is

high and sufficient ST candidates are available for recruitment. The Committee further recommend that the centre of examination for a particular area should be indicated in the advertisement/Notifications, which may be subject to change depending upon the number of SC/ST applicants from that area. The Committee desire that each Railway Division should identify areas of high SCs/STs concentration under them and should additionally advertise reserved vacancies invariably in those areas. Even examination centres should also be arranged there.

Reply of the Government

3.5 At present, there are 20 Railway Recruitment Boards (RRBs) for catering to the recruitment requirements of various categories of Group 'C' posts of Zonal Railways/Production Units etc. on all India basis within their respective jurisdiction. Candidates from any part of the Country are free to apply in response to advertisements issued by any of the Railway Recruitment Boards.

3.6 As per the extant procedure, notification is published in Employment News/Rojgar Samachar, leading newspaper and Regional Newspapers for wide publicity based on the ruling of the Hon'ble Supreme Court of India. Copies of the said notification are also sent to the various recognized Scheduled Caste/Scheduled Tribe Associations/Employment Exchange and Directorate of Employment of Jammu & Kashmir and North East States.

3.7 Examination centres are fixed depending upon the number of applications received from the candidates in response to the notification. Examination centres are not fixed outside the jurisdiction of the concerned Railway Recruitment Board. In the event of abnormally large number of applications received from outside the jurisdiction of an Railway Recruitment Board and there being paucity of seating arrangements in the jurisdiction of that Railway Recruitment Board, candidates may be allotted additional

centres in the jurisdiction of an adjoining Railway Recruitment Board, after due consultation with the concerned Railway Recruitment Board. As per extant rules, candidates belonging to Scheduled Caste/Scheduled Tribe communities are provided to and from Railway free pass for appearing in the written examination/interview from the nearest Railway Station of their residence to the examination centre.

3.8 In view of above, it is stated that the existing provisions take due care of the Scheduled Caste/Scheduled Tribe candidates for appearing in Railway Recruitment Board examinations by providing them free rail travel facility.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

Recommendation (Sl. No. 9, Para No. 2.52)

3.9 The Committee have observed that the recruitment of casual labourers has been stopped because the NER has no more requirements of their services. However, the NER still has 2554 ex-casual labourers on casual live/supplementary live register. It was also stated that as per extant policy of the Board, eligible SC/ST candidates whose names are registered on the casual live/supplementary live register can be regularized by way of screening to fill up the shortfall vacancies of SCs/STs as and when vacancies arise and become fill-able based on intake plan. While on the other hand, it has been observed that during the recruitment years 2002-03 to 2004-05, the vacancies reserved for SCs/STs remained unfilled resulting in carrying forward of the same year after year due to non-availability of candidates from these two communities. In this regard, the Committee would like to point out that NER should not have difficulty in getting sufficient SC/ST candidates to fill up vacancies reserved for SC/ST at least in Group 'D' posts in direct recruitment, when there are 2554 ex-casual labourers on casual

live/supplementary live register waiting for regularization. The Committee, therefore, urge the Ministry of Railways (Railway Board) that if sufficient SC/ST candidates are not available in the open market to fill reserved vacancies in direct recruitment for Group 'C' and 'D' posts, the services of eligible SC/ST candidates whose names have already appeared in the casual live/supplementary live register should be regularized as per requirements.

Reply of the Government

3.10 All ex-casual labourers borne on the Live/Supplementary casual labour Live Registers who have put in a minimum of 120 days casual service are eligible for regularization of their services subject to eligibility criteria regarding age and educational qualification etc. laid down as per instruction issued by Board from time to time in this regard.

3.11 Where there is any shortfall in the vacancies of Scheduled Castes/Scheduled Tribes these vacancies are being filled up from open market recruitment along with the others and by undertaking Special Recruitment Drive for Scheduled Caste/Scheduled Tribe persons only eligible Scheduled Castes/Scheduled Tribes casual labourers appearing on the casual labour registers are given preference over open market candidates. In the current Special Recruitment Drive for Scheduled Castes and Scheduled Tribes as many as "645" backlog vacancies were identified on North Eastern Railway which have been fully wiped out/filled up.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/I/80/3 Part, Dated 28.12.2007]

Recommendation (Sl. No. 10, Para No. 2.53)

3.12 The Committee agree that accrual and clearance of vacancies reserved for SCs and STs is a continuous process. But the reserved vacancies of 238 SCs and 291 STs in Group "C" posts and 171 SCs and 923 STs in Group "D" posts for the recruitment year 2004-2005 had accrued over years of time. The Committee are not happy with this trend of carrying forward reserved vacancies year after year which is against the interest of the SCs and STs. The Committee desire that this unhealthy trend should be immediately stopped at all costs. The Committee, therefore, recommend that concerted efforts should be made to fill up all vacancies reserved for SCs and STs in every recruitment year.

Reply of the Government

3.13 The concern expressed by the Hon'ble Committee for filling the reserved posts in the same recruitment year is well taken. All efforts are made to fill the vacancies in the same year. However, due to non-availability of candidates especially in technical, skilled, semi skilled, medical, para medical etc. categories, the reserved posts could not be filled up in required numbers. Moreover, as per the extant instructions not more than 50% of the current vacancies can be reserved in a year in direct recruitment. Due to these reasons, North Eastern Railway administration had to carry forward the unfilled vacancies both in Group 'D' & 'C' category for the recruitment year 2004-2005 out of which as many as 252 SC/ST candidates in Gr. 'C' and 159 SC/ST candidates in Gr. 'D' categories have been filled up during the year 2006. As per DOP&T's instructions, due to ban on de-reservation in recruitment, presently vacancies reserved for SC/STs should not be allowed to lapse but it should be allowed to carry forward till such time the candidates belonging to SC/STs categories becomes available. It may further be

appreciated that special recruitment drive for filling of accumulated backlog vacancies are under taken from time to time. The last such drive was launched in the year 2004 on all the Zonal Railways including North Eastern Railway.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/I/80/3 Part, Dated 28.12.2007]

Recommendation (Sl. No. 15, Para No. 3.11)

3.14 The Committee have observed that during the period 2002-03 to 2004-05, North Eastern Railway has sent 10 staff/officers on training abroad but none of them belonged to SC/ST community. The Committee, therefore, urge the North Eastern Railway to keep in mind the interest and welfare of SC/ST employees while nominating officers for training abroad. The Committee would also like to impress upon the North Eastern Railway that the names of eligible SC/ST officers should be drawn up for recommending them for training abroad in accordance with the instructions issued by DOP&T in this regard.

Reply of the Government

3.15 Nomination for foreign training is done at the level of Ministry of Railways and the same are made on the basis of seniority-cum-suitability, need of organisation, criteria specified by donor countries and as per the instructions of Ministry of Finance and Department of Personnel & Training, issued from time to time by the Government.

SC/ST officers and staff are given full opportunity for training abroad and number of them have visited various foreign countries and got trained there alongwith other officers.

3.16 The Hon'ble Committee in the 14th Report (13th Lok Sabha) vide para 1.16 had also expressed their concern over less representation of the candidates belonging to SC/ST community in sending abroad for training and recommended that various criteria

and norms for nomination of foreign training be relaxed and amended in favour of such candidates which was duly examined in consultation with the nodal/coordinating Ministry (Department) i.e. Ministry of Finance (Department of Economic Affairs) and also with the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) who have stated that while sending the nominations to the donor agencies, the various eligibility criteria prescribed by them (donor agencies) have to be satisfied since the donor agencies do not dilute their conditions with regard to eligibility criteria. As such, Department of Economic Affairs stated that they cannot make any recommendations to the donor agencies seeking to amend or modify their eligibility criteria. Nevertheless the concern of the Hon'ble Committee will be kept in view and SC/ST officers will be sent abroad whenever possible as per job requirement within the ambit of rules and other relevant factors.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

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. 2, Para No. 1.18)**

4.1 The Committee note that caste/creed is not the criteria for appointments to the posts of Members of Railway Board, Financial Commissioner and Chairman (Railway Board), which are regulated by norms, and guidelines laid down for the purpose and approved at the highest level in the Government. The Committee also deeply deplore the reply of the Ministry of Railways that no such information is maintained regarding SC/ST officer ever occupying the post of a Member (Staff) in the Railway Board, which reflects the attitude of the Government towards the welfare and interests of SC/ST people. The Committee would like to state that the Railway Board is the highest authority in the Ministry of Railways comprising highest number of employees under its control where important policy matters having far reaching consequences are taken. The Committee feel that without proper representation of the Scheduled Castes/Scheduled Tribes in the Board, the interest of these communities may not be watched properly. The Committee, therefore, recommend that with a view to safeguard the interests of the SC/ST employees working in the Indian Railways, the Government should make available provisions for inclusion of SC/ST member in the Board by amending rules/regulations and guidelines governing appointments to the Board.

Reply of the Government

4.2 The posts of Members of Railway Board are of the level of Secretary to the Government of India level appointment. The appointments to the posts of Members including Member (Staff) of Railway Board, Financial Commissioner (Railways) and Chairman, Railway Board are regulated by norms and guidelines laid down for the purpose and are approved at the highest level in the Government. Caste/creed is not the criteria for such appointments.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)I/80/3 Part, Dated 28.12.2007]

Comments of the Committee

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

Recommendation (Sl. No. 11, Para No. 2.54)

4.4 The Committee were informed that to wipe out the shortfall of SCs and STs, panel from other Railway Recruitment Boards have been utilized to fulfill the quota for SC community candidates; wide publicity were given to the recruitment process in other regions of the country with greater population of Scheduled Tribes and since 1989 Special Recruitment Drives were undertaken from time to time to wipe out the backlog vacancies of SCs/STs within a time bound manner. Further, in pursuance of MR's announcement made in Railway Budget 2004-2005 and in pursuance of Government Minimum Programme, a Special Recruitment Drive has been launched on North Eastern Railway to wipe out the backlog vacancies existing as on 31.3.2004. In the said Special Recruitment Drive, 645 backlog vacancies were identified for clearance against which 354 SC/ST vacancies have already been filled and the balance 291 vacancies were at

various stages of recruitment. The Special Recruitment Drive was to be completed by the end of September, 2005. However, the Committee were surprised to note that as on 1.1.2005, there is a huge shortfall of SC/ST employees in North Eastern Railway. In Group 'A' there is a shortfall of 17 SCs and 18 STs, in Group 'B' there is a shortfall of 12 STs, in Group 'C' there is a shortfall of 330 SCs and 1403 STs' and in Group 'D' there is a shortfall of 743 STs. The Committee therefore, recommend that the NER should utilize all of its resources and undertake another round of Special Recruitment Drive on a much wider scale than previously held so as to completely wipe out the huge shortfall of SCs and STs existing as on 1.1.2005. This should be done within one year of the presentation of this report and the Committee should be kept informed of the action taken in the matter.

Reply of the Government

4.5 The Special Recruitment Drive which was launched in the year 2004 was incomplete at the point of time of oral evidence of North Eastern Railway which was held on 13.9.2005 i.e., the drive was still continuing and 291 SC/ST vacancies which were under the process of recruitment have already been filled up by North Eastern Railway. Similarly, in case of promotion out of 3135 backlog vacancies identified as many as '2629' vacancies have been filled up expeditiously. The further backlog vacancies, if any, in case of recruitment which are accruing after 31.3.2004 on North Eastern Railway would be filled up in due course along with others.

4.6 However, necessary instructions has been issued to all the Zonal Railways including North Eastern Railway to carry out serious exercise to find out and pin pointy the real causes of shortfall and to review the position and chalk out effective action plan so as to wipe out the actual shortfall/backlog vacancies of Scheduled Castes/Scheduled

Tribes/Other Backward Classes both in recruitment and promotional categories. Any further special recruitment drive would be undertaken on receipt of necessary instructions from the Nodal Ministry i.e. Ministry of Personnel, Public Grievances and Pensions (DOP&T).

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

Comments of the Committee

4.7 Please see Para No. 1.22 of Chapter – I.

Recommendation (Sl. No. 14, Para No. 3.10)

4.8 The Committee note that there is no scheme for giving pre-recruitment training to SC/ST candidates for appearing in the recruitment examination conducted by the North Eastern Railway because the Indian Railways have no provision for such training. It was stated that even though the Indian Railways is a vast organisation with huge manpower, the scheme had never been experimented. The Committee do not agree with the contention of the Ministry of Railways (Railway Board) that it is the assigned responsibility of the Ministry of Social Justice and Empowerment to provide pre-recruitment training to SC/ST candidates. The Committee would like to make the Ministry of Railways aware of the fact that many public sector undertakings such as banks are providing pre-recruitment training as a part of recruitment process. Railways is the largest employer of manpower but Railways zone like North Eastern Railway could not still fill up the reserved posts due to non-availability of SC/ST candidates. The Committee are of the view that to attract more candidates and to enable them to qualify in the selection process, SC/ST candidates should be provided pre-recruitment training and stipend. The scheme should at least be started from such Railway zones which have difficulty in getting the sufficient number of SC/ST candidates. The Committee,

therefore, recommend that the Ministry of Railways (Railway Board) should take the initiative and provide pre-recruitment training to SC/ST candidates. The Committee should be kept apprised of the achievements made in this regard.

Reply of the Government

4.9 The above recommendation of the Hon'ble Committee has been duly examined and it is stated that Ministry of Railways is not in a position to provide that pre-recruitment training to any section of candidates including Scheduled Castes/Scheduled Tribes because the number of applicants in reference to recruitment notices normally may run into crores every year. However, there is a Central Sector Scheme (namely coaching and allied assistance) of free coaching provided/imparted by Ministry of Social Justice and Empowerment with a view to ensure effective implementation and monitoring of Government Programmes and assist the students belonging to weaker sections including Scheduled Castes and Other Backward Classes in a better manner. The objectives of the above scheme are to provide qualitative coaching for Group 'A' and 'B' Examinations conducted by the Union Public Service Commission (UPSC) and for non-gazetted, the Staff Selection Commission and the various Railway Recruitment Boards (RRBs) etc.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

Comments of the Committee

4.10 Please see Para No. 1.29 of Chapter – I.

Recommendation (Sl. No. 19, Para No. 4.38)

4.11 The Committee note that Indian Railways have taken a pro-active steps, keeping in view the social obligations of the Government towards weaker sections of the society and provided reservation up to 49.50% at 'D', 'E' and 'F' categories stations and 25% in award of licence for small catering units at 'A', 'B' and 'C' categories stations. However, the same has not been provided in case of award of licences of major units because management of major units requires large capital investments, technical skills and expertise to cater to large scale operations and best available professionals in the trade. Of course, SCs/STs are not debarred for award of catering contracts for major units. But the Committee feel that if reservation is provided in award of major catering contracts, many SC/ST entrepreneurs would be readily available to make investments. The Committee, therefore, recommend that reservation should be made in award of licences for major catering contracts in the Indian Railways. Otherwise certain quota of the contracts should be earmarked exclusively for SCs/STs.

Reply of the Government

4.12 Indian Railways have taken pro-active steps in the revised Catering Policy, 2005 dated 21.12.2005 to provide reservation although there is no provision for same under Contract Act or Companies Act. Reservation of up to 25% in the allotment of minor catering units at 'A', 'B' and 'C' category stations and 49.50% at 'D', 'E' and 'F' categories of stations have been primarily provided to look after the interest of weaker sections of the society.

4.13 The management of major units requires a lot of managerial acumen, functional capability and catering experience and capability to muster resources including financial resources and such management of catering services are required to cater a large scale

operation in order to meet the aspirations and requirements of the traveling public. Major units require the best available professionals in the trade. Reservation in major catering contracts will lead to compromise on above important aspects.

4.14 The catering/vending contracts for major units require considerable financial involvement, organizing skill and high level of service quality as well as adoption of scientific method and new technologies in the catering segments for the satisfaction of the Railways consumers. Catering today is related with the development of tourism industry in India and at international level. A catering contract now is not merely a service contract for an individual to serve but has become more complicated and is beyond the competence of one or two persons to manage the multifarious activities involved in maintaining services under the contract. It requires a full-fledged organization/company with individuals having competence in the diverse activities which form the catering services. Hence the percentage of reservation as is necessary in service matter is not applicable for major catering units awarded by tender system.

4.15 Reservation is applicable to individuals, whereas catering contracts are awarded to individuals, firms and companies. Reservation cannot be made applicable to firms and companies.

4.16 Further, there are no directives from Central Government about reservation, its percentage and criteria for commercial contracts and licenses.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

Comments of the Committee

4.17 Please see Para No. 1.44 of Chapter – I.

CHAPTER – V**RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT HAVE NOT BEEN RECEIVED****Recommendation (Sl. No. 13, Para No. 2.65)**

5.1 The Committee note that in pursuance of Government Common Minimum Programme, a Special Promotion Drive was launched to clear the backlog vacancies of SCs/STs existing as on 01.07.2004. In the said drive as many as 3135 backlog vacancies were identified against which a total of 1845 vacancies have been filled and a balance of 1290 vacancies are yet to be filled as on 1.11.2005. It was also stated that due to non-availability of candidates in promotional categories, vacancies are being diverted to recruitment categories, where it is permissible and there is an element of direct recruitment, so as to fill up these vacancies through open market as per extant rules. As per the directions of the DOP&T, the drive was to be completed by 30.06.2005 which is to be complied by all Ministries and organisations concerned. The Committee, therefore, desire to know the latest status of these pending vacancies which are purportedly to be filled by direct recruitment through open market as per extant rules. The Committee feel that in such cases departmental candidates may be put to disadvantage due to direct recruitment. The Committee, therefore, desire that departmental candidates may also be allowed to take these direct recruitment examination where they fulfill the prescribed eligibility conditions.

Reply of the Government

5.2 The above recommendation of the Hon'ble Committee has been duly examined and it is stated that out of "3135" backlog vacancies existing on 01.07.2004 identified in

the Special Promotion Drive, as many as “2629” (83.4%) vacancies have since been filled up on the North Eastern Railway. Remaining “506” vacancies are under the process of recruitment and would be filled up expeditiously in due course.

5.3 In regard to the Committee’s recommendation for allowing departmental candidates to take part in direct recruitment examination where they fulfill the prescribed eligibility conditions, it is to state that such direct recruitment examination is also open to departmental candidates i.e. who are in service. However, departmental candidates fulfilling the eligibility criteria i.e. age, educational qualification etc. are required to apply through proper channel. Therefore, what has been recommended by the Hon’ble Committee is already in practice as per the extant rules.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

Comments of the Committee

5.4 Please see Para No. 1.26 of Chapter – I.

Recommendation (Sl. No. 16, Para No. 3.22)

5.5 The Committee note that the North Eastern Railway has taken certain measures to check recruitment/appointments on the basis of false caste certificates. However, 5 cases of appointments on false caste certificates have been detected out of which only one case has been finalised and the remaining 4 cases are still under investigation. The Committee desire that if a person of dubious integrity has secured employment on the basis of false caste certificate and prima facie is proved to be a false case, he should be removed from service immediately and necessary criminal proceedings should be initiated against him. The Committee also urge upon the North Eastern Railway to

finalise the pending 4 cases on priority basis and inform the Committee of the progress made therein.

Reply of the Government

5.6 On receipt of complaints regarding false/bogus caste certificates, the same are referred to the respective certificate issuing authority viz. Block Development Officers, Tahsildars, District Magistrates etc. for verification of the genuineness thereof. In case the verification reveals that the caste certificate produced by the candidate is false, as per the extant instructions, the concerned employee is not only removed from service but necessary action is also taken under Indian Penal Code by referring the case to the local Police Station, so as to discourage such employees and other employees from committing such crimes in future. This provision has been made keeping in view the spirit of constitutional provisions that the benefit of reservation may accrue to genuine Scheduled Caste/Scheduled Tribe candidates only.

5.7 Therefore, what has been recommended by the Hon'ble Committee are already in the practice/rules.

5.8 As regards, the status of the pending 4 cases of caste certificates, the position is as under:-

1. **Case of Smt. N.N. Marandi, Staff Nurse/LNM Railway Hospital/Gorakhpur**

Status: Every effort is being made to finalize the complaint at the earliest. A personal inspector was deputed to obtain the status of the case from District Welfare Officer/Purnia. It is learnt that the District Welfare Officer/Purnia has been nominated by District Magistrate concerned to verify the caste certificate. The verification report from the civil authority is yet to be received.

2. **Case of Shri Sadhu Saran, OS-II, Chief Commercial Manager's Office/Gorakhpur**

Status: The caste certificate submitted by the employee was found false as per the report of Additional District Magistrate/Kampiyarganj/Gorakhpur and the Tahsildar/Gorakhpur. A charge sheet of major penalty has already been issued against Shri Sadhu Saran. Further, necessary action as per the extant rules is under process by the competent authority.

3. **Case of Shri Ram Ashish, SSE/Diesel Shed Gonda**

Status: The matter has been referred to concerned District Magistrate/Gorakhpur to verify the genuineness of caste certificates which is still awaited inspite of best efforts.

4. **Case of Shri Chandra Prakash, SSE/Tele/BG/Gorakhpur**

Status: The verification report obtained from District Magistrate/Gorakhpur reveals that the employee belongs to OBC category and not to SC or ST. Against the above report, the employee has filed a court case at CAT/Allahabad. The Hon'ble High Court/Allahabad has passed an order, staying further action. Hence, the matter is sub-judice.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

Comments of the Committee

5.9 Please see Para No. 1.34 of Chapter – I.

Recommendation (Sl. No. 17, Para No. 4.7)

5.10 The Committee appreciate that the North Eastern Railway has a systematic procedure prescribed for the redressal of complaints/grievances of SC/ST employees.

Separate register is maintained to register the grievances of SC/ST employees and every effort is made to dispose/finalise the case within 3 months. However, the Committee note that during the period 2004-05, the North Eastern Railway had received 109 complaints out of which 4 cases are still pending due to non-availability of full details to decide the matters or due to non-receipt of information under reference from various agencies. The Committee would like to opine that basically the nature of complaints of SC/ST employees are relating to service matters such as promotions, seniority etc., which may have a repercussion on their career if the complaints are not addressed in time. The Committee, therefore, urge that special attention should be paid to redress the complaints/grievances of SC/ST employees within 3 months and dispose of the remaining 4 cases without any further delay.

Reply of the Government

5.11 Every effort is being made to redress the grievances of SC/ST employees at the earliest. As per extant instructions, a separate complaints/grievances register for SC/ST employees, for its speedy disposal, is maintained on North Eastern Railway. Further, periodical inspection is carried out concerning their service matters etc. to see that they are disposed of within the stipulated period of 3 months. These instructions are reiterated from time to time to the Railways, including North Eastern Railway with the direction that such complaints/grievances of SC/ST employees should be disposed of within a period of 3 months. However, some times complaints of SC/ST employees cannot be disposed of within the specific period of 3 months due to court cases,

retirement of enquiry officer, non-furnishing of requisite information by the complainant etc. The status of the remaining 4 cases is as under:

Sl. No.	Name of the Complainant	Subject	Remarks/Action Taken
1	Shri Chandra Shekhar Arya, Sr. Clerk, Mech. Workshop/GKP	Harassment of Shri Chandra Shekhar Arya by Shri Munish Mishra.	In this case, Shri C.P. Shukla, Asstt. Production Engineer was nominated to conduct enquiry but, he retired from railway service without submitting the enquiry report. Shri O.P. Sinha, Asstt. Workshop Manager (Carriage) has now been nominated to conduct the enquiry. The case will be disposed of on the basis of enquiry report.
2	Shri Sant Prasad, Khalasi, BG/Con. Electrical/GKP	Regarding transfer of lien from East Central Railway to North Eastern Railway and payment of salary for transferred period.	The lien of Shri Sant Prasad has been fixed and transferred from Electrical construction, Samastipur, E.C.Railway to the office of Divisional Electric Engineer, Gorakhpur vide Rly's office NO. Ka/231/7/Sant Prasad/IX/Loose dated 18.10.2006. The due salary Rs.18585/- for transferred period has also been ordered for payment.
3	Shri Bhawani Shanker, Mali, DRM/IZN	Harassment of Shri Bhawani Shanker by Shri Pashupati.	There was an altercation between Shri Bhawani Shanker (SC), Mali and Shri Pashupati. Shri Bhawani Shanker had also filed a FIR on 23.3.2005. After Police verification the same was filed as criminal suit No. 165/05 in the court of CJM/Bareilly, which is under consideration. However, the said altercation was beyond duty period and duty place. Therefore, no departmental action has been taken. The action will depend upon the decision of court.
4	Shri Hira Lal Manjhi, Ex-Casual Labour/Con/GKP	Regarding absorption in railway against shortfall quota.	In this regard, a letter dated 27.7.79 has been sent to Shri Manjhi with advice to submit the proforma with full details within one month but the same is still awaited from Shri Manjhi. Accordingly, his absorption has not been made till now.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/I/80/3 Part, Dated 28.12.2007]

Comments of the Committee

5.12 Please see Para No. 1.37 of Chapter – I.

Recommendation (Sl. No. 20, Para No. 4.39)

5.13 The Committee note that as per Catering Policy – 2005, applications have been invited for 148 contracts for 'D', 'E' and 'F' categories stations out of which 80 contracts are earmarked for reserved categories for which 143 applications have been received. The Committee desire to know the status of these contracts reserved for SCs/STs which were in the process of allotment.

Reply of the Government

5.14 The matter has been referred to North Eastern Railway by E(SCT) Directorate, and a report from North Eastern Railway is placed at S. No. 4. According to their report about 74 reserved category stalls have been earmarked among the vacancies of D, E and F category of stations. Out of these 28 stalls were earmarked to SC and 46 to ST. Among these 02 SC and 05 ST stalls were already allotted by Railways to the successful applicants following prescribed policy and guidelines. Applications were not received in regard to 2 SC units and 5 ST units for which re-notification were issued which are under process. On date allotment is under process for the remaining units. The detail position is as under:-

1.	Total reserved category allotment	Earmarked to SC	Earmarked to ST
	74	28	46
2.	Applications not received	SC	ST
	9	2	7
3.	Allotment made	SC	ST
	7	2	5
4.	Allotment under process	SC	ST
	67	26	41

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

Comments of the Committee

5.15 Please see Para No. 1.47 of Chapter – I.

Recommendation (Sl. No. 21, Para No. 4.40)

5.16 The Committee note that as per Bookstall Policy – 2004, a reservation of 10% (6% for SCs and 4% for STs) out of 25% has been provided in the allotment of new

bookstalls at 'B', 'C', 'D', 'E' and 'F' category stations. Whereas, reservation is not provided in allotment of new bookstalls at 'A' category stations because the bookstalls licence of major stations are to be awarded on competitive bidding through open tender on two packet bidding system and the criteria prescribed being professional competence, financial soundness and past experience in bookstall business. It was also stated that the aim of the Bookstall Policy – 2004 is professionalisation of the bookstall sources as well as bringing in adequate transparency and objectivity in the award of licence. The Committee observe that the Bookstall Policy – 2004 is not in the best interest of SCs/STs because reservation is not provided for them in allotment of licences for bookstalls at major stations as a part of the policy of the Indian Railways. The Committee would further like to stress that there is no dearth of SC/ST businessmen to invest in bookstalls business, but unless protection is given to them in the form of reservation, they will not be able to compete against rich and influential businessmen in the fray. The Committee, therefore, recommend that the Bookstall Policy – 2004 should be amended and reservation should be provided to SCs/STs in allotment of bookstalls licences at major stations.

Reply of the Government

5.17 It is to state that as regards the process of awarding new licenses for bookstall and criteria for collection of license fee of bookstalls, an SLP (Special Leave Petition) No. (C) 12096 has been filed in the Hon'ble Supreme Court of India against the judgment delivered in Writ Petition No. 475 filed by M/s. A. H. Wheeler and Company in the High Court of Judicature of Allahabad. As such, the matter is sub-judice. The issue would be considered only after the matter is decided by the Supreme Court of India.

[Vide Ministry of Railways (Railway Board) O.M. No.2003-E(SCT)/80/3 Part, Dated 28.12.2007]

Comments of the Committee

5.18 Please see Para No. 1.50 of Chapter – I.

New Delhi;
October, 2008

Kartika, 1930 (Saka)

RATILAL KALIDAS VARMA
Chairman
Committee on the Welfare
of Scheduled Castes and
Scheduled Tribes

APPENDIX-I**MINUTES****COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2008-2009)****(FOURTEENTH LOK SABHA)****THIRD SITTING
(12.06.2008)****The Committee sat from 1500 to 1600 hrs. in Committee Room 'B', Parliament House
Annexe, New Delhi****PRESENT****Shri Ratilal Kalidas Varma - Chairman****MEMBERS****LOK SABHA**

2. Shri Anandrao Vithoba Adsul
4. Shri Kailash Baitha
4. Shri S. Ajaya Kumar
5. Shri Kailash Meghwal
6. Shri Rupchand Murmu
7. Shri A. Venkatesh Naik
8. Shri Kishanbhai V. Patel
9. Shri E. Ponnuswamy
10. Shri Ashok Kumar Pradhan
11. Shri Ramjilal Suman
12. Shri Chengara Surendran
13. Shri Narsingrao H. Suryawanshi

RAJYA SABHA

14. Shri Krishan Lal Balmiki
15. Dr. Radhakant Nayak
16. Shri Mahendra Sahnii
17. Shri Thomas Sangma
18. Shri Tiruchi Siva
19. Shri Brij Bhushan Tiwari
20. Miss Anusuiya Uikey
21. Shri Nandi Yellaiah

SECRETARIAT

1. Shri P.K. Misra, Joint Secretary
2. Shri Gopal Singh, Director
3. Ms. J.C. Namchyo, Deputy Secretary

At the outset, the Hon'ble Chairman welcomed the Hon'ble Members of the Committee. The Committee then considered the draft Report on Action taken by the Government on the recommendations contained in the Seventeenth Report (14th Lok Sabha) of the Committee on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in North Eastern Railway (NER)" and adopted the same with minor modifications.

2. The Committee authorised the Chairman to finalise the Report in the light of consequential changes and present the same to both the Houses of Parliament.

3. Thereafter, the Chairman informed the Committee that the tour of the Committee to Kolkata, Gangtok, Darjeeling and Siliguri already approved by the Hon'ble Speaker has to be postponed in view of the prevailing political situation in Darjeeling District and sought views of the Members. The Committee then authorised the Chairman to watch the situation and if necessary, the tour may be postponed to 4th July, 2008 to 10th July, 2008.

The Committee then adjourned.

APPENDIX - II
(Vide Para 4 of Introduction)

Analysis of action taken by the Government on the recommendations contained in the Seventeenth Report (14th Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1.	Total number of recommendations	22
2.	Recommendations/observations which have been accepted by the Government (<u>vide</u> recommendations at Sl. Nos. 1, 3, 4, 5, 6, 12, 18 and 22)	
	Number	8
	Percentage to the total	36.36%
3.	Recommendations/observation which the Committee do not desire to pursue in view of the Government replies (<u>vide</u> recommendations at Sl. Nos. 7, 8, 9, 10 and 15)	
	Number	5
	Percentage to the total	22.72%
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. 2, 11, 14 and 19)	
	Number	4
	Percentage to the total	18.18%
5.	Recommendations/observations in respect of which final replies of the Government have not been received (<u>vide</u> recommendations at Sl. No. 13, 16, 17, 20 and 21)	
	Number	5
	Percentage to the total	22.72%