

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(2012-2013)**

(FIFTEENTH LOK SABHA)

TWENTY SIXTH REPORT

ON

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

"Review of representation of Scheduled Castes and Scheduled Tribes in senior positions in Government of India"

Presented to Lok Sabha on _____

Laid in Rajya Sabha on _____



LOK SABHA SECRETARIAT

NEW DELHI

20 March, 2013 / 29 Phalguna, 1934(Saka)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES (2012-2013)**

Shri Gobinda Chandra Naskar - Chairman

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4. Smt. Santosh Chowdhary
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SECRETARIAT

- | | | | |
|----|--------------------|---|----------------------|
| 1. | Dr. R.K. Chadha | - | Additional Secretary |
| 2. | Shri D.R. Shekhar | - | Director |
| 3. | Shri S. Chatterjee | - | Additional Director |
| 4. | Ms. Pooja Kirthwal | - | 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 Twenty Sixth Report (Fifteenth Lok Sabha) on the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) on the subject "Review of representation of Scheduled Castes and Scheduled Tribes in senior positions in Government of India".

2. The Committee took evidence of representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training). The Committee wish to express their thanks to the officers of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) for placing before the Committee the material and information the Committee required in connection with the examination of the subject.

3. The Report was considered and adopted by the Committee on 13 March, 2013.

4. A summary of conclusions/recommendations contained in the Report is appended (Appendix O).

New Delhi;
20 March, 2013
29 Phalguna, 1934 (Saka)

(GOBINDA CHANDRA NASKER)
Chairman
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes

CHAPTER I

BACKGROUND NOTE

The Clause (4) of Article 16 of the Indian Constitution states that :-

"Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State."

1.2 Article 16(4) provides for reservation for Backward Classes in cases of inadequate representation in public employment. Article 16(4) is enacted as a remedy for the past historical discriminations against a social class. The object in enacting the enabling provisions like Articles 16(4), 16(4-A) and 16(4-B) is that the State is empowered to identify and recognize the compelling interests. If the State has quantifiable data to show backwardness and inadequacy then the State can make reservations in promotions keeping in mind maintenance of efficiency which is held to be a constitutional limitation on the discretion of the State in making reservation as indicated by Article 335.

1.3 The policy of the Government of India has been to ensure that adequate representation is available to Members of Scheduled Castes and Scheduled Tribes in the posts and services under Government. As a further extension of this policy, the Ministry/Departments administratively concerned with the public sector undertaking have also been asked by the Bureau of Public Enterprises to issue suitable directives to the public undertaking under their control to provide reservation for Scheduled Castes and Scheduled Tribes in the services under the public undertakings on the pattern of the scheme of reservations under Government. Reservation to SCs, STs and OBCs in case of direct recruitment is available at all levels viz. Group A, B, C and D. When direct recruitment is made on all India basis by open competition, they get reservation at the rate of 15%,

7.5% and 27% respectively and when made on all India basis otherwise than by open competition, they get reservation at the rate of 16.66%, 7.5% and 25.84% respectively.

1.4 Reservation in promotion by 'Non-selection' method is available to Scheduled Castes and Scheduled Tribes in all Groups i.e. Group A, B, C & D at the rate of 15% and 7.5% respectively. In case of promotion by 'Selection' method reservation is available to SCs and STs up to the lowest rung of Group 'A' at the same proportion - **Appendix A**. However, reservation in promotion is provided only in the grades which the element of direct recruitment, if any, does not exceed 75%.

1.5 There is no reservation in promotion by selection within Group 'A'. However, instructions contained in Department of Personnel and Training O.M. No.36028/21/2003-Estt. (Res.) dated 29.1.2004 provide that in promotions by selection within Group 'A' (Class I) carrying an ultimate salary of Rs.18,300/- (pre-revised) per month or less, the Scheduled Caste/ Scheduled Tribe officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn, would be included in the list provided they are not considered unfit for promotion - **Appendix B**.

1.6 The Supreme Court in its judgement dated 16.11.1992 in the case of Indra Sawhney v/s. Union of India had declared reservation in promotion *ultra vires* but had permitted to continue it for 5 years from the date of the judgement i.e. upto 15.11.1997. The ruling of the Supreme Court was considered to adversely affect the interests of the Scheduled Castes and the Scheduled Tribes. In order to protect the interests of the Scheduled Castes and the Scheduled Tribes, the Government has decided to continue reservation in promotion for Scheduled

Castes and Scheduled Tribes beyond 15.11.1997, the 77th Amendment was made to the Constitution of India to the effect that reservation for SCs and STs in promotion.

1.7 Such reservations were to continue beyond 15.11.1997 till such time the representation of each of the above two categories in each cadre reaches the prescribed percentage of reservation whereafter, the reservation in promotion shall continue to maintain the representation to the extent of the prescribed percentage for respective categories.

1.8 The Clause (4A) of Article 16 was further modified through the 85th amendment in order to give the benefit of *consequential seniority* to SC/ST candidates promoted by reservation. The 81st amendment was made to the Constitution that inserted clause (4B) in Article 16 to permit the Government to treat the backlog of reserved vacancies as a separate and distinct group, to which the limit of 50 percent ceiling on reservation may not apply

1.9 The Scheduled Castes and the Scheduled Tribes had been getting relaxation in qualifying marks and standards of evaluation in matters of reservation in promotion. The Supreme Court in its judgment dated 1-10-1996 in the case of S. Vinod Kumar Vs. Union India held that such relaxations in matters of reservation in promotion were not permissible under article 16(4) of the Constitution in view of the command contained in article 335 of the Constitution.

1.10 The following proviso to Article 335 has been incorporated in the Constitution by the Constitution (Eighty-Second Amendment) Act, 2000:

"Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and Scheduled Tribes

for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State."

1.11 The validity of all the above four amendments i.e. 77th, 81st, 82nd and 85th was challenged in the Supreme Court through various petitions clubbed together in *M Nagaraj & Others vs. Union of India & Others*, mainly on the ground that these altered the Basic Structure of the Constitution. The Supreme Court upheld these four amendments but stipulated that the concerned state will have to show, in each case, the existence of *compelling reasons* which include *backwardness, inadequacy of representation* and overall *administrative efficiency*, before making provisions for reservation. The court further held that these provisions are merely enabling provisions.

1.12 There is no provision for reservation for the posts filled on deputation basis. As officers, on the above posts, are appointed on deputation basis from various cadres, the percentage of SC/ST officers on these posts need not be same as in their respective cadres. However, at the time of empanelment, every effort is made to empanel officers belonging to SC/ST categories, if necessary by adopting liberal benchmarks as compared to officers from General Category.

1.13 The Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) in a written reply stated that posts of Secretary, Additional Secretary and Joint Secretary in the Ministries/ Departments, except the posts in the Ministry of External Affairs were deputation posts and were filled under the Central Staffing Scheme (CSS). The posts of Director, excluding the posts which are in the cadre of Central Secretariat Service, were also filled under Central Staffing Scheme. The officers from various cadres including the State Cadres,

were empanelled to hold such posts and such empanelled officers who gave their option for deputation were appointed under CSS after examining their suitability through the institutional arrangements like Civil Services Board and Appointments Committee of the Cabinet. The number of SC and ST officers posted under CSS would primarily depend on the number of officers empanelled and opting to be considered on the Offer List of a particular year.

1.14 During the evidence, Secretary, DoP&T stated:-

“Sir, for the Government employees, the general conditions for representation in the Central Government are in the Central Government Departments and also in the Ministries. The posts in the Ministries are filled up on deputation. So, people who apply for deputation are considered and SCs/STs are also considered along with the general candidates on an equal footing. Almost the same percentage of people who apply are actually appointed in the Central Government from all categories.”

1.15 The Secretary DoP&T also stated that:-

“Sir, for empanelment in the Central Government for Joint Secretary, Additional Secretary and Secretary, we give a special allowance for SC, ST officers from the benchmark which is laid down for general officers. We can relax the benchmark for giving adequate representation to the officers belonging to SC and ST for Joint Secretary, Additional Secretary and Secretary. If the benchmark is let us say 95 per cent and by that benchmark very few SC, ST officers are getting empanelled, for them we reduce it to ensure that at least two-thirds are empanelled as per the all India percentage of empanelment.”

1.16 He further stated that:-

“.....many of the SC/ST officers prefer to stay in the States; they do not opt to come to the Centre. They have to give an option to come to Centre; if they are happy in the States, they do not want to come here. If you see the number of IAS officers, who are of the rank of Additional Secretary to the Government of India in the States, it is very high.”

1.17 The Committee when enquired the criteria for examining the suitability of empanelled officers for Group ‘A’ posts, the Ministry in their post evidence written

replies stated that the empanelled officers were appointed to Group 'A' posts as per the criteria and procedure prescribed under Central Staffing Scheme, which is summarized as follows:

(i) Empanelment should be considered not as a reflection of the intrinsic merit or otherwise of an officer but the suitability of an officer to occupy senior levels in the Central Government. Given the background and experience of an officer, she or he may be highly suited to occupy senior positions in State Government. Likewise, another officer, in view of the background and experience, may be considered more suitable for Central Government posts.

(ii) There will be an Expert Panel in connection with the empanelment at the level of Joint Secretary. The Expert Panel will be required to examine the ACRs, year-wise in detail, for each batch and will give their own assessment of the gradings of officers for each year, which will be taken in to account by the Civil Services Board (CSB) for making recommendations.

(iii) If there are gaps in the availability of ACRs during the immediately preceding 10 year period cut off year inclusive of due to officer being on study leave or for any other reason not within the control of the officer, at least 8 full year ACRs would be taken into account by considering the ACRs for a maximum of 3 years immediately preceding the 10 year period for gaps due to study leave or reasons beyond the control of the officer. In the event that it is still not possible to get the requisite number of ACRs, the case would be deferred until this condition is fulfilled. If the ACRs of an officer are missing for 3 or more years during the 10 year period due to his

being on leave other than study leave, his empanelment would be deferred until the officer earns one more ACR for gaps of less than 4 years and two more ACRs for gaps of 4 years or more.

(iv) The officers would be assessed on a scale of 10 on the basis of their grades in the ACRs. The CSB would take into account the experience profile of officers, carefully scrutinize the ACR dossiers and evaluate such qualities as general reputation, merit, competence, leadership and a flair for participating in the policy making process to recommend the list of officers to be included in the panel.

(v) Officers fulfilling the prescribed benchmark will be excluded if they are in the following categories:-

- (a) those not vigilance clear; or
- (b) those have less than four years residual service on the 1st day of the year in which the empanelment takes place; or
- (c) those who do not fulfill the requirement of clause 16 of the Central Staffing Scheme. According to clause 16 of the Central Staffing Scheme "An officer who is or was on a foreign assignment for a period of two years or more will be considered for empanelment at the level of Joint Secretary only if on return from such an assignment he has served for a period of an least two years in his cadre and has earned two annual confidential reports thereon."

6. In case the selection process does not lead to adequate representation of categories like SC/ST, women, the North East and from particular State cadres in the panel, the criteria for empanelment would be suitably relaxed to give due representation to these categories.

7. Review will be conducted batch wise after two more ACRs are added but not more than twice. Cases will not be taken up on an individual basis.

The process of review would be consistent with the empanelment process.

The above empanelment process would also be applicable to Central Group-A Services.

1.18 During the evidence when the Committee enquired about the relaxations being provided to the SC/ST officials at the empanelment level the Secretary, DoP&T stated:-

“I would like to say that relaxations are given firstly in the ACR grading. Secondly, there is one condition attach in respect of relaxation that he should have worked as a Joint Secretary or Additional Secretary to the Government of India to be eligible to be empanelled as Secretary. But we have also waived that condition in the case of SC/ST.”

1.19 He further added:-

“A lot of times, we get representations from SC/ST officers saying that their ACRs are not being correctly recorded. In this regard, I would like to say that representations are allowed. Then, if we find that there is any biased decision has been taken based on caste, then we change it. It has happened earlier and I have done it.”

1.20 The Secretary, DoP&T also stated:-

“Now, at least, 66 per cent of the all India average in respect of SC/ST must attained in empanelment. There was no provision before that. Earlier, there were vague provisions.”

1.21 The Committee are constrained to note that the representation of Scheduled Castes and Scheduled Tribes candidates among higher echelons of bureaucracy is rather dismal. The Committee are distressed to note that currently no Scheduled Castes official occupies the post of Secretary in any of the offices under the Government of India. The Committee have been informed that posts of Secretary, Additional Secretary and Joint Secretary in Ministries/Departments, except the posts in the Ministry of External affairs

are deputation posts and are filled under the Central Staffing Scheme. The Committee are not satisfied with the reasons adduced by the Ministries that absolute absence of Scheduled Caste officers at the Secretary level is because of no provision of reservation in the post filled up on deputation basis and SC/ST official empanelled for the posts of Joint Secretary, Additional Secretary and Secretary often refuse to come to Centre even after giving option. The Committee note that there is no reservation of any category when panel of officers for the posts of Secretary, Additional Secretary and Joint Secretary is prepared. The Committee are also distressed to note that the present empanelment process is a denial of justice to Scheduled Castes and Scheduled Tribes officials as is evident that no Scheduled Caste official occupies the post of Secretary in any offices under the Government of India. Since candidates are selected from the States all over India including SC/ST through stiff open competition and thereafter imparted one year training before posting and following liberal benchmark as compared to officers of General Category, there should not be a question to leave out eligible SC/ST candidates for selection of higher post of JS/AS/Secretary under the offices of Government of India. The Committee are of the view that in case empanelled Scheduled Castes and Scheduled Tribes officials deny to come to Centre, a waiting list of next eligible SC/ST candidates should have been prepared to explore possibility to extend it to the next eligible candidates. This would provide ample opportunity to those Scheduled Castes and Scheduled Tribes officials who are not able to make up to the panel because of the ceiling of 66% representation of SCs and STs in the panel. The Committee are of the firm view that absence of reservation

in empanelment of officers on deputation is the basic reason for low representation of officials of Scheduled Castes and Scheduled Tribes in any offices of the Government of India. The Committee, therefore, strongly recommend that the reservation in the process of empanelment should be made mandatory. The reservation would thus serve to ease out the current imbalance in the empanelment process. The Committee are not inclined to accept the reasons stated by the Ministry that since the Scheduled Caste and Scheduled Tribe officials enter into services at a later age, by the time they are due for empanelment as Additional Secretary and Secretary, they do not have any service left. The Committee strongly refute this contention of the Ministry and would like to state that there are ample eligible Scheduled Caste and Scheduled Tribe officials which enter Government services in their prime age and that too on their own merit. The Committee are, therefore, unable to understand the reason as to why inspite of relaxation given in ACR grading, the empanelment process do not lead to the selection of Scheduled Caste and Scheduled Tribe officials. The time has come to change mindset by providing an opportunity to the officials from Scheduled castes and Scheduled Tribes communities to participate in policy making and implement it for the nation. It is sheer by virtue of their own field experience and rich knowledge they will be able to produce better socio-economic policy for the upliftment of these communities and for overall balanced development of the country.

1.22 The Committee are given to understand by the Secretary, DoP&T that a status paper has been submitted to the Cabinet regarding lower representation of Scheduled Castes and Scheduled Tribes in senior

positions in the Ministries. The Committee would like to be apprised regarding the decision of the Cabinet in this regard. The Secretary, DoP&T has also admitted that representations from SC/ST officers saying that their ACRs are not being correctly recorded are entertained and timely action is taken. The Committee would like to be apprised regarding the details of representations disposed of with regard to the matter. The Committee would also like to lay stress on the fact that confidential reports of Scheduled Castes and Scheduled Tribes should not be given more weightage and not to be considered as criterion for giving promotion as tampering with the ACRs of the Scheduled Castes and Scheduled Tribes officers is a common practice. This kind of apathetic attitude towards the officers of Scheduled Castes and Scheduled Tribes is highly deplorable. The Committee feel that there is still latent caste bias harboured against SCs/STs candidates. Overwhelming number of Scheduled Castes and Scheduled Tribes people complain that their confidential reports are not recorded correctly. As a result thereof, out of 84 Secretaries to the Government of India, even a single one do not belong to Scheduled Caste community. It is a clear example of such bias. A review of the situation is needed to iron out implicit bias in the system. The Committee would like to instruct the Ministry to chalk out an alternative mechanism like creating review Board consisting of 5 Members (2 SC, 1 ST and 2 from General category) and lay down criteria other than the grading of ACRs for empanelment of Scheduled Castes and Scheduled Tribes officials to the posts of Joint secretary, Additional Secretary and Secretary.

It is understood that a 117 Constitutional Amendment Bill, 2012 has been introduced and passed in Rajya Sabha. The Committee hope and trust that same would be passed in Lok Sabha also expeditiously to provide justice to SC/ST officers at higher levels.

CHAPTER II

RESERVATION IN SERVICES

A. Article 16(4A) of the Constitution of India – Its Scope and Meaning

2.1 The Supreme Court in its judgment dated 16.11.1992 in the matter of Indra Swahney, *inter-alia*, held that reservation in promotion is ultra vires but allowed its continuation for five years from the date of judgment as a special case. Prior to judgment of the Supreme Court reservation in promotion for SCs and STs was available upto the lowest rung of Group 'A'. The 77th amendment to the Constitution was made in 1995 before expiry of five year which enabled the Government to continue reservation for SCs and STs in promotion. In order to continue reservation in promotion beyond 15-11-1997, clause (4A) was incorporated in Article 16 of the Constitution by way of 77th Amendment in 1995 which reads as follows:

"(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State."

2.2 The Statement of Objects and Reasons appended to the Bill leading to the enactment of Constitution (Seventy Seventh Amendment) Act, 1995 stated that the object of the incorporation of Article 16 (4A) was to continue the then existing dispensation relating to reservation in promotion. Accordingly, consequent upon the 77th Amendment to the Constitution, the Government vide Department of Personnel & Training OM No.36012/18/95-Estt.(Res.) Pt.II dated 13th August, 1997 issued instructions to the effect that reservation in promotion, as prevalent at

that time, for the Scheduled Castes and the Scheduled Tribes would continue in the services/ posts under the Central Government beyond 15.11.1997 till such time as the representation of each of the above two categories in each cadre reaches the prescribed percentages of reservation whereafter, the reservation in promotion shall continue for maintaining the representation to the extent of the prescribed percentages for the respective categories.

2.3 During the evidence, when the Committee questioned as to why DoP&T issued circular saying that the reservations are applicable only to the lowest rung, Secretary, DoP&T stated:-

“Now coming to article 16(4A), the hon. Member is very correct in its interpretation of the Constitution and the law that the reservation can be provided up to any level. The Supreme Court has said in its judgement that this is an enabling provision. It is for the State to decide how much to give. Now the policy matters are decided by the Cabinet.”

2.4 He further added:-

“.....the Constitution amendment, article 16 (4A), as per the Supreme Court, is only an enabling and not a mandatory provisions. That means, it enables the State to make reservation but it does not mandate the State to make reservation. So, it is up to the concerned State Governments as to how far they want to go.”

2.5 The Government has moved One Hundred Seventeenth Amendment Bill, with a view to provide impediment-free reservation in promotion to the Scheduled Castes and Scheduled Tribes have substituted clause (4A) of Article 16 as under:

“(4A) Notwithstanding anything contained elsewhere in the Constitution, the Scheduled Castes and the Scheduled Tribes notified under article 341 and article 342, respectively, shall be deemed to be backward and nothing in this article shall prevent the State from making any provision for reservation in matters of promotions, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and Scheduled Tribes to the extent of the percentage of reservation provided to the Scheduled Castes and scheduled Tribes in the services of the State.”

The proposed Bill has been passed in Rajya Sabha on 17.12.2012 and introduced in Lok Sabha on 19.12.2012 for consideration.

B. Representation of SCs/ STs in Services

2.6 The Committee were informed that the representation of SCs and STs in all groups of posts was available as on 1.1.2008 according to which number of SCs in Group A position as on that date were 12281 and of STs 4754. Total number of Group A Officers as on that date were 97951. It may be noted that representation of SCs in Group A services as on 1.1.1965 was about 1.64% which as on 1.1.2008 had increased to 12.5%. Likewise representation of STs in Group A services as on 1.1.1965 was about 0.27% which had increased to 4.9% as on 1.1.2008.

2.7 The Ministry informed that that the number of SC/ST officers working as Secretaries, Additional Secretaries and Joints Secretaries in the Government of India as on 10.1.2012 as per the following table:-

Category	Secretary level including equiv.	Add. level equiv	Secretary including	Joint level equiv.	Secretary including
SC	-	2		28	
ST	2	3		14	
Total	2	5		42	

2.8 The Committee further enquired about the reasons for lesser representation of SCs/STs at the Secretary and Additional Secretary level as compared to Joint Secretary level to which the Ministry in their post evidence replies stated that the posts at the level of Joint Secretary were far more than the posts at the levels of Additional Secretary and Secretary, which were at top level and limited. As such, there would be a variation in the number of SC/ST officers at Additional Secretary/ Secretary level as compared to Joint Secretary level.

2.9 The Ministry in a written reply informed about the number of officials belonging to SC/ST category in Group 'A' and equivalent posts – pay scale wise working in various Ministries/Departments/PSUs/ Nationalised banks as on 1.1.2011 as under:-

Pay Band/Grade Pay	Total Employees	Employees belonging to SC category	Employees belonging to ST category
PB-3: GP 5400	23,328	3,257	1,396
PB-3: GP 6600	18,532	2,585	1,075
PB-3: GP 7600	11,885	1,401	632
PB-4: GP 8700	11,026	1,198	527
PB-4: GP 8900	3,085	206	103
PB-4: GP 10000	6,666	575	258
HAG+Above	1,592	116	80
Total	76,114	9,338 (12.27%)	4,071 (5.35%)

2.10 The number of SC/ST employees in various higher scales of posts in PSUs as furnished by the Department of Public Enterprises is at **Appendix C** and the number of SC/ST employees in senior positions of the Nationalised banks as furnished by the Department of Financial Services, Ministry of Finance is at **Appendix D**.

2.11 During the evidence, the Committee sought to know from the Ministry about the number of IAS officers belonging to SC/ST category working in the Ministries/Departments of Government of India. The Ministry in their post evidence replies provided the representation of SC/ST officers of IAS at various levels at the Centre as on 1.9.2012 as given below:-

S.No.	Level	Secretariat postings (These figures do not
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		include equivalent posts)				
		All	SC		ST	
			No.	Per cent	No.	Per cent
1	Deputy Secretary	10	0	0	0	0
2	Director	59	8	13.56%	5	8.48%
3	Joint Secretary	189	16	8.45%	9	4.76%
4	Additional Secretary	64	3	4.69%	1	1.56%
5	Secretary	69	0	0	1	1.45%
Grand Total		391	27	6.91	16	4.09%

2.12 During the evidence when the Committee expressed grave concern regarding the meager representation of Scheduled Castes and Scheduled Tribes in Group 'A' posts, the Secretary, DoP&T assured:-

“We will take it to the Cabinet. We have taken the issue to the Cabinet. The representation of SCs and STs specially, in some Ministries, is very low. We took a status paper to the Cabinet and the Cabinet under the rules of business is the body which can decide on what action has to be taken against any Ministry. Only the Cabinet can decide on it. We can only tell them that this is the issue.”

2.13 The Committee observe that even directly recruited class-I officers belonging to Scheduled Castes and Scheduled Tribes communities in most cases are retired at the level of Joint Secretary, Government of India. Only few officers from these communities get opportunity to reach the level of Additional Secretary and rare officers at the level of Secretary to Government of India. In other words, the officers from these groups are generally involved in execution of orders only and not in policy making. It clearly shows that present recruitment and promotion policy framed are faulty to deprive SC/ST officers to get an opportunity to reach the highest level. The real power could be shared by the weakest section only if the doors of the high decks will be opened only when reservation in promotion

at all level are made mandatory at State and Centre level. In service hierarchy Secretaries to the Government of India are directly involved in policy making for the nation, they may be suitably given directions by the Government of India Cabinet to frame policy/rules under the act to enable SC/ST officer to reach the level of highest post. Nevertheless, officers from Scheduled Castes and Scheduled Tribes communities cannot reach to that position in absence of reservation in promotion beyond the lowest rung of class-I posts.

2.14 The Committee were given to understand that the provision for reservation as outlined in Article 16(4) does not make reservation in promotion mandatory and that it is just an enabling provision. The Committee would like to emphasize that even though the Constitution lays down the provision contained in Article 16 (4A) as enabling, the onus of responsibility for its enablement lies with the Department of Personnel. The directives and policies laid down by the Department should make the representation of Scheduled Castes and Scheduled Tribes conducive in Group 'A'. The Committee are of the view that DoPT should not feel content just by framing reservation policies, issuing direction to the Ministries, Departments for implementation of reservation policy but also assess and analyze the implementation of reservation policy for SC and ST. From the foregoing it seems that DoPT are not serious enough to get the reservation policy in letter and spirit which has resulted in very low or no representation at all at highest post of Secretary in Government of India.

The Committee, therefore, strongly recommend that DoPT should take up the matter at Cabinet level to make the enabling provision of Article 16(4A) of the Constitution of India mandatory to make reservation in the matter of promotion at any Centre and State level services under any class or classes of post.

CHAPTER III

IMPROVEMENT IN REPRESENTATION OF SCs AND STs IN SERVICES

A. Relaxations and Concessions

3.1 In order to ensure that posts reserved for SCs and STs are filled by SC or ST candidates only as the case may be, various relaxations are given to candidates belonging to these categories. For example relaxation of 5 years in upper age limit, exemption from payment of examination/application fees, relaxation in qualification and experience at the discretion of the UPSC/competent authority, relaxations in standard of suitability etc. are given to SC and ST candidates in case of direct recruitment.

3.2 In case of promotion, zone of consideration is extended upto five times the number of vacancies in case suitable candidates are not available within the normal zone of consideration for filling up reserved vacancies, minimum qualifying marks/standards of evaluations are relaxable, upper age limit is relaxable by 5 years where upper age limit for promotion is prescribed not more than 50 years. Ceiling of 50% on filling up of reserved vacancies does not apply to the backlog reserved vacancies of earlier years which are treated as a separate and distinct group and are not subject to any ceiling. In order to ensure that posts reserved for SCs and STs are filled by SCs and STs, as the case may be, a ban has been imposed on dereservation of reserved vacancies in case of direct recruitment.

3.3 The Committee in a written questionnaire enquired about the SC/ST candidates promoted on the basis of extended zone of consideration along with the details of the vacancies in which case the suitable SC/ST candidates were not found even after extending the zone of consideration upto five times. The Ministry

in their post evidence replies stated that such information was not centrally maintained. The Committee further enquired the criteria for judging the suitability of the candidate for promotion to which the Ministry replied that no general criterion for judging the suitability of the candidates for promotion had been laid down. However, instructions on reservation provide that if sufficient number of Scheduled Caste and Scheduled Tribe candidates were not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities who had not acquired the general qualifying standard can also be considered for promotion to fill up the remaining vacancies reserved for them provided they were not found unfit for such promotions. Thus to the extent the number of vacancies reserved for Scheduled Castes and Scheduled Tribes could not be filled on the basis of general standard, candidates belonging to these communities would be taken by relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the post/posts in question. It is, however, for the appointing authority/ Ministry/Department concerned to determine the criterion of suitability.

3.4 The Ministry further stated that DoP&T formulates the reservation policy; and implementation and monitoring of reservation policy was the responsibility of respective Ministry/ Department. It was also stated that each and every minute details and data were not centrally maintained keeping in view the requirement of a large manpower, vis-à-vis utility of data and that DoP&T had not issued any instructions to the Ministries/Departments regarding maintenance of data with regard to SC/ST candidates promoted on the basis of extended zone of consideration. It was not feasible to collect every data from the all Ministries/Departments.

3.5 The Committee further enquired about the grounds on which SC/ST candidates could be declared unfit to be considered for promotion alongwith details of SC/ST candidates who had been declared unfit on such grounds in the past five years. The Committee also asked whether any SC/ST candidates sought reconsideration in cases of being declared unfit on various grounds. The Ministry in written reply stated that extant guidelines on Departmental Promotion Committee (DPC) provided that the DPCs enjoy full discretion to devise their own methods of procedure for objective assessment of the suitability of the candidates who were to be considered by them. The Supreme Court had also held that the DPC was required to make any overall assessment of the performance of each candidate separately but by adopting same standards/ yardstick/ norms. The procedure should not be vitiated on grounds of bias, mala fide, arbitrariness. The guidelines further provided that the DPC should not be guided merely by the overall grading, if any, that may be recorded in the Confidential Reports (CRs) [now Annual Performance Appraisal Reports (APARs)] but should make its own assessment on the basis of the entries in the CRs, because it had been noticed that sometimes the overall grading in the CR may be inconsistent with the grading under various parameters or attributes. The guidelines further provide that before making overall grading after considering the CRs for the relevant years, the DPC should take into account whether the officer had been awarded any major or minor penalty or whether any displeasure of any superior officer or authority has been conveyed to him as reflected in the ACRs. The DPC should also had regard to the remarks against the column on 'integrity'. The guideline also provided that an officer whose increment had been withheld or who had been reduced to lower state in the time scale could not be considered on that account to be ineligible for

promotion for higher grade as the specific penalty of withholding promotion had not been imposed on him. The suitability of such officer for promotion should be assessed by the DPC as and when occasions arise for such assessment. In assessing the suitability, the DPC would take into account the circumstances leading to the imposition of the penalty and decide whether in the light of the general service record of the officer and the fact of the imposition of the penalty he should be considered suitable for promotion. However, even where DPC considered that despite the penalty the officer was suitable for promotion, the officers should not be actually promoted during the currency of the penalty.

3.6 The extant guidelines further provided that a clearance from the vigilance section of the officer/ department should also be obtained before making actual promotion of the officer approved by DPC to ensure that no disciplinary proceeding were pending against the officer concerned. The circumstances explained above were the broad situations under which a candidate could be declared 'unfit' for promotion and these were applicable to all candidates in general including SC/ST candidates. As already explained, it was for the Departmental Promotion Committee (DPC) to decide suitability of an officer for promotion keeping in view above circumstances.

3.7 The Ministry also informed that the data on SC/ST candidates who had been declared unfit on such grounds in the past five years and the number of SC/ST candidates seeking reconsideration in cases of being declared unfit on various grounds, was not centrally maintained.

3.8 The Committee were informed that every effort was being made to empanel officers belonging to SC/ST categories by adopting liberal benchmarks as

compared to officers from General category. The Committee further inquired the liberal benchmarks which were followed w.r.t Group 'A' posts, to which Ministry in their post evidence replies stated that the modified guidelines on empanelment provided that in case of selection process does not lead to adequate representation to categories like SC/ST, women, particular State Cadres, the North East etc. in the panel of criteria for empanelment would be suitably relaxed to give due representations to these categories. Adequacy of representation would mean the cumulative representation in four batches, i.e. current batch and immediately preceding 3 batches being less than 2/3 rd of All India percentage of empanelment.

3.9 The Committee further enquired from the Ministry about the number of SC/ST candidates in the higher level who had been promoted on grounds of relaxation/ concession to senior positions of the Government of India after 3.10.2000 till date, in continuation of the 82nd amendment adding a proviso to Article 335 which enables the State to restore the relaxations/ concessions to the SCs and STs in the matter of promotion w.e.f. 3.10.2000 and also that what measures were being contemplated for safeguarding the interest of SC/ST candidates who had been refused relaxed/lower standards of evaluation in promotion during the period between 22.7.97 to 3.10.2000. The Ministry in their post evidence replies stated that information about the number of Scheduled Caste and Scheduled Tribe candidates promoted by providing relaxations/ concessions was not centrally maintained.

3.10 The Ministry further stated that regarding provision of relaxed/lower standards of evaluation in promotion to the SC/ST candidates during the period between 22.7.97 to 3.10.2000, the Supreme Court in the case of S. Vinod Kumar

v/s. Union of India had held that it was not permissible to grant relaxations in qualifying marks/ standards of evaluation to SCs/STs in the matter of promotion. The DoP&T issued an OM No.36012/23/96-Estt.(Res.) dated 22.7.1997 providing that there shall be no separate standards of evaluation for the SCs/STs in promotion and that assessment of all candidates for the purpose will be with reference to uniform standards. However, in order to remove the adverse effect of the judgment of the Supreme Court, the 82nd amendment was made to the Constitution which enables the State to give relaxations/ concessions to the SC and ST candidates in the matter of promotion. Subsequently, an OM No.36012/23/96-Estt.(Res.)-Vol.II dated 3.10.2000 was issued, which nullified the effect of the OM dated 22.7.1997 and took effect from the date of issue i.e. from 3.10.2000. Thus, the effect of the OM dated 22.7.1997 whereby the relaxations/ concessions of lower qualifying marks/ lesser standards of evaluation were withdrawn was in force during the interregnum period i.e. from 22.7.1997 to 2.10.2000. The Ministry further stated that the benefit of relaxations/ concession of lower qualifying marks/ lesser standards of evaluation cannot be made applicable to SCs and STs in promotion during that period.

3.11 The Committee note that Department of Personnel lays down the reservation policy and that the implementation and monitoring of the reservation policy is the responsibility of respective Ministries and Departments. The Committee are not satisfied with the role and act of the DoPT to be just content by merely passing on the reservation policy and orders to the Ministries/Departments without observing/monitoring their performance in execution of SC/ST reservation policy to prepare and analyze centrally data for reforms and guide the Cabinet. The Committee condemn

DoP&T for their lackadaisical approach towards this. Being the nodal Ministry, it is legitimate expectation from the Department of Personnel to monitor periodically whether or not various Ministries/ Departments are earnestly implementing the reservation policies and orders in letter and spirit. The basic malady is that it is left to individual Ministry to take up the decision to implement the reservation policies and orders or not. This is one of the basic reason for bias attitude and prejudices towards officers of the Scheduled Castes and Scheduled Tribes Community as they are fully aware that no body is monitoring/making them answerable to latch/lapse committed towards SC/ST officials. The Committee are, therefore, of the firm view that Government should take up the matter with highest authority to set up a separate regulatory authority under DoP&T to ensure meaningful and full implementation of the reservation policies and orders and to regulate the same through effective monitoring. The Committee are aghast to note that replies to various queries including the backlog figures for Group 'A' vacancies and number of Scheduled Castes and Scheduled Tribes candidates promoted on the basis of zone of consideration have not been answered on the plea that it was not feasible to collect every data from all Ministries and departments. The Committee are baffled by the fact that the Department of Personnel have not issued any pertinent directions to the Ministries and Departments regarding the maintenance of data with regard to Scheduled Castes and Scheduled Tribes. The Committee are perturbed to note that even in this era of information technology, DoP&T are still putting forth trite replies that the nature of requisite information is vast and that its

collection is formidable task. Thus, it shows that DoPT is not serious to get the reservation policy for SC/ST implemented in a right direction.

3.12 The Committee would like to reprimand the DoP&T for showing laxity in maintaining records and data. DoP&T have failed to apprise the Committee regarding the number of Scheduled Castes and Scheduled Tribes promoted by providing relaxation/concession after 82nd Constitutional Amendment came into force which restores the relaxation/concession to the SCs and STs in the matter of promotion w.e.f 3.10.2000. Reservation and relaxation cannot be separated and they go hand in hand. In absence of relaxation, reservation has no meaning because the officers of Scheduled Castes and Scheduled Tribes community have not reached the stage where they can stand of their own due to centuries of social, economic and educational disparities and backwardness. The Ministry has however turned a blind eye towards the injustice meted out to Scheduled Castes and Scheduled Tribes officials who were made to forfeit the service benefits of relaxed/lower standards during the period 2.7.1997 to 3.10.2000.

The Committee feel that due to non-availability of sufficient and clear cut SC/ST officials data, the respective State Governments are not able to prove before the Hon'ble High Court and Supreme Court in consonance of Article 16(4A) of the Constitution that State are not adequately represented in the services under the State. With the result court judgements are declared against the SC/ST service interest which in fact defeat the basic spirit of the preamble of the Constitution i.e. to provide socio-economic justice to the people of India.

The Committee, therefore, strongly recommend that DoPT should undertake this work with due sincerity in spirit of the Article 16(4A) of the Constitution by maintaining centrally data for reservation, promotion, concession etc. so that respective State may easily prove that in their State SC/ST are adequately/not adequately represented as the case may be. Further during the course of hearing in the court of law States may provide the data to enhance the socio-economic justice to the people of India including SC/ST officials in service. The Committee would like to be apprised in this regard.

B. Special Recruitment Drives

3.13 In order to fill up backlog vacancies reserved for SCs/STs, Special Recruitment Drives were conducted in 1989, 1990, 1991, 1993, 1995, 1996 and 2004. Such Drives could not be continued in view of the Supreme Court judgement in Indra Sawhney's case according to which number of vacancies filled by reservation in a year, including backlog reserved vacancies, could not exceed 50% of the total vacancies. However, the 81st Amendment to the Constitution made in the year 2000 enables the treatment of backlog reserved vacancies as a separate and distinct group not subject to the limit of 50%. After the 81st Amendment, a Special Recruitment Drives was launched in August 2004 for filling backlog reserved vacancies of SCs and STs in direct recruitment quota as well as promotion quota. More than 60,000 backlog vacancies of SCs and STs were filled during the Drive initiated in 2004.

3.14 A fresh Special Recruitment Drive has been launched to fill up the backlog reserved vacancies of SCs, STs and OBCs vide this Department's OM No.36038/1/2008-Estt.(Res.) dated 19.11.2008 **Appendix E.**

3.15 In a written questionnaire, the Ministry were asked to state the number of Group 'A' SC/ST backlog vacancies, post wise, which are lying vacant in various Ministries/ Departments/PSUs/Nationalised banks and the directions given by the Department of Personnel & Training to fill up the backlog vacancies. The Ministry in their post evidence replies stated that the Department does not maintain information with regard to Group-wise backlog vacancies of SCs/STs/OBCs on regular basis. However, a Special Recruitment Drive was launched in November, 2008 to fill up the backlog reserved vacancies of SCs/STs/OBCs in various Ministries/Departments as well as the Attached Offices, Subordinate Offices, PSUs, Autonomous Bodies under the administrative control of various Ministries/Departments. The Drive was concluded on 31st March, 2012. As per information received so far, there were 24,462 backlog vacancies for SCs and 29,506 backlog vacancies for STs as on 1.11.2008 in direct recruitment and in promotion quota. In case of promotion, 4,542 vacancies for SC category and 7,501 vacancies for ST category could not be filled up due to non availability of candidates of that category. Out of the 19,920 backlog vacancies of SCs, 15,791 (79.27%) vacancies had been filled up. Similarly in case of STs, out of 22,005 backlog vacancies, 15,076 (68.51%) vacancies had been filled up. The detailed information in this regard is enclosed as **Appendix F.**

3.16 The Committee were also informed that with regard to Nationalised Banks, there were 273 backlog vacancies for SCs and 505 backlog vacancies of STs for

the year 2010 to 2012 and efforts had been made by them to fill up backlog vacancies in next recruitment process.

3.17 The Ministry further stated that the Government followed up the progress of the Drive earnestly. In this regard, meetings were held with the Liaison Officers of various Ministries/ Departments where they were advised to follow up the Drive scrupulously. They were also advised to visit the Organizations under their Ministries/ Departments and ensure filling up of the backlog vacancies. The Minister of State for Personnel, Public Grievances and Pensions, besides writing letters to the Ministers-in-Charge of all the Ministries/ Departments, held meetings with the Secretaries and other representatives of Ministries/ Departments which account for more than 75% of backlog vacancies to impress upon the need of making concerted efforts to fill up the vacancies.

3.18 The Committee are utterly dismayed at the tepid response of the Ministry towards the existing backlog in the Group 'A' posts. The Committee take cognizance of the fact that the Ministry has not maintained the data regarding the backlog vacancies, Group wise. The Committee are baffled to note that in absence of such significant statistics, how does the Ministry plans to wipe out the backlog existing in various Ministries and Departments. The Committee are of considered view that all the backlog vacancies existing in various Ministries and Departments should be classified Group wise and the Committee should be apprised of the same. Regarding the filling of Group 'A' backlog vacancies, the Committee should be informed regarding progress made in the filling up of backlog posts upto the Director level. Regarding the posts of Joint Secretary, Additional Secretary and Secretary, which are filled by deputation, the Committee

should be apprised of the strategy adopted to fill such posts. The Committee further recommend that responsibility should be fixed on the respective Liaison Officers of various Ministries/Departments to identify Group 'A' posts. They should further devise exhaustive plans for wiping the backlog in conjunction with the various Ministries and Departments. It is observed that the Special Recruitment Drive leads to mass recruitment in Class 'C' and 'D' posts. The Committee would like to recommend that the Department of Personnel should draw a strategy especially for filling up of Group 'A' vacancies. The Committee should be regularly posted on this front. The Committee note that there are 273 SC and 505 ST backlog vacancies for the year 2010-2012 and efforts are being made to fill them up in next recruitment process. The Committee would like to know the exact number of SC and ST backlog vacancies in Group 'A' and the efficacious efforts made by the DoPT to get them filled up in a planned way as per rules prescribed therefor.

CHAPTER IV
MISCELLANEOUS

A. Reservation in Scientific and Technical posts

4.1 The instructions contained in the Department of Personnel and Administrative Reforms' O.M. No.9/2/73-Estt.(SCT) dated 23.6.1975 (**Appendix G**) provide that reservation for Scheduled Castes and Scheduled Tribes will cover appointments made to scientific and technical posts upto and including the lowest grade of Class I in the respective services wherever they have been hitherto exempt from the purview of the scheme of reservations so far on the ground that the posts were intended for conducting/ directing, guiding research work. The instructions also provide that the reserved vacancies in scientific and technical posts which would thus be brought within the purview of the scheme of reservations for candidates from Scheduled Castes and Scheduled Tribes need be advertised only once, instead of twice, as prescribed in Ministry of Home Affairs O.M. No.1/1/70-Estt.(SCT) dated 31.7.70 (**Appendix H**). In the event of non-availability of candidates belonging to the reserved communities, the reserved vacancies may be treated as dereserved by the administrative Ministry/ Department concerned without obtaining the approval of DOP&T. It is also stated that only such scientific and technical posts which satisfy all the following conditions would be exempted from the purview of the reservation orders:-

- (i) The posts should be in grades above the lowest grade in Class –I of the Service concerned;
- (ii) They should be classified as 'scientific or technical' in terms of Cabinet Secretariat (Department of Cabinet Affairs) O.M. No.85/11/CF-61(1), dated 28.12.1961(**Appendix I**) and
- (iii) There should be posts conducting research or for organizing, guiding and directing research.

4.2 However, the orders of the Minister concerned should be obtained before

exempting any post satisfying the above conditions from the purview of the scheme of reservations.

4.3 It has been further mentioned that reservation in scientific and technical posts will however not apply to the posts in the Department of Electronics and in regard to recruitment of trainees to the training school under the Department of Atomic Energy.

4.4 The Ministry in a written questionnaire were asked to provide data regarding whether any SC/ST candidate has been selected/absorbed in Class 'I' posts in last three years in the Department of Electronics and Information Technology and Department of Atomic Energy along with details i.e., posts available and posts filled by the candidates belonging to SC/ST category.

4.5 The Ministry in their post evidence replies stated that as per information received from the Department of Electronics and Information Technology , the number of SCs/STs Scientists at various posts in that Department as on 01.04.2012 as under:-

Sl. No.	Name of posts	Pay Band and Grade Pay	No. of Scientists belonging to SC category	No. of Scientists belonging to ST category
1	Scientist 'G'	PB-4 (Rs.37000 -67000) GP Rs.10000/-	2	-
2	Scientist 'F'	PB-4 (Rs.37000 -67000) GP Rs.8900/-	4	-
3	Scientist 'E'	PB-4 (Rs.37000 -67000) GP Rs.8700/-	7	1
4	Scientist 'D'	PB-4 (Rs.37000 -67000) GP Rs.7600/-	3	2
5	Scientist 'C'	PB-4 (Rs.37000 -67000) GP Rs.6600/-	3	2

6	Scientist 'B'	PB-4 (Rs.37000 -67000) GP Rs.5400/-	1	1
	Total		20	6

4.6 The Committee when sought the details of cases reported wherein SC/ST employees holding scientific and technical posts were denied further promotion, the Ministry in their post evidence written replies stated that it had been informed by the Department of Information Technology that the promotion of Scientists was governed by the instructions contained in Flexible Complementing Scheme (FCS) which had been modified vide DoPT's OM dated 10.09.2010. FCS was an *in-situ* promotion scheme for Scientists for which the criteria were proven merit and records of research. Further, no SC or ST employees holding Scientific or Technical posts had been discriminated on the grounds of caste while considering them for promotion under FCS.

4.7 The Committee were also informed that the SC/ST candidates were selected/absorbed in certain Class 'I' in scientific and technical posts in the Department of Atomic energy. However, the Department was exempted from the purview of reservation in the case of recruitment of scientific and technical personnel through the training school for research work. The Ministry also provided the details of posts and posts filled up by SC/ST candidates as under:-

Year	Post	Total No. of posts available for		No. of posts filled up by	
		SC	ST	SC	ST
2009	Scientific/Technical officer/C	41	20	15	7
2010	Scientific/Technical officer/C	42	25	17	6
2011	Scientific/Technical	41	25	13	8

	officer/C				
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4.8 The Ministry in their post evidence written replies provided the information about the safeguards in place to protect the interest of SC/ST employees holding scientific and technical posts is as follows:-

- (i) All the Government of India Orders regarding reservation in services is followed wherever applicable for scientific and technical posts.
- (ii) An SC/ST Officer is invariably nominated as a member in Selection Committee/DPC.
- (iii) A Special cell for the welfare of SC/ST employees has been constituted to redress the grievances/complaints of SC/ST employees
- (iv) The Liaison Officer for SC/ST, DAE meets SC/ST Association members regularly.
- (v) A Liaison Officer for SC/ST is available in each unit of the Department of Atomic Energy.

4.9 The Committee are astounded to note that even today candidates of Scheduled Castes and Scheduled Tribes community are not considered qualified for scientific and technical posts. The Committee can only fathom the dismay and exasperations of the Scheduled Caste and Scheduled Tribe candidates who are not able to make in apex scientific organizations of India because of such prejudices. The Committee further censures that the jobs meant for conducting research and also for organizing, guiding and directing research are exempted from the purview of reservation. This is rather a deplorable display of unspoken bias against the candidates of Scheduled Castes and Scheduled Tribes community. In the absence of reservation clause in the scientific and technical posts is just another tactic to rob them of their opportunity to get a foothold in the field of scientific and technical expertise. The Committee further note that the Department of

Information Technology and Department of Atomic Energy do not offer reservation to Scheduled Castes and Scheduled Tribes. As per the data provided by the Department of Electronics and Information Technology, 20 SC officials and 6 ST officials have been absorbed/selected as Scientist in Group 'A' category. Likewise in Department of Atomic Energy, 15 SC and 7 ST candidates in the year 2009, 17 SC and 6 ST candidates in the year 2010 and 13 SC and 8 ST candidates in the year 2011 were selected. The statistics clearly indicate that Scheduled Castes and Scheduled Tribes are equally qualified and meritorious. However, the reservation in scientific and technical field would thus provide the much needed impetus to the candidates of Scheduled Castes and Scheduled Tribes to reach the pinnacle in this field.

B. Reservation in Public Sector Undertakings

4.10 The present policy provides 15% reservation in recruitment for candidates belonging to the Scheduled Castes (SCs) and 7.5% for those belonging to the Scheduled Tribes (STs) in the Central Public Sector Enterprises (CPSEs). The recruitment to all the below Board level posts including the posts in Group 'A' and Group 'B' reserved for SCs/STs in CPSEs are done by the management of respective CPSEs as per the policy on reservation and this policy is uniformly applicable to all CPSEs located in various States of India. Implementation of the reservation policy in respect of all posts below Board level is monitored by the administrative Ministries/Departments concerned with the respective CPSEs under their administrative control.

4.11 Instructions issued by Government of India about reservation are *mutatis mutandis* followed by the Public Sector Undertakings, Financial Institutions

including the Public Sector Banks (**Appendix J**) These instructions were reiterated vide this Department's O.M. No.36011/6/2009-Estt.(Res.) dated 23.12.2009 (**Appendix K**).

4.12 Department of Personnel & Training (DoPT) had issued instructions to the Ministries/Departments to launch Special Recruitment Drives (SRD) in the years 2004 and 2008 in their respective establishments, including the Central Public Sector Enterprises (CPSEs) to fill up all backlog vacancies for SC/ST in a time bound manner. Implementation of special recruitment drive is also monitored by administrative Ministries/Departments concerned with the CPSEs. DPE has also included implementation of Guidelines on Reservation for SCs/STs in the non-financial parameters for the annual assessment of performance of CPSEs under MoU.

4.13 The Committee were informed that as per the data available in Public Enterprises Survey 2009-10, in respect of 206 CPSEs as on 1.1.2010, the overall representation of SCs (excluding Safai Karmcharis) in CPSEs was 18.09% and that of STs was 7.43%. The overall representation (including Safai Karmcharis) was 18.45% and 7.36% in case of SCs and STs respectively. The CPSE-wise and Group-wise position indicating total number of employees, number of SC employees and number of ST employees in respect of 206 CPSEs under various Ministries/Departments of Government of India are given below: -

Group	Total no. of Employees	Representation of SCs/STs			
		SCs No	%	STs No	%
Group 'A'	2,61,072	40,389	15.47	13,993	5.35
Group 'B'	2,08,501	30,560	14.65	13,117	6.29

Group 'C'	7,42,516	1,45,619	19.61	51,884	6.98
Group 'D' (excluding Safai Karamcharis)	2,21,159	42,733	19.32	27,546	12.45
Total	14,33,248	2,59,301	18.09	1,06,540	7.43
Group 'D' (Safai Karamcharis)	34,162	11,517	33.71	1,462	4.27
Grand Total	14,67,410	2,70,818	18.45	1,08,002	7.36

4.14 The Committee were also informed that as per the mandate of extending the reservation policy for SCs/STs, the DPE issued a comprehensive guidelines dated 25th April, 1991, based on Department of Personnel & Training (DoP&T)'s instructions issued from time to time, for issuance of Presidential Directives by administrative Ministries/Departments to the CPSEs under their administrative control for implementation.

4.15 The Ministry also stated that as per these guidelines, the responsibility for implementing the Presidential Directives lies on the head of the Department, both in the administrative Ministries/Departments and Public Enterprises. Also, the administrative Ministries/Departments had to institute a system under which a Joint Secretary level Officer was made responsible to keep a watch over the implementation of the policy on reservation. The Joint Secretary concerned is to keep the Secretary of the Ministry/Department informed of the progress of implementation. Similarly, the Chief Personnel Officer of the CPSEs (Board Level) was made responsible for implementation of the policy and to keep the Chief Executive informed of the progress.

4.16 The Committee when enquired about the guidelines/criteria of selection of members of Board of Directors in PSUs/PSEs and the appointing authorities in this regard, the Ministry in their post evidence written replies stated that Public Enterprises Selection Board (PESB) made selection for the Board level appointments in Central Public Sector Enterprises (CPSEs), where there was no provision of reservation for SCs and STs PESB called for applications from eligible candidates. The format of the application prescribed by PESB does not had a column requiring a candidate to mention his/ her caste status. The selection of the candidates was made keeping in view the performance of candidates interviewed with special regard to their qualities of managerial capability, leadership, broad vision, track record, available ACRs and inputs given by the Secretary of the concerned Administrative Ministry and CMD of the concerned PSU.

4.17 During evidence, Secretary, DoP&T also said:-

“if you mention the caste there may be a bias and so it is better not to mention the caste. Since there is no reservation, there is no need to mention the caste so that there is no bias during the interview.”

4.18 In response to a specific query of the Committee regarding latest details of the representation of SCs/STs on the Board of Directors in all the PSUs/PSEs in the country, the Ministry stated that statistics pertaining to officers belonging to Scheduled Castes and Scheduled Tribes holding Board level positions in PSUs/PSEs was not maintained either by Public Enterprises Selection Board or Department of Public Enterprises

4.19 The Committee are happy to note that overall representation as per date available in Public Enterprises Survey 2009-2010 in respect of 206

CPSEs as on 1.1.2010 was 18.09 and 7.43 in case of SCs and STs respectively but at the same time, the Committee are dismayed to note that as per policy of the Government there is no reservation for Board level posts in Public Sector Enterprises. Public Enterprises Selection Board stated that the statistics pertaining to the officers belonging to SC/ST category is not maintained as there is no column mentioned in the application form indicating caste status. The Government should ensure that there is adequate representation of Scheduled Castes and Scheduled Tribes in policy/decision making bodies. The Committee are of unanimous view that the current situation should be reviewed and proposals need to be initiated for reservation of Scheduled castes and Scheduled Tribes in the appointment of official/non official Directors on the Board of Directors of Central Public Sector Enterprises. The Committee are given to understand that in Board of Directors, every Director position is a single post cadre. The Committee therefore, recommend that a list of eligible SC/ST candidates should be drawn and they should be considered on rotation basis for the posts of Board of Directors. The Committee would also like to direct Public Enterprises Selection Board or Department of Public Enterprises to maintain data pertaining to Scheduled Castes and Scheduled Tribes holding Board level positions in PSUs/PSEs and the Committee may be apprised of the progress made in this regard.

MINUTES

**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2011-2012)**

(FIFTEENTH LOK SABHA)

TWELFTH SITTING

(12.01.2012)

The Committee sat from 1500 to 1630 hrs. in Room No. 'D', Parliament House
Annexe, New Delhi

PRESENT

Shri Gobinda Chandra Naskar - Chairman

MEMBERS

LOK SABHA

2. Shri Bhudeo Choudhary
3. Smt. Jyoti Dhurve
4. Shri Prem Chand Guddu
5. Dr. M. Jagannath
6. Dr. Virendra Kumar
7. Shri Bharat Ram Meghwal
8. Shri Bajju Ban Riyan
9. Shri Lalit Mohan Suklabaidya
10. Shri Bhausahab Rajaram Wakchaure

RAJYA SABHA

11. Shri Jabir Hussain
12. Shri Lalhming Liana
13. Shri D. Raja
14. Shri K.B. Shanappa
15. Shri Ishwar Singh
16. Miss Anusuiya Uikey
17. Shri Veer Pal Singh Yadav

SECRETARIAT

1. Dr. R.K. Chadha, Joint Secretary
2. Shri S. Chatterjee, Additional Director
3. Shri G.C. Dobhal, Under Secretary

WITNESSES

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

1. Shri R.C. Misra, Secretary (Personnel)
2. Ms. Mamta Kundra, Joint Secretary (E)
3. Shri K.G. Verma, Director, ISTM

MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES **(DEPARTMENT OF PUBLIC ENTERPRISES)**

1. Shri D.R.S. Chaudhary, Secretary
2. Shri A.K. Sinha, Joint Secretary
3. Shri Rakesh Bhartiya, Director

PUBLIC ENTERPRISES SELECTION BOARD

1. Shri C. Phunsog, Chairperson
2. Dr. (Mrs.) P.S. Behuria, Secretary

2. At the outset, the Chairman welcomed the representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Ministry of Heavy Industries and Public Enterprises (Department of Public Enterprises) and Public Enterprises Selection Board (PESB).

3. The Committee then took oral evidence of the representatives on the subject "Review of representation of SCs/STs in the senior positions of Government of India".

4. The evidence was completed.
(The witnesses then withdrew)
5. The Committee felt that the replies submitted by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Ministry of Heavy Industries and Public Enterprises (Department of Public Enterprises) and Public Enterprises Selection Board (PESB) were not satisfactory and thus desired to hold further evidence at a later date.
6. A verbatim record of the proceedings was kept.

The Committee then adjourned.

**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2012-2013)**

(FIFTEENTH LOK SABHA)

MINUTES

**SEVENTH SITTING
(26.09.2012)**

**The Committee sat from 1130 to 1315 hrs. in Committee Room No. '62',
Parliament House, New Delhi**

PRESENT

Shri Gobinda Chandra Naskar - Chairman

MEMBERS

LOK SABHA

2. Shri M. Anandan
3. Shri Bhudeo Choudhary
3. Smt. Santosh Chowdhary
4. Smt. Paramjit Kaur Gulshan
6. Dr. M. Jagannath
7. Shri Mohan Jena
8. Shri Mohinder Singh Kaypee
9. Shri Mithilesh Kumar
10. Shri P. Balaram Naik
11. Shri Ashok Kumar Rawat
12. Shri Bajju Ban Riyan
13. Dr. Kirit Premjibhai Solanki
14. Shri Lalit Mohan Suklabaidya
15. Shri Bhausahab Rajaram Wakchaure

RAJYA SABHA

16. Shri Faggan Singh Kulaste
17. Shri Lalhming Liana
18. Shri D. Rana
19. Shri Nand Kumar Sai
20. Shri Ishwar Singh
21. Shri Veer Singh

SECRETARIAT

1. Dr. R.K. Chadha, Joint Secretary
2. Shri Hardev Singh, Director
3. Shri Shilpi Chatterjee, Additional Director

WITNESSES

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

1. Shri P.K. Misra, Secretary
2. Shri B.P. Sharma, Additional Secretary and E.O.
3. Shri Manoj Joshi, Joint Secretary (AT&A)
4. Shri Ravi Kota, Director (EO)

MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (DEPARTMENT OF PUBLIC ENTERPRISES)

1. Shri Arun Kumar Sinha, Joint Secretary
2. Shri Rakesh Bhartiya, Director
3. Shri Umesh Dongre, Director
4. Shri Madan Mohan, Joint Director

PUBLIC ENTERPRISES SELECTION BOARD

1. Mrs. P.S. Behuria, Secretary
2. Shri Vedantam Giri, Director

At the outset, the Chairman welcomed the Members of the Committee. The Committee then considered the draft Report on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT)" and adopted the same.

(The witnesses were called in)

2. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Ministry of Heavy Industry and Public Enterprises (Department of Public Enterprises) and the Public Enterprises Selection Board (PESB) on the subject "Review of representation of Scheduled Castes and Scheduled Tribes in the senior positions of Government of India".

3. During the discussion, the Committee were informed by the representatives of the Department of Personnel and Training that the information desired by the Committee is still awaited from some Departments/Undertakings. The Committee, therefore, decided to hold another meeting on the subject on 10 October, 2012 and call the representatives of the Ministries for further evidence.

(The witnesses then withdrew)

4. A verbatim record of the proceedings was kept.

The Committee then adjourned.

Summary of Conclusions/Recommendations contained in the Report

Sl. No.	Para No.	Summary of Conclusions/Recommendations
1.	2.	3.
1.	1.21	<p>The Committee are constrained to note that the representation of Scheduled Castes and Scheduled Tribes candidates among higher echelons of bureaucracy is rather dismal. The Committee are distressed to note that currently no Scheduled Castes official occupies the post of Secretary in any of the offices under the Government of India. The Committee have been informed that posts of Secretary, Additional Secretary and Joint Secretary in Ministries/Departments, except the posts in the Ministry of External affairs are deputation posts and are filled under the Central Staffing Scheme. The Committee are not satisfied with the reasons adduced by the Ministries that absolute absence of Scheduled Caste officers at the Secretary level is because of no provision of reservation in the post filled up on deputation basis and SC/ST official empanelled for the posts of Joint Secretary, Additional Secretary and Secretary often refuse to come to Centre even after giving option. The Committee note that there is no reservation of any category when panel of officers for the posts of Secretary, Additional Secretary and Joint Secretary is prepared. The Committee are also distressed to note that the present empanelment process is a denial of justice to Scheduled Castes and Scheduled Tribes officials as is evident that no Scheduled Caste official occupies the post of Secretary in any offices under the Government of India. Since candidates are selected from the States all over India including SC/ST through stiff open</p>

competition and thereafter imparted one year training before posting and following liberal benchmark as compared to officers of General Category, there should not be a question to leave out eligible SC/ST candidates for selection of higher post of JS/AS/Secretary under the offices of Government of India. The Committee are of the view that in case empanelled Scheduled Castes and Scheduled Tribes officials deny to come to Centre, a waiting list of next eligible SC/ST candidates should have been prepared to explore possibility to extend it to the next eligible candidates. This would provide ample opportunity to those Scheduled Castes and Scheduled Tribes officials who are not able to make up to the panel because of the ceiling of 66% representation of SCs and STs in the panel. The Committee are of the firm view that absence of reservation in empanelment of officers on deputation is the basic reason for low representation of officials of Scheduled Castes and Scheduled Tribes in any offices of the Government of India. The Committee, therefore, strongly recommend that the reservation in the process of empanelment should be made mandatory. The reservation would thus serve to ease out the current imbalance in the empanelment process. The Committee are not inclined to accept the reasons stated by the Ministry that since the Scheduled Caste and Scheduled Tribe officials enter into services at a later age, by the time they are due for empanelment as Additional Secretary and Secretary, they do not have any service left. The Committee strongly refute this contention of the Ministry and would like to state that there are ample eligible Scheduled Caste and

Scheduled Tribe officials which enter Government services in their prime age and that too on their own merit. The Committee are, therefore, unable to understand the reason as to why inspite of relaxation given in ACR grading, the empanelment process do not lead to the selection of Scheduled Caste and Scheduled Tribe officials. The time has come to change mindset by providing an opportunity to the officials from Scheduled castes and Scheduled Tribes communities to participate in policy making and implement it for the nation. It is sheer by virtue of their own field experience and rich knowledge they will be able to produce better socio-economic policy for the upliftment of these communities and for overall balanced development of the country.

2.

1.22

The Committee are given to understand by the Secretary, DoP&T that a status paper has been submitted to the Cabinet regarding lower representation of Scheduled Castes and Scheduled Tribes in senior positions in the Ministries. The Committee would like to be apprised regarding the decision of the Cabinet in this regard. The Secretary, DoP&T has also admitted that representations from SC/ST officers saying that their ACRs are not being correctly recorded are entertained and timely action is taken. The Committee would like to be apprised regarding the details of representations disposed of with regard to the matter. The Committee would also like to lay stress on the fact that confidential reports of Scheduled Castes and Scheduled Tribes should not be given more wieghtage and not to be considered as criterion for giving promotion as tampering with the

ACRs of the Scheduled Castes and Scheduled Tribes officers is a common practice. This kind of apathetic attitude towards the officers of Scheduled Castes and Scheduled Tribes is highly deplorable. The Committee feel that there is still latent caste bias harboured against SCs/STs candidates. Overwhelming number of Scheduled Castes and Scheduled Tribes people complain that their confidential reports are not recorded correctly. As a result thereof, out of 84 Secretaries to the Government of India, even a single one do not belong to Scheduled Caste community. It is a clear example of such bias. A review of the situation is needed to iron out implicit bias in the system. The Committee would like to instruct the Ministry to chalk out an alternative mechanism like creating review Board consisting of 5 Members (2 SC, 1 ST and 2 from General category) and lay down criteria other than the grading of ACRs for empanelment of Scheduled Castes and Scheduled Tribes officials to the posts of Joint secretary, Additional Secretary and Secretary.

It is understood that a 117 Constitutional Amendment Bill, 2012 has been introduced and passed in Rajya Sabha. The Committee hope and trust that same would be passed in Lok Sabha also expeditiously to provide justice to SC/ST officers at higher levels.

3.

2.13

The Committee observe that even directly recruited class-I officers belonging to Scheduled Castes and Scheduled Tribes communities in most cases are retired at the level of Joint Secretary, Government of India. Only few officers from these communities get

opportunity to reach the level of Additional Secretary and rare officers at the level of Secretary to Government of India. In other words, the officers from these groups are generally involved in execution of orders only and not in policy making. It clearly shows that present recruitment and promotion policy framed are faulty to deprive SC/ST officers to get an opportunity to reach the highest level. The real power could be shared by the weakest section only if the doors of the high decks will be opened only when reservation in promotion at all level are made mandatory at State and Centre level. In service hierarchy Secretaries to the Government of India are directly involved in policy making for the nation, they may be suitably given directions by the Government of India Cabinet to frame policy/rules under the act to enable SC/ST officer to reach the level of highest post. Nevertheless, officers from Scheduled Castes and Scheduled Tribes communities cannot reach to that position in absence of reservation in promotion beyond the lowest rung of class-I posts.

4.

2.14

The Committee were given to understand that the provision for reservation as outlined in Article 16(4) does not make reservation in promotion mandatory and that it is just an enabling provision. The Committee would like to emphasize that even though the Constitution lays down the provision contained in Article 16 (4A) as enabling, the onus of responsibility for its enablement lies with the Department of Personnel. The directives and policies laid down by the Department should make the representation of Scheduled Castes and Scheduled Tribes conducive in

Group 'A'. The Committee are of the view that DoPT should not feel content just by framing reservation policies, issuing direction to the Ministries, Departments for implementation of reservation policy but also assess and analyze the implementation of reservation policy for SC and ST. From the foregoing it seems that DoPT are not serious enough to get the reservation policy in letter and spirit which has resulted in very low or no representation at all at highest post of Secretary in Government of India.

The Committee, therefore, strongly recommend that DoPT should take up the matter at Cabinet level to make the enabling provision of Article 16(4A) of the Constitution of India mandatory to make reservation in the matter of promotion at any Centre and State level services under any class or classes of post.

5.

3.11

The Committee note that Department of Personnel lays down the reservation policy and that the implementation and monitoring of the reservation policy is the responsibility of respective Ministries and Departments. The Committee are not satisfied with the role and act of the DoPT to be just content by merely passing on the reservation policy and orders to the Ministries/Departments without observing/monitoring their performance in execution of SC/ST reservation policy to prepare and analyze centrally data for reforms and guide the Cabinet. The Committee condemn DoP&T for their lackadaisical approach towards this. Being the nodal Ministry, it is legitimate expectation from the Department of Personnel to monitor periodically whether or not various Ministries/ Departments are earnestly

implementing the reservation policies and orders in letter and spirit. The basic malady is that it is left to individual Ministry to take up the decision to implement the reservation policies and orders or not. This is one of the basic reason for bias attitude and prejudices towards officers of the Scheduled Castes and Scheduled Tribes Community as they are fully aware that no body is monitoring/making them answerable to latch/lapse committed towards SC/ST officials. The Committee are, therefore, of the firm view that Government should take up the matter with highest authority to set up a separate regulatory authority under DoP&T to ensure meaningful and full implementation of the reservation policies and orders and to regulate the same through effective monitoring. The Committee are aghast to note that replies to various queries including the backlog figures for Group 'A' vacancies and number of Scheduled Castes and Scheduled Tribes candidates promoted on the basis of zone of consideration have not been answered on the plea that it was not feasible to collect every data from all Ministries and departments. The Committee are baffled by the fact that the Department of Personnel have not issued any pertinent directions to the Ministries and Departments regarding the maintenance of data with regard to Scheduled Castes and Scheduled Tribes. The Committee are perturbed to note that even in this era of information technology, DoP&T are still putting forth trite replies that the nature of requisite information is vast and that its collection is formidable task. Thus, it shows that DoPT is not serious to get the reservation policy for SC/ST implemented in a right direction.

6.

3.12

The Committee would like to reprimand the DoP&T for showing laxity in maintaining records and data. DoP&T have failed to apprise the Committee regarding the number of Scheduled Castes and Scheduled Tribes promoted by providing relaxation/concession after 82nd Constitutional Amendment came into force which restores the relaxation/concession to the SCs and STs in the matter of promotion w.e.f 3.10.2000. Reservation and relaxation cannot be separated and they go hand in hand. In absence of relaxation, reservation has no meaning because the officers of Scheduled Castes and Scheduled Tribes community have not reached the stage where they can stand of their own due to centuries of social, economic and educational disparities and backwardness. The Ministry has however turned a blind eye towards the injustice meted out to Scheduled Castes and Scheduled Tribes officials who were made to forfeit the service benefits of relaxed/lower standards during the period 2.7.1997 to 3.10.2000.

The Committee feel that due to non-availability of sufficient and clear cut SC/ST officials data, the respective State Governments are not able to prove before the Hon'ble High Court and Supreme Court in consonance of Article 16(4A) of the Constitution that State are not adequately represented in the services under the State. With the result court judgements are declared against the SC/ST service interest which in fact defeat the basic spirit of the preamble of the Constitution i.e. to provide socio-economic justice to the people of India.

The Committee, therefore, strongly recommend that DoPT should undertake this work with due sincerity in spirit of the Article 16(4A) of the Constitution by maintaining centrally data for reservation, promotion, concession etc. so that respective State may easily prove that in their State SC/ST are adequately/not adequately represented as the case may be. Further during the course of hearing in the court of law States may provide the date to enhance the socio-economic justice to the people of India including SC/ST officials in service. The Committee would like to be apprised in this regard.

7.

3.18

The Committee are utterly dismayed at the tepid response of the Ministry towards the existing backlog in the Group 'A' posts. The Committee take cognizance of the fact that the Ministry has not maintained the data regarding the backlog vacancies, Group wise. The Committee are baffled to note that in absence of such significant statistics, how does the Ministry plans to wipe out the backlog existing in various Ministries and Departments. The Committee are of considered view that all the backlog vacancies existing in various Ministries and Departments should be classified Group wise and the Committee should be apprised of the same. Regarding the filling of Group 'A' backlog vacancies, the Committee should be informed regarding progress made in the filling up of backlog posts upto the Director level. Regarding the posts of Joint Secretary, Additional Secretary and Secretary, which are filled by deputation, the Committee should be apprised of the strategy

adopted to fill such posts. The Committee further recommend that responsibility should be fixed on the respective Liaison Officers of various Ministries/Departments to identify Group 'A' posts. They should further devise exhaustive plans for wiping the backlog in conjunction with the various Ministries and Departments. It is observed that the Special Recruitment Drive leads to mass recruitment in Class 'C' and 'D' posts. The Committee would like to recommend that the Department of Personnel should draw a strategy especially for filling up of Group 'A' vacancies. The Committee should be regularly posted on this front. The Committee note that there are 273 SC and 505 ST backlog vacancies for the year 2010-2012 and efforts are being made to fill them up in next recruitment process. The Committee would like to know the exact number of SC and ST backlog vacancies in Group 'A' and the efficacious efforts made by the DoPT to get them filled up in a planned way as per rules prescribed therefor.

8.

4.9

The Committee are astounded to note that even today candidates of Scheduled Castes and Scheduled Tribes community are not considered qualified for scientific and technical posts. The Committee can only fathom the dismay and exasperations of the Scheduled Caste and Scheduled Tribe candidates who are not able to make in apex scientific organizations of India because of such prejudices. The Committee further censures that the jobs meant for conducting research and also for organizing, guiding and directing

research are exempted from the purview of reservation. This is rather a deplorable display of unspoken bias against the candidates of Scheduled Castes and Scheduled Tribes community. In the absence of reservation clause in the scientific and technical posts is just another tactic to rob them of their opportunity to get a foothold in the field of scientific and technical expertise. The Committee further note that the Department of Information Technology and Department of Atomic Energy do not offer reservation to Scheduled Castes and Scheduled Tribes. As per the data provided by the Department of Electronics and Information Technology, 20 SC officials and 6 ST officials have been absorbed/selected as Scientist in Group 'A' category. Likewise in Department of Atomic Energy, 15 SC and 7 ST candidates in the year 2009, 17 SC and 6 ST candidates in the year 2010 and 13 SC and 8 ST candidates in the year 2011 were selected. The statistics clearly indicate that Scheduled Castes and Scheduled Tribes are equally qualified and meritorious. However, the reservation in scientific and technical field would thus provide the much needed impetus to the candidates of Scheduled Castes and Scheduled Tribes to reach the pinnacle in this field.

9.

4.19

The Committee are happy to note that overall representation as per data available in Public Enterprises Survey 2009-2010 in respect of 206 CPSEs as on 1.1.2010 was 18.09 and 7.43 in case of SCs and STs respectively but at the same time, the Committee are dismayed to note that as per policy of

the Government there is no reservation for Board level posts in Public Sector Enterprises. Public Enterprises Selection Board stated that the statistics pertaining to the officers belonging to SC/ST category is not maintained as there is no column mentioned in the application form indicating caste status. The Government should ensure that there is adequate representation of Scheduled Castes and Scheduled Tribes in policy/decision making bodies. The Committee are of unanimous view that the current situation should be reviewed and proposals need to be initiated for reservation of Scheduled castes and Scheduled Tribes in the appointment of official/non official Directors on the Board of Directors of Central Public Sector Enterprises. The Committee are given to understand that in Board of Directors, every Director position is a single post cadre. The Committee therefore, recommend that a list of eligible SC/ST candidates should be drawn and they should be considered on rotation basis for the posts of Board of Directors. The Committee would also like to direct Public Enterprises Selection Board or Department of Public Enterprises to maintain data pertaining to Scheduled Castes and Scheduled Tribes holding Board level positions in PSUs/PSEs and the Committee may be apprised of the progress made in this regard.

