

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(2001-2002)**

(THIRTEENTH LOK SABHA)

SEVENTEENTH REPORT

MINISTRY OF DEFENCE

*Military Participation Ratio of Scheduled Castes and Scheduled Tribes in
Defence Service - ~~Policy~~ and perspective*



*Presented on Lok Sabha on 30.8.2001
Laid in Rajya Sabha on 31.8.2001*

**LOK SABHA SECRETARIAT
NEW DELHI**

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COMPOSITION OF THE COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND SCHEDULED TRIBES (2001-2002)

Shri Kariya Munda

— Chairman

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1. Shri B.R. Kanathia — *Joint Secretary*
2. Shri Shiv Singh — *Under Secretary*

*Ceased to be member of the Committee on his resignation from the Rajya Sabha w.e.f. 18-5-2001.

INTRODUCTION

I, the Chairman of the 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 Seventeenth Report (Thirteenth Lok Sabha) on the Ministry of Defence regarding Military Participation Ratio of Scheduled Castes and Scheduled Tribes in Defence Services—Policy and perspective.

2. The Committee took evidence of the representatives of the Ministry of Defence on 15 March, 2001. The Committee wish to express their thanks to the officers of the Ministry of Defence for placing before the Committee material and information the Committee desired in connection with the examination of the subject.

3. The Committee also wish to express their thanks to Shri S.N. Mandal, Hon. Director of the Ambedkar Institute of Social Research and Training, New Delhi, who furnished to the Committee comprehensive material on the subject that has been utilised as historical background and for analysis of various basic issues under examination.

4. The Report was considered and adopted by the Committee on 28 August, 2001.

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

NEW DELHI;
August, 2001

Bhadrapada, 1923 (Saka)

KARIYA MUNDA,
Chairman,
Committee on the Welfare of
Scheduled Castes and Scheduled Tribes.

HISTORICAL BACKGROUND

1.1 It is a historical fact that most of the presentday Scheduled Castes and Scheduled Tribes and similiary backward sections of society were from warrior classes. Although, there has been hardly any comprehensive or consistent study on this important point, there are concrete instances to prove the contention. It does not require much probe in history to establish some specific cases. The *Adi-Dravidas* (the present backward class in the South), who represented the earliest civilization of South India, were a martial race and had a glorious past. They had a regular army with cavalry and elephant corps. In the First Great War they offered their services in great numbers as combatants, e.g., the sappers and Miners' regiments. Then, the *Pariahs* (or the Paharias) in the south were a race of mountaineers, when the Aryans came to the country. These people were probably then living in mountains and hills, and attacked the Aryans with all the ardour of the mountains in defence of their independence and liberty. The term 'Par-lyan' also means that these people were the owners of the land or rulers of the land—cultivators in times of peace and warriors in times of war. Then again, the Mallas (the outcastes in the Telegu Country) are repeatedly mentioned in the Mahabharata and in various Puranas as a nation. The outcastes in northern India are called Mars or Mhars. The Mallas are the same as Mars or Mhars, transformed into Mahar. Mallabhumi and Mallarashtra, which refer to the northern parts of India, occur in Ramayana and Mahabharata. Mallarashtra and Maharashtra are identical in meaning-connection with the land. These people were once the lords of the soil. There were high martial tradition of the Mahars. Dr. Ambedkar gave enough evidence of this fact. That the Mahars were a first-rate fighters has been conclusively proved by the recent discovery of a copper plate in the Sangli District of Maharashtra. A Mahar Regiment was created in Sept., 1941, but it was disbanded later. It had to be revived under pressure. Over the years, however, the class composition of the Mahar Regiment has changed. Many Mahar Battalions now have mixed class composition.

1.2 The Pahariahs in the South, the Mallas of Andhra Pradesh (the same as the Mars or Mahars, later transformed into Mahars in the northern India), and the Chandals (currently the Namusudras of Bengal and Assam) had orginally constituted different nations and rulers of particular regions, and all of them were warriors by virtue of their being the rulers in their kingdoms. They were kings, fighters and very independent people in the past.

1.3 The foot-soldiers of Bengal under the Pala rulers were called Paiks, who had sufficient importance in defence of the empire. The surname 'Paik' is now generally found among the members of Scheduled Castes in Bengal. The Nishadas were the original settlers in Bengal; they were not descended from the Aryans. They are now represented by peoples known as Kola, Sabera, Hadi, Pulinda, Dome, Chandala, etc. The demand for an Adivasi regiment was, however, turned down by the Government. It is now well-known that the Chamar community, which is perhaps the most numerous throughout the country had a Regiment as their most compulsive incentive to prove worthy of military service, but that was disbanded after the war and merged with other units.

1.4 So far as the Namasudras of Bengal and Assam are concerned, there are positive evidence of their earlier tradition even in the very first Census Report of 1872. The First Census Commissioner of Bengal, Dr. James Wise disclosed many facts about them. They had a kingdom in Dacca district in the 12th or 13th century (the ruins of which were till then traceable in the jungles of Bhowal). They offered a specially stubborn resistance to the eastwardly advance of the Aryans or the invading race from the north-west. Buchanan found them characterised by an unusual amount of independence and self-reliance. Beverly considered them identical with the Mals of the Rajmahal Hills (A Dravidian clan). Risley also considered them possibly allied to the Maler of the Rajmahal Hills. Pulaskar considered these people as one of the Dasa Tribes who fought the Bharatas in their advance to the east and south east. Ghurye attributed their degraded position to their "refractory and incorrigible" nature or character. Later, a Calcutta University Professor, Dr. Nihar Ranjan Roy, has furnished clearer and more positive evidences of the martial trails of these people. Even as late as February, 1964, reference was made in the Press (in connection with the exodus of East Bengal refugees) to the Namasudras as being "the stardy men, who have a reputation for courage and Grit, could defend themselves even against guns with their traditional bows and arrows". It is known to everybody in Bengal that there had been a perennial fight between the East Bengal Muslims and the Namasudras there. It is said that the former Governor-General and Prime Minister of Pakistan, Khaja Nazimuddin, once sent even an armed party of Muslims from Dacca to teach a lesson the *invincible Namasudras* in the district of Faridpur. It is this invincible spirit which was reflected in the post-partition Mollarhat riots between them and the Muslims. But now these very people have been rendered completely defenceless on all counts. Even in 1970, a veteran Member of Lok Sabha urged for the revival of the Bengal Regiment with militant Namasudras, but to no avail.

1.5 There might be many other Scheduled Castes with more or less similar traditions. So far as the Scheduled Tribes are concerned, they have got their own war-like traditions. Their whole background is like that, and even today they are in that mood. But all these people are now excluded

from the military and police services on the plea of their being unsuitable for the jobs. The Nagas have, however, recently forced the creation of a Naga Regiment in recognition of their military prowess.

1.6 It is significant to note that even the General Secretary of Vishwa Hindu Parishad (VHP), Mr. Ashok Singhal, is reported to have stated at Varanasi on 14-6-1995 that the present day Dalits and untouchables in India were great warriors of the Hindu society, citing the examples of various Dalit rulers of the past such as Suheldev Paswan and Satan Pasi.

1.7 There is no dispute about the historical fact that Khoosro, who seized the throne of Delhi in the last quarter of the 14th Century, was an Untouchable.

1.8 During the early period of the British rule in this country, men of the lowest castes were excluded from the military profession in order to gratify the caste prejudices in the society. Afterwards there was, of course, no legal bar to the admission of even a Pariah into the Army regiments. But actually and due promotion for such a man was rejected on the ground of the possible dissatisfaction on the part of the superior caste people forming the majority of a regiment. Gradually, however, the Britishers discovered the magic power of caste in recruiting soldiers for an efficient Army. The military class were held in profound respect by the lower castes. Hence by permitting such men of the lower castes to be enrolled in the Army, the Britishers very correctly elevated their character and gave them a higher social rank. Thus, in a later period of the British rule one could find among the troops Hindus of every tribe, caste, province and dialect. No less than thirty politico-geographical (or regional) groups ("nations" as were they called) were said to have supplied recruits to the country's military force (Sepoys). There were men of every language in India, all sects and communities and even half castes—a co-mixture, a "Colluvies gentium", unparalleled in the military history.

1.9 The iron discipline in the military profession was found to be greatly successful in repressing many of the antipathies of castes, since the men were to live on terms of mutual forbearance. Thus it proved to be a great means of social fusion, even through the foreigners were not really interested in such a thing. The Indian Sepoys had exhibited an attachment to their military honour that had never been found greater than any that they bore for their religion even. They regarded their military oath as the most sacred of all obligations—even above their religion.

1.10 The institution of caste was very tactfully modified by the Britishers for military purpose—for building up an efficient army in India. They paid no regard to caste in the Selection of Officers for the Army, so that the Brahmin and the Rajput were liable to obey a Sudra or a Chandala, and the "haughty Nayar and Polygar of Malabar" had to receive a command from the despised Pariah; had by each of such action caste was irretrievably lost.

1.11 Men of the lowest caste entered the military service for the purpose not only of indulging propensity for arms (of which they were deprived for centuries) but also of bettering their conditions. The Britishers also discovered in them ready valour. They acquired a thorough knowledge of the mystery of the Hindu Caste System, and that helped them immensely in building up a successful and right kind of armed forces for their empire in this country.

1.12 The influence of caste would have greatly diminished and perhaps even vanished among the Hindu soldiery under the force of the then prevailing circumstances if that basic policy had been continued. But unfortunately the British interest in this regard was fluctuating with the changed circumstances of their empire-keeping necessitating changes in the exigencies of State-policy. Thus, they again reverted to the old policy of restricting the military recruits to the high caste people in actual practice. This was the period of demilitarization of the Scheduled Caste and there was an agitation against the Government ban on their entry into the Army, Navy and Police.

1.13 The question was raised in the Bombay Legislative Council in 1927, and the then British Government had to admit that through there was no prohibition against the enlistment of the Scheduled Caste people in the armed forces, there were "practical difficulties" which stood in the way of any extensive enlistment of these classes. During the period of the Second World War (in 1943), this question came up in the Central Legislative Assembly also, and a resolution (moved by Mr. Pyarelal Kuril Talib) was passed for the removal of restrictions on this class of people in the military forces against holding posts of officers. After that several Scheduled Caste battalions were raised, and there were many touching references to their bravery on the battle fronts by the then British Commanders. But in spite of this record, the process was again reversed by disbanding most of these battalions.

PRESENT GOVERNMENT POLICY

1.14 In post-Independence India, there was a sharp decline in representation of the Scheduled Castes and Tribes in the Armed Forces and this point was raised in the Lok Sabha in December, 1952 and then in the Rajya Sabha during 1954. Figures were quoted to prove the contention, and the annual reports of the Commissioner for Scheduled Castes & Scheduled Tribes (relevant extracts given in Appendix No. 1) also later confirmed it. Initially the Commissioner was not commenting upon the recruitment policy of the Government and only urged for better representation of Scheduled Caste & Scheduled Tribe in the armed forces. But in his last three annual reports for the years from 1977-78 to 1979-81, the Commissioner was forced to raise his voice against the Government policy and action in this regard. He emphasised that the exclusion of the Defence Services from the purview of the reservation for Scheduled Caste

and Scheduled Tribe was contrary to the letter and spirit of the Constitution. The Defence Ministry's point for adopting a different methodology in recruitment to armed forces on the plea of "the special features of the Defence Services" was also not found tenable. The Commissioner also concurred with the observation of the Parliamentary Committee on the Welfare of Scheduled Castes Scheduled Tribes in its 18th Report (Sixth Lok Sabha) and there is no point in not making the reservation for Scheduled Castes & Scheduled Tribes in the recruitment to Armed Forces. He came to the conclusion that unless an element of formal reservation is introduced, no improvement could be expected in the representation of Scheduled Caste & Scheduled Tribe in the near future. He, therefore, urged the Government to reconsider their earlier decision and introduce reservation for Scheduled Castes & Scheduled Tribes in the recruitment of personnel in the Armed Forces.

1.15 The Elayaperumal Committee appointed by the Central Government to make recommendations for eradication of untouchability and economic and education development of the Scheduled Castes has also very strongly recommended (extracts given at Appendix II) that the Government should revise its present policy and make specific provision of reservation for Scheduled Caste & Scheduled Tribe in the Recruitment to Armed Forces of the country. The Committee has significantly referred to the "military participation ratio" (M.P.R.) by pointing out that the restriction of the military services (*i.e.*, low M.P.R.) may be the root cause for social inequalities. Its suggestion that the provisions of Article 335 of the Constitution are applicable to this field of public service also has not been refuted by the Government (*Vide* Lok Sabha U.S.Q. No. 2144 dt. 28.2.1968.)

1.16 The Government's argument against reservation is really not valid even on the basis of its actual practice of recruitment. According to the clarifications made in Lok Sabha by a former Defence Minister, the Indian Army is organised on historical and traditional basis and on three bases; some names are after the regions or States; some names of the units are after caste or community, and the other units are without the name of the region or caste or community. In some army units which are named after the regions or the States, recruitment is restricted to those regions or those States. In some units which are named after castes or communities, recruitment is restricted or reserved to the members of that community by and large. And to the other units, recruitment is open to all citizens. Obviously, there is an invisible reservation of some percentage to certain regions or communities (and this is no less than 40 per cent of the Army). In spite of this fact, there is almost complete absence of recruitment of Scheduled Caste & Scheduled Tribe as combatant soldiers in the three top fighting arms—the armoured corps, artillery and infantry. Recruitment to the infantry, in particular, is still based on class, caste and regional considerations. There have been suggestions for the need for a

Parliamentary Committee to probe into the recruitment to the class-based infantry regiments. To rationalise and streamline the existing infantry regiments it is necessary to break the "recruitment monopoly" of high, privileged and so-called material classes.

1.17 The Armed Forces cannot be divorced from society as a whole. As long as casteism remains part of our national life, this will be reflected in the composition and quality of the Defence Services.

1.18 As shown above, even the Britishers in this country made it a point to search for the ready valour among the various groups of the people in order to build up an efficient Army. But the present Government would not go in for that even, because they appear to have discovered merit and efficiency in all matters as the monopoly trait of only a certain sections of the people, who are naturally of the high castes. Historical facts are clearly otherwise.

1.19 When asked in the Lok Sabha on 17.04.1968 (U.S.Q. No. 7545) whether any assessment or survey has been made of the fighting or martial traditions of the various SCs and STs in different parts of the country, whether ethnographic notes and other historical facts compiled during the various census operations were scrutinized for such a study for rationalizing the Armed Forces recruitment policy, the Defence Ministry replied in the negative on the plea of broad-basing the recruitment without any distinction. When it is a well-established historical fact that most of the SCs and STs come from warrior class before their deliberate disarmament, it is all the more significant that the Government has taken such a negative policy against adequate representation of SCs and STs in the country's Armed Forces on the plea of 'merit and suitability'. There has been no answer from the Government to the Committee's specific query: When "historical reasons" could be the ground for retaining a large segment of class composition of the Army, why the same could not be adopted for SCs and STs. The Government's parrot-like refrain that there are no reservations for SCs and STs as recruitment is open to every citizen of India, and that the system should not be disturbed nor should any structural alteration be permitted, is merely an excuse for preserving the existence of a "very strong vested interest in the present system". This is further confirmed by the reply to the query by the Committee about the action taken on the suggestion of the eminent Defence expert, Sh. K. Subramaniam, made more than 30 years back in his article in the National Herald dated 3 August, 1970, to the Government to pay "adequate attention" to the Armed Forces' role towards raising the status of backward sections of the society. The blunt answer that no such study/assessment has been made by the Government in this regard is nothing short of an unreasonable and irresponsible attitude of the Government. The excuse of counter-insurgency operations in J&K and North East is also untenable in view of the fact that in both these places/regions the SC/ST troops have shown exemplary record of military success.

1.20 The Committee, therefore, are of the firm opinion that the stance of the Government as regards the contribution made by SCs and STs should be changed and keeping in mind their historical background positive action to bring them in the national mainstream by recruiting them in the Armed Forces be initiated immediately so that they can prove their mettle again in the modern times.

II

BASICS OF THE PROBLEM

2.1 The policy of recruitment to Armed Forces of the country is a specific instance of how the real spirit or purpose of the constitutional provisions has actually been by passed by the Government so far.

2.2 From the very beginning the government of Independent India has kept the Armed Forces recruitment exempted from the purview of reservation policy. The Scheduled Caste/Scheduled Tribe Commissioner has repeatedly found this exclusion as "contrary to the letter and spirit of the Constitution." Extracts of his relevant observations/recommendations in various reports are given in the Appendix I. There is a long history of excluding the depressed classes like Scheduled Castes and Scheduled Tribes from the recruitment of Armed Forces of the country. Military service was the monopoly of the untouchable and oppressed communities even in the early period of British rule in this country. But later came a ban on their recruitment under strong opposition from the so called high caste men in the Army because of their theological bias against the low caste officers. This policy of exclusion has since been continued even after the adoption of the new Constitution in 1950. it is a legacy of the mythical martial race theory and the historical tradition. Demilitarization of the entire group of Scheduled Castes and Scheduled Tribes has been the basic cause of their downfall in all walks of life.

2.3 The Defence Ministry's point or plea for adopting different methodology in recruitment to Armed Forces has not been found constitutionally valid and tenable either by the Commissioner for Scheduled Castes and Scheduled Tribes or the Parliamentary Committee on the Welfare of Scheduled Castes & Scheduled Tribes. The latter urged the Government to change its policy in this regard, first in 1975 and then again in 1984 (*vide* its 54th and 59th reports of 7th Lok Sabha). But the Government has remained adamant. As early as in 1970 the eminent expert on Defence Studies and Analysis, Shri K. Subramanyam urged for a new approach to the Indian defence recruitment policy "to advance the social objectives of the country." He has shown how the recruitment of Scheduled Castes/Scheduled Tribes to Armed Forces could result in considerable improvement in their economic conditions and social status. He has also referred to the Chinese and American experience in using armed forces to improve the status and skills of backward sections of people.

2.4 In fact, the armed forces are generally found to be a part of power structures in any country. There is a technical term known as the "military participation ratio" (MPR) which means the proportion of militarily utilized individuals of a social group in the total population of a country. It is the chief determinant of social organisation. Widening of the field of armed forces recruitment to cover all social groups is, therefore, of paramount importance, specially in a country like India. The Scheduled Castes and Scheduled Tribes, who form the hard core of backwardness in this country, are very very poorly represented in this vital organ of the State. How a deliberate attempt has been made to keep these people out of the military service is exemplified by one singular fact. The direct recruitment to Defence Service through the half-yearly examinations (for Combined Defence Services and N.D.A.) conducted by the U.P.S.C. is a positive indicator of the trend of employment of Scheduled Castes and Scheduled Tribes in the Armed Forces. The Figures given in the Annual Reports of the U.P.S.C. show that over a period of 47 years from 1950-51 upto the end of 1997, a little over 50 thousand boys were recommended for appointment to the Defence Services as cadets and out of them the number recommended from Scheduled Castes and Scheduled Tribes was barely 185 and 110 respectively. These figures were compiled from the Annual Reports, but the factual position is so deplorable that the Government has to hide the fact by stating in reply to a Parliament Question No. 2922 in Lok Sabha on 6.8.86 that "it would not be desirable, in public interest, to disclose details of caste composition of N.D.A. cadets." The question was aimed at finding out of the representation of Scheduled Castes and Scheduled Tribes in direct recruitment to Armed Forces. Even in admission to Sainik Schools the representation of Scheduled Castes and Scheduled Tribes falls far short of the reserved quota (*vide* answer to Lok Sabha Unstarred Question No. 7611 on 20.4.1988).

2.5 The evidence tendered by the official representatives of the Defence Ministry before the aforesaid Parliamentary Committee has clearly demonstrated the diehard attitude of the Armed Forces authorities to the whole question of the constitutional right of representation of the Scheduled Castes and Tribes. Such opposition is perhaps innate in the traditional set-up of military service. According to Sir Basil Liddell Hart, one of the most respected military thinkers of this century and a soldier himself, "military men pay too little attention to the deeper lessons of their history and perhaps too much to its traditions." He observed that "the military have the reputation of being more burdened than most by traditions and fixed ideas." The Officer Corps in particular have fought hard against any change to their long traditions of aristocratic

exclusiveness. It is, however, a recognised fact that armed forces are specialised instruments of public policy. As society changes, everything about the military has also to change in the human fabric of Armed Forces. Democratization of Armed Forces must go ahead of the forces of other powers. A broadly based officer corps offers the widest source of talent and helps to identify the military with the rising tides of nationalism and democracy. A broadening of recruitment to Armed Forces is the prime need for any social reconstruction for development.

III

MILITARY PARTICIPATION RATIO (MPR)

3.1 The Military Participation Ratio (MPR) is the proportion of the militarily utilized individuals in the total population. MPR is a characteristic of military organisation. The success of a military organization depends on MPR. There is a distinction between the actual and the optimum MPR. The actual MPR is the one which actually obtains in a given society. The optimum MPR is the ratio which, within the given technico-tactical conditions, would enable a State to attain the maximum military strength, other things like morale, leadership, etc. being equal. Obviously, the actual and optimum MPR do not always coincide.

3.2 The factors which determine the optimum MPR undoubtedly exert very strong influence on social structure, but they do so only in so far as they modify the actual MPR, and the actual MPR does not adjust itself automatically to the optimum, as it may be enmeshed in various extraneous circumstances called frictional factors.

3.3 The military organization may deviate considerably from the optimum possible. Also, the existing social stratification may offer resistances to the changes required for bringing the military strength to the maximum. The Government may shirk from arming the lower (servile) classes. In States dominated by privileged groups of warriors, the resistance to the extension of military service may be specially strong, because such extension might mean also the extension of privileges and therefore the diminution of benefits. The dominant group of ruling class is inclined to buttress its privileges by reserving for itself the monopoly of arms, thus reducing the actual MPR below the optimum. The technical and tactical innovations which alter the optimum MPR, affect the actual MPR, and modify social structure. The dispersion of power in consequence of the extension of military service cannot always result in a permanent measure of equalization of political rights and wealth but only periodically. It is not that the MPR is the sole determinant of stratification. The restriction of bearing arms (i.e., low MPR) is only one of the roots from which social inequalities can spring. But it is a fact that those who bear arms constitute a privileged stratum. The rise in MPR coincides with considerable levelling of stratification. In fact, the military organization is the prime mover of all social changes. For explanation of any social situation we must look to the military factors. The military organization is reflected in, and reflects, the social stratification.

3.4 The masses in India have remained unarmed and excluded from military service, and, therefore, deprived of the levers of power which wielding of arms usually gives. The loyalty of the lower classes has to be strengthened by extending to them various rights including the military participation.

IV

ORGANISATIONAL SET-UP, UNITS AND ARMS OF ARMED FORCES

4.1 The Committee have been informed that under the Constitution, the Supreme Command of the Armed Forces is vested in the President of India. The responsibility for National Defence rests with the Union Cabinet. The Army HQ comprises the Chief of the Army Staff (COAS) and his Secretariat, and all Branches of his staff administered by the Vice-Chief of the Army Staff, the Deputy Chief of the Army Staff, the Adjutant General, the Quarter Master General, the Master General of Ordnance, the Military Secretary and Engineer-in-Chief. The Army is organised in Commands comprising Areas and independent sub-Areas as laid down from time to time by the Central Government.

4.2 The Air HQ comprises the Chief of the Air Staff (CAS) and his Secretariat, and all Branches of his staff administered by the Vice-Chief of the Air Staff, the Deputy Chief of the Air Staff, the Air Officer-in-charge of Personnel, the Air Officer-in-charge of Administration, the Air Officer-in-charge of Material, the Inspector General. The IAF is organised in Commands and Branches.

4.3 The Naval HQ comprises the Chief of the Naval Staff (CNS) and his Secretariat, and all Branches of his staff administered by the Vice-Chief of the Naval Staff, the Deputy Chief of the Naval Staff, the Chief of Material and the Chief of Personnel. The Indian Navy is organised in Commands, Fleet and Areas.

4.4 As regards units/commands under Army, Air Force and Navy, the Committee have been informed as under:

ARMY

(a) The list of existing Army units consists of Composition Table units and Non-Composition Table units. Composition Table units only count towards manpower ceiling of the Army. The strength of Non-Composition Table units does not count towards the Army ceiling. In the Army, there are 3669 Composition Table units and 3642 Non-Composition Table units. The Composition and Non-Composition Table units are also called "Regular Army" and "Other than Regular Army" units respectively.

(b) These units are under the six Commands of the Army.

Indian Air Force

The Indian Air Force has seven Commands of which five are operational and two functional. There are 780 units in the Indian Air Force.

Navy

The Indian Navy comprises of three Commands and there are 255 units in the Navy.

4.5 The information regarding various arms and services units of the Armed Forces was furnished as under:—

Army

The various Arms of the Army are Infantry, Mechanised Infantry, Armoured Corps, Artillery, Air Defence Artillery, Engineers and Signals. The Services in the Army are Army Service Corps, Army Ordnance Corps, Electrical and Mechanical Engineers, Army Medical/Dental Corps, Military Nursing Service and Remount & Veterinary Corps, Recruitment to the Army is based on the Recruitable Male Population of each State. The Army is the largest amongst the three services.

Indian Air Force

The Indian Air Force is broadly divided into the following categories:—

- (i) Flying operations;
- (ii) Maintenance and logistics;
- (iii) Administration; and
- (iv) Training

The Indian Air Force is a modern, technology-intensive force distinguished by its commitment to excellence and professionalism.

Navy

The various branches in the Navy are as follows:—

- (a) Executive
- (b) Engineering
- (c) Electrical
- (d) Education
- (e) Medical

The Indian Navy is a fighting force with highly sophisticated advanced weaponry on board its ships, submarines and aircraft.

4.6 It has been stated by the Ministry of Defence that the Indian Army comprises of “Regular” and “Other than Regular” Army Units. The various Arms of the Regular Army are Infantry, Mechanised Infantry, Armoured Corps, Artillery, Air Defence Artillery Engineers, Signals, Army Service Corps, Army Ordnance Corps, Electrical and Mechanical Engineers, Army Medical/Dental Corps, Military Nursing Service and Remount & Veterinary Corps, etc. Other than Regular Army includes Territorial Army, Defence Service Corps, National Cadet Corps, J&K Light Infantry, Rashtriya Rifles and Military Engineering Service.

4.7 When asked about total strength and the percentage of representation of SCs and STs therein for each unit in Armed Forces, the Committee have been informed in the following manner:—

Army

All eligible citizens are given equal opportunity for enlisting in the Army without prejudice to their caste, creed, class, region, religion or any other affinity. The Army is the largest amongst the three Services and for historical reasons maintained regiments based on class and caste. The representation of persons belonging to SCs and STs based on information available as on 21.12.1999 was stated to be as under:—

IN THE ARMY BY ARMS AND CATEGORIES AS ON 31st DEC. 1999

Sl.No. Arms/Service/Officers		SCHEDULED CASTES							SCHEDULED TRIBES						
		JCO	NCO	O	Rect	NCE	Total	Offrs	JCO	NCO	OR	Rent	NCE	Total	
1.	AC	1	71	541	940	57	—	1610	0	2	128	196	65	—	391
2.	HC	0	—	3	5	—	—	8	0	—	—	—	—	—	—
Total AC & HC		1	71	544	945	57	0	1618	0	2	128	196	65	0	391
3.	PBG	0	—	4	12	2	0	18	0	—	—	—	—	—	—
4.	Arty	15	47	372	684	58	0	1176	5	4	36	41	31	—	117
5.	AD Arty	4	45	217	152	32	0	450	0	8	65	40	7	—	120
Total		19	92	593	848	92	0	1644	5	12	101	81	38	0	237
6.	Macrax Engr.	0	325	1216	1848	147	0	3536	0	7	29	37	6	—	78
7.	Bengal Engr.	0	97	287	1086	110	0	1580	0	5	71	270	9	—	355
8.	Bombay Engrs.	0	780	1187	6047	114	0	8128	0	3	5	22	0	—	31
Total Engrs.		0	1202	2690	8991	371	0	13244	1	15	105	329	14	0	464

9.	Signal	9	266	666	2047	6	—	2994	1	31	92	430	1	0	555
10.	Infantry	22	1765	10127	20148	1929	—	33991	16	1004	4269	13433	692	—	19419
11.	Gorkhas	3	19	208	749	8	—	987	5	15	64	123	—	—	207
12.	ASC	4	241	1568	2188	—	—	4001	1	97	488	995	—	—	1581
13.	AFS	3	246	77	351	24	—	701	1	54	15	63	6	—	139
14.	AMC/ADC	3	29	89	5328	297	—	5746	2	10	108	1181	57	—	1358
15.	ADC	3	14	594	1167	135	—	1913	1	21	213	252	10	—	497
16.	EME	7	35	30	2126	10	—	2208	1	10	6	756	6	—	779
17.	RVC	1	28	87	155	6	—	277	0	4	20	22	—	—	46
18.	AEC	2	28	60	2	—	—	92	0	5	5	—	—	—	10
19.	Int.	1	4	19	8	—	—	32	1	3	12	2	—	—	18
20.	Pnr		37	103	439	6	—	585	0	5	10	154	2	—	177
21.	APTC		—	—	—	—	—	—		—	—	—	—	—	—
22.	JAG		—	—	—	—	—	0	0	—	—	—	—	—	0
23.	CMP		62	128	162	23	—	375	0	14	41	21	4	—	80
24.	SL. (RD & OM)	4	—	—	—	—	—	4	0	—	—	—	—	—	0
Total (others)		82	4139	17583	45644	2964	0	70412	34	1302	5678	18038	895	0	25947
25.	DSC	0	99	867	2463	0	0	3429	0	8	156	185	0		349
26.	TA	0	122	1265	3008	264	27	4686	0	36	284	648	93	2	1063
Total: DSC & TA		0	221	2132	5471	264	27	8115	0	44	440	833	93	2	1412
Grand Total		82	4360	19715	51115	3228	27	78527	34	1346	6118	16871	988	2	27360

Air Force

The officers and Airmen are Selected/recruited in different branches/trades on an all India merit basis. No records on the basis of caste, creed or religion is maintained in respect of Indian air Force personnel.

Navy

No distinction is made in the Navy on the basis of religion/caste/creed or urban/rural backward areas either during induction or at any point or time thereafter. No records are, therefore, maintained in the Navy on the representation of Scheduled Castes and Scheduled Tribes.

4.8 The Committee note that certain details of representation of Scheduled Castes and Scheduled tribes on a certain date in some arms and categories in the Army only have been furnished and in respect of Air Force and Navy it has been stated that no such record is maintained in both these Forces. When asked, whether it is true that "no separate data for SC/ST under various categories are maintained" the Ministry replied in the affirmative in respect of all the three forces, *i.e.* Army, Navy and Air Force. No specific reasons have been given by the Govt. to justify its stance for not maintaining such data. The Committee feel that only such data can prove whether "equal opportunity" is actually provided "without any discrimination" The Committee, therefore, strongly recommend that a fresh exercise may be started to maintain separate data for SC/ST under various categories in regard to employment in Army, Navy and Air Force so that previous lapses can be rectified. Any further refusal to maintain such data may be suspected to be adopting a pre-emptive measure against any assessment.

RECRUITMENT POLICY OF THE ARMED FORCES & FACTUAL POSITION—ITS SHORTCOMINGS AND CONTRADICTIONS

5.1 The Committee were informed that various avenues for joining the Army are as under:—

- (a) **Personnel Below Officer Rank (PBOR)**—The various avenues for joining the Army as PBORs are Soldier Category, Technical Category and Tradesmen.
- (b) **Officers**—The various avenues for joining the Army as an Officer are through National Defence Academy (NDA), Indian Military Academy (IMA) and Officers Training Academy (OTA).

5.2 It was further stated by the Govt. that selection to the Indian Army is based on merit, and SC/ST candidates are given equal opportunities to join the Indian Army as Officers/PBOR. Apart from All India All Class vacancies that are available for all including SC/ST candidates, Battalions of Infantry Regiments like Sikh Light Infantry, MAHAR, ASSAM, BIHAR, GUARDS, PARA, NAGA and LADAKH SCOUTS are either exclusively for SC/ST or have a fixed percentage of SC/ST therein.

5.3 As regard the question of examination of how far the provision of Army, Navy and Air Force Acts governing recruitment to Armed Forces are in consonance with the constitutional provisions for protection of the SC/ST and other weaker sections of the society, the Committee were informed that section 10 of the Army Act, 1950 relates to grant of Commission as an officer to such persons or appointment of Junior Commissioned Officer or a Warrant Officer of the regular Army of such persons as the President considers fit. Section 13 to 16 of the Army Act pertain to recruitment/enrolment/attestation of other Ranks. In Indian Air Force Act 1950, section 10 relates to grant of Commission as an officer to such persons or appointment as a Warrant Officer of the Air Force of such persons as the President considers fit. The basic provisions for commissioning/enrolment for Officers and Airmen Cadre respectively are contained in section 10—13 of the AF Act, 1950. Recruitment in the Navy is governed by the Navy Act, 1957 Chapter—IV (Sections 9 to 13) and amplifying instructions issued by the Government on it. No distinction/discrimination is made on the basis caste/religion/creed or urban/rural backward areas either during recruitment or at any point of time, thereafter. The relevant extracts of the Army, Air Force and Navy Acts are given at Appendix III, IV and V respectively.

5.4 When asked whether these Acts supercede the constitutional provisions in respect of these weaker sections of the society, the Ministry in their post-evidence reply have stated that in view of Article 33 of the Constitution of India, any provision existing in the aforesaid Acts cannot be declared *ultra vires* of the Constitution merely because it is not in consonance with any of the fundamental right contained in Part-III of the Constitution. Under Article 33, Parliament may, by law, determine to what extent any of the rights conferred by this Part shall, in their application to the members of the Armed Forces or the members of the forces charged with the maintenance of the public order.

5.5 On being asked whether the provisions of the Army, Navy and Air Force Acts are inconsistent with the spirit of the fundamental rights as enshrined in the Constitution under Articles 16(4), the Government in their post-evidence note furnished to the Committee have stated that the provisions of the aforesaid Acts do not have any proviso for reservation in recruitment of SCs and STs. This does not mean that these Acts are inconsistent with the spirit of Article 16(4) of the Constitution. The main object of the Article 16 is to create a constitutional right to equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State. They have further stated that it is relevant to point out that the courts have insisted that Article 16(4) should be read in conjunction with Article 335 which directs that while taking into consideration the claims of members of SC/ST the State should bear in mind that the claim should be consistent with the maintenance of efficiency of administration. In the case of *Indra Sawney Vs UOI*, reported in 1992(6) SLR in 321 in paras 225 & 226 it has been held that the interests of general public should also be kept in mind while considering policy about reservation. Reservations are not applicable in technical posts in research or development organizations/departments/institutions in specialities and super-specialities in medicine, engineering and other such courses in physical sciences and mathematics and in Defence Services and teaching staff.

5.6 On a query raised by the Committee regarding amendments made in these Acts, the Ministry in their post-evidence reply have stated that the Army, Air Force and Navy Acts have been amended on a few occasions. However, in view of the position explained in para 5.4 and 5.5 above, reservation for SC/ST in the Armed Forces has not been incorporated.

5.7 The Committee were informed that after independence the Government policy was redefined that "the recruitment in the Army was opened to all classes irrespective of Caste, Creed, Community or Region" provided they conform to prescribed physical, medical and educational standards and are within the laid down age limits. On this point, when the Committee asked how and when this redefinition was done, the Committee

were informed that the Government policy regarding recruitment was redefined in 1949. It was in the form of Special Army order. The policy stipulated to eliminate communal class differences and to have an Indian Army in which all Indian nationals have representation. Recruitment to the Army will be open to all classes. No particular class of Indian Nationals is to be denied the opportunity of serving in the Indian Army.

5.8 As regards the issue by raised the Committee, whether this policy change was brought before Parliament for approval, the Ministry, in their post-evidence reply have stated that even before the Constitution was brought into force and the Parliament was constituted the policy had been redefined after Government approval. It was further stated that there was no different treatment to the Defence Services which are under the Central Government as there was no constitutional provision existing at that point of time.

5.9 It was informed to the Committee that according to Special Army Order 8S/49 issued in January, 1949, the policy of the Government of India was to eliminate communal and class differences and to have an Indian Army in which all Indian nationals have representation.

5.10 When the Committee further sought clarification on this issue and asked whether any specific measures were taken under this policy to give adequate representation to SCs and STs as per constitutional directives and if so, the particulars thereof, the Ministry in their post-evidence notes furnished to the Committee have clarified that even before the Constitution was brought into force and the Parliament constituted, the policy had been redefined with the Government approval in 1949. It was in the form of Special Army Order (copy enclosed at Appendix VI). In order to give adequate representation to SCs and STs, instructions were issued to the Recruiting Offices on 29.3.1973 that "Recruiting Officers/terms will make special efforts to visit districts/areas having large population of SC/ST so that additional opportunities are given to them for enrolment. They should also be given preference for recruitment, other things being equal". This was the directive, which was prevailing right from 1950s. These instructions were reiterated again in 1975.

5.11 It had been intimated to the Committee that as regards the constitutional provisions for protection of the SCs/STs or weaker sections of the society, under Articles 15(4) and 16(4) of the Constitution, a Constitution Bench of nine learned Judges of the Hon'ble Supreme Court in the case of Indra Swaney Vs Union of India (1992), has dealt with this aspect in detail. It had also been intimated that in this case the Supreme Court held that reservation rule is not applicable in technical posts in Research and Development Organization/Department/Institution, in specialisation and super specialisation in Medicine, Engineering and other courses in Physical Sciences and Mathematics and in Defence Services and teaching staff.

5.12 When the Committee asked as to how the Government can justify their position prior to 1992, it has been stated that in the case of *Indra Sawney Vs Union of India*, reported in 1992(6) SL R 321, the Hon'ble Supreme Court did not lay down any new law but interpreted the provisions of the constitutions already in existence even prior to the year 1992. the judgement of 1992 only reinforces the policy of the Government as was existing prior to 1992.

5.13 The argument advanced on behalf of the Government, that the Supreme Court in its judgement of 1992 in the *Mandal Commission* case did not lay down any new law but interpreted the provisions of the Constitution already in existence even prior to the year 1992, and that it only reinforces the policy of the Government prior to 1992 is fallacious. The Apex Courts' observations were only in the nature of *obiter dicta*' and there was no question of its reinforcing the Government policy followed prior to 1992. The Court's suggestions were to operate only prospectively and would not affect the constitutional position already in existence prior to 1992.

5.14 The Committee had been informed that the majority of the units in the Indian Army are "All India All Class" units. However, some of the units are single / fixed / mixed class units which are retained based on historical, traditional and more importantly, compulsions of combat effectiveness, operational performance and experience. Since, most of the units are on All India All Class, the information about social composition of the Armed Forces in the country is not maintained. However, it is reiterated once again that recruitment to the Armed Forces is open to all groups including SCs/STs without any discrimination. Any further available information which has no direct bearing on national security will be provided if required.

5.15. The Government have repeatedly stated that the basic objective of the recruitment policy of the Armed Forces is give equal opportunity to all citizen of India to join the Armed Forces. The Committee wonder that when such statement is repeatedly asserted by the Government then what is the justification for not maintaining the information about social composition of the Armed Forces. The Government in their post-evidence note furnished to the Committee have stated that ours is a truly national Armed Force that fights and undertakes operations to defend the country as a composite entity without and discrimination on account of class, creed community, region or religion. It provides opportunities for enrolment to all eligible individuals, based on merit. The nation's Armed Forces must be provided with the best material from the youth of the country. The Government feel that maintenance of data about social composition of the Armed Forces may lead to undesirable distinction between individuals on the basis of caste, creed, community, region or religion, which may create an environment against the ethos and culture of the Armed Forces. Moreover, the information relating to the class composition of the Armed

Forces is treated as classified information in the interest of national security. Hence, there is no felt need to maintain information regarding the social composition of the army.

5.16 The Committee had also been informed that in the context of historical background, the necessity of abolishing preferential treatment for the so-called martial races and to broad-base recruitment into the Army was felt after Independence. The broad-based recruitment policy was initially formulated in 1947, but its implementation was delayed as India faced external threats in Kashmir. However, in 1949 the Indian Army Order 8/S/49 was published specifying that except for the Armoured Corps and Infantry, new raisings of all other Arms and services would be on mixed class basis and recruitment into these be thrown open to all without regard to caste, creed, religion, region or community. No particular class of Indian nationals is to be denied the opportunity of serving in the Indian Army. Steps would be taken to reorganize the existing fixed class units of the affected arms and services to ensure that these are organized on classless composition as soon as possible. During the 1960s. Infantry Battalions such as Guards, Paras and certain units of Grenadiers, Rajputs, Marathas had certain All India All Class (AIAC) units authorized in their class composition. To increase recruitment from the Eastern and North-East border areas, additional Battalions were allotted to Assam Regiment and to increase representation of Oriyas, additional battalions were allotted to Bihar Regiment.

5.17 After the Indo-Pakistan conflict in 1965, recruitment policy was again reviewed and a phased programme was drawn up to regulate recruitment demands to various States/Zones in proportion to the Recruitable Male Population (RMP). This RMP, based on entry between 17 and 25 years of age and a minimum educational standard of class V pass, was computed by Dr. N. T. Mathew, the then Chief Statistical Officer as 11.7% of the total Male Population. This percentage was rounded off to 10% for ease of calculation and continues to remain till now. Distribution of vacancies based on the RMP is utilised to ensure that each State receives its due and equitable share of vacancies in the Army. This policy has been adopted to achieve an All India All Class composition of the Indian Army so as to make it a composite Indian Army.

5.18 Moreover, it has been stated that the policy of the Government is to broad-base the recruitment to the Defence Services. Recruitment to the Armed Forces is based on merit and is open to all eligible candidates including SCs/STs without any discrimination, whatsoever. As per the existing policy, vacancies for recruitment in the Army are calculated in bulk for the entire recruiting year. Vacancies are allotted as follows:—

- (a) Fixed Class Vacancies—These are the vacancies allotted for a particular class/caste e.g. specific vacancies are allotted for Rajputs, Sikhs, Jats, Biharis and so on in the units/regiments having a fixed

class composition like Rajput Regiment, Sikh Regiment, Jat Regiment, Bihar Regiment etc.

(b) **All India All Class (AIAC) Vacancies**—These are the vacancies which are allotted based on the RMP of a State for enrolment of any person irrespective of his class, region, area for enrolment of the persons belonging to that state.

Thus, the above recruitment policy which is merit-based continues till date.

5.19 The Ministry of Defence in their post-evidence replies, furnished to the Committee have stated that vacancies for recruitment to the Army are sub-allocated to the various States and Union Territories, based on the Recruitable Male Population (RMP) as determined from the census figures. After recruitment, the individuals are grouped into classes for deployment in certain regiments established pre-independence for historical and operational reasons. Recruitment is open for all eligible individuals including Scheduled Caste & Scheduled Tribe candidates, based on merit without any discrimination for class creed, community, region or religions. All eligible personnel are given equal opportunity for enrolment in the Armed Forces. Hence, there is no existence of any reservation in the Armed Forces.

5.20 The Government's arguments is that since recruitment is open to all eligible individuals, including Scheduled Caste and Scheduled Tribe Candidates, based on merit without any discrimination, there is no existence of any reservation in the Armed Forces. The Committee feel that facts have been distorted in an ingenious way. Although the Government has thought it prudent to make recruitment to Armed Forces in proportion to Recruitable Male Population of a State/UT, for giving fair and equitable representation to each State/UT, it does consider as "undesirable and retrograde step" to extend the same principle to various social groups, specially the SCs and STs who have been accorded constitutional protection. This plea of the Government is not only fallacious but also unreasonable.

5.21 When asked whether the Government is aware that under the Second Amendment of the American Constitution the citizens cannot permit any group or class of the population to monopolize military power of military command and whether a similar provision could be adopted in our Constitution guaranteeing the individual's right to bear arms, the Ministry in their reply have stated that there is no dominance of any particular group or class of the population in the Armed Forces. When further asked about the factual data as the basis of this assertion, particularly, when the information about social composition of the Armed

Forces is not maintained, the Government repeated the same reply that “no single class dominates the Army since vacancies are allotted on the basis of Recruitable Male Population ratio of each State/UT, as if, regional representation is equivalent to class or group representation. The Committee are not at all convinced of such a plea against the suggestion for a clear-cut constitutional provisions.”

5.22 The Committee are disturbed to note that the demeanour of the Government is not transparent because on the one hand it admits that vacancies for recruitment to the Army are sub-allocated to the various States/UTs based on Recruitable Male Population as determined from the census figures, and on the other hand it states that recruitment is open for all eligible individuals including SCs & STs, based on merit without any discrimination for class, creed, community, region or religion. The Committee are of the firm view that when the Ministry is following the above principle, recruitment can also be done for SC/ST Recruitable Male Population of each States/UT. The Committee feel that this aspect has never been considered. The Committee, therefore, recommend that while recruiting candidates in the Armed Forces ratio of SC/ST Recruitable Male Population be taken into consideration and recruitment be made according to their ratio as compared to ratio of other male population of each State/UTs, which will not only boost the morale of these classes of society, who have borne the brunt of neglect and injustice over the ages but will also prove to be an oasis of accord in desert.

5.23 The Ministry in their preliminary material had informed that the percentage of SCs & STs in the Army were 7.0 and 1.9 respectively as per 1961 census and the corresponding figures as on 31 December, 1991 were 7.1 and 2.5 respectively. The Committee showed its concern regarding the poor and stagnant representation of SCs & STs over a period of about four decades under a system of recruitment stated to be “fair, sound, transparent and time tested” and asked the Government to clarify the position in this regard.

5.24 In reply, the Government stated that the percentage of SCs & STs as indicated has been compiled, from time to time, on an “as required” basis. As per available data in 1961, the percentages of SCs & STs in the Army were 7.0 and 1.9 respectively. These figures were compiled on the basis of the voluntary reporting of information by the Army personnel. Further more, as per available data on 31 December 1999, the percentage of SC and ST personnel in the Army was 7.1 and 2.5 respectively. The figures of SC and ST personnel had not been collected/compiled in the Army after December, 1999. It was further submitted that since

no additional benefits are given to SCs/STs in the Army, this column is often left blank. Therefore, the figures reflected above are based on voluntary disclosure of information.

5.25 The Secretary, Ministry of Defence during the evidence held on 15 March, 2000, had stated: "the enrolment of SCs and STs in the financial year 1995-96 was 10.04 percent against the total recruitment of that year. Then in 1996-97, it became 11.15% in 1997-98, it was 12.96 percent, in 1998-99, it was 12.97 and later on in 1999-2000 it was 14.57 percent."

5.26 When asked by the Committee in their preliminary questionnaire whether it is a fact that the Commissioner for SCs and STs raised the question of proper representation of SCs and STs in the Armed Forces in his various Annual Reports regularly from 1952 to 1981 (relevant extracts are at Appendix I) and observed that in spite of his various suggestions and many assurances for appropriate action by the Government, there was practically no improvement in the representation of these people, and hence strongly recommended that Government should reconsider its earlier decision and introduce the element of reservation for SCs and STs in the recruitment to Armed Forces. The Ministry of Defence in their reply had simply stated that the policy of the Government continues to keep recruitment to the Armed Forces open to all citizens of the Country irrespective of caste, creed, regions or religion. The Committee were aghast at the reply of the Government which seems to be not only evasive but also apparently haughty. The Committee wonder how can the consistent findings and suggestions of a statutory authority appointed under Article 338 of the Constitution over a period of 30 years be so blatantly ignored and disposed of even without making a mention of them.

5.27 When asked to clarify the above position in a comprehensive note, the Ministry in their post evidence reply have stated that recruitment and Commission in the Armed Forces has been kept open for all categories including SC/ST without giving reservation to any particular class, in order to get the best soldiers for the country's Armed Forces to ensure the security of the Nation. The Government over a period of time has evolved a sound recruitment policy giving equal opportunity to all citizens of India. It is a considered view of the Services that reservations in the Indian Armed Forces may lead to undesirable distinction/divide between individuals.

5.28 They further added that the existing environment of equality in the Armed Forces is a major contributing factor

towards maintenance of morale, communal harmony and devoid of any divisions on the basis of caste or creed. The integrated ethos and culture of the Armed Force also have a major role to play in ensuring that people from all sections of society including SC/ST consider themselves on equal footing with other and are not subjected to any discrimination on any ground.

5.29 The Committee's clear perception from a careful perusal of the replies to various questions regarding the composition of the Defence Services is that there is a definite bias in the basic assumptions of the Government about the capability of the SCs and STs to serve in the vital organ of the State, in spite of the historical background of these people. According to Government's own admission, recruitment to the regimental vacancies is based upon the class composition of the regiments primarily on the consideration of the traditional fighting efficiency of the class, and reservation for 40% of the regiments comprising 'one class and the mixed class' is still continuing unaffected. The traditional composition of the Infantry and Armoured Corps has been retained due to security and administrative considerations. When the question of adequate representation of SCs and STs in the Armed Forces comes, the Government insist that recruitment of manpower for Armed Forces has to be strictly on the basis of 'merit'. It has been persistently maintained that any changes in the Army structure could lead to turbulence in the system and adversely affect National Security. The Government have refused to use Armed Forces to improve the status and skills of backward sections of people as a policy measure that is known to have been adopted in other countries and also suggested as a historical necessity by defence experts. To say that any attempt to introduce reservation from any class or community in such a situation cannot but impair the fighting efficiency of the Armed Forces is not only unreasonable but also objectionable, if not motivated. It is an indictment against a vast section of the people—SCs and STs. The Government have thought it prudent to make recruitment to the Army in proportion of Recruitable Male Population of a State for giving fair and equitable representation to each State, but they do not consider it 'desirable' to extend the same principle to social groups also, even to SCs & STs who have been accorded constitutional protection—they call it 'a retrograde step'—although it has been proclaimed time and again that "every citizen is as brave as the other, provided he gets an opportunity". The Committee, therefore, strongly urge upon the Government to change its present stance—its attitude and action—in respect of Armed Forces recruitment policy. The Committee find that nowhere it is provided or even implied in the Constitution that the Defence Services are to be

treated differently from other services for the purpose of measures found necessary for adequate representation of the weaker sections of society. It is the deliberate policy of the Govt. that has created the confusion and imbalance.

5.30 It has been admitted by the Government that the present policy regarding recruitment to Defence Forces was redefined, with the approval of Government, in 1949 i.e. before the Constitution was brought into force and the Parliament was constituted and that there was no constitutional provision existing at the point of time. The only Government measure taken under the 1949 policy for giving adequate representation to SCs and STs was to issue instructions to the Recruiting Offices to give additional opportunities to SCs and STs for enrolment in the Army and to give preference for their recruitment, other things being equal whereas no such instructions have been issued either by Air Force or Navy authorities. The Committee are surprised to note that the Govt. is blindly following policy of recruitment which had been adopted in 1949 without realising the necessity to redefined it. The Committee therefore desire that policy regarding recruitment to Defence Forces must be reviewed/redefined, keeping in view the present scenario and changes which took place since the adoption of present policy in 1949.

5.31 The Committee note that there was no clear-cut answer to the query whether the Defence services constitute a service under the Central Government. All they saw was that Defence services are under the Central Government. It has been stated by the Government that the Army Act, 1950, the Air Force Act, 1950 and the Navy Act, 1957 govern the recruitment in the Armed Forces and these Acts do not provide for any reservation for SCs & STs. The Committee desire that the position should be clarified without any ambiguity.

5.32 The Committee also note that the argument that "in view of Article 33 of the Constitution of India any provision existing in the aforesaid Acts cannot be declared *ultra vires* of the Constitution merely because it is not in consonance with any of the fundamental rights contained in Part III of the Constitution" is not only misleading but also an act of deliberate misinterpretation. Article 33 speaks only about the power of Parliament to modify the rights conferred in this part in their application to the members of the Armed Forces etc. for the purpose of ensuring the proper discharge of their duties and the maintenance of discipline among them and that too by law only. By no stretch of imagination the provision in Article 33 can be applicable to the Army Act, 1950, Air Force Act, 1950 and Navy Act, 1957 as attempted which have nothing to do with ensuring proper

discharge of duties and maintenance of discipline among the members of Defence Forces. The question of validity of these Acts also does not arise because they are not covered under that category of Acts specified in the Constitution.

5.33 The Committee further note that it is patently wrong to argue that the non-provision of any proviso for reservation in recruitment of SCs & STs in the aforesaid Acts does not mean that these Acts are inconsistent with the spirit of Article 16(4) of the Constitution. Reliance has been made only on the first two parts of Article 16, dealing with equality of opportunity in matters of public employment, conveniently forgetting the specific provisions made in other parts of the Article. Resort has also been taken to a distorted view of the innocuous provision of Article 335 and further to an *obiter dictum* not being an operative part in the Supreme Court judgement on the Mandal Commission case in 1992, to justify the wrong interpretation of facts. What the Apex Court has actually observed is that it may not be advisable to apply the rule of reservation to certain services of posts, and for this the Court has specifically stated that it is for the Government of India to consider and specify the services and posts to which reservation may not be consistent with "efficiency of administration" contemplated by Article 335. It was on this plea that no provision has so far been made for incorporating reservation for SCs & STs in the aforesaid Acts even while amending them from time to time. The Committee feel that there has been no intention to give adequate representation to SCs & STs in the Armed Forces and that is why Army, Air Force and Navy Acts even after the adoption of the Constitution, did not include any provisions for reservation. The Committee, therefore strongly recommend that these Acts should be amended expeditiously to include reservation provisions.

5.34 When asked about details of declaration of the Defence Minister in April, 1998 about Army recruitment from the North Eastern States, the Ministry in their post-evidence written note have stated that the main basis of the statement was to remove the alienation of the people from the North Eastern States and to bring them into the national mainstream by generating additional employment. They further added that towards this end a number of development projects were initiated. The National Games were also held for the first time in the North East in Manipur for which a large infrastructure was developed. In addition, the recruitment vacancies were increased as a one time measure. The above steps have helped to wean the unemployed youth from joining the insurgency.

5.35 The Committee note that if the Govt. could take steps to increase the Army recruitment from the North Eastern States on the ground of removing the alienation of the people of these areas and to help to wean the unemployed youth from joining the insurgency it is surprising to see why

same logic cannot be applied in the case of SCs & STs who are victims of a deliberate disarmament policy and are completely alienated and desperate.

5.36 The country's Armed Forces have been proclaimed as "a truly National Armed Force" but the Government is not agreeable to maintain data about social composition of the Armed Forces on the plea that such information may lead to undesirable distinction, and that this information is treated as classified information in the interest of National Security. It is fantastic to talk of National Security involved in such innocuous information. The available information shows that the representation of SCs & STs even after a period of over five decades under a system of Armed Forces recruitment claimed to be "fair, sound, transparent and time tested" is so abysmally low that the suppression of information regarding social composition of the Armed Forces is actually intended only to avoid exposure of this grim reality.

5.37 It has been admitted by the Government that the class composition of certain Army units has been retained because of "compulsions of combat effectiveness, operational performance and experience". In regard to SCs and STs however, the Government plea is that "any attempt to introduce reservation for any class or community cannot but impair the fighting efficiency of the Army". Then again, the Government has asserted that the Indian Army today comprises all classes and communities, although it does not maintain any information regarding the social composition of the Defence Services. These apparent contradictions confirm the fallacy of the Government argument against the constitutional rights of the SCs and STs for their adequate representation in the Defence Services. The Government assertion that the existing system of recruitment should not be disturbed nor should any structural alteration be permitted smacks of its dictatorial attitude/posture. The Committee, therefore, strongly recommend that from now onwards the Government should maintain data about social composition of the Armed Forces.

5.38 It has been stated that there is no reservation even at the entry point in the Army/Navy/Air Force for the SC/ST candidates and that only those selected on the basis of merit are trained in the training establishments of the three Services. Obviously, the constitutional rights of the SCs & STs have been flouted even in the matter of training.

5.39 It has been persistently maintained by the Government that any change in the recruitment policy for the Army is equivalent to change in its structure which may lead to turbulence in the system with negative fallout affecting national security. The Committee feel that this sort of argument is nothing but the die-hard attitude of the vested interest in the country's military setup.

5.40 The Ministry in their preliminary material furnished to the Committee have stated that Rashtriya Indian Military College (RIMC) trains suitable candidates for admission to the National Defence Academy.

Vacancies for admission to RIMC are allotted State-wise but there is no reservation for SC and ST categories.

5.41 On a query made by the Committee as to whether there is disparity in spite of constitutional provisions safeguarding the interest of SCs and STs and no further being asked to furnish details of admissions made in RIMC during last 5 years, the Ministry in their post-evidence note have informed that as per the Army Act, 1950 there is no provision for reservation for SC/ST in the Army. According to Special Army Order 8/S/49, the policy of the Government was to eliminate communal and class differences and to have an Indian Army in which all Indian Nationals have representation. Since RIMC is a feeder category 'A' establishment for the defence services and is part of the Army *ipso facto* it too is required to follow the edicts enshrined in the Army Act and the SAO. Therefore, there is no reservation in RIMC. No records are kept for admission of SC/ST into RIMC. There is no proposal to introduce reservation for admission to RIMC.

5.42 The Committee note that the Government policy is to eliminate communal and class differences and to have an Indian Army in which all Indian nationals have representation, and that there is no provision for reservation for SCs & STs in the Army Act, 1950. Moreover, no records are, kept for admission of SCs & STs into the Rashtriya Indian Military College which is a feeder category 'A' establishment for the Defence Services. The Committee also note that vacancies for admission to RIMC are, allotted State-wise, but there is no reservation for SC & ST candidates. The Committee observe that the Government do not intend to introduce reservation for admission to RIMC which trains suitable candidates for admission to the National Defence Academy (NDA). The Committee are surprised to find that there is obviously no justification for this dual policy of the Government which is clearly discriminatory. The Committee are, therefore, constrained to recommend that a provision for reservation in the admission to RIMC should be made for SCs & STs as early as possible and data thereof should also be maintained to show the representation of SCs and STs.

5.43 The Committee note that in order to verify the statement of a former Defence Secretary, during evidence in September, 1975 that the performance of the SC/ST candidates in the recruitment of the officers cadre through the Union Public Service Commission (UPSC) had been found to be better than some of candidates from the other classes, the Committee asked for the year-wise figures of recruitment to the officers cadre from the SCs and STs separately since the year 1975. The blunt answer by the Government is that the information in this regard is "not being maintained". The required information is, however, found to be available in the annual reports of UPSC. The figures worked out from such reports show that over a period of 47 years from 1950-51 upto the end of 1997 barely 187 SC and 110 Scheduled Tribe candidates were

recommended for appointment to Defence services as cadets, out of a total of about 50 thousand boys recommended for this cadre. The factual position is deplorable even in such direct recruitment to Armed Forces that the Government wants to hide the fact by stating that "it would not be desirable, in public interest, to disclose details of caste composition of N.D.A. cadets".

5.44 In reply to the Committee's query as to why no reservation has been provided for SC/ST candidates for entries through the N.D.A., Naval Academy and Combined Defence Services examinations held twice a year by the UPSC in consonance with similar provisions for other examinations conducted by the UPSC, the Government have stated that entry to National Defence Academy (NDA), Indian Military Academy (IMA) and Officers Training Academy (OTA) is open to SC/ST candidates also. This is an argument which is absolutely untenable because of the fact that for other examinations also the entry is open to SC/ST candidates. In support of their argument the Government have cited the observation of the Supreme Court in course of its judgement in the Mandal Commission case, forgetting completely that such observation was only an *obiter dictum* not forming an operative part of the judgement. The Supreme Court has merely observed in that connection that the application of the rule of reservation may not be advisable in certain services like Defence, and has clearly stated that it is for the Government of India to consider and specify the services and posts to which reservation may not be inconsistent with "efficiency of administration" contemplated by Article 335.

5.45 In this connection the Committee are of the view that it is wrong to say that the Apex Court has held that "the Defence Forces are excluded from the operation of the rule of reservation". As suggested by the Apex Court, the Government do not appear to have so far considered and specified the services and posts to be kept outside the purview of reservation. It cannot be said that the Government is legally as also substantially justified in not having reservation for SCs & STs in the Armed Forces, until and unless such decisions receive the approval of Parliament. What is very significant is that the Government have conveniently remained silent about the Court's clear view in the same case that: "If any authority thinks that for ensuring adequate representation of 'backward class of citizens' in any service, class of category, it is necessary to provide for direct recruitment therein, it shall be open to it do so." The Committee, therefore, desire that reservation be introduced for SC/ST candidates for entries to NDA, IMA and OTA for which recruitment is made through UPSC, as is being done by the UPSC in similar other recruitment through examinations. Suitable instructions should also be issued to UPSC in this regard by the Government.

5.46 The Committee note that the Government have introduced the Women Special Entry Scheme (Officers) in the Armed Forces and there are regular courses for such entry. When the Committee wanted to know

why a similar scheme could not be introduced for the SCs & STs so far, the Government in their post-evidence reply have stated that there is no proposal to start a similar Special Entry Scheme for SC/ST candidates because “linking of Women Entry Scheme (Officers) with a similar scheme for SCs and STs is *not justified* as all Corps are already open for SC/ST candidates. It has also been stated that the women compete with male candidates for recruitment to the Armed Forces and the selection is based only on merit.” Then why a Special Entry Scheme for Women? The Committee feel that when a Special Entry Scheme can be launched for women, a similar Special Scheme for SC/ST candidates can also be introduced, to increase the representation of SC/ST in the Armed Forces. The Committee, therefore, recommended that the Government should, without further hesitation, launch a special entry scheme for SC/ST candidates for Defence Services.

5.47 In reply to the Committee’s query whether the National Commission for SCs and STs has corroborated in its findings the fact that the recruitment so far made has been for effectively “screening out” SC/ST candidates for Defence Services, the Government, in their post evidence reply have stated no attempt whatsoever is made to screen out candidates belonging to any particular caste, creed, community, region or religion at the induction stage in the Defence Services. On the contrary, the Army has been conducting rallies in non-military stations/backward/under developed/tribal areas in order to facilitate the recruitment of backward classes, including SC/ST candidates.

5.48 The Committee’s intention was to know whether the Government had ever made any endeavour to examine the observations made in the various reports of the National Commission for SCs and STs. Moreover, if the Government had taken note of such observations, what criteria had been taken by them. The Committee would like to have such details.

5.49 The Committee are pained to note that the consistent findings and suggestions (regarding proper representation of SCs and STs in Defence Services) of a statutory authority, i.e. the Commissioner for SCs and STs (now National Commission for SCs and STs), appointed under Article 338 of the Constitution over a period of three decades (1952—1981) had been bluntly ignored and disposed of without any consideration and action on the plea of “ethos and culture” of the Armed Forces which is nothing but the vested interest of the Services. The Committee, therefore urge the Government to realize its mistake and make fresh efforts to closely examine the statutory reports of the National Commission. The Committee would like to be apprised of the action taken by the Government in this regard.

5.50 The Committee note that the Government has admitted, that a former Defence Secretary, Shri S.M. Ghosh, promised to the Committee during the evidence held on 01.02.84 to furnish the details of the actual strength of the Defence Services and the quantum of representation of SCs

and STs in the Armed Forces. This commitment was not complied with and even after 17 years, the Ministry was ascertaining the facts of the case regarding this non-compliance, stating further that such information could not, in any case be furnished since it is not maintained. When pressed further, the Government admitted that actual data regarding the strength of the Defence Services and the representation of SC/ST therein respectively is not classified. Only the details regarding class composition of the Army has been treated as classified and continues to be so today in the public interest.

5.51 The same was the position with respect to a similar commitment made earlier in 1975, in the course of evidence given on 4.4.1975, by another former Defence Secretary, Shri Govind Narain. Mr Narain promised to furnish the category-wise and class-wise figures as asked for by the Committee to justify his statement about the impressive results achieved through the Ministry's directive or methodology. The Defence Ministry has now confirmed after about 25 years, that these figures could not be furnished to the Committee as information relating to the class composition of the Indian Army is treated as classified information in the interest of national security, since revelation of these details is likely to compromise national security.

5.52 However, the Committee again requested Ministry of Defence to furnish actual data regarding strength of the Defence services and the representation of SCs/STs in respective services. The Ministry, in turn, have stated that the Army have compiled information on the basis of voluntary disclosures made by individual personnel. Therefore, the information cannot be either authenticated or certified for correctness, as some of the SC/ST persons do not disclose their caste since no concession or additional benefits are provided. As per available information based on voluntary disclosure, the member of SC/ST in Army for the years 1990, 1995 and 2000 was stated to be as under:—

Year	Total Strength	SC	% age	ST	% age
1990	10,01,523	85,494	8.53%	23,405	2.34%
1995	9,14,970	66,213	7.23%	16,538	1.80%
2000	10,78,281	77,841	7.21%	25,750	2.38%

5.53 The Committee further note that the Government is refusing to give information even to Parliament and its Committee as if they are not worried about the security of the nation. The plain facts is that the Government wants to hide its failure to meet its constitutional obligations. *Participation of SCs & STs in Defence Services is their constitutional right which the Government is hell-bent to deny by inventing various excuses and subtle*

tactics. The Committee have taken a very serious view of the state of affairs in the Defence Ministry whose secretary even does not know its functions. This clearly reflects the 'efficiency' of the Ministry whose constant refrain is merit and 'efficiency' as the sole criterion for recruitment to Armed Forces with the only intention of excluding the SCs and STs from its purview.

5.54 The Committee note that in reply to the Committee's query as to whether it is a fact that the Military Affairs Committee of the Cabinet, as early as in 1963, had advised against the preponderance of any community in the Army, and if so, what specific steps were taken to see that a fair proportion of SC/ST youth till then largely unrepresented was inducted into the Armed Forces and the outcome thereof, the Defence Ministry first stated that the position was *being ascertained, after nearly a period of half century*, from the Cabinet Secretariat. It was later disclosed that the 1963 decision was that there should not be preponderance of a large percentage of any class in the Army and that the matter should be suitably looked into by the Chief of the Army Staff in consultation with the Ministry of Defence. The only follow up action appears to be the issuance of some instruction to Recruiting Offices that, too ten years later, *i.e.*, in 1973, to visit certain areas to extend the SCs and STs opportunities for enrolment. When pressed further for the particulars of the action taken by the Chief of the Army Staff (in consultation with the Defence Ministry) on the 1963 decision, the Government have now stated that the Army Headquarters was directed to work on the issue in order that *there should not be preponderance of any class in the Indian Army*. Towards this end, recruitment vacancies are now allocated to each State and Union Territory based on the Recruitable Male Population Ratio of each State/UT as derived from census report. But even this was a belated measure. Moreover, this is for *removing regional imbalances* and *not for widening the class composition*, specially in regards to the representation of SCs & STs. Hence the *basic objective of the 1963 decision has not yet been fulfilled*. The Committee would like to know whether the Government intend to widen the class composition and for that what steps are contemplated by them.

5.55 The Committee wanted to know whether in 1975 the Government of India took a decision by which *the population proportion and not merit alone* would become *the criterion of recruitment in the armed forces*, but under the *Punjab Accord signed in 1985 'merit' was made the criterion for such recruitment in spite of the accepted policy to recruit in the Army people from the classes and communities hitherto not having any representation in the Armed Forces*. The Government have simply denied this position and stated that there was no notification issued either in 1975 or in 1985 relating to fixation of recruitment quota/vacancies. What is more astounding is that the Committee have not been furnished with a copy of the 1985 Punjab Accord inspite of a specific request for it.

Obviously, the Government want to hide certain facts from the Committee, and that is nothing but an unwarranted action. The Committee, therefore, desire that a copy of the Punjab Accord be furnished to the Committee and conclusions/decision arrived at thereon should also be intimated.

5.56 When asked whether it is a fact that under the class composition of the Army there are still some regiments/units which are composed either wholly or partly by specified SCs/STs, the Committee were informed that recruitment to the Army is open to all Indian nationals irrespective of class, caste, creed, religion or region. However, recruitment to certain regiments is restricted on operational and logistical factors and because the regiments embody certain military traditions which are being continued. Details of regiments that are composed either wholly or partly by specified SC/ST are given below:—

S.No.	Regiment/Battalion	Class Composition	% age
1.	Engineers		
	(a) Bengal Engineering Group	Other Hill Tribes (Less Garhwali and Kumaoni)	05
	(b) Bombay Engineering Group	Sikh (M & R)	37
2.	Infantry		
	(a) BIHAR	Adivasi	50 25
	(b) MAHAR	Mahar	80
	(c) PARA	Sikh (M&R) Adivasi	25 05
	(d) SIKH-LI	Sikh (M&R)	100
	(e) ASSAM	Tribes from NE States	85
	(f) NAGA	Naga Other Hill Tribes	50 50
	(h) GUARDS	Hill Tribes	100

5.57 On a specific query of the Committee as to when "historical reasons" could be the ground for retaining a large regiment of class composition of the Army, why the same could not be adopted for SCs and STs, the Ministry in their post-evidence reply have stated that a number of Regiments composed entirely/partially of SC/ST have also been retained. these are Sikh LI, Mahar, Assam, Bihar, Guards, Para, Naga, Ladakh Scouts. They further added that the Indian Army today comprises of all classes and communities based on the Recruitable Male Population of each

State/UT. The recruitment policy of Army aims to get the best soldier as the Army has to fight to win. There are no reservations as recruitment is open to every citizen of India. The system in time and battle tested and it is the Government's considered view that this should not be disturbed nor should any structural alteration be permitted.

5.58 During the evidence of the Ministry of Defence held on 15.3.2001, it was asked by the Committee: "Can a Scheduled Caste candidate get recruited into the Rajput Regiment?" The representative of the Ministry of Defence replied: "At the moment, the answer is 'no'. When pressed further, he stated that "they can get recruited into the non-Scheduled Caste regiment." Then the Committee desired to have information about Rajput and Jat Regiments.

5.59 The Ministry in their post-evidence note have informed that the class composition of Jat and Rajput Regiments of the Indian Army includes undermentioned classes:—

Jat Regiment	Rajput Regiment
Jat	Rajput
Ahir	Gujjar
Rajput	Bengali
Gujjar	Muslims other than Karim Khanis and Rangars
All Class North Zone	Brahmins
	Ahir
	Jat

Hence, SC and ST candidates can be enrolled against All Class North Zone vacancies in the Jat Regiment. In addition to the above, approximately 15% strength of all regiments including Jat and Rajput, comprising of officers and support staff, are filled on All India All Class basis for which SC and ST candidates are eligible.

5.60 the Committee note that the information furnished regarding the class composition of Jat and Rajput Regiments of the Indian Army clearly confirm the Committee's apprehension that SC/ST candidates cannot be enrolled against any of these two Regiments. Such candidates can be enrolled against all Class North Zone vacancies in the Jat Regiment. It is just a ruse to say that approximately 15% strength of all Regiments including Jat and Rajpur are filled on All India All Class basis for which SC/ST candidates are eligible. Even here the SCs/STs have actually no representation.

5.61 Even, in the evidence before the Committee held on 15 March, 2001 it was observed: "Selection to the Indian Army is based on merit. SCs and STs are given equal opportunity to join Indian

Army in the position of officers, PBORs, etc. which are available to all, including candidates belonging to SCs and STs. But the battalions of some infantry regiments are either exclusively meant for SC and ST or a fixed percentage of SC and ST. The Ministry, have also admitted that there is reservation in the Indian Army. So there is an in built contradiction." The Committee would like the Ministry to clarify the exact position.

5.62 The Committee, after going through the whole material as well as evidence of the Ministry of Defence on the issue of reservation in Defence services, are concerned to note that the crux of the problem is that unless reservation for SCs and STs are introduced in the Defence services, no perceptible change in the representation of SCs and STs in those services can be expected. Furthermore, when the Constitution provides for reservation for SCs and STs, "in the making of appointment to services and posts in connection with the affairs of the Union or of a State," the Committee do not see any reason why the Defence services should be excluded from the purview of reservation. The Committee, therefore, emphatically recommend that reservation for SCs and STs must be introduced in the Defence services immediately as exclusion of Defence services from the purview of reservation for SCs and STs is contrary to the letter and spirit of the Constitution.

5.63 The Government have admitted that 10% vacancies in officer's cadre are reserved for NCC candidates in the Indian *Air Force* and that there are 12 vacancies per year reserved for certain cadets into the Navy. When asked how the Government can deny reservation for SC/ST candidates for these two wings of the Armed Forces in spite of special constitutional provisions for them, the *strange Government reply* is that it may not be appropriate to draw a comparison between the induction of NCC candidates and the provision of reservation for SC/ST candidates. If the NCC scheme helps in spreading awareness and motivates the youth to join the Armed Forces, there is all the more reason for the Government to induct the maximum number of SC/ST candidates under this scheme, but the Government is obviously not in favour of such induction even for NCC training which is imparted at considerable cost to the Government. The intention is self-evident.

5.64 The Committee find that the figures furnished in respect of representation of SCs & STs in the *Civilian Cadres* in the Army, Navy and Air Force do not indicate the grade-wise *i.e.* officers and support staff data that are essential for any correct assessment. The Committee therefore, desire that detailed information in this regard should be furnished at an early date.

5.65 The Committee consider it a sad commentary on the functioning of the Defence Ministry that it is not being able to trace any document relating

to an important matter like a *National Defence Programme* suggested in 1990.

NEW DELHI;
August, 2001

Bhadrapada, 1923 (Saka)

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