

**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND
SCHEDULED TRIBES**

(2003-2004)

(THIRTEENTH LOK SABHA)

TWENTY SIXTH REPORT

ON

MINISTRY OF DEFENCE

Action taken by the Government on the recommendations contained in the Seventeenth Report (Thirteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes – Military Participation Ratio of Scheduled Castes and Scheduled Tribes in Defence Services – Policy and Perspective.

Presented to Lok Sabha on 18.08.03

**LOK SABHA SECRETARIAT
NEW DELHI**

August, 2003 / Sravana, 1925 (Saka)

**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND SCHEDULED TRIBES (2003-2004)**

Shri Ratilal Kalidas Varma - Chairman

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* Resigned from the membership of the Committee w.e.f. 9-5-2003.

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the report on their behalf, present this Twenty-sixth Report (Thirteenth Lok Sabha) on Action Taken by the Government on the recommendations contained in their 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 draft Report was considered and adopted by the Committee on 6th August, 2003.

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

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

4. An analysis of the Action Taken by the Government on the recommendations contained in the Seventeenth Report of the Committee is given in the Appendix – I. The Committee have made 31 recommendations in the report. The Committee do not desire to pursue 2 recommendations i.e. 6.5% of the total recommendations, in view of the Government's replies. There are 27 recommendations i.e. 87% in respect of which replies of the

Government have not been accepted by the Committee and require further reiteration. In respect of 2 recommendations i.e. 6.5% final replies of the Government have not been received.

NEW DELHI
August, 2003
Sravana, 1925(Saka)

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

CHAPTER – I REPORT

1.1. This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the recommendations contained in their Seventeenth Report (Thirteenth Lok Sabha) on the Ministry of Defence regarding “Military Participation Ratio of Scheduled Castes and Scheduled Tribes in Defence Services – Policy and Perspective.”

1.2 The Seventeenth Report was presented to Lok Sabha on 30.8.2001. It contained 31 recommendations. Replies of the Government in respect of these recommendations have been examined and may be categorised as under:-

- (i) Recommendations/Observations which have been accepted by the Government: Nil.
- (ii) Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government: Sl.Nos. 9 and 25.
- (iii) Recommendations/Observations replies to which have not been accepted by the Committee and need reiteration: Sl.Nos.1,2,3,4,5,6,7,8,10,11,13,14,15,16,17,18,19,20,21,22, 23,24,26,27, 28, 29 and 30.
- (iv) Recommendations/Observations in respect of which final replies of the Government have not been received: Sl. Nos. 12 and 31.

1.3 The Committee are perturbed to observe that out of the 31 recommendations/suggestions, not even one has been accepted by the Defence Ministry. The Ministry and the Indian Defence authorities have got the reputation of being more burdened by traditions and fixed ideas. It is, a recognised fact that Armed Forces are specialised instruments of Public Policy and hence they must be amenable to inevitable social changes. The Committee feel that the Government should have accepted the recommendations/observations of the Committee and taken some positive steps to implement them.

1.4 The Committee will now deal with the recommendations / observations, replies to which have not been accepted by the Committee and which need reiteration or merit comments: -

Recommendation (Sl.No.1, Para 1.20)

1.5 The Committee were 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 could prove their mettle again in the modern times.

1.6 The Government in their Action Taken reply have stated that the contribution made by SCs and STs has been substantial and Government acknowledges the contribution made by them towards the security of the nation. Winners of the highest Gallantry Awards like the PVC are a testimony to their recognition of this contribution. Recruitment to the Defence Services is open to SCs and STs, without any discrimination, who have proved their unmatched fighting abilities and have also won the highest gallantry awards in wars.

Comments of the Committee

1.7 The Committee are not satisfied with the reply of the Government because on the one hand they ostensibly accept the contribution of SCs and STs, and on the other, they are not ready to make reservation for them in the Defence Services. The Committee are of the firm opinion that SCs and STs are also progeny of the nation, hence, there should not be any discrimination against them and they should be given representation in the Defence Forces in proportion to their population as prescribed by the Government in other sectors/services. The Committee, therefore, reiterate their earlier recommendation that keeping in mind their historical background they should be brought into the national mainstream by recruiting them in the Armed Forces.

Recommendation (Sl.No.2, Para 4.8)

1.8 The Committee had strongly recommended 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.

1.9 In their reply, the Government have informed that keeping in view the present recruitment policy, recruitment to the Defence Services is open to all eligible candidates from all corners of the country irrespective of their caste, class, creed, region, religion, etc. There is no compulsion for any candidate to reveal his social status at the time of recruitment. It is, therefore, not considered possible to maintain accurate authentic data in respect of SCs and STs in the Defence Services.

Comments of the Committee

1.10 The Committee are not inclined to accept the plea of the Government that it is not possible to maintain accurate, authentic data in respect of SCs and STs in the Defence Services. The Committee feel that information can be sought from the existing employees and data can be maintained for fresh recruits as well. The fact of the matter is that if the reservation provision is implemented in the Armed Forces, nobody would hesitate to reveal his caste. The Committee, therefore, reiterate their earlier recommendation that a fresh exercise should be started to maintain separate data for SC/ST employees under various categories in regard to employment in Army, Navy and Air Force.

Recommendation (Sl. Nos. 3 and 4 Paras 5.13 and 5.20)

1.11 The Committee had noted that the observations of the Supreme Court in the Mandal Commission case 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 prospectively and would not affect the Constitutional position already in existence prior to 1992.

1.12 The Committee had also felt that 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 a retrograde step" to extend the same principle to various social groups, specially the SCs and STs. In Committee's view this plea of the Government is not only fallacious but also unreasonable.

1.13 The Ministry of Defence in their Action Taken Reply have stated that the Apex Court's observations with regard to non-advisability of reservation in the Defence Services, etc., as contained in the case of Indra Sawhany vs UOI, were not by way of obiter dicta without a ratio decidendi. A bare perusal of paras 112 and 121 (8) of the judgement makes it abundantly clear that the court's decision in this regard was given after due deliberations taking all aspects into consideration. It is true that though the court's decision/suggestion were to operate prospectively but even prior to 1992 there was no reservation policy in the Defence Forces. Hence, ibid judgement of the Apex Court has not changed the ground situation as far as the Defence Forces are concerned.

Comments of the Committee

1.14 The Committee find that the Government's interpretation of the Apex Court's observations in the Mandal Case is one-sided and biased. The Government's argument for not providing any reservation in the Armed Forces is not at all convincing. The plea of the Government for not extending the same principle of fair and equitable representation to SCs and STs as has been made for recruitment to the Armed Forces in proportion to Recruitable Male Population of a State/UT is not only fallacious but also unreasonable. This has to be rectified, the Committee again assert .

Recommendation (Sl.No.5, Para 5.22)

1.15 The Committee, had recommended 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/UT.

1.16 It has been stated by the Ministry, in their reply, that recruitment to the Defence Services is open to all, without any discrimination and is based on eligibility and merit. Every individual of the country gets an equal opportunity to join the Armed Forces even though he may be residing in the remotest corner of the county. The above policy is open, transparent and fair to all including SC and ST candidates. It has withstood the test of time. Hence, it is not considered appropriate to introduce reservations for any class/social group in the Defence Forces.

Comments of the Committee

1.17 The Committee express their displeasure at the reply furnished by the Government. The Committee are of the view that the Government have not examined the recommendation from the point of view of ratio of SC/ST recruitable male population and have simply tried to avoid it. The Committee, therefore, reiterate their earlier recommendation 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/UT.

ecommendation (Sl.No.6, Para 5.26)

1.18 The Committee had commented about the non-implementation of the findings and suggestions made in various reports of the commissioner for SCs and STs regularly from 1952 to 1981 and had 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 had replied that the policy of the Govt. continues to keep recruitment to Armed Forces open to all citizens of the country irrespective of caste, creed, regions or religion. The Committee were aghast how could the consistent findings and suggestions of a statutory authority appointed under Art. 338 of the Constitution be so blatantly ignored.

1.19 The Government in their Action Taken Notes furnished to the Committee have stated that introduction of reservation for SC and ST candidates in the Armed Forces has been deliberated upon and examined in detail each time when projected by the Commissioner for Scheduled Castes and Scheduled Tribes. It is the considered view of the Government that reservation in the Armed Forces may lead to undesirable distinction/divide between individuals. In keeping with overall security interests of the country, the Government is of the opinion that the existing policy to keep recruitment to the Armed Forces open to all citizens, based on eligibility and merit should be continued. Although, there are no reservations for SCs and STs specifically in the Armed Forces, a large number of such individuals are serving without any discrimination. The existing environment of equality in the Armed Forces is a major contributing factor towards maintenance of morale, communal harmony and devoid totally of divisions on the basis of caste or creed. The integrated ethos and culture of the Armed Forces also have a major role to play in ensuring that people from all sections of the society, including SC and ST, consider themselves on equal footing with others and are not subjected to any discrimination on any ground.

Comments of the Committee

1.20 The Committee are pained to note that the Government is not serious in accepting the repeated recommendations of the Commissioner for SCs and STs (Now National Commission for SCs and STs) that even after detailed examination, they are not convinced of the fact that an element of reservation would go a long way in improving the socio-economic conditions of SC and ST people in the country. The Committee, therefore, strongly impress upon the Government to review its decision and introduce reservation for SCs and STs in recruitment to Armed Forces.

Recommendation (Sl.No. 7, Para 5.29)

1.21 The Committee had found 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. The Committee had, therefore, urged upon the Government to change its present stance in respect of Armed Forces Recruitment Policy.

1.22 The Government in their reply have stated that recruitment of SC and ST candidates is open to the Armed Forces without any bias whatsoever. Less than 25% strength of the Army is organised on single/fixed class basis, including SC and ST classes, whereas over 75% strength is organised on a mixed/all class basis, again including SC and ST. Not only at the time of recruitment but even while in service, there is no discrimination/bias against SC and ST personnel. All soldiers work and fight shoulder to shoulder without any discrimination. It is also very encouraging to note that the valour of the SC and ST personnel in the Army has been amply rewarded from time to time during War and in the ongoing insurgency operations. The award of PVC, the highest gallantry award, to Albert Ekka is just one of the many examples of gallantry and other rewards given to SC and ST personnel in the Army. The existing recruitment policy of the Defence Forces is fair and provides opportunities for enrolment to all classes, irrespective of their social groupings, based on eligibility and merit. Government do not consider it appropriate to change the existing policy that is time tested and has proved itself in various conflicts/operations.

Comments of the Committee

1.23 The Committee have particularly noted that while less than 25% strength of the Army is organised on single/fixed class basis, over 75% strength is organised on a mixed/all class basis; recruitment to the regimental vacancies is based upon the class composition of the regiment and reservation for 40% of the regiments comprising 'one class' and the mixed class' is still continuing. The traditional composition of the infantry and Armoured Corps has been retained. All this is obviously a form of reservation. The Committee are not at all convinced with the argument advanced by the Government for not making reservation for SCs and STs. The Committee, therefore, strongly deprecate the casual approach of the Government and reiterate that earnest efforts should be made to make reservation applicable to the Armed Forces.

Recommendation (Sl. No. 8, Para 5.30)

1.24 The Committee had noted that the present policy regarding recruitment to Defence Forces was redefined in 1949 i.e. before the Constitution was brought into force. In this policy, instructions were issued to the “recruiting offices” to give additional opportunities to SCs/STs for enrolment in the Army and to give preference for their recruitment, whereas no such instructions have been issued either by Air Force or Navy authorities. The Committee were surprised to note that the Government is blindly following policy of recruitment which had been adopted in 1949 without realising the necessity to redefine it. The Committee had, therefore, desired that policy regarding recruitment to Defence Forces must be reviewed/redefined keeping in view the present scenario.

1.25 In their action taken reply, the Government have stated that prior to 1949, recruitment to the Army was restricted to certain classes and personnel from certain regions only. This was not in consonance with the secular and democratic structure of independent India. Every Indian, including SC & ST, is capable of defending the Nation with equal valour. Based on this, the policy was changed and recruitment to Defence Forces made broad-based in 1949. The existing policy is fair, sound, transparent and time tested.” Government do not consider it appropriate to change the present recruitment policy.

Comments of the Committee

1.26 The Committee are at a loss to understand that in the era of globalisation and liberalization, the Government are still taking shelter under a Recruitment Policy adopted in 1949. Even the recommendation of the Committee has not made any impact on the Government as they still do not consider it appropriate to change the present recruitment policy. The Committee observe that scant regard has been paid to their recommendation. The reply has been given in a routine manner without undertaking any review. The Committee, therefore, strongly reiterate their earlier recommendation that the policy regarding recruitment to Defence Forces must be reviewed in the present context.

Recommendation (Sl.No. 10, Para 5.32)

1.27 The Committee had noted the argument that in view of Article 33 of the Constitution of India, any provision existing in the Army Act, 1950, the Air Force Act, 1950 and the Navy Act, 1957 cannot be declared ultra virus merely because it is not in consonance with any of the fundamental rights

contained in Part III of the Constitution. The Committee were of the view that by no stretch of imagination the provision in Article 33 can be applicable to these acts which have nothing to do with ensuring proper discharge of duties and maintenance of discipline among the members of Defence Forces. The Committee felt that 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.

1.28 In their reply the Ministry have stated that the Apex Court time and again has held that Army Act, 1950, Air Force Act, 1950 and Navy Act, 1957 derive their validity from Article 33 of the Constitution as far as the question of violation of Fundamental Rights is concerned. Article 33 of the Constitution provides for a special law to be made, inter alia, for the Armed Forces with a view to ensure proper discharge of duties and maintenance of discipline amongst armed forces personnel. It is in accordance with these provisions of the Constitution that the above Acts were passed by the Parliament.

In this connection attention is drawn to the Supreme Court's decision in the following cases :-

- | | | |
|-----|------------------------|-----------------|
| (a) | Ram Swaroop Vs UOI | AIR 1965 SC 247 |
| (b) | R Viswan Vs UOI | AIR 1983 SC 658 |
| (c) | Gopal Upadhyaya Vs UOI | AIR 1987 SC 413 |

It is reiterated that in view of Article 33 of the Constitution, 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.

Comments of the Committee

1.29 The Committee are not impressed by the interpretation of the Government regarding applicability of Article 33 of the Constitution for validity of Army Act, 1950, Air Force Act, 1950 and Navy Act, 1957 on the basis of certain observations of the Apex Court. The relevant extracts of the court's views as well as the texts of the Apex Courts judgments cited by the Government should be furnished to the Committee for closer examination.

Recommendation (Sl.No. 11, Para 5.33)

1.30 The Committee had noted that Supreme Court in Mandal Commission case in 1992 had actually observed 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. The Committee were of the opinion that it was on this plea that no provision had been made for incorporating reservation for SCs and STs in the Army Act, 1950, Air Force Act, 1950 and Navy Act, 1957 even while amending them from time to time. The Committee had, therefore, strongly recommended that these Acts should be amended expeditiously to include reservation provisions.

1.31 It has been stated by the Government that a bare reading of para 112 of the judgment in the case of Indra Sawhney Vs UOI (reported in 1992 (6) SLR 321) makes it abundantly clear that the Apex Court manifestly intended to exclude the Defence Services from the purview of the reservation in the Government jobs. In this connection, the most relevant extracts from the observation of the court is given below:-

“We may point out that the services/posts enumerated above, on account of their nature and duties attached, are such as call for highest level of intelligence, skill and excellence. Some of them are second level and third level posts in the ascending order. Hence, they form a category apart. Reservation therein may not be consistent with “efficiency of administration” contemplated by Article 335.”

1.32 They have further stated that there is proper representation of SCs and STs in the Defence Forces. It is pertinent to note here that Defence Forces have peculiar rules and regulations for recruitment whereby it is not only ensured that the residents of all States/regions are adequately represented but also that people from different classes are given due representation. For example, there are a number of regiments/battalions, which are comprised exclusively from SCs/STs/OBCs.

Comments of the Committee

1.33 The Committee note that the Government on the one hand say that “there is proper representation of SCs and STs in the Defence Forces”, and that “the Indian Army today comprises all classes and communities”, and on the other, they admit that certain details of representation of SCs/STs in some arms and categories in the Army only are available for a certain date and that too obtained optionally and in respect of Air Force and Navy, no such record is maintained. It is obviously a contradictory statement on the part of the Government. On the basis of incomplete data it cannot be claimed/ensured that people from different classes of all States/regions are adequately represented in the services. Moreover, the Government also admit that there are a number of regiments/battalions which are comprised exclusively from SCs/STs/OBCs - which is nothing but reservation.. The Committee are deeply concerned over this dubious policy of the government and reiterate their earlier recommendation that the Army, Air Force

and Navy Acts be amended expeditiously to include reservation provisions therein.

Recommendation (Sl.Nos. 13 and 14, Paras 5.36 and 5.37)

1.34 The Committee had observed that the Govt. is not agreeable to maintain data about social composition of the Armed Forces on the plea that such information may lead to undesirable distinction. The Committee on the basis of available information had commented that 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.

1.35 In their action taken reply, the Government have stated that “ours are truly National Armed Forces” that fight and undertake operations to defend the country as composite entities without any discrimination on account of class, creed, community, region or religion. They provide 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. It is felt 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.

1.36 The Committee had observed that it has been admitted by the Government that 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’s plea was that “any attempt to introduce reservation for any class or community cannot but impair the fighting efficiency of the Army.” The Government again asserted that the Indian Army comprised all classes and communities, although it did not maintain any information regarding the social composition of the Defence Services. The Committee had, therefore, recommended that the Government should maintain data about social composition of the Armed Forces.

1.37 The Government in their Action Taken reply have stated that there is no reservation for SC/ST and other categories for recruitment in the Armed Forces. It is not desirable to maintain class classification in the Armed Forces as it might affect operational efficiency of the Services.

Comments of the Committee.

1.38 The Committee are not satisfied with the commonplace reply furnished by the Government. The Government's view is that maintenance of data about social composition of the Armed Forces may lead to undesirable distinction between individuals on the basis of caste, creed, region, etc. which may create an environment against the ethos and culture of the Armed Forces. It is beyond the imagination of the Committee how class composition of the Armed Forces is going to harm ethos and culture of Armed Forces. The Committee, therefore, strongly reiterate their earlier recommendation that data about social composition of Armed Forces should be maintained.

Recommendation (Sl.No.15, Para 5.39)

1.39 The Committee had observed that it has been persistently maintained by the Government that any change in the recruitment policy for the Army is equivalent to changes in its structure which may lead to turbulence in the system with negative fallout" affecting national security. The Committee had felt that this sort of argument was nothing but the die-hard attitude of the vested interest in the country's military set-up.

1.40 In their action taken reply, the Ministry has stated that ever since Independence, the Armed Forces and in particular the Army, have been committed in fighting a number of wars/conflicts on our borders and in long drawn out counter insurgency/terrorist operations in the North East, Punjab and Jammu and Kashmir, without much respite. Despite the heavy commitments in both internal and external security assignments, including peace keeping operations abroad, the Army has performed creditably. The present recruitment policy has positively contributed to the above consistently creditable performance of the Army.

Comments of the Committee

1.41 The Committee do not accept the Government's argument that any change in the recruitment policy for the Army is equivalent to changes in its structure which may lead to turbulence in the system with negative fallout affecting national security. The Committee feel that the Government is not serious to give reservation in the Armed Forces. The Committee, therefore, reiterate that the Government must change their view and due representation may be given to SCs and STs in the Armed Forces.

Recommendation (Sl.No.16, Para 5.42)

1.42 The Committee had noted that Rashtriya Indian Military College (RIMC) is a feeder category 'A' establishment for Defence Services. The Committee had also observed that vacancies for admission to RIMC are allotted Statewise, but there is no reservation for SC and ST candidates. The Committee had, therefore, recommended that a provision for reservation in the admission to RIMC should be made for SCs & STs and data thereof should be maintained to show their representation.

1.43 In reply, the Government have explained that RIMC is a feeder institute to the NDA, which is a feeder to the three Services. As there are no reservations in the officer cadre of the three Services, admission to RIMC is open to all eligible candidates, including SC & ST candidates, based on vacancies and merit without any discrimination. The Government do not consider appropriate to make a provision for reservation in the admission to RIMC for SCs and STs and maintain data thereof.

Comments of the Committee

1.44 The Committee are not satisfied with the reply of the Government at all. The Committee feel that reservation in the officer cadre of the three Services should be made because these posts are the lowest rung of Commissioned Officers. In the Government of India and in other sectors also where the reservation is applicable, the benefit of reservation is available upto the lowest rung of Class 'A' posts. By making reservation in the RIMC entry of the people belonging to SC and ST categories in the officer cadre in all the three services should be facilitated. The Government without giving proper and justified reasons have refused to make a provision for reservation in admission to the RIMC and also to maintain data related thereto. The Committee strongly deprecate the approach of the Government in the matter and reiterate that the Government should introduce a reservation provision for admission of SC/ST candidates to the RIMC and maintain proper record of the same.

Recommendation (Sl. Nos. 17, 18 and 19, Paras 5.43, 5.44 and 5.45)

1.45 The Committee in para 5.43 of the Report had observed, that according to the information available in the Annual Reports of the Union Public Service Commission (UPSC), over a period of 47 years from 1950-51 to the end of 1997, barely 187 SC and 110 ST candidates were recommended for appointment to Defence Services as cadets, out of a

total of about 50 thousand boys recommended. The Committee had also observed that the Government was reluctant to give information in this regard on the plea that it would not be desirable, in public interest, to disclose details of caste composition of NDA cadets. Actually, in the Committee's view, this was an excuse for hiding the fact of deplorable position.

1.46 The Committee in Para 5.44 of their report had noted that there is no reservation for SC/ST candidates for entries through National Defence Academy (NDA), Naval Academy and Combined Defence Services Examinations conducted by the UPSC twice a year, in consonance with similar provisions for other examinations conducted by the UPSC. The Government's reasoning for such a position was found absolutely untenable which had to be rectified.

1.47 The Committee in Para 5.45 of their report had desired that reservation be introduced for SC/ST candidates for entries to National Defence Academy, Indian Military Academy and Officer's Training Academy for which recruitment is made through the UPSC as is being done by the UPSC in similar other recruitments through examinations.

1.48 The Government in their Action Taken note furnished to the Committee have stated that as per the Mandal Commission case judgment, the Supreme Court has excluded the Defence Services from the operation of the rule of reservation and has not left it to the Central Government to consider and specify the service/post to which the rule of reservation shall apply. The Apex Court has clearly specified five services/posts (including the Defence Services) which the Apex Court desired to be excluded from the purview of the reservation. Paras 121(8) and 112 of the judgment are clearly an exception to the general law laid down by the Apex Court in the ibid judgment. The ethos and traditions of the officers' cadre in the Defence Services have been non-communal and classless all along. An officer's caste or creed is not taken into account at any stage of his career, be it for promotion or postings. Introduction of reservations will seriously degrade the cohesion of the officers' cadre, which will prove disastrous during operations.

Comments of the Committee

1.49 The Committee do not accept the Government's interpretation of the Apex Court's judgment in the Mandal Commission case in regard to non-reservation in Defence Services. What the Apex Court has actually observed is that it may not be advisable to apply the rule of reservation to certain services and posts, and for this the court has specifically stated that the Government of India are to consider and specify the services and posts to which reservation may not be

applicable. It is absolutely wrong to say that the Apex Court has excluded the Defence Services from the operation of the rule of reservation and has not left it to the Central Government to consider and specify the services/posts to which the rule of reservation may not be applicable. The court has clearly stated : "If any authority thinks that for ensuring adequate representation of 'backward class of citizens' in any service, class or category, it is necessary to provide for direct recruitment therein , it shall be open to it to do so." To withhold the policy of reservation from any area like Defence Services altogether is obviously untenable. The Committee note with concern that instead of taking any positive step towards making provision of reservation in the Armed Forces, the Government is showing its die hard approach and the Supreme Court citing some observations in the Mandal Commission case which was an obiter dictum only. The Committee feel that the Government is in no mood to introduce an element of reservation in the Armed Forces on one pretext or the other. The Committee, therefore, again strongly impress upon the Government to introduce reservation for SC/ST candidates for entries into National Defence Academy, Indian Military Academy and Officers' Training Academy for which recruitment is made through the Union Public Service Commission which also holds examinations for IAS, IPS, IRS, etc. and reservation rules are implemented in letter and spirit in these examinations. Suitable instructions should also be issued to the UPSC in this regard by the Government.

Recommendation (Sl.No.20, Para 5.46)

1.50 The Committee had observed that there was a Special Entry Scheme for Women to recruit them in the Armed Forces. The Committee, had, therefore, recommended for launching of a similar Special Entry Scheme for recruitment of SC and ST candidates in Defence Services.

1.51 In reply, the Government have stated that enrolment to the Armed Forces is open to all eligible candidates based on vacancies and merit. Vacancies were mainly restricted to male candidates except for Medical Services to include Medical and Dental Corps and Military Nursing Services. With the introduction of the Women Special Entry Scheme (Officers), women are now eligible to join the commissioned ranks of the Army in EME, Signals, Engineers, Army Education Corps, Army Service Corps, Intelligence and Judge Advocate General's Branch. Similarly, women candidates are also eligible for recruitment in all branches of the Indian Navy and the Flying, Aeronautical Engineering (Electronics), Aeronautical Engineering (Mechanical), Education, Administration, Logistics, Accounts and Meteorology branches of the Indian Air Force. All SC and ST candidates are already eligible for enrolment in the Defence

Services without any discrimination whatsoever. A separate scheme for SC and ST candidates is, therefore, not considered appropriate by the Government.

Comments of the Committee

1.52 The Committee are not inclined to accept the reply of the Government which does not seem to be based on concrete facts. The reasons given by the Government for not launching a SC/ST Special Entry Scheme are not at all convincing. The Committee, therefore, reiterate their earlier recommendation to launch a Special Entry Scheme for recruiting SC/ST candidates in the Defence Services.

Recommendations (Sl.Nos.21 and 22, Paras 5.48 and 5.49)

1.53 The Committee in para 5.48 of their report had wanted to know as to what action was taken to examine the observations made by the Commissioner/National Commission for SCs and STs in its various Reports.

1.54 In their action taken reply, the Government have stated that they have deliberated upon and examined in detail each time the recommendations were made by the Commissioner for Scheduled Castes and Scheduled Tribes for introduction of reservation for SC and ST candidates in the Armed Forces. It is the considered view of the Government that reservations in the Armed Forces may lead to undesirable distinction/divide between individuals. In keeping with overall security interests of the country, the Government is of the opinion that the existing policy to keep recruitment to the Armed Forces open to all citizens, based on eligibility and merit should be continued. Although, there are no reservations for SC and ST candidates specifically in the Armed Forces, a large number of such individuals are serving without any discrimination. The existing environment of equality in the Armed Forces is a major contributing factor towards maintenance of morale, communal harmony and devoid totally of divisions on the basis of caste or creed. The integrated ethos and culture of the Armed Forces also have a major role to play in ensuring that people from all sections of society, including SCs and STs, consider themselves on equal footing with others and are not subjected to any discrimination on any ground.

1.55 The Committee in para 5.49 of their Report had urged the Government to examine afresh the statutory reports (1952-1981) of the National Commission for SCs and STs.

1.56 In turn, the Government have stated that the Government do not consider it appropriate to change its policy to keep recruitment to the

Armed Forces open to all citizens of the country irrespective of caste, creed, region or religion, which has been time tested both during various wars and counter insurgency operations since Independence. It is submitted that the Government has deliberated upon and examined in detail the findings and suggestions regarding proper representation of SCs and STs in Defence Services each time, whenever projected by the Commissioner for SCs and STs in its Reports.

Comments of the Committee

1.57 The Committee are disturbed to note that on the one hand Government admit that they have examined the reports of the Commissioner/National Commission for SCs and STs and on the other, their stance regarding providing reservation to SCs and STs in the Armed Forces has remained unchanged. The Committee are unable to understand the view of the Government as to how reservation provision in the Armed Forces will lead to undesirable distinction/divide among individuals. The Committee are not at all satisfied with the reasons put forth by the Government for not implementing reservation in the Armed Forces whereas in other services this constitutional right has been extended. The Committee, therefore, again urge upon the Government to reconsider their stand and implement reservation provisions in the Defence Services also.

Recommendation (Sl.No.23, Para 5.53)

1.58 The Committee had noted 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. In Committee's opinion the plain fact was that the Government wanted to hide its failure to meet its constitutional obligations. Participation by SCs and STs in Defence Services is their constitutional right which the Government is hell-bent on denying by inventing various excuses and subtle tactics. The Committee had taken a very serious view of the state of affairs in the Defence Ministry.

1.59 In their action taken note the Government have clarified that enrolment to the Armed Forces is open to all eligible individuals from all corners of the country and is based on vacancies and merit without any discrimination. There are no restrictions on the participation of SC and ST candidates in Defence Services. The recruitment is carried out through an open, fair and transparent system.

Comments of the Committee

1.60 The Committee find that the Government have no answer to the relevant point raised in the Committee's observation in para 5.53 (Sl. No. 23) of its report. The Committee, therefore, reiterate their suggestion that the government should compile and furnish the actual data regarding the representation of SCs and STs in the Defence Services on a regular basis, and such information should not be treated as "classified" on the flimsy ground of any possibility to compromise national security.

Recommendation (Sl.No.24, Para 5.54)

1.61 The Committee had noted that in 1963, the Military Affairs Committee of the Cabinet had advised against the preponderance of any community in the Army. The Government had informed that Army Headquarters had been directed that there should not be preponderance of any class in the Indian Army. For this purpose, recruitment vacancies are now allocated to each State or Union Territory based on the Recruitable Male Population Ratio of each State/UT as derived from census report. The Committee had further noted that it was for removing regional imbalances and not for widening the class composition, specially in regard to the representation of SCs and STs. The Committee had, therefore, desired to know whether the Government intend to widen the class composition and for that what steps are contemplated by them.

1.62 It has been stated by the Ministry, in their reply, that recruitment to the Army is already broad based. The stress has been on broad basing recruitment rather than widening the class composition in order to have a truly National Army. At present less than 25% strength of the Indian Army is organised on single/fixed class basis and over 75% on mixed/all class basis. Recruitment is open to all eligible candidates, including SC and ST, based on merit with vacancies being allocated to States and UTs in proportion to their Recruitable Male Population (RMP) Ratio. The Government do not consider it appropriate to further widen the class composition of the Army.

Comments of the Committee

1.63 The Committee note with dismay that in the reply of the Government there is a deliberate attempt to ignore the advice given by the Military Affairs Committee of the Cabinet in 1963, against the preponderance of any community as well as the Army Headquarters directions against the preponderance of any class in the Indian Army. What were the reasons for removing regional imbalance and not widening the class composition of the Army? The Committee are of the strong opinion that while allotting vacancies to States/UTs in proportion to their Recruitable Male Population, the ratio of SC

and ST population should also be taken into consideration and recruitment made accordingly. The Committee, therefore, strongly recommend that the Government should not hesitate any more to widen the class composition of the Army, particularly in regard to the representation of SCs and STs and must take positive steps in this direction.

Recommendations (Sl.Nos. 26 and 27, Paras 5.60 and 5.61)

1.64 The Committee had noted that according to class composition of Jat and Rajput Regiments, the SC/ST candidates cannot be enrolled against any of these two regiments but can be enrolled against all class North Zone vacancies in the Jat Regiment. It was also observed that approximately, 15% strength of all Regiments including Jat and Rajput are filled on All India All Class basis for which SC/ST candidates are eligible, but here also SCs/STs have actually no representation.

1.65 In their reply, the Government have stated that SC and ST candidates are being enrolled in JAT and RAJPUT Regiments against All India All Class vacancies. They are also being enrolled in the JAT Regiment against all class Northern Zone vacancies. It is not only in JAT and RAJPUT Regiments, but in all regiments/units of the Army that recruitment to approximately 15% strength is open to all eligible candidates on All India All Class basis. There is no bar to the recruitment of SC and ST candidates to join any of the regiments/units in the Indian Army. In addition, there are a number of regiments that are almost wholly/partially composed of SC and ST classes and the Government do not consider it appropriate to alter this composition.

1.66 The Committee had observed that there are some battalions of infantry regiments which are either exclusively meant for SC and ST or a fixed percentage of SC and ST are included therein. The Ministry had also admitted that there is reservation in the Indian Army. The Committee had, therefore, desired to get the exact position clarified in this regard.

1.67 The Government in their action taken reply have clarified that the majority of units today are 'All India All Class Units'. The units which are Single/Fixed/Mixed classes are basically some units of combat arms like Infantry, Armoured and Artillery. It is important to understand that the Government have made a deliberate and conscious decision to retain some units as Single/Fixed/Mixed classes based on historical, traditional, and more importantly compulsions of combat effectiveness and operational performance and experience. It needs to be understood that cutting edge and frontline combat units have to draw inspiration from their Regimental traditions, glorious past, religious deity and community/regional affiliation to sail through the trying times in the battle

field in the face of the enemy guns and mine fields, while operating in the treacherous terrain, climate and jungles of the North East, glacier region of Ladakh and hostile climate of Kargil and Jammu and Kashmir of 15000 - 18000 ft.

Comments of the Committee

1.68 The Committee find that the clarification given by the Government on the position stated in para 5.61 (Sl.No.27) of the Committee's report has not answered the observations made therein. The Government have answered that they have made "a deliberate and conscious decision" to retain some units as Single/Fixed/Mixed classes, based on historical and traditional considerations-thereby clearly admitting that there is reservation in the Indian Army. It is only in regard to SCs and STs that the Government is vehemently opposed to reservation. This in-built contradiction must be removed. Nothing short of providing reservation to SCs and STs in the Armed Forces will enable them to get their true constitutional right in the field of defending the nation.

Recommendation (Sl. No. 28, Para 5.62)

1.69 The Committee had recommended that reservation for SCs and STs must be introduced in the Defence Services as exclusion of Defence Services from the purview of reservation for SCs and STs is contrary to the letter and spirit of the Constitution.

1.70 The government, in their reply have stated that the rationale for exclusion of reservations in the Defence Services has been provided by the Apex Court in its judgment pronounced in the Mandal Commission Case (Indra Swahany Vs UOI). The constitutional provisions with regard to reservations are only "enabling" in nature and the same have to be read harmoniously with the provisions of Article 335 as also opined by the Apex Court in ibid judgment. The existing recruitment policy of the Defence Services is time tested and has proved to be an important battle-winning factor. Hence, the Government do not propose to introduce reservation for SCs and STs in the Defence Services.

Comments of the Committee

1.71 From the reply of the Government, the Committee are led to the inescapable conclusion that the Government is not willing to change its opinion and provide reservation for SCs and STs in the Armed Forces. They are taking shelter under some observations of

the Supreme Court in the Mandal Commission case which the Committee feel were incidental remarks of the court and were not an operative part of the judgment. It is highly disappointing to find that the Government is still maintaining its same attitude of not implementing reservation in the Defence Services. The Committee are, therefore, constrained to reiterate their earlier recommendation that reservation for SCs and STs must be introduced in the Defence Services.

Recommendation (Sl. No. 29 Para 5.63)

1.72 The Committee had observed that the Government had admitted that 10% vacancies in officer's cadre are reserved for NCC candidates in the 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 was 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. The Committee had opined that 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 was obviously not in favour of such induction.

1.73 It has been stated by the Government in their reply that the NCC scheme is open to all on voluntary basis irrespective of caste, creed, religion or region including SC/ST and no discrimination is made whatsoever. The scheme is not caste based and therefore drawing linkages between NCC scheme and any caste, creed or religion based recruitment is neither justified nor appropriate.

Comments of the Committee

1.74 The Committee are aghast at Government's reply that it is not appropriate to draw linkage between the induction of NCC candidates and the provision of reservation for SC and ST candidates. It shows that the Government are obviously not in favour of inducting maximum number of SC and ST candidates even for NCC Training which they claim helps in spreading awareness and motivating the youth to join the Armed Forces. The Committee strongly urge the Government to change its stance in this regard and make NCC also a route for SC and ST candidates to join Armed

Forces because seats are already reserved for NCC Cadets in Air Force and Indian Navy as admitted by the Government themselves.

Recommendation (SI. No. 30, Para 5.64)

1.75 The Committee had desired to have grade-wise details of civilian cadres of the Army, Navy and Air Force for their perusal.

1.76 The Government in their action taken reply have furnished the required information as under:-

ARMY (as on January 01, 2001)

Category	Total	Schedule d Castes	%	ST	%
Group A	1293	142	10.98	35	2.7
Group B	2181	246	11.2	69	3.1
Group C	80384	13420	16.69	2935	3.65
Group D	127663	29734	23.29	4575	3.58
Total	211521	43542	20.58	7614	3.59

NAVY (upto October, 2001)

Category	Total	Schedule d Castes	%	ST	%
Group A	237	35	14.76	11	4.6
Group B	2617	62	2.36	44	1.68
Group C	28125	3655	12.99	1341	4.76
Group D	10351	2579	24.9	1356	13
Total	41330	6331	15.3	2752	6.65

IAF (as on January 01, 2001)

Category	Total	SC	%	ST	%
Group A	5	1	20	3	60
Group B	605	102	16.85	25	4.1
Group C	5742	1387	24	215	3.7
Group D	18956	7459	39.3	860	4.5
Total	25308	8949	35	1103	4.3

Comments of the Committee

1.77 The Committee after going through the above data observe that in the civilian cadres of the Army, except in SC category of Group 'C' and 'D', the percentages of SCs and STs are below the prescribed level and if we take overall percentage of SCs and STs in all the categories of posts, it has not even reached the prescribed level, whereas in case of ST category the position is rather worse. Similarly, in the Navy, leaving apart Group 'D', the percentages of SCs and STs are still below the Government's guidelines on the subject. In the case of Indian Air Force, although the figures in SC category of Group 'A' to 'D' are encouraging, the Committee are surprised to see that there are only 5 Group 'A' Civilian officers in such a big organisation. The Committee desire to know whether the reservation orders are applicable in the case of appointments of civilian employees. The Committee would also like to know the method/source of recruitment for all the categories of posts relating to civilian cadres and whether the above figures relate to lower formation officers/staff only or they also include all civilians, including those who are held on the strength of the Armed Forces Headquarters, New Delhi. The Committee are pained to note that the commitment of the Government has not been fulfilled in the case of civilian staff as well. The Committee would like to impress upon the Government to fill up all backlog vacancies and maintain prescribed percentage of reservation in all the categories in the civilian cadres of Army, Navy and Air Force.

New Delhi;
August, 2003
Sravana, 1925(Saka)

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