

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND
SCHEDULED TRIBES

(2003-2004)

(THIRTEENTH LOK SABHA)

TWENTY SEVENTH REPORT

ON

MINISTRY OF HEALTH AND FAMILY WELFARE

Action taken by the Government on the recommendations contained in the Sixty Fifth Report (Tenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes – Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Medical Institutes and Colleges including reservation for Scheduled Castes and Scheduled Tribes in admission therein.

Presented to Lok Sabha on 11.12.2003

Laid in Rajya Sabha on 11.12.2003

LOK SABHA SECRETARIAT
NEW DELHI

11 December, 2003 / Agrahayana, 1925 (Saka)

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

Shri Ratilal Kalidas Varma - Chairman

MEMBERS - LOK SABHA

2. Shri Daud Ahmad
3. Shri Mahendra Baitha
4. Prof. Dukha Bhagat
5. Shri S.K. Bwiswmuthiary
6. Shri Shriram Chauhan
7. Shri Shamsheer Singh Dullo
8. Shri Jarbom Gamlin
9. Shri Manikrao Hodlya Gavitt
10. Shri Thawar Chand Gehlot
11. Shri Shivaji Vithalrao Kamble
12. Dr. Charan Das Mahant
13. Shri Jagannath Mallick
14. Shri Rajaiah Malyala
15. Shri Muni Lall
16. Shri Rupchand Murmu
17. Shri Ananta Nayak
18. Shri Pravin Rashtrapal
19. Shri Baju Ban Riyan
20. Shri Saroj Tufani

MEMBERS – RAJYA SABHA

21. Shri Anil Kumar
22. Shri Gandhi Azad
23. Dr. Faguni Ram
24. Shri R. Kamaraj
25. Shri Robert Kharshiing
26. Shri Sukhdev Singh Libra
27. Shri Raju Parmar
28. Shri V.V. Raghavan
29. Shri Birabhadra Singh
30. Prof. R.B.S. Varma

SECRETARIAT

1. Shri R.C. Ahuja - Joint Secretary
2. Shri Krishan Lal - Director
3. Shri Gopal Singh - Deputy Secretary
4. Shri K. Jena - Assistant Director

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-seventh Report (Thirteenth Lok Sabha) on action taken by the Government on the recommendations contained in their Sixty-fifth Report (Tenth Lok Sabha) on the Ministry of Health and Family Welfare regarding reservation for and employment of Scheduled Castes and Scheduled Tribes in Central Medical Institutes and Colleges including reservation for Scheduled Castes and Scheduled Tribes in admission therein.

2. The Draft Report was considered and adopted by the Committee on 7th October, 2003.

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

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

4. An analysis of the action taken by the Government on the recommendations of the Committee contained in their Sixty-fifth Report (Tenth

Lok Sabha) is given in the Appendix. It would be observed therefrom that out of 53 recommendations/observations made in the report, the Government have accepted 17 recommendations i.e. 32.07 per cent. The Committee do not desire to pursue 16 recommendations i.e. 30.18 per cent, in view of the Government replies. There are 20 recommendations i.e. 37.73 per cent in respect of which the replies of the Government have not been accepted by the Committee and which require further reiteration.

NEW DELHI
December, 2003
Agrahayana, 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 Government on the recommendations contained in the Sixty-fifth Report (Tenth Lok Sabha) on the Ministry of Health and Family Welfare regarding Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Medical Institutes and Colleges including reservation for Scheduled Castes and Scheduled Tribes in admission therein.

1.2 The Sixty-fifth Report was presented to Lok Sabha on 12-3-1996. It contained 53 recommendations/observations. Draft Action Taken Report was prepared and placed before the earlier Committee on the Welfare of Scheduled Castes and Scheduled Tribes for adoption. The Committee while deliberating upon the report during their sitting observed that more than 60% of the Government replies in respect of these recommendations/observations were either non-affirmative or were left unreplied. The Committee taking serious note of the matter, therefore, decided to invite the Ministry of Health and Family Welfare for a fresh evidence. Subsequently a list of points was forwarded to the Ministry of Health and Family Welfare for furnishing additional information. Clarifications sought during evidence and replies to the post-evidence questionnaire could only be received by 05.6.2002. The replies/clarifications given by the Ministry have now been examined and categorised as under:-

- (i) Recommendations/observations which have been accepted by the Government (Sl. Nos. 6,7,13,14,22,27,29,30,34,37,38,39,43,45,46,49,52).
- (ii) Recommendations/observations which the Committee do not desire to pursue taking into consideration the replies of the Government (Sl. Nos. 1,5,8,9,10,12,21,23,25,28,31,35,40,42,44,50).

- (iii) Recommendations/observations replies to which have not been accepted by the Committee and which require reiteration (Sl. Nos. 2,3,4,11,15, 16,17,18,19,20,24,26,32,33,36,41,47,48,51,53).
- (iv) Recommendations/observations in respect of which final replies have not been received (NIL).

1.3 The Committee will now deal with the action taken by the Government on some of their recommendations which need reiteration or comments :

MINISTRY OF HEALTH AND FAMILY WELFARE

Recommendation (Sl. Nos. 2,3,4 and 47, Para Nos. 1.22,1.23,1.24 and 3.44)

1.4 The Committee had observed that Lady Hardinge Medical College (LHMC) affiliated to the Delhi University and funded fully by the Ministry of Health and Family Welfare was not providing reservation to SCs/STs in admission to Post Graduate Courses ignoring the advice of Department of Health, Department of Education and University Grants Commission (UGC). The Committee had further referred to the statement given by the representative of the Ministry of Health during evidence in 1982-83 offering strong support for embodying a provision in the UGC Act enabling the UGC to stop funds to universities not adhering to the reservation policy. The Committee while deploring the UGC's inaction, had recommended that the UGC Act be suitably amended without further delay. The Committee had also advised the Ministry of Human Resource Development to exercise the Government power to give directions to universities whenever they failed to comply with Government orders pertaining to reservation of seats/posts in favour of SCs and STs.

Reply of the Government

1.5 The Ministry in their post-evidence reply have stated that as per their Order No. V.11017/2/2001-ME(Policy) dated 12.9.2001, all the universities/medical institutions have been advised to follow the reservation orders strictly as per the instructions issued by the University Grants Commission from time to time, to provide coaching facilities to the reserved category students and to consider dispensing with negative marking in the entrance examination which is working against the interests of SC/ST students. In addition to this, vide same letter, instructions have been issued on the recommendations of the Medical Council of India in the light of the orders passed by the Hon'ble Supreme Court of India in the case of Dr. Preeti Srivastava Vs. State of Madhya Pradesh {WP(C)No.290 of 1997}, that wherever entrance examination for postgraduate admission is held by the State Governments or Universities or any other authorised examining bodies, the minimum percentage of marks for eligibility for admission to Post Graduate Medical Courses shall be 50% for candidates belonging to the general category and 40% for the candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes. The action regarding the amendment of the UGC Act and for giving direction to universities in this regard is the concern of the Ministry of Human Resource Development.

Comments of the Committee

1.6 The Committee are surprised by the reply of the Government regarding the proposed amendment to the UGC Act for embodying a provision enabling the UGC to stop funds to universities not adhering to the reservation policy. Apparently the Government have not considered the suggestion of the Committee seriously. Had the Government given a serious thought to the considered recommendation of the Committee to bring in a suitable amendment to the Act crucial in enforcement of the directives issued by the UGC, the concerned Ministry would have at least been apprised of the Committee's view. Therefore, keeping in view the safeguards provided for promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections under Article 46 of the Constitution, the Committee would like to reiterate that suitable amendment incorporating a provision in the UGC Act, crucial in enforcement of its directives should be brought in so that it gives a tool in the hands of the UGC to take corrective action, including curtailing grants, against those State/universities which do not comply with its directions on reservation policy for SCs and STs.

Recommendation (Sl. No. 5, Para No. 1.25)

1.7 The Committee had recommended that Liaison Officer in the Ministry should periodically check the rosters maintained by rest of the Medical Institutes/Colleges which are either under the control of or aided by the Ministry of Health and Family Welfare so that any aberration in the maintenance of rosters is timely avoided. The SC/ST Cell should be expanded and strengthened for this purpose.

Reply of the Ministry

1.8 In their reply the Ministry have stated that the practice of inspection of rosters maintained in the Sub-offices/Autonomous Bodies/PSUs in the Ministry/Dte. G.H.S. under the supervision of Liaison Officer of the Ministry is continuing. During the years 1995 and 1996 the rosters in respect of (1) Regional Office for Health and Family Welfare, Chandigarh, (2) Post Graduate Institute of Medical Education and Research, Chandigarh, (3) Central Research Institute, Kasauli, (4) Regional Office for Health and Family Welfare, Shimla (5) Central Government Health Scheme, Hyderabad, (6) Regional Office for Health and Family Welfare, Hyderabad, (7) Government Medical Store Depot, Hyderabad, (8) Central Council for Research in Unani Medicine, New Delhi, (9) Central Council for Research in Ayurveda and Siddha, New Delhi, (10) Central Council of Indian Medicine, New Delhi, (11) Central Council for Homeopathy, New Delhi, and (12) Indian Council of Medical Research, New Delhi, were checked. The deficiencies/shortcomings noticed in the rosters were brought to the notice of the concerned institutions with the approval of the Liaison Officer of the Ministry for rectifying the same.

1.9 At present the SC/ST Cell in the Ministry consists of one Assistant and one LDC. With the introduction of reservation for OBCs w.e.f. Sept. 1993, the work in the SC/ST Cell has increased manifold and the present staff strength is totally inadequate to cope with the work. A proposal for strengthening the Cell is under consideration.

Comments of the Committee

1.10 The Committee hope that the SC/ST Cell in the Ministry has been strengthened by now. The Committee would like to have the details of the exercise undertaken to detect as well as compliance report in respect of rectification of the deficiencies/shortcomings in the maintenance of rosters brought to the notice of concerned institutions by the Ministry.

A.I.I.M.S.

Recommendation (Sl.No. 7, Para No. 2.16)

1.11 The Committee had recommended that besides contacting the employment exchanges regularly and requesting the Ministry of Labour and various SC/ST Associations periodically to help and locate suitable SC/ST candidates, AIIMS should continue launching special recruitment drives vigorously till the backlog vacancies in Group C and other categories were completely wiped out.

Reply of the Ministry

1.12 The Ministry/AIIMS have replied that all the backlog vacancies reserved for SC/ST in the cadres of physiotherapist, radiographer and other categories, except the post of Nurses/Sister Gr. II, have been filled. As stated earlier, efforts have been made to fill the posts of Nurses/Sisters Gr. II reserved for SC/ST but due to poor response of the SC/ST candidates the same could not be filled up. After 1992 the posts of Nurses/Sisters Gr. II have been notified to the employment exchanges as well as advertised more than 8 times in all the leading newspapers. The central agencies were also requested to sponsor candidates. The Secretary (Health) of various States were also requested to sponsor the names of SC/ST candidates but except the State of Bihar (sponsored 18 names), no candidates have been sponsored from the other States. 171 posts (100 for SCs & 71 STs) of Sister Gr. II have also been advertised in all the leading newspapers including those of Chotta Nagpur and other Eastern States. It has further been stated in the post evidence reply that the applications and nominations were received in piece meal and the interviews were held as under:

Date of Interview	No. of candidates called for interview		No. of candidates appeared for Interview		No. of selected candidates		No. of candidates joined the post	
	SC	ST	SC	ST	SC	ST	SC	ST
18.03.97 & 23.05.97	73	15	30	10	30	10	29	10
26.08.97 to 29.08.97 & 01.09.97	22	--	08	--	08	--	05	--
28.12.98 to 30.12.98	59	02	09	02	09	02	08	02
Total	154	17	47	12	47	12	42	12

1.13 The balance of posts left unfilled was 117 (SC – 58 & ST – 59). These posts were again advertised in all the leading news papers in March, 1999 as well as notified to the Colleges of Nursing all over country, with a request to give them wide publicity. In all 349 applications belonging to SC/ST candidates were received and the interview was held from 4th to 6th October, 2000. The details of posts filled are as under: -

Date of Interview	No. of candidates called for interview		No. of candidates appeared for Interview		No. of selected candidates		No. of candidates joined the post	
	SC	ST	SC	ST	SC	ST	SC	ST
04.10.2000 to 06.10.2000	256	93	51	30	49	24	42	24

1.14 It may be seen from the above that a total of 73 candidates were selected and their appointment letters issued on 19.10.2000, 31.10.2000 and 02.11.2000 leaving a balance of 44 (SC –9 & ST –35) posts unfilled. Out of 73 candidates offered the post, only 66 (SC – 42 & ST – 24) candidates have joined the post.

1.15 The posts of Sister Gr.II reserved for SC/ST also fell vacant due to promotion/retirement and resignation, in addition to the balance vacancies as stated above. Accordingly, the posts reserved for SC/ST were as under: -

Vacancies	SC	ST	Total
Balance	24	27	51
Resultant	84	29	113
Total	108	56	164

1.16 The aforesaid posts were advertised in the Press on 15.03.2001 and also notified to the Employment Exchange. As a result of the exercise, 88 SC and 80 ST candidates were selected. 33 SC and 20 ST candidates, out of the 43 SC and 32 ST candidates offered the posts, have joined. Process is on for offering posts to the remaining 45 SC and 48 ST selected candidates. It is expected that all the selected candidates would be offered the post by the end of August, 2002.

Comments of the Committee

1.17 The Committee appreciate the efforts made by the Ministry/AIIMS for filling up the backlog in the cadres of physiotherapist, radiographer, etc. The Committee hope that all the backlog in the cadre of Sister Gr. II would also be filled up. The Committee further suggest that in case vacancies still remain unfilled, fresh offers should be issued to those selected candidates who did not join earlier and efforts should be made to find suitable candidates by conducting fresh recruitment.

Recommendation (Sl. Nos. 8 and 9, Para Nos. 2.17 and 2.18)

1.18 The Committee had strongly recommended that AIIMS should immediately launch special recruitment drives with a long-term perspective so that adequate number of Asstt. Professors belonging to SC/ST categories are appointed to give them due representation in each deptt./discipline. In the opinion of the Committee due representation of SC/ST persons in this category has to be fully made up keeping in view the fact that reservation has not so far been made applicable over and above the post of Asstt. Professor. The

Committee find a clear contradiction in the position stated in respect of applying reservation to the faculty posts. It is clear that till 1983 there was no reservation at all in regard to faculty posts and in the 1983 resolution of the Governing Body of the Institute there is no stipulation to restrict the reservation to the lowest entry level faculty post only. In the opinion of the Committee how can the Director go over the head of the Governing Body in making such restrictions.

1.19 The Committee had also urged upon the Government to see that AIIMS fall in line with the reservation policy as applicable to all teaching posts in view of the Governing Body Resolution of 1983.

Reply of the Government

1.20 In reply, the Ministry have stated that the Institute is making all possible efforts to fill up the reserved faculty posts. The Institute is facing difficulties in finding suitable candidates for posts reserved for SC and ST candidates inspite of repeated efforts made during the past several years. The Faculty Association of AIIMS had filed a Writ Petition in the Hon'ble High Court of Delhi against reservation in the faculty posts at this Institute. Selections for several faculty posts of the level of Asstt. Professors were held up due to the above Writ Petition. As soon as the court case is finally decided, the Institute will take all possible steps to fill up the reserved faculty posts at the level of Asstt. Professor through Special Recruitment Drive. As far as reservation at entry level of faculty posts is concerned, the Ministry further clarified as under:-

- (a) The Institute in its meeting held on 11.01.1983, while ratifying the minutes of the Governing Body meeting held on 10.01.1983 observed that, "The Institute Body, after discussion, decided that the policy of reservations for Scheduled Castes/Tribes, as

prescribed by the Government be followed for appointment to faculty posts also.”

- (b) This was keeping in mind the instructions of the Government of India, Department of Personnel & A.R.O.M. No. 9/2/73-EST (SCT) dated 23.6.1975 regarding reservation of scientific and technical posts which stated that “The reservation for SCs and STs also apply to appointment made to Scientific and Technical Posts upto and including the lowest grade of Group A (Class I) in the respective services and such posts are not exempted from the purview of the reservation orders.”
- (c) In the faculty posts, the Lecturer (now redesignated as Asstt. Professor) is the lowest level post, hence the faculty posts (entry level) are being reserved at the Institute in accordance with the reservation policy of the Government regarding Scientific and Technical Posts, as per decision of the Institute Body taken on 11.01.1983.
- (d) The Hon’ble High Court of Delhi has dismissed the Writ Petition filed by the faculty Association of AIIMS, on 26.11.2001. The faculty Association of AIIMS have moved the Hon’ble Supreme Court.

Comments of the Committee

1.21 The Committee are unhappy to note that instead of conducting Special Recruitment Drives to fill up the backlog of reserved vacancies in the category of Asstt. Professor, and conveying the results thereof to the Committee, the AIIMS authorities have chosen to avoid the real issue by taking the plea that suitable candidates were not available and the AIIMS Faculty Association had filed a Writ Petition in the Delhi High Court which

was subsequently dismissed. The Committee feel that the Faculty Association's case in the High Court was made an alibi for taking no action in the matter even when the Supreme Court in its judgment in the Mandal Commission case had ruled that wherever reservation had already been provided in the rules or orders, the same should continue to be in operation for a period of five years from the date of the judgment (16th November, 1992). The Committee are unhappy to note that even during the period before the filing of the Writ Petition in the Delhi High Court, the AIIMS authorities did not make any attempt to fill up the backlog in this category. It shows willful avoidance of providing reservation to SCs and STs. The Committee deplore this tendency and inaction on the part of the Government in the matter. The Committee desire that the Government should immediately pursue the case in the Supreme Court for early hearing and to allow Special Recruitment Drive to fill up reserved vacancies in the cadre of Assistant Professor for meeting urgent manpower requirements.

PGIMER

Recommendation (Sl. No. 11, Para No. 2.29)

1.22 From a perusal of the judgment of the Punjab and Haryana High Court, the Committee was aghast at the statement in justification for discontinuing reservation in all levels of faculty posts in PGIMER since 1990. The question before the court was about the advertisement for filling up the posts exclusively reserved for members of SCs and STs. The specific court order by a single judge was that "The impugned advertisement in so far as it relates to the post of Asstt. Professors in the Specialities of Urology (Emergency), General Surgery (Renal Transplantation) and Paediatric Surgery (Neonatology) is quashed. The Institute shall of course be at liberty to advertise these posts without making any reservation." It did not contain any sweeping order that there should be no reservation at any level of faculty (teaching) posts. The decision of the

Governing Body of 1983 was not at all a question before the Court. The said statement had, therefore, fully twisted the fact and was highly motivated to mislead the Committee.

Reply of the Government

1.23 In their reply, the Ministry stated that the matter was not very clear and the Director, PGIMER, has been asked to bring this matter before the Governing Body of the Institute with full facts regarding various judgments. The Ministry, in their post-evidence reply further stated that the issue of reservation of faculty posts at PGIMER, Chandigarh, was placed before the Governing Body of PGIMER on 6.4.1999 for consideration. After discussions, the Governing Body referred the matter to a Committee consisting of 5 members under the Chairmanship of the then Secretary (Health), Shri K.K. Baksi. The other Members of the Committee were: Shri S.P.Jain, Member of Parliament (Lok Sabha), Dr. M.G. Muthukumarasamy, V.C. Annamalai University, Dr. S.P. Aggarwal, DGHS and Professor B.K.Sharma, Director, PGIMER. The Committee met on 4.5.1999 in the Office of Secretary (Health) in New Delhi. The said Committee deliberated on the issue relating to the number of cadres in faculty posts at PGIMER, Chandigarh and recommended as under:-

“The Committee discussed the matter in detail and that grouping of various faculty posts at all levels, i.e. Assistant Professor/Associate Professor/Additional Professor/Professor in each department be grouped for the purpose of reservation for SCs/STs and OBCs except where educational qualification is entirely differently prescribed. The Director of the Institute/Member-Secretary of the Committee also apprised the committee that both the categories of faculty (i.e. reserved and general) are agreeable to this arrangement.”

1.24 The above recommendations were placed before the Governing Body of the Institute on 22.6.1999. The Governing Body asked the Director, PGIMER to

talk to both the groups of faculty members and try to reach a written consensus in respect of the decision of the Supreme Court of India. However, no consensus could take place. Thereafter, in its letter dated 27.8.1999 the Ministry of Health and Family Welfare requested PGI to go ahead with the selection process of vacant faculty positions by grouping various faculty posts at all levels, i.e. Assistant Professor/Associate Professor/Additional Professor/Professor in each department except where educational qualification is entirely differently prescribed as per recommendations of the Committee set up under the Chairmanship of the then Secretary (Health), Shri K.K. Baksi.

1.25 The Institute started the selection process and filled up vacant faculty posts in November, 1999 including candidates belonging to SC/ST/OBC category. Against the unreserved vacancies, four candidates were selected on the basis of their merit. The statement showing the number of faculty posts of Professors/Assistant Professors notified and posts filled up by SC/ST/OBC candidates category-wise in PGI in the recruitment year 1998-99, 1999-2000, 2000-01 is given below:

CATEGORY OF POST	TOTAL	NOTIFIED				SELECTED			
		UR	Schedul ed Caste	ST	OBC	UR	SC	ST	OBC
1998-1999									
Professor	36	35	-	-	1	26	-	-	-
Assistant Professors	101	74	10	1	16	49	8	-	1
1999-2000									
Professor	10	9	-	-	1	Selection was not held			
Assistant Professors	71	38	7	1	24	32	1	-	3
2000-2001									
Professor	13	12	-	-	1	Selection yet to be held			
Assistant Professors	44	15	5	1	23	Selection yet to be held			

Comments of the Committee

1.26 The Committee feel that merely providing details of the efforts made/decisions taken, without translating them into action, is not going to serve any meaningful purpose. From the figures of the notified vacancies

and those filled, it is clearly evident that during the year 1999-2000, as against the 8 SC/ST vacancies notified for the post of Assistant Professor, only 1 candidate was selected; and for the 6 SC/ST vacancies notified for the same post in 2000-2001, the selection was yet to be made. This gives an impression of the sluggish approach being adopted by the PGIMER authorities despite the Committee's concern over the issue. The Committee, therefore, strongly emphasise on the reservation admissible in the faculty posts and desire that all the posts vacant for SC/ST candidates be filled up without further delay.

Recommendation (Sl. Nos. 15,16 and 24, Para Nos. 2.47, 2.48 and 2.59)

1.27 The Committee had observed that advertisements for recruitment to faculty posts were always vague and non-specific without mentioning the percentage of reservation and also the subject/discipline-wise break-up of reserved posts. This had created confusion and much concern among the qualified candidates of reserved category. Such vague advertisements were declared bad in law in the Supreme Court Judgment of 1990, Dr. Suresh Chandra Verma Vs The Chancellor, Nagpur University and others. The practice of clubbing of posts together for all departments or specialities had been found to result in deliberately and intentionally keeping out fully eligible SC/ST candidates from certain important departments and even regular posting.

1.28 The Committee had also observed that as per Government guidelines, when direct recruitment for the reserved and unreserved vacancies was to be made on any one occasion, a single advertisement should be issued for such reserved and unreserved vacancies, specifying therein the vacancies for SCs/STs with clarification about the carried forward vacancies also. But unauthorised procedure was being adopted specially by the PGIMER, Chandigarh, by issuing separate advertisements for reserved vacancies to get them struck down by courts on the ground of cent per cent reservation. This had

actually happened in the Punjab and Haryana High Court during 1990-92. In their recommendation the Committee had also stated that they were alarmed at the unrelenting persistence with the clever practice and procedure of advertisements by keeping them vague and non-specific about the percentage of reservation and also the subject/discipline-wise break-up of reserved posts, in spite of a clear cut Supreme Court Judgment of 1990 declaring such a practice as bad in law. The Committee, therefore, had strongly recommended that all such devices be discontinued forthwith.

Reply of the Government

1.29 In reply it has been stated that no faculty post is being advertised or filled on regular basis. Proper guidelines as laid by the Government of India, Ministry of Health and Family Welfare for filling up the post on any single advertisement are being followed by the Institute. Proper care is being taken so that the interests of SC/ST candidates do not suffer while filling up posts in the Institute. This would also be strictly followed as and when it is decided to advertise faculty posts to be filled up on regular basis.

1.30 In reply to a question whether direct recruitment of reserved and unreserved vacancies was being made under single advertisement, it was stated in post evidence reply that PGIMER, Chandigarh, in its advertisement No.4/98(Estt.II), published in the Indian Express, had given a single advertisement of 35 faculty posts of Professors, 94 posts of Assistant Professors and another 11 leave vacancy/ad-hoc posts of Assistant Professors and one post of Jt. Medical Supdt.. As most of the posts of Professors are single post cadre, they fall outside the ambit of reservation as per the Supreme Court's decision of 17.4.1998. Prior to the decision of the Supreme Court in C.W.P. No.1749/1997 dated 17.4.1998, all posts of Professors and Assistant Professors in various departments were being clubbed as one cadre respectively and reservation was applied as per vacancy based roster. Consequent to the Supreme Court

judgment dated 17.4.1998, each department/speciality is being treated as a separate cadre and reservation for SCs/STs/OBCs has been worked out and notified in the advertisement accordingly.

Comments of the Committee

1.31 The Committee are not satisfied with the reply of the Government. The reply of the Government that no faculty post is being advertised or filled on regular basis on account of “Court Cases”, is evasive and not to the point at all. The Committee desire that the reply should be specific as regards the Supreme Court’s judgment of 1990 and also whether that judgment has been accepted and implemented by the Institute.

Recommendation (Sl. No. 17, Para No. 2.49)

1.32 The Committee had observed that another device was known to have been adopted by AIIMS, New Delhi and PGIMER, Chandigarh, to restrict direct recruitment at the lowest and the highest level of faculty with provision of institutional policy of cent per cent appointment by promotion at important level, thereby jeopardising the interests of eligible SC/ST candidates from outside for selection to such posts.

Reply of the Government

1.33 Consequent upon the restructuring of the faculty cadre and implementation of the New Assessment Promotion Scheme w.e.f. 1.7.89, 100% of the Assistant Professors (Level-I) having four years’ regular service in the said cadre are promoted to the next post of Assoc. Professor (Level-II) provided they are found suitable by the Standing Selection Committee of the Institute. Similarly, 75% of the Assoc. Professors having four years’ regular service in the said cadre are promoted to the next post of Addl. Professor (Level-III) subject to

their suitability adjudged by the Standing Selection Committee. On implementation of the aforesaid new Assessment Promotion Scheme the faculty members who are promoted carry with them the post on which they were initially recruited. The Government of India, Ministry of Health and Family Welfare, have therefore, decided to fill up the faculty positions falling vacant as a result of resignation/retirement, etc. at the lowest level of Assistant Professor and the highest level of Professor by direct recruitment. The faculty association of the Institute has also represented to fill up vacant faculty positions at each level i.e. Associate Professor and Additional Professor. The said representation was also considered by the Standing Finance Committee and the said Committee in its meeting held on 25-26.7.95 decided that lateral entry at the level of Associate Professor and Additional Professor should not be restarted. The aforesaid recommendations of the Standing Finance Committee were also deliberated upon in the Governing Body meeting and the said Body on 26.9.95, after a good deal of discussion decided, that status quo should continue. Therefore, vacant faculty posts as and when advertised will be filled only at the level of Professor and lowest level of Assistant Professor.

Comments of the Committee

1.34 The Committee find that the explanation given in justification of restricting direct recruitment only to the lowest and the highest level faculty posts is not at all convincing and justifiable because of the accepted policy of making reservation for SCs and STs at all levels of faculty posts. The New Assessment Promotion Scheme has already harmed the interests of SCs and STs. Their lateral entry at the level of Associate Professors and Additional Professors must be allowed in conformity with the reservation rules already framed particularly in view of their inadequate representation in the feeder cadre. This is all the more necessary in view of the fact that since the promotions of faculty members are made without any linkage to the vacancies, no reservation is

applicable while filling up of the posts/vacancies in certain categories at the Institute against the sanctioned posts.

Recommendation (Sl. Nos. 18, 19 and 20, Para Nos. 2.53, 2.54 and 2.55)

1.35 The Committee had observed that the number of SCs and STs given appointment in various categories of teaching posts during the years 1989, 1990 and 1991 in PGIMER was not satisfactory. For example, in the year 1989 out of a total number of 47 teaching posts filled in categories A & C, only 6 SCs and 1 ST were appointed. Similarly, in 1990, 9 SCs and no ST were appointed out of 73 posts filled in during the year in Group A and C categories. The position was no better in 1991. The Committee desired that they should be apprised of the position as soon as the Apex Court delivered its judgment and the action taken thereafter by the Institute. The Committee had also strongly recommended that PGIMER should take immediate action to wipe out the existing backlog vacancies at all levels of teaching posts without waiting for the judgment of the Supreme Court on the pending case. This is essential in view of the time limit set in the same Apex Court's verdict in the Mandal Case. For giving due representation to SC/ST candidates in each department/discipline, the Institute should follow the guidelines given in the Supreme Court Judgment of 1990.

Reply of the Government

1.36 The Assessment Promotion Scheme for the faculty was made applicable at the Institute initially from 1.7.1983. Later on, the said Assessment Promotion Scheme was revised w.e.f. 1.7.1989, according to which 100% Assistant Professors with four years of service are considered for promotion as Associate Professor each year without linkage to the vacancies in the grade of Associate Professor. Similarly, 75% of the Associate Professors with four years of service are considered for promotion as Additional Professor each year without linkage to the vacancies in the grade of Additional Professor. Since the promotion of

faculty members are made without any linkage to the vacancies, no reservation is applicable while filling up of the posts/services at the Institute against sanctioned posts. Similar practice is prevailing at the AIIMS, New Delhi. It has also been stated that the grouping of posts for the purpose of reservation is being made as per instructions issued by the Government of India, Department of Personnel and Training, New Delhi from time to time. As regards, the efforts made in this direction, it has been stated in the post evidence reply that in April 1989 the Government of India imposed ban on de-reservation of all reserved posts. Accordingly, PGIMER, Chandigarh advertised reserved vacancies of faculty posts for SC/ST categories in October 1990. This was challenged by Dr. K.L.Narasimhan and another of PGI by filing Civil Writ petition No:15302/90 in the High Court of Punjab & Haryana, Chandigarh. The Hon'ble High Court on 9.3.1992 in this C.W.P. held inter-alia as under: -

“.....It is therefore unscientific, improper and arbitrary to treat all the 93 posts as constituting a single cadre. Unless it is shown that there is more than one post of Assistant Professor in a particular speciality, each one of the 93 posts would be a separate isolated post. In this situation the reservation of such a single post would amount to cent per cent reservation.....”

1.37 This judgement of the High Court was challenged in the Supreme Court of India by the Institute and Additional Solicitor General was engaged for the purpose.

1.38 Following the High Court orders, the institute was first advised by the Ministry of Health and Family Welfare, vide letter dated 30.3.1992, to fill up only 75% of posts by open selection and keep the process of filling remaining 25% posts in abeyance. Further, on 29th September, 1994 after the reservation for OBC was introduced, the Institute was advised by the Ministry of Health and Family Welfare, to fill up 50% of the available vacancies as unreserved and to keep 50% of the posts for reserved candidates (15% for SC, 7.5% for ST and

27% for OBC) as and when Supreme Court decision became available on the ongoing litigation. Since then the number of vacancies of faculty posts has risen to 140 out of a total sanctioned strength of 326 faculty posts.

1.39 The SLPs filed by the Institute in the year 1992-93 were decided by the hon'ble Supreme Court vide order dated 2nd May, 1997. The relevant portion of the judgment dated 2.5.1997 is given below: -

“The writ petition 781/95 filed by Scheduled Castes and Scheduled Tribes Employees Welfare Association relates to withdrawal of the reservations in the Institute. The action taken by the Institute is pursuant to the directions issued by the High Court. In view of the fact that we allowed the appeals, the Institute, thereafter, should follow the reservation and make appointments to the posts of Assistant Professors and other posts in accordance with Regulation 32(2) and in other faculties as well as admission to the various courses in the Institute by applying the rule of reservation.”

1.40 Consequent to the judgment of the Hon'ble Supreme Court, the vacant faculty posts were advertised vide Advt. No. 3/97 and No. 5/97 dated 1.9.1997 and 8.12.1997 providing reservation for the faculty posts and by clubbing all the posts of Professors and constituting one cadre and all posts of Assistant Professor as also constituting one cadre.

1.41 The Faculty Association filed a review application challenging the aforesaid orders dated 2.5.1997 of the Hon'ble Supreme Court of India. The Hon'ble Supreme Court admitted the review application for hearing by a larger bench and further ordered that the operation and implementation of the earlier judgment dated May 2, 1997 shall remain stayed.

1.42 The Constitutional Bench of the Supreme Court of India in its judgment dated 17.4.1998 finally decided the issue of reservation and held inter-alia as under: -

“We, therefore, approve the view taken in Chakradhar’s case that there cannot be any reservation in a single post cadre and we do not approve the reasoning in Madhav’s case, Brij Lal Thakur’s Case and Bageshwari Prasad’s case. Upholding reservation in a single post cadre either directly or by device or rotation or roster point. Accordingly, the impugned decision in the case of Post-Graduate Institute of Medical Education & Research cannot also be sustained. The review petition made in Civil Appeal No. 3175 of 1997 in the case of Post-Graduate Institute of Medical Education & Research, Chandigarh therefore allowed the judgment dated May 2, 1997 passed in Civil Appeal No. 3175 of 1997 is set aside.”

Comments of the Committee

1.43 Keeping in view the continuous backlog vacancies in teaching posts in PGIMER, the replies of the Government are not satisfactory. In the opinion of the Committee there was no justification for discontinuing reservation and recruitment of SCs and STs in all levels of faculty posts since 1990 on the ground of the judgment of the Punjab and Haryana High Court on a limited issue. The Committee feel that the Institute/Authorities had failed to recruit the required number of SC/ST persons in the teaching posts even prior to the Court’s stay-order. As regards wiping out of the huge backlog of reserved vacancies at all levels of faculty posts, no convincing answer has been furnished to the Committee which may be supplied urgently.

Lady Hardinge Medical College (LHMC)

Recommendation (Sl. No. 26, Para No. 2.66)

1.44 The Committee had urged upon the Department of Health and also Department of Education to ensure that adequate number of persons belonging to SC/ST category were represented in Group A & B categories of Secretarial, Technical and Teaching services in LHMC. The Committee had also recommended to LHMC to undertake special recruitment drives more frequently besides resorting to other methods, i.e., keeping in touch with the Employment Exchange and various SC/ST Welfare Associations, advertising in regional, national dailies and Doordarshan etc., with a view to wiping out the backlog vacancies in Group 'C' Secretarial, Technical and Teaching posts where there was no dearth of talented SC/ST candidates. The Committee had desired the Departments, especially the Department of Education to mould Delhi University to evolve a thorough and regular monitoring system for ensuring adequate representation of SCs and STs in all the categories of posts in LHMC on the line of Government Directives.

Reply of the Government

1.45 As a result of Special Recruitment Drive launched by Lady Hardinge Medical College & Smt. S.K. Hospital it was possible to fill up 36 vacancies reserved for SCs in Group C & D posts and 04 vacancies reserved for STs in Group C posts. The position as on 8.8.1996 is as follows:-

Total Vacancies	Vacancies filled as on 8.8.1996				Remaining unfilled	
	Gr. C	Gr. D	Gr. C	Gr. D	Gr. C	Gr. D
SC	60	12	24	12	36	NIL
ST	36	04	04	NIL	32	04
Total	96	16	28	12	68	04

1.46 The College has taken steps to get the remaining vacancies filled by sending requisition to Staff Selection Commission, Employment Exchange and advertisement through DAVP. For some of the vacancies, recruitment process is in progress.

1.47 As regards vacancies meant for Group 'A' it has been stated in the post evidence reply that posts belonging to C.H.S. Cadre are reserved keeping in view the overall sanctioned strength of these posts in different units of CHS located in the country including LHMC & Smt. S.K. Hospital. Therefore, the vacancies in respect of such posts can not be identified for LHMC & Smt. S.K. Hospital Unit only. As regards the non-CHS Group 'A' posts and the posts in Group 'B', it has been informed by the authorities of this Institute that at present there is no vacancy meant for SCs/STs.

1.48 The LHMC have provided the latest information about the vacant posts in Group 'C' & 'D' and the number of posts reserved out of these vacant posts for SCs & STs which are as follows:-

Group	<u>Sanctioned Strength</u>	<u>Vacancies</u>	<u>Reserved for</u>	
			<u>Schedul ed Caste</u>	<u>ST</u>
C	982	84	10	9
D	780	39*	7	NIL

*including 16 vacancies of safaiwali. These vacancies are usually filled from SC categories.

1.49 The existing vacancies reserved for SC/ST are being filled up by advertising the post and if need be a special recruitment drive will also be resorted to.

Comments of the Committee

1.50 The Committee are astonished to note that vacancies reserved for SCs & STs still remain unfilled even in Group C and Group D. This casual approach is a matter of great concern to the Committee. There has been no convincing explanation of the deplorable state of affairs as regards the marginal representation of SCs and STs in Group C categories of posts over such a long period of time and rather an effort has been made to confuse the Committee by providing a fresh statement only showing the remaining vacancies and those reserved for SC/ST among them. The Committee have also not been informed whether any serious effort has been made to get filled the reserved Group 'A' C.H.S. cadre posts at all India level. Besides, the information that no vacancies in the non-C.H.S. Group 'A' & 'B' posts of the Institute are meant for SC/ST category is highly misleading and objectionable for not conforming to the Presidential Directives. Further no concrete action programme has been imposed to wipe out the backlog of reserved vacancies in various categories of posts. The Committee, therefore desire, the Ministry and LHMC to clarify the above points and get their acts together and ensure that Special Recruitment Drives are undertaken urgently to achieve meaningful results.

Recommendation (Sl. No. 39, Para No. 3.36)

1.51 The Committee had recommended that relaxations/concessions, as allowed in various other courses be also given to SC/ST students in admissions to M.Sc. (Bio-tech) and B.Sc. Nursing post-certificate courses.

Reply of Government

1.52 In their post evidence reply the Ministry of Health and Family Welfare have stated that similar relaxation/concession is being allowed for admission to M.Sc.

(Biotechnology course) as is being given in the case of various other courses. The clause regarding relaxation as indicated in the prospectus is as under:-

“M.Sc. (Biotechnology): The candidate must possess one of the following qualifications and have secured at least 60% marks (55% marks in case of SC/ST candidates) in aggregate in the qualifying examination:-

- (a) M.B.B.S.
- (b) B.V.Sc.
- (c) B.Sc. (Hons.) Human Biology or
- (d) An equivalent three years B.Sc.(Hons) degree or
- (e) B.Sc. degree with one major subject in the field of Biological or Physical sciences.”

1.53 B.Sc. Nursing (Post-certificate) is meant for those staff nurses who possess 12th Certificate + Diploma in General Nursing and Midwifery and be an “A” Grade Nurse registered with State Nurses Registration Council. Also for those who possess a minimum of three years’ experience as a Staff Nurse in a hospital or as a Public Health Nurse after obtaining the above mentioned certificates. The three years’ experience must be completed on or before the date prescribed for submission of completed application.

(Reservation for SCs and STs for the aforesaid courses is @ 15% for SCs and 7-1/2 % for STs as per rules).

Comments of the Committee

1.54 The Committee take note of the relaxation/concession allowed to SC/ST students in M.Sc. (Biotechnology Course) and emphasise that no seat reserved for SC/ST should remain unfilled in any academic year. The Committee would also emphasise on the need for conducting extra

coaching classes for candidates selected under relaxed norms to bring them at par with general candidates. As regards admission to B.Sc. Nursing (Post-certificate), the Committee would further suggest that the Government do away with the experience clause and instead devise an extra one hour training programme to acquaint the SC/ST candidates with the necessary requirements.

Recommendation (Sl. No. 41, Para No. 3.38)

1.55 The Committee had recommended that a concrete scheme be formulated and implemented for extra coaching to the SC/ST candidates admitted to different courses on relaxed standards not only to bring them at par with other candidates but also to take care of the larger interest of the country.

Reply of the Government

1.56 The Ministry have intimated that the Vice-Chancellors of all Universities/Deemed Universities, Health/Medical Education, Secretaries of all States/UTs and the Directors/Principals of all Central Medical Institutes have inter-alia been advised to organise remedial teaching or special coaching for the written test/interview for the SC/ST students in order to encourage and equip them to appear in the entrance test. It has also been mentioned therein that there is a UGC scheme for this purpose which provides funds for honorarium, etc. which may be fully utilised by the universities/colleges etc.

Comments of the Committee

1.57 The reply regarding formulation and implementation of schemes for providing extra coaching to the SC/ST candidates admitted to different courses on relaxed standards is not satisfactory. In the opinion of the Committee, the Government should give a conscious thought to the matter and quickly issue special instructions to all universities/medical institutes

to introduce extra coaching to students selected under relaxed norms. If such provisions do not exist, new provisions could be incorporated to suit this requirement. The Committee, reiterate that a concrete scheme needs to be formulated and implemented for providing extra coaching to SC/ST students admitted to different courses under relaxed norms so as to bring them at par with other students.

Recommendation (Sl. Nos. 45 and 46, Para Nos. 3.42 and 3.43)

1.58 The Committee had strongly urged upon the University of Delhi to reconsider its policy and allow reservation to SC/ST candidates in admission to P.G. courses in all medical colleges under it without further delay. The Committee had also desired that at least one person belonging to SC/ST community be permanently included in the Selection Committee so that the interest of SC/ST candidates for admission to different courses in LHMC be adequately protected.

Reply of the Government

1.59 The Lady Hardinge Medical College informed that they are affiliated to the University of Delhi on matters concerning the admission to Undergraduate and Postgraduate Courses and follow their Statutes and Regulations with regard to admission procedure, conduct of courses and studies and conduct of examinations. The Lady Hardinge Medical College have further informed in the post evidence reply that in the case of MD/MS & Postgraduate Diploma Courses, the University of Delhi have since decided that reservation for SCs to the extent of 15% and for STs to the extent of 7 ½% will be applicable from the Academic Year 2002-2003. This will apparently be applicable to admission in these courses in Lady Hardinge medical College also.

1.60 It was also stated that the University of Delhi have been apprised of the recommendation of the Committee and were requested to consider including one person belonging to Scheduled Caste/Scheduled Tribe community in the Committee set up to consider admission to different courses in LHMC in order to protect the interests of the SC/ST candidates.

Comments of the Committee

1.61 The Committee hope that the decision of the University of Delhi to extend 15% reservation to Scheduled Caste and 7 ½% reservations to Scheduled Tribe students in admission to MD/MS and Postgraduate Diploma Courses will be sincerely enforced by LHMC in order to ensure that no SC/ST seat goes vacant from now on. The Committee would also like to have a positive response as regards inclusion of a person belonging to SC/ST community in the Committee set up to consider admission to different courses in LHMC.

Recommendation (Sl. No. 48, Para No. 3.45)

1.62 The Committee had urged upon the Government to compile a report from the Central Universities of Delhi, Aligarh and Banaras about the reasons for not making reservations for SCs and STs in P.G. Courses inspite of instructions and guidelines of the UGC and advice of the Ministry of Human Resource Development to them to strictly follow the reservation policy and guidelines in this regard.

Reply of the Government

1.63 The Ministry in their post evidence reply have stated that the contents of recommendation No.3.45 of the 65th Report of the Committee inter-alia reads as follows:

“The Committee asked for comprehensive report from the Education Ministry and the Vice-Chancellors of the three Central Universities of Delhi, Aligarh and Banaras about the reasons for not making reservations for SCs and STs in P.G. courses in spite of comprehensive instructions and guidelines of the UGC and advice of the Education Ministry to them to strictly follow the reservation policy and guidelines in this regard.....”

1.64 Action in this regard is to be taken by the Ministry of Human Resource Development.

Comments of the Committee

1.65 The Committee take strong exception to the manner in which the Ministry have responded to such an important issue of reservation. The Committee feel that such an inordinate delay in the matter and a casual reply even after calling for fresh evidence of the Ministry on the subject, is totally unwarranted and uncalled for. In case, there was any confusion over the recommendation, clarification could have been sought and if the matter pertained to the Ministry of Human Resource Development, they could have been requested to initiate action instead of sitting over the recommendation for such a long period. As such, the Committee reiterate their earlier recommendation and advise the Ministry to initiate action towards compiling a report on the Central Universities of i.e. Delhi University, Aligarh Muslim University and Banaras Hindu University about the reasons for not making reservation for SCs and STs in P.G. courses inspite of instructions and guidelines of the UGC and advice of the Ministry of Human Resource Development.

Jawaharlal Institute of Postgraduate Medical Education and Research
(JIPMER)

Recommendation (Sl. No. 49, Para No. 3.50)

1.66 The Committee had recommended that SC/ST candidates appearing in admission tests and interviews be considered under relaxed standards and no minimum marks should be fixed for selection of SC/ST candidates.

Reply of the Government

1.67 In the case of admission of students to Post-Graduate and other courses, no minimum marks have been fixed for selection of SC/ST candidates. However, in the case of MBBS admission only, the minimum marks have been fixed as 40% as per Medical Council of India's norms. Here also, the percentage of marks for General candidates is 50% whereas it is 40% for Scheduled Caste/Scheduled Tribe candidates.

Comments of the Committee

1.68 The Committee hope that liberal and relaxed norms will be adopted to consider the SC/ST candidates for admission to MBBS courses also.

National Institute of Mental Health and Neuro Science (NIMHNS)

Recommendation (Sl. Nos. 29 and 30, Para Nos. 2.94 and 2.95)

1.69 The Committee had desired that the backlog vacancies reserved for SCs and STs be filled up at the earliest, if possible by giving further concessions to them. The Committee had also suggested that special recruitment drives should be continued and simultaneously efforts should be made to send special

recruitment teams to visit tribal areas of adjacent States to find out suitable ST candidates for appointment in the Institute.

Reply of the Government

1.70 In reply it was stated that inspite of repeated efforts, the Ministry could fill up only 3 faculty posts from SC candidates (another 2 SC candidates who were selected for faculty posts declined to join the posts). The Institute could not fill up all the vacancies in faculty cadre due to non-availability of candidates, since these posts belong to superspecialities. It is not possible to relax C & R Rules like qualifications and experience, as there is no provision under rules to relax the C & R Rules. However, the Institute has been continuing its efforts to fill up these backlog vacancies by notifying periodically. The Institute has notified the vacant posts reserved for SCs/STs on the following occasions:-

- (a) No. NIMH/PER(5)/ADVT-1/89-90 DATED 01-06-1989
- (b) No. NIMH/PER(5)/ADVT-1/91-92 DATED 03-06-1991
- (c) No. NIMH/PER(5)/ADVT-4/91-92 DATED 10-09-1991
- (d) No. NIMH/PER(5)/RECT/ADVT/92-93 DATED 26-08-1992
- (e) No. NIMH/PER(5)/RECT/ADVT-2/93-94 DATED 16-08-1993
- (f) No. NIMH/PER(5)/RECT/ADVT/94-95 DATED 19-12-1994
- (g) No. NIMH/PER(5)/RECT/ADVT/95-96 DATED 29-09-1995
- (h) No. NIMH/PER(5)/RECT/ADVT/95-96 DATED 21-03-1996

1.71 As reported vide letter No. NIMH/PER(5)/RECT/95-96 dated 29-4-1995, all the group C backlog vacancies have been filled. In group B category posts of P.S.W. and Clinical Psychologist have already been filled up. Only 2 posts of Nursing Tutors remained unfilled inspite of repeated efforts by issuing notifications. The vacant posts reserved for SCs/STs have been notified on the following occasions:-

- (a) No. NIMH/PER(5)/ADVT-11/86-87 DATED 24-9-1985
- (b) No. NIMH/PER(5)/ADVT-11/86-87 DATED 27-11-1986
- (c) No. NIMH/PER(5)/ADVT-1/87-88 DATED 18-6-1987
- (d) No. NIMH/PER(5)/ADVT-1/89-90 DATED 01-6-1989
- (e) No. NIMH/PER(5)/ADVT-2/90-91 DATED 01-10-1990
- (f) No. NIMH/PER(5)/ADVT-3/90-91 DATED 11-12-1991
- (g) No. NIMH/PER(5)/ADVT/93-94 DATED 05-01-1993
- (h) No. NIMH/PER(5)/RECT/ADVT-3/93-94 DATED 28-09-1993
- (i) No. NIMH/PER(5)/RECT/ADVT-3/94-95 DATED 03-02-1995
- (j) No. NIMH/PER(5)/RECT/ADVT/ DATED 01-6-1995
- (k) No. NIMH/PER(5)/RECT/ADVT/96-97 DATED 21-3-1996

1.72 The shortfall of STs by 100% in Group A posts is purely due to non-availability of candidates under Scheduled Tribes. In Group C posts the shortfall of ST by 59.26% has been covered up to the extent of 57.27% and the shortfall is only 1.99%.

Comments of the Committee

1.73 The Committee are happy to note that the shortfall in Group C categories for STs has been reduced from 59.26% to 1.99% but are disappointed to find 100% shortfall of Scheduled Tribes in Group 'A' posts. The plea of treating all the faculty posts as super-speciality posts is not at all convincing to the Committee. The Committee hope that some relaxation in qualification and experience would be made as is being done in other Medical Institutions, to clear the backlog. The Committee further advise that in case Group 'A' ST vacancies remain unfilled despite efforts, the procedure of inter-change of vacancies be adopted to fill up the backlog by SC candidates and vice-versa.

All India Institute of Physical Medicine and Rehabilitation (AIIPMR)

Recommendation (Sl. Nos. 32 and 33, Para Nos. 2.105 and 2.106)

1.74 The Committee had recommended that the backlog vacancies both for teaching and non-teaching categories reserved for SCs/STs should be filled up urgently and that in future all the recruitment of Group 'D' (Sweeper) posts should be made from SC/ST categories only. The Committee had desired that in order to clear the backlog of SC/ST vacancies in recruitment and promotions, relaxation of age, experience and qualifications should be given to SC/ST candidates.

Reply of the Government

1.75 In reply, it has been stated that as per instructions of Government of India, reservation in respect of SCs is 15% and STs is 7-1/2% for direct recruitment. The selection for Group 'A' posts is made by the Ministry. As for other groups, efforts are always made to select SC/ST candidates. Whenever SC/ST candidates are not available, a non-reserved candidate is appointed on an adhoc basis and replaced by reserved candidate as and when available. As per the suggestion of the Committee to give relaxation in qualification and experience for SC/ST candidates, relaxation in minimum qualification is not considered desirable but experience clause can be relaxed in deserving case on the merit of each case.

Comments of the Committee

1.76 The Committee find the reply of the Government as non-committal since nothing has been indicated about any proposed steps to be taken for filling up the backlog of reserved vacancies both for teaching and non-teaching categories. In order to recruit more SC and ST candidates for

Group B, the ‘Composite Method’ of appointment needs to be modified accordingly. The Institute/Ministry is also silent on the contradictory statements for the reasons of shortfall. The backlog be filled up urgently by providing relaxation in age, experience and qualifications as recommended and action taken notes thereof must be furnished within three months of the receipt of the Action Taken Report.

Recommendation (Sl. No. 51, Para No. 3.60)

1.77 The Committee had noted that the percentage of reservation followed in the All India Institute of Physical Medicine and Rehabilitation for fresh admission was 13 for SCs and 7 for STs. No entrance test was held but interviews were held for B.Sc. course for fresh admission. The Committee were surprised to find that no relaxation in standard was allowed to SC and ST students, more so the fact that during the year 1993-94 in M.Sc. (Occupational Therapy), P.G. Diploma in Rehabilitation and P.G. Diploma in Rehabilitation (Occupational Therapy), there was no student from SC category. The reason given for non-inclusion of SC students that no SC candidate had applied during that year, was hardly convincing. The Committee believed that as per the Government rules, had concessions/relaxations been provided to SC/ST students many more applications could have been received. The Committee therefore, had recommended that SC/ST students should be given due relaxation/concession in all courses for admission.

Reply of the Government

1.78 The Ministry have stated that the percentage of reservation in fresh admission is 13 for Scheduled Castes and 7 for Scheduled Tribes as per University of Bombay's rule for B.Sc. (Prosthetics and Orthotics) and M.Sc. (Physical Therapy/Occupational Therapy) Courses affiliated to University of Bombay. It has also been stated that the mode of selection for B.Sc. (Prosthetics

and Orthotics) and M.Sc.(Physical Therapy/Occupational Therapy) is on the basis of merit and interview. The number of seats for B.Sc. (Prosthetics and Orthotics) is 10 only and for M.Sc. (Physical Therapy/Occupational Therapy), 4 for each discipline. Hence, relaxation in standard to Scheduled Caste and Scheduled Tribe candidates doesn't arise. However, for B.Sc. (Prosthetics and Orthotics) course 5% relaxation is allowed in standards to Scheduled Caste and Scheduled Tribe candidates even though University of Bombay is yet to respond to our letters No. Acad./180 dated 25th April, 1995 and No. Acad./428 dated 8th May, 1995 and reminder No. Acad/774 dated 4th June, 1996 regarding relaxation policies.

Comments of the Committee

1.79 The Committee find that the method and manner adopted for admission to various courses of study in the AIIPMR are not based on the liberal policy of the Government towards SC/ST candidates. The plea that no relaxation can be given in certain courses because of the limited number of seats is not acceptable to the Committee. The Committee also take serious note of the attitude of the University of Bombay for not responding to the basic question of reservation requiring urgency, despite reminders from AIIPMR. They, therefore, reiterate that necessary concessions/relaxations should be given to SC/ST candidates for admission in all courses. Strict instructions may further be issued to the University of Bombay to give adequate importance and immediate attention to queries on reservation received from various institutions affiliated to it.

All India Institute of Hygiene and Public Health (AIHPH)

Recommendation (Sl. No. 35, Para No. 2.119)

1.80 The Committee had recommended that for recruitment of Staff, posts reserved for SCs and STs should be advertised in daily newspapers both at national and regional levels and the same may be telecast over Doordarshan and announced over AIR besides launching Special Recruitment Drives.

Reply of the Government

1.81 In reply, it has been stated that efforts were made on continuous basis to fill up the reserved posts in Group C and D categories. However, a Special Recruitment Drive is being undertaken to wipe out the backlog. Simultaneously, the concerned Employment Exchanges are being requested to issue "No Objection Certificates" in this regard. It is also pointed out that a few posts of PHN/Nurses could not be filled up due to non-availability of candidates and even the selected candidates were disinterested in accepting the posts on many occasions.

Comments of the Committee

1.82 The Committee find that the Institute is still harping on the usual plea of non-availability of SC/ST candidates for justifying the shortfalls. The Committee desire the Ministry must fill up the whole backlog through Special Recruitment Drives.

Recommendation (Sl. No. 36, Para No. 2.120)

1.83 The Committee had recommended that SC/ST candidates should be promoted by giving concessions/relaxations and that if requisite number of SC/ST candidates fulfilling even the relaxed standard were not available to fill up the vacancies reserved for them, the authorities should appoint the best among the SCs and STs fulfilling the minimum eligibility conditions and impart in-service training to them after promotion.

Reply of the Government

1.84 In reply it has been stated that relaxations/concessions are given in favour of the candidates belonging to SCs/STs in the matter of appointment and promotion as per directives of the Government.

Comments of the Committee

1.85 The Committee find the reply of the Government as non-committal and lacking sincerity since nothing has been stated regarding providing further relaxation to SC/ST candidates to fill up the backlog. The Committee, therefore, reiterate that if requisite number of SC/ST candidates fulfilling even the relaxed standard are not available, the authorities should select the best among the SCs and STs fulfilling the minimum eligibility conditions for promotions and impart in-service training after promotion, to wipe out the backlog.

Recommendation (Sl. No. 52, Para No. 3.68)

1.86 The Committee had recommended that all out efforts should be made to select adequate number of SC/ST students for various courses. The Committee had also recommended that reserved seats meant for SC/ST students should not be filled up by the sponsored candidates and the record of both the categories of students should be maintained separately.

Reply of the Government

1.87 Admissions in different courses, (1996-97) as on 20.8.1996 were as follows:-

Sl. No.	Name of the Course	No. of seats	Admitted	Gen.	SC	ST
1.	MD(PSM)	7	7	5	1	1
2.	ME(PH)	30	10	8	1	1
3.	MV(PH)	10	7	7	NIL	NIL
4.	DPH	60	39	27	11	1
5.	DMCW	30	28	20	6	2
6.	DIH	10	9	7	2	NIL
7.	DHE	30	22	18	4	NIL
8.	DHS	5	4	4	NIL	NIL
9.	DPHN	40	8	5	NIL	3
10.	Dip. Diet	20	19	12	6	1

Comments of the Committee

1.88 The Committee hope that the AIHPH will strive to select adequate number of SC/ST students for various courses. The Committee, however, desire that reserved seats meant for SC/ST students should not be filled up by the general candidates and the record of sponsored and reserved categories of students should be maintained separately.

Recommendation (Sl. No. 53, Para No. 3.73)

1.89 The Committee had observed that the Central Institute of Psychiatry (CIP) being situated in the heart of tribal area (Ranchi) should not have any problem in getting suitable SC/ST students for admission. They, therefore, had recommended that sincere efforts should be made to fill up the SC/ST quota in admission to various courses.

Reply of the Government

1.90 In this regard, it may be stated that the people specially Scheduled Castes and Scheduled Tribes are socially, economically very backward, in this tribal

area. Most of the students cannot even cross middle school standard due to poverty, what to speak of higher education or any specialised training, after passing High School Examinations. Therefore, although this is a tribal area, the candidates with requisite qualifications are not to be found even after our best efforts.

Comments of the Committee

1.91 The Committee consider the reply of the Government to be evasive and not based on facts as it has been stated that candidates with requisite qualifications are not found in the tribal areas despite their best efforts. The representation of SC/ST students in various courses is very poor and for this the usual excuse is stated to be the non-availability of suitable candidates. The point about the location of the Central Institute of Psychiatry in the tribal area was not intended to suggest to take students only from that area. The justification for inadequate Scheduled Tribes representation in all courses on the plea of location of the Institute is totally unwarranted. The Committee take a very serious view of the statement that “although this is a tribal area the candidates with requisite qualifications are not to be found even after our best efforts.” The Committee desire that the Institute should fill up the SC/ST quota in admission to various courses at the earliest by resorting to all the means available under the rules.

NEW DELHI
December, 2003
Agrahayana, 1925 (Saka)

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

ANNEXURE

MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (2003-2004)

The Committee sat on Tuesday, 7 October, 2003 from 1130 hrs to 1230 hrs in Committee Room `C`, Parliament House Annexe, New Delhi.

Present

Shri Ratilal Kalidas Varma – Chairman

MEMBERS

LOK SABHA

2. Shri Daud Ahmad
3. Shri S.K. Bwiswmuthiary
4. Shri Shriram Chauhan
5. Shri Thawar Chand Gehlot
6. Dr. Charan Das Mahant
7. Shri Jagannath Mallick
8. Shri Muni Lall
9. Shri Rupchand Murmu
10. Shri Ananta Nayak
11. Shri Pravin Rashtrapal
12. Shri Bajju Ban Riyan

RAJYA SABHA

13. Shri Anil Kumar
14. Shri Gandhi Azad
15. Dr. Faguni Ram
16. Shri Robert Kharshiing
17. Shri Sukhdev Singh Libra
18. Shri Raju Parmar
19. Shri Birabhadra Singh
20. Prof. R.B.S. Varma

SECRETARIAT

1. Shri Krishan Lal, Director
2. Shri Gopal Singh, Deputy Secretary
3. Shri K. Jena, Assistant Director
4. Smt. Maya Lingi, Committee Officer
5. Shri Joginder Singh, Committee Officer

The Committee considered the draft report on the subject "Action taken by the Government on the recommendations contained in the Sixty-fifth Report (Tenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes – Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Medical Institutes and Colleges including reservation for Scheduled Castes and Scheduled Tribes in admission therein and adopted the same with minor modifications.

2. The Committee also authorised the Chairman to finalise and present the report to both the Houses of Parliament.

The Committee then adjourned.

APPENDIX
(Vide Para 4 of Introduction)

Analysis of action taken by Government on the recommendations
contained in 65th Report of the Committee (Tenth Lok Sabha)

I.	Total number of recommendations	53
II.	Number of recommendations that have been accepted by Government (vide recommendations at Sl. Nos. 6,7,13,14,22,27,29,30,34,37,38,39,43, 45,46,49,52)	17
	Percentage to the total	(32.07%)
III.	Recommendations which the Committee do not desire to pursue in view of Government's replies (vide recommendations at Sl. Nos. 23,25,28,31,35, 40,42,44,50)	16
	Percentage to the total	(30.18%)
IV.	Recommendations in respect of which replies of Government have not been accepted and which require reiteration (vide recommendations at Sl. Nos. 2,3,4,11,15,16,17,18,19,20,24,26,32,36, 41,44,48,51,53)	20
	Percentage to the total	(37.73%)
V.	Recommendations in respect of which final replies of Government have not been received	Nil