

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1977-78)**

(SIXTH LOK SABHA)

EIGHTEENTH REPORT

MINISTRY OF HOME AFFAIRS

**DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORMS**

**Action taken by Government on the recom-
mendations contained in the Forty-first Report of the
Committee on the Welfare of Scheduled Castes and
Scheduled Tribes (Fifth Lok Sabha) on the erstwhile
Cabinet Secretariat (Department of Personnel and
Administrative Reforms)—Reservations for Sche-
duled Castes and Scheduled Tribes Service**



Presented to Lok Sabha on 25-4-1978

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COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES

(1977-78)

Shri Ram Dhan—*Chairman*

MEMBERS

Lok Sabha

2. Shri T. Balakrishnaiah
3. Shri B. Bhanwar
- *4. Shri B. S. Chowhan
5. Shri Somjibhai Damor
6. Shri Biren Singh Engti
7. Shri Hukam Ram
8. Shri Hukam Chand Kachwai
9. Shri B. C. Kamble
10. Shri Lahanu Shidava Kom
11. Shri Rama Chandra Mallick
12. Shri Nathuni Ram
13. Shri Natwarlal Parmar
14. Shri Amar Roy Pradhan
15. Shri K. Pradhani
16. Shri B. Rachaiah
- *17. Shri Ram Charan
18. Shri Purna Sinha
19. Shri Suraj Bhan
20. Shri Bhausahab Thorat

Rajya Sabha

21. Prof. N. M. Kamble
22. Shrimati Saroj Khaparde

*Elected to the Committee w.e.f. 23rd November, 1977 *vice* Sarvashri Chand Ram and Karia Munda ceased to be members of the Committee on their appointment as Ministers of State w.e.f. the 14th August, 1977.

23. Shri S. Kumaran
24. Shri P. K. Kunjachan
25. Shri Yogendra Makwana
- **26. Shri Bhaiya Ram Munda
27. Shri Parbhu Singh
28. Shri V. C. Kesava Rao
29. Shri Leonard Soloman Saring
- **30. Shri Mahendra Bahadur Singh

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer.*

Shri H. L. Malhotra—*Senior Legislative Committee Officer.*

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES

(1977-78)

STUDY GROUP II

(ON ACTION TAKEN REPORTS)

1. Shri Ram Dhan—*Chairman*
2. Prof. N. M. Kamble—*Convener I*
3. Shri Natwarlal Parmar—*Convener II*
4. Shri Biren Singh Engti
5. Shri Purna Sinha
6. Shri Leonard Solomon Saring
7. Shri Parbhu Singh
8. Shri Somjibhai Damor
9. Shri K. Pradhani
10. Shri Bhausahab Thorat
11. Shri Bhaiya Ram Munda

SECRETARIAT

Shri Y. Sahai—*Chief Legislative Committee Officer*

Shri H. L. Malhotra—*Senior Legislative Committee Officer.*

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to submit the Report on their behalf, present this *Eighteenth* Report on Action Taken by Government on the recommendations contained in the Forty-first Report (Fifth Lok Sabha) on the Cabinet Secretariat (Department of Personnel and Administrative Reforms)—Reservations for Scheduled Castes and Scheduled Tribes in Services.

2. The Forty-first Report of the Committee was presented to Lok Sabha/Rajya Sabha on the 7th January, 1976. The replies of Government to the recommendations contained in the Report were received in batches and the last batch was received on the 4th August, 1977. The Committee on the Welfare of Scheduled Castes and Scheduled Tribes (1976-77) considered some of the replies at their sittings held on the 17th November, 31st December, 1976 and 17th and 18th January, 1977. That Committee also heard the representatives of the Cabinet Secretariat (Department of Personnel and Administrative Reforms) in regard to certain replies of Government at their sitting held on the 30th November, 1976. Before, however, all the replies of Government were received that Committee became *functus officio* on the dissolution of Lok Sabha on the 18th January, 1977.

3. The draft Action Taken Report was considered and adopted by the Committee (1977-78) at their sittings held on the 5th and 7th November, 8th December, 1977 and 10th February, 1978. The Committee authorised the Chairman to finalise the Report and present it to Parliament.

4. The Report has been divided into the following Chapters:

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

5. An analysis of the Action Taken by Government on the recommendations contained in the 41st Report of the Committee is given in Appendix XII. It would be observed there from that out of the total number of thirty-six recommendations made in the Report, eight recommendations i.e. 22.22 per cent have been accepted by Government; the Committee do not desire to pursue seven recommendations i.e. 19.45 per cent of the recommendations in view of the Government's replies; Replies of Government in respect of twenty-one recommendations i.e. 58.33 per cent of the recommendations have not been accepted by the Committee and require reiteration.

NEW DELHI;
March 29, 1978

Chaitra 8, 1960 (S).

RAM DHAN,
Chairman,
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.

CHAPTER I

REPORT

The Report of the Committee deals with action taken by Government on the recommendations contained in their 41st Report (Fifth Lok Sabha) on the Cabinet Secretariat (Department of Personnel and Administrative Reforms)—Reservations for Scheduled Castes and Scheduled Tribes in Services.

In their 41st Report, Para 1.20, the Committee had recommended that the question of making reservations for Scheduled Castes and Scheduled Tribes on the total strength of a Cadre, instead of on the maintenance vacancies only, should be reconsidered by the Government with a view to do full justice to the claims of the members of these communities.

1.2. In their reply, dated the 14th December, 1976, the Cabinet Secretariat, Department of Personnel and Administrative Reforms, not agreeing with the recommendation of the Committee, have stated that ever since reservations were provided for Scheduled Castes and Scheduled Tribes in services under Government in accordance with the provisions of Article 16(4) and 335 of the Constitution in 1950, such reservation are in terms of vacancies occurring in a year and not in terms of the total strength of a cadre or service. The Supreme Court in the case of T. Devadasan Vs Union of India and another held (by a majority judgement) that reservations in excess of 50 per cent of the vacancies to be filled in a year would be unconstitutional. Although there was a dissenting judgement of Justice Subba Rao that reservations could be made on the total strength of a cadre, the Government have followed only the majority judgement in the aforesaid case, as is always the case. Reservations with reference to the cadre strength would mean that all the vacancies will have to be reserved for Scheduled Castes and Scheduled Tribes till their representation comes up to the prescribed percentages. This will however not be equitable as it will mean that almost a generation of young people belonging to general communities will be completely barred from employment under Government and public sector, for some years. A similar situation could also arise for Scheduled Castes and Scheduled Tribes in future years in those cadres where their representation becomes full and no more reservations would then be permissible for them for some years. Further, Article 335 of the Constitution requires the important consideration of efficiency

of administration to be taken into account while considering the claims of Scheduled Castes and Scheduled Tribes. Excessive reservation of vacancies in a year could also affect efficiency of administration, as the reserved vacancies are generally filled after relaxing the standards.

In view of the above position, it is considered that the present policy of Government of reserving a percentage of vacancies occurring every year for Scheduled Castes and Scheduled Tribes is not only equitable, but is also in the overall interest of the Administration. It is therefore, considered not necessary to review this policy so as to provide for reservation on the basis of total strength of a cadre. The percentage of fulfilment of the reserved vacancies is gradually improving and it is expected that in due course, sufficient number of candidates belonging to Scheduled Castes and Scheduled Tribes will become available to fill all the vacancies reserved for them in various categories.

1.3. While appreciating the arguments advanced by Government, the Committee feel that there is enormous backlog and, therefore, concerted efforts are required to be made by Government to wipe out the same, particularly, in Class I & II. The Committee consider that so long as the reservations for Scheduled Castes and Scheduled Tribes apply only to maintenance of vacancies in a cadre in Services, and not on the total strength of a cadre, it is difficult to foresee as to how the backlog could be wiped out. The Committee, therefore, would like to reiterate their earlier recommendation.

1.4. In paras 1.21 and 2.8 of their said Report, the Committee had recommended that till such time as the representation of Scheduled Castes and Scheduled Tribes in the services reached their due proportion to the total strength of each Cadre in the Services, the percentages of reservations for Scheduled Castes and Scheduled Tribes in the All India Services might be increased suitably and more *ad hoc* recruitments resorted to to clear the backlog. The Committee had also desired the Government to formulate definite steps to fill the backlog of reserved vacancies in the Services of the Government and of the Public Sector Undertakings in at the most two or three years, if necessary, all recruitment of general candidates might be stopped till the shortfalls in the employment of Scheduled Castes and Scheduled Tribes had been made good.

1.5. In their reply, dated the 4th November, 1976, the Cabinet Secretariat, Department of Personnel and Administrative Reforms,

have stated that although the representation of Scheduled Castes and Scheduled Tribes in the total strength of services is at present below 15 per cent and 7½ per cent respectively (except in the case of Scheduled Castes in Class IV), the reservation cannot be made with reference to cadre strength but only with reference to number of vacancies filled annually. Reservations with reference to cadre strength would mean that all the vacancies will have to be reserved for Scheduled Castes and Scheduled Tribes till their representation comes upto the prescribed percentages. This will not be equitable because it will mean that almost a generation of the youth belonging to general communities will lose employment opportunities under Government and the public sector. Excessive reservation of vacancies will not be conducive to the efficiency of administration. Besides, according to the Supreme Court judgement in the case of Devadasan versus Union of India, reservation in excess of 50 per cent of the vacancies would not be in keeping with the spirit of the provisions of Article 16 of the Constitution. In considering any proposal for enhancing the existing percentages of reservation which are applicable to vacancies arising from time to time, the important consideration of 'maintenance of efficiency of administration' enjoined by Article 335 of the Constitution cannot be ignored. Efficiency is a fundamental attribute of any public service. Generally, in a number of cases, it is possible to fill the quota for Scheduled Castes and Scheduled Tribes only by relaxing the standards. Enhancement of the reservation quota will reduce the intake of merited general class candidates in the services and this is likely in the long run to affect the efficiency of the services as a whole.

Any enhancement of the percentages of reservations for Scheduled Castes and Scheduled Tribes without taking into account the availability of qualified candidates belonging to these communities will also not be realistic. For many higher level posts, particularly those requiring technical, professional or specialised qualifications, the required number of qualified candidates belonging to Scheduled Castes and Scheduled Tribes are not available to fill all the vacancies reserved for them according to the existing percentages. Any *ad hoc* increase in the percentages of reservation in such posts would not, therefore, improve the position and would only result in the need for more dereservations. However, as a result of several measures taken by Government over the last several years, in some services at least, candidates belonging to Scheduled Castes and Scheduled Tribes are now becoming available to fill all the reserved vacancies. For example, from 1964 onwards in I.A.S., I.P.S., as also in Class I and II

Central Services to which recruitment is made on the basis of I.A.S. etc. examination, all the reserved vacancies have been filled by candidates belonging to these communities except in one or two examinations in which there has been a shortfall in regard to Scheduled Tribes. With the present trend, due representation of Scheduled Castes and Scheduled Tribes in such services, even with-reference to the total strength of the services can be expected to be reached within a reasonable period of time.

Taking an overall view, therefore, it is not considered desirable to increase the percentages of reservation for Scheduled Castes and Scheduled Tribes. Several steps have been taken by Government with a view to bringing about a greater awareness on the part of the appointing authorities about the orders relating to reservations and to see that every effort is made to recruit Scheduled Castes and Scheduled Tribes to the full extent, according to the quota reserved for them. A review of the result of the steps taken in this regard will be made by Government, from time to time.

1.6. The Committee do not agree with the view expressed by the Ministry that enhancing of the reservation quota for Scheduled Castes and Scheduled Tribes in the services will reduce the intake of merited general class candidates in the services and this is likely in the long run to affect the efficiency and the services as a whole. The Committee are firmly of the view that unless percentage of reservations for Scheduled Castes and Scheduled Tribes in the all India Services is suitably increased the backlog is not likely to be cleared. The Committee would, therefore, like to reiterate their earlier recommendations

1.7. In Para 1.33. of the same Report, the Committee had recommended that reservations for Scheduled Castes and Scheduled Tribes should also be introduced in the Defence Services as exclusion of the Defence Services from the purview of reservations for Scheduled Castes and Scheduled Tribes was contrary to the letter and spirit of the Constitution.

1.8. The Cabinet Secretariat, Department of Personnel and Administrative Reforms in their reply dated the 14th July, 1976, have stated that the Ministry of Defence to whom the recommendation relates have commented that "on account of the special features of the Defence Services, the methodology adopted is somewhat different, as it is considered that the objective can be effectively

achieved by executive instructions and other suitable measures. These executive instructions provide that everything being equal, subject of course to fulfilment of the prescribed conditions, definite preference will be given to Scheduled Castes and Scheduled Tribes. In addition, special efforts are made to send Recruiting Parties to interior/remote areas populated by Scheduled Castes and Scheduled Tribes, which were generally not visited by the Recruiting Parties earliest". Moreover, this system has the additional advantage of not creating a feeling that is bound to arise in recruitment on a 'reserved vacancy-basis', that individuals thus recruited are different. This feeling will not be a healthy one for service in the Armed Forces.

They have further stated that, if, at present, the recruitment of Scheduled Castes and Scheduled Tribes to the Armed Forces does not come up to the 'reservation percentage-level' obtaining under orders on the civil side, it is because of non-availability, in the requisite numbers of candidates belonging to these communities who are suitable in all respect for recruitment to the Armed Forces.

No candidate belonging to the Scheduled Castes and Scheduled Tribes who is suitable in all respect, is refused recruitment provided he fulfils all the minimum prescribed educational and physical standards, unless there is no vacancy—in fact, as already stated above, other thing being equal and subject to the above proviso, he is preferred to any other eligible qualified candidate. As there is no upper percentage limit for intake into the Armed Forces, of candidates belonging to Scheduled Castes/Scheduled Tribes, it is in fact, happening that in some of the categories especially at the lowest rank, nearly 90 per cent of the selected candidates belong to these communities. It will thus be seen that members of Scheduled Castes/Scheduled Tribes are given the best possible opportunity of entering into the Armed Forces, subject only to the minimum prescribed physical and educational standards being fulfilled.

The issue of formal orders, as on civil side, reserving certain percentages of vacancies in the various categories, for recruitment of Scheduled Castes and Scheduled Tribes candidates alone, in the Armed Forces, may have the following undesirable effects:—

- (a) In those categories in which at present the recruitment from those communities is very high (nearly 90 per cent), it is likely to be restricted to the percentage reservation; and

- (b) the existing shortage position in the Army although not in itself acute, will be somewhat aggravated, due to non-availability of candidates belonging to these communities, who are suitable in all respects for entry to the Armed Forces, in the requisite numbers, with the result that these reserved unfilled vacancies have to be left unfilled for a considerable period, as on the civil side.

In view of the position stated above, it has been decided at the level of the Raksha Mantri, that in this matter of making reservations in favour of Scheduled Castes and Scheduled Tribes for recruitment to the Armed Forces both in the ranks as well as in the Officers' cadre and for promotions, the *status quo* should be maintained. The existing preference for members of Scheduled Castes/ Scheduled Tribes and the facilities and concessions for encouragement of their recruitment into the Armed Forces, are considered by the Raksha Mantri to be sufficient and adequate for achieving the same objective as by making percentage reservations in their favour.

1.9. The Committee are not satisfied with the reply of the Government. When special efforts are already being made by the Government to recruit Scheduled Castes and Scheduled Tribes in the Armed Forces, the Committee see no point in not making the reservations for Scheduled Castes and Scheduled Tribes in the Armed Forces, as already recommended by them. The plea of preferential treatment in place of constitutional safeguards is not acceptable to the Committee. The Committee would, therefore, like to reiterate their earlier recommendation.

1.10. The Committee in Para 1.43 of the same Report had desired that reservation orders in favour of Scheduled Castes and Scheduled Tribes issued by the Cabinet Secretariat (Department of Personnel and Administrative Reforms) in respect of posts/services under the Government of India, should be made applicable in the case of posts/services under all the public sector undertakings from the date of their issuance. For that purpose, the reservation orders and the formal Directive through the Bureau of Public Enterprises should be issued simultaneously by the Department of Personnel and Administrative Reforms and the Ministries concerned. In case, however, there is some delay in the issuance of a Directive to the public undertakings by the concerned Ministries, the Committee suggest that reservation orders in favour of Scheduled Castes and Scheduled Tribes should be made applicable in the public sector

undertakings with retrospective effect, i.e. from the date of their issue by the Department of Personnel and Administrative Reforms.

1.11. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply dated the 14th December, 1976 have stated as follows:—

“Public Undertakings are separate legal entities even though Government has control over them. Legally, therefore, Department of Personnel and Administrative Reforms will not be in a position to issue an order which would automatically apply to the Public Undertakings. The orders in question will have to be suitably adapted to the needs of the Public Undertakings and then adopted by them. This process is at present, being followed by the issue of a Presidential directive formulated by the Bureau of Public Enterprises and issued to the Undertakings through the administrative Ministries concerned. Naturally, there is some time-lag between the date of effect of the orders issued by the Department of Personnel & A.R. and the date from which the Presidential directive takes effect in the case of the Public Undertakings. If the orders are to be made simultaneously effective upon the Public Undertakings also, it would be necessary for the Department of Personnel and Administrative Reforms to consult the Bureau of Public Enterprises before the orders are issued and the Bureau of Public Enterprises may, in turn, have to undertake their own consultations with the administrative Ministries and the Public Undertakings before concurring in the application of the orders to the Public Undertakings. This would inevitably mean a certain amount of delay in the issue of the orders so far as Government Departments are concerned. Obviously, such a delay will not be desirable. Giving retrospective effect to the orders in the Public Undertakings may not always be feasible. In the circumstances, the Bureau of Public Enterprises will take such steps as may be possible to ensure that the orders issued by the Department of Personnel & A.R. are suitably adapted to the needs of the Public Undertakings and followed by them, with as much expedition as possible.”

1.12. The Committee feel that once the Government have accepted a particular principle and decided to issue an order, the order

should simultaneously be issued by Government and the Bureau of Public Enterprises, without any delay and without consulting the concerned Public Enterprises. The Committee would, therefore, like to reiterate their earlier recommendation.

1.13. In Para 1.48 of their said Report, the Committee had recommended that Government should compel the private sector employers by law to follow the reservations for Scheduled Castes and Scheduled Tribes in all cases where the Government gave them assistance in any form, including grant of loans, land, licences or other facilities.

1.14. In their reply dated the 15th April, 1976, the Cabinet Secretariat (Department of Personnel and Administrative Reforms) have stated as follows:—

“The question whether private sector establishments should also be compelled to reserve adequate share of their employment to Scheduled Castes and Scheduled Tribes was discussed by the High Power Committee to review representation of Scheduled Castes and Scheduled Tribes in its meeting under the Chairmanship of the Prime Minister held in April, 1974. The Committee observed that at the present stage, any statutory or other measures for reserving a percentage of posts in the private sector for the members of Scheduled Castes and Scheduled Tribes would not be appropriate and that the trade organisations might continue to be persuaded to take steps to ensure that a share of employment was given to Scheduled Castes and Scheduled Tribes. Accordingly, the Ministry of Industrial Development had addressed the Employers' Organisations on 17th June, 1974, requesting them to take up this matter once again with their constituents.

The Ministry of Industrial Development who are primarily concerned with the subject of reservations in private sector establishments and to whom the present recommendation of the Committee was forwarded have stated that the matter has been considered at length in that Ministry and in their view, it would only be appropriate to issue an appeal to industrial undertakings and not any order or instruction. That Ministry have issued another appeal on 27-12-1975 to all Industrial Undertakings through Directors of Industries, technical authorities and their

Chambers of Commerce and Industries to take this in the true spirit and to make all possible efforts to step up considerably the employment of the members of Scheduled Castes and Scheduled Tribes in industrial and commercial undertakings, *vide* their letter No. 16 (16) |LP|74, dated the 27-12-1975. Alongwith this, a copy of the instructions relating to the requirement for the observance of the principles of reservations by voluntary organisations/agencies receiving grants-in-aid from Government has also been circulated to the private organisations.”

1.15. The Committee have reason to believe that the efforts made by the Government to persuade the private industrial undertakings by means of appeals to make all possible efforts to step up the employment of the members of Scheduled Castes and Scheduled Tribes have not borne fruit. The private sector industrial and commercial undertakings should increasingly bear the burden of social responsibility. The Committee are of the considered view that legislation should be enacted for reserving a percentage of posts in private sector for the members of Scheduled Castes and Scheduled Tribes. The Committee, therefore, desire that the Government should reconsider this matter.

1.16. In Para 1.55 of the same Report, the Committee had desired the Government to examine their policy or predilection of exempting certain posts from the reservation orders on the plea of “Scientific and Technical posts” and had recommended that in all Scientific or Technical posts, including all those in Class I, there should be reservation for Scheduled Castes and Scheduled Tribes in Services.

1.17. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply dated the 15th April, 1976 have stated that with effect from 23rd June, 1975, all scientific and technical posts meant for research upto the lowest grade of Class I which were hitherto exempt, have been brought within the purview of the scheme of reservations and they cannot now be exempt from the scheme. Even in the case of scientific and technical posts above the lowest grade of Class I, all such posts are not automatically exempt from the purview of the reservation scheme; only those posts which are Scientific and Technical above the level of the lowest rung of Class I and which are required for purposes of conducting research or for research guidance can be exempted from the purview of the reservation orders (except in the case of Department of Space, Department of Electronics and in regard to recruit-

ment of trainees to the Training School under the Department of Atomic Energy). The Ministries/Departments can decide the categories of posts which are to be exempted, if the necessary criteria are fulfilled. Prior approval of the concerned Minister has to be obtained by them before exempting such posts.

The consideration governing the exemption of such higher posts is that as they are needed either for doing research or for giving research guidance, Government would need the best men available for these posts and they should not be satisfied merely with appointing a person who just fulfils the minimum qualifications prescribed for it and there should not be any fetter upon selecting the best available personnel. For such posts, it is desirable to look for men with the highest talents and accomplishments.

It is, therefore, not considered necessary to further review the orders issued on 23rd June 1975 in this regard.

1.18. The Committee are not satisfied with the reply of the Government to the recommendation and feel that any exemption from the purview of the reservation orders is against the spirit of the constitutional provisions. The Committee consider that there is no justification for exempting the recruitment of trainees to the Training School under the Department of Atomic Energy from the purview of the reservation orders. The Committee desire that all Class I Scientific and Technical posts which are meant for purposes of conducting research or for research guidance should be brought within the purview of the reservation orders. The Committee feel that qualified Scheduled Caste and Scheduled Tribe candidates should not be denied promotional opportunities in so far as the senior scientific and technical Class I posts are concerned. The Committee would, therefore, like to reiterate their earlier recommendation.

1.19. In paras 2.7 and 2.9 of their said Report, the Committee had suggested that the Department of Personnel and Administrative Reforms and the Bureau of Public Enterprises should take immediate corrective steps to ensure that all the vacancies reserved for Scheduled Castes and Scheduled Tribes in Government Departments and Public Sector Undertakings were actually filled in by the candidates from those communities. In that connection, the Committee had suggested that responsibility should be fixed and disciplinary action taken against those Officers who, due to negligence or otherwise, had failed to implement the reservation orders in favour of Scheduled Castes and Scheduled Tribes in *toto*.

* The Committee have not only received complaints but have themselves seen on their visits to various Offices and Organisations during their tours and have noted that rosters are neither being maintained properly nor checked regularly especially in the Public Sector Undertakings. The Committee need hardly emphasise the desirability of proper maintenance of Rosters and their checking by the prescribed authorities at regular intervals as per extant orders on the subject. The Committee feel that there is a real need for educating the Liaison Officers about the maintenance and inspection of Rosters. The Committee have emphasised that Rosters should be properly maintained and guidelines should be planned and laid down for the benefit of those who are to operate the rosters. Disciplinary action should be taken against the defaulters in this respect.

1.20. In their reply dated the 15th July, 1976, the Cabinet Secretariat (Department of Personnel and Administrative Reforms) have stated that as regards the Committee's suggestion about corrective steps to make up the shortfall, the various steps taken with a view to increasing the intake of Scheduled Castes and Scheduled Tribes against vacancies reserved for them and with a view to achieving adequate representation within a minimum period have been detailed in the note furnished to the Committee earlier *vide* paras 2.1 to 2.4 of their said Report.

1.21. The Bureau of Public Enterprises have also taken several steps with a view to bringing about improvement in the representation of Scheduled Castes and Scheduled Tribes in the services under the public sector undertakings.

As regards proper maintenance of rosters and their checking by the prescribed authorities at regular intervals, the detailed procedure for maintaining rosters has been explained in a separate chapter (Chapter IV) in the Brochure on Reservations for Scheduled Castes and Scheduled Tribes. Ministries/Departments are also being asked to intimate to this Department difficulties and doubts, if any, experienced by the authorities operating the rosters or by the Liaison Officers in his regard so that further guidelines could be framed on the specific points.

1.22. As regards the Committee's suggestion that responsibility should be fixed and disciplinary action taken against those officers who due to negligence or otherwise, fail to implement the reservations orders in favour of Scheduled Castes and Scheduled Tribes in toto, it is stated that instructions relating to all matters issued by

the Government are required to be strictly observed by the officers concerned. Non-observance of the instructions of Government including those relating to representation of Scheduled Castes and Scheduled Tribes could be dealt with by the appropriate authorities suitably. There would, therefore, be no need to make any specific provision of enabling the authorities concerned to take disciplinary action against the defaulting officers. Besides, according to the instructions contained in this Department's Office Memorandum No. 27/2/71-Estt(SCT) dated 24-3-1972, cases of negligence or lapses in the matter of following the reservations and other orders relating to representation of Scheduled Castes and Scheduled Tribes coming to light through the inspections carried out by the Liaison Officers or otherwise are to be submitted to the Secretary/Additional Secretary to the Government in the respective Ministries/Departments and to the Head of Department in respect of offices under a Head of Department and necessary action taken as directed by the Secretary/Additional Secretary/Head of the Department on such reports to ensure strict compliance of the orders, by the appointing authority concerned.

1.23. Nevertheless, the above recommendation of the Committee and the instructions of this Department referred to above are being brought to the notice of all the Ministries/Departments etc. and of the various authorities.

1.24. The Committee are not satisfied with the Government's reply and therefore, would like to reiterate their earlier recommendations.

1.25. The Committee in Para 2.17 of the same Report had recommended that if a Scheduled Caste/Scheduled Tribe officer was not available in a particular Ministry/Department/Public Sector Undertaking, a Scheduled Caste/Tribe Officer from another Ministry/Department or a like Public Sector Undertaking should be associated with Selection Boards and Departmental Promotion Committees. The Department of Personnel & Administrative Reforms/Bureau of Public Enterprises should prepare a list of Scheduled Caste/Tribe Officers from which list the Ministry/Department/Public Sector Undertaking could draw a Scheduled Caste/Tribe Officers from which list the Ministry/Department/Public Undertaking could draw a Scheduled Caste/Tribe Officer for association with their Selection Boards/Departmental Promotion Committees in case of need.

1.26. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their replies, dated the 15th April and 14th December, 1976, have stated that the orders issued already

enable a Ministry/Department etc. to include a Scheduled Caste/Tribe Officer from another Ministry/Department, on the D.P.C. for Class III and IV posts, where necessary. However, it would not be possible to provide that for all Selection Boards and D.P.Cs. where a Scheduled Caste/Tribe Officer is not available in the Ministry/Department, an Officer belonging to Scheduled Caste/Tribe from another Ministry/Department should be associated with the Selection Board/D.P.C. because in that case the available Scheduled Caste/Tribe Officers in Class I and II (generally only Class I and II officers could be nominated on Selection Boards/D.P.Cs.) would have to serve on numerous D.P.Cs. and Selection Boards. As on 1st January, 1975, there were about 4 per cent Scheduled Castes and Scheduled Tribes Officers in Class I and 5.5 per cent Scheduled Castes and Scheduled Tribes Officers in Class II posts in the services under the Government of India. Apart from the fact that these Scheduled Caste and Scheduled Tribe officers may not be evenly located in all the places where Central Government offices are located, their number will also not be adequate to cater to all the Selection Boards and D.P.Cs. It will be physically impracticable for them to be available for nomination in the numerous Selection Boards under the various appointing authorities. As regards the D.P.Cs. for selection to higher level posts, it will be almost difficult to find always an officer of an appropriately high level belonging to Scheduled Caste/Tribe for being associated with the D.P.C.

The suggestion that the Department of Personnel and A.R. should prepare a list of Scheduled Caste/Tribe Officers from which the Ministries/Departments could draw such officers for their Selection Boards/D.P.Cs., has also been considered. Since the posting of officers changes from time to time to suit the administrative needs of public service and since Selection Boards and Departmental Promotion Committees have to be formed generally by associating with them officers available locally, it would not be practicable to have a central list in the Department of Personnel & Administrative Reforms for this purpose.

In so far as Public Enterprises are concerned, Government accept the recommendation of the Committee. As suggested by the Committee, the Bureau of Public Enterprises is taking necessary action for drawing up a list of suitable Scheduled Caste/Scheduled Tribe Officers from Public Enterprises from which Public Enterprises could draw SC/ST Officers for association with their Selection Boards/Departmental Promotion Committees in case of need.

1.27. The Committee do not agree with the views expressed by the Department of Personnel and Administrative Reforms that since the posting of officers changes from time to time to suit the administrative needs of public service and since Selection Boards and Departmental Promotion Committees have to be formed generally by associating Scheduled Caste and Scheduled Tribe officers available locally, it would not be practicable to have a central list in the Department of Personnel and Administrative Reforms and therefore, reiterate their earlier recommendation that the Department of Personnel and Administrative Reforms should prepare a list of Scheduled Caste and Scheduled Tribe officers from which the Ministry|Department could draw a Scheduled Caste|Scheduled Tribe Officer for association with their Selection Boards etc. in case of need as is being done by the Bureau of Public Enterprises.

1.28. The Committee in Para 2.25 of the same Report had suggested that vacancies reserved for Scheduled Castes and Scheduled Tribes, especially in Class III and in Class IV should in no case be dereserved. Even for dereservation of vacancies in the case of Class I and Class II, the extent orders on the subject should be made more stringent so that dereservation could only be resorted to when such a course becomes in-escapable.

1.29. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply dated the 15th July, 1976 have stated that dereservations only means that during the particular year, the appointing authorities can fill up the reserved vacancies by general community candidates. After such dereservations, the reservations do not lapse. The reservations are carried forward for adjustment to subsequent three recruitment years, and efforts have to be continued to recruit Scheduled Castes/Scheduled Tribes candidates against the carried forward reservations. It is only when Scheduled Castes/Scheduled Tribes candidates are not available during the initial year as well as in the subsequent three years of carry forward that the reservations lapse. In the last year of carry-forward, vacancies reserved for Scheduled Tribes can be filled by Scheduled Castes and *vice-versa* if the candidates of the particular reserved community are not available. Thus dereservation do not imply that the reservations are totally lost.

Since sufficient number of Scheduled Castes/Scheduled Tribes candidates are not available even for certain posts in Class III and IV, particularly those requiring technical, special or professional skill or qualifications, it would not be feasible to stop "dereservations" totally.

The present recommendation of the Committee is, however being brought to the notice of the Ministries|Departments inviting

their attention to the existing orders on the subject, and enjoining upon them that they should ensure that dereservation is proposed only when such a course becomes inescapable due to non-availability of Scheduled Castes|Scheduled Tribes candidates after taking all the prescribed steps and after applying the relaxed standards in their favour.

1.30. In Para 2.26 of their said Report, the Committee in view of the large number of dereservations of the reserved vacancies in the Central Government Services during the past years, had suggested that there should be an independent agency to examine the justification or otherwise of the proposals of dereservation of vacancies instead of one of the Departments of the Government doing so. The Committee had further recommended that a permanent quasi Judicial Tribunal should be constituted to examine all proposals for dereservation of vacancies in the Central Government Services with full powers to send for the relevant papers and records. The decision of that Tribunal should be binding on all the concerned parties. A similar Tribunal should also be set up for examination of the proposals of dereservations of vacancies in the various public sector undertakings.

1.31. The Cabinet Secretariat, Department of Personnel and Administrative Reforms, in their reply dated the 15th July, 1976 have stated that strict procedure, has been prescribed for dereservation of reserved vacancies. Each proposal for dereservation is thoroughly scrutinised in the Department of Personnel and Administrative Reforms with a view to seeing whether dereservation is justified. A copy of the proposal for dereservation of reserved vacancies is required to be endorsed by the administrative Ministry/Department concerned to the Commissioner for Scheduled Castes and Scheduled Tribes. The comments of the Commissioner for Scheduled Castes and Scheduled Tribes, if any, received on such proposal, are also taken into account by the Department of Personnel and Administrative Reforms before taking a decision on the proposal for dereservation of reserved vacancies. In the case of posts filled by direct recruitment, it has to be ensured that all the steps prescribed such as notifying vacancies to the Employment Exchange, advertising vacancies in Newspapers and intimating them to the recognised association of Scheduled Castes and Scheduled Tribes, the double advertisements through Union Public Service Commission etc. have been fully observed. In the case of posts filled by promotion, it has to be ensured that eligible Scheduled|Castes|Scheduled Tribes candidates in the feeder grade are not available or if there are eligible candidates, their claims have been

duly considered. An examination of the proposals for dereservation on the basis of the relevant details could thus be appropriately done by an official machinery, and there would be no scope for an enquiry or examination by a quasi-Judicial Tribunal. In view of this position, Government considered that there is no need to constitute a quasi-Judicial Tribunal for examining the proposals for dereservation. The proforma for applying for dereservation of reserved vacancies have been recently revised and made more elaborate with a view to eliciting from the Departments all the information which may be required in connection with the examination of the proposal.

1.32. In Para 3.8 of their same Report, the Committee had further recommended that all cases of suppression of Scheduled Castes and Scheduled Tribes in so far as the promotional posts were concerned, should also be referred to the quasi-judicial Tribunal to be constituted to examine proposals for dereservation of vacancies vide para 2.26 of the Report.

1.33. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply dated the 15th July, 1976 have stated that Government are of the view that there is no need for a quasi-Judicial Tribunal to be set up for considering cases of supersession of Scheduled Castes/Scheduled Tribe candidates in promotion. The question as to what checks should be provided against undue supersessions of Scheduled Castes/Scheduled Tribe candidates has however been separately examined by Government and it has been decided to adopt the following procedure:—

- (i) In respect of select lists for promotion to Class I, cases of supersession in which reserved vacancies are filled by general candidates insist of the Scheduled Caste/Tribe candidates being available within the zone of selection, should be submitted to the Minister/Minister of State/Deputy Minister concerned, as the case may be.
- (ii) In respect of promotion to Class II and within Class II, cases of supersession where candidates belonging to Scheduled Castes and Scheduled Tribes could not be promoted even through reserved vacancies were available for them and there were eligible candidates within the zone, should be reported to the Minister|Minister of State|Deputy Minister concerned, as the case may be, within a period of one month of the finalisation of the Select List.

- (iii) In the case of promotions to and in Class III and Class IV, a report of the cases of supersession where candidates belonging to Scheduled Castes and Scheduled Tribes could not be promoted even though reserved vacancies were available for them and there were eligible candidates should be made to the Head of the Department if the appointing authority is lower than the level of the Head of the Department; where the Head of the Department is himself the appointing authority, the report in question should be made to the Secretary of the administrative Ministry|Department.

Necessary instructions will be issued in this regard to Ministries|Departments.

1.34. The Committee are not at all satisfied with the replies of Government. The Committee strongly feel that as dereservation of reserved vacancies is against the provisions of the Constitution, it should not be resorted to in any category or class of post. The Committee, therefore, reiterate their earlier recommendations.

1.35. The Committee in para 2.31 of their same Report had recommended that when a vacancy reserved for a particular community was dereserved and carried-forward, that vacancy should be offered to the other reserved community candidate instead of filling it up by a general candidate even in the first year or second year and not in the third year as at present.

1.36. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply dated the 14th December, 1976, have stated that the main consideration due to which an exchange has been allowed only in the last year of carry forward and not in earlier years is that Scheduled Castes and Scheduled Tribes have been viewed as distinct groups for the purpose of reservation and if reservations are allowed to be exchanged between Scheduled Castes and Scheduled Tribes every year without any future adjustment, it would indirectly mean a combined or overall quota of reservation for Scheduled Castes and Scheduled Tribes together. Such an arrangement may also give rise to complaints that the vacancies reserved for one community are being made over to the other at the cost of the former. It was therefore considered that after carrying forward the reserved vacancies for subsequent years, if suitable candidates of the community for which vacancies are reserved are still not available, it would be unobjectionable to utilise these vacan

cies for the other community as otherwise the reservations would lapse. The period of 'carry forward' of reserved vacancies was also simultaneously increased from two to three subsequent recruitment years so that the chances of securing suitable candidates from the group for which reservations were made, improved.

Exchange of reserved vacancies between Scheduled Castes and Scheduled Tribes, every year, even with the stipulation that it would be subject to future adjustment is also not considered desirable because while in the initial years, the advantage of the exchange (with the adjustments to be made subsequently) may be felt by the less weak of the two groups (the Scheduled Castes), in the long run, the provision for adjustment might adversely affect their interests as larger number of vacancies may have to be adjusted in favour of Scheduled Tribe.

1.37. The Committee do not accept the views expressed by the cabinet Secretariat, Department of Personnel and Administrative reforms and, therefore, would like to reiterate their earlier recommendation.

1.38. The Committee in Para 2.37 of their said Report had recommended that where the requisite number of Scheduled Caste and Scheduled Tribe candidates, fulfilling even the relaxed standards, were not available, to fill the reserved vacancies, the requirement authorities should select for appointment, the best among the Scheduled Castes and Scheduled Tribes fulfilling the minimum educational qualifications prescribed for posts against all the reserved vacancies. The Committee had further recommended that the condition of previous experience mentioned in many advertisements for recruitment should be done away with so far as Scheduled Caste and Scheduled Tribe candidates were concerned.

1.39. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply dated the 15th July, 1976 have stated as follows:—

“Instructions already exist according to which in non-technical and quasi-technical posts in Class III and IV (Groups C & D) filled by direct recruitment otherwise than through written examination, if a requisite number of Scheduled Castes|Scheduled Tribes candidates fulfilling even the relaxed standards admissible in their cases are not available to fill the vacancies reserved for them, the authorities should select for appointment to the reserved vacancies, the best among the Scheduled Caste|Scheduled

Tribes candidates fulfilling the minimum educational qualifications prescribed for the post and give them in-service training vide O.M. No. 24/7/67(i)- Estt(SCT) dated 24-9-1968. It will not be possible to extend this provision to technical and non-technical posts in Class III and IV and technical and non-technical posts in Class I and II filled by direct recruitment, as such a step is likely to affect the efficiency of administration and will not be in tune with the spirit of Article 335 of the Constitution.

As regards the condition of previous *experience* prescribed for recruitment to various posts, it is stated that instructions have since been issued to all Ministries|Departments providing that the qualification regarding experience can be relaxed in the case of candidates belonging to Scheduled Castes|Scheduled Tribes if the Union Public Service Commission or the competent authority is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them. * *

* * * * These instructions also provide that when any vacancies reserved for Scheduled Castes|Scheduled Tribes are advertised or intimated to the Employment Exchange, it should be specifically mentioned in the advertisement/requisition that the period of experience prescribed is relaxable at the discretion of the Union Public Service Commission, or the competent authority, as the case may be, in the case of Scheduled Castes/Scheduled Tribes candidates, as provided in the recruitment rules."

1.40. Now as refresher courses are being given and in-service training is in vogue in most of the Government organisations, the Committee feel that there is no necessity for insisting on previous experience for Scheduled Castes and Scheduled Tribes in respect of posts under the Government. The Committee also desire that in the advertisements that should be issued for the purpose of recruitment, there should not be any stipulation of previous experience for Scheduled Castes and Scheduled Tribes. The Committee would, therefore, like to reiterate their earlier recommendation.

1.41. In Para 3.5 of the same Report, the Committee had recommended that reservations for Scheduled Castes and Scheduled Tribes should be provided in all cases of promotion irrespective of the fact whether the element of direct recruitment exceeded 50 per cent of not and to amend the relevant orders accordingly.

1.42. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply dated the 15th April, 1976 have stated as follows:—

“A similar suggestion made by the Commissioner for Scheduled Castes and Scheduled Tribes was considered by the High Power Committee at its meeting held on the 17th September, 1975, under the Chairmanship of the Prime Minister to review the representation of Scheduled Castes and Scheduled Tribes in the Services. The Committee came to the conclusion that while it would not be feasible to remove totally the restriction regarding component of direct recruitment provided in the various orders regarding reservation in promotion, reservations for Scheduled Castes/Scheduled Tribes in posts filled by promotion should be provided in all cases, where the element of direct recruitment was not more than 66-2/3 per cent. This has since been accepted by Government and necessary orders have been issued accordingly.

1.43. The Committee have noted that reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion have now been provided in all cases where the element of direct recruitment is not more than 66-2/3 per cent. The Committee have also perused the views expressed by the representative of the Department of Personnel and Administrative Reforms when he appeared before the Committee on 30-11-1976 that ‘In majority of the posts there is hundred per cent promotion. There is no direct recruitment in most of the promotional posts and, as such, most of the posts are covered by reservation. Broadly, if there are a thousand categories in Government, in about 800 categories there is no denial. In about 200 categories, there is partial denial’.

The Committee are unable to appreciate this view. They fail to understand why there should be at all any denial in the case of any category to the Scheduled Caste and Scheduled Tribe persons in respect of promotion. The Committee desire that the restrictions provided in various orders regarding reservations in promotion should be removed altogether.

1.44. In Para 3.6 of their said Report, the Committee had recommended that promotions by selection should cover all Class I posts, and not merely posts upto the lowest rung or category in Class I, as is the case for promotions based on seniority-cum-fitness.

1.45. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply dated the 15th April, 1976 have stated as follows: -

“Taking into account that responsibilities of posts at higher levels in Class I are of a high order and considering the need for maintaining efficiency of administration, Government had not made reservations in respect of promotion by selection in these posts. Subsequently, it was decided to extend the scheme of reservations for Scheduled Castes and Scheduled Tribes in promotions by selection only upto the lowest rung of Class I, *vide* O.M. No. 10/41/73-Estt.- (SCT), dated 20-7-1974. As regards promotions by selection within Class I, orders already exist in O.M. No. 1/9/69-Estt(SCT), dated 26-3-1970, read with O.M. No. 1/10/74-Estt(SCT), dated 23-12-1974, according to which, in promotions by selection to posts within Class I carrying an ultimate salary of Rs. 2250/- p.m. or less, candidates belonging to Scheduled Castes and Scheduled Tribes who are senior enough in the zone of consideration so as to be within the number of vacancies for which the select list is drawn, are included in the Select List provided they are not considered unfit for promotion.

Since the above mentioned orders have been issued after considering all aspects and as the concessions provided for adequately represent the optimum balance between the important consideration of maintenance of efficiency of administration and morale of the services in these higher levels on the one hand and the need for fulfilling the aspirations of members of these communities for adequate representation in such posts on the other, it is considered that these orders should continue as such.”

1.46. The Committee are unhappy that the Government have not agreed to provide for reservations in promotion by selection to posts in Class I carrying a salary about Rs. 2250 per month. The Committee are not satisfied with the reply of the Government and the argument advanced by the representative of the Department of Personnel and Administrative Reforms before the Committee namely, ‘There are only a small number of posts in the senior Class I posts carrying a basic pay of Rs. 2000 and above. The lowest rank of Class I posts are not filled by selection, but here since they are superior posts, controlling policy and bigger execution of technical excellence and things like that, Government has the opinion that there should be no reservation for these posts’.

The Committee are unable to accept the rationale for not providing for reservations to posts carrying a salary above Rs. 2250 since every person has to be selected on the basis of merit only. The Committee feel that Government should accept in principle that there should be reservation in all categories of posts irrespective of the salary. The Committee would, therefore, like to reiterate their earlier recommendation.

1.47. The Committee in Para 3.7 of their said Report had desired that the rule regarding carry forward of unfilled reserved vacancies for a period of three recruitment years should be followed in the case of promotions by selection also.

1.48. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply dated the 15th April, 1976 have stated as follows:—

“Prior to 20-7-74, reservations for Scheduled Castes and Scheduled Tribes in promotion by selection were confirmed to Class III and IV posts (Group C and D) and there was no reservation in promotion by selection to and in Class II and above. While extending the scheme of reservations to posts filled by promotion on the basis of selection to and in Class II and upto the lowest rung of Class I, Government had to keep in mind the importance of merit, as the posts at these levels are such that the incumbents would be required to take executive decisions and as they are also in charge of number of subordinates more particularly in the field formations. At these levels therefore, there has to be a greater degree of balancing between the needs of efficiency of administration and the preservation of the morale of the senior people of merit on the one and the claims of the candidates belonging to Scheduled Castes and Scheduled Tribes on the other. Government considered it proper in the circumstances, to introduce reservation in posts filled by promotion by selection at the higher levels upto the lowest rung of Class I, with the qualifying feature that there will be no carry forward of unfilled portion of the reserved quota of vacancies. Although there is no carry forward of vacancies in such cases, it has been provided that the vacancies reserved for Scheduled Tribes for which suitable Scheduled Tribe candidates are not available could be utilized in favour of Scheduled Castes and *vice-versa* in the same year itself instead of in

the third year of carry forward of reserved vacancies as in other cases.

The matter was, however, examined again as desired by the High Power Committee under the Chairmanship of the Prime Minister and it has been decided that in the interest of maintenance of efficiency of administration and preservation of the morale of the services at these higher levels, the existing orders that in the reservations made in promotion by selection to Class II, within Class II and to the lowest rung of Class I, there would be no 'carry forward' of unutilized reserved vacancies, may continue.

In posts filled by promotion by selection, in Class II and Class IV posts, such 'carry forward' of the unfilled vacancies for 3 recruitment years is already available."

1.49. The Committee have noted that in posts filled by promotion in Class III and Class IV carry forward of unfilled reserved vacancies for a period of three recruitment years is already in operation. The Committee fail to understand how the carry forward of vacancies in respect of higher Class I posts could be detrimental to the efficiency of administration and the morale of the services at higher levels of posts if on the analogy of the carry forward rule in respect of Class III and Class IV posts carry forward of unfilled reserved vacancies for a period of three years in the cases of promotion by selection is also followed in respect of posts in Class II and above. The Committee would, therefore, like to reiterate their recommendation.

1.50. In Para 3.12 of the same Report, the Committee had recommended the abolition of confidential reports if not in the case of all employees, at least in the case of Scheduled Castes and Scheduled Tribes employees, and had suggested that instead of the present system of confidential reports, record or history sheets might be maintained for Scheduled Caste and Scheduled Tribe employees in which entries only of any punishment or reward being given to an employee might be made. Such record/history sheets might also be opened for inspection by the concerned employees.

1.51. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply dated the 15th July, 1976 have stated that the system of performance appraisal and the maintenance of confidential reports is absolutely essential for personnel administration and it would not be possible to discontinue the system. The procedure of maintenance of such reports on performance appraisal, which reflect the functional-cum-personality profiles of the employees and helps in making a merit-cum-trait assessment, cannot

be done away with. While it is not possible, therefore, to abolish the annual confidential reports in the case of the employees including those belonging to Scheduled Castes and Scheduled Tribes, various steps are being taken to ensure that the element of subjectivity in the writing of such reports is minimised. The question of introducing result/performance oriented appraisal with the intention of quantifying and measuring performance as far as possible against task targets is separately under consideration. These measures would go a long way in bringing about objectivity in the assessment of the work and traits of the employees and it should go largely to remove any apprehension of undue prejudice towards spoiling the record of any employee including those belonging to Scheduled Castes and Scheduled Tribes.

The suggestion to introduce record/history-sheets in place of the existing system of reports is also not considered feasible. The results of the Tamil Nadu experiment in this regard are yet to be watched and studied. Besides, such record/history-sheets cannot bring out the full functional-*cum*-personality profile of the officers reported upon, the potentialities of the officers will not be fully recorded in the history-sheets and the result would be that such sheets cannot be utilised as basic documents for undertaking personnel management functions such as, promotion, confirmation, development, training, deployment etc. It would, therefore, create an avoidable vacuum in the field of personnel management if record/history-sheets are introduced to replace the time-honoured system of merit-*cum*-trait rating.

1.52. The Committee have noted the Government's view that the system of performance appraisal and the maintenance of confidential reports is absolutely essential for personnel administration and it would not be possible to discontinue the system. In the view of the Committee, Confidential Reports should not be a factor for considering cases of promotion or confirmation of Scheduled Castes and Scheduled Tribes. The latest position should be ascertained from the Ministry as regards the question of introducing result/performance-oriented appraisal system. The Committee would, therefore, like to reiterate their earlier recommendation.

1.53. The Committee in Para 4.32 of their said Report had not agreed with the views of the Government on the question of recognition of associations of Scheduled Caste and Scheduled Tribe employees. It was the considered view of the Committee that unless there was a recognised association of Scheduled Caste and Scheduled Tribe employees, their service grievances would not be adequately ventilated or attended to. The Committee had, therefore, recommended

that there should be a recognised association of Scheduled Caste and Scheduled Tribe employees for every Ministry/Department of the Government and for every public sector undertaking and an All India Association of Scheduled Caste and Scheduled Tribe employees for purposes of coordination. The Government should draw up a scheme laying down the details and methodology of recognition of such associations and their rights and responsibilities so that they could function effectively.

1.54. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply, dated the 15th July, 1976, have stated that once in service, the service interests of Government employees are common and they cannot be compartmentalised on the basis of employees belonging to Scheduled Castes and Scheduled Tribes or other communities. The Scheduled Castes and Scheduled Tribes employees can ventilate their common grievances, if any, through the service Associations common to all employees as also by making individual representations under the normal rules. They can also approach the Commissioner for Scheduled Castes and Scheduled Tribes direct on matters relating to appointment, confirmation, promotion against their served quota and grant of other concessions allowed to Scheduled Castes/Tribes employees. The Commissioner for Scheduled Castes and Scheduled Tribes is exercising a vigilant watch to protect the legitimate interests of the Scheduled Caste and Scheduled Tribe employees.

The High Power Committee set up under the Chairmanship of the Prime Minister to review the representation of Scheduled Castes and Scheduled Tribes in services had also examined similar suggestion made by the Commissioner for Scheduled Castes and Scheduled Tribes at its meeting held on 17th September, 1975. The High Power Committee came to the conclusion that recognition of separate associations of employees formed on the basis of their being Scheduled Caste or Scheduled Tribe would give rise to internal friction and would not only prevent their absorption in the main-stream but would also lead to unhealthy repercussions amongst other employees who might also demand recognition of other similar groups of associations.

In the circumstances, Government are of the view that the existing policy that associations of Government employees belonging to Scheduled Castes and Scheduled Tribes should not be recognised, need to be changed.

1.55. The Committee are not in agreement with the views expressed by Government that once in service, the service interests

of Government employees are common and they cannot be compartmentalised on the basis of Scheduled Castes and Scheduled Tribes or other communities. The Committee are firmly of the view that in service matters Scheduled Castes and Scheduled Tribes stand on a different footing and need special safeguards and consideration. The Committee would, therefore, like to reiterate their earlier recommendation.

1.56. In Para 4.33 of the same Report, the Committee had desired that Government should bring forward comprehensive legislation to provide for all matters concerning the reservations for Scheduled Castes and Scheduled Tribes in services. The Government have, since independence, issued a number of orders providing for the safeguards and concessions for Scheduled Castes and Scheduled Tribes. The Committee would like that the entire scheme of reservations including the recognition of associations of Scheduled Castes and Scheduled Tribes and the setting up an independent quasi-Judicial Tribunal as recommended in Para 2.26 of the said Report should be incorporated in the proposed legislation.

1.57. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) in their reply dated the 15th April, 1976 have stated as follows:

“Reservations and concessions for Scheduled Castes and Scheduled Tribes in the services under Government/public undertakings etc. have been made through executive instructions issued in pursuance of the provisions of Articles 16(4) read with Article 335 of the Constitution and therefore they have as much force as law. These instructions are required to be compulsorily followed by all the appointing authorities. The reservations and concessions provided through executive instructions have the advantage of flexibility as they can be extended, modified or amended whenever necessary, to suit the changing needs. Therefore, even if legislation may be legally possible, there might be no special advantage in having such a legislation for this purpose. The present arrangement of having rules and regulations relating to reservations and concessions for Scheduled Castes and Scheduled Tribes issued through executive instructions has been found to work satisfactorily. It is not necessary therefore to provide for a statute as the constitutional provisions backed by administrative instructions, which have as much force as law, already provide for the necessary reservations and concessions in favour of the Scheduled Caste and Scheduled

Tribes. Non-observance of instructions in question would dealt with by the appropriate authorities suitably and Ministries have been asked to ensure that cases of non-observance whenever brought to notice, are promptly dealt with. Also, there would be practical administrative difficulties in the administration of any such legislation."

1.58. In view of the fact that some State Legislatures have already enacted laws providing for reservations for Scheduled Castes and Scheduled Tribes in services, the Committee fail to understand why the Central Government hesitate to bring forward a comprehensive legislation to provide for all matters concerning the reservations for Scheduled Castes and Scheduled Tribes in services. The Committee would like the matter to be re-examined.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation (Sl. No. 15, Para No. 2.11)

The Committee recommend that the Department of Personnel and Administrative Reforms, in co-ordination with the Ministry of Information & Broadcasting, should devise a scheme by which vacancies reserved for Scheduled Castes and Scheduled Tribes are regularly announced or advertised from the various stations of All India Radio and set timings for such programmes should be fixed so that Scheduled Caste and Scheduled Tribe candidates living in remote areas where newspapers may not be easily available, become aware of such vacancies.

Reply of Government

The recommendation has been accepted by Government. The Ministry of Information & Broadcasting have agreed to make necessary arrangements for the vacancies reserved for Scheduled Castes and Scheduled Tribes in the Central Government/State Government/Public Sector Undertakings being announced through the All India Radio stations located in areas with concentration of Scheduled Castes and Scheduled Tribes population (see Appendix I). Depending upon the number of vacancies notified to each All India Radio station, a good listening time will be allotted by them for the announcements. Necessary instructions are being issued by this Department to the Ministries/Departments etc. for notifying the vacancies reserved for Scheduled Castes and Scheduled Tribes in Class III and IV posts to the All India Radio stations concerned. The Bureau of Public Enterprises have also been requested to issue similar instructions in respect of vacancies reserved for Scheduled Castes and Scheduled Tribes in the public sector undertakings.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt(SCT), dated the 22nd July, 1976].

Recommendation (Sl. No. 21, Para, 2.36)

The Committee have noted that instructions have been issued to the Ministries/Departments that, if a requisite number of Scheduled

Caste and Scheduled Tribe candidates fulfilling even the relaxed standards are not available to fill the vacancies reserved for them. The authorities should select for appointment the best among the Scheduled Caste and Scheduled Tribe fulfilling the minimum educational qualifications prescribed for the posts and given them in-service training within their own offices. While the Committee commend the steps taken by the Government, they desire that the outlines of the training schemes to be formulated by the various Ministries and Departments, including the attached and subordinate office should be clearly delineated so that it should be possible for the Scheduled Caste/Tribe candidates to derive the maximum advantage from such training programmes. The parameters of training programmes should be periodically examined by the Department of Personnel and Administrative Reforms so as to ensure that there is some uniformity in regard to the modalities of training. A periodic review of the training programmes should also be conducted by the Department of Personnel and Administrative Reforms. The Committee hope that while drawing up the training schemes, the Ministries/Departments would take the due note of the vacancies for Scheduled Castes and Scheduled Tribes that would arise in the next five years. The forward planning to be undertaken by the Cadre Review Committees should also include the estimation of the job requirements for which training programmes have to be formulated.

Reply of Government

The recommendation has been accepted by Government. Instructions are being issued to Ministries/Departments in continuation of the instructions contained in Ministry of Home Affairs O.M. No. 27/2/70(I)—Estt.(SCT) dated 21-4-78 and O.M. No. 24/7/67(I)-Estt. (SCT) dated 24-9-68 bringing to their notice the recommendation of the Committee and requesting them that they may draw up special training programmes including in-service training programmes, in which necessary training could be provided to Scheduled Castes and Scheduled Tribes candidates, as suggested in the recommendation. The Ministries are also being advised to consult the Training Division of the Department of Personnel & Administrative Reforms in this regard who would render technical assistance, if any, needed by them in drawing up the training programmes and would also undertake periodical reviews of such training programmes as and when required.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt(SCT) dated the
22nd July, 1976.]

Recommendation (Sl. No. 30, Para 4.19)

The Committee have no doubt that Liaison Officers can play a vital role in improving the representation of Scheduled Castes and Scheduled Tribes in public services and in the services of the Public Sector Undertakings and in attending to the service grievances of the Scheduled Caste and Scheduled Tribe employees. In this connection, the Committee note the orders issued by the Government from time to time regarding appointment and functions of the Liaison Officers. The Committee also note that all the 61 Departments in the Government of India have appointed Liaison Officers and set up Implementation Cells to safeguard the interest of Scheduled Castes and Scheduled Tribes. The Committee expect the Bureau of Public Enterprises to ensure that all the Public Sector Undertakings have also appointed Liaison Officers and set up Implementation Cells.

Reply of Government

The directives circulated by the Bureau of Public Enterprises lays down the specific responsibilities of the Liaison Officers. It has also been laid down that under the control of the Liaison Officer Cell consisting of suitable number of Assistants should also be constituted to ensure the prompt disposal of grievances of Scheduled Caste and Scheduled Tribe employees and to assist the Liaison Officer to discharge his duties effectively.

Nevertheless, Bureau has brought the above recommendation to the notice of all Ministries/Departments requesting them to instruct Public Enterprises to appoint Liaison Officer and set up Implementation Cell, if not already done, *vide* O.M. No. BPE/GL-018/76 MAN (12)/1/76-BPE(IC) dated 24-4-76 (See Appendix II).

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt. (SCT) Dated the
22nd July, 1976.]

Recommendation (Sl. No. 31, Para 4.20)

The Committee feel that the Liaison Officers are not able to function inasmuch as they are not of sufficiently high status and necessary papers and records are not made available to them. The Committee desire that the Liaison Officer should be of the status of a Director in the Ministry/Department.

Reply of Government

According to the orders in this regard, in each Ministry/Department, the Deputy Secretary in charge of administration (or any other officer designated for the purpose) will act as Liaison Officer in respect of matters relating to representation of Scheduled Castes and Scheduled Tribes in all establishments and services under the control of the Ministry/Department. All the Ministries/Departments have nominated Deputy Secretary or an officer of equal or higher status as the Liaison Officer except that a few Ministries having small establishments have nominated an officer of the rank of Under Secretary as Liaison Officer. The posts of Directors are only a kind of selection grade Deputy Secretaries and the duties and functions allotted to the charge of a Deputy Secretary and Director are also generally interchangeable. There may even be no posts of Director in some Ministries or Departments. Besides the Director may not necessarily be in charge of 'Administration.' It would therefore, not be feasible to provide that the Liaison Officer should always be of the status of a Director (instead of Deputy Secretary) in a Ministry/Department. However, the recommendation of the Parliamentary Committee is being brought to the notice of the Ministries/Departments with a request that where an officer of a rank lower than Deputy Secretary is a Liaison Officer, they should nominate an officer not lower in rank than Deputy Secretary as Liaison Officer.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt. (SCT) dated the 15th April, 1976.]

Recommendation (Sl. No. 32, para 4.21)

The Committee desire that the activities of the Implementation Cells should be highlighted in the Annual Reports of the Ministry/Department/Public Sector Undertaking concerned.

Reply of Government

The recommendation has been accepted. Necessary instructions are being issued to Ministries that the activities of the Implementation Cell set up to assist the Liaison Officer in the Ministry/Department in respect of matters relating to representation of Scheduled Castes and Scheduled Tribes should be highlighted in the Annual Report of the Ministry/Department and that similar

action should be taken in respect of Public Sector Undertakings under the control of the Ministry/Department.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms O.M. No. 36022/1/76-Estt.(SCT) dated 15th April, 1976].

Reply of Government as furnished by the Bureau of Public Enterprises.

Necessary instructions to the Ministries/Departments of the Government of India concerned with the Public Enterprises have been issued by the Bureau of Public Enterprises *vide* O.M. No. BPE/GL-010/76 MAN/12/1/76-BPE (EC) dated 1.3.1976 (see Appendix III).

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt.(SCT) dated 15th April, 1976.]

Recommendations (Sl. Nos. 33 and 34, Paras 424 and 425)

The Committee consider the "Brochure on Reservations for Scheduled Castes and Scheduled Tribes in Services" as a very important and useful publication which embodies all the current orders and instructions issued by the Government of India on the subject of reservations for Scheduled Castes and Scheduled Tribes in services. The Committee have however, received complaints from many interested persons and Organisations that copies of this Brochure are not easily available. The Committee feel that wide publicity should be given to the publication of this Brochure and copies of it should be easily available to all the Ministries/Departments/Public Sector Undertakings/Autonomous and Statutory Bodies/Associations of Scheduled Castes and Scheduled Tribes and other interested persons.

The Committee suggests that the Department of Personnel and Administrative Reforms should also consider the feasibility of issuing correction/Addenda slips to this Brochure in the light of subsequent orders issued on the subject and to bring out up-to-date editions of this Brochure more frequently.

Reply of Government

The third edition of the Brochure on Reservations for Scheduled Castes and Scheduled Tribes was brought out in 1972. As the stock of copies of the Brochure with the Manager of Publications had

got exhausted and as a number of instructions providing for reservations and concessions to Scheduled Castes and Scheduled Tribes had been issued, another edition (4th edition) of the Brochure was brought out in 1975 incorporating therein all the instructions issued on the subject till 1-1-1975. Adequate number of copies of the Brochure are now available with the Manager of Publications. The Brochure is a publication priced nominally at Rs. 4/- per copy. All Ministries/Departments etc., have also been informed about the publication of the latest edition of the Brochure (4th edition, 1975), in O.M. No. 36034/8/75-Estt.(SCT), dated the 3rd October, 1975, and they have been requested to obtain copies of the Brochure required by them by placing an indent with the Manager of Publications, Civil Lines, Delhi. They have also been requested to advise suitably their attached/subordinate offices and also all the Liaison Officers who have been nominated for ensuring due compliance of the reservation orders. Since the Brochure is not a restricted publication, copies thereof can be had on payment by all the interested persons including Associations of Scheduled Castes and Scheduled Tribes. Statutory and autonomous bodies can also obtain copies from the Manager of Publications. The Brochure is being brought up-to-date from time to time. The 4th edition of the Brochure incorporates all the instructions on the subject issued till 1-1-1975. After the publication of this edition, the number of important instructions issued are only few in number. It would not, therefore, be difficult for Ministries/Departments to have an up-to-date compilation of the orders on the subject by having a copy of the 4th edition of the Brochure and copies of the subsequent instructions. Correction Slips/Addenda may not serve the purpose as full copies of the orders etc. are required for reference. Besides, the Correction Slips/Addenda may not reach all the persons using the Brochure. The Brochure itself will however be brought up-to-date at more or less regular intervals as suggested by the Committee, keeping in view also the demand for the copies of the same.

[Cabinet Secretariat (Department of Personnel & Administrative Reform) O.M. No. 36022/1/76-Estt. (SCT) dated 15th April 1976].

Recommendation (Sl. No. 35, Para 4.26)

The Committee also suggest that the Bureau of Public Enterprises should consider the feasibility of bringing out a similar Brochure embodying all the directives, orders and instructions issued by the Bureau/Ministries to the Public Sector Undertakings.

Reply of Government

The Bureau of Public Enterprises has noted the recommendation. The Bureau has brought out a brochure on reservations for Scheduled Castes and Scheduled Tribes in the services under the Public Enterprises with the object of bringing together the basic ingredients of the reservation scheme, so that it may serve as a reference guide to all the Public Sector officials concerned with personnel administration. Copies of the Brochure have been circulated to all the Public Sector Enterprises and the concerned Ministries/Departments, for information and guidance. The Bureau intends to bring out in future also the updated versions of the Brochure taking into account the instruction issued in this area from time to time.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt.(SCT) dated the
22nd July, 1976.]

CHAPTER III

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

Recommendation (Sl. No. 1, Para 1.8)

The Committee have perused the opinion of the Attorney General that provisions of Article 335 of the Constitution are directory and not mandatory. The Committee have also noted that following observations of Mr. Justice Subha Rao (as he then was) in *T. Devadasan Vs. Union of India* (1964) 4 SCR 680.

“Article 335 is a mandatory direction given to the State to take the claims of Scheduled Castes and Scheduled Tribes into consideration in the making of appointments to the said services and posts...while Article 335 is mandatory in character, Article 16(4) is directory and permissive. The State may or may not make such reservations for such Castes and Tribes, if it thinks that the implementation of Article 335 meets a given situation.”

In view of the nature and public importance of the question of law involved in this matter, the Committee recommend that the Government should request the President to refer to the Supreme Court the question whether the provisions of Article 335 of the Constitution are mandatory or directory for its consideration and opinion under Article 143 of the Constitution.

Reply of Government

The ambit and scope of Article 335 of the Constitution, was succinctly analysed by the Attorney General in para 10 of his opinion which was sought in January 1973 pursuant to a request made by the Commissioner for Scheduled Castes and Scheduled Tribes (Para 1.3 of the Report). The Attorney General observed as follows:—

“10. Article 335 is one of the facts of Article 46 which is a Directive Principle under Part IV. Under Article 37

Directive Principles are fundamental in the governance of the country," but are not enforceable by any court. The 'Claims' of the members of the Scheduled Castes and Scheduled Tribes incorporated in Article 335 arise from Article 46. The said expression 'claims' does not, in my view, incorporate any right of the members of the Scheduled Castes and Scheduled Tribes or any obligation on the part of the Union or a State enforceable by any court. As noted in paragraph 4 hereof, it has been decided by the Supreme Court that Article 16(4), has to be interpreted in the context of Article 335; and if, as the Supreme Court has also decided, Article 16(4) does not confer any constitutional right on a member of the Scheduled Castes and Scheduled Tribes, which are included in the expression 'backward class of citizens' in Article 16(4) or any constitutional obligation on the Union or a State, it is difficult to see how Article 335 can incorporate any constitutional right of a member of the Scheduled Castes and Scheduled Tribes or any constitutional obligation on the part of the Union or any State when Article 335 can only be implemented through Article 16(4). Further more, Article 335 has also to be read in context of Articles 338, 339, 340, 341 and 342. These Articles suggest that a great deal of investigation has to be done regarding *inter alia* the Welfare of Scheduled Castes and Scheduled Tribes, and, as such Article 335 cannot provide any specific norm or norms for appointments of the members of Scheduled Castes and Scheduled Tribes, to services and posts in connection with the affairs of the Union or a State, which can be enforceable by any court. Of course, it is the duty of the Union and the State under Article 335 to take into consideration the claims of the members of Scheduled Castes and Scheduled Tribes "in making of appointments to services and posts in connection with the affairs of the Union or of a State. But there are two overriding constitutional obligations on the Union and the States. The first is under Article 335 itself, namely, the maintenance of efficiency of administration, the second is under Article 16(4), namely the opinion of the State under Article 16(4) to the effect, *inter-alia* that members of the Scheduled Castes and Scheduled Tribes are not adequately represented in the services under the State. Thus, the provisions of Article 335 are, in my view, directory and not mandatory."

2. The above opinion of the Attorney General obtained in March, 1973, was based on the various relevant judgements of the Supreme Court. Recently, a Constitution bench of seven judges of the Supreme Court has had an opportunity to go through its earlier judgements in connection with the appeal of the Kerala Government (SC: 490 of 1976). Although this particular issue has not been specifically dealt with in the judgements, there are observations in the judgements severally delivered to the effect that Article 335 does not create any right in the members of Scheduled Castes and Scheduled Tribes which they might claim in the matter of appointment to services and posts. Government have been advised that this view of the Supreme Court in this regard is quite clear and that it would not be appropriate to make a reference to the Supreme Court therefore for the interpretation of the Article 335.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-EST (SCT) dated 14-12-76]

Comments of the Committee

The Committee do not agree with the views expressed by Government. They do not, however, desire to pursue the matter further at this Stage.

Recommendation (Sl. No. 2, Para 1.9)

The Committee have also noted that the words "consistently with the maintenance of efficiency of administration" in Article 335 of the Constitution are often quoted for not appointing Scheduled Caste and Scheduled Tribe candidates on the ground that they are not "suitable". As these words have often been abused by the appointing authorities for shutting out Scheduled Caste and Scheduled Tribe candidates from appointment to services under the Government the Committee are of the Opinion that Government should initiate legislation in Parliament for the deletion of these words from Article 335 of the Constitution. Government should also move for amendment of Articles 16(4) and 335 of the Constitution to make the reservation for Scheduled Castes and Scheduled Tribes mandatory in all appointments and services.

Reply of Government

The implication of deletion of the words 'consistently with the maintenance of efficiency of administration' from Article 335 would

be that persons belonging to Scheduled Castes and Scheduled Tribes should be appointed irrespective of any minimum standard of fitness.

Such a course would be impracticable but a provision for relaxation of standards already exist in favour of candidates belonging to the Scheduled Castes and Scheduled Tribes. Reservations have been made for Scheduled Castes and Scheduled Tribes in accordance with the provision of Articles 16(4) and 335 of the Constitution. Articles 16(4) and 335 read as follows:—

Article 16(4):

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

Article 335:

“The claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.”

This is an enabling provision and it has been the view that Article 335 is the instrument through which the provision in Article 16(4) could be fulfilled. Article 335 therefore helps rather than hinders, the intake of Scheduled Castes and Scheduled Tribes against vacancies reserved for them as while Article 16(4) only permits reservation to be made, Article 335 clearly requires the claims of members of Scheduled Castes and Scheduled Tribes to be taken into consideration in the making of appointments to services and posts in connection with the affairs of the Union or of a State, consistently with the maintenance of efficiency in administration. Accordingly, as stated above, provision for relaxing the standards has been made.

2. As regards the requirement of Article 335 of the Constitution of maintaining the efficiency of administration while making selection of Scheduled Castes and Scheduled Tribes, it is stated that efficiency is the fundamental attribute of any system of public administration. The basic objective of maintaining public services is to give an efficient administrator to the people and the country. It

is in furtherance of this objective that the constitutional body like the UPSC is charged with the responsibility of recruiting personnel to the higher posts in the Government. When such a body fixes any qualifying standards for recruitment to a post, they would certainly bring to bear their expertise and experience on the fixation of such standards, keeping in view also the constitutional provisions of Article 335. Under the existing instructions, 'Scheduled Castes and Scheduled Tribes candidate could be considered in terms of relaxed standards and be selected for appointment against reserved vacancies in posts/services provided they are not considered unfit for appointment to such a post/service. If a Scheduled Caste and Scheduled Tribe candidate is judged by a selecting body like the U.P.S.C. to be unfit for appointment to a post even after applying relaxed standards, it is clear that the appointment of such a candidate who doesn't qualify even by the relaxed standards is likely to result in impairment of efficiency.

3. Various concessions have been extended to candidates belonging to Scheduled Castes and Scheduled Tribes and these would clearly prove that it is not the intention of Government to use the provision of Article 335 in such a manner as to restrict the appointment of the candidates of Scheduled Caste and Scheduled Tribe while at the same time, not losing sight of the aspect of "efficiency of administration".

4. In view of the above position, deletion of the words "consistently with maintenance of efficiency of administration" from Article 335 of the Constitution is considered neither necessary nor desirable.

5. As regards the suggestion of the Committee that Government should move for amendment of Articles 16(4) and 335 of the Constitution to make the reservations for Scheduled Castes and Scheduled Tribes mandatory in all appointments and services, reservations have already been provided under the provisions of these Articles, in posts/services under Government which are filled by direct recruitment and by promotion. These reservations are required to be compulsorily followed by all the appointing authorities.

6. In view of the above position, amendment of Article 16(4) and 335 is considered neither necessary nor desirable.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Est (SCT) dated 14-12-76.]

Comments of the Committee

The Committee do not agree with the views expressed by Government they do not however, desire to pursue the matter further at this Stage.

Recommendation (Sl. No. 3, Para 1.10)

The Committee also feel that an authoritative interpretation of Article 335 of the Constitution is necessary on the aspect whether posts/vacancies in the Public, Sector Undertakings, autonomous bodies, etc. are covered by the expression "affairs of the Union or of a State" as used in that Article and, as such, provisions of that Article are automatically applicable to all such organisations.

Reply of Government

The matter has been examined. Government are advised that Article 335 of the constitution does not cover public sector undertakings, statutory bodies etc. The public sector undertakings, statutory bodies etc. are separate legal entities and Government orders regarding reservation for Scheduled Castes and Scheduled Tribes do not automatically extend to them. However, the effect of the provisions of Article 335 has already been achieved because Government have already accepted in principle that the public sector undertakings and statutory bodies etc. under the control of the Government should make reservations for Scheduled Castes and Scheduled Tribes on the lines of the reservations in the services under the Government. The Bureau of Public Enterprises has arranged to issue directives from Government to various public sector undertakings etc. in terms of the powers available under the Articles of Association or the relevant statute in respect of the undertaking. As regards autonomous bodies other than public sector undertakings also, since Government have control over them, implementation of the orders regarding reservations for Scheduled Castes and Scheduled Tribes in the services under them is ensured by issue of suitable instructions to them through the administrative Ministries concerned.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Est (SCT) dated 14-12-76.]

Recommendation (Sl. No. 8, Para 1.14)

The Committee also recommend that a law should be made whereby the reservation orders in favour of Scheduled Castes and

Scheduled Tribes would come into force in the public sector undertakings automatically from the date of establishment of a public sector undertaking or the date of issue of such an order by the Department of Personnel and Administrative Reforms, whichever is later.

Reply of Government

The point made by the Committee is presumably that as soon as a Public Enterprise is formed the scheme of reservation already in application in other Public Enterprises should be applied to the new enterprise also. For this purpose it is not necessary to make a law, as even the existing instructions of the Bureau of Public Enterprises to the administrative Ministries/Departments envisage that the instructions will apply to all the Public Enterprises including those set up after the issue of the said orders. However, Bureau of Public Enterprises are again advising the administrative Ministries/Departments, emphasising that the scheme of reservations already in application to other Public Enterprises, as contained in the directives/instructions issued to them, should also be applied to the new enterprises, as and when they are set up. For this purpose the Ministries/Departments will have to issue to the new enterprises as well, formal directives, as issued to the other Public Enterprises, without undue loss of time.

[Cabinet Secretariat (Department of Personnel and Administrative Reforms) O.M. No. 36022/1/76-Est, (SCT) dated 14-12-1976]

Recommendation (Sl. N. 11, Para 1.56)

The Committee are in principle opposed to any category of posts being exempted from the purview of reservations. The Committee, therefore, recommend that all exemptions from the rule of reservations for Scheduled Castes and Scheduled Tribes should be done away with.

Reply of Government

The reference in this recommendation is to the categories of posts shown as exempted from the purview of the reservation orders in App. I to the O.M. dated 28-1-1952 (Copy in the Brochure on Reservations for Scheduled Castes and Scheduled Tribes in services) in respect of the following offices:

1. President's Secretariat.
2. Prime Minister's Secretariat.

3. General (Personal) staff of Ministers).
4. Ministry of Finance (Department of Economic Affairs).
5. Ministry of Law.
6. Planning Commission.
7. Ministry of Defence.

Reference has also been made to the exemption of posts of Staff Artists falling in the category of specialists in the All India Radio and T.V

2. The posts enumerated under the President's Secretariat, Prime Minister's Secretariat and "General" are personal appointments to be made by the President, the Prime Minister and the Minister/Deputy Minister and there can be no question of reservation in these posts.

3. As regards the posts under the Ministry of Law, that Ministry has agreed that exemption in respect of the posts shown in the App. I to O.M. dated 28-1-1952 may be cancelled. In the case of Pandits, Maulvis and Paadris (school instructors) under the Ministry of Defence, the position is that the posts have since been combatised and there are very few civilian employees of these categories at the moment. Such civil cadres will fade out in course of time. As regards reservation in combatant forces, the Committee have made a separate recommendation in this regard. The Ministry of Defence has examined that recommendation and reply has been sent to the Parliamentary Committee separately.

4. As regards the posts under the Planning Commission, the Posts of Deputy Chairman and Members are of the status of Minister and those posts are thus not within the purview of the reservation orders. The post of Member Secretary, Research Programme Committee no longer exists. The posts of Private Secretaries etc. enumerated under the Planning Commission are personal appointments to be made by the Chairman, Deputy Chairman, Member or Minister and there cannot be reservation in those posts. The posts of Adviser, Chief of Division and Officer on Special Duty are generally filled by deputation.

5. As regards the posts under the Ministry of Finance (Department of Economic Affairs) that Ministry has stated that there are no posts of Gurkha Guards excepts seven Gurkha Policemen in the Mint. at Bombay but these are subject to reservation orders. They have therefore, agreed that exemption in respect of the posts of

Gurkha Guards in the Government of India Mints may be cancelled. As regards posts of Assistant Bullion Keepers in various Mints of Government of India, the Assistant Bullion Keepers are nominees of the Bullion Keepers and their duty is to assist the Bullion Keepers in the discharge of their special nature of duty and responsibility in the matter of custody and handling of Government treasure in the Mints. The Bullion Keepers who have to pay a heavy security Deposit are permitted to nominate persons in whom they have trust and confidence to be appointed as Assistant Bullion Keepers subject to nomination being approved by the Master of the Mint. For the same reasons such appointments have been permitted to be done without reference to the Employment Exchanges. In view of this position, the orders regarding reservations for Scheduled Castes and Scheduled Tribes cannot be applied to the posts of Assistant Bullion Keepers.

6. As regards posts of Staff Artists in the All India Radio, the Ministry of Information & Broadcasting have since examined the matter in the light of the recommendation of the Parliamentary Committee and it has been decided that the reservation orders will apply to all categories of Staff Artists' posts of All India Radio except those belonging to the categories of Musicians and Instrumentalists. It would not be possible to apply reservation orders in the categories of Musicians and Instrumentalists as they are highly specialised posts and a number of persons acquire this art as a family tradition.

7. With effect from the 23rd June, 1975, all 'scientific and technical' posts meant for research upto the level of the lowest grade of Class I (Group A) which were hitherto exempt, have been brought within the purview of the Scheme of reservation and they are now not exempt from the Scheme. Even in the case of 'scientific and technical' posts above the lowest of grade of class I (Group A), all such posts are not automatically exempt from the purview of the Scheme. Only those which are required for purposes of conducting research or for research guidance can be exempted from the purview of the reservation orders (except in the case of Department of Space, Department of Electronics and in regard to recruitment of trainees to the training school under the Department of Atomic Energy) and with the prior approval of the concerned Minister.

[Cabinet Secretariat (Department of Personnel and Administrative Reforms) O.M. No. 36022/1/76-Est, (SCT) dated 14-12-1976]

Comments of the Committee

Reply of Government is accepted subject to the recommendation/comments already made by the Committee in respect of various Ministries/Departments or to be made during their examination from time to time.

Recommendation (Sl. Nos. 28 and 29, Paras 4.10 and 4)

The Committee note that all appointing authorities are required to send annual statements regarding recruitment etc. of Scheduled Castes and Scheduled Tribes to the concerned Ministries/Departments and the Ministries/Departments are required in turn to send such statements to the Department of Personnel & Administrative Reforms. The Committee feel that the very purpose of submitting these annual statements will be defeated, if they are not submitted in time. The Committee would like the Department of Personnel and Administrative Reforms and the Bureau of Public Enterprises to ensure that these annual Statements are submitted by the appointing authorities to the concerned Ministries/Departments and by the concerned Ministries/Departments to the Department of Personnel and Administrative Reforms/Bureau of Public Enterprises strictly within the stipulated time limit. Failure to submit these statements in time should be regarded as a serious lapse on the part of the Head of the concerned Ministry/Department.

The Committee also suggest that these annual statements, on receipt by the concerned Ministries/Departments and the Department of Personnel and Administrative Reforms/Bureau of Public Enterprises should be critically examined and analysed and the deficiencies noticed should be pointed out to the appointing authorities/Ministries/Departments expeditiously, so that the appointing authorities and the concerned Ministries/Departments could take necessary corrective measures without any delay.

Reply of Government

The need for submission of the annual statements relating to representation of Scheduled Castes and Scheduled Tribes has been impressed upon the Ministries/Departments in the past in the various instructions issued by this Department from time to time. However, the recommendation of the Committee is again being brought to the notice of all Ministries/Departments with a request to ensure that the annual statements in Appendix 8 and 9 are submitted by the appointing authorities to the concerned Ministries/Departments and that the consolidated statements are sent by the concerned Ministries/Departments to the Department of Personnel

& Administrative Reforms strictly within the time-limit. The Ministries/Departments are also being asked to take steps to ensure that no appointing authority lags behind in this respect. Failure to submit the statements in time will be required to be brought to the notice of the Secretary/Additional Secretary or the Head of the Department as the case may be. It is expected that this will have a salutary effect in the subordinate authorities gearing up their machinery to fulfil this requirement. It would not, however, be appropriate to hold the Head of the concerned Ministry/Department personally responsible if the time limit has not been adhered to in any particular case as this may be due to certain unavoidable factors. Due to special efforts taken by the Department, the figures as on 1-1-75 have been received completely. Similar figures relating to 1-1-76 are due shortly from the Ministries who have been asked to devise special steps to wards the collection/consolidation of the figures.

As regards recommendation No. 29 annual statements submitted by the appointing authorities are required to be scrutinized by the Ministries/Departments. The duties of the Liaison Officer also include scrutiny and consolidation of the annual statements. However, this recommendation is also being brought to the notice of the Ministries/Departments with the request to ensure that the annual statements received by them from the appointing authorities under them are critically examined and analysed and the deficiencies noticed, if any, are pointed out to the appointing authorities expeditiously for rectification.

In so far as the Department of Personnel & Administrative Reforms is concerned as explained to the Committee during the course of evidence, the consolidated annual statements received from the various Ministries/Departments are scrutinized by the Department of Personnel & Administrative Reforms and discrepancies noticed from the compilation point of view are pointed out to the concerned Ministries/Departments for rectification. The consolidated statements are also made use of for general appreciation of the progress in the matter of representation of Scheduled Castes and Scheduled Tribes and for submission to the High Power Committee set up under the Chairmanship of the Prime Minister to review the progress in the representation of Scheduled Castes and Scheduled Tribes. If the general progress is not found satisfactory, it is examined whether and if so, what, further steps are required.

[Cabinet Secretariat, (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Est. (SCT) dated the 15th April, 1976.]

Reply of Government as furnished by the Bureau of Public Enterprises

So far as Public Enterprises are concerned, the directive circulated by the Bureau in February, 1971 clearly lays down the time limit for the submission of the Annual Reports. Para 5 of the directive lays down that as soon as after the first of January every year as possible and latest by thirty first of March each undertaking will send to the administrative Ministry with copies to the Bureau of Public Enterprises, the Cabinet Secretariat (Department of Personnel & Administrative Reforms) and the Cabinet Secretariat (Department of Cabinet Affairs) two statements, one showing the total number of posts and the number held by members of Scheduled Castes and Scheduled Tribes in each class (now Group) in that year; and another showing particulars of recruitment made in a calendar year and the number filled by Scheduled Castes and Scheduled Tribes candidates. Detailed programme for sending the statements mentioned above were also circulated, *vide* Appendix-VII and Appendix-VIII of the directive. The time limit is also mentioned in O.Ms addressed by the Bureau every year to Ministries/Departments concerned requesting them to obtain annual statements from the Public Enterprises under their administrative control.

However, the attention of the administrative Ministries/Departments and Public Enterprises has been drawn to the observations contained in the Recommendation. A copy of the O.M. No. BPE/GL-015/76 MAN (12/1/76-BPE (IC), dated the 15th April, 1976, issued by the Bureau of Public Enterprises in this regard is at Appendix IV.

As regards recommendation No. 29, apart from issue of formal directive to the public enterprises under their administrative control for securing adequate representation of Scheduled Castes and Scheduled Tribes, the Ministries/Departments have been enjoined that the annual statements of all public enterprises under their charge should be got consolidated and submitted to the Secretary of the Ministry/Department along with an appreciating report by the officer responsible for implementing the directive at the Ministries/Departments level in terms of BPE's O.M. No. 2(115)/68-BPE(GM) dated 24-9-1968. Ministry/Department will send to the Bureau two copies of the appreciation report to enable the latter to prepare a final report to be submitted to the Cabinet Secretariat.

In so far as Bureau is concerned, copies of annual statements received from the public enterprises are scrutinised and discrepan-

cies, if any, in the information furnished are referred to them for reconciliation/clarification. The statements are also made use of for general appreciation of the progress in the matter of representation of Scheduled Castes and Scheduled Tribes and for submission to the High Power Committee under the Chairmanship of the Prime Minister who review the progress in this regard. The overall position is also examined with a view to suggesting measures to improve the representation of Scheduled Castes and Scheduled Tribes in the services of public enterprises, particularly those in which the position in this regard continues to be unsatisfactory. In this context, it may be stated that in February, 1974, after a review of the position, as indicated above, the Finance Minister in letter No. 324-FM(G)/74 dated 4-2-1974 addressed to his Cabinet Colleagues concerned with Public Enterprises *inter-alia*, stressed the need to inculcate a sense of urgency in the enterprises so that during the fifth Five Year Plan at least the Chief Executives are able to ensure that there is a much fairer deal given to Scheduled Castes and Scheduled Tribes in the employment opportunities.

[Cabinet Secretariat, (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt(SCT) dated the 2nd September, 1976.]

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendation (Sl. No. 4, Para 1.20)

The Committee feel that if reservations for Scheduled Castes and Scheduled Tribes are to apply only to maintenance vacancies in a Cadre in Services and not to the total strength of a cadre, the due representation of Scheduled Castes and Scheduled Tribes in the Services will never be reached. The Committee recommend that the question of making reservations for Scheduled Castes and Scheduled Tribes on the total strength of a Cadre, instead of on the maintenance vacancies only, should be reconsidered by the Government with a view to do full justice to the claims of the members of these communities.

Reply of Government

Ever since reservations were provided for Scheduled Castes and Scheduled Tribes in services under Government in accordance with the provisions of Article 16(4) and 335 of the Constitution in 1950, such reservations are in terms of vacancies occurring in a year and not in terms of the total strength of a cadre or service. Even before the Constitution, reservations provided for certain minority communities and Scheduled Castes were with reference to vacancies only. The Supreme Court in the case of T. Devadasan Vs Union of India and another held (by a majority judgement) that reservations in excess of 50 per cent of the vacancies to be filled in a year would be unconstitutional. Although there was a dissenting judgement of Justice Subba Rao that reservations could be made on the total strength of a cadre, the Government have followed only the majority judgement in the aforesaid case, as is always the case. Reservations with reference to the cadre strength would mean that all the vacancies will have to be reserved for Scheduled Castes and Scheduled Tribes till their representation comes up to the prescribed percentages. This will however not be equitable as it will mean that almost a generation of young people belonging to general

communities will be completely barred from employment under Government and public sector, for some years. A similar situation could also arise for Scheduled Castes and Scheduled Tribes in future years in those cadres where their representation becomes full and no more reservations would then be permissible for them for some years. Further, Article 335 of the Constitution requires the important consideration of efficiency of administration to be taken into account while considering the claims of Scheduled Castes and Scheduled Tribes. Excessive reservation of vacancies in a year could also affect efficiency of administration, as the reserved vacancies are generally filled after relaxing the standards.

In view of the above position, it is considered that the present policy of Government of reserving a percentage of vacancies occurring every year for Scheduled Castes and Scheduled Tribes is not only equitable, but is also in the overall interest of the Administration. It is therefore, considered not necessary to review this policy so as to provide for reservation on the basis of total strength of a cadre. The percentage of fulfilment of the reserved vacancies is gradually improving and it is expected that in due course, sufficient number of candidates belonging to Scheduled Castes and Scheduled Tribes will become available to fill all the vacancies reserved from them in various categories.

[Cabinet Secretariat, Department of Personnel & Administrative Reforms O.M. No. 36022/1/76-Estt. (SCT) dated 14-12-1976]

Comments of the Committee

Please see Chapter I, para 1.3.

Recommendation (Sl. No. 5, para 1.21)

The Committee recommend that till such time as the representation of Scheduled Castes and Scheduled Tribes in the services reaches their due proportion to the total strength of each Cadre in the Services, the percentages of reservations for Scheduled Castes and Scheduled Tribes in the All India Services may be increased suitably and more *ad-hoc* recruitments resorted to clear the backlog.

Recommendation (Sl. No. 13, para 2.8)

The Committee desire the Government to formulate definite steps to fill the backlog of reserved vacancies in the Services of the

Government and of the Public Sector Undertakings in at the most two or three years. If necessary, all recruitment of general candidates may be stopped till the shortfalls in the employment of Scheduled Castes and Scheduled Tribes have been made good.

Reply of Government

Reservation has at present been provided at 15 per cent for Scheduled Castes and $7\frac{1}{2}$ per cent for Scheduled Tribes in direct recruitment on an All India Basis by open competition. In direct recruitment otherwise than by open competition, the reservation is at $16\frac{2}{3}$ per cent for Scheduled Castes and at $7\frac{1}{2}$ per cent for Scheduled Tribes. Till 1970, the percentages of reservation were $12\frac{1}{2}$ per cent for Scheduled Castes and 5 for Scheduled Tribes when they were raised to 15 and $7\frac{1}{2}$ respectively. The above percentages of reservation are mainly based on the proportion of population of Scheduled Castes and Scheduled Tribes in the country.

2. The Committee as suggested enhancement of these percentages of reservation and taking other special steps to clear the backlog including stopping of recruitment of general candidates till the backlog in respect of the quota for Scheduled Castes and Scheduled Tribes is made good. Although the representation of Scheduled Castes and Scheduled Tribes in the total strength of services is at present below 15 per cent and $7\frac{1}{2}$ per cent respectively (except in the case of Scheduled Castes in Class IV), the reservation cannot be made with reference to cadre strength but only with reference to number of vacancies filled annually. Reservations with reference to cadre strength would mean that all the vacancies will have to be reserved for Scheduled Castes and Scheduled Tribes till their representation comes upto the prescribed percentages. This will not be equitable because it will mean that almost a generation of the youth belonging to general communities will lose employment opportunities under Government and the public sector. Excessive reservation of vacancies will also not be conducive to the efficiency of administration. Besides, according to the Supreme Court judgement in the case of Devadasan Vs Union of India reservation in excess of 50 per cent of the vacancies would not be in keeping with the spirit of the provisions of Article 16 of the Constitution. Further, the present system of basing the percentages on the maintenance vacancies will help assure the intake of Scheduled Castes and Scheduled Tribes candidates on every occasion in a regulated manner.

3. In considering any proposal for enhancing the existing percentages of reservation which are applicable to vacancies arising from time to time, the important consideration of 'maintenance of efficiency of administration' enjoined by Article 335 of the Constitution cannot be ignored. Efficiency is a fundamental attribute of any public service. Generally, in a number of cases, it is possible to fill the quota for Scheduled Castes and Scheduled Tribes only by relaxing the standards. Enhancement of the reservation quota will reduce the intake of merited general class candidates in the services and this is likely in the long run to affect the efficiency of the services as a whole.

4. Any enhancement of the percentages of reservations for Scheduled Castes and Scheduled Tribes without taking into account the availability of qualified candidates belonging to these communities will also not be realistic. For many higher level posts, particularly those requiring technical, professional or specialised qualifications, the required number of qualified candidates belonging to Scheduled Castes and Scheduled Tribes are not available to fill all the vacancies reserved for them according to the existing percentages. Any *ad-hoc* increase in the percentages of reservation in such posts would not, therefore, improve the position and would only result in the need for more dereservations. However, as a result of several measures taken by Government over the last several years, in some services at least, candidates belonging to Scheduled Castes and Scheduled Tribes are now becoming available to fill all the reserved vacancies. For example, from 1964 onwards in I.A.S., I.P.S., as also in Class I and II Central Services to which recruitment is made on the basis of I.A.S. etc. examination, all the reserved vacancies have been filled by candidates belonging to these communities except in one or two examinations in which there has been a shortfall in regard to Scheduled Tribe with the present trend due representation of Scheduled Castes and Scheduled Tribes in such services, even with reference to the total strength of the services can be expected to be reached within a reasonable period of time.

5. Taking an overall view, therefore, it is not considered desirable to increase the percentages of reservation for Scheduled Castes and Scheduled Tribes. Several steps have been taken by Government with a view to bringing about a greater awareness on the part of the appointing authorities about the orders relating to reservations and to see that every effort is made to recruit Scheduled Castes and Scheduled Tribes to the full extent, according to the quota reserved

for them. A review of the result of the steps taken in this regard will be made by Government, from time to time.

[Cabinet Secretariat (Department of Personnel & A.R. O.M.
No. 36022/1/76-Estt.(SCT) dated 4th November, 1976].

Comments of the Committee

Please see Chapter I, para 1.6.

Recommendation (Sl. No. 6, para 1.33)

The Committee regret to note that the percentages of recruitment of Scheduled Castes and Scheduled Tribes in the Navy and Air Force are negligible and the position in regard to the recruitment of Scheduled Castes and Scheduled Tribes in the Officers' rank in all the Branches of the Defence Services is most unsatisfactory. The Committee have taken note of the executive instructions issued by the Ministry of Defence to all Recruiting Centres for preferential treatment to be given to Scheduled Castes and Scheduled Tribes in the recruitment of Defence Services. The Committee, however, feel that the percentages of recruitment of Scheduled Castes and Scheduled Tribes in the Defence Services are indicative of the fact, that the present methodology of recruitment followed by the Ministry of Defence has served little purpose and has not yielded the desired results. The Committee are convinced that unless reservations for Scheduled Castes and Scheduled Tribes are introduced in the Defence Services can be expected. Moreover, when the Constitution provides for reservations for Scheduled Castes and Scheduled Tribes 'in the making of appointments to services no perceptible improvement in the representation of SC & ST in those services and posts in connection with the affairs of the Union or of a State's there is no reason why the Defence Services should be excluded from the purview of those reservations. The Committee, therefore, recommend that reservations for Scheduled Castes and Scheduled Tribes should be introduced in the Defence Services forthwith. The Committee feel that it was really unfortunate that the Defence Services were so far excluded from the purview of reservations for Scheduled Castes and Scheduled Tribes contrary to the letter and spirit of the Constitution.

Reply of Government

The Ministry of Defence to whom the recommendation relates have stated as follows:—

“This Ministry fully shares the concern of the Parliamentary Committee on the Welfare of Scheduled Castes and Sche-

duled Tribes to encourage recruitment of Scheduled Caste and Scheduled Tribes to the Armed Forces. However, on account of the special features of the Defence Services, the methodology adopted is somewhat different, as it is considered that the objective can be effectively achieved by executive instructions and other suitable measures. These executive instructions provide that everything being equal, subject of course to fulfilment of the prescribed conditions, definite preference will be given to Scheduled Castes and Scheduled Tribes. In addition, special efforts are made to send Recruiting Parties to interior|remote areas populated by Scheduled Castes and Scheduled Tribes which were generally not visited by the Recruiting Parties earlier.

Variations in the prescribed physical standards have also been provided to cater for ethnological peculiarities of various classes. In this way the aim of providing adequate representation in the Services, to members of Scheduled Castes and Scheduled Tribes, has already been achieved, without recourse to percentage reservations.

2. Moreover, this system has the additional advantage of not creating a feeling that is bound to arise in recruitment on a "reserved-vacancy-basis", that individuals thus recruited are different. This feeling will not be a healthy one for service in the Armed Forces.

3. In so far as the Navy and the Air Force are concerned, all selections are on the basis of merit and no consideration is given to factors such as class, creed, tribe or religion. Recruitment of Scheduled Castes and Scheduled Tribes in the Navy and Air Force is, therefore, slightly on the lower side comparatively speaking; but these Services too give preference to Scheduled Castes and Scheduled Tribes, other things being equal, in accordance with the existing general instructions to that effect.

4. In so far as intake to the Officers' Cadre is concerned, recruitment is made through the UPSC. There are certain criteria; there is also a qualifying examination. Those who pass the examination, are subject to a series of scientific tests. These are to judge their qualities which are essential for services in the Defence Forces. The impression that we have gained from the scientific teams concerned with recruitment has even been, that the Scheduled Castes and Scheduled Tribes candidates have fared better than some of the candidates from other classes.

5. The following further comments are offered on the recommendations of the Committee:—

- (i) If, at present, the recruitment of Scheduled Castes and Scheduled Tribes to the Armed Forces does not come up to the 'reservation-percentage-level' obtaining under orders on the civil side, it is because of non-availability, in the requisite numbers, of candidates belonging to these communities who are suitable in all respect for recruitment to the Armed Forces.

No candidate belonging to the Scheduled Castes and Scheduled Tribes who is suitable in all respect, is refused recruitment provided he fulfils all the minimum prescribed educational and physical standards, unless there is no vacancy—in fact, as already stated above, other thing being equal and subject to the above proviso, he is preferred to any other eligible qualified candidate. As there is no upper percentage limit for intake into the Armed Forces, of candidates belonging to Scheduled Castes|Scheduled Tribes, it is in fact, happening that in some of the categories especially at the lowest rank, nearly 90 per cent of the selected candidates belong to these communities. It will thus be seen that members of Scheduled Castes|Scheduled Tribes are given the best possible opportunity of entering into the Armed Forces, subject only to the minimum prescribed physical and educational standards being fulfilled.

- (ii) The issue of formal orders, as on civil side, reserving certain percentages of vacancies in the various categories, for recruitment of Scheduled Castes and Scheduled Tribes candidates alone, in the Armed Forces, may have the following undesirable effects:—

- (a) In those categories in which at present the recruitment from these communities is very high (nearly 90 per cent), it is likely to be restricted to the percentage reservation; and
- (b) the existing shortage position in the Army although not in itself acute, will be somewhat aggravated, due to non-availability of candidates belonging to these communities, who are suitable in all respects for entry to the Armed Forces, in the requisite numbers, with the

result that these reserved unfilled vacancies have to be left unfilled for a considerable period, as on the civil side.

6. In view of the position stated above, it has been decided at the level of the Raksha Mantri, that in this matter of making reservations in favour of Scheduled Castes and Scheduled Tribes for recruitment to the Armed Forces both in the ranks as well as in the Officers' cadre and for promotions, the *status quo* should be maintained. The existing preference for members of Scheduled Castes| Scheduled Tribes and the facilities and concessions for encouragement of their recruitment into the Armed Forces, are considered by the Raksha Mantri to be sufficient and adequate for achieving the same objective as by making percentage reservations in their favour.

7. A copy of a statement laid on the Table of the House in reply to parts (b) and (c) relating to Unstarred Question No. 4043 answered on 21-3-1974 in the Lok Sabha detailing the measures for giving preferential treatment for recruitment to the officers' cadre as well as to the ranks, in the Armed Forces for members of the Scheduled Castes and Scheduled Tribes, is also enclosed for information (see Appendix V).

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt.(SCT) Dated the 22nd July, 1976]

Comments of the Committee

Please see Chapter I, para 1.9.

Recommendation (Sl. No. 7, para 1.43)

The Committee feel that reservation orders in favour of Scheduled Castes and Scheduled Tribes issued by the Cabinet Secretariat (Department of Personnel and Administrative Reforms) in respect of posts|services under the Government of India, should be made applicable in the case of posts|services under all the public sector undertakings from the date of their issuance. For this purpose, the reservation orders and the formal Directive through the Bureau of Public Enterprises should be issued simultaneously by the Department of Personnel and Administrative Reforms and the Ministries concerned. In case, however, there is some delay in the issuance of a Directive to the public undertakings by the concerned Ministries, the Committee suggest that reservation orders in favour of Scheduled Castes and Scheduled Tribes should be made applicable in

the public sector undertakings with retrospective effect, *i.e.* from the date of their issue by the Department of Personnel and Administrative Reforms.

Reply of Government

Public Undertakings are separate legal entities even though Government has control over them. Legally, therefore, Department of Personnel and Administrative Reforms will not be in a position to issue an order which would automatically apply to the Public Undertakings. The orders in question will have to be suitably adopted to the needs of the Public Undertakings and then adopted by them. This process is at present, being followed by the issue of a Presidential directive formulated by the Bureau of Public Enterprises and issued to the Undertakings through the administrative Ministries concerned. Naturally, there is some time-lag between the date of effect of the orders issued by the Department of Personnel & A.R. and the date from which the presidential directive takes effect in the case of the Public Undertakings. If the orders are to be made simultaneously effective upon the Public Undertakings also, it would be necessary for the Department of Personnel and Administrative Reforms to consult the Bureau of Public Enterprises before the orders are issued and the Bureau of Public Enterprises may, in turn, have to undertake their own consultations with the administrative Ministries and the Public Undertakings before concurring in the application of the orders to the Public Undertakings. This would inevitably mean a certain amount of delay in the issue of the orders so far as Government Departments are concerned. Obviously, such a delay will not be desirable. Giving retrospective effect to the orders in the Public Undertakings may not always be feasible. In the circumstances, the Bureau of Public Enterprises will take such steps as may be possible to ensure that the orders issued by the Department of Personnel & A.R. are suitably adopted to the needs of the Public Undertakings and followed by them with as much expedition as possible.

[Cabinet Secretariat (Department of Personnel & A.R.)
O.M. No. 36022/1/76-Est.(SCT) dated 14-12-1976]

Comments of the Committee

Please see Chapter I, para 1.12.

Recommendation (Sl. No. 9, para 1.48)

The Committee need hardly point out that employment potential under the private sector is immense and there is a vast scope for absorption of Scheduled Castes and Scheduled Tribes therein. Even

though Government had requested the Employers' Organisations to take up with their constituents the question of stepping up the employment of Scheduled Castes and Scheduled Tribes there has been no response from them worth the name. Since the private sector employers have not performed the duty expected from them in this regard, the Committee recommend that Government should compel the private sector employers by law to follow the reservations for Scheduled Castes and Scheduled Tribes in all cases where the Government give them assistance in any form, including grant of loans, land, licences or other facilities.

Reply of Government

The question whether private sector establishments should also be compelled to reserve adequate share of their employment to Scheduled Castes and Scheduled Tribes was discussed by the High Power Committee to review representation of Scheduled Castes and Scheduled Tribes in its meeting held under the Chairmanship of the Prime Minister held in April, 1974. The Committee observed that at the present stage, any statutory or other measures for reserving a percentage of posts in the private sector for the members of Scheduled Castes and Scheduled Tribes would not be appropriate and that the trade organisations might continue to be persuaded to take steps to ensure that share of employment was given to Scheduled Castes and Scheduled Tribes. Accordingly, the Ministry of Industrial Development had addressed the Employers' Organisations on 17th June, 1974, requesting them to take up this matter once again with their constituents.

2. The Ministry of Industrial Development who are primarily concerned with the subject of reservations in private sector establishments and to whom the present recommendation of the Committee was forwarded have stated that the matter has been considered at length in that Ministry and in their view, it would only be appropriate to issue an appeal to industrial undertakings and not any order or instruction. That Ministry have issued another appeal on 27-12-1975 to all Industrial undertakings through Directors of Industries, technical authorities and their Chambers of Commerce and Industries to take this in the true spirit and to make all possible efforts to step up considerably the employment of the members of Scheduled Castes and Scheduled Tribes in industrial and commercial undertakings, *vide* their letter No. 16(16)/LP/74, dated the 27-12-1975 (see Appendix VI). As may be seen, this appeal brings out the need for the private organisations to fulfil this obligation to the backward people. Alongwith this, a copy of the instructions

relating to the requirement for the observance of the principles of reservations by voluntary organisations/agencies receiving grants-in-aid from Government has also been circulated to the private organisations.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/176-Estt (SCT) dated 15th April, 1976]

Comments of the Committee

Please see Chapter I, para 1.15.

Recommendation (Sl. No. 10, para 1.55)

The Committee note that reservations in favour of Scheduled Castes and Scheduled Tribes have since been provided in respect of appointments for Class II posts and to the lowest grade of Class I posts in Scientific and Technical services meant for research. However as pointed out by the Committee in their Twenty-fifth Report (Fifth Lok Sabha), the Committee are of the opinion that time has come when the qualified Scheduled Caste and Scheduled Tribe candidates should not be deprived of their due right of reservation in services on the plea of 'Scientific and Technical posts'. The Committee would, therefore, like the Government to examine their policy or predilection of exempting certain posts from the reservation orders on the plea of "Scientific and Technical posts". In all Scientific or Technical posts, including all those in Class I, there should be reservation for Scheduled Castes and Scheduled Tribes in Services.

Reply of Government

Prior to 23rd June, 1975, gazetted "Scientific and Technical posts meant for research" could be exempted from the purview of the reservation orders by the Ministries themselves if they fulfilled the conditions laid down for exemption. If for any non-gazetted scientific and technical post for research, such exemption was considered necessary the Ministry concerned had to consult the Department of Personnel and Administrative Reforms with effect from 23rd June, 1975, all scientific and technical posts meant for research upto the lowest grade of Class I which were hitherto exempt, have been brought within the purview of the scheme of reservations and they cannot now be exempt from the scheme. Even in the case of scientific and technical posts above the lowest grade of all such posts are not automatically exempt from the purview of the reservation scheme; only those posts which are Scientific and Technical above the level of the lowest rung of Class I and which are required for

purposes of conducting research or for research guidance can be exempted from the purview of the reservation orders (except in the case of Department of Space, Department of Electronics and in regard to recruitment of trainees to the Training School under the Department of Atomic Energy). The Ministries/Departments can decide the categories of posts which are to be exempt, if the necessary criteria are fulfilled. Prior approval of the concerned Minister has to be obtained by them before exempting such posts.

2. The consideration governing the exemption of such higher posts is that as they are needed for doing research or for giving research guidance, Government would need the best men available for these posts and they should not be satisfied merely with appointing a person who just fulfils the minimum qualifications prescribed for it and there should not be any fetter upon selecting the best available personnel. For such posts, it is desirable to look for men with the highest talents and accomplishments.

It is therefore not considered necessary to further review the orders issued on 23rd June, 1975 in this regard.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt. (SCT) dated 15th April, 1976]

Comments of the Committee

Please see Chapter I, para 1.18.

Recommendation (Sl. No. 12, para 2.7)

The Committee are distressed to find the insignificant representation of Scheduled Castes and Scheduled Tribes in Class I and Class II Services of the Government as well as of the Public Sector Undertakings. The Committee also regret to note that even in Class III, the representation of Scheduled Castes and Scheduled Tribes is much below the quota reserved for them. The under-representation of the Scheduled Castes and Scheduled Tribes persists in Class IV also. Considering these heavy shortfalls, the Committee cannot but conclude that orders on the subject are neither being followed in letter and spirit by the appointing authorities nor is adequate attention being paid to improve the situation. The Committee would like the Department of Personnel and Administrative Reforms and the Bureau of Public Enterprises to take immediate corrective steps to ensure that all the vacancies reserved for Scheduled Castes and Scheduled Tribes are actually filled in by the candidates from these

communities. In this connection, the Committee suggest that responsibility should be fixed and disciplinary action taken against those Officers who, due to negligence or otherwise, fail to implement the reservation orders in favour of Scheduled Castes and Scheduled Tribes *in toto*.

Recommendation (Sl. No. 14, para 2.9)

The Committee have not only received complaints but have themselves seen on their visits to various offices and Organisations during their tours that Rosters are neither being maintained properly nor checked regularly especially in the Public Sector Undertakings. The Committee need hardly emphasise the desirability of proper maintenance of Rosters and their checking by the prescribed authorities at regular intervals as per extant orders on the subject. The Committee feel that there is a real need for educating the Liaison Officers about the maintenance and inspection of Rosters. Guidelines should be planned and laid down for the benefit of those who are to operate the rosters. Disciplinary action should be taken against the defaulters in this respect.

Reply of Government

As regards the Committee's suggestion about corrective steps to make up the shortfall, the various steps taken with a view to increasing the intake of Scheduled Castes and Scheduled Tribes against vacancies reserved for them and with a view to achieving adequate representation within a minimum period have been detailed in the note furnished to the Committee earlier *vide* paras 2.1 to 2.4 of the Report. Liaison Officers have been nominated in all Ministries/Departments and offices under the Heads of Departments whose duty is to ensure strict implementation of the orders regarding reservation for Scheduled Castes and Scheduled Tribes by all the appointing authorities concerned. Prior approval of the Department of Personnel & Administrative Reforms is required to be obtained by the appointing authorities whenever it becomes necessary to dereserve a reserved vacancy included in the roster for permanent and long term temporary appointments due to non-availability of suitable candidates belonging to Scheduled Castes and Scheduled Tribes. A copy of the proposal for dereservation is also required to be sent by the Ministry/Department concerned to the Commissioner for Scheduled Castes and Scheduled Tribes. The comments of the Commissioner for Scheduled Castes and Scheduled Tribes on the proposals for dereservation are duly taken into account before the dereservation is agreed to by this Department.

Instructions have also been issued in this Department's OM No. 16/27/74-Estt(SCT) dated 12-11-1975 that each proposal for dereservation should contain a note to the effect that the proposal for dereservation has been made with full knowledge and concurrence of the Liaison Officer concerned. These steps are meant to ensure that vacancies reserved for Scheduled Castes and Scheduled Tribes are filled by candidates belonging to these communities only and such vacancies are not filled by general candidates unless such a course becomes inevitable due to non-availability of suitable candidates belonging to Scheduled Castes and Scheduled Tribes. The Committee's observations are, however, being brought to the notice of the Ministries/Departments.

2. The Bureau of Public Enterprises have also taken several steps with a view to bringing about improvement in the representation of Scheduled Castes and Scheduled Tribes in the services under the public sector undertakings. Details of these steps furnished by the Bureau of Public Enterprises are given in the Appendix VII.

3. As regards proper maintenance of rosters and their checking by the prescribed authorities at regular intervals, the detailed procedure for maintaining rosters has been explained in a separate chapter (Chapter IV) in the Brochure on Reservations for Scheduled Castes and Scheduled Tribes. The form of the roster, detailed instructions for maintenance of rosters and hypothetical illustration showing how the roster should be maintained are given in Appendices 4, 5 and 6 respectively of the Brochure. One of the duties of the Liaison Officer is to conduct annual inspection of the rosters. A proforma for inspection of rosters has also been prescribed *vide* Appendix 7 of the Brochure. However, the recommendations of the Committee is being brought to the notice of the Ministries/Departments inviting their attention to the above mentioned procedures and requirements and enjoining upon them the need to ensure proper maintenance of rosters by all the appointing authorities and their checking by the Liaison Officers annually. Ministries/Departments are also being asked to intimate to this Department difficulties and doubts, if any, experienced by the authorities operating the rosters or by the Liaison Officers in this regard so that further guidelines could be framed on the specific points.

As regards Public Sector Undertakings, the Bureau of Public Enterprises have issued necessary instructions with reference to the Recommendation No. 14 *vide* their O.M. No. BPE/GL-021/76 MAN(12/1/76-BPE-IC) dated 2nd June, 1976. (See Appendix VIII).

3.1. As regards the Committee's suggestion in recommendation No. 12 that responsibility should be fixed and disciplinary action taken against those officers who due to negligence or otherwise, fail to implement the reservation orders in favour of Scheduled Castes and Scheduled Tribes in toto and that contained in recommendation No. 14 that disciplinary action should be taken against defaulters in the matter of following the instructions about proper maintenance and checking of rosters, it is stated that instructions relating to all matters issued by the Government are required to be strictly observed by the officers concerned. Non-observance of the instructions of Government including those relating to representation of Scheduled Castes and Scheduled Tribes could be dealt with by the appropriate authorities suitably. There would, therefore, be no need to make any specific provision of enabling the authorities concerned to take disciplinary action against the defaulting officers. Besides, according to the instructions contained in this Department's O.M. No. 27/2/71-Estt(SCT) dated 24-3-1972, cases of negligence or lapses in the matter of following the reservations and other orders relating to representation of Scheduled Castes and Scheduled Tribes coming to light through the inspections carried out by the Liaison Officers or otherwise are to be submitted to the Secretary/Additional Secretary to the Government in the respective Ministries/Departments and to the Head of Department in respect of offices under a Head of Department and necessary action taken as directed by the Secretary/Additional Secretary/Head of the Department on such reports to ensure strict compliance of the orders, by the appointing authority concerned. Further, at the instance of the Commissioner for Scheduled Castes and Scheduled Tribes, the matter was considered by the High Power Committee set up under the Chairmanship of the Prime Minister to review the representation of Scheduled Castes and Scheduled Tribes in the services, at its meeting held on the 9th April, 1974, when the Committee observed that while there was no need to issue further instructions in this regard, any glaring instances of discrimination or deliberate infraction of the orders relating to reservations and concessions in favour of Scheduled Castes and Scheduled Tribes employees in any office/establishment could be brought to the notice of the appropriate authorities for suitable action. These observations of the High Power Committee have been brought to the notice of the Ministries/Departments for appropriate action vide this Department's O.M. No. 36011/5/75-Estt (SCT) dated 3-5-1975.

3.2. Nevertheless, the above recommendation of the Committee and the instructions of this Department referred to above are being

brought to the notice of all the Ministries/Departments etc. and of the various authorities.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt (SCT) dated the 22nd July, 1976]

Comments of the Committee

Please see Chapter I, para 1.24.

Recommendation (Sl. No. 16, para 2.17)

The Committee need hardly emphasise the desirability of including a Scheduled Caste/Scheduled Tribes Officer in Selection Boards and Departmental Promotion Committees. If a Scheduled Caste/Scheduled Tribe Officer is not available in a particular Ministry/Department/Public Sector Undertaking, a Scheduled Caste/Tribe Officer from another Ministry/Department or a like Public Sector Undertaking should be associated with Selection Boards and Departmental Promotion Committees. The Department of Personnel & Administrative Reforms/Bureau of Public Enterprises should prepare a list of Scheduled Caste/Tribe Officers from which list the Ministry/Department/Public Undertaking could draw a Scheduled Caste/Tribe Officer for association with their Selection Boards/Departmental Promotion Committees in case of need.

Reply of Government

The recommendation of the Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes in their 4th Report (4th Lok Sabha) that a Scheduled Caste/Scheduled Tribe member should be included in each Selection Board and Departmental Promotion Committee were brought to the notice of the Ministries/Departments in O.M. dated 2-9-1970 and they were requested to keep those recommendations in view as far as possible while nominating officers on the Selection Boards and Departmental Promotion Committees etc. Subsequently, after considering the recommendation contained in the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for 1970-71, the Ministries/Departments have been informed in O.M. dated 8-4-1974 that since one of the members of the Departmental Promotion Committee for Class III and IV posts is required to be an officer from another Ministry/Department,

they could nominate to the extent possible, a Scheduled Caste/Tribe Officer from such other Ministry/Department if a Scheduled Caste/Tribe Officer is not available in the Ministry/Department itself. The attention of the Ministries/Departments has been drawn to the instructions in the O.M. dated 2-9-1970 again and they have been requested in O.M. dated 23rd May, 1975, that they should endeavour to nominate to the maximum extent possible, a Scheduled Caste/Tribe Officer on the Selection Boards and Departmental Promotion Committees constituted for various posts/services under them and particularly where a Selection Board or Departmental Promotion Committee has to make bulk selections for a large number of vacancies, say for 30 or more at a time, no effort should be spared in finding a Scheduled Caste/Tribe Officer for inclusion in the Selection Board/Departmental Promotion Committee. Thus the orders issued already enable a Ministry/Department etc. to include a Scheduled Caste/Tribe Officer from another Ministry/Department, on the D.P.C. for Class III and IV posts where necessary. However, it would not be possible to provide that for all Selection Boards and D.P.Cs where a Scheduled Caste/Tribe Officer is not available in the Ministry/Department, an Officer belonging to Scheduled Caste/Tribe from another Ministry/Department should be associated with the Selection Board/D.P.C. because in that case the available Scheduled Caste/Tribe Officers in Class I and II (generally only Class I and II officers could be nominated on Selection Boards /D.P.Cs) would have to serve on numerous D.P.Cs and Selection Boards. As on 1st January, 1975, there were about 4 per cent Scheduled Castes and Scheduled Tribes Officers in Class I and 5.5 per cent Scheduled Caste and Scheduled Tribe Officers in Class II posts in the services under the Government of India. Apart from the fact that these Scheduled Caste and Scheduled Tribe officers may not be evenly located in all the places where Central Government Officers are located, their number will also not be adequate to cater to all the Selection Boards and D.P.Cs. It will be physically impracticable for them to be available for nomination in the numerous Selection Boards under the various appointing authorities. As regards the D.P.Cs for selection to higher level posts, it will be almost difficult to find always an officer of an appropriately high level belonging to Scheduled Caste/Tribe for being associated with the D.P.C.

The suggestion that the Department of Personnel and A.R. should prepare a list of Scheduled Caste/Tribe Officers from which the Ministries/Departments could draw such officers for their Selection Board/D.P.Cs, has also been considered. Since the posting of officers changes from time to time to suit the administrative needs

of public service and since Selection Boards and Departmental Promotion Committees have to be formed generally by associating with them officers available locally, it would not be practicable to have a central list in the Department of Personnel & Administrative Reforms for this purpose.

[Cabinet Secretariat (Department of Personnel and Administrative Reforms) O.M. No. 36022/1/76-Estt. (SCT) dated 15th April, 1976]

Supplementary reply of Government as furnished by the Bureau of Public Enterprises regarding the Public Sector Undertakings.

In so far as Public Enterprises are concerned, Government accept the recommendation of the Committee. As suggested by the Committee, the Bureau of Public Enterprises is taking necessary action for drawing up a list of suitable Scheduled Caste/Scheduled Tribes Officers from Public Enterprises from which Public Enterprises could draw SC/ST Officers for association with their Selection Boards/Departmental Promotion Committees in case of need.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt. (SCT) dated 14-12-76]

Comments of the Committee

Please see Chapter I, para 1.27.

Recommendation (Sl. No. 18, para 2.25)

The Committee are distressed to find that a large number of vacancies have been dereserved in Central Government Services during the year 1971, 1972 and 1973 depriving employment to many a Scheduled Castes and Scheduled Tribes. The Committee are unable to accept that even for Class IV vacancies, Scheduled Caste/Tribe candidates are not available. The Committee apprehend that neither the strict compliance of the extent orders on the subject has been ensured nor earnest efforts have been made to appoint Scheduled Caste and Scheduled Tribe candidates only against reserved vacancies. The Committee are firmly of the opinion that vacancies reserved for Scheduled Castes and Scheduled Tribes, especially in Class III and Class IV should in no case be dereserved. Even for dereservation of vacancies in the case of Class I and Class II, the extent orders on the subject should be made more stringent so that

dereservation could only be resorted to when such a course becomes inescapable.

Reply of Government

An analysis on the dereservations made in the various Ministries/Department of the Government of India during the years 1971, 1972 and 1973 and the reasons necessitating such dereservation has already been furnished to the Committee *vide* para 2.21 to 2.23 in the Report. As would be seen there from, dereservation of reserved vacancies was resorted to in certain posts in Class I, II, III and to a very small extent in Class IV as sufficient number of Scheduled Castes/Scheduled Tribes candidates were not available for these posts filled through UPSC or through Employment Exchange. Moreover, a large number of dereservations related to vacancies filled by promotion or by confirmation of temporary employees. In the case of vacancies filled by promotion, where sufficient number of Scheduled Castes/Scheduled Tribes candidates eligible for promotion are not available in the concerned feeder grades, the reserved vacancies have necessarily to be dereserved. Similarly, in the case of confirmation of temporary employees, dereservation has to be resorted to where sufficient number of Scheduled Castes/Scheduled Tribes candidates eligible for confirmation were not available. As regards Class IV posts, the number of dereservations in the case of Scheduled Castes during the years 1971, 1972 and 1973 in the offices under the Central Government was 10, 6 and 11 respectively. The number of dereservations in the case of Scheduled Tribes during these years was 7, 24 and 22 respectively. The 10 dereservations in the case of Scheduled Castes during 1971 related to the posts of Constables/Syees in the Leh Set up of the Intelligence Bureau. Candidates were not available for working against these posts in the difficult terrain. The six dereservations in the case of Scheduled Castes during 1972 related to skilled jobs of Cable Jointer/Assistant Wireman and Lineman. Out of the 11 dereservations in the case of Scheduled Castes during 1973, one related to a vacancy filled by promotion in the post of Daftry and 10 related to vacancies filled by confirmation in the posts of Chowkidars/Sweeper. Candidates belonging to Scheduled Castes were not available in the grades concern for promotion/confirmation. As regards Scheduled Tribes, the dereservations in the Class IV posts related to vacancies filled by direct recruitment, promotion and confirmation which include posts of Polisher, Net Mender, Cable Jointer, Fireman etc. requiring some technical knowledge/skill.

2. Dereservation only means that during the particular year, the appointing authorities can fill up the reserved vacancies by general

community candidates. After such dereservation, the reservations do not lapse. The reservations are carried forward for adjustment to subsequent three recruitment years, and efforts have to be continued to recruit Scheduled Castes/Scheduled Tribes candidates against the carried forward reservations. It is only when Scheduled Castes/Scheduled Tribes candidates are not available during the initial year as well as in the subsequent three years of carry forward that the reservations lapse. In the last year of carry-forward, vacancies reserved for Scheduled Tribes can be filled by Scheduled Castes and *vice-versa* if the candidates of the particular reserved community are not available. Thus dereservation do not imply that the reservations are totally lost.

3. Since sufficient number of Scheduled Castes/Scheduled Tribes candidates are not available even for certain posts in Class III and IV, particularly those requiring technical, special or professional skill or qualifications it would not be feasible to stop "dereservations" totally. Instructions already exist that Ministries/Departments should ensure that before a proposal is made to this Department for dereservation, all the steps prescribed to secure Scheduled Castes/Scheduled Tribes candidates against reserved vacancies are invariably taken and fully followed by the appointing authority concerned and the claims of eligible candidates belonging to these communities are duly considered and that dereservation is proposed only when such a course becomes inevitable due to non-availability of Scheduled Castes/Scheduled Tribes candidates [O.M. No. 16/2/74-Estt. (SCT) dated 8-5-1974]. In order to have a further check on cases of dereservations, instructions have been issued in this Department's O.M. No. 16/27/74-Estt (SCT) dated 12-11-1975 (*See Appendix IX*) that before a proposal for dereservation is sent to this Department, a Note should be recorded to the effect that the proposal is being made with the full knowledge and concurrence of the Liaison Officer concerned.

4. The present recommendation of the Committee is, however, being brought to the notice of the Ministries/Departments inviting their attention to the existing orders on the subject, and enjoining upon them that they should ensure that dereservation is proposed only when such a course becomes inescapable due to non-availability of Scheduled Castes/Scheduled Tribes candidates after taking all the prescribed steps and after applying the relaxed standards in their favour.

[Cabinet Secretariat (Department of Personnel and Administrative Reforms) O.M. No. 36022/1/76-Estt (SCT) dated the 22nd July, 1976]

Comments of the Committee

Please see Chapter I, para 1.34

Recommendation (Sl. No. 19, para 2.26)

In view of the large number of dereservations of the reserved vacancies in the Central Government services during the past years, the Committee feel that the machinery available in the Department of Personnel and Administrative Reforms to examine each and every proposal for dereservation on merits is neither adequate nor satisfactory. The Committee are of the view that there should be an independent agency to examine the justification or otherwise of the proposals of dereservation of vacancies instead of one of the Departments of the Government doing so. The Committee recommend that a permanent quasi Judicial Tribunal should be constituted to examine all proposals for dereservation of vacancies in the Central Government Services with full powers to send for the relevant papers and records. The decision of this Tribunal should be binding on all the concerned parties. A similar Tribunal should also be set up for examination of the proposals of dereservations of vacancies in the various public sector undertakings.

Reply of Government

Strict procedure has been prescribed for dereservation of reserved vacancies. Each proposal for dereservation is thoroughly scrutinised in the Department of Personnel and Administrative Reforms with a view to seeing whether dereservation is justified. A copy of the proposal for dereservation of reserved vacancies is required to be endorsed by the Administrative Ministry/Department concerned to the Commissioner for Scheduled Castes and Scheduled Tribes. The comments of the Commissioner for Scheduled Castes and Scheduled Tribes, if any received on such proposal, are also taken into account by the Department of Personnel & Administrative Reforms before taking a decision on the proposal for dereservation of reserved vacancies. In the case of posts filled by direct recruitment, it has to be ensured that all the steps prescribed such as notifying vacancies to the Employment Exchange, advertising vacancies in Newspapers and intimating them to the recognised associations of Scheduled Castes and Scheduled Tribes, the double advertisements through UPSC etc. have been fully observed. In the case of posts filled by promotion, it has to be ensured that eligible Scheduled Castes/Scheduled Tribes candidates in the feeder grade are not available or if there are eligible candidates, their claims have been duly considered.

An examination of the proposals for dereservation on the basis of relevant details could thus be appropriately done by an officials machinery, and there would be no scope for an enquiry or examination by a quasi Judicial Tribunal. In view of this position, Government considered that there is no need to constitute a quasi Judicial Tribunal for examining the proposals for dereservation. The pro-formae for applying for dereservation of reserved vacancies have been recently revised and made more elaborate with a view to eliciting from the Departments all the information which may be required in connection with the examination of the proposal.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt. (SCT)
Dated the 22nd July, 1976]

Comments of the Committee

Please see Chapter I, para 1.34.

Recommendation (Sl. No. 20, para 2.31)

The Committee feel that ordinarily vacancies reserved for Scheduled Castes and Scheduled Tribes should be filled in by the candidates belonging to the respective communities only so that the need to fill in the vacancies reserved for Scheduled Castes and Scheduled Tribes and *vice versa* at the end of the third year of carry forward of vacancies is obviated. However, when a vacancy reserved for a particular community is dereserved and carried forward, the vacancy should be offered to the other reserved community candidate instead of filling it up by a general candidate even in the first year or second year.

Reply of Government

The existing orders contained in Department of Personnel & Administrative Reforms O.M. No. 27/25/68-Estt. (SCT) dated 25-3-1970, provide that while vacancies reserved for Scheduled Castes and Scheduled Tribes will be reserved for the respective community only, Scheduled Tribe candidates may also be considered for appointment against a vacancy reserved for Scheduled Caste where such a vacancy could not be filled by a Scheduled Caste candidate even in the third year to which the vacancy has been carried forward, and *vice versa* this arrangement likewise applies also in the case of vacancies reserved for Scheduled Tribes and carried forward for three years. The existing orders allowing exchange of reserved vacancies only in the

third year i.e. last year, of carry forward when otherwise, the reservation is to lapse, were, issued after detailed consideration of all aspects of the matter. The main consideration due to which an exchange has been allowed only in the last year of carry forward and not in earlier years is that Scheduled Castes and Scheduled Tribes have been viewed as distinct groups for the purpose of reservation and if reservations are allowed to be exchanged between Scheduled Castes and Scheduled Tribes every year without any future adjustment, it would indirectly mean a combined or overall quota of reservation for Scheduled Castes and Scheduled Tribes together. Such an arrangement may also give rise to complaints that the reserved for one community are being made over to the other at the cost of the former. It was therefore considered that after carrying forward the reserved vacancies for subsequent years, if suitable candidates of the community for which vacancies are reserved are still not available, it would be unobjectionable to utilise these vacancies for the other community otherwise the reservations would lapse. The period of 'carry forward' of reserved vacancies was also simultaneously increased from two to three subsequent recruitment years so that the chances of securing suitable candidates from the group for which reservations were made, improved.

2. Exchange of reserved vacancies between Scheduled Castes and Scheduled Tribes, every year, even with the stipulation that it would be subject to future adjustment is also not considered desirable because while in the initial years, the advantage of the exchange (with the adjustments to be made subsequently) may be felt by the less weak of the two groups (the Scheduled Castes) in the long run, the provision for adjustment might adversely affect their interests, as larger number of vacancies may have to be adjusted in favour of Scheduled Tribes. Thus, if in the first year only $2\frac{1}{2}$ per cent of the Scheduled Tribes are available against the reservation of $7\frac{1}{2}$ per cent and the balance of 5 per cent is utilised by Scheduled Castes over and above their quota of 15 per cent (or in other words, Scheduled Castes are appointed to 20 per cent quota), in the subsequent year, the reservations will have to be $15-5=10$ per cent for Scheduled Castes and $7\frac{1}{2}+5=12\frac{1}{2}$ per cent for Scheduled Tribes. Besides, provision for exchange with future adjustments would also create complications in the maintenance of rosters etc. and would create administrative difficulties.

3. This matter has also been considered by the High Power Committee set up under the Chairmanship of the Prime Minister to re-

view the representation of the Scheduled Castes and Scheduled Tribes in the services, at its meeting held on 12-11-1976. The Committee felt that the existing orders allowing exchange of reserved vacancies for Scheduled Castes in favour of Scheduled Tribes and *vice versa* only in the third year *i.e.* last year of carry forward, when the reservations will otherwise lapse, safeguard the legitimate interests of both the groups, *viz.*, Scheduled Castes and Scheduled Tribes and that an exchange of the reservations earlier than in the final year of carry forward, would affect adversely the weaker of the two groups *viz.*, generally the Scheduled Tribes. The High Power Committee therefore did not consider it necessary to alter the existing arrangement in this regard.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt. (SCT)
dated 14-12-1976]

Comments of the Committee

Please see Chapter I, para 1.37

Recommendation (Sl. No. 22, Para 2.37)

The Committee recommend that where the requisite number of Scheduled Caste and Scheduled Tribe candidates, fulfilling even the relaxed standards, are not available to fill the reserved vacancies, the recruitment authorities should select for appointment, the best among the Scheduled Castes and Scheduled Tribes fulfilling the minimum educational qualifications prescribed for posts against all the reserved vacancies. In this connection, the Committee would also recommend that the condition of previous experience mentioned in many advertisements for recruitment should be done away with so far as Scheduled Caste and Scheduled Tribe candidates are concerned.

Reply of Government

Instructions already exist according to which in non-technical and quasi-technical posts in Class III and II (group C and D) filled by direct recruitment otherwise than through written examination, if a requisite number of Scheduled Castes/Scheduled Tribes candidates fulfilling even the relaxed standards admissible in their cases

are not available to fill the vacancies reserved for them, the authorities should select for appointment to the reserved vacancies, the best among the Scheduled Castes/Scheduled Tribes candidates fulfilling the minimum educational qualifications prescribed for the post and give them inservice training vide O.M. No. 24/7/67(i)-Estt(SCT) dated 24-9-68. It will not be possible to extend this provision to technical posts in Class III and IV and technical and non-technical posts in Class I & II filled by direct recruitment as such a step is likely to affect the efficiency of administration and will not be in tune with the spirit of Article 335 of the Constitution. However, the normal relaxation of standards will be admissible in the case of Scheduled Castes/Scheduled Tribes candidates in such posts, viz. that, in the case of direct recruitment whether by examination or otherwise if a sufficient number of Scheduled Castes/Scheduled Tribes candidates are not available on the basis of the general standards to fill all the vacancies reserved for them, candidates belonging to these communities are selected to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts.

2. As regards the condition of previous *experience* prescribed for recruitment to various posts, it is stated that instructions have since been issued to all Ministries/Departments providing that the qualification regarding experience can be relaxed in the case of candidates belonging to Scheduled Castes/Scheduled Tribes if the UPSC or the competent authority is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them, vide this Department's O.M. No. 27/10/71-Estt. (SCT) dated 5-9-1975 (see Appendix X). The Ministries/Departments have been asked to review the recruitment rules in respect of the posts under them and insert a necessary provision in the recruitment rules for such relaxation, where such relaxation will not be inconsistent with efficiency. These instructions also provide that when any vacancies reserved for Scheduled Castes/Scheduled Tribes are advertised or intimated to the Employment Exchange, it should be specifically mentioned in the advertisement/requisition that the period of experience prescribed is relaxable at the discretion of UPSC or the competent authority, as the case may be, in the case of Scheduled Castes/Scheduled Tribes candidates, as provided in the recruitment rules.

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Estt(SCT) dated the 22nd July, 1976]

Comments of the Committee

Please see Chapter I, para 1.40

(Recommendation (Sl. No. 23 para 3.5))

The Committee note the various orders providing for reservations in promotions issued by the Government in favour of Scheduled Castes and Scheduled Tribes. The Committee feel that many of the eligible Scheduled Castes and Scheduled Tribes employees are deprived of their promotions on account of the restrictive nature of the orders in respect of promotion issued on the 11th July, 1968, 27th November, 1972 and 20th July, 1974. Those orders are applicable to such grades only in which the element of direct recruitment, if any, does not exceed 50 per cent. This has had the effect of total denial of reservations to Scheduled Castes/Scheduled Tribes in nearly 50 per cent of the promotional posts. The Committee see no reason why there should be no reservation for Scheduled Castes and Scheduled Tribes in promotions in the grades even where the element of direct recruitment exceeds 50 per cent. After all, those reservations will cover only that percentage of appointments by promotion which is filled otherwise than by direct recruitment. The Committee are of the opinion that reservations for Scheduled Castes and Scheduled Tribes should be provided in all cases of promotion irrespective of the fact whether the element of direct recruitment exceeds 50 per cent or not. The Committee would, therefore, like the Government to amend the relevant orders accordingly.

Reply of Government

A similar suggestion made by the Commissioner for Scheduled Castes and Scheduled Tribes was considered by the High Power Committee at its meeting held on the 17th September, 1975, under the Chairmanship of the Prime Minister to review the representation of Scheduled Castes and Scheduled Tribes in the Services. The Committee came to the conclusion that while it would not be feasible to remove totally the restriction regarding component of direct recruitment provided in the various orders regarding reservation in promotion, reservations for Scheduled Castes/Scheduled Tribes in posts filled by promotion should be provided in all cases, where the element of direct recruitment was not more than 66-2/3 per cent. This has since been accepted by Government and necessary orders have been issued accordingly, *vide* O.M. No. 36022/7/75-Esst (SCT) dated 25-2-1976. (see Appendix XI).

[Cabinet Secretariat (Department of Personnel & Administrative Reforms) O.M. No. 36022/1/76-Esst (SCT) dated 15th April, 1976]

Comments of the Committee

Please see Chapter I, para 1.43

Recommendation (Sl. No. 24, para No. 3.6)

The Committee also recommend that promotions by selection should cover all class I posts and not merely posts upto the lowest rung or category in Class I as is the case for promotions based on seniority-cum-fitness.

Reply of Government

Taking into account that responsibilities of posts at higher levels in Class I are of a high order and considering the need for maintaining efficiency of administration, Government had not made reservations in respect of promotion by selection in these posts. Subsequently, it was decided to extend the scheme of reservations for Scheduled Castes and Scheduled Tribes in promotions by selection only upto the lowest rung of Class I, *vide* OM No. 10/41/73-Estt (SCT), dated 20th July, 1974. As regards promotions by selection within Class I, orders already exist in O.M. No. 1/9/69-Estt (SCT), dated 26th March, 1970, read with OM No. 1/10/74-Estt (SCT), dated 23rd December, 1974, according to which, in promotions by selection to posts within Class I carrying an ultimate salary of Rs. 2,250 p.m. or less, candidates belonging to Scheduled Castes and Scheduled Tribes who are senior enough in the zone of consideration so as to be within the number of vacancies for which the select list is drawn, are included in the Select List provided they are not considered unfit for promotion.

Since the abovementioned orders have been issued after considering all aspects and as the concessions provided for adequately represent the optimum balance between the important consideration of maintenance of efficiency of administration and morale of the services in these higher levels on the one hand and the need for fulfilling the aspirations of members of these communities for adequate representation in such posts on the other, it is considered that these orders should continue as such.

[Cabinet Secretariat (Department of Personnel and Administrative Reforms) O.M. No. 36022/1/76-Estt (SCT), dated 15th April, 1976].

Comments of the Committee

Please see Chapter I, para 1.46.

Recommendation (Sl. No. 25, para No. 3.7)

The Committee also feel that the rule regarding carry forward of unfilled reserved vacancies for a period of three recruitment years should be followed in the case of promotions by selection also.

Reply of Government

Prior to 20th July, 1974 reservations for Scheduled Castes and Scheduled Tribes in promotion by selection were confined to Class III and IV posts (Group C and D) and there was no reservation in promotion by selection to and in Class II and above. While extending the scheme of reservations to posts filled by promotion on the basis of selection to and in Class II and upto the lowest rung of Class I, Government had to keep in mind the importance of merit, as the posts at these levels are such that as the incumbents would be required to take executive decisions and as they are also in charge of number of subordinates, more particularly in the field formations. At these levels therefore, there had to be a greater degree of balancing between the needs of efficiency of administration and the preservation of the morale of the senior people of merit on the one hand and the claims of the candidates belonging to Scheduled Castes and Scheduled Tribes on the other. Government considered it proper in the circumstances, to introduce reservation in posts filled by promotion by selection at the higher levels upto the lowest rung of Class I, with the qualifying feature that there will be no carry forward of unfilled portion of the reserved quota of vacancies. Although there is no carry forward of vacancies in such cases, it has been provided that the vacancies reserved for Scheduled Tribes for which suitable Scheduled Tribe candidates are not available could be utilised in favour of Scheduled Castes and *vice-versa* in the same year itself instead of in the third year of carry forward of reserved vacancies as in other cases.

The matter was, however, examined again as desired by the High Power Committee under the Chairmanship of the Prime Minister and it has been decided that in the interest of maintenance of efficiency of administration and preservation of the morale of the services at these higher levels, the existing orders that in the reservations made in promotion by selection to Class II, within Class II and to the lowest rung of Class I, there would be no 'carry forward' of unutilized reserved vacancies, may continue.

In posts filled by promotion by selection, in Class III and Class IV posts, such 'carry forward' of the unfilled vacancies for 3 recruitment years is already available.

[Cabinet Secretariat (Department of Personnel and Administrative Reforms) O.M. No. 36022/1/76-Estt (SCT), dated 15th April, 1976].

Comments of the Committee

Please see Chapter I para 1.49.

Recommendation (Sl. No. 26, para 3.8)

The Committee further recommend that all cases of supersession of Scheduled Castes and Scheduled Tribes in so far as the promotional posts are concerned, should also be referred to the quasi-Judicial Tribunal to be constituted to examine proposals for dereservation of vacancies *vide* para 2.26 of the Report.

Reply of Government

The recommendation of the Committee in para 2.26 of the Report for constituting a quasi-Judicial Tribunal for examining proposals for dereservation of vacancies has been separately considered and a reply to that recommendation is being sent. An examination of the proposals for dereservation on the basis of the relevant details furnished by the Departments concerned could appropriately be done by an official machinery and there is no scope for an enquiry or examination by a quasi-Judicial Tribunal. In view of this position and other factors mentioned in the reply to that recommendation, Government consider that there is no need to constitute a quasi-Judicial Tribunal for examining the proposals for dereservations.

2. As regards supersession of Scheduled Caste/Scheduled Tribe candidates, it is stated that reservations have progressively been introduced in various categories of posts filled by promotion and reservations are at present available in (i) promotions through limited departmental competitive examinations in Classes II, III and IV, (ii) promotions by selection in Classes II, III and IV and to the lowest rung of Class I and (iii) promotion on the basis of seniority subject to fitness in all classes, *i.e.*, Class I, II, III and IV, in grades or services in which the element of direct recruitment, if any, does not exceed 66-2/3 per cent. For reserved vacancies, eligible candidates belonging to Scheduled Castes and Scheduled Tribes are adjudged by the Departmental Promotion Committee by relaxed standards and

therefore the possibility of Supersession of Scheduled Caste/Scheduled Tribe candidates has been considerably reduced. A supersession can be there only if such a candidate is found unfit. Government, therefore, are of the view that there is no need for a quasi-Judicial Tribunal to be set up for considering cases of supersession of Scheduled Caste/Scheduled Tribe candidates in promotion.

3. The question as to what checks should be provided against undue supersessions of Scheduled Caste/Tribe candidates has however been separately examined by Government and it has been decided to adopt the following procedure:—

- (i) In respect of select lists for promotion to Class I, cases of supersession in which reserved vacancies are filled by general candidates inspite of the Scheduled Caste/Tribe candidates being available within the zone of selection, should be submitted to the Minister/Minister of State/Deputy Minister concerned, as the case may be.
- (ii) In respect of promotion to Class II and within Class II, cases of supersession where candidates belonging to Scheduled Castes and Scheduled Tribes could not be promoted even through reserved vacancies were available for them and there were eligible candidates within the zone, should be reported to the Minister/Minister of State/Deputy Minister concerned, as the case may be, within a period of one month of the finalisation of the Select List.
- (iii) In the case of promotions to and in Class III and Class IV, a report of the cases of supersession where candidates belonging to Scheduled Castes and Scheduled Tribes could not be promoted even though reserved vacancies were available for them and there were eligible candidates should be made to the Head of the Department if the appointing authority is lower than the level of the Head of the Department; where the Head of the Department is himself the appointing authority, the report in question should be made to the Secretary of the administrative Ministry/Department.

Necessary instructions will be issued in this regard to Ministries/Departments.

[Cabinet Secretariat (Department of Personnel and Administrative Reforms) O.M. No. 36022/1/76-Estt (SCT), dated the 15th July, 1976].

Comments of the Committee

Please see Chapter I, para 1.34.

Recommendation (Sl. No. 27 para 3.12)

The Committee do not agree with the contention of the Department of Personnel and Administrative Reforms that confidential reports are essential for assessing the suitability of employees in general and of Scheduled Caste/Scheduled Tribe employees in particular. The Committee would like the Department of Personnel and Administrative Reforms to consider the question of abolition of Confidential Reports, if not in the case of all employees, at least in the case of Scheduled Castes and Scheduled Tribes employees. Instead of the present system of confidential reports, record or history sheets may be maintained for Scheduled Caste and Scheduled Tribe employees in which entries only of any punishment or reward being given to an employee may be made. Such record/history sheets may also be open for inspection by the concerned employee.

Reply of Government

The system of performance appraisal and the maintenance of confidential reports is absolutely essential for personnel administration and it would not be possible to discontinue the system. The procedure of maintenance of such reports on performance, appraisal, which reflect the functional-cum- personality profile of the employees and helps in making a merit-cum-trait assessment, cannot be done away with. While it is not possible, therefore, to abolish the annual confidential reports in the case of the employees including those belonging to Scheduled Castes and Scheduled Tribes, various steps are being taken to ensure that the element of subjectivity in the writing of such reports is minimised. The Administrative Reforms Commission, which had gone into the matter, had not suggested the abolition of the confidential reports but it only recommended rationalisation of the reports in order to objectivise the assessment of the employees. In the light of the recommendation of the Commission instructions have been issued in this Department's OM No. 51/3/74-Est.A, dated the 22nd May, 1975, incorporating a number of new features in the matter of writing such reports. Even the format has been elaborated with alternative answers and more systemised itemisation of relevant traits from the functional angle. Further, the question of introducing result/performance oriented appraisal with the intention of qualifying and measuring performance as far as possible against task targets is separately under consideration. These measures would go a long way in bringing about objectivity in the assessment of the

work and traits of the employees and it should go largely to remove any apprehension of undue prejudice towards spoiling the record of any employee including those belonging to Scheduled Castes and Scheduled Tribes.

2. The suggestion to introduce record/history-sheets in place of the existing system of reports is also not considered feasible. The results of the Tamil Nadu experiment in this regard are yet to be watched and studied. Besides, such record/history-sheets cannot bring out the full functional-cum-personality profile of the officers reported upon, the potentialities of the officers will not be fully recorded in the history-sheets and the result would be that such sheets cannot be utilised as basic documents for undertaking personnel management functions such as, promotion, confirmation, development, training, deployment etc. It would, therefore, create an avoidable vacuum in the field of personnel management if record/history-sheets are introduced to replace the time-honoured system of merit-cum-trait rating.

3. At the last meeting of the High Power Committee to review the performance in the matter of recruitment of Scheduled Castes and Scheduled Tribes in services and posts under the Government of India, held under the Chairmanship of the Prime Minister, on the 17th September, 1975, the Commissioner for Scheduled Castes and Scheduled Tribes mentioned that generally the confidential reports written on Scheduled Caste/Tribe employees were biased and such employees might suffer particularly when reviews are conducted for retention of their services beyond 50/55 years of age. While the Committee felt that no exception could be made in the case of Scheduled Castes and Scheduled Tribes alone, the Prime Minister observed that it would be worthwhile examining whether a provision could be made in the annual confidential report forms to enable the reporting officers to indicate the manner in which the officers implement the orders for safeguarding the welfare and rights of Scheduled Castes and Scheduled Tribes and their general attitude towards such employees. This matter is separately under examination along with the question of introducing a result/performance-oriented appraisal system referred to in para 1 above.

[Cabinet Secretariat (Department of Personnel and Administrative Reforms) O.M. No. 36022/1/76-Estt(SCT), dated the 22nd July, 1976].

Comments of the Committee

Please see Chapter I, para 1.52.

Recommendation (Sl. No. 36 para 4.32)

The Committee do not agree with the views of the Government on the question of recognition of associations of Scheduled Caste and Scheduled Tribe employees. It has been stated by the Government in reply to a recommendation contained in the Committee's Fourth Report (Fourth Lok Sabha) that "it would not be desirable that any association of Government servants should be formed on the basis of caste or creed." This argument advanced by the Government is not tenable. Scheduled Castes and Scheduled Tribes are a combination of many communities like Hindus, Sikhs, Christians, and other tribal communities irrespective of caste and creed. In other words, Scheduled Castes and Scheduled Tribes as a whole do not represent any particular caste and creed, as such. The Government policy of not recognising associations on the basis of caste or creed would not be applicable to such associations which represent Scheduled Castes and Scheduled Tribes as a whole. It is the considered view of the Committee that unless there is recognised association of Scheduled Caste and Scheduled Tribe employees, their service grievances would not be adequately ventilated or attended to.

If recognition is given to associations of Scheduled Caste and Scheduled Tribe employees, many minor problems relating to their service matters would be resolved quickly at different levels. In view of the fact that recognition of Scheduled Castes and Scheduled Tribes employees' associations is being sought only for the limited purpose of ventilating their service grievances relating to initial recruitments, reservations, dereservations, promotions and harassment of Scheduled Caste and Scheduled Tribe employees due to caste prejudices, etc., the Committee fail to understand why Government should hesitate in according recognition to associations of Scheduled Castes and Scheduled Tribes Government employees. The Committee recommend that there should be a recognised association of Scheduled Caste and Scheduled Tribe employees for every Ministry/Department of the Government and for every public sector undertaking and an All India Association of Scheduled Caste and Scheduled Tribe employees for purposes of coordination. The Government should draw up a scheme laying down the details and methodology of recognition of such associations and their rights and responsibilities so that they could function effectively.

Reply of Government

Once in service, the service interests of Government employees are common and they cannot be compartmentalised on the basis of

employees belonging to Scheduled Caste and Scheduled Tribe or other communities. The Scheduled Caste and Scheduled Tribe employees can ventilate their common grievances, if any, through the service Associations common to all employees as also by making individual representations under the normal rules. They can also approach the Commissioner for Scheduled Castes and Scheduled Tribes direct on matters relating to appointment, confirmation, promotion against the reserved quota and grant of other concessions allowed to Scheduled Caste/Tribe employees. The Commissioner for Scheduled Castes and Scheduled Tribes is exercising a vigilant watch to protect the legitimate interests of the Scheduled Caste and Scheduled Tribe employees.

2. The High Power Committee set up under the Chairmanship of the Prime Minister to review the representation of Scheduled Castes and Scheduled Tribes in services had also examined similar suggestion made by the Commissioner for Scheduled Castes and Scheduled Tribes at its meeting held on 17th September, 1975. The High Power Committee came to the conclusion that recognition of separate associations of employees formed on the basis of their being Scheduled Caste or Scheduled Tribe would give rise to internal friction and would not only prevent their absorption in the mainstream but would also lead to unhealthy repercussions amongst other employees who might also demand recognition of other similar groups of associations.

3. In the circumstances, Government are of the view that the existing policy that associations of Government employees belonging to Scheduled Castes and Scheduled Tribes should not be recognised, need not be changed.

[Cabinet Secretariat (Department of Personnel and Administrative Reforms) O.M. No. 36022/1/76-Estt(SCT), dated 15th April, 1976].

Comments of the Committee

Please see Chapter I, para 1.55.

Recommendation (Sl. No. 37, para 4.33)

The Committee desire that Government should bring forward comprehensive legislation to provide for all matters concerning the reservations for Scheduled Castes and Scheduled Tribes in services. The Government have, since independence, issued a number of orders providing for the safeguards and concessions for Scheduled Castes and Scheduled Tribes. The Committee would like that the entire scheme of reservations including the recognition of associations of

Scheduled Castes and Scheduled Tribes and the setting up an independent quasi-Judicial Tribunal as recommended in para 2.26 of the Report should be incorporated in the proposed legislation.

Reply of Government.

Reservation and concessions for Scheduled Castes and Scheduled Tribes in the services under Government/public undertakings, etc., have been made through executive instructions issued in pursuance of the provisions of Articles 16(4) read with Article 335 of the Constitution and therefore they have as much force as law. These instructions are required to be compulsorily followed by all the appointing authorities. The reservations and concessions provided through executive instructions have the advantage of flexibility as they can be extended, modified or amended whenever necessary, to rules and regulations relating to reservations and concessions for legally possible, there might be no special advantage in having such a legislation for this purpose. The present arrangement of having rules and regulations relating to reservations and concessions for Scheduled Castes and Scheduled Tribes issued through executive instructions has been found to work satisfactorily. It is not necessary therefore to provide for a statute as the constitutional provisions backed by administrative instructions, which have as much force as law, already provide for the necessary reservations and concessions in favour of Scheduled Castes and Scheduled Tribes. Non-observance of instructions in question would be dealt with by the appropriate authorities suitably and Ministries have been asked to ensure that cases of non-observance whenever brought to notice, are promptly dealt with. Also, there would be practical administrative difficulties in the administration of any such legislation.

[Cabinet Secretariat (Department of Personnel and Administrative Reforms) O.M. No. 36022/1/76-Estt(SCT), dated 15th April, 1976].

Comments of the Committee

Please see Chapter I, para 1.58.

RAM DHAN,

Chairman,

*Committee on the Welfare of Scheduled
Castes and Scheduled Tribes.*

NEW DELHI;
March 29, 1978

Chaitra 8, 1900(S).

APPENDIX I

(Vide Chapter II, Recommendation No. 15)

All India Radio Stations in areas with concentrations of Scheduled Castes and Scheduled Tribes Populations.

Name of State	Stations in areas of S.C. concentrations	Stations in areas of S.T. concentrations	Stations in area of both S.C. and S.T. concentrations	Remarks
1	2	4	4	5
1. Andhra Pradesh	Cuddapah	Visakhapatnam	..	
2. Assam	..	Dibrugarh Silchar	Gauhati	
3. Bihar	Patna	Ranchi		
4. Gujarat	Ahmedabad- Baroda- Rajkot			
5. Jammu & Kashmir	Jammu	..		
6. Kerala	Trivandrum Trichur Alleppy	Calicut		
7. Madhya Pradesh	Gwalior	Indore	Bhopal Jabalpur Raipur	
8. Maharashtra	Sangli		Pune Parbhani	
9. Manipur	..	Imphal		
10. Meghalaya	..	Shillong	..	
11. Karnataka	Dharwar Gulbarga	..	Bangalore	
12. Nagaland	..	Kohima	..	
13. Orissa	Cuttack	Jeypore	Sambalpur	
14. Punjab	Jullundur		..	
15. Rajasthan	Bikaner Jodhpur Ajmer		Jaipur Udaipur	
16. Tamilnadu	Tiruchirapalli Tirunelveli Coimbatore			
17. Tripura	Agartala	

1	2	3	4
18. Uttar Pradesh	Lucknow Allahabad Mathura Rampur Gorakhpur		
19. West Bengal	..		Kurseong Siliguri
20. Union Territories	Chandigarh Pondicherry	Tezu Aizawal Tawang	--

Himachal Pradesh (All India Radio, Simla)

J & K State (All India Radio, Leh)

*Union Territories of Andaman & Nicobar Islands and Goa
(All India Radio, Port Blair and All India Radio, Panaji)*

Assam (All India Radio, Passighat)

According to the population statistics available from the Planning Commission, there is no concentration of Scheduled Caste and Scheduled Tribe Communities in and around the All India Radio Stations, as mentioned under each in brackets in these States/Union Territories. Notwithstanding, according to the existing arrangements, these stations also regularly broadcast announcements of vacancies reserved for Scheduled Castes and Scheduled Tribes.

APPENDIX II

(Vide Chapter II, Recommendation No. 30)

No. BPE/GL-018/76-MAN 12/1/76-BPE (IC)

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

BUREAU OF PUBLIC ENTERPRISES

New Delhi, the 24th April, 1976.

OFFICE MEMORANDUM

SUBJECT:—*Forty-first Report of the Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes—Reservations for Scheduled Castes and Scheduled Tribes in services under Public Enterprises—Recommendation No. 30 relating to appointment of Liaison Officers and establishment of Implementation Cell in Public Enterprises.*

The Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes in their Report cited above has recommended, *inter alia* as follows:

“The Committee have no doubt that Liaison Officers can play a vital role in improving the representation of Scheduled Castes and Scheduled Tribes in Public services and in attending to the service grievances of the Scheduled Caste and Scheduled Tribe employees. In this connection, the Committee note the orders issued by the Government from time to time regarding appointment, and functions, of the Liaison Officers. The Committee also note that all the 61 Departments in the Government of India have appointed Liaison Officers and set up Implementation Cells to safeguard the interests of Scheduled Castes and Scheduled Tribes. The Committee expect the Bureau of Public Enterprises, to ensure that all the Public Sector Undertakings have also appointed Liaison Officers and set up, Implementation Cells.”

In this connection attention is invited to para 15 of the directive and para 11 of the supplementary directive forwarded to the Minis-

tries/Depts. under the BPE's O.M. Nos. 2(115)/68-BPE(GM) dated 2-2-71 and No. 6(1)/73-BPE(IC) dated 10-5-74 respectively wherein matters in respect of which Liaison Officer in each public enterprises will be specifically responsible have been mentioned. Under the control of the Liaison Officer, a Cell consisting of suitable number of assistants should also be constituted to ensure the prompt disposal of grievances of Scheduled Caste and Scheduled Tribe employees. Further in Bureau's O.M. No. BPE/GL-039/75-MAN 6(1)/75-BPE(IC) dated 29-11-75 Ministries/Depts. have been requested to instruct the public enterprises under their control that whenever a reference is made to the Managing Director/Board of Directors for de-reservation of reserved vacancies, besides giving the information as usual, a note should also be recorded to the effect that the proposal is being made with the full knowledge and concurrence of the Liaison Officer concerned.

Ministry of Industrial Development and Civil Supplies etc. are requested to bring the Committee's recommendation cited above to the notice of all public enterprises under them with the request that they should appoint Liaison Officer and also set up Implementation Cell if not already done. It is also requested that a consolidated report giving information on the action taken in this regard by Ministries/Depts. may be furnished to the Bureau in respect of all Public Enterprises under the respective Ministry/Department.

Sd/-

(S. S. SAMADDER)

UNDER SECRETARY TO THE GOVT. OF INDIA.

To

All Ministries/Depts. of Govt. concerned with public enterprises including Deptt. of Personnel and Administrative Reforms.

Copy to:

Adviser (P) | Adviser (F) | Adviser (C) | Director (I&R) | DS (Coord) / BPE.

Heads of Expenditure Divisions in the Deptt. of Expr.
Comptroller and Auditor General of India.
PS to AS & DG, BPE.

Sd/-

(S. S. SAMADDER)

UNDER SECRETARY TO THE GOVT. OF INDIA.

APPENDIX III

(Vide Chapter II, Recommendation No. 32)

No. BPE/GL-010/76-MAN 12/1/76-BPE (IC)

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

BUREAU OF PUBLIC ENTERPRISES

*Mayur Bhavan, Connaught Circus,
New Delhi, the 1st March, 1976.*

OFFICE MEMORANDUM

SUBJECT:—*Forty-first Report of the Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes—Reservations for Scheduled Castes and Scheduled Tribes in services under Public Enterprises.*

The Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes in their Report cited above has recommended, *inter alia*, as follows:—

“The Committee desire that the activities of the Implementation Cell should be high lighted in the Annual Report of the Ministries/Departments/Public Sector Undertakings concerned.”

In this connection attention is invited to para 15 of the directive forwarded to the Ministries/Departments under BPE's O.M. No. 2(115)/68-BPE(GM), dated 2-2-1971 wherein it was mentioned that a Cell should be constituted to assist the Liaison Officer to discharge his duties effectively. The Committee's Recommendation cited above is brought to the notice of all Ministries/Departments with the request that the Public Enterprises under their administrative control may be advised to implement it.

Sd/-

(S. S. SAMADDER)

Under Secretary to the Govt. of India.

To

All Ministries/Deptts. of Govt. of India concerned with Public Enterprises (including Department of Personnel & Administrative Reforms.)

Copy to:

Adviser(F)/Adviser(P)/Adviser(C) Director (I&R)/SDS (Coord).

Bureau of Public Enterprises.

Heads of Expenditure Divisions in the Deptt. of Expendr. Comptroller & Auditor-General of India.

Sd/-

(S. S. SAMADDER)

Under Secretary to the Govt. of India.

APPENDIX IV

(Vide Chapter III, Recommendation No. 28)

No. BPE/GL-015/76-MAN 12/1/76-BPE (IC)

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

BUREAU OF PUBLIC ENTERPRISES

*Mayur Bhavan, Connaught Circus,
New Delhi, the 15th April, 1976.*

OFFICE MEMORANDUM

SUBJECT:—*Recommendation No. 28 contained in the Forty-first Report of the Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes—Submission of Annual Statements.*

The Parliamentary Committee on Welfare of Scheduled Castes and Schedule Tribes in their Report cited above has recommended, *inter-alia*, as follows:—

“The Committee note that all appointing authorities are required to send annual statements regarding recruitment etc. of Scheduled Castes and Scheduled Tribes to the concerned Ministries/Departments and the Ministries/Departments are required in turn to send such statements to the Department of Personnel and Administrative Reforms. The Committee feel that the very purpose of submitting these annual statements will be defeated, if they are not submitted in time. The Committee would like the Department of Personnel and Administrative Reforms and Bureau of Public Enterprises to ensure that these annual statements are submitted by the appointing authorities to the concerned Ministries/Departments to the Department of Personnel and Administrative Reforms /Bureau of Public Enterprises strictly within the stipulated time limit. Failure to submit these statements in time should be regarded as a serious lapse on the part of the Head of the concerned Ministry/Department.”

In this connection attention is invited to para 5 of the Directive forwarded to the Ministries/Departments under BPE's O.M. No. 2(115)/68-BPE(GM). dated 2-2-1971 wherein it was mentioned that as soon after the first of January, every year as possible and latest by thirty-first of March, each undertaking will send to the administrative Ministry with copies to the Bureau of Public Enterprises, the Cabinet Secretariat (Department of Personnel) and the Cabinet Secretariat (Department of Cabinet Affairs) statements in the forms given the Appendix VII and Appendix VIII enclosed with the directive. The time limit is also mentioned in OMs addressed by Bureau every year to Ministries/Departments concerned requesting them to obtain annual statements from the enterprises under their administrative control. The Committee's Recommendation cited above is brought to the notice of all Ministries/Departments with the request that the Public Enterprises under their administrative control may be advised suitably.

Sd/-

(S. S. SAMADDER)

UNDER SECRETARY TO THE GOVT. OF INDIA.

To

All Ministries/Deptts. of Government of India concerned with Public Enterprises (including Department of Personnel and Administrative Reforms).

Copy to:

Adviser (F)/Adviser(P)/Adviser(O)/Director (I&R)/DS (Coord), Bureau of Public Enterprises.

Heads of Expenditure Divisions in the Deptt. of Expenditure (with two spare copies).

Comptroller and Auditor General of India.

Commissioner for Scheduled Castes and Scheduled Tribes, R K. Puram, New Delhi.

Sd/-

(S. S. SAMADDER)

UNDER SECRETARY TO THE GOVT. OF INDIA.

APPENDIX V

(Vide Chapter IV, Recommendation No. 6)

LOK SABHA

Unstarred Question No. 4043

To be Answered on the 21st March, 1974

Recruitment of Scheduled Castes and Scheduled Tribes in Armed Forces

4043. SHRI NARAIN CHAND PARASHAR:

Will the Minister of Defence (RAKSHA MANTRI) be pleased to state:

- (a) the number of Scheduled Caste and Scheduled Tribe persons recruited in the Army, Air Force, Naval and Civil Wings of the Armed Forces during the last three years;
- (b) whether they are given any concession|relaxation in the matters of age and qualification for joining the Armed Forces; and
- (c) whether Government have taken any steps to create any attraction for recruitment to the armed forces among these sections of the Indian society?

ANSWER

The Minister of Defence (Raksha Mantri) (Shri Jagjivan Ram):

(a) (i) Army and Air Force.

A statement is attached.

(ii) Information in respect of Navy and civilians in the Armed Forces is not readily available. It is being collected and will be laid on the Table of the House.

(b) and (c)

For recruitment to the Armed Forces in a combatant capacity the concessions/relaxations which are available and certain steps which are being taken are detailed in the attached Statement.

For recruitment of civilians to civilian posts in the Armed Forces Organisation, the percentages of reservations for Scheduled Castes and Scheduled Tribes are the same as on the civil side, viz.

Scheduled Castes—15 per cent

Scheduled Tribes—7½ per cent

Other concessions such as relaxation in selection standards etc. as available on the civil-side, are also available for recruitment of civilians against civilian posts in the Armed Forces Organisation.

Statement Referred to in Reply to Part (a) (i) of Unstarred Question No. 4043, Answered in the Lok Sabha on the 21st March, 1974

	1971		1972		1973	
	SC	ST	SC	ST	SC	ST
1. Army						
(i) Officers	17	5	14	7	4	—
(ii) Other Combatants	9937	1926	3461	838	3282	1011
2. Air Force						
(i) Officers	—	—	—	—	1	1
(ii) Flight Cadets	1	—	1	—	2	—
(iii) Airmen and others	148	16	233	37	145	10

Statement referred to in reply to Parts (b) and (c) of Unstarred Question No. 4043 Answered in the Lok Sabha on the 21st March, 1974.

1. As far as recruitment of Scheduled Castes/Scheduled Tribes to the officer cadre of the Army, Navy and Air Force is concerned, they have to compete with candidates belonging to other communities and no special concessions are given to them. However, with a view to increasing the intake of Officer cadets of Scheduled Castes/Scheduled Tribes into the Armed Forces through the National Defence Academy, the following steps have been taken:—

- (i) In the case of entry to the Sainik Schools, it has already been provided that all Scheduled Castes/Scheduled Tribes candidates appearing in the merit list will be admitted to Sainik Schools, irrespective of their position in that list. It has been decided that Scheduled Castes/Scheduled Tribes candidates who appear in the entrance examination for admission to Sainik Schools and who may obtain upto

7 marks below the minimum prescribed in two subjects may also be included in the merit list, provided in the aggregate they get 32 per cent of the marks. (Minimum prescribed is 32 per cent in each subject).

- (ii) In the case of admission to the Military Schools also, it has been decided that all Scheduled Castes/Scheduled Tribes boys who appear in the merit list will be admitted to Military Schools, irrespective of their position in that list.

2. With regard to the recruitment to the ranks in the Army and the Navy, the present policy of the Government is that everything possible must be done to remove all handicaps of the Scheduled Castes/Scheduled Tribes, provided the highest efficiency of the Army on the whole, which is paramount, is not lowered in any way. In pursuance of this policy, the following special measures have been taken:—

- (i) Instructions have been issued to all Recruiting Officers that, other things being equal, preference should be given to persons belonging to Scheduled Castes/Scheduled Tribes.
- (ii) Recruiting Officers have been instructed to carry out recruitment-cum-publicity tours not only in the cities and towns but also in the interior areas predominantly inhabited by Scheduled Castes and Scheduled Tribes people.
- (iii) Under the Class composition of the Army, there are some regiments/units which are composed either wholly or partly by specified Scheduled Castes/Scheduled Tribes. Recruiting parties from Regimental Centres are also despatched from time to time to increase the recruitment of these categories into the Army.
- (iv) The physical standards for recruitment to the Army in respect of different classes of people vary and this variation has been prescribed taking into account physical standards ethnological peculiarities of various classes/castes in the country. For instance, while an Ahir, a Gujar, a Jat or a Rajput is required to be 5'—6" in height, an Adivasi or a Bhill, Gond or Santhal need be only 5'—2" in height. Similar variations are allowed in regard to chest measurements and weight. These variations allow due weightage to Scheduled Castes and Scheduled Tribes candidates.
- (v) As regards educational qualifications, most of the schools and colleges in towns have wings of the National Cadet Corps and provide adequate opportunities for physical and

educational training. Scheduled Castes and Scheduled Tribes boys can avail themselves of these facilities. Candidates for recruitment to the other ranks of the Army are generally to be literate in their own language, but in certain trades, they are required to have read up to the 5th or 9th Class or in some cases to have passed the Matriculation examination or equivalent. These qualifications can be acquired in any ordinary school whether in rural areas or in towns.

3. With regard to Airmen of the Air Force, they are selected on the basis of merit and no consideration is given to factors such as class, creed, tribe or religion.

APPENDIX VI

(Vide Chapter IV, Recommendation No. 9)

Copy of letter No. 16(16)/LP/74, dated 27th December, 1975 of the Ministry of Industry and Civil Supplies (Department of Industrial Development).

To

All Industrial Undertakings in Private Sector (through Directors of Industries Technical Authorities and their Chambers of Commerce and Industries).

SUBJECT:—Fair representation of members of Scheduled Castes and Scheduled Tribes in employment provided by Industrial and Commercial Undertakings in the Private Sector.

Dear Sir,

You are aware that Government has a special responsibility for the social uplift of the members of Scheduled Castes and Scheduled Tribes. Government have issued a number of directives to public enterprises to reserve posts for the members of these communities in the same manner as applicable to posts under the Government. It has also been stipulated that senior officers in the public enterprises should be made personally responsible for ensuring compliance with the directives. Besides this, various constructive suggestions have also been communicated to the public enterprises to facilitate recruitment of Scheduled Castes and Scheduled Tribes personnel.

2. The Government have also issued an appeal to the various Chambers of Commerce and Industries as well as to organisations of Industrial Employers that they should impress on their constituents the desirability of providing a due share of employment in the private sector to the members of the Scheduled Castes and Scheduled Tribes. It has been emphasised that private employers also have a moral responsibility to contribute to the realisation of the goal of raising the backward classes, especially the Scheduled Castes and Scheduled Tribes, to the general level of the rest of the community and helping them to gain their rightful place in the society.

3. A review made recently has indicated that while there is slight improvement in respect of recruitment to the posts in lower grades, the position is still not satisfactory in respect of posts in higher grades in the private sector undertakings. There is a feeling that the concerned authorities have not implemented the appeal issued by the Government in its true spirit.

4. Under the 20 point Economic Programme announced by the Prime Minister, programmes of identification of the traditional skills and crafts of the Scheduled Castes and Scheduled Tribes and making available to them the improved techniques, will have to be launched. The weaker communities will have to be made partners of the beneficial schemes. This can to some extent, be achieved if they are recruited in the industries in a larger number and adequate training arrangements are made to make them fit for technical jobs.

5. It is, therefore, essential that such enterprise should try to secure the services of suitable Scheduled Caste and Scheduled Tribe candidates for the various categories of posts under them, for which these candidates are now forthcoming in larger numbers.

6. The Government is sure that this appeal will be considered in its true spirit and all possible efforts would be made by all concerned to step up considerably the employment of the members of the Scheduled Castes and Scheduled Tribes in Industrial and Commercial Undertakings.

7. A copy of the instructions issued by the Deptt. of Personnel and Administrative Reforms in their O.M. No. 27/12/73-Estt(SCT), dated 7.10.1974, regarding implementation of reservations in various voluntary agencies receiving grants-in-aid from the Government is also enclosed for your information.

Yours faithfully,
Sd/- (R. V. RAMAN)
Secretary.

APPENDIX VII

(Vide Chapter IV, Recommendation No. 14)

Details of steps taken by the Bureau of Public Enterprises with a view to bringing about improvement in the representation of Scheduled Castes and Scheduled Tribes in the services under the Public Sector Undertaking.

So far as recruitment in public enterprises are concerned, the following paragraphs bring out the specific steps taken by the Bureau from time to time after the issue of Directives in September, 1969, to the administrative Ministries/Departments with a view to bringing about improvements in the representation of Scheduled Castes/Scheduled Tribes under the services of these undertakings.

1. In December, 1971, the then AS&DG, Bureau of Public Enterprises, urged a number of major public undertakings to make planned and concerted effort to remedy the situation of under-representation of Scheduled Castes/Scheduled Tribes in their services. The measures suggested were—suitable relaxation of standards for preliminary screening as well as final selection; relaxation of the previous experience, were prescribed, to the minimum essential period; clear indication in the requisition to employment exchange or advertisement of the concessions in regard to age-limit, qualifications or experience admissible to the Scheduled Castes/Scheduled Tribes candidates; special pre-entry training in the relevant recruitment on the basis of relaxed standards of suitability or experience, and organisation of special course, if necessary, tailored to the requirements of Scheduled Castes/Scheduled Tribes personnel for imparting requisite skills, etc.

2. In March, 1974, the Ministries/Departments were enjoined to categorically advise the Public Enterprises under their control that barring exceptional circumstances, there should be no occasion for dereserving a post of non-technical nature. Similarly, in the case of de-reservation of technical posts, it was required of the Ministries/Departments concerned to obtain critical reports about the categories in which enough candidates are not available from the reserved communities and the positive efforts being made by the enterprises to reduce the gap either by in-service training or by getting the cooperation of the ITIs and the other institutions con-

cerned with education, training and welfare of the Scheduled Castes/Scheduled Tribes communities.

3. With a view to draw the attention of the Chief Executives of Public Enterprises to the need for urgent action in the matter of recruitment to higher categories of Scheduled Castes/Scheduled Tribes, Finance Minister addressed a letter in February, 1974, to his Cabinet colleagues pointing out the imbalances and requesting them to advise their Public Enterprises to augment the recruitment against the reservation quota.

4. To overcome the difficulties encountered by Public Enterprises about inadequate availability of Scheduled Castes/Scheduled Tribes candidates with suitable qualifications and experience for being appointed against the technical posts in the undertakings, Bureau of Public Enterprises brought to the notice of the Ministries/Departments, the details of the programme of Apprenticeship Training (PAT) sponsored by the Ministry of Education, so that they could advise Public Enterprises under their control to utilise the scheme to the maximum extent possible.

5. As a sequel to the policy adopted by Government to reserve for Scheduled Castes/Scheduled Tribes employees posts filled on seniority-cum-fitness basis, the draft of a supplementary directive was prepared and forwarded in May, 1974 to all Ministries/Departments for being issued to the Public Enterprises under their control.

6. Bureau of Public Enterprises have also issued instructions that the Public Enterprises should ensure due compliance with the provisions of the directive so as to leave no room for complaint of rejection of Scheduled Castes/Scheduled Tribes candidates fulfilling the requisite qualifications and also to see that cases of rejection of such candidates, which are brought to the notice, are looked into expeditiously by the management.

7. As regards improving the recruitment of Scheduled Tribe in Public Enterprises located in predominantly tribal areas, Bureau of Public Enterprises addressed all the Ministries/Departments concerned with Public Enterprises in June, 1974, requesting them to advise the enterprises located in such tribal areas to take planned steps from the very beginning by them, especially in lower posts carrying pay of Rs. 500/- or less. Similarly, it was indicated that planning would be required even when they embark on substantial expansion of their operations. The need for an early forecast of personnel requirements in various categories like unskilled, semi-

skilled and skilled posts as well as for administrative, clerical and other non-technical posts was also highlighted. Further, the project authorities were requested to establish, at the earliest possible stage, contacts with tribal welfare Departments, the local district authorities as well as training institutions in the area so that advance action could be taken by them to make available the requisite number of Scheduled Tribe candidates of an appropriate background. It was also stressed that in such areas it would not be enough if the enterprises recruit tribal candidates upto the percentages prescribed for them.

8. The Bureau brought out a brochure on reservations for Scheduled Castes/Scheduled Tribes in services under Public Enterprises with the object of bringing together the basic ingredients of the reservation scheme, so that it may serve as a reference guide to all the Public Sector officials concerned with personnel administration. Copies of the brochure have been circulated to all concerned Ministries/Departments and Public Sector enterprises under their control for information and guidance.

9. The Bureau has also advised Ministries/Departments that they should endeavour as far as possible to nominate Scheduled Caste/Scheduled Tribe officer while constituting the Departmental Promotion Committee and Selection Boards, etc. for the recruitment/promotion to posts/services under them. In a subsequent communication addressed to Public Enterprises in March 1975, Bureau stressed the need that special efforts should be made to ensure nomination of Scheduled Castes/Scheduled Tribes officers on the Departmental Promotion Committee/Selection Boards, particularly where bulk recruitment to posts is being made.

APPENDIX VIII

(Vide Chapter IV, Recommendation No. 14)

No. BPE/GL-021/76MAN(12|1|76-BPE(IC)

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

BUREAU OF PUBLIC ENTERPRISES

New Delhi, the 2nd June, 1976.

OFFICE MEMORANDUM

SUBJECT.—*Recommendation No. 14 contained in the 41st Report of the Parliamentary Committee on Welfare of Scheduled Castes/Scheduled Tribes—maintenance/periodical checking of rosters.*

The Parliamentary Committee on Welfare of Scheduled Castes/Scheduled Tribes in their report mentioned above has made the following recommendation:

“The Committee have not only received complaints but have themselves seen on their visits to various Offices and Organisations during their tours that Rosters are neither being maintained properly nor checked regularly, especially in the Public Sector Undertakings. The Committee need hardly emphasise the desirability of proper maintenance of Rosters and their checking by the prescribed authorities at regular intervals as per extant orders on the subject. The Committee feel that there is a real need for educating the Liaison Officers about the maintenance and inspection of Rosters. Guidelines should be planned and laid down for the benefit of those who are to operate the rosters. Disciplinary action should be taken against the defaulters in this respect.”

2. Reference is invited in this context to the duties of Liaison Officers contemplated in the draft directives circulated by the Bureau. It will be recalled that the Liaison Officer will be specifically responsible for:—

- (i) ensuring due compliance with the orders and instructions pertaining to the reservation of vacancies in favour of Scheduled Castes and Scheduled Tribes and other benefits admissible to them under the directive.
- (ii) collecting, consolidating and despatching the annual returns relating to representation of Scheduled Castes and Scheduled Tribes.
- (iii) acting as a Liaison Officer between the undertaking and the Ministry concerned for supply of other information, answering questions and queries and clearing doubts in regard to matters covered by these orders.
- (iv) conducting annual inspection of the rosters maintained in the enterprise with a view to ensuring proper implementation of the reservation orders.

A detailed proforma for facilitating the inspection of the roster has been drawn up and circulated to the Ministries *vide* Appendix XIII of the directive. It has also been laid down *vide* the Directive, that it should be ensured that the normal administrative inspections, which are carried out periodically, give assessment of the performance of the enterprise in the matter of strict observance of orders regarding the reservation of Scheduled Castes and Scheduled Tribes and in filling vacancies reserved for these communities. The form of administrative inspections prescribed, if any, may also include columns for giving assessment of the performance of the enterprise in the matter referred to above.

3. Ministry of Industry and Civil Supplies, etc. are requested to bring to the notice of the Public Enterprises under their administrative control the recommendation of the Parliamentary Committee referred to in para 1 above and also urge the undertaking(s) to ensure that action is taken as contemplated in the directive/instructions issued by Government from time to time for maintenance and periodical inspection of the rosters.

4. As regards disciplinary action against the defaulting officers, it is presumed that provisions exist in the Conduct Rules/Service Conditions in the Public Enterprises, as in Government, whereby the higher authorities concerned can take disciplinary action against the officials, whether it is for inefficiency, infractions or disobedience. Wherever considered necessary, the provisions in the Conduct Rules/Service Conditions may also be invoked against the officials, to deal with all such cases.

Sd./- S. S. SAMADDER,
Under Secretary to the Govt. of India.

To

All Ministries/Departments of Govt. of India concerned with
Public Sector Enterprises (including Deptt. of Person-
nel & A. R.).

Copy to:

1

Adviser (P)/Adviser (F)/Adviser (C)/Director (I & R)/
DS (Coord), BPE.

Heads of Expenditure Divisions in the Deptt. of Expenditure
(with two spare copies).

Comptroller and Auditor General of India.

Commissioner for Scheduled Castes and Scheduled Tribes,
R. K. Puram, New Delhi.

Sd./- S. S. SAMADDER,
Under Secretary to the Govt. of India.

APPENDIX IX

(Vide Chapter IV, Recommendation No. 18)

No. F. 16|27|74-Estt. (SCT)

GOVERNMENT OF INDIA/BHARAT SARKAR

CABINET SECRETARIAT|MANTRIMANDAL SACHIVALAYA

DEPARTMENT OF PERSONNEL & ADM. REFORMS

(KARMIK AUR PRASHASNIK SUDHAR VIBHAG)

New Delhi, the 12 Nov., 1975

OFFICE MEMORANDUM

SUBJECT:—*Dereservation of vacancies reserved for Scheduled Castes and Scheduled Tribes—Concurrence of the Liaison Officer concerned before sending proposals for dereservation.*

The undersigned is directed to invite reference to the instructions contained in the Ministry of Home Affairs Office Memorandum No. 1|6|67-Estt. (C) dated the 20th September, 1967, regarding the procedure for dereservation of vacancies reserved for Scheduled Castes and Scheduled Tribes and to say that the Commissioner for Scheduled Castes and Scheduled Tribes has made the following recommendation in his Report for the years 1971-72 and 1972-73:—

“In spite of the appointment of the Liaison Officers to ensure proper working of service safeguards for the Scheduled Castes and Scheduled Tribes, a large number of vacancies are being dereserved year after year due, at times, to lack of proper implementation of relevant orders. It should, therefore, be made one of the duties of the Liaison Officers to see that all prescribed steps are taken to attract persons from amongst these communities before seeking dereservation of reserved vacancies. The recruiting authorities while sending proposals for dereservation of vacancies, should be instructed to record a note to the effect that the proposal is being made with full knowledge and concurrence of the Liaison Officer concerned.”

2. The above recommendation has been consider in this Department. Ministry of Finance etc. are requested that in future, whenever a reference is made to this Department for dereservation of reserved vacancies (a copy of which is also to be sent to the Commissioner for Scheduled Castes and Scheduled Tribes), besides giving information, as usual, a note should also be recorded to the effect that the proposal is being made with the full knowledge and concurrence of the Liaison Officer concerned.

3. Ministry of Finance etc. may kindly bring the above decision to the notice of all appointing authorities under them.

AUTHORISED FOR ISSUE

Sd.|- B. S. KARDAM

SECTION OFFICER.

Sd.|- J. S. AHLUWALIA

Under Secretary to the Government of India.

To,

All Ministries|Departments etc. etc.,
 All Union Territories;
 Zonal Councils Secretariat;
 All Attached and Subordinate Office of the Department of
 Personnel & Admn. Reforms;
 Comptroller & Auditor General of India; and
 Election Commission.

No. F. 16|27|74-Estt. (SCT)

New Delhi, the 12th Nov., 1975.

Copy forwarded to:—

1. Lok Sabha Secretariat (SCTC Branch) with 40 spare copies) and (Admn. Branch);
2. The Commissioner for Scheduled and Scheduled Tribes;
3. Union Public Service Commission (with 15 spare copies);
4. Institute of Secretariat Training & Management (with 15 spare copies).
5. Bureau of Public Enterprises (Management Division);
6. Ministry of Defence (D-PS);
7. Ad. I, Ad. II, AIS (I), (III), IV, CS. I, II, III, Estt (B), C, D, I, E.S., I.S.S., AVD. II, AVD. IV; and Welfare Section in the Department of Personnel & Administration Reforms and E.O. (MM).

Sd|- J. S. AHLUWALIA

Under Secretary to the Government of India.

APPENDIX X

(Vide Chapter IV, Recommendation No. 22)

No. 27/10/71-Estt (SCT)

GOVERNMENT OF INDIA/BHARAT SARKAR

CABINET SECRETARIAT|MANTRIMANDAL SACHIVALAYA

DEPARTMENT OF PERSONNEL & ADM. REFORMS

(KARMIK AUR PRASHASNIK SUDHAR VIBHAG)

New Delhi, the 5th September, 1975.

OFFICE MEMORANDUM

SUBJECT:—*Requirement regarding experience in a particular field or post—Question of relaxation in the case of Scheduled Castes|Tribes candidates.*

In this Department Office Memorandum No. 27/10/71-Estt. (SCT), dated the 28th August, 1971, views of the Ministries|Departments were invited on the question of relaxation of the requirement regarding experience in a particular field or post for recruitment to posts|services under the Government in the case of Scheduled Castes|Scheduled Tribes candidates. This matter has been carefully considered in the light of the views of the Ministries|Departments, and in consultation with the Union Public Service Commission. It has now been decided that where some period of experience is prescribed as an essential qualification for direct recruitment to a post, and where, in the opinion of the Ministry|Department concerned, the relaxation of the experience qualification will not be inconsistent with efficiency, a provision should be inserted under the 'Essential' qualification in column 7 of the Schedule to the relevant Recruitment Rules, as indicated at (a) or (b) below, to enable the UPSC|competent authority to relax the 'experience' qualification in the case of Scheduled Castes|Scheduled Tribes candidates in the circumstances mentioned in the provisions:—

- (a) Where the post is filled by direct recruitment through the Union Public Service Commission, the provision to be inserted will be:—

“The qualification regarding experience is relaxable at the

discretion of the Union Public Service Commission in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes, if at any stage of selection, the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them."

- (b) Where the post is filled by direct recruitment otherwise than through the UPSC, the provision to be inserted will be:—

"The qualification regarding experience is relaxable at the discretion of the competent authority in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes, if at any stage of selection, the competent authority is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them."

2. The Ministry of Finance, etc. are accordingly requested to review the Recruitment Rules of all the posts in Class I, Class II, Class III and Class IV under them, and to make suitable provision, wherever necessary, in the Recruitment Rules as mentioned in the preceding paragraph.

3. When any vacancies reserved for Scheduled Castes and Scheduled Tribes are advertised or intimated to the Employment Exchange, it should be specifically mentioned in the advertisement/requisition that the period of experience prescribed is relaxable, at the discretion of the UPSC or the competent authority, as the case may be, in the case of Scheduled Castes/Tribes candidates as provided in the Recruitment Rules. This is intended to ensure that the aspirants who may fall slightly short of the requisite experience come to know about the possibility of relaxation in their regard.

4. Ministry of Finance, etc. are requested to bring the above instructions to the notice of all concerned.

Sd.|- J. S. AHLUWALIA,

Under Secretary to the Government of India.

To

All Ministries/Departments, etc.

APPENDIX XI

(Vide Chapter IV, Recommendation No. 23)

No. 36021/7/75-Estt (SCT)

GOVERNMENT OF INDIA/BHARAT SARKAR

CABINET SECRETARIAT|MANTRIMANDAL SACHIVALAYA

DEPARTMENT OF PERSONNEL & ADM. REFORMS

(KARMAK AUR PRASHASNIK SUDHAR VIBHAG)

New Delhi, the 25th Feb., 1976

OFFICE MEMORANDUM

SUBJECT:—Reservations for Scheduled Castes and Scheduled Tribes in posts filled by promotion—applicability to grades or services in which the element of direct recruitment does not exceed 66-2/3 per cent.

The question of enlarging the scope of the existing scheme of reservations for Scheduled Castes and Scheduled Tribes in posts filled by promotion by extending them to grades or services in which the element of direct recruitment is not more than 66-2/3 per cent (as against the existing limit of 50 per cent) has been under the consideration of Government. Under the existing orders, reservations have been provided at 15 per cent and 7½ per cent of the vacancies for Scheduled Castes and Scheduled Tribes respectively (i) in promotions through limited departmental competitive examinations in Groups B, C, and D (formerly Classes II, III and IV), (ii) in promotions by selection Groups B, C and D (formerly Classes II, III and IV) and from Group 'B' (Class II), to the lowest rung of Group 'A' (Class I) and (iii) in promotion on the basis of seniority subject to fitness in all Groups i.e. Groups A, B, C and D (formerly Classes I, II, III and IV) (in all these cases), in grades or services in which the element of direct recruitment, if any, does not exceed 50 per cent *vide* orders in para 2A and 2B (b) of the Ministry of Home Affairs (New Department of Personnel and Administrative Reforms) Office Memorandum No. 1/12/67-Estt (C) dated 11th July, 1968 read with Office Memorandum No. 27/25/68-Estt (SCT) dated 25th March, 1970, Office Memorandum No. 27/2/71-

Estt (SCT) dated 27th November, 1972 and Office Memorandum No. 10|41|73-Estt (SCT) dated 20th July, 1974. It has now been decided in partial modification of these orders that the reservations in posts filled by promotion under the existing scheme as indicated above should be made applicable even to grades or services, in which the element of direct recruitment, if any, does not exceed 66-2|3 per cent.

2. The above instructions take effect from the date of issue of these orders except where a Select List for promotion under the relevant orders has already been prepared by the Departmental Promotion Committee and approved by the appropriate authority, before the date of issue of these orders.

3. Ministry of Finance etc. are requested to bring the above decision to the notice of all concerned.

4. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller and Auditor General of India.

Sd.|- A. S. TANEJA,
Under Secretary to the Government of India.

To

All Ministries|Departments etc.

APPENDIX XII

(Vide Para 5 of Introduction)

I. Total number of recommendations	36
II. Recommendations which have been accepted by Government (Vide recommendations Sl. Nos. 15,21,30,31,32,33,34, and 35)	8
Number	8
Percentage to total	22.22
III. Recommendations which the Committee do not desire to pursue in view of Government's replies (Vide recommendations Sl.Nos. 1,2,3,8,11, 28 and 29)	
Number	7
Percentage to total	19.45
IV. Recommendations in respect of which replies of Government have not been accepted and which require reiteration (Vide recommendations Sl.Nos. 4,5,6,7,9,10,12,13,14,16,18,19,20,22,23,24,25,26,27,36 and 57)	
Number	21
Percentage to total	58.33
