

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

(1977-78)

(SIXTH LOK SABHA)

THIRTEENTH REPORT

MINISTRY OF HOME AFFAIRS

Action taken by Government on the recommendations contained in the Fifty-second Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Fifth Lok Sabha) on the Ministry of Home Affairs—Reservations for, and employment of, Scheduled Castes and Scheduled Tribes in the Delhi Administration

[Presented in Lok Sabha on 13-12-77]

[Laid in Rajya Sabha on 13-12-77]



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Corrigenda
to

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| <u>Page</u> | <u>Line</u> | <u>Corrigenda</u> |
|-------------|-------------------|---|
| 1 | 8 | <u>Add</u> 'In' in the beginning. |
| 2 | 11 from bottom | <u>Delete</u> 'of' |
| 8 | 2 | <u>For</u> 'recommended' <u>read</u> 'recommend' |
| 15 | 2 from bottom | <u>For</u> 'been' <u>read</u> 'be' |
| 34 | 7 | <u>For</u> 'effect' <u>read</u> 'affect' |
| 35 | 3 | <u>For</u> 'conductive' <u>read</u> 'conducive' |
| 37 | 12 from bottom | <u>For</u> 'and' <u>read</u> 'are' |

CONTENTS

| | PAGE |
|---|-------|
| COMPOSITION OF THE COMMITTEE | (iii) |
| INTRODUCTION | (v) |
| CHAPTER I—Report | 1 |
| CHAPTER II—Recommendations/Observations which have been accepted by Government | 3 |
| CHAPTER III—Recommendations/Observations which the Committee do not desire to pursue in view of the Government's replies | 26 |
| CHAPTER IV—Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration | 38 |
| APPENDICES | |
| I. Charter of duties of the Cell for Scheduled Castes in Delhi Administration, Delhi | 41 |
| II. Copy of Delhi Administration letter No. F. 9(27)/76-C.C. dated the 21st September, 1976 to all the Heads of Departments, Delhi Administration, regarding Recommendation No. 6 (Para 1.21) | 43 |
| III. Copy of Department of Personnel & Administrative Reforms O.M. No. 36022/6/76/Est. (SCT) dated the 10th May, 1976 | 44 |
| IV. Copy of Delhi Administration letter No. F. 9(27)/76-C.C. dated the 22nd September, 1976 to all the Heads of Departments, Delhi Administration, regarding Recommendation No. 9 (Para 1.31) | 46 |
| V. Copy of Delhi Administration letter No. F. 9(27)/76-C.C. dated nil to the Secretary (Education), Delhi, regarding Recommendation No. 10 (Para 1.32) | 48 |
| VI. Copy of Delhi Administration letter No. F. 9(27)/76-C.C. dated the 22nd September, 1976, regarding Recommendation No. 11 (Para 2.9) | 50 |
| VII. Copy of Delhi Administration letter No. F. 9(27)/76-C.C. dated the 21st September, 1976 to all the Heads of Departments, Delhi Administration, regarding Recommendation No. 12 (Para 2.10) | 51 |
| VIII. Copy of Delhi Administration letter No. F. 9(27)/76-C.C. dated the 7th January, 1977 to all the Heads of Departments, Delhi Administration, regarding Recommendation No. 16 (Para 2.21) | 52 |
| IX. Copy of Delhi Administration letter No. F. 9(27)/76-C.C. dated the 30th October, 1976 to all Heads of Departments, Delhi Administration, regarding Recommendation No. 20 (Para 2.40) | 53 |

| | PAGE |
|---|------|
| X. Copy of Ministry of Home Affairs letter No. U. 15038/35/76-Plg. dated the 20th December, 1976 | 54 |
| XI. Copy of Delhi Administration letter No. F. 9(27)/76-C.C. dated the 30th October, 1976 to all Heads of Departments, Delhi Administration, regarding Recommendation No. 27 (Para 2.62) | 56 |
| XII. Copy of Delhi Administration Notification No. F. 9(27)/76-C.C. dated the 25th October, 1976 regarding Recommendation No. 32 (Para 3.22) | 58 |
| XIII. Copy of Recommendation No. 4 (Para 1.20) contained in the 41st Report (5th Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes and the Government's reply thereto | 60 |
| XIV. Copy of Delhi Administration letter No. F. 9 (27)/76-C.C. dated the 30th October, 1976 to the Director, Employment, Delhi Administration, regarding Recommendation No. 50 (Para 3.99) | 62 |
| XV. Copy of Delhi Administration letter No. F. 9(27)/76-C.C. dated the 30th October, 1976 to the Commissioner, Sales Tax, New Delhi, regarding Recommendation No. 53 (Para 3.110) | 63 |
| XVI. Copy of Delhi Administration letter No. F. 9(3)/75-C.C. dated the 24/26.12.1975 to Liaison Officers of various Departments of Delhi Administration, regarding Recommendation No. 57 (Para 4.13) | 64 |
| XVII. Copy of Delhi Administration letter No. F. 9(27)/76-C.C. dated the 31st December, 1976 to all the Heads of Departments, Delhi Administration, regarding Recommendation No. 57 (Para 4.13) | 65 |
| XVIII. Analysis of the action taken by Government on the recommendations. | 66 |

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES

(1977-78)

* Shri Ram Dhan—*Chairman*.

MEMBERS

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2. Shri T. Balakrishnaiah
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- **4. Shri Chand Ram
5. Shri Somjibhai Damor
6. Shri Biren Singh Engti
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Rajya Sabha

21. Prof. N. M. Kamble
22. Shrimati Saroj Khaparde
23. Shri S. Kumaran

*Proceeded abroad on the 23rd September, 1977.

**Ceased to be members of the Committee on their appointment as Ministers of State *w.e.f.* the 14th August, 1977.

**Appointed by the Speaker as Chairman with effect from the 23rd September, 1977 during the absence of Shri Ram Dhan, proceeded abroad.

)

24. Shri P.K. Kunjachen
25. Shri Yogendra Makwana
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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.*

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 their Thirteenth Report on Action Taken by Government on the recommendations contained in their Fifty-second Report (Fifth Lok Sabha) on the Ministry of Home Affairs—Reservations for, and employment of, Scheduled Castes and Scheduled Tribes in the Delhi Administration.

2. The Draft Report was considered and adopted by the Committee at their sitting held on the 27th October, 1977.

3. The Report has been divided into 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 the Government's replies.

IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration.

4. An analysis of the action taken by Government on the recommendations contained in the Fifty-Second Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes is given in Appendix XVIII. It would be observed therefrom that out of 62 recommendations made by the Committee in their Fifty-second Report, 49 recommendations *i.e.*, 79.03 per cent have been accepted by Government; the Committee do not desire to pursue ten recommendations, *i.e.*, 16.13 per cent of their recommendations in view of Government replies; and three recommendations, *i.e.*, 4.84 per cent in respect of which replies of Government have not been accepted by the Committee require reiteration.

NEW DELHI ;

November 15, 1977.
Kartika 24, 1899 (S).

SURAJ BHAN,
Chairman,

Committee on the Welfare of Scheduled Castes
and Scheduled Tribes.

CHAPTER I

REPORT

This Report of the Committee deals with the action taken by Government on the recommendations contained in the Fifty-Second Report (Fifth Lok Sabha) of the Committee on the Ministry of Home Affairs—Reservations for, and employment of, Scheduled Castes and Scheduled Tribes in the Delhi Administration.

1.2. Para 2.59 of their 52nd Report, the Committee had noted that although a large number of general candidates had been promoted in teachers' posts in the Education Department of the Delhi Administration during the years 1973-74 and 1974-75, the number of Scheduled Tribes among them was nil and the number of Scheduled Castes was also negligible. Similarly, in the Police Department, the number of unfilled carried forward reserved vacancies in promotional posts was quite large. The Committee had observed that the situation had arisen due to non-availability of Scheduled Caste and Scheduled Tribe employees in the lower grades or in the zone of consideration for promotion to the next grade and had desired the Delhi Administration to examine the feasibility of filling those promotional posts by direct recruitment of qualified Scheduled Caste and Scheduled Tribe candidates to the extent of deficiency. In their reply dated the 24th January, 1977, the Ministry of Home Affairs have stated that the manner in which recruitment to a particular post should be made is determined with reference to the requirements of the post, the duties attached, qualifications, experience and previous training required for efficiently manning a post and also taking into account other relevant factors such as need for introduction of fresh blood by way of direct recruitment, adequate opportunities of promotion to persons in the lower grade, etc. The method of recruitment to a post is laid down in the recruitment rules, which are statutory. Normally, posts are filled either by direct recruitment, promotion, deputation, or transfer. Where it is considered essential that the posts should be filled by more than one method, the proportion to be filled by each method is also laid down in the recruitment rules, e.g., 50% by direct recruitment and 50% by promotion. Sometimes, an alternative method of recruitment is also prescribed e.g., "by promotion failing which by deputation or transfer." Recruitment to all regular vacancies arising in a post is required to be made strictly according to the provisions of the recruitment rules. It will, therefore, not be feasible to fill promotional posts by direct recruitment.

The Committee are not satisfied with the reply of the Government and would therefore like to reiterate their earlier recommendation.

1.3. In para 3.46 of their above Report, the Committee had noted that the Education Department did not maintain rosters for the posts of Vice-Principal and other categories of teachers due to which they could not work out the quotas reserved for the Scheduled Castes and Scheduled Tribes respectively in these posts. The Committee had therefore, suggested

that in those categories of posts for which rosters were not being maintained prior to 1974, vacancies reserved for Scheduled Castes and Scheduled Tribes should be calculated on the basis of total strength in that cadre. In their reply dated the 24th January, 1977, the Ministry of Home Affairs have invited the attention of the Committee to the reply of the Department of Personnel and Administrative Reforms to Recommendation No. 4 (Para 1.20) contained in the Forty-first Report (Fifth Lok Sabha) of the Committee on the Cabinet Secretariat (Department of Personnel and Administrative Reforms) regarding reservations for Scheduled Castes and Scheduled Tribes in Services which *inter alia* states 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 Committee are of the view that the Education Department of the Delhi Administration have failed to carry out Government instructions by not maintaining the rosters for the posts of Vice-Principal and other categories of teachers from the very beginning due to which they could not work out the quotas reserved for the Scheduled Castes and Scheduled Tribes in these posts. The Delhi Administration should, therefore, construct the rosters for these posts from the beginning and calculate the quota of posts for Scheduled Castes and Scheduled Tribes. In case it is not possible, the vacancies reserved for these communities should be calculated on the basis of the total strength of posts in those categories.

1.4. In para 3.115 of the above Report, the Committee had noted that there was a shortfall in the representation of Scheduled Castes and Scheduled Tribes in the DANI Civil Service as reservations were not applied in the initial constitution of this Service in January, 1971, and had hoped that besides filling the future reserved vacancies in promotion and in direct recruitment as and when they occurred, the Ministry of Home Affairs would also endeavour to make good the shortfalls which had occurred due to not applying of reservations at the initial constitution of the DANI Civil Service. In their reply dated the 24th January, 1977, the Ministry of Home Affairs have stated that there was no reservation for Scheduled Castes and Scheduled Tribes at the initial constitution of the Service as no direct recruitment or promotion as such was involved at that stage. The initial appointments were made from amongst the persons already working in the posts which were encadred or by transfer from other services. As there was no reservation in such cases, the question of any shortfall does not arise.

The Committee are not satisfied with the reply of the Government and would like to reiterate their earlier recommendation.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation (Sl. No. 1, Para No. 1.9)

The Committee regret to note that the work relating to the representation of Scheduled Castes and Scheduled Tribes in the services of Delhi Administration is being looked after by just one Assistant with the result that various orders/instructions issued by the Government of India from time to time for ensuring proper representation of Scheduled Castes and Scheduled Tribes in the services of the Delhi Administration are not being duly referred to and properly enforced.

Reply of Government

The work relating to the representation of Scheduled Castes and Scheduled Tribes in services is the function allotted to the Services Department of the Delhi Administration which functions under the Chief Secretary, who is assisted by Special Secretary (Services) Deputy Secretary (Services) Under Secretary (Services) and three Sections each under a Superintendent. In order to ensure that this particular work received special attention. One of the Assistants in the concerned Section was especially earmarked. This was the Special Cell which existed so far. This Cell has since been strengthened by the addition of one more Assistant, one U.D.C. and one L.D.C. who are supervised as before by the Superintendent of the concerned Section.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 2, Para No. 1.10)

The Committee are surprised to note that a proposal made by the Delhi Administration as far back as October, 1970 for additional staff for creation of a separate cell, or augmenting the existing cell, to ensure due compliance of orders in reservations for Scheduled Castes and Scheduled Tribes, has not been finalised so far by the Ministry of Home Affairs, nor has the Delhi Administration cared to strengthen their Confidential Cell by deploying more persons from their existing staff to attend effectively to the work relating to representation of Scheduled Castes and Scheduled Tribes in the services of the Delhi Administration. This only shows that the Ministry of Home Affairs as well as the Delhi Administration have shown total disregard in the matter of the implementation of the constitutional safeguards relating to reservations for Scheduled Castes and Scheduled Tribes in services.

Reply of Government

Please see reply to para 1.9 (Sl. No. 1).

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Recommendation (Sl. No. 3, Para No. 1.11)

The Committee have been informed that the study to review the existing staff strength of the Delhi Administration has been completed by that Administration and that it has not been possible for the Administration to find surplus staff to strengthen the Confidential Cell. The Committee, therefore, urge upon the Ministry of Home Affairs to take up this matter on a priority basis with the Ministry of Finance for the sanction of additional staff proposed by the Delhi Administration. The Committee also suggest that as soon as the additional staff is sanctioned, the Delhi Administration should set up a separate Cell with adequate staff to look after the interest of Scheduled Castes and Scheduled Tribes in the services of the Delhi Administration. For this purpose, a charter of duties for the Cell should be drawn up. The Liaison Officer in the Delhi Administration designated for this purpose should be made fully responsible for proper functioning of the Cell.

Reply of Government

As stated in reply to 1.9 the Cell has been set up and a charter of duties for the Cell has also since been drawn up. The Deputy Secretary (Services), Delhi Administration who is incharge of this Cell has been designated the Chief Liaison Officer and he has been made fully responsible for the proper functioning of the Cell. A copy of the charter of duties is placed at Appendix-I.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 4, Para No. 1.12)

The Committee also desire that a note on the activities of this Cell should be included in the Annual Report of the Delhi Administration.

Reply of Government

This is noted for compliance.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 6, Para No. 1.21)

The Committee would also like the Delhi Administration to ensure scrupulously that as and when any new order relating to reservations for Scheduled Castes and Scheduled Tribes is received by the Administration from the Government of India, it is implemented in letter and spirit by all the Departments/Offices under its administrative control without any loss of time.

Reply of Government

The recommendation has been noted and instructions have been issued to all Heads of Departments to ensure that the orders issued by the Government of India as circulated by the Delhi Administration are scrupulously followed in letter and spirit. Copies of the instructions issued to all Heads of Departments in Delhi Administration may please be seen at Appendix-II.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977.]

Recommendation (Sl. No. 8, Para No. 1.30)

The Committee note that annual statements showing the total number of employees in the Delhi Administration and the number of Scheduled Castes and Scheduled Tribes among them and recruitment made during a calendar year and the number of Scheduled Castes/Tribes among the persons recruited are submitted by the Delhi Administration direct to the Department of Personnel and Administrative Reforms and a copy of the same is not sent to the Ministry of Home Affairs. The Committee are surprised to note that the Department of Personnel and Administrative Reforms does not scrutinise the annual statements on receipt from the Delhi Administration and other Administrative Ministries with a view to checking the performances of the Administrative Ministries but that department only compiles statistics for placing them before the High Power Committee. The Committee desires that the annual statements on receipt from the Delhi Administration and from other Administrative Ministries should be critically examined by the Department of Personnel and Administrative Reforms and the deficiencies noticed therein should be pointed out to them expeditiously so that they could take necessary corrective measures without any delay.

Reply of Government

The Department of Personnel have issued instructions to all the Ministries/Departments and the Union Territories *vide* their O.M. No. 36022/6/76 Estt. (SCT) dated the 10th May, 1976 (Annexure-III) asking them to ensure that the annual statements submitted by the appointing authorities are critically examined and analysed. The deficiencies noticed, if any, are to be pointed out to the appointing authorities concerned expeditiously so that they could take necessary corrective measures. The Department of Personnel, which receives consolidated annual statements from Ministries/Departments and Union Territory administrations have on their part, assured that these reports would now be more critically examined by them.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977.]

Recommendation (Sl. No. 9, Para No. 1.31)

The Committee are unhappy to note that the annual statement showing the total number of employees in the Administration and the number of Scheduled Castes and Scheduled Tribes among them as on 1st January, 1975 was submitted by the Delhi Administration to the Department of Personnel and Administrative Reforms in July 1975 although it should

have been sent latest by the 31st March 1975 as per the Government of India orders on the subject. The Committee also note with concern that the Delhi Administration has not submitted to the Department of Personnel and Administrative Reforms the statement showing particulars of recruitment made during the calendar year 1974 and the number of Scheduled Castes and Scheduled Tribes among the persons recruited. Further, the Police Department and the Education Department of the Delhi Administration have not furnished the annual statements to the office of the Chief Secretary, Delhi Administration by the stipulated date, *i.e.* the 1st March 1975. The Committee feel that the very purpose of submitting these annual statements gets defeated if these are not submitted in time. The Committee would like the Department of Personnel and Administrative Reforms and the Delhi Administration to ensure that these annual statements are submitted by the appointing authorities in time. Failure to submit these statements in time should be regarded as a serious lapse on the part of the concerned Heads of the Departments.

Reply of Government

The Delhi Administration have stated that the recommendation of the Committee has been taken note of and in future it will be ensured that the annual statements are submitted to the Department of Personnel and Administrative Reforms by 31st March. The Administration have instructed all Heads of Departments to submit the Annual Statements in Appendix '8 & 9' by 28th February each year positively. A copy of the instructions issued by them is placed at Appendix—IV.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Recommendation (Sl. No. 10, Para No. 1.32)

The Committee regret to note that the various Units of the Education Department are sending their annual statements direct to the Office of the Chief Secretary, Delhi Administration. This shows that there is no coordination between the Liaison Officer in the Education Department and the different Units of the Education Department. The Committee would like the Education Department to issue instructions immediately to all its units to send their annual statements to the Liaison Officer in the Education Department instead of sending them direct to the Office of the Chief Secretary, Delhi Administration. The Liaison Officer, in turn, should submit them after thorough scrutiny and in a consolidated form to the Office of the Chief Secretary, Delhi Administration. The deficiencies, if any, found by the Liaison Officer during the scrutiny, should be brought to the notice of the concerned Unit for prompt remedial steps.

Reply of Government

The Delhi Administration have issued instructions to the Secretary/Director (Education), Delhi Administration, Delhi asking them to ensure that this recommendation of the Committee is followed strictly in future. A copy of this communication may please be seen at Appendix V.

The Directorate of Education, Delhi Administration have issued necessary instructions to its subordinate functionaries with a view to ensure that the annual statements are submitted to the Directorate of Education instead of sending direct to the Chief Secretary, Delhi Administration.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Recommendation (Sl. No. 11, Para No. 2.9)

The Committee note the procedure followed by the Delhi Administration for recruitment of various categories of posts in different departments under its control. The Committee recommend that in case sufficient number of Scheduled Caste and Scheduled Tribe candidates are not sponsored by the Employment Exchange in response by the Administration's requisition's an advertisement should invariably be issued in newspapers inviting applications direct from the candidates belonging to these Communities, waiving the condition of their having been registered with an Employment Exchange. Vacancies reserved for Scheduled Castes and Scheduled Tribes should also be announced through the All India Radio.

Reply of Government

This has been noted by the Delhi Administration for future guidance. A copy of Communication in this regard sent by them to all Heads of Departments may be seen at Appendix-VI.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977).

Recommendation (Sl. No. 12, Para No. 2.10)

The Committee also recommend that the Delhi Administration and the Departments under its control should always mention the specific numbers of vacancies reserved for Scheduled Castes and Scheduled Tribes respectively in the requisitions sent to the Employment Exchanges and also in the advertisement issued in newspapers for recruitment of staff.

Reply of Government

The recommendation has been noted by the Delhi Administration for compliance and necessary instructions to all the Heads of Departments have been issued by them accordingly. Please see Appendix-VII.

[Ministry of Home Affairs O.M. No. U-16016/17/76—Delhi, dated the 24th January, 1977].

Recommendation (Sl. No. 13, Para No. 2.11)

The Committee further recommended that reasons for rejection of Scheduled Caste and Scheduled Tribe candidates sponsored by the Employment Exchanges should also be communicated to the Employment Exchanges. This will enable the Employment Exchanges to sponsor in future the right type of candidates belong to Scheduled Castes and Scheduled Tribes.

Reply of Government

The recommendation has been noted and necessary instructions have been issued by the Delhi Administration to all the Heads of Department. Please see Appendix-VI.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Recommendation (Sl. No. 14, Para No. 2.12)

The Committee are surprised to learn that the Education Department of Delhi Administration has been making recruitment of teachers through the Employment Exchanges only and it has not been issuing any recruitment advertisement in newspapers for these posts in the past. The Committee fail to understand how the Education Department expected to fill large number of vacancies reserved for Scheduled Castes and Scheduled Tribes in the Teachers posts without giving them a wide publicity. The Committee, therefore, recommend that the Education Department, Delhi Administration while sending its requisition for teacher's posts to the Employment Exchanges should simultaneously issue recruitment advertisements in leading newspapers and also in the Employment News recently started by the Central Government. Vacancies reserved for Scheduled Castes and Scheduled Tribes should also be announced through the All India Radio.

Reply of Government

According to the existing instructions, if sufficient number of Scheduled Caste/Tribe candidates are not available through the Employment Exchange to fill the vacancies reserved for them, such vacancies are required to be advertised by the appointing authority concerned either through the Directorate General of Employment and Training or through the Directorate of Advertising and Visual Publicity. Instructions have also been issued by the Department of Personnel and Administrative Reforms for notifying reserved vacancies to the various stations of the All India Radio for announcement through the Radio.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Recommendation (Sl. No. 15, Para No. 2.20)

The Committee note the various concessions relaxations provided to Scheduled Castes and Scheduled Tribes in the matter of recruitment.

and promotion by the Delhi Administration. The Committee also note that as a result of these relaxations, the Delhi Administration has recruited some persons belonging to Scheduled Castes and Scheduled Tribes in the categories of Teacher, Lower Division Clerk etc. The Committee would like the Delhi Administration to liberalise these relaxations still further so that there is no backlog in the representations of Scheduled Castes and Scheduled Tribes in the services of Delhi Administration.

Reply of Government

The Delhi Administration extends the following concessions and relaxations to the Scheduled Castes/Scheduled Tribes in the matter of recruitment and promotions :—

1. Age relaxation up to the extent of 5 years.
2. In recruitment by open competitions standard fixed for general category candidates is lowered to the extent of 5% in case of Scheduled Castes and Scheduled Tribes candidates.
3. Scheduled Castes and Scheduled Tribes candidates are adjudged at lower standard in comparison to general category candidates.
4. In the Education Department at the time of recruitment to the teaching posts the percentage of marks prescribed for the general category candidates is lowered to the extent of 5% for Scheduled Castes and Scheduled Tribes candidates.

Efforts are being made to clear backlog as early as possible.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Recommendation (Sl. No. 16, Para No. 2.21)

The Committee note that the Scheduled Caste and Scheduled Tribe candidates are interviewed on separate dates by the Delhi Administration. The Committee desire that the Scheduled Caste and Scheduled Tribe candidates should be interviewed before the interviews for the general candidates are held by the Delhi Administration so that the Scheduled Caste and Scheduled Tribe candidates are not judged in comparison with the standard of general candidates.

Reply of Government

Instructions have already been issued by the Delhi Administration in accordance with the recommendation of the Committee to all concerned. A copy is placed at Appendix-VIII.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Recommendation (Sl. No. 17, Para No. 2.22)

So far as the recruitment of Scheduled Castes and Scheduled Tribes in the Delhi Police is concerned, the Committee note that the Delhi Administration relaxes the minimum height and the chest measurement in the case of Scheduled Castes and Scheduled Tribes by two inches in the case of constables and by one inch in the case of Head Constable (Clerical) and Sub-Inspector (Executive). The Committee would like the Delhi Administration to examine whether these standards could be further relaxed.

Reply of Government

The height and chest standard for general candidates for recruitment to the rank of Constable is 5'-7" and 32"-33½" respectively. The Delhi Administration consider that the relaxation of 2" each in height and chest is considered sufficient as any further relaxation is likely to affect the performance of the Delhi Police adversely.

In the case of Head Constable (Clerical) the general physical standard of height and chest is 5'-5" and 32"-33½" (Male) respectively. For the female candidates the height is 5'-2" relaxable by 2" in deserving cases. The relaxation of 1" each in height and chest for male and 2" in height for female is considered sufficient. Any further relaxation in the physical standard will lower the general standard of the force.

The general physical standard of height and chest in the rank of sub-Inspector is 5'-7" and 32"-33½" respectively. The relaxation of 1" each in height and chest is considered sufficient and further relaxation is likely to lower the standard of Police Force.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dt. 24-1-77]

Recommendation (Sl. No. 18, Para No. 2.31)

The Committee note that the Delhi Administration has finalised the list of senior Scheduled Caste and Scheduled Tribe Officers in the different Departments of the Delhi Administration who could now be associated with the various Recruitment/Promotion Committees of the Administration. The Committee hope that all the Departmental Promotion Committees and Staff Selection Boards will hereafter have Scheduled Caste/Tribe Officers as members on these Committees/Boards.

Reply of Government

The Delhi Administration have revised the constitution of the various staff Selection Boards and Departmental Promotion Committees. Each Service Selection Board/Departmental Promotion Committee has either a Scheduled Caste or Scheduled Tribe as its member.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 19, Para No. 2.39)

The Committee are surprised to note that the Delhi Administration had no clear understanding of the procedure of dereservation of vacancies

and it came to know about the correct and authentic interpretation of the term 'dereservation' only when the representative of the Department of Personnel and Administrative Reforms explained to its representatives in a meeting with them a day before their evidence before the Committee. The Committee suggest that the Delhi Administration should immediately organise a training course for its officers dealing with personnel matters with the help of the Cabinet Secretariat (Department of Personnel and Administrative Reforms) so that its officers become fully acquainted with the provisions and procedures of reservations for Scheduled Castes and Scheduled Tribes. The help of the office of the Commissioner for Scheduled Castes and Scheduled Tribes can also be taken in this connection.

Reply of Government

The Delhi Administration organised a two-day Refresher Course in collaboration with the officers of the Department of Personnel and Administrative Reforms on 16th and 17th December, 1975 on the provisions and procedures of reservations for Scheduled Castes and Scheduled Tribes. Again a similar course was organised in collaboration with the Department of Personal and Administrative Reforms on 21st and 22nd December, 1976.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 2), Para No. 2.40)

The Committee hope that in future the Delhi Administration will strictly follow the procedure for dereservation of vacancies reserved for Scheduled Castes and Scheduled Tribes as laid down by the Government of India and take all the essential steps as mentioned in para 26 to 27A of the Brochure on Reservations for Scheduled Castes and Scheduled Tribes (Fourth edition, 1975) before making any reference to the Ministry of Home Affairs/Department of Personnel and Administrative Reforms for dereservation.

Reply of Government

The recommendation of the Committee has been noted for compliance by the Delhi Administration in future. Necessary instructions to all Heads of Departments have also been issued by them. (Appendix IX).

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 22, Para No. 2.42)

The Committee regret to observe that the Ministry of Home Affairs could not take a decision and convey it to the Police Department of the Delhi Administration on certain cases of dereservation of reserved vacancies in promotion although a period of about two years had elapsed since the Police Department of the Delhi Administration first referred those cases to that Ministry. The Committee would urge upon the Ministry of Home Affairs to examine such cases expeditiously on receipt and convey their decision promptly to the concerned department so that it may not be handicapped for want of manpower.

Reply of Government

The recommendation has been noted. Hitherto, no clear guidelines were available for de-reservation of reserved vacancies in the Union Territories. The matter has been examined in consultation with the Department of Personnel & Administrative Reforms. A copy of the order outlining the procedure for de-reservation of reserved vacancies in the Union Territories issued vide MHANo. U-15038/35/76-Plg., dated the 20th December, 1976 (Appendix X)

[Ministry of Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 23, Para No. 2.58)

The Committee note that the Delhi Administration has provided reservation for Scheduled Castes and Scheduled Tribes employees in the matter of promotion by selection as well as seniority subject to fitness as per the Government of India orders on the subject issued from time to time. The Committee need hardly stress that the implementation of these orders not only in letter but also in spirit would only enable the Delhi Administration to wipe out the shortfall in the representation of Scheduled Castes and Scheduled Tribes in promotional posts in the Services of the Delhi Administration.

Reply of Government

The recommendation has been noted for compliance by the Delhi Administration.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 25, Para No. 2.60)

The Committee note that there is no backlog in the representation of scheduled castes in the posts of Head Constable (Executive) appointment to which is cent per cent by promotion from Constables. The Committee, however, find that there is a carry forward of 99 vacancies reserved for Scheduled Tribes in this category as on the 30th November, 1975. The Committee recommend that if departmental Scheduled Tribe candidates are not available in the Police Department for promotion, these vacancies should be filled by Scheduled Caste candidates in accordance with the extant orders.

Reply of Government

Instructions have been noted by the Delhi Administration for compliance and the action is underway.

[Ministry of Home Affairs O.M.No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Recommendation (Sl. No. 27, Para No. 2.62)

The Committee would like the Delhi Administration to ensure the full implementation of the Government of India orders contained in the Ministry of Home Affairs Memorandum No. 10/28/68-Est. (Sct.) dated the 12th September, 1968 regarding reservation for Scheduled Castes and Scheduled Tribes in confirmation by all its Departments.

Reply of Government

The instructions of the Government of India as contained in the Brochure for Scheduled Castes and Scheduled Tribes in services (1974) have been issued by the Delhi Administration to all Heads of Departments for strict compliance (Appendix XI).

[Ministry of Home Affairs O.M.No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Recommendation (Sl. No. 28, Para No. 3.18)

The Committee are perturbed to note that there is not a single Scheduled Tribe Officer in Class I and Class II posts in Services of the Delhi Administration and their representation in Class III and Class IV posts is also negligible. The representation of Scheduled Castes also is negligible in Class I and Class II posts and quite meagre in Class III posts. The Committee are convinced that unless concerted efforts are made by the Delhi Administration, the shortfalls in the representation of Scheduled Castes and Scheduled Tribes cannot be wiped out.

Reply of Government

There is already a Scheduled Tribe Officer in the Delhi Administration who is a member of DANICS. However, this recommendation of the Committee has been noted and the Administration is making efforts to ensure adequate representation of Scheduled Castes and Scheduled Tribes in all categories of employees.

[Ministry of Home Affairs O.M. No. U-16016 /17/ 76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 29, Para No. 3.19)

The Committee suggest that the Delhi Administration should resort to ad hoc recruitment exclusively for Scheduled Castes and Scheduled Tribes so that the entire backlog is wiped out within a period not exceeding three years.

Reply of Government

Steps are being taken to increase the intake of Scheduled Castes and Scheduled Tribes in all services under the Delhi Administration to clear the backlog.

The following steps have already been taken in this regard :

- (i) While framing a panel of Upper Division Clerks on the basis of the result of the Departmental Examination, the entire backlog has been wiped out and further due quota has also been given to Scheduled Caste/Scheduled Tribe employees by relaxing the normal standards.
- (ii) It is also proposed to provide due share to the Scheduled Caste/Scheduled Tribe candidates at the time of preparing panel for the posts of Lower Division Clerks, etc., on the basis of the open competitive examination held in October, 1976.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 30, Para No. 3 20)

The Committee note that there has been slight improvement in the representation of Scheduled Castes in the subordinate Services Cadre posts (both Ministerial and Executive) of the Delhi Administration during the last three years. The Committee, however, regret to find that as many as 702 vacancies in the case of Scheduled Castes and 842 vacancies in the Scheduled Tribes, have been shown as carried forward vacancies at the end of the year 1974 in the statement showing the recruitments/promotions made during the year 1972, 1973 and 1974 by the Delhi Administration. The Committee are of the opinion that in view of large number of Scheduled Caste/Tribe candidates on the live registers of Employment Exchanges in Delhi and in view of the Government of India orders dated the 27th November, 1972 and the 20th July, 1974 regarding reservations in promotion by seniority subject to fitness and promotion by selection respectively, there should be no difficulty for the Delhi Administration in filling the reserved vacancies at least in the Subordinate Services Cadre posts filled by direct recruitment as well as by promotion if the Government orders regarding reservation of vacancies for Scheduled Castes and Scheduled Tribes in direct recruitment and in promotion are meticulously implemented.

Reply of Government

The recommendation has been noted for compliance by the Delhi Administration. They are taking steps to wipe out the backlog.

Please also see reply to recommendation No. 29.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 31, Para No. 3 21)

The Committee note that the Delhi Administration transfer the vacancies reserved for Scheduled Tribes to Scheduled Castes after carrying forward those vacancies for three recruitment years. The Committee would

suggest that the Delhi Administration should examine the feasibility of recruiting Scheduled Tribes from other States having large Scheduled Tribes population so that the vacancies reserved for Scheduled Tribes are filled by candidates from that community only.

Reply of Government

The recommendation has been noted by the Delhi Administration for compliance. Steps would be taken to procure Scheduled Tribe candidates from the Scheduled Tribe pockets in the neighbouring States. It may be mentioned that in a recent competitive examination this Administration invited applications from Scheduled Tribe candidates of Lakshadweep on the recommendations of the Ministry of Home Affairs, but unfortunately none of the 8 sponsored candidates appeared in the examination. In so far as the Police Department is concerned, they have already addressed Rajasthan Police for special recruitment of Scheduled Tribes exclusively.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 32, Para No. 3.22)

The Committee suggest that the Delhi Administration should set up a High Power Committee under the Chairmanship of the Lt. Governor of Delhi which should periodically review the representation of Scheduled Castes and Scheduled Tribes in the various Departments of the Delhi Administration and take effective measures to wipe out the shortfalls in their representation in the Services. The activities of the proposed High Power Committee should also be highlighted in the Annual Report of the Delhi Administration.

Reply of Government

A High Power Committee under the Chairmanship of Lt. Governor of Delhi has been constituted (Appendix XII). The recommendation has been noted by the Delhi Administration for compliance.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 35, Para No. 3.47)

The Committee further note with dissatisfaction that the Education Department has appointed 31 Vice-Principals on an *ad hoc* basis and not a single Scheduled Caste/Tribe employee has been appointed as Vice-Principal. The Committee hope that the quota of Scheduled Castes and Scheduled Tribes would be given to them when these posts are filled on regular basis.

Reply of Government

The observation of the Committee has been noted by the Delhi Administration. The position regarding promotion of Principal, Vice-Principal made in the month of September, 1976 is as follows :

| Category | No. of promotees | | |
|-----------------------------------|------------------|----|----|
| | Gen. | SC | ST |
| Principal (Male) | 17 | 4 | — |
| Principal (Female) | 7 | 2 | .. |
| Vice-Principal (Male) | 14 | 5 | — |
| Vice-Principal (Female) | 14 | 4 | .. |

(There were no Scheduled Tribe candidates eligible for promotion).

[Ministry of Home Affairs O. M. No. U -16016/17/76- Delhi , dated the 24th January, 1977]

Recommendation (Sl. No. 37, Para No. 3·49)

The Committee further suggest that in order to liquidate the huge accumulation of reserved vacancies in the Teachers posts and in view of the fact that adequate efforts have not been made so far by the Education Department to recruit candidates from Scheduled Castes and Scheduled Tribes in these posts, the Delhi Administration should examine the feasibility of resorting to special recruitment confined to Scheduled Castes and Scheduled Tribes only to fill up cent per cent vacancies occurring in future by candidates from these communities only till the entire backlog is wiped out. This is all the more essential so that enough number of Scheduled Caste and Scheduled Tribe Teachers are available in the posts from which further promotional posts are to be filled.

Reply of Government

Government have considered the suggestion of the Committee. *Ad hoc* special recruitment can be held subject to the condition that in a full period of one recruitment year, the total number of reservations do not exceed 50% of all total number of vacancies in that year. The Supreme Court in the case of 'T. Devadasan versus Union of India and another' had held that reservation in excess of 50% of the vacancies would not be in keeping with the spirit of the provisions of Article 16 of the Constitution.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 38, Para No. 3·50)

The Committee regret to note that the Employment Exchange has not been sponsoring sufficient number of Scheduled Caste/Tribe candidates in response to the requisitions sent by the Education Department fo Teachers'

posts. The Committee suggest that the Education Department should not depend on the Employment Exchanges alone for reserved vacancies of Teachers. In order to attract larger number of Scheduled Castes and Scheduled Tribes applicants for Teachers' posts, the Education Department should give wide publicity to these vacancies through the media of press and All India Radio. That Departments should also establish close coordination and liaison with the Departments of Social Welfare of different State Government and also with the various Teachers' Training Institutes, Universities and Industrial Training Institutes with a view to find out suitable scheduled caste/tribe candidates for employment as Teachers in the Education Department of the Delhi Administration.

Reply of Government

According to the existing instructions, if sufficient number of Scheduled Caste/Tribe candidates are not available through the Employment Exchange to fill the vacancies reserved for them, such vacancies are required to be advertised by the appointing authority concerned either through the Directorate General of Employment and Training or through the Directorate of Advertising and Visual Publicity. Simultaneously with the advertisement, the vacancies are also brought to the notice of the associations of Scheduled Castes and Scheduled Tribes recognised for this purpose. Such advertisements will also be brought to the notice of the Social Welfare Departments and various agencies mentioned in the recommendation. Instructions issued by the Department of Personnel for notifying reserved vacancies to the various stations of the All India Radio for announcement through the Radio will also be followed.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 39, Para No. 3 51)

The Committee suggest that copies of all advertisements for recruitment of Teachers in the Education Department of the Delhi Administration should simultaneously be sent to the members of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes so that they could also help in sponsoring suitable Scheduled Caste and Scheduled Tribe candidates for employment in the Education Department.

Reply of Government

Government have considered the suggestion. Copies of advertisements would be sent by the Delhi Administration to the Secretariat of the Committee and the Lok Sabha/Rajya Sabha Secretariats for the information of the Members.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 42, Para No. 3 78)

The Committee feel very strongly that adequate representation of Scheduled Castes and Scheduled Tribes at all levels in the Police Deptt.

is absolutely essential. The cases of atrocities on, and harassment of Scheduled Castes and Scheduled Tribes are, to a large extent, due to their inadequate representation in the Police Forces of the States and Union Territories. In order to inspire confidence in the Scheduled Castes and Scheduled Tribes populace, it is necessary that they must have a feeling that the Police Force is their own and it will afford them all the protection needed by them. This can happen only if the Scheduled Castes and Scheduled Tribes are themselves adequately represented at all levels in the Police Departments. The Committee, would, therefore, emphasise with the greatest stress that all efforts should be made to wipe off the shortfalls in the representation of Scheduled Castes and Scheduled Tribes in each of the categories of posts in the Police Department.

Reply of Government

The recommendation of the Committee has been noted by the Delhi Administration for compliance.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 43, Para No. 3.79)

The Committee note that the Police Department recruits Scheduled Castes Candidates by applying the principle of exchange of vacancies between Scheduled Castes and Scheduled Tribes where suitable Scheduled Tribe candidates are not available for various posts after carrying forward those vacancies for three recruitment years. The Committee would, however, like the Police Department to fill the 90 outstanding carried forward reserved vacancies of Scheduled Tribes by appointing candidates from Scheduled Tribes only, as has been assured by that Department during evidence.

Reply of Government

Delhi Administration are already making efforts to wipe out the backlog of vacancies of Scheduled Tribes in the rank of Constables. For this purpose they have already addressed Rajasthan Police for special recruitment of Scheduled Tribes exclusively.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 44, Para No. 3.80)

The Committee note that due to non-availability of Scheduled Tribe candidates in Delhi, the Police Department has been sending teams of recruiting officers to the neighbouring states of Rajasthan, Madhya Pradesh, Uttar Pradesh etc. in order to recruit Scheduled Tribe constables. The Committee suggests that similar efforts should also be made to fill the carried forward vacancies reserved for Scheduled Tribes in other categories of post in which those vacancies have accumulated in large numbers.

Reply of Government

Direct recruitment is made only in respect of Class-IV Constables, Head Constables (Clerical) and 40% of the vacancies in the rank of Sub-Inspectors. 3 Scheduled Tribes have been recruited as Class-IV employees and efforts are afoot to make good the shortage in the rank of Constables by sending recruitment parties. As for Sub-Inspectors and Head Constables (Clerical) the procedure indicated against para 3.60 (Sl. No. 38) will be followed and in remaining categories *viz.* Inspectors, Assistant Sub-Inspectors and Head Constables, excepting Head Constables (Clerical) are filled by promotion.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977] █

Recommendation (Sl. No. 45, Para No. 3.31)

The Committee also suggest that the Police Department of Delhi Administration should approach the Departments of Social Welfare of various States for suitable Scheduled Tribes candidates. They should also send copies of their recruitment advertisements for various posts in the Police Department to members of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes who may help in sponsoring Scheduled Caste/Tribe candidates.

Reply of Government

The procedure indicated in the reply to para 3.50 (Sl. No. 38) will be followed in this case also.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 48, Para No. 3.84)

The Committee have been informed that the shortfall in the representation of Scheduled Castes and Scheduled Tribes in the posts of A.S.P./ Dy. S. P. is due to the fact that a number of Scheduled Castes /Tribe Officers have left the service on qualifying in other higher examination *viz.* I. A. S., I.P. S., etc, the Committee would like the Ministry of Home Affairs to examine the feasibility of filling the resultant vacancies by Scheduled Caste/Tribe candidates only, so that their quota does not fall below the prescribed percentages.

Reply of Government

Government have considered this recommendation of the Committee. The position is that reservations are made with reference to the vacancies occurring from time to time and not with reference to total strength of a service or a cadre. There is a roster of 40 points prescribed for keeping a continuous account of the vacancies filled from year to year. Vacancies caused

(due to whatever be the reasons) for which recruitment/promotion is to be made are entered in the roster and reservation is determined on that basis taking into account also the number of reserved vacancies carried forward from the previous year. As regards officers who resign after recruitment to the Service, their vacancies are also taken into account for purpose of determining the number of vacancies to be reserved. Among the officers who resign there may be officers belonging to Scheduled Castes/Scheduled Tribes or general communities, although in the case under reference it has happened that only the Scheduled Caste/Scheduled Tribe candidates have resigned. All such vacancies are taken into account for determining reservation in future recruitment. It would not be correct to determine reservation on the basis that a particular vacancy has been caused due to resignation of an officer belonging to Scheduled Caste or Scheduled Tribe. Vacancies caused by resignation of officers belonging to general categories (other than those of Scheduled Castes or Scheduled Tribes) may also fall on 'reserved' points in the roster.

■ [Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 49, Para No. 3.98)

The Committee note that the Employment Department of Delhi Administration controls only the ex-cadre posts and that the cadre posts in that Department are controlled by the Ministry of Home Affairs/Service Department of the Delhi Administration.

Reply of Government

Requires no action.

[Ministry of Home Affairs O. M. No. U-16016/17/76- Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 50, Para No. 3.99)

The Committee regret to note that there is not a single Scheduled Caste/Tribe in Class-III ex-cadre posts in the Employment Department. They are also surprised to find that there is carry forward of reserved vacancies even in Class-IV ex-cadre posts. This only shows that proper care has not been taken by the Employment Department to implement the Government of India orders on reservations for Scheduled Castes and Scheduled Tribes meticulously. The Committee would urge the Employment Department to take immediate and effective steps to make good the shortfalls at least in Class-III and Class-IV ex-cadre posts immediately.

Reply of Government

Necessary instructions to wipe out the backlog in the Employment Directorate have been issued by the Delhi Administration for strict compliance. In this regard please see Appendix-XIV.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 51, Para No. 3.100)

The Committee are also unhappy to note that the Employment Department does not mention the number of vacancies reserved for Scheduled Castes and Scheduled Tribes in their recruitment advertisements. In the absence of such specific mention, the Committee fail to understand how the Scheduled Caste and Scheduled Tribe candidates are to apply for the reserved posts. The Committee need hardly emphasise that the Government of India orders on the subject are specific and those should be meticulously followed in letter and spirit. This will also help the Employment Department in getting Scheduled Caste/Tribe candidates in large numbers.

Reply of Government

Instructions on this point have been issued by the Delhi Administration for strict compliance by all Heads of Departments (Appendix-VII).

[Ministry of Home Affairs O. M. No. U-16016/17/76- Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 52, Para No. 3.109)

The Committee note that all the posts other than Class-IV posts in the Sales Tax Department are filled and controlled directly by the Service Department of the Delhi Administration.

Reply of Government

Calls for no action.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 53, Para No. 3.110)

The Committee are sorry to note that the representation of Scheduled Tribes even in Class-IV posts in the Sales Tax Department of the Delhi Administration is only 2.6 per cent. The Committee do not agree with the justification given by the Sales Tax Commissioner that overall percentage of both the Scheduled Castes and Scheduled Tribes in Class-IV posts is 26.5. The Scheduled Caste Class-IV employees taken against general vacancies cannot be counted against the quota reserved for Scheduled Tribes. There is a well-defined procedure for exchange of reserved vacancies between the Scheduled Castes and the Scheduled Tribes and unless that procedure is followed the Scheduled Caste employees recruited in excess, if any, of their reserved quota cannot be counted against the unfilled reserved vacancies of Scheduled Tribes. The Committee would, therefore, like the Sales Tax Department to make good the shortfall in the intake of Scheduled Tribes in Class -IV posts immediately.

Reply of Government

Instructions have been issued by the Delhi Administration to the Sales Tax Department, for wiping out the shortfall in the intake of Scheduled Tribes in Class-IV posts (Appendix XV).

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 55, Para No. 4.11)

The Committee are surprised to note that although instructions to maintain rosters were issued by the Ministry of Home Affairs as back as 1952, the various departments of the Delhi Administration acted upon those instructions rather belatedly. As many as 17 Departments of the Delhi Administration introduced the Rosters only from 1970 onwards. The Committee are all the more distressed to find that after introducing the Rosters, majority of the Departments in the Delhi Administration have not maintained them properly, a fact which has been revealed during the course of inspections conducted by the Study Teams from the office of the Commissioner for Scheduled Castes and Scheduled Tribes.

Reply of Government

The Government's instructions regarding the maintenance and inspection of rosters have been issued by Delhi Administration more than once to all the Heads of Departments and they have been asked to follow these instructions strictly.

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 56, Para N. 4.12)

During the course of evidence before the Committee, the Committee pointed out several discrepancies in the statements furnished to the Committee regarding the staff strength in the different departments of the Delhi Administration, particularly the Education Department, and the Scheduled Castes and Scheduled Tribes among them and the numbers of reserved vacancies carried forward each year. In spite of sufficient time having been given to the Education Department, those discrepancies could not be reconciled because those statements had been prepared without maintenance of Rosters or based on Rosters improperly maintained. The Committee must emphasise that correct statements of staff positions and Scheduled Castes and Scheduled Tribes among them from year to year cannot be made unless Rosters are maintained correctly and properly.

Reply of Government

As observed by the team of the Officers from the Office of the Commissioner for Scheduled Castes and Scheduled Tribes the rosters are now being

maintained by the concerned branches of the Education Department of the Delhi Administration. Also see reply to para 4.11 (S. No. 55)

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 57, Para No. 4.13)

The Committee would also like to point out that the Roster is a mechanism to keep a watch on the proper and adequate intake of Scheduled Castes and Scheduled Tribes in the services and that it would cease to have any significance if it is not maintained properly. The committee would, therefore, stress that the Rosters should be maintained as per extant orders on the subject and they should be inspected regularly by the competent authorities in accordance with the proforma prescribed *vide* Cabinet Secretariat (Department of Personnel & Administrative Reforms) Office Memorandum No. 8/8/71- Estt (SCT) dated the 22nd April, 1971. Discrepancies noticed during the course of inspection of Rosters should be rectified immediately and also brought to the notice of the concerned Head of the Department as also the Chief Secretary Delhi Administration.

Reply of Government

Instructions were issued to all Heads of Departments/ Liaison Officers to conduct inspection of the rosters regularly and see that the discrepancies are rectified immediately. (See Appendix XVI) Further instructions in this regard have been issued by the Delhi Administration (Please see Appendix XVII).

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 58, Para No. 4.14)

In view of the said state of affairs in the Delhi Administration regarding maintenance of Rosters, the Committee would like the Delhi Administration to organise a training programme for its concerned staff in the prompt and proper maintenance of Rosters in respect of each category of posts in each of its Departments. The help of the Department of Personnel and Administrative Reforms and of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes may be taken in this regard.

Reply of Government

The training programme was organised by Delhi Administration on 21st and 22nd December, 1976 in collaboration with the Department of Personnel and Administrative Reforms. It was a two day refresher course which was attended by all the Liaison Officers of various Departments of Delhi Administration. The Officers of the Department of Personnel and Administra-

tive Reforms delivered detailed lectures on the provisions and procedure of reservations for scheduled Castes/Scheduled Tribes in services.

[Ministry of Home Affairs O. M. No. U- 16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 59, Para No. 4.24)

The Committee note that in 1968, the Delhi Administration had decided that the respective Heads of Departments in the Delhi Administration should act as Liaison Officers for the purpose of ensuring proper implementation of orders/instructions pertaining to reservations for Scheduled Castes and Scheduled Tribes in respect of their Departments and subsequently in 1971, other Officers in those Departments were appointed as Liaison Officers. The Committee are unhappy to find that several Departments of the Delhi Administration appointed Liaison Officers only from 1973 onwards.

Reply of Government

Noted.

[Ministry of Home Affairs O. M. No. U- 16016/17/76-Delhi, dated the 24th January, 1977]

¶ Recommendation (Sl. No. 60, Para No. 4.25)

The Committee hope that the Liaison Officers appointed by the various departments of the Delhi Administration would function with a sense of dedication and ensure that the shortfalls existing in the services of the Delhi Administration are wiped out at the earliest. They also hope that these Liaison Officers will focus their attention on the proper maintenance of Rosters by the concerned authorities and satisfy themselves that the reservation orders are properly implemented by them.

Reply of Government

Necessary instructions to the Liaison Officers have been issued by the Delhi Administration.

[Ministry of Home Affairs O. M. No. U- 16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 61 Para No. 4.26)

The Committee are also unhappy to note that in the Police Department of the Delhi Administration, the Assistant Inspectors General of Police who are in charge of recruitment and maintenance of Rosters have been appointed as Liaison Officers to inspect the Rosters etc. The Committee are in agreement with the views of the representative of the Ministry of Home Affairs that it is against the spirit of Government orders on the subject that an officer who is entrusted with the job of maintenance of Rosters is also asked to supervise

it. The Committee, therefore, suggest that a Deputy Inspector General of Police should be nominated as Liaison Officer to see that they maintain the Rosters properly and ensure due compliance by the appointing authorities with the orders and instructions pertaining to reservations of vacancies in favour of Scheduled Castes and Scheduled Tribes and other benefits admissible to them.

Reply of Government

The Deputy Inspector General of Police (Administration) has since been appointed as Liaison Officer for the Police Department.

[Ministry of Home Affairs O. M. No. U - 16016/17/76- Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 62, Para No. 4.27)

The Committee would like the Delhi Administration to review the position in other Departments also and remove the above anomaly if it exists in any of the other Departments of the Administration.

Reply of Government

Instructions to all the Heads of the Departments have been issued by the Delhi Administration. They have been asked to appoint Liaison Officer of the status of Deputy Secretary or equivalent in their department.

[Ministry of Home Affairs O. M. No. U- 16016/17/76-Delhi dated the 24th January, 1977]

CHAPTER III

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

Recommendation (Sl. No. 5, Para No. 1.20)

The Committee regret to note that although the Government of India orders relating to reservations for Scheduled Castes and Scheduled Tribes became effective to all the posts/ services in the Delhi Administration from the year 1950, these orders were implemented by that Administration somewhat effectively only from February, 1967. The Committee are also distressed to note that reservations for Scheduled Castes/Tribes were made for the first time in the Police Department of the Delhi Administration in 1955 after an unduly prolonged correspondence relating to the amendment of the Punjab Police Rules under which recruitment was then being made in Delhi. The Committee feel that the prolonged delay in effective implementation of reservation orders in the Delhi Administration as a whole and delay of five years in enforcement of reservations of vacancies for Scheduled Castes/Tribes in the Police Department must have deprived many a Scheduled Caste and Scheduled Tribe candidates an opportunity of getting into the Services of the Delhi Administration. This delay on the part of the Delhi Administration is inexcusable.

Reply of Government

The delay in the implementation of the reservation orders more effectively in the Delhi Administration has already been explained to the Committee both in the preliminary material supplied to the Committee Sectr. and also during the oral evidences tendered by the Chief Secretary, Delhi Administration. However, the backlog in Police Department from 1950 has been worked out and indicated in para 1.22. Efforts are afoot to remove the backlog in due course of time.

[Ministry of Home Affairs O. M. No. U- 16016/17/76-Delhi, dated the 24th January, 1977]

Recommendation (Sl. No. 7, Para No. 1.22)

In so far as the Police Department is concerned the Committee would like that the shortfalls in the employment of scheduled Castes and Scheduled Tribes in that Department should be reckoned from 1950 onwards when the Government instructions were received.

Reply of Government

Orders for representation for direct recruitment of Scheduled Castes and Scheduled Tribes were made applicable to Delhi Police in May, 1955, *vide*

Delhi Administration letter No. F. (141)/54-II dated 5-5-1955. The percentage of reservation at that time was 12½% for Scheduled Castes and 5% for Scheduled Tribes. In case of promotions these were made applicable after the amendment of Punjab Police Rule 13·1, with effect from 6-3-1969. The position of representation of Scheduled Castes and Scheduled Tribes in various ranks after deducting the strength of Class III existing in 1950 as worked out by Delhi Administration will be as under:--

| | Insprs. | S.I. | A.S.I. | H.Cs. (including Clerical) | Const- ables |
|---|---------|------|--------|----------------------------------|-----------------|
| (i) Sanctioned strength as on 30-11-1975 | 283 | 1646 | 1397 | 3897 | 13214 |
| (ii) Sanctioned Strength as on 1-1-1950 | 38 | 149 | 164 | 779 | 4536 |
| (iii) Increase from 1950 to 30-11-1975 | 245 | 1497 | 1233 | 3118 | 8678 |
| (iv) Break up of increase | | | | | |
| (a) from 1950 to 1970 | 186 | 1052 | 846 | 2126 | 6705 |
| (b) From 2-5-70 to 30-11-75 | 59 | 445 | 387 | 992 | 1973 |
| TOTAL | 245 | 1497 | 1233 | 3118 | 8678 |
| (v) Reservations for Scheduled Castes | | | | | |
| (a) @ 12½% from 1950 to 1970 | — | 131 | .. | — | 838 |
| (b) @ 15% from 1971 to 30-11-75 | 9 | 67 | 58 | 149 | 296 |
| Total reservation from 1950 to 30-11-75 | 9 | 198 | 58 | 149 | 1134 |
| (vi) Actual representation as on 30-11-1975 | 12 | 143 | 35 | 351 | 1472 |
| Shortfalls/excess of Scheduled Caste | +3 | —55 | —23 | +202 | +338 |
| Reservations for Scheduled Tribes | | | | | |
| (a) @ 5% from 1950 to 1970 | .. | 53 | — | — | 335 |
| (b) @ 7½% from 1971 to 30-11-1975 | 5 | 34 | 29 | 73 | 143 |
| Total reservation from 1950 to 30-11-1975 | 5 | 87 | 29 | 73 | 483 |
| Actual representation of Sch. Tribes as on 30-11-1975 | .. | 21 | .. | 12 | 108 |
| Shortfall/excess of Sch. Tribes | —5 | —66 | —29 | —62 | —375 |
| (vii) After adjusting excess of Sch. Castes against the shortfall of Sch. Tribes we get a shortfall/excess of | —2 | —121 | —52 | +140 | —35 |

The backlog will be cleared in the course of future recruitment

[Ministry of Home Affairs O. M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Comments of the Committee

The Committee would like to know the number of special recruitments made and the backlog in various categories in the Police Department cleared so far. The Committee would also like to know the number of vacancies reserved for Scheduled Castes and Scheduled Tribes still left to be filled in various cadres of Police and the time by which the backlog is proposed to be wiped out.

Recommendation (Sl. No. 21, Para No. 2.41)

The Committee would urge the Delhi Administration to fill all the carried forward reserved vacancies expeditiously by holding special recruitments exclusively for Scheduled Castes and Scheduled Tribes.

Reply of Government

Efforts are being made by various departments of Delhi Administration to cover up this backlog. However, the main difficulty is that the Administration cannot go beyond 50% of the vacancies occurring in a recruitment year for filling up the posts by Scheduled Caste and Scheduled Tribe candidates. Efforts are being made to make special recruitment for Scheduled Castes and Scheduled Tribes as far as possible. The percentage of representation of Scheduled Castes and Scheduled Tribes is increased substantially in the recruitments made through competitive examination by relaxing the standards.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977]

Comments of the Committee

The Committee would like to be apprised of the number of special recruitments made exclusively for Scheduled Castes and Scheduled Tribes and the results achieved in filling up the backlog in the representation of Scheduled Castes and Scheduled Tribes in different categories of posts in the various Departments of Delhi Administration.

Recommendation (Sl. No. 26, Para No. 2.61)

The Committee note that after the approval of the Finance Department of the Delhi Administration for the permanency of 702 posts with effect from the 1st March, 1973 in the various categories of posts of teachers, the Education Department has worked out quotas of Scheduled Castes and Scheduled Tribe employees for confirmation at the rate of 22.5 percent. The Committee would like to be informed whether the Scheduled Caste/Tribe employees have actually been confirmed as per the quotas worked out by the Education Department and the number so confirmed.

Reply of Government

The benefit of confirmation has already been allowed at the rate of 22.5 percent against 702 posts with effect from 1-3-73 the number of Scheduled Caste and Scheduled Tribe employees who have been confirmed against the vacancies referred to above is 76.

A Statement showing the number of Scheduled Caste and Scheduled Tribe candidates already confirmed w.e.f. 1-3-73 is appended below. The reasons for non-confirmation of some of the Scheduled Caste/Scheduled Tribe candidates have been shown against each category. The cases of the remaining Scheduled Caste and Scheduled Tribe candidates are being placed before the D.P.C. in its next meeting which is likely to be held in Feb. 1977.

| S. No. | Category | Details of 702 pmt. posts against which reservations in confirmation has been given to SC/ST candidates | | No. of teachers confirmed | | Remarks |
|--------|--------------------|---|------|---------------------------|------|---|
| | | S.C. | S.T. | S.C. | S.T. | |
| 1. | PGT (Male) | 6 | 3 | 6 | — | ST candidates not available. |
| 2. | PGT (Female) | 3 | 1 | 2 | .. | 1 ST not available and 1 SC held up due to non-availability of C.R. |
| 3. | TGT (Male) | 46 | .. | 43 | .. | 3 held up due to non-availability of C.R. |
| 4. | TGT (Female) | 24 | — | 7 | — | 12 SC not available and 5 due to non-availability of C.R. |
| 5. | Lang. Tr. (Male) | 10 | .. | 10 | .. | |
| 6. | Lang. Tr. (Female) | 13 | .. | 6 | .. | 7 held up due to non-availability of C.R. |
| 7. | SR. PET (Male) | 1 | .. | 1 | .. | |
| 8. | SR. PET (Female) | 1 | .. | .. | .. | Candidates not available. |
| 9. | Jr. PET (Male) | 2 | 1 | .. | .. | Non-availability of candidates. |
| 10. | Sr. Dom. Sc. Tr. | 1 | .. | .. | .. | Do. |
| 11. | Jr. Do | 3 | 1 | 1 | .. | 2 SC and 1 ST candidates not available. |
| 12. | Music Tr. | 2 | 1 | .. | .. | Candidates not available. |

[Ministry of Home Affairs O.M. No. U-16C16/17/76-Delhi, dated the 24th January, 1977]

Subsequently a meeting of the Departmental Promotion Committee was held in the first week of March, 1977 and three more trained Graduate teachers (Male-SC) and seven more Language Teacher (Female-SC) were confirmed with effect from 1-3-1973. The cases of six Scheduled Caste teachers only are held up for want of complete confidential reports. For the remaining 27 permanent posts Scheduled Castes / Scheduled Tribes are not available for confirmation. A detailed Statement indicating the up-to-date position is as follows :—

| Sl. No. | Category | Permanent posts available | | No. of teachers confirmed | | Remarks |
|---------|----------------------|---------------------------|------|---------------------------|------|---|
| | | S.C. | S.T. | S.C. | S.T. | |
| 1. | PGT (Male) | 6 | 3 | 6 | .. | 3 ST candidates not available. |
| 2. | P.G.T. (Female) | 3 | 1 | 2 | .. | 1 ST not available and 1 SC held up due to non-availability of CRs. |
| 3. | TGT (Male) | 46 | | 46 | .. | 12 SC not available at that time and 5 held up due to non-availability of complete CRs. |
| 4. | TGT (Female) | 24 | | 7 | | |
| 5. | Lang. Tr. (Male) | 10 | | 10 | | |
| 6. | Lang. Tr. (Female) | 13 | | 13 | | |
| 7. | Sr. PET (Male) | 1 | | 1 | .. | |
| 8. | Sr. PET (Female) | 1 | .. | | .. | Candidate not available. |
| 9. | Jr. PET (Female) | 2 | 1 | | .. | Candidate not available. |
| 10. | Jr. Dom. Sc. Teacher | 3 | 1 | 1 | .. | 2 SC and 1 ST candidates not available. |
| 11. | Sr. Dom. Sc. Teacher | 1 | | | .. | Candidate not available. |
| 12. | Music Teacher | 2 | 1 | | .. | Candidate not available. |

[Ministry of Home Affairs O. M. No. U-17016/1/76-Delhi, dated the 15th October, 1977].

Comments of the Committee

The Committee note that the confirmation of a number of Scheduled Caste and Scheduled Tribe teachers in the Education Department, Delhi Administration have been held up due to non-availability of their Confidential Reports. The Committee would like to know as to why the Confidential Reports were not available; who is responsible for this lapse; and what action has been taken or proposed to be taken against the persons concerned.

Recommendation (Sl. No. 33, Para No. 8.45)

The Committee regret to note that there is not a single Scheduled Tribes employee in Class I and Class II posts in the Education Department of the Delhi Administration. Their representations in Class III and Class IV posts is also negligible. The representation of Scheduled Castes is also quite meagre in all Classes of posts except Class IV. The Committee are all the more distressed to find that there is a shortfall of 2425 reserved vacancies in Class III only out of a total shortfall of 2490. Even in Class IV posts, there is a shortfall of 33 reserved vacancies. Considering these huge short-falls, the Committee cannot help concluding that orders/instructions on the subject have neither been followed scrupulously by the Education Department nor has adequate attention been paid to improve the situation. The Committee would like to impress upon the Delhi Administration the need to devise adequate checks to ensure rigid application of the extant orders regarding reservations for Scheduled Castes and Scheduled Tribes by the Education Department.

Reply of Government

The recommendation of the Committee regarding representation of Scheduled Castes and Scheduled Tribes in Education Department, Delhi Administration has been noted for compliance. However, as already reported by the Education Department there is dearth of Scheduled Caste and Scheduled Tribe candidates particularly for Science subjects. The position regarding availability of Scheduled Caste and Scheduled Tribe candidates as per statistics of the special recruitment as a result of the advertisement made in December, 1975 in Science subject is as follows :—

| Total No. of vacancies category-wise | Reserved for S.C./S.T. | | Total Applications received | No. of Candidates called for interview | No. of eligible candidates | No. of absent candidates | No. of selected candidates | | No. of Appointments so far | |
|--------------------------------------|------------------------|----|-----------------------------|--|----------------------------|--------------------------|----------------------------|----|----------------------------|----|
| | SC | ST | | | | | SC | ST | SC | ST |
| TGT(SC-A) | 20 | 10 | 24 | 17 | 16 | 12 | 4 | — | 4 | — |
| TGT(SC-B) | 20 | 10 | 24 | 12 | 12 | 3 | 8 | 1 | 8 | 1 |
| TGT (COM) | 20 | 10 | 16 | 9 | 8 | 3 | 4 | 1 | 4 | 1 |

It may also be added here that 60 vacancies of TGT (SC. A & B) were again advertised in the month of June, 1976 and the response to the said advertisement is as follows :—

| S.No. | Category | Reserved for S.C. & | S.T. | Total ap- plication received |
|-------|-----------------------------|------------------------|------|------------------------------------|
| 1 | TGT (SC-A) Male | 10 | 5 | 38 |
| 2 | TGT (SC-A) Female | 10 | 5 | 2 |
| 3 | TGT (SC-B) Male | 10 | 5 | 27 |
| 4 | TGT (SC-B) Female | 10 | 5 | 9 |

As per suggestion of the Parliamentary Committee, requests were made to all the State Governments to recommend S.T. candidates against the vacant posts under this Directorate. The response from the State Government, to the said request is as follows :—

| Name of the State Government | No. of candidates sponsored |
|--|-----------------------------|
| 1. Chandigarh Administration | None. |
| 2. Govt. of Pondicherry | None. |
| 3. Karnataka | None. |
| 4. Shillong (Meghalaya) | None. |
| 5. Paraji (Goa) | None. |

[Ministry of Home Affairs O.M. No. U-16016/17/76- Delhi, dated the 24th January, 1977].

Comments of the Committee

The Committee desire to know the dates on which letters for interview for appointment as teachers during the recruitment held in 1975 were issued to the Scheduled Caste/Scheduled Tribe candidates and the dates on which the interviews were held. The Committee would also like to know the addresses of the Scheduled Caste/Scheduled Tribe candidates who were absent on the dates of interview. The Committee would further like to know the position with regard to recruitment of Scheduled Caste/Scheduled Tribe teachers in subjects other than Science and Commerce.

Recommendation (Sl. No. 36, Para No. 3.48)

The Committee note that the Education Department proposes to hold special recruitment exclusively for Scheduled Castes and Scheduled Tribes every year in order to make good the shortfalls in reserved vacancies of

Teacher's posts and that department has already issued an advertisement to that effect to fill 240 reserved vacancies of Teachers. The Committee would like to be informed of the results of this recruitment.

Reply of Government

A statement indicating the result of special recruitment in response to the advertisement made in December, 1975 is given below :—

| Total No. of vacancies categorywise | Reserved for SC & ST | | Total applications recd. | No. of candidates called for interview | No. of candidates who appeared for interview | | No. of selected candidates | | No. of appts. so far* |
|--|----------------------|----|--------------------------|--|--|----|----------------------------|----|-----------------------|
| | SC | ST | | | SC | ST | SC | ST | |
| PGT (Eng. Phy., Chem. Bio & Comm) Female . . . | 21 | 13 | 6 | 2 | 1 | 1 | | | |
| PGT (Home SC) | 5 | 3 | 4 | —(a) | | | | | .. |
| PGT (Maths) M | 5 | 3 | 2 | 1 | 1 | 1 | | | .. |
| TGT (Sc. A) | 20 | 10 | 24 | 17 | 5 | 4 | | | 4 |
| TGT (Sc. B) | 20 | 10 | 24 | 12 | 9 | 8 | 1 | | 8 |
| TGT (Comm) | 20 | 10 | 16 | 9 | 6 | 4 | 1 | | 4 |
| TGT (SKD) | 20 | 10 | 100 | 76 | 68 | 18 | 2 | | .. |
| TGT (AGR) | 20 | 10 | 17 | —(a) | | | | | |
| TGT (MIL) | 15 | 9 | 195 | 168 | 146 | 33 | 1 | | |
| Sr. Music TR. | 5 | 3 | 20 | 3 | 4 | 4 | | | |
| Sr. Drg. Tr. | 5 | 3 | 30 | 3 | 2 | 2 | | | |
| Jr. Drg. Tr. | 5 | 3 | 80 | 26 | 24 | 13 | | | |

(a) no applicant was eligible.

*The remaining candidates on the panel are also being appointed according to availability of vacancies. The candidates in the subjects other than Science and Commerce could not be offered appointment so far as there are large number of surplus teachers on account of introduction of new pattern (10+2+3) of Education which is more Science Oriented.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Comments of the Committee

The Committee would like to know the reasons as to why all the eligible Scheduled Caste/Tribe candidates were not called for interview for appointment as teachers who applied for the

posts in response to the advertisement issued by the Delhi Administration in December, 1975. The Committee would also like to know whether after the introduction of new pattern (10+2+3) of education, any candidates other than Scheduled Castes/Tribes have been offered appointments as teachers. The Committee would further like to know whether appointment of surplus teachers will in any way effect the quota of reserved vacancies and the number of Scheduled Caste/Tribe candidates on the panel for appointment as teachers at present.

Recommendation (Sl. No. 40, Para No. 3.52)

The Committee recommend that where a backlog of reserved vacancies has arisen on account of inaction or negligence of the recruitment authorities, apart from suitable punishment being awarded to the concerned delinquent Officers, cent per cent reserved vacancies should be filled by holding special recruitments confined to Scheduled Castes and Scheduled Tribes only and the rule regarding reservations to be confined up to 50 per cent. of the vacancies should not apply in such cases.

Reply of Government

Government have examined the suggestion of the Committee. There is already a provision for carrying forward unfilled reserved vacancies to subsequent three recommending years, subject to the number of carried forward and normal reservations in a year not exceeding 50 per cent of the vacancies in that year. However, as regards the suggestion of the Committee that the rule regarding reservation to be confined up to 50 per cent of the vacancies should not apply in cases where the backlog of reserved vacancies has arisen due to the inaction or negligence of recruiting authorities and the suggestion that even cent per cent vacancies may be reserved for Scheduled Castes and Scheduled Tribes till the backlog is wiped out, it is stated that more or less similar suggestions were made by the Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes in its 41st Report on Deptt. for Personnel and Administrative Reforms on Reservation for Scheduled Castes and Scheduled Tribes (*vide* Recommendation No. 13) and these were examined carefully. Relevant extracts from the Government's reply to the relevant Recommendation are reproduced below :—

“The Committee has 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 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 up to 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 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. Further, the present system of basing the percentages on the maintenance vacancies will help assure the intake of Scheduled Caste and Scheduled Tribe candidates on every occasion in a regulated manner."

As regards the suggestion of the Committee for awarding punishment to delinquent officers in the matter of following the reservations orders strictly, 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 Govt. including those relating to representation of Scheduled Castes and Scheduled Tribes could be dealt with by the appropriate authorities suitably. Besides, instructions have been issued to Ministries etc. that any glaring instances of discrimination or deliberate infraction of the Orders relating to reservations and concessions in favour of Scheduled Caste and Scheduled Tribe employees in any office/establishment could be brought to the notice of the appropriate authorities for suitable action. These instructions will be kept in view for the future.

[Ministry of Home Affairs O.M. No. U-16016/17/76—Delhi, dated the 24th January, 1977].

Comments of the Committee

The Committee will consider the aspect covered in this recommendation at the time of consideration of action taken replies to recommendations contained in the Forty-first Report (Fifth Lok Sabha) of the Committee and the decision of the Committee taken thereon will also apply in this case.

Recommendation (Sl. No. 41, Para No. 3.77)

The Committee are distressed to find that there is not a single Scheduled Tribe employee in Class I or Class IV posts in the Police Department of the Delhi Administration. Their representation in Class II and Class III posts is also insignificant. Similarly, there are only three Scheduled Castes in Class II out of a total of 86 Class II officers. Their quota in Class III posts is also below the prescribed percentage. The Committee would urge the Police Department of the Delhi Administration to take immediate and effective steps to augment the representation of Scheduled Castes and Scheduled Tribes in the Police Department, at least according to the quotas reserved for them.

Reply of Government

Keeping in view the assurances given to the Committee efforts were made to recruit as many Scheduled Tribe candidates as possible and the Delhi Administration have now 3 Scheduled Tribes in Class IV service of

Delhi Police. As stated in reply to para 3.79 efforts are being made to wipe out the backlog of Scheduled Tribes in the rank of Constable by sending special recruitment parties to Rajasthan. As for the other Class III posts efforts are being made to reduce the backlog while recruiting Head Constables (Clerical). 3 posts of Scheduled Tribes have been exchanged with the Scheduled Castes. In case of recruitment of Lady Sub-Inspectors one post of Scheduled Tribe has been exchanged with that of Scheduled Caste.

Class I posts in the Police Department of Delhi Administration are normally manned by the IPS Officers and Selection Grade DANI-PS Officers. Recruitment to the IPS is made on an all India basis. Reservation is also made for Scheduled Castes and Scheduled Tribes in the IPS accordingly. In the DANI Police Service only Selection Grade posts are Class-I, while other posts in this Service are Class II. In the ordinary grade of the DANI-Police Service more Scheduled Caste/Scheduled Tribe candidates have been appointed by direct recruitment than their prescribed quota. The shortfall in the representation of Scheduled Castes and Scheduled Tribes in the DANI Police Service has been due to reservations not being applicable at the initial constitution of the Service and resignation of officers belonging to Scheduled Castes and Scheduled Tribes on their getting better jobs etc.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Comments of the Committee

The Committee may be apprised of the latest position with regard to recruitment of Scheduled Castes and Scheduled Tribes in Class III and Class IV posts in the Police Department of the Delhi Administration and how far it has been possible to wipe out the backlog in the representation of Scheduled Caste/Scheduled Tribe employees.

Recommendation (Sl. No. 46, Para No. 3.82)

The Committee are unhappy to note that the backlog in the intake of Scheduled Caste/Tribe Constable (Clerical) has been increasing from year to year. The Committee see no reason for this upward trend in the backlog in view of the large number of educated Scheduled Caste/Tribe candidates on the live registers of Employment Exchanges. If, however, the Police Department does not get sufficient number of candidates belonging to Scheduled Castes/Tribes from the Employment Exchange, it should advertise these vacancies in important newspapers, including the Employment News, and the All India Radio in order to give these vacancies a wider publicity.

Reply of Government

There is no backlog of Scheduled Castes in the recruitment of Head Constables (Clerical). This time 40 vacancies of Head Constables (Clerical) have been advertised in the various newspapers and announcement also

made on All India Radio as well. It is expected that the backlog in Scheduled Tribes will be reduced/wiped out.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Comments of the Committee

The Committee would, however like to know how far the Delhi Administration have been able to reduce/wipe out the backlog of Scheduled Tribes Head Constable (Clerical).

Recommendation (Sl. No. 47 Para No. 3.83)

The Committee regret to note that in the posts of Assistant Sub-Inspector and Inspector the representation of Scheduled Tribes is nil and that of Scheduled Caste is 3 per cent and 4.72 per cent respectively. The Committee note that the representation of Scheduled Castes in the post of Inspector will improve to about 10 per cent with the promotion of 13 Scheduled Caste Sub-Inspectors whose names have been approved by the Departmental Promotion Committee in December, 1975. The Committee are of the firm opinion that the representation of Scheduled Castes and Scheduled Tribes can be improved to a great extent if the Government of India orders on reservations for Scheduled Castes and Scheduled Tribes in promotion by selection as well as by seniority are implemented in letter and spirit by the Police Department.

Reply of Government

There was no reservation for Scheduled Castes/Scheduled Tribes in Delhi Police prior to 6-3-1969, for vacancies filled by promotion. Candidates belonging to these communities were therefore not available for promotion to the ranks of ASI's and S.I.'s from the feeding ranks. Direct recruitment is made in the rank of Constable, Head Constable (Clerical) and Sub-Inspector only. By and by the candidates belonging to Scheduled Castes and coming up for promotion to the rank of ASI and S.I. Besides, direct recruitment of Scheduled Caste/Schedule Tribe Candidates in the rank of S.I., is also providing candidates of these communities for promotion to the grade of Inspector. In view of the steps enumerated above the position is likely to improve.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Comments of the Committee

The Committee would like to know the latest position with regard to the promotion of Scheduled Caste/Scheduled Tribe employees to the grades of Assistant Sub-Inspector, Sub-Inspector and Inspector in the Delhi Police.

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. 24, Para No. 2.59)

The Committee regret to note that although a large number of general candidates have been promoted to teachers posts in the Education Department of the Delhi Administration during the years 1973-74 and 1974-75 the number of Scheduled Tribes among them is nil and the number of Scheduled Castes is also negligible. Similarly, in the Police Department, the number of unfilled carried forward reserved vacancies in promotional posts is quite large. The Committee feel that this situation has arisen due to non-availability of S.C./S.T. employees in the lower grades or in the zone of consideration for promotion to the next grade. The Committee would, therefore, like the Delhi Administration to examine the feasibility of filling those promotional posts by direct recruitment of qualified Scheduled Caste and Scheduled Tribe candidates to the extent of deficiency.

Reply of Government

Government have examined the suggestion of the Committee. It is felt that the manner in which recruitment to a particular post should be made is determined with reference to the requirements of the post, the duties attached, qualifications, experience and previous training required for efficiently manning a post and also taking into account other relevant factors such as need for introduction of fresh blood by way of direct recruitment, adequate opportunities of promotion to persons in the lower grade etc. The method of recruitment to a post is laid down in the recruitment rules, which are statutory. Normally, posts are filled either by direct recruitment, promotion, deputation or transfer. Where it is considered essential that the posts should be filled by more than one method, the proportion to be filled by each method is also laid down in the recruitment rules e.g., 50 per cent by direct recruitment and 50 per cent by promotion. Sometimes, an alternative method of recruitment is also prescribed e.g., "by promotion failing which by deputation or transfer." Recruitment to all regular vacancies arising in a post is required to be made strictly according to the provisions of the recruitment rules. It will, therefore, not be feasible to fill promotional posts by direct recruitment.

[Ministry of Home Affairs O.M No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Comments of the Committee

Please see Chapter I, para 1.2.

Recommendation (Sl. No. 34, Para No. 3.46)

The Committee are unhappy to note that the Education Department did not maintain Rosters for the posts of Vice-Principal and other categories of Teachers due to which they could not work out the quotas reserved for Scheduled Castes and Scheduled Tribes respectively in these posts. The Committee suggest that in those categories of posts for which Rosters were not being maintained prior to 1974, vacancies reserved for Scheduled Castes & Scheduled Tribes should be calculated on the basis of total strength in that category.

Reply of Government

The Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes had made a somewhat similar recommendation in its 41st Report on Cabinet Secretariat (Department of Personnel and A. R.) regarding reservations for Scheduled Castes and Scheduled Tribes *vide* Recommendation No. 4 in that Report. That Recommendation has been carefully examined by the Department of Personnel in consultation with the Ministry of Law. A copy of the reply given to that recommendation is at Appendix XIII.

[Ministry of Home Affairs O.M. No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Comments of the Committee

Please see Chapter I, para 1.3.

Recommendation (Sl. No. 54, Para No. 3.115)

The Committee are unhappy to note that there is a shortfall in the representation of Scheduled Castes and Scheduled Tribes in the DANI Civil Service as reservations were not applied in the initial constitution of this service in January, 1971. The Committee, however, note that the Ministry of Home Affairs have provided reservations for Scheduled Castes and Scheduled Tribes at the maintenance stage of this service in respect of direct recruitment as well as in promotion. The Committee hope that besides filling the future reserved vacancies in promotion and in direct recruitment as and when they occur, the Ministry of Home Affairs would also endeavour to make good the shortfalls which have occurred due to not applying reservations at the initial constitution of the DANI Civil Service.

Reply of Government

As mentioned in para 3.113 of the Report, there was no reservation for Scheduled Castes and Scheduled Tribes at the initial constitution of the Service as no direct recruitment or promotion as such was involved at that stage. The initial appointments were made from amongst the persons already working in the posts which were encadred or by transfer, from other services. As there was no reservation in such cases, the question of any shortfall does not arise.

[Ministry of Home Affairs O.M No. U-16016/17/76-Delhi, dated the 24th January, 1977].

Contents of the Committee

Please see Chapter I, para 1.4.

NEW DELHI,
November 15, 1977.
 Kartika 24, 1899(S).

SURAJ BHAN, ;
 Chairman, ;
Committee on the Welfare of
Scheduled Castes and Scheduled
Tribes.

APPENDIX I

Charter of duties of Scheduled Castes Cell: Delhi Administration, Delhi

1. To ensure that the orders/instructions on the reservation for and employment of Scheduled Castes and Scheduled Tribes issued by the Government of India are followed scrupulously by the various Heads of the Departments under the Delhi Administration.
2. To collect, compile & tabulate the annual statement in Annexures-8 and 9 in respect of the whole of the Delhi Administration and submit it to the Deptt. of Personnel & Administration Reforms by the stipulated date.
3. To organise Refresher Courses annually for the Liaison Officers and other officials responsible for the maintenance of rosters in various offices in collaboration with the Deptt. of Personnel & Administration Reforms.
4. To conduct annual inspections of the rosters maintained by various offices with a view to ensure proper implementation of the reservation orders by each Head of Department.
5. To act as a Liaisoning unit between various offices of Delhi Administration and the Deptt. of Personnel & Administration Reforms for supply of information, answering questions and queries and clearing doubts in regards to matters relating to reservation orders.
6. To tender advice to various Heads of Departments as and when asked for in cases requiring clarifications etc.
7. To circulate all orders/instructions relating to reservation orders to all Heads of Departments as and when received from the Government of India.
8. To process and finalise in consultation with Deptt. of Personnel and Administration Reforms cases of grouping of posts relating to various Departments.
9. To process and examine cases of de-reservation of reserved vacancies and recommend only deserving cases to the Deptt. of Personnel & Administration Reforms for their approval.
10. To collect, examine and process the annual inspection reports sent by various Liaison Officers and forward them to the Government of India.

11. To examine and analyse the quarterly reports in respect of Scheduled Castes & Scheduled Tribes received from the Bureau of Economics & Statistics.
 12. To extend necessary assistance to the Commissioner for Scheduled Castes & Scheduled Tribes in the investigation of complaints received by him in regard to the service matters in this Administration.
 13. To call the meetings of the High Power Committee proposed to be set up under the Chairmanship of the Lt. Governor and ensure the implementation of its recommendations.
 14. To keep a liaison with Harijan Welfare Board to find out the follow up action and the final out-come of the implementation of the various recommendations made by the Special Cell under the Chairmanship of the Chief Executive Councillor and the High Power Committee under the Chairmanship of Executive Councillor (Medical).
 15. Any other work entrusted by the Chief Secretary.
-

APPENDIX II

No. F. 9(27)/76-C. C.

DELHI ADMINISTRATION : DELHI

(CONFIDENTIAL CELL)

Dated the 21st Sept., 76.

To

Heads of All the Departments,
Delhi Administration, Delhi.

SUBJECT : *Recommendations of the Parliamentary Committee on the Welfare of Sch. Castes and Sch. Tribes—follow up action.*

Sir,

I am desired to say that the Parliamentary Committee on the Welfare of Sch. Castes and Sch. Tribes have since presented its 52nd Report to the Parliament. The Committee have taken a serious view of the fact that the instructions issued by the Govt. of India, Deptt. of Personnel & Administrative Reforms from time to time are not being given proper effect to and followed scrupulously. The Chief Secretary, has therefore, desired that in future all such instructions issued by the Govt. of India and circulated by the Administration should be strictly followed by every Head of the Department. The liaison officers appointed in this regard may also be asked to adhere to such instructions scrupulously.

Kindly acknowledge receipt.

Yours faithfully,
Sd/-

(R. K. GOSWAMI)
Under Secretary (Services)
Ph : 226295

No. F. 9(27)/76-CC

Dated 21-9-76.

Copy forwarded for information and necessary action to:
Liaison officers of respective departments.

Sd/-

(R. K. GOSWAMI)
Under Secretary (Services)
Ph : 226295.

APPENDIX III

No. 36022/6/76-Estt. (SCT).

GOVERNMENT OF INDIA/BHARAT SARKAR
CABINET SECRETARIAT/MANTRIMANDAL SACHIVALAYA
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(KARMIK AUR PRASHASNIK SUDHAR VIBHAG)

New Delhi, dated the 10 May, 1976

OFFICE MEMORANDUM

SUBJECT : *Submission of annual statements regarding representation of Scheduled Castes and Scheduled Tribes in services in Appendix 8 and 9—Recommendations of the Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes.*

The Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes has *inter alia* made the following recommendations in its 41st Report:—

Recommendation No. 28

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 to 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 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.

Recommendation No. 29

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.

2. According to the instructions in para 14 of the Brochure, the annual statements regarding representation of Scheduled Castes and Scheduled Tribes in services in Appendix 8 and 9 are required to be sent by each appointing authority to the Administrative Ministry/Department as soon after the 1st January, as possible and latest by 1st March. Ministries/Departments are required to scrutinize the annual statements in respect of all establishments and services in or under the control of the Ministry/Department. The Liaison Officers nominated in the Ministries/Departments and in offices under the Heads of Departments are to ensure timely submission of annual statements by each appointing authority in the offices under their charges and also to ensure scrutiny and consolidation of the statements. They are also required to ensure timely submission of consolidated statements to the Department of Personnel and Administrative Reforms. Ministries/Departments have also been asked from time to time to impress upon all the appointing authorities under them the need for furnishing the annual statements in time and to ensure that consolidated statements for the entire Ministry/Department are sent to the Department of Personnel and Administrative Reforms by the due date.

3. The recommendations of the Parliamentary Committee on the Welfare of Scheduled Castes/Scheduled Tribes reproduced above are given specifically brought to the notice of the Ministries/Departments. It should be ensured that annual statements in Appendix 8 and 9 are submitted by the appointing authorities to the Ministry/Department strictly within the stipulated time limit. It should also be ensured that no appointing authority lags behind in this respect. Failure to submit these statements in time without any valid reasons should be brought to the notice of the Secretary/Additional Secretary to the Government in the Ministry/Department or to the Head of the Department in respect of offices under a Head of Department. It should also be ensured that the annual statements on their receipt in the Ministry/Department are critically examined and analysed and the deficiencies noticed, if any, are pointed out to the appointing authorities concerned expeditiously so that they could take necessary corrective measures without any delay.

4. In regard to the annual statements in respect of Public Sector Undertakings, the instructions issued by the Bureau of Public Enterprises from time to time should be followed.

Sd/-

(N. R. SUBRAMANYAN)
Deputy Secretary to the Government of India.

To

All Ministries/Departments etc. of the Government of India.
All Union Territories.

APPENDIX IV

No. F. 9(27)/76-CC.

DELHI ADMINISTRATION : DELHI
(CONFIDENTIAL CELL)

Dated the 22nd Sept., 1976.

To
Heads of All the Departments,
Delhi Administration, Delhi.

SUBJECT : *Recommendations of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes—implementing the recommendations thereof*

Sir,

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes have since presented its report to the Parliament. The Committee have expressed its unhappiness over the fact that the annual statements showing the total number of employees in the Delhi Administration and the number of Scheduled Castes and Scheduled Tribes amongst them as on 1st January each year is not being submitted by the Delhi Administration to the Department of Personnel & Administrative Reforms in Appendices '8' & '9' in time. This results in delay in the compilation of information by the Government of India for submission to the Committee. The Committee have, therefore, recommended that these statements should be submitted to the Department of Personnel and Administrative Reforms by 31st March each year positively. The Delhi Administration have time and again emphasized upon all heads of Departments the necessity of the submission of information to the Confidential Cell of this Administration in time but with no results.

With a view to comply with the recommendations of the Committee, the Chief Secretary has desired that each head of the Department should ensure through his Liaison Officer that this statement is furnished to this Administration by 28th Feb. each year positively.

Kindly acknowledge receipt.

Yours faithfully,
Sd/-
(R. K. GOSWAMI)
Under Secretary (Services)
{Ph: 226295.

No. F. 9(27)/76-CC.

Dated the 22nd Sept., 1976.

Copy forwarded for information and necessary action to:—

Liaison Officers of respective departments.

Sd/-

(R. K. GOSWAMI)

Under Secretary (Services)

Ph: 226295.

APPENDIX V

No. F. 9(27)/76-C.C.

DELHI ADMINISTRATION: DELHI

(CONFIDENTIAL CELL)

Dated:

To

1. Shri B. K. Singh,
Secretary (Education),
Delhi.
2. Shri A. Biswas,
Director of Education,
Delhi.

SUBJECT : *Recommendation No. 1.32 of the Parliamentary Committee concerning to the Directorate of Education, Delhi.*

Sir,

As you are aware, the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes have since presented its 52nd Report to the Parliament recently on the reservation of and employment for Scheduled Castes and Scheduled Tribes in the Delhi Administration. Amongst its various recommendations on which the Committee have expressed its concerns the following recommendation exclusively concerns your department:—

“The Committee regret to note that the various units of the Education Department are sending their annual statements direct to the office of the Chief Secretary, Delhi Admn. This shows that there is no coordination between the Liaison Officer in the Education Department. The Committee would like the Education Department to issue instructions immediately to all its units to send their annual statements to the Liaison Officer in the Education Department instead of sending them direct to the Office of the Chief Secy. Delhi Administration. The Liaison Officer, in turn, should submit them after thorough scrutiny and in a consolidated form to the office of the Chief Secretary, Delhi Administration. The deficiencies, if any, found by the Liaison Officer during the scrutiny, should be brought to the notice of the concerned Unit for prompt remedial steps.”

The Chief Secretary has desired that the above recommendation of the Committee should be complied scrupulously and necessary instructions

issued to the various Units under your administrative control and the respective Liaison Officer for prompt compliance.

Kindly acknowledge receipt.

Yours faithfully,
Sd/-

(R. K. GOSWAMI)
Under Secretary (Services)

Phone: 226295

APPENDIX VI

No. F. 9(27)/76-C.C.

DELHI ADMINISTRATION: DELHI
(CONFIDENTIAL CELL)

Dated the 22nd September, 1976

To

Heads of all the Departments,
Delhi Administration, Delhi.

SUBJECT : *Recommendation of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.*

Sir,

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes have since presented its report to the Parliament. Amongst its various recommendations, the Committee have desired that in case sufficient number of Scheduled Castes and Scheduled Tribes candidates are not sponsored by the Employment Exchanges, an advertisement should be invariably issued in the news papers inviting applications direct from the candidates. The vacancies reserved for these communities should also be announced through the All India Radio with a view to giving them wider publicity. In another recommendation, the Committee have suggested that the reasons for rejection of Scheduled Castes and Scheduled Tribes candidates sponsored by the Employment Exchanges should also be communicated to the respective Employment Exchanges within reasonable time. The Chief Secretary has desired that this recommendation should be given effect to by all the Departments of this Administration.

Kindly acknowledge receipt.

Yours faithfully,

Sd/-
(R. K. GOSWAMI)
Under Secretary (Services)
Phone: 226295

No. F. 9 (27)/76-C.C.

Dated the 22nd Sept., 1976

Copy forwarded for information and necessary action to the Liaison Officers of respective Departments.

Sd/-
(R. K. GOSWAMI)
Under Secretary (Services)
Phone : 226295

APPENDIX VII

No. F. 9(27)/76-C.C.

**DELHI ADMINISTRATION: DELHI
(CONFIDENTIAL CELL)**

Dated the 21st September, 1976

To

All the Heads of Departments,
Delhi Administration, Delhi.

SUBJECT : *Implementation of the recommendations of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.*

Sir,

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes have recommended in its 52nd Report presented to the Parliament that the Delhi Administration and various departments under its control should specifically mention the number of vacancies reserved for Scheduled Castes and Scheduled Tribes respectively in all the advertisements issued for recruitment to various posts and also in the requisitions sent to the Employment Exchanges. The Chief Secretary has, therefore, desired that in future in all the advertisements issued for recruitment to various posts and the requisitions sent to the Employment Exchanges the number of vacancies reserved for Scheduled Castes and Scheduled Tribes respectively should invariably be mentioned.

Kindly acknowledge receipt.

Yours faithfully,

Sd/-
(R. K. GOSWAMI)
Under Secretary (Services)
Phone: 226295

No. F. 9(27)/76-C.C.

Dated the Sept., 1976

Copy forwarded for information and necessary action to :—

Liaison Officer of respective departments.

Sd/-
(R. K. GOSWAMI)
Under Secretary (Services)
Phone : 226295

APPENDIX VIII

No. F. 9(27)/76-C.C.

DELHI ADMINISTRATION: DELHI (CONFIDENTIAL CELL)

Dated the 7th January, 1977

To

1. All Heads of Departments,
Delhi Administration, Delhi/N. Delhi.
2. Secretary (Admn.), Delhi Admn., Delhi.

SUBJECT : *Recommendations of the Parliamentary Committee on the Welfare of Scheduled Castes/Scheduled Tribes—Implementation thereof.*

Sir,

As you are aware that the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes have presented its report to the Parliament on the subject of reservation for, and employment of, Scheduled Castes/Scheduled Tribes in the Delhi Administration. Amongst its various recommendations the following recommendation specifically relates to the holding of separate interview for Scheduled Castes and Scheduled Tribes candidates. In this connection your kind attention is also invited to this Admn. letter No. F.9(14)/75-CC dated 12th December, 1975 wherein the instructions of the Government of India on this aspect were reproduced for your guidance. I am desired again to emphasise the necessity of following these instructions meticulously at the time of holding the meetings of the Staff Selection Boards/Departmental Promotion Committees in your Department. The observations of the Committee are given hereunder :—

“The Committee note that the Scheduled Caste and Scheduled Tribe candidates are interviewed on separate dates by the Delhi Administration. The Committee desire that Scheduled Caste and Scheduled Tribe candidates should be interviewed before the interviews for the general candidates are held by the Delhi Administration, so that the Scheduled Caste and Scheduled Tribe candidates are not judged in comparison with the standard of general candidates.”

2. These observations of the Committee may please be followed strictly.

Yours faithfully
Sd/-

(R. K. GOSWAMI)
Under Secretary (Services)
Phone: 226295

APPENDIX IX

No. F. 9(27)/76-C.C.

DELHI ADMINISTRATION: DELHI

(CONFIDENTIAL CELL)

Dated the 30th October, 1976

To

1. All Heads of Departments,
Delhi Administration,
Delhi/New Delhi.
2. Secretary (Admn.),
Delhi Admn., Delhi.

SUBJECT : *De-reservation of vacancies reserved for Scheduled Castes and Scheduled Tribes—Strict compliance of the procedure therefor.*

Sir,

I am desired to say that the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes have presented its 52nd Report to the Parliament. The Committee have taken a very serious view of the negligence on the part of the Administration regarding the following of the procedure laid down for the de-reservation of vacancies earmarked for Scheduled Castes and Scheduled Tribes. The Chief Secretary has, therefore, desired that in future the said procedure as laid down *vide paras 26 to 27A* of the brochure on Reservations for Scheduled Castes and Scheduled Tribes (4th Edition, 1975) may please be followed strictly before making any reference to this Administration/Ministry of Home Affairs New Delhi for the de-reservation of vacancies. Liaison Officers working in your department may be advised to ensure that these instructions are complied with scrupulously.

Yours faithfully,

Sd/-

(R. K. GOSWAMI)

Under Secretary (Services)

Delhi Administration: Delhi

Phone : 226295

APPENDIX X

No. U. 15038/35/76-Plg.

GOVERNMENT OF INDIA

BHARAT SARKAR

MINISTRY OF HOME AFFAIRS

Grih Mantralaya

To

1. The Chief Secretaries,
to the Government of Arunachal Pradesh, *ITANAGAR*,
Goa, Daman & Diu, *PANAJI*,
MIZORAM, *AIZAWL*,
Pondicherry, *PONDICHERRY*.
2. Chief Secretary,
Andaman & Nicobar Islands,
PORT BLAIR.
3. The Chief Secretary,
Delhi Administration, *DELHI*.
4. The Collector,
Dadar & Nagar Haveli, *SILVASSA*.
5. The Chief Commissioner,
Chandigarh Administration,
CHANDIGARH.
6. The Administrator,
Lakshadweep Administration,
KAVARATTI.

New Delhi-110001.

Dated the 20th December, 1976

SUBJECT : *Dereservations of reserved vacancies in posts/services under the Union Territory administrations—Procedure for.*

Sir,

In continuation of this Ministry's letter of even number dated the 6th August, 1976 on the subject mentioned above, I am directed to say that in accordance with the existing instructions Ministries/Departments of the Central Government are required to obtain prior approval of the Department of Personnel & Administrative Reforms for dereservation of vacancies (other than purely temporary vacancies) reserved for Scheduled Castes/Scheduled Tribes. No clear guidelines were hitherto available for dereservation of reserved vacancies in the Union Territories. It has now been decided, in consultation with the Department of Personnel & Administrative Reforms, that the following authorities shall

exercise the powers of dereservation of reserved vacancies in posts/services under the Union Territory Administrations :

- (i) For vacancies in Class III (Group C) and Class IV (Group D):—
- | | |
|--|-------------------|
| (a) in Chandigarh | Home Secretary |
| (b) in Dadra and Nagar Haveli | Collector |
| (c) in Lakshadweep | The Administrator |
| (d) in the case of all other Union Territories | Chief Secretary. |
- (ii) For vacancies in Class II (Group B) :—
in all Union Territories Administrator
- (iii) For vacancies in DANI Civil Service and DANI Police Service Cadres Ministry of Home Affairs.

Copies of orders on dereservations of vacancies issued by the above authorities should in all cases be endorsed to the Commissioner for Scheduled Castes and Scheduled Tribes, R. K. Puram, New Delhi.

2. The powers to dereserve the vacancies reserved for Scheduled Castes/Scheduled Tribes in all Class I (Group A) posts/services under the Union Territory Governments/Administrations, both where the appointing authority is the President or the Administrator, will be exercised by the Administrative Ministries concerned with the posts/services, in consultation with the Department of Personnel & Administrative Reforms. Copies of proposals for dereservation of vacancies in Class I (Group A) posts/services sent to the Administrative Ministries should be endorsed simultaneously to the Commissioner for Scheduled Castes and Scheduled Tribes. The Administrative Ministries should wait for the views, if any, of the Commissioner on such proposals for a fortnight and examine the proposals thereafter in the light of such views, if received, before referring the proposals to the Department of Personnel and Administrative Reforms.

3. Hindi version will follow.

Yours faithfully,

Sd/-

(H. C. BAKSHI)

Under Secretary to the Government of India

Phone: 371195

No. U. 15038/35/76-Plg. dated the 20th December, 1976.

Copy forwarded to all Ministries/Departments of the Government of India.

2. Copy also forwarded to the Department of Personnel & Administrative Reforms with reference to their U.O. No. 6404/76-Estt.(SCT) dated the 10th December, 1976.
3. Copy also forwarded to the Commissioner for Scheduled Castes and Scheduled Tribes, R. K. Puram, New Delhi.

Sd/-

(H. C. BAKSHI)

Internal Distribution—

ANL Section/AP Section/Delhi Section/GP Section/MZ Section/UTP Section/UTS Section.

APPENDIX XI

No. F. 9(27)/76-C.C.

**DELHI ADMINISTRATION: DELHI
(CONFIDENTIAL CELL)**

Dated the 30th October, 1976

To

- (i) All Heads of Departments,
Delhi Administration, Delhi/New Delhi.
- (ii) Secretary (Administration),
Delhi Administration, Delhi.

SUBJECT : *Reservation for Scheduled Castes and Scheduled Tribes in Services—Confirmation of temporary employees.*

Sir,

I am directed to say that the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes have presented its 52nd Report on the representation of Scheduled Castes and Scheduled Tribes in services in Delhi Administration and have expressed unhappiness over the fact that the Government of India orders on the confirmations are not being followed properly by the Delhi Admn. I am, therefore, enclosing a copy of Ministry of Home Affairs, Memo No. 10/28/68-EST(SCT) dated 12th September, 1968 for strict compliance by your department.

Yours faithfully,
Sd/-

(R. K. GOSWAMI)

Under Secretary (Services)
Phone: 226295

Ministry of Home Affairs O.M. No. 10/28/68-EST(SCT) dated 12th September, 1968 to all Ministries etc.

SUBJECT : *Reservations for Scheduled Castes and Scheduled Tribes in services—Confirmations of temporary employees.*

As the Ministry of Finance etc. are aware, in posts/services filled by direct recruitment, reservation is required to be made for Scheduled Castes and Scheduled Tribes both at the time of initial appointment on a temporary basis as well as at the time of confirmation. In posts filled by promotions, however, there is no reservation at the stage of confirmation, *vide* para 3(4) of this Ministry's O.M. No. 1/12/67-Est(C) dated 11-7-1968. Ministry of Finance etc. are requested to ensure that reservation is made for Scheduled Castes and Scheduled Tribes while making confirmations against posts/services filled by direct recruitment.

2. Since according to the general principles of seniority as laid down in this Ministry's O.M. No. 9/11/55-RPS dated 22-12-59 all Government officers of each grade are to be ranked senior to persons who are officiating in that grade, it was clarified in O.M. No. 9/45/60-Estt. (D) dated 20-4-1961 (copy enclosed) that after confirmation, the Scheduled Castes and Scheduled Tribes officers shall rank senior to temporary/officiating officers of the grade and amongst the permanent officers of that grade, their seniority will follow the order of their confirmation. The instructions in the aforesaid O.M. dated 20-4-1961 are again brought to the notice of the Ministries etc. for guidance and strict observance.

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

APPENDIX XII

No. F. 9(30)/76-C.C.

DELHI ADMINISTRATION: DELHI (CONFIDENTIAL CELL)

Dated the 25th October, 1976.

NOTIFICATION

The Administrator is pleased to constitute a High Power Committee comprising of the following members under his Chairmanship to look into the grievances of Scheduled Castes and Scheduled Tribes and to review periodically their representations in service matters and to take effective measures to wipe out the short-falls in the Delhi Administration and its various departments : ..

| | |
|---|---------------|
| 1. Sh. Kishan Chand, Lt. Governor, Delhi | Chairman |
| 2. Sh. Krishan Swaroop, Executive Councillor (M) | Vice-Chairman |
| 3. Chief Secretary, Delhi | Member |
| 4. Development Commissioner & Director, Social Welfare, Delhi | Do. |
| 5. Deputy Commissioner, Delhi | Do. |
| 6. Inspector General of Police, Delhi | Do. |
| 7. Dean, M.A.M. College, New Delhi | Do. |
| 8. Medical Superintendent, Irwin Hospital, New Delhi | Do. |
| 9. Medical Superintendent, G. B. Pant Hospital, New Delhi | Do. |
| 10. Commissioner Food & Supplies, Delhi | Do. |
| 11. Director, Civil Defence & Home Guards, Delhi | Do. |
| 12. Director, Education, Delhi | Do. |
| 13. Director, Employment, Delhi | Do. |
| 14. Director, Training & Tech. Education, Delhi | Do. |
| 15. Director, Transport, Delhi | Do. |
| 16. Director, Industries, Delhi | Do. |
| 17. Principal, Delhi College of Engg., Delhi | Do. |
| 18. Labour Commissioner, Delhi | Do. |
| 19. Registrar, Cooperative Societies, Delhi | Do. |
| 20. Commissioner, Sales Tax, New Delhi | Do. |
| 21. Commissioner, Excise, Delhi | Do. |
| 22. Chief Engineer, Floods, Delhi | Do. |

| | |
|--|-----------|
| 23. Director, Information & Publicity, Delhi | Do. |
| 24. Director, Health Services & Family Planning | Do. |
| 25. Registrar, Chit Fund, New Delhi | Do. |
| 26. Principal, College of Arts, New Delhi | Do. |
| 27. Secretary, Land & Building, New Delhi | Do. |
| 28. Housing Commissioner (Loans) New Delhi | Do. |
| 29. Director, Bureau of Economics & Statistics | Do. |
| 30. Secretary (Admn.) Delhi Admn., Delhi | Do. |
| 31. Special Secretary (Services) Delhi | Do. |
| 32. Director of Training, Delhi | Do. |
| 33. Superintendent, Central Jail, New Delhi | Do. |
| 34. Superintendent, Mental Hospital, Shahadara, Delhi | Do. |
| 35. Liaison Officer (Deputy Secretary, Services) Delhi Administration Delhi | Convener. |

By order

Sd/-

(R. K. GOSWAMI)

Under Secretary, (Services),
Delhi Administration, Delhi.

Phone : 226295

Dated the 25th Oct., 1976

No. F. 9 (30)/76-CC

Copy to :

1. P.S. to Lt. Governor, Delhi.
2. P.S. to Chief Secretary, Delhi.
3. P.S. to Chief Executive Councillor/Executive Councillor/Chairman, Metropolitan Council.
4. All members.
5. All Departments of this Administration Secretariat, Delhi.
6. Deputy Secretary, Government of India, Ministry of Home Affairs, New Delhi.
7. Chief Legislative Committee Officer, Lok Sabha Secretariat, New Delhi.
8. Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, Lok Sabha Sectt., New Delhi.
9. Commissioner, Scheduled Castes & Scheduled Tribes, New Delhi.
10. Secretary, Harijan Welfare Board, Delhi Admn., Delhi.

Sd/-

(R. K. GOSWAMI)

Under Secretary (Services),

Phone : 226295

APPENDIX XIII

*Recommendation No. 4 (Para 1.20) contained in the 41st Report of the
Parliamentary Committee on the Welfare of Scheduled Castes and
Scheduled Tribes*

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.

Government's reply

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. Devadasa Vs. Union of India and another held by a majority judgement that reservations in excess of 50% 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 upto 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 that policy so as to provide or 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 30-11-1976.

APPENDIX XIV

DELHI ADMINISTRATION : DELHI

(CONFIDENTIAL CELL)

No. F. 9(27)/76-C.C.

Dated the 30th Oct. 1976.

To

The Director,
Employment,
Delhi Administration,
Delhi.

SUBJECT : *Recommendations of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes—Implementations thereof.*

Sir,

I am directed to reproduce below the recommendation/observations of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes who has since presented its Report to the Parliament for strict compliance by your department.

Recommendation No. 299

The Committee regret to note that there is not a single Scheduled Caste/Tribe in Class-III ex-cadre posts in the Employment Department. They are also surprised to find that there is carry forward of reserved vacancies even in Class IV ex-cadre posts. This only shows that proper care has not been taken by the Employment Department to implement the Government of India orders on reservations for Scheduled Castes and Scheduled Tribes meticulously. The Committee would urge the Employment Department to take immediate and effective steps to make good the shortfalls at least in Class-III and Class-IV ex-cadre posts immediately.

Yours faithfully,

Sd/-
(R. K. GOSWAMI)
Under Secretary (Services)
Phone : 226275.

APPENDIX XV

No. F. 9(27)/76-CC

DELHI ADMINISTRATION : DELHI
(CONFIDENTIAL CELL)

Dated the 30th October, 1976

To

The Commissioner,
Sales Tax,
New Delhi.

SUBJECT : *Recommendation No. 3.110 of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes—Implementation thereof.*

Sir,

I am directed to reproduce below the above recommendation of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes contained in its 52nd Report presented recently to the Parliament for strict compliance by your Department :

Recommendation No. 3.110

The Committee are sorry to note that the representation of Scheduled Tribes even in Class IV posts in Sales Tax Department of Delhi Admn. is only 2.6 per cent. The Committee do not agree with justification given by the Sales Tax Commissioner that overall percentage of both the Scheduled Castes and Scheduled Tribes in Class IV posts is 26.5. The Scheduled Caste Class IV employees taken against general vacancies cannot be counted against the quota reserved for Scheduled Tribes. There is a well-defined procedure for exchange of reserved vacancies between the Scheduled Castes and Scheduled Tribes and unless that procedure is followed the Scheduled Caste employees recruited in excess if any, of their reserved quota cannot be counted against the unfilled reserved vacancies of Scheduled Tribes. The Committee would, therefore, like the Sales Tax Department to make good the shortfall in the intake of Scheduled Tribes in Class IV posts immediately.

Yours faithfully,

Sd/-

(R. K. GOSWAMI)
Under Secretary (Services)

APPENDIX XVI

DELHI ADMINISTRATION: DELHI

No. F. 9(3)/75-C.C.

Dated the 24th/26-12-1975

To

Shri _____,
Liaison Officer,
Office of the _____,
Delhi Administration, _____.

SUBJECT: *Maintenance of rosters for giving effect to the reservations for Scheduled Castes and Scheduled Tribes in Services—Annual Inspection by the Liaison Officer thereof.*

Sir,

I am directed to invite your attention to this Administration letter No. F. 9(3)/75-C.C. dated 17-2-75 and F. 9(2)/75-C.C., dated 3-3-75, on the subject cited above, and to say that it has been observed that most of the offices/Departments of this Administration have not maintained rosters properly in respect of various categories of posts and also separate rosters for posts filled up by promotion and by direct recruitment. The Chief Secretary has taken a serious view of this. You are, therefore, once again advised to inspect the rosters maintained by your office/Department keeping in view the instructions issued by this Administration, from time to time and as contained in the revised Brochure, 4th Edition 1975 for Scheduled Castes and Scheduled Tribes in services, and send certificate to us to the effect that the roster(s) for each category of employees is/are being maintained by your Deptt. properly. The inspection Reports for the year 1974 may also be sent in duplicate so as to reach this Administration latest by 27th December, 1975 positively. As the matter is to be discussed very shortly in detail before the Parliamentary Committee on Scheduled Castes/Scheduled Tribes, it is necessary that the certificate is sent by that date after due inspection.

Yours faithfully,

Sd/-
(SHAILAJA CHANDRA)
Special Secretary (Services)
Delhi Administration : Delhi.

APPENDIX XVII

No. F. 9(27)/76-C.C.

DELHI ADMINISTRATION: DELHI
(CONFIDENTIAL CELL)

Dated the 31st December, 1976

To

- (i) All the Heads of Department of this Administration, Delhi/New Delhi.
- (ii) Secretary (Administration), Delhi Admn., Delhi.

SUBJECT: *Maintenance of Rosters—Annual Inspections by the Liaison Officers thereof.*

Sir,

I am directed to invite a reference to this Admn. letter No. F. 9(3)/75-C.C. dated 24/26th December, 1975 on the above subject and to say that the Parliamentary Committee on the Welfare of Scheduled Castes/Scheduled Tribes which recently examined the representations of the Scheduled Castes/Scheduled Tribes in services in the Delhi Administration have recommended that the respective Liaison Officers should inspect the rosters regularly in accordance with the instructions of the Govt. of India issued from time to time and the discrepancies, if any, noted therein may be brought to the notice of the Head of Department and the Chief Secretary, Delhi Administration. It is, therefore, once again reiterated that these instructions may be followed scrupulously by all the Liaison Officers. The Liaison Officers under your control may therefore, please be asked to carry out such periodical inspections of the rosters and also keep a watch on the enforcement of reservation orders.

Yours faithfully,

Sd/-
(R. K. GOSWAMI)
Under Secretary (Services)
Phone : 226295

APPENDIX XVIII

(Vide Para 4 of Introduction)

Analysis of the action taken by the Government on the recommendations contained in the Fifty-Second Report (Fifth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

| | | |
|------|--|-------|
| I. | Total number of recommendations | 62 |
| II. | Recommendations/Observations which have been accepted by Government (Vide recommendations at Serial Numbers 1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 27, 28, 29, 30, 31, 32, 35, 37, 38, 39, 42, 43, 44, 45, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, and 62) | |
| | Number | 49 |
| | Percentage to total | 79.03 |
| III. | Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies (vide recommendations at Serial Numbers 5, 7, 21, 26, 33, 36, 40, 41, 46, and 47) | |
| | Number | 10 |
| | Percentage to total | 16.13 |
| IV. | Recommendations in respect of which replies of Government have not been accepted by the Committee and which require reiteration (vide Recommendations at Serial Numbers 24, 34 and 54) | |
| | Number | 3 |
| | Percentage to total | 4.84 |