

**COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(1978-79)**

(SIXTH LOK SABHA)

**THIRTY-FIFTH REPORT**

**MINISTRY OF FINANCE**

**DEPARTMENT OF REVENUE**

**(Indirect Taxes Division)**

Action taken by Government on the recommendations contained in the Twenty-Third Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Sixth Lok Sabha) on the Ministry of Finance-Department of Revenue (Indirect Taxes Division) - Reservations for, and employment of, Scheduled Castes and Scheduled Tribes in the Central Board of Excise and Customs and its field formations

*Presented to Lok Sabha on 27-4-1979*

*Laid in Rajya Sabha on 27-4-1979*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*April, 1979/Vaisakha, 1901 (Saka)*

*Price Rs : 2.10*

**LIST OF AUTHORISED AGENTS FOR THE SALE OF LOK SABHA  
SECRETARIAT PUBLICATIONS**

**ANDHRA PRADESH**

1. Andhra University General Co-operative Stores Ltd., Waltair (Visakhapatnam).

**BIHAR**

2. M/s. Crown Book Depot, Upper Bazar, Ranchi (Bihar).

**GUJARAT**

3. Vijay Stores, Station Road, Anand.

**MADHYA PRADESH**

4. Modern Book House, Shiv Vohas Palace, Indore City.

**MAHARASHTRA**

5. M/s. Sunderdas Gianchand, 601, Girgaum Road, near Princess Street, Bombay-2.
6. The International Book House Pvt., 9, Ash Lane, Mahatma Gandhi Road, Bombay-1.
7. The International Book Service, Deccan Gymkhana, Poona-4.
8. The Current Book House, Maruti Lane, Raghunath Dadaji Street, Bombay-1.
9. M/s. Usha Book Depot, 585/A, Chira Bazar Khan House, Girgaum Road, Bombay-2.

10. M & J Services, Publishers, Representatives Accounts & Law Book Sellers, Bahri Road, Bombay-15.

11. Popular Book Depot, Dr. Bhadkamkar Road, Bombay-400001.

**MYSORE**

12. M/s. Peoples Book House, Opp. Jaganmohan Palace, Mysore-1.

**UTTAR PRADESH**

13. Law Book Company, Sardar Patel Marg, Allahabad-1.
14. Law Publisher's, Sardar Patel Marg, P.B. No. 77, Allahabad—U.P.

**WEST BENGAL**

15. Granthaloka, 5/1, Ambica Mookherjee Road, Belgharia, 24-Parganas,
16. W. Newman & Company Ltd., 3, Old Court House Street, Calcutta.
17. Mrs. Manimaja, Buys & Sells, 128, Bow Bazar Street, Calcutta-12.

**DELHI**

18. Jain Book Agency, Connaught Place, New Delhi.
19. M/s. Sat Narain & Sons, 3141, Mohd. Ali Bazar, Mori Gate, Delhi.

## CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE . . . . .	(iii)
INTRODUCTION . . . . .	(v)
CHAPTER I . . . . . REPORT . . . . .	1
CHAPTER II . . . . . Recommendations/Observations which have been accepted by the Government. . . . .	5
CHAPTER III . . . . . Recommendations/Observations which the Committee do not desire to pursue in view of the Government's replies. . . . .	17
CHAPTER IV . . . . . Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee . . . . .	24
CHAPTER V . . . . . Recommendations/Observations in respect of which final replies of Government have not been received. . . . .	30

### APPENDICES

I	Extracts from 41st Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.	33
II	Analysis of the action taken by Government on the recommendations . . . . .	37

**PARLIAMENT LIBRARY**  
 Library & Reference Section  
 Central Govt Publications  
 Acc. No. B. 52,808  
 Date 20.7.79

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES  
AND SCHEDULED TRIBES (1978-79)

---

Shri Ram Dhan—*Chairman*

MEMBERS

*Lok Sabha*

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

*Rajya Sabha*

21. Shri Bhagwan Din
22. Shri Prasenjit Barman
23. Shri Balram Das

(iv)

4. Shri Sriman Prafulla Goswami
25. Shrimati Saroj Khaparde
26. Shri S. Kumaran
27. Shri P. K. Kunjachen
28. Dr. (Smt.) Sathiavani Muthu
29. Shri Leonard Soloman Saring
30. Shri Parbhu 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 this Thirty-fifth Report (Sixth Lok Sabha) on Action Taken by Government on the recommendations contained in their Twenty-third Report (Sixth Lok Sabha) on the Ministry of Finance, Department of Revenue (Indirect Taxes Division) Reservations for, and employment of, Scheduled Castes and Scheduled Tribes in the Central Board of Excise Customs and its field formations.

2. The draft Report was considered and adopted by the Committee on the 3rd April, 1979.

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

I. Report.

II. Recommendations/Observations which have been accepted by Government.

III. Recommendations/Observations which the Committee do not desire to pursue in view of 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.

V. Recommendations/Observations in respect of which final replies of Government have not been received.

4. An analysis of the action taken by the Government on the recommendations contained in the Twenty-third Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes is given in Appendix II. It would be observed therefrom that out of 29 recommendations made by the Committee, 16 recommendations, i.e. 55.17 per cent have been accepted by Government; the Committee do not desire to pursue 6 recommendations, i.e. 20.69 per cent of their recommendations in view of Government's replies; 4 recommendations i.e. 13.79 per cent in respect of which replies of

(vi)

Government have not been accepted by the Committee require reiteration; and final replies of Government in respect of three recommendations i.e. 10.35 per cent have been received.

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

NEW DELHI;

April 16, 1979.

Chaitra 26, 1901 (Saka).

## CHAPTER I

### REPORT

The Report of the Committee deals with the action taken by Government on the recommendations contained in the Twenty-third Report (Sixth Lok Sabha) on the Ministry of Finance, Department of Revenue (Indirect Taxes Division) Reservations for, and employment of Scheduled Castes and Scheduled Tribes in the Central Board of Excise and Customs.

1.2. In para 1.21 of their Report, the Committee had noted that a large number of posts in the Central Board of Excise and Customs and its field formations have been kept outside the purview of Reservation Orders for Scheduled Castes and Scheduled Tribes and had desired that the Ministry of Finance should review the whole policy of making reservation orders applicable *in toto* to all the posts in the Central Board of Excise and Customs and its field formations in consultation with the Department of Personnel and Administrative Reforms. The Committee had also desired that while selecting persons for posts to be filled in by deputation or transfer in the Central Board of Excise and Customs a fair proportion of such posts should be filled in by employees belonging to Scheduled Castes and Scheduled Tribes in accordance with the instructions issued by the Department of Personnel and Administrative Reforms *vide* their O.M. No. 36012/7/77-Estt.(SCT) dated 21st January, 1978 in this regard. In their reply dated the 9th March, 1979 the Ministry of Finance (Department of Revenue) have stated that so far as posts filled by transfer or deputation are concerned, although the reservations do not apply to them, instructions have been issued in O.M. No. 36012/7/77-Estt.(SCT) dated 21st January, 1978 cited by the Committee that where the number of posts to be filled by deputation is fairly substantial, the employing Ministry/Office should endeavour to see that a fair proportion is filled by employees belonging to Scheduled Castes and Scheduled Tribes, Subject to the availability of qualified persons belonging to these communities from the feeder category. As regards the posts filled by promotion, the reservation orders do not apply where the element of direct recruitment exceeds 66-2/3 per cent. As regards temporary appointments of less than 45 days, such appointments being purely temporary terminable when the work for which they are created is completed, it is not practicable to apply the scheme of reservations to them. As regards work-



charged staff, attention is invited to the instructions issued in O.M. No. 36012|9|76-Est.(SCT) dated 10-2-77 wherein it has been provided that the principle of reservation for Scheduled Castes|Scheduled Tribes should generally be applied to the extent possible to work-charged staff also except those required for emergencies like flood relief work, accident restoration and relief etc. The O.M. dated 10-2-77 referred to above has been forwarded to all Heads of Departments under Central Board of Excise and Customs. The reservation orders are not applicable to posts in the Headquarters office of the Central Board of Excise and Customs as these are filled by deputation, the deputationists being drawn from the field formations under the Board where reservation orders are applied in their feeder services/cadres. The appointments of Deputy Secretaries and above are made with the approval of the Appointments Committee of the Cabinet and the Department of Personnel and Administrative Reforms have not issued any orders for reservation against such posts. However, the claims of Scheduled Castes/Scheduled Tribes candidates are kept in view while sponsoring the names of officers to the Department of Personnel and Administrative Reforms for appointment against Secretariat posts such as Under Secretary, Deputy Secretary.

The Committee are not satisfied with the reply of the Ministry of Finance (Department of Revenue) and stress that they should ensure that a fair proportion of deputation posts are filled in by employees belonging to Scheduled Castes and Scheduled Tribes as per the extant orders of Government the subject.

1.3. In para 2.40 of the Report, the Committee had observed that they were opposed in principle for the exclusion of any posts from the purview of reservation orders in promotions and had desired that the Ministry of Finance should ensure that reservation orders for Scheduled Castes and Scheduled Tribes were made applicable to posts in the grade of Inspectors, Central Excise (OG) and Preventive Officers (OG).

The Ministry of Finance in their reply dated the 9th March, 1979, have stated that the orders regarding reservation for Scheduled Castes/Scheduled Tribes in posts filled by promotion are not being applied to the posts of Inspectors Central Excise (OG) and Preventive Officers (OG) as the element of direct recruitment to these posts exceeds 66-2|3 per cent.

The Committee are not satisfied with the reply of Government and would to re-iterate that reservation orders for Scheduled

**Castes and Scheduled Tribes in promotion should be made applicable to posts in the grade of Inspectors, Central Excise (OG) and Preventive Officers(OG).**

1.4. In para 2.48 of their Report, the Committee had opposed to the principle of dereservation and urged that in view of the poor representation of Scheduled Castes and Scheduled Tribes in the Central Board of Excise and Customs, the vacancies reserved for Scheduled Castes and Scheduled Tribes should in no case be dereserved. The Ministry of Finance, in their reply dated 28-7-1978 have stated that there is provision for carrying forward of "dereserved" vacancies and exchange between Scheduled Castes and Scheduled Tribes. It has also been stated that, before dereservation is resorted to, it has to be ensured that all the steps prescribed to secure Scheduled Castes/Scheduled Tribe candidates against the reserved vacancies have invariably been taken and fully followed by the appointing authority concerned that the claims of eligible candidates belonging to these communities have been duly considered, and that dereservation is proposed only when such a course becomes inevitable due to non-availability of suitable Scheduled Caste/Scheduled Tribe candidates. These precautions would go to ensure that dereservation is resorted to only when it is inevitable, in cases where Scheduled Caste/Scheduled Tribe candidates are not available for certain posts, particularly those requiring technical, special or professional skill or qualifications and where in the interest of work, the vacancies have to be filled up, after dereservation, if necessary.

**The Committee are not satisfied with the reply of Government and would reiterate that vacancies reserved for Scheduled Castes and Scheduled Tribes should in no case be dereserved.**

1.5. In para 2.73 of their Report, the Committee have suggested that all possible efforts should be made by the Central Board of Excise and Customs to find Scheduled Caste and Scheduled Tribe candidates for all the posts reserved for them. If, however, such candidates were not available to fill all the reserved posts, then the exchange of vacancies should be resorted to in the very first year. In their reply dated 9-3-1979, the Ministry of Finance (Department of Revenue) have stated that all possible efforts are made to find Scheduled Caste/Scheduled Tribe candidates for appointment against the posts reserved for them. The Ministry of Finance referring to the Department of Personnel and Administrative Reforms O.M. No. 27/25/63-Estt(SCT), dated 25-3-1970 on the subject, have stated that if reservations are allowed to be exchanged between Scheduled Castes and Scheduled Tribes every year with-

out any future adjustment, it would indirectly mean combined overall quota of reservation for Scheduled Castes and Scheduled Tribes and such an arrangement may also give rise to complaints that the vacancies reserved for one community are being made over to the other at the cost of the former. Further this matter has also been considered by the High Power Committee set up under the Chairmanship of the Prime Minister to review the representation of the Scheduled Castes and Scheduled Tribes in the services, at its meeting held on 12-11-1976. The Committee felt that the existing orders allowing exchange of reserved vacancies for Scheduled Castes in favour of Scheduled Tribe and *vice versa* only in the third year, i.e., last year of carry forward, when the reservations will otherwise lapse, safeguard the legitimate interests of both the groups, viz. Scheduled Castes and Scheduled Tribes and that an exchange of the reservations earlier than in the final year of carry forward, would affect adversely the weaker of the two groups, viz. generally the Scheduled Tribes. The High Power Committee therefore did not consider it necessary to alter the existing arrangement in this regard.

**The Committee do not agree with the reply of Government and reiterate their earlier recommendation that if the Scheduled Caste and Scheduled Tribe candidates are not available to fill all the reserved vacancies, then the exchange of vacancies between Scheduled Castes and Scheduled Tribes, as the case may be, should be resorted to in the very first year.**

---

## CHAPTER II

### RECOMMENDATIONS|OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

#### Recommendation Sl. No. 3 (Para No. 1.22)

The Committee also note that Communications Directorate. In the Central Board of Excise and Customs was set up in July 1974 and is manned by technical personnel drawn on deputation or re-employment basis and as such reservation orders for Scheduled Castes and Scheduled Tribes have not been applied in these cases. The Committee regret that there is not a single Scheduled Caste or Scheduled Tribe in the Communications Directorate at present nor any specific attempt has been made by the Central Board of Excise and Customs to recruit Scheduled Caste and Scheduled Tribe candidates even for Group C posts. The Committee, therefore, desire that Recruitment Rules for various categories of posts should be finalised within a period of three months at the latest and all vacancies arising in future should as far as possible be filled up by candidates belonging to Scheduled Castes and Scheduled Tribes till such time their quota is completed.

#### Reply of Government

The Directorate of Communications have reported that against a total of 835 telecommunications posts filled during the period 1975 to 1977 as many as 79 Scheduled Castes and 2 Scheduled Tribes candidates were recruited. As on 27-5-1978, against a total number of 965 pots (of which 766 have been filled so far) to which the reservation rules for Scheduled Caste/Scheduled Tribe and apply according to the draft recruitment rules, 99 Scheduled Caste and 4 Scheduled Tribe candidates have been appointed. This works out to 12.9 per cent for Scheduled Castes and 0.5 per cent for Scheduled Tribes categories. It is reported that the availability of Scheduled Caste/Scheduled Tribe candidates, particularly of the latter, is rather scarce for the technical posts under the Directorate. The Directorate have resorted to appointing Scheduled Caste/Scheduled Tribe candidates by considerably relaxing the qualification standards and giving them "in-job" training. Efforts to complete the quota of Scheduled Caste/Scheduled Tribe candidates will continue earnestly in the coming years.

The recruitment rules for Group C and D posts in the Directorate of Communications have been drafted and finalised in consultation with the Department of Personnel and Administrative Reforms and the Ministry of Law, Justice and Company Affairs, They will be issued shortly.

[Ministry of Finance (Department of Revenue) O.M. No. A 14019/54/78-Ad. III-B dated 26-7-78]

### Comments of the Committee

The Committee would like to have details about the category of posts in which recruitments have been made during 1978 and the number and percentages of Scheduled Castes and Scheduled Tribes recruited. The Committee would also like to be informed whether the backlog has since been wiped out and if not, the reasons there for.

Copies of Recruitment Rules for Groups C and D posts in the Directorate of Communications, when finalised, may be supplied.

### Recommendation Sl. No. 5 (Para No. 2.6)

The Committee note the procedure of recruitment being followed by the Central Board of Excise and Customs and its field formations. The Committee suggest that if adequate number of Scheduled Caste and Scheduled Tribe candidates are not available in any particular area, copies of recruitment advertisements should also be sent to the Employment Exchange situated in the adjoining areas so as to attract maximum number of Scheduled Caste and Scheduled Tribe candidates for appointment to the posts in the Central Board of Excise and Customs and its field formations.

### Reply of Government

The recruitment to Group 'C' non-technical posts has since been taken over by the Staff Selection Commission. The Heads of Department have already been directed to report to the Staff Selection Commission the number of vacancies in the various cadres of the posts to which recruitment is made by the Staff Selection Commission and also to indicate the number out of these to be filled by Scheduled Castes/Scheduled Tribes, so that the Staff Selection Commission could nominate the appropriate number of Scheduled Castes/Scheduled Tribes candidates.

As regards the posts to which recruitment is still with the Heads of Department, instructions have been issued to all Heads of Department under the Central Board of Excise and Customs to ensure that with a view to attracting the maximum number of Scheduled Castes/Scheduled Tribe candidates for appointment to the posts, recruitment to which is made through the Employment Exchanges, advertisements/requisitions should be sent to all the Employment Exchanges located in the areas within the jurisdiction of the Collectorate.

[Ministry of Finance (Department of Revenue) O.M. No. A 14019/  
45/78-Ad. III-B dated 26-7-78]

### Comments of the Committee

The intention of the Committee was that copies of recruitment advertisements should also be sent to the Employment Exchanges of the adjoining areas so as to attract maximum number of Scheduled Castes and Scheduled Tribes. The Committee desire that revised instructions should be issued in this regard and a copy thereof supplied to the Committee.

### Recommendation (Sl. No. 8, Para No. 2.25)

Committee, during the course of evidence, had the opportunity to examine two Rosters brought by the representative of the Department of Expenditure at one of the sittings of the Committee. The Committee noticed that these Rosters had not been signed by the Liaison Officer whose duty is *inter alia* to check them at regular intervals. It clearly shows that Rosters have neither been maintained properly nor checked regularly by the Liaison Officer. The Committee need hardly stress that Rosters are the only mechanism to keep a watch on the proper placement of Scheduled Castes and Scheduled Tribes in services against the vacancies reserved for them. They feel that the proper maintenance of Rosters would keep the authorities concerned informed of the representation of Scheduled Castes and Scheduled tribes at the various points in different posts and the shortfalls, if any, can be detected immediately. The Committee suggest that the Rosters should be checked periodically by the Liaison Officer and duly signed certificate of checks made recorded thereon. Discrepancies noticed during inspection of Rosters should be rectified immediately and also brought to the notice of the Head of the Department.

### Reply of Government

Necessary instructions have been issued to all Heads of Departments under Central Board of Excise and Customs to comply with the recommendation of the Committee.

In so far as Headquarters Office of Central Board of Excise and Customs is concerned, rosters for reservation of vacancies are maintained by different authorities as indicated below:—

Sl. No.	Cadre	Authority responsible for maintaining roster
1.	Grade A Officers (C.S.S. Officers)	Department of Personnel & Administrative Reforms.
2.	Grade B & C Officers (C.S.S. Officers)	C.A.S. Department of Expenditure.
3.	Grade D Officers.	Central Division, Department of Revenue.
4.	Grade A to C Officers of field formations posted in CBEC Headquarters Office	Respective Heads of Departments Administratively controlled by C.B.E.C.

A copy of the Committees recommendation has been sent to the concerned Departments/Offices for necessary action.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad. III-B dated 26-7-78]

### Comments of the Committee

A copy of instructions issued to all Heads of Departments under the Central Board of Excise and Customs may be furnished to the Committee.

### Recommendation (Sl. No. 11, Para No. 241)

The Committee are also unhappy to be informed that *ad hoc* promotions have been made during the year 1976 from Class II to Class I posts ignoring the claims of Scheduled Castes and Scheduled Tribes. The Committee expect the Central Board of Excise and Customs to ensure that the claims of Scheduled Castes and Scheduled Tribes are given due consideration before these *ad hoc* promotions are regularised.

### Reply of Government

The Departmental Promotion Committee for promotions from Group B to Group A has met recently. The panel drawn up by the

Departmental Promotion Committee, which will supersede the *ad hoc* promotions under reference, will duly take into account the reservations for Scheduled Castes and Scheduled Tribes.

[Ministry of Finance (Department of Revenue) O.M. No. A.  
14019/45/78-Ad. III-B dated 26-7-78]

#### Comments of the Committee

The Committee may be apprised of the final outcome in this regard.

#### Recommendation (Sl. No. 13, Para No. 2.49)

The Committee are surprised to note that the officers in the field formations under the Central Board of Excise and Customs have no clear understanding of the procedure of dereservation of vacancies with the result that dereservation of vacancies has taken place to the detriment of the interests of Scheduled Caste and Scheduled Tribe employees. The Committee would, therefore, suggest that the Central Board of Excise and Customs should immediately organise a training course for its officers dealing with personnel matters with the help of the 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 recommendation has been noted for compliance, and the course will be organised as soon as practicable.

[Ministry of Finance (Department of Revenue) O.M. No. A.  
14019/45/78-Ad. III-B dated 26-7-78]

#### Comments of the Committee

The Committee would like to be informed as to whether the training course has since been organised.

#### Recommendation (Sl. No. 14, Para No. 2.50)

The Committee would like to emphasise that in future the Central Board of Excise and Customs should strictly follow the procedure for dereservation of vacancies for Scheduled Castes and Scheduled Tribes as laid down in Department of Personnel and Administrative Reforms



O.M. No. 28/14/74-Estt.(SCT), dated the 12th July, 1976 and invariably take all the necessary steps as mentioned in paras 26 to 27A of the Brochure on Reservations for Scheduled Castes and Scheduled Tribes in services (Fourth Edition) before making any reference to the Department of Personnel and Administrative Reforms for de-reservation. The Committee would also suggest that any adverse effect on the Scheduled Caste and Scheduled Tribe employees resulting from non-observance of these orders should be mitigated in their interest.

### **Reply of Government**

The recommendation of the Committee that in future the Central Board of Excise and Customs should strictly follow the procedure for dereservation of vacancies for Scheduled Castes and Scheduled Tribes, has been noted for consideration. As regards the past, if any specific cases are found where there has been any adverse effect on Scheduled Castes and Scheduled Tribes employees, resulting from non-observance of the above-mentioned orders, these will be gone into and remedial action taken, where possible.

[Ministry of Finance (Department of Revenue) O.M. No. A  
14019/45/78-Ad. III-B dated 26-7-78]

### **Comments of the Committee**

The Committee feel that the recommendation of the Committee should not only be noted for consideration but it should also be implemented.

### **Recommendation (Sl. No. 15, Para No. 2.56)**

The Committee need hardly emphasise the desirability of including a Scheduled Caste/Scheduled Tribe Officer in all the Departmental Recruitment/Promotion Committees constituted by the Central Board of Excise and Customs so as to instil confidence in the Scheduled Caste and Scheduled Tribe employees and for that purpose, if necessary the composition of Departmental Promotion/recruitment Committees may be enlarged. The Committee would desire that in case a Scheduled Caste/Scheduled Tribe Officer of the appropriate rank is not available in a particular field formation, Officer from other field formations or headquarters or State Government may be associated with that particular Departmental Promotion Committee.

### Reply of Government

The recommendation has been circulated to all Heads of Departments for necessary action in regard to the Departmental Promotion Committees convened by them.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad. III-B dated 26-7-78]

### Comments of the Committee

A copy of instructions issued by the Central Board of Excise and Customs to all Heads of Departments in this regard may be furnished to the Committee.

### Recommendation (Sl. No. 16, Para No. 2.68)

The Committee would like to draw the attention of the Central Board of Excise and Customs to the instructions contained in the Department of Personnel and Administrative Reforms Office Memorandum No. 36021/9/76-Estt.(SCT) dated the 10th February, 1977 wherein it has been laid down that the principle of reservations for Scheduled Castes and Scheduled Tribes should also apply to daily rated staff and hope that these instructions would be meticulously followed.

### Reply of Government

A copy of the Department of Personnel and Administrative Reforms Office Memorandum No. 36021/9/76-Estt.(SCT) dated 10-2-77 was circulated to all Heads of Departments under Department of Revenue and Banking (Banking Wings) F. No. A. 14011/1/77-Ad. I dated 24-2-1977. A copy of the recommendation of the Committee has also been furnished to all Heads of Departments under the Central Board of Excise and Customs who will take necessary action. As regards the headquarters office of the Central Board of Excise and Customs, this became an independent administrative organisation on 27-5-1977 when the erstwhile Department of Revenue was trifurcated into three separate administrative divisions. Since then, three daily wage workers have been appointed in the Central Board of Excise and Customs Headquarters Office, out of whom one is from Scheduled Caste. The Committee's recommendations will be kept in view in the event of future such appointments.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad. III-B dated 26-7-78]

**Recommendation (Sl. No. 18, Para No. 2.70)**

The Committee note that 15 non-Scheduled Caste and Scheduled Tribe persons have been recruited as Safaiwalas or scavengers in the field formations of the Central Board of Excise and Customs. While the Committee are glad to note that non-Scheduled Caste and Scheduled Tribe persons are also being recruited as Safaiwalas or scavengers, they would like the Central Board of Excise and Customs to ensure that these persons are utilised strictly for the purposes for which they have been recruited and not on other duties.

**Reply of Government**

The observation of the Committee has been brought to the notice of all the Heads of Departments under Central Board of Excise and Customs for necessary action.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad. III-B dated 26-7-78]

**Recommendation (Sl. No. 22, Para No. 3.13)**

The Committee note that copies of advertisements issued by the Central Board of Excise and Customs and its field formations are sent to recognised Associations, Organisations etc. of Scheduled Castes and Scheduled Tribes. The Committee feel that the list of Associations, Organisations etc. recognised as representatives of Scheduled Castes and Scheduled Tribes for the purposes of orders relating to special representation in services was drawn a few years back and required revision. The Committee would, therefore, like the Central Board of Excise and Customs to review the list of recognised associations, organisations etc. of Scheduled Castes and Scheduled Tribes and the list as revised, supplied to all appointing authorities in the field formations of the Central Board of Excise and Customs.

The Committee also desire that copies of advertisements issued by the Central Board of Excise and Customs and its field formations are also included in the newspapers like "Employment News" and "Rozgar Samachar".

**Reply of Government**

The Committee's recommendation that copies of the advertisements should be included in the "Employment News" and "Rozgar

Samachar" has already been accepted. Accordingly, instructions were issued on 2-2-1978 to all Heads of Departments for taking necessary action.

The list of associations of Scheduled Castes and Scheduled Tribes recognised by the Department of Personnel and Administrative Reforms for purpose of notifying the reserved vacancies is given in appendix II of the Brochure on reservation for Scheduled Castes/Scheduled Tribes, at pages 84—87 of the 1975 edition, read with Department of Personnel and Administrative Reforms O.M. No. 36014/12/77-Estt (SCT) dated 23-4-77. Recently, vide Government's O.M. No. 36014/12/77-Estt(SCT) dated 29-5-78, the Valmiki Samaj V kas Parishad, Delhi has also been added to this list. Besides notifying to Employment Exchanges, publicity of vacancies reserved for Scheduled Castes/Scheduled Tribes is at present being made in a number of Indian and English language newspapers and by notifying them to the selected stations of All India Radio and to the Directors of Social Welfare or Welfare of Scheduled Castes/Scheduled Tribe of the State(s), U.T.(s) concerned in terms of Department of Personnel & Administrative Reforms O.M. No. 36022/4/76-Estt(SCT) dated 7-8-76 and O.M. No. 36034/2/78-Estt(SCT) dated 24-2-78. There is presently no proposal with the Department of Personnel & Administrative Reforms to add to the list of Associations of Scheduled Castes and Scheduled Tribes already recognised for this purpose.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/13/79-Ad. III-B dated 9-3-79]

#### **Recommendation (Sl. No. 23, Para No. 3.26)**

The Committee note that due to inadequacy of resources, the Directorate of Training has not been able to meet the training needs in respect of Group B, C and D officers in the field formations of the Central Board of Excise and Customs and proposals to reinforce the Directorate of Training are under consideration. The Committee hope that decision in the matter will be taken early so that Scheduled Caste and Scheduled Tribe officers at various levels could be deputed in larger number for training. The Committee also desire that while deputing officers to seminars and conferences, preference should be given to officers of Scheduled Castes and Scheduled Tribes in accordance with the instructions issued by the Department of Personnel and Administrative Reforms in this regard as it would enable them to broaden their outlook and also to build up specialised knowledge.

### Reply of Government

Consideration of the proposals for reinforcement of Directorate of Training is being expedited.

2. It is presumed that the Committee's reference to deputation of officers to seminars and conferences covers those of a more general nature or for imparting training etc. (and not functional conferences or seminars connected with a particular officers' charge, which would necessarily have to be attended by that officer). Every effort is made to nominate as many Scheduled Caste/Scheduled Tribe officers as possible for deputation to training courses etc.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad. III-B, dated 26-7-78]

#### Recommendation (Sl. No. 24 Para No. 3.27)

The Committee are unhappy to note that statistics in regard to training imparted to Scheduled Caste and Scheduled Tribe officers in the various institutes under the Directorate of Training are not available and instructions have since been issued to maintain necessary statistics in this regard with effect from 1-1-1978. The Committee hope that necessary statistics with regard to training imparted to the Scheduled Caste and Scheduled Tribe officers in the field formations of Central Board of Excise and Customs will now be maintained and it will be ensured that considerable number of Scheduled Caste and Scheduled Tribe employees are included in the training programmes to be conducted by the Directorate of Training and also by other training institutes etc. The Committee also desire that such statistics should be published in the annual report of the Ministry of Finance.

### Reply of Government

The recommendation of the Committee has been noted for compliance.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad. III-B dated 26-7-78]

#### Recommendation (Sl. No. 25 Para No. 3.33)

The Committee regret to note that the annual statements regarding recruitment of Scheduled Castes and Scheduled Tribes in the field formations for the year 1976 were sent by the Central Board of Excise and Customs, on the prescribed forms, to the Department of Personnel and Administrative Reforms on the 22nd

August, 1977, although these should have been sent to them latest by the 31st March, 1977. The Committee would like the Central Board of Excise and Customs to ensure that, in future, the statements are prepared on the prescribed forms and submitted to them by all the field formations as soon as after the 1st January of the following year and latest by the 1st March of that year as laid down in the Cabinet Secretariat (Department of Personnel and Administrative Reforms) O.M. No. 17/3/70-Est (SCT) dated the 1st January, 1972 so that the statements are submitted to the Department of Personnel and Administrative Reforms in time. Failure to submit the statements in time should be regarded as a serious lapse on the part of the concerned Head of the Department of the Collectorates.

#### **Reply of Government**

The recommendation of the Committee has been noted and brought to the notice of all concerned for compliance.

The report for the year 1977 was sent to the Department of Personnel and Administrative Reforms in March, 1978.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad. III-B dated 28-7-78]

#### **Recommendation (Sl. No. 26 Para No. 3.34)**

The Committee would also like to suggest that these annual statements on receipt by the Central Board of Excise and Customs should be critically examined and analysed immediately on receipt so that prompt and effective measures may be taken to remove the deficiencies noticed with a view to safeguard the interests of Scheduled Castes and Scheduled Tribes.

#### **Reply of Government**

The recommendation has been noted for compliance.

[Ministry of Finance (Department of Revenue) O.M. No. A 14019/45/78-Ad. III-B dated 28-7-78]

#### **Recommendation (Sl. No. 27 Para No. 3.36)**

The Committee hope that a note on the recruitment, promotion and reservation of vacancies supersession of Scheduled Castes and Scheduled Tribes and statistics relating to the representation of Scheduled Castes and Scheduled Tribes in the Central Board of

Excise and Customs and its field formation will be included in the Annual Report of the Ministry for 1978 and onwards.

### **Reply of Government**

A note showing the work done by the Cells for enforcement of the orders of reservations for Scheduled Castes and Scheduled Tribes, with detailed statistics has been duly included in the Report of the Ministry of Finance for 1977-78 (*vide* paras 651 to 655 and Annexures XVI to XXI). It is proposed to continue this practice in future years.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad, III-B dated 26-7-78]

### **Recommendation (Sl. No. 28, Para No. 4.3)**

The Committee would like to stress that separate registers for registering complaints/representations received from the Scheduled Caste and Scheduled Tribe employees should be maintained with immediate effect by the Personnel Sections of the Central Board of Excise and Customs and also in its field formations as assured by the representative of the Central Board of Excise and Customs during the course of evidence. The Committee would also suggest that a precise procedure should be ensured that complaints are attended to with utmost expedition. These registers should at least be checked quarterly by the Liaison Officer and also by Collectors of Central Excise/Customs concerned during the course of inspection of the offices under their control to ensure prompt disposal of complaints/representations received from the Scheduled Caste and Scheduled Tribe employees and quarterly report submitted to the Headquarters office for their information.

### **Reply of Government**

Necessary instructions have been issued to all Heads of Departments under Central Board of Excise and Customs to comply with the recommendation of the Committee.

As regards the Headquarters office of Central Board of Excise and Customs, a separate register has been started in the Headquarters office for entering any representation from Scheduled Caste/Scheduled Tribe staff of the Headquarters office of Central Board of Excise and Customs.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad, III-B dated 26-7-78]

## CHAPTER III

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

#### Recommendation Sl. No. 1, (Para No. 1.20)

The Committee note that the Central Excise Collectorates of Delhi, Chandigarh and Jaipur have a common cadre which is administered by the Central Excise Collectorate, Delhi and Delhi being the headquarters and cadre authority being at Delhi, a 40-Point Roster, as prescribed for Delhi, has been applied for recruitment to Group C and D posts in these Collectorates in consultation with the Department of Personnel and Administrative Reforms. According to the 40-Point Roster, the reservations for Scheduled Castes and Scheduled Tribes are 15 per cent and 7½ per cent respectively. The Committee find no justification in prescribing a 40-Point Roster for recruitment to Groups C and D posts for these Collectorates as recruitment of these posts are normally made on local or regional basis and feel that this had deprived a large number of Scheduled Castes and Scheduled Tribes specially coming from the States of Punjab, Haryana, Rajasthan, etc. in getting jobs in the above Collectorates. The Committee, therefore, suggest that in order to give due representation to the Scheduled Castes and Scheduled Tribes belonging to these States, the percentages of reservations for Scheduled Castes and Scheduled Tribes should be fixed on the basis of population of Scheduled Castes and Scheduled Tribes in the Collectorates of these States.

#### Reply of Government

The Collectorates of Customs and Central Excise of Delhi, Chandigarh and Jaipur have a combined cadre so far as Group B, C and D posts are concerned. There has been no direct recruitment to Group B posts. A 40-Point Roster for direct recruitment to Group 'C' and 'D' posts in these Collectorates was prescribed in consultation with the Department of Personnel & Administrative Reforms. A decision has been taken to separate the combined cadres of the three Collectorates. Once this is done, recruitment will be Collectorate-wise and the percentages of reservation for Scheduled Caste|



Scheduled Tribe candidates will be revised on the basis of the population figures in the States/Union Territories falling within the jurisdiction of each Collectorate. For the Chandigarh Collectorate, the population figures for the states of Haryana, Punjab, Himachal Pradesh, Jammu and Kashmir and the Union Territory of Chandigarh would be taken into account. The roster and reserved posts for Scheduled Castes/Scheduled Tribes will be prescribed in consultation with the Department of Personnel and Administrative Reforms.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad. III-B dated 26-7-78]

#### **Recommendation Sl. No. 4, (Para No. 1.23)**

The Committee note that Assistant Collectors belonging to Scheduled Castes and Scheduled Tribes or any of the minority communities, are nominated as liaison officers in the offices subordinate to the Central Board of Excise and Customs for dealing with work relating to the representation of Scheduled Castes and Scheduled Tribes in all establishments and services under the administrative control of the Heads of the Departments. No formal Cells have been set up in the field formations but one or two clerical staff is nominated to assist the liaison officer. The Committee feel that the liaison officer alone would not be able to discharge his duties effectively unless a Cell with adequate staff is set up in each unit of the Central Board of Excise and Customs to ensure strict compliance of orders on reservations for Scheduled Castes and Scheduled Tribes and also to look into the complaints and grievances of the Scheduled Caste and Scheduled Tribe employees. The Committee, therefore, urge that Cells in each unit of the Central Board of Excise and Customs should be set up without delay to deal exclusively with matters relating to Scheduled Castes and Scheduled Tribes.

#### **Reply of Government**

Instructions have been issued to all Heads of Departments under the Central Board of Excise and Customs to set up a separate cell with adequate staff to assist the Liaison Officer in the proper discharge of his duties. The replies received from the field formations indicate that separate cells have been created in many field formations. Some of the field formations are yet to create separate cells and they have been asked to do so urgently. The difficulties regarding staffing pointed out by some of them are being looked into.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad. III-B dated 26-7-78]

### Comments of the Committee

The Committee would like to be informed of the progress made with regard to the creation of Cells in the field formations of the Central Board of Excise and Customs and copies of instructions is used to all Heads of Departments under the Central Board of Excise and Customs in this regard may be supplied.

#### Recommendation Sl. No. 6, (Para No. 2.7)

The Committee note that Recruitment Rules for Group C and D posts under the Central Board of Excise and Customs have not yet been finalised and would urge upon the Central Board of Excise and Customs to vigorously pursue the matter with the Department of Personnel and Administrative Reforms and expedite a decision in the matter as continued delay in the matter adversely affects the interests of the Scheduled Castes and Scheduled Tribes.

#### Reply of Government

The recruitment rules for certain Group 'C' and 'D' posts in the Directorate of Inspection and Audit (Customs and Central Excise) & Central Revenues Control Laboratory have already been notified.

The draft recruitment rules for Group 'C' and 'D' posts in the Directorate of Communications have also been finalised in consultation with Department of Personnel and Administrative Reforms and the Ministry of Law and are expected to be notified shortly.

As regards the recruitment rules for Group 'C' and 'D' posts in other departments/offices under the Central Board of Excise and Customs, the draft recruitment rules are being processed in consultation with the Department of Personnel and Administrative Reforms. The matter is at an advanced stage and the rules are expected to be finalised shortly.

[Ministry of Finance (Department of Revenue) O.M. No. A.  
14019/45/78-Ad. III-B dated 26-7-78]

#### Comments of the Committee

The Committee may be apprised of the progress made with regard to finalisation of draft rules for Group 'C' and 'D' posts in the Central Board of Excise and Customs and its field formations. The categories of posts in Group 'C' and 'D' for which Recruitment Rules have been finalised and when the Rules for remaining categories would be issued may also be intimated.

**Recommendation Sl. No. 17, (Para No. 2.69)**

The Committee see no justification in framing a rule that casual or daily wage worker who has served for at least two years, with a minimum of 240 days' attendance per year, could be recruited as Farrash/Sweepers/Peons in the field formations of the Central Board of Excise and Customs and feel that it is likely to work against the interests of Scheduled Castes and Scheduled Tribes. The Committee, therefore, urge that the rules in this regard should be amended to ensure that all vacancies reserved for Scheduled Castes and Scheduled Tribes are actually filled in by them.

**Reply of Government**

The matter has been considered in consultation with Department of Personnel and Administrative Reforms and the position is as under:

The orders regarding reservation for Scheduled Castes/Scheduled Tribes apply to all posts filled by direct recruitment. These orders will, therefore, apply to the post of Farrash/Sweepers/Peons when these posts are filled by direct recruitment whether from amongst the Casual or daily wage workers or from others. In view of this position, amendment to the rules in this regard, as suggested by the Committee, does not appear necessary.

In this connection, attention is also invited to Department of Personnel & Administrative Reforms' O.M. No. 36021/9/76-Estt.(SCT) dated 10-2-77 according to which the principle of reservation for Scheduled Castes/Scheduled Tribes should be applied to the extent possible to work-charged posts also except when these posts are required for emergencies like flood relief, accident restoration and relief etc. The situation envisaged by the Parliamentary Committee will not arise if due care is taken to ensure proper representation of members of Scheduled Castes/Scheduled Tribes while employing daily rated/Casual employees.

Department of Personnel & Administrative Reforms' O.M. No. 36021/9/76-Estt(SCT) dated 10-2-77, was forwarded to all Heads of Departments vide this Department's letter F. No. 14011|1|77-Ad. I, dated 24-2-77 for compliance.

[Ministry of Finance (Department of Revenue) O.M. No. A.  
14019/13/79-Ad. III-B dated 9-3-79]

### Recommendation Sl. No. 20, (Para No. 3.11)

The Committee regret to note that the representation of Scheduled Castes and Scheduled Tribes in the field formation of the Central Board of Excise and Customs is much below the quota reserved for them. The representation of Scheduled Castes and Scheduled Tribes in Group 'A' posts is only 6.8 per cent and 2.4 per cent respectively while the representation of Scheduled Castes and Scheduled Tribes in Group 'B' posts is 6.7 per cent and 1.2 per cent respectively. Even in Group 'C' posts, the representation of Scheduled Castes and Scheduled Tribes is no better. It is 10.9 per cent for Scheduled Castes and 2.1 per cent for Scheduled Tribes. Considering these heavy shortfalls, the Committee cannot but conclude that extent orders on the subject are either not being followed in letter and spirit by the appointing authorities or adequate attention is not being paid to improve the situation. Unless concerted efforts are made by the Central Board of Excise and Customs and other appointing authorities, the shortfalls in the representation of Scheduled Castes and Scheduled Tribes cannot be wiped out. The Committee, therefore, urge the Central Board of Excise and Customs to ensure that reservation orders are rigidly followed so that all the reserved vacancies for Scheduled Castes and Scheduled Tribes are actually filled in by them and that shortfalls are obliterated as early as possible. The Committee also stress that till such time as the representation of Scheduled Castes and Scheduled Tribes reaches their due proportion, special recruitments confined to the Scheduled Castes and Scheduled Tribes should be resorted to clear the backlog.

### Reply of Government

A copy of the recommendation of the Committee has been furnished to all concerned. Direct recruitment to most of the non-technical Group 'C' posts is now to be made through the Staff Selection Commission and all Heads of Department have been asked to report to the Commission the backlog and number of vacancies reserved for Scheduled Caste/Scheduled Tribe so that the Commission could take them into consideration, while making recruitment to these posts.

With regard to the suggestion of the Committee that till such time as the representation of SC/ST reaches its due proportion special recruitment confined to SC/ST should be resorted with a view to clearing the backlog, the position is that reservations are made with reference to vacancies arising from time to time and not with reference to total strength of a service or cadre. Unfilled re-

reserved vacancies are required to be carried forward to the subsequent recruitment year. Thus every year efforts are made to recruit SC/ST candidates against the vacancies carried forward from the previous three recruitment years as well as against the current reserved vacancies. Prior to 27-12-1977, the number of vacancies to be reserved including carried forward reservations had to be restricted to 50 per cent of the vacancies filled in any year. According to the revised orders of Department of Personnel and A.R. issued *vide* O.M. No. 16/3/77-Estt.(SCT) dated 27-12-1977, all carried forward reserved vacancies and the current reserved vacancies can be utilised for recruitment of SC/ST even, if the total reservation exceeds 50 per cent of the vacancies filled in that year provided the overall representation of SC/ST in the total strength of the concerned grade or cadre is found to be adequate.

Moreover, on the 5th February, 1979 instructions were issued in consultation with the Staff Selection Commission to all the Heads of Department to the effect that when candidates belonging to SC/ST are not initially nominated by the Staff Selection Commission against reserved vacancies reported to it, a reference be made to the Commission as to whether it would be in a position to nominate SC/ST candidates. If no such candidates are available, the Commission generally authorises the employing departments/offices to make recruitment to the reserved vacancies through other permissible channels including the Employment Exchange in order to avoid delay entailed in waiting for the result of the next examination. On the basis of such authority the various steps prescribed in the Brochure on Reservations for SC/ST to secure SC/ST candidates by the Heads of Departments under Central Board of Excise & Customs can be taken before considering any proposal for dereservation.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/13/79-Ad. III-B dated 9-3-79]

#### Recommendation Sl. No. 21, (Para No. 3.12)

The Committee note that in order to wipe out the shortfalls in the case of promotional categories in the field formation of the Central Board of Excise and Customs, the representative of the Department of Personnel and Administrative Reforms has agreed, during the course of evidence, to reconsider the suggestion made by the Central Board of Excise and Customs that the zone of consideration might be extended so as to include all eligible Scheduled Caste and Scheduled Tribe candidates subject to the condition that they have qualifying service for promotions prescribed under the Rules. The Committee hope that the Central Board of Excise and Customs will

vigorously pursue this matter with the Department of Personnel and Administrative Reforms and apprise the Committee of the decision taken in the matter.

### **Reply of Government**

The matter has been considered in consultation with the Department of Personnel & Administrative Reforms and the position is as follows:—

In promotion by selection in groups 'C' and 'D' posts reservations have been provided for Scheduled Castes and Scheduled Tribes under the orders issued on 11-7-1968. There is already a separate and enlarged zone of consideration being 5 times the number of vacancies instead of original 3 for Scheduled Caste/Scheduled Tribe for reserved vacancies. The Scheduled Caste/Scheduled Tribe candidates who are not within the normal zone of consideration for unreserved vacancies can, thus, also be considered for promotion against reserved vacancies if they are within the separate zone of consideration with reference to the number of vacancies, provided they are otherwise eligible for promotion according to the recruitment rules prescribed for the posts concerned.

For promotion on the basis of seniority subject to fitness, there is no zone of consideration, as such, and all persons who are eligible for such promotions, vacancies according to seniority and fitness. In the case of vacancies reserved for Scheduled Caste/Scheduled Tribe, the candidates belonging to these communities can be considered irrespective of their position in the general seniority list provided they are otherwise eligible for consideration for promotion according to the recruitment rules prescribed for the posts concerned.

In promotion by selection from Group 'C' to Group 'B', within Group 'B', and from Group 'B' to the lowest rung of Group 'A', only those Scheduled Caste/Scheduled Tribe candidates, as are within the normal zone of consideration, are considered against reserved vacancies.

The general question relating to the size of the zone of consideration for all vacancies and not only for reserved vacancies is, however, separately under examination in the Department of Personnel and Administrative Reforms.

[Ministry of Finance (Department of Revenue) O.M. No. A.  
14019/13/79-Ad. III-B dated 9-3-79]

### **Comments of the Committee**

The final outcome may be intimated to the Committee at an early date.

## 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. 2, (Para No. 1.21)

The Committee are distressed to note that a large number of posts in the Central Board of Excise and Customs and its field formations have been kept outside the purview of Reservation Orders for Scheduled Castes and Scheduled Tribes. The Committee see no reason why reservation orders have not been applied to these posts and would like the Ministry of Finance to review the whole policy of making reservation orders applicable *in toto* to all the posts in the Central Board of Excise and Customs and its field formations in consultation with the Department of Personnel and Administrative Reforms.

While selecting persons for posts to be filled in by deputation or transfer in the Central Board of Excise and Customs, a fair proportion of such posts should be filled in by employees belonging to Scheduled Castes and Scheduled Tribes in accordance with the instructions issued by the Department of Personnel and Administrative Reforms *vide* their O.M. No. 36012/7/77-Estt(SCT), dated 21st January, 1978 in this regard.

#### Reply of Government

The matter has been considered in consultation with Department of Personnel and Administrative Reforms and the position is as follows:—

- \*(1) Vacancies filled by transfer or deputation.
- (2) Vacancies filled by promotion;
  - (a) through limited Departmental Competitive Examinations in Group 'B', 'C' and 'D' in grades or services in which the element of direct recruitment exceeds 66-2/3 per cent.

---

\*According to the instructions in Chapter III-para 6 of the Brochure (4th Edition) issued by the Department of Personnel and A.R., the reservation orders are not applicable in the following types of cases:—

- (b) by selection of Group 'B' officers to the lowest rung or category in Group 'A' and in Group 'B', 'C' and 'D' posts, in grades or services in which the element of direct recruitment exceeds 66-2/3 per cent.
- (c) on the basis of seniority subjects to fitness in Group 'A', 'B', 'C' and 'D' posts, in grades of services in which the element of direct recruitment, if any, exceeds 66 per cent.
- (3) Temporary appointments of less than 45 days duration;
- (4) Purely temporary establishments such as work charged staff including daily rated and monthly rated staff.

So far as posts filled by transfer or deputation are concerned, although the reservations do not apply to them, instructions have been issued in O.M. No. 36012/7/77-Estt(SCT) dated 21-1-78 cited by the Committee that where the number of posts to be filled by deputation is fairly substantial, the employing Ministry/Office should endeavour to see that a fair proportion is filled by employees belonging to Scheduled Castes/Scheduled Tribes, subject to the availability of qualified persons belonging to these communities from the feeder category.

As regards the posts filled by promotion, the reservation orders do not apply where the element of direct recruitment exceeds 65 per cent.

As regards temporary appointments of less than 45 days, such appointments being purely temporary terminable when the work for which they are created is completed, it is not practicable to apply the scheme of reservations to them.

As regards work-charged staff, attention is invited to the instructions issued in O.M. No. 36021/9/76-Est(SCT) dated 10-2-77 where in it has been provided that the principle of reservation for Scheduled Castes/Scheduled Tribes should generally be applied to the extent possible to work-charged staff also except those required for emergencies like flood relief work, accident restoration and relief etc. The O.M. dated 10-2-77 referred to above has been forwarded to all Heads of Departments under Central Board of Excise and Customs vide this Department's letter F. No. A-14011/1/77-Ad. I dated 24-2-77.



The reservation orders are not applicable to posts in the Headquarters Office of the Central Board of Excise and Customs as these are filled by deputation, the deputationists being drawn from the field formations under the Board where reservation orders are applied in their feeder services/cadres. The appointments of Deputy Secretaries and above are made with the approval of the Appointments Committee of the Cabinet and the Department of Personnel and Administrative Reforms have not issued any orders for reservation against such posts. However, the claims of Scheduled Castes/Scheduled Tribes candidates are kept in view while sponsoring the names of officers to the Department of Personnel and Administrative Reforms for appointment against Secretariat posts such as Under Secretary, Deputy Secretary. It may be mentioned that some time back a Scheduled Tribe officer has been appointed as Secretary, Central Board of Excise and Customs and Deputy Secretary to the Government of India, in a post vacated by a general category officer.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/13/79-Ad. IIIB, dated 9-3-79]

#### Comments of the Committee

Please see Chapter I, para 1.2.

#### Recommendation (Sl. No. 10, Para No. 240)

The Committee also note that twenty-five per cent of posts in the grade of Inspectors, Central Excise (O.G.) and Preventive Officer (O.G.) have been reserved for promotion from Ministerial cadres and no reservations for Scheduled Castes and Scheduled Tribes have been provided in these categories. The Committee are opposed in principle for the exclusion of any posts from the purview of reservation orders. The Committee see no reason as to why reservation orders in promotions have not been made applicable to these posts and desire that the position may be reviewed in consultation with the Department of Personnel and Administrative Reforms so as to ensure that reservation orders for Scheduled Castes and Scheduled Tribes are made applicable to these categories of posts. The Committee may be informed of the decision taken in the matter.

#### Reply of Government

The matter has been considered in consultation with the Department of Personnel and Administrative Reforms and the position is as follows:—

The orders regarding reservation for Scheduled Castes/Scheduled Tribes in posts filled by promotion are not being applied to the

post of Inspectors Central Excise (OG) and Preventive Officers (OG) as the element of direct recruitment to these posts exceeds 66-2/3 per cent. In this connection, the position is that prior to 25-2-76, the orders regarding reservation for Scheduled Castes|Scheduled Tribes in the posts filled by promotion were applicable only where the element of direct recruitment did not exceed 50 per cent. The suggestion of the Parliamentary Committee on Welfare of Scheduled Castes|Scheduled Tribes in their 41st Report (Recommendation No. 23) that reservation should be provided in all cases of promotion irrespective of whether element of direct recruitment exceeds 50 per cent or not, was considered carefully. While it was not found necessary to remove totally the restriction regarding the component of direct recruitment provided in the various orders regarding reservation in the promotion for the limit of 50 per cent direct recruitment was, however, raised to 66-2/3 per cent thus bringing within the purview of Reservation Scheme, more vacancies which are filled on the basis of promotion.

[Ministry of Finance (Department of Revenue) O.M. No. A.  
14019|13|79-Ad. III-B, dated 9-3-79]

#### **Comments of the Committee**

Please see Chapter I, para 1.3.

#### **Recommendation (Sl. No. 12, Para 2.48)**

The Committee are basically opposed to the principle of dereservation and would like to urge that in view of the poor representation of Scheduled Castes and Scheduled Tribes in the Central Board of Excise and Customs, the vacancies reserved for Scheduled Castes and Scheduled Tribes should in no case be dereserved.

#### **Reply of Government**

As regards the basic question of the desirability of having a provision for dereservation, it is respectfully submitted that this is a general question and the Government instructions on the subject are applicable to all Ministries and Departments of Government and not only to the Central Board of Excise and Customs however, the Committee's recommendation on this point has been brought to the notice of the Department of Personnel & A.R.

It may however be observed that dereservation does not necessarily mean that the vacancy is lost to member of Scheduled Castes|Scheduled Tribes, as in a number of cases, there is provision for

carrying forward of "dereserved" vacancies and exchange between Scheduled Castes and Scheduled Tribes.

It may further be mentioned that before dereservation is resorted to, it has to be ensured that all the steps prescribed to secure Scheduled Caste|Scheduled Tribe candidates against the reserved vacancies have invariably been taken and fully followed by the appointing authority concerned, that the claims of eligible candidates belonging to these communities have been duly considered, and that dereservation is proposed only when such a course becomes inevitable due to non-availability of suitable Scheduled Caste|Scheduled Tribe candidates. These precautions would go to ensure that dereservations is resorted to only when it is inevitable, in cases where SC|ST candidates are not available for certain posts, particularly those requiring technical, special or professional skill or qualifications and where, in the interest of work, the vacancies have to be filled up, after dereservation, if necessary.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019|45|78-Ad. III-B dated 26-7-78]

#### **Comments of the Committee**

Please see Chapter I, para 1.4.

#### **Recommendation (Sl. No. 19, Para 2.73)**

The Committee feel that ordinarily vacancies reserved for Scheduled Castes and Scheduled Tribes should be filled in by the candidates belonging to the respective communities only, so that the need to fill in the vacancies reserved for Scheduled Castes by Scheduled Tribes and *vice-versa* at the end of the third year of carry-forward of vacancies is obviated. The Committee, would therefore, suggest that all possible efforts should be made by the Central Board of Excise and Customs to find Scheduled Caste and Scheduled Tribe candidates for all the posts reserved for them. If, however, such candidates are not available to fill all the reserved posts, then the exchange of vacancies should be resorted to in the very first year.

#### **Reply of Government**

All possible efforts are made to find Scheduled Caste/Scheduled Tribe candidates for appointment against the posts reserved for them.

As regards the recommendation of the Parliamentary Committee that if Scheduled Caste|Scheduled Tribe candidates are not available to fill all the reserved posts then the exchange of vacancies

should be resorted to in the very first year instead of in the 3rd year carry forward, the Department of Personnel & Administrative Reforms which was consulted, has advised that this issue has been considered by it in connection with the recommendation No. 20 in 41st Report of the Parliamentary Committee on Welfare of Scheduled Caste|Scheduled Tribe. A copy of the reply sent to that recommendation is enclosed (Appendix I) which explain the position.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019|  
13|79-Ad. IIIB, dated 9-3-79]

#### **Comments of the Committee**

Please see Chapter I para 1.5.

---

## CHAPTER V

### RECOMMENDATIONS|OBSERVATIONS REGARDING WHICH FINAL REPLIES OF GOVERNMENT HAVE NOT BEEN RECEIVED

#### **Recommendation (Sl. No. 7, Para No. 2.11)**

The Committee note that in the matter of recruitment and promotions in the various posts in the Headquarters and field formations under the Central Board of Excise and Customs, Scheduled Castes and Scheduled Tribes are entitled to all concessions|relaxations which are allowed to such candidates by the Department of Personnel and Administrative Reforms. The Committee also note that bulk of recruitment is now being done through the Union Public Service Commission|Subordinate Services Commission. The Committee would like the Central Board of Excise and Customs to examine the feasibility of further liberalising these relaxations|concessions so that there could be greater intake of Scheduled Castes and Scheduled Tribes in the services under the Central Board of Excise and Customs and the backlog could be eliminated as early as possible.

#### **Reply of Government**

As the recommendation pertains to the general policy of the Government of India, the recommendation of the Committee has been referred to the Department of Personnel and Administrative Reforms.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019|  
45|78-Ad. III-B dated 26-7-78]

#### **Recommendation (Sl. No. 9, Para No. 2.39)**

The Committee note the procedure being followed in the Central Board of Excise and Customs for filling up posts by promotion. There are large categories of posts in the field formations in the Central Board of Excise and Customs where 100 per cent posts are filled by promotions and reservations for Scheduled Castes and Scheduled Tribes have been provided in all categories of such posts. The Committee regret to note that during the years 1975, 1976 and 1977, percentage of promotions of Scheduled Caste and Scheduled Tribe

employees in different categories is not very satisfactory. In view of the fact that there are very few Scheduled Castes and Scheduled Tribes in the higher posts in the Central Board of Excise and Customs, the Committee would like the Central Board of Excise and Customs to explore suitable ways and means for affording greater promotional opportunities to Scheduled Caste and Scheduled Tribe employees.

### **Reply of Government**

The cases of Scheduled Caste/Scheduled Tribe Officers for promotion to higher post are considered by the Departmental Promotion Committees in accordance with the general instructions issued by the Department of Personnel and Administrative Reforms from time to time, including those relating to relaxed standards to be applied in for Scheduled Castes/Scheduled Tribes candidates. In the case of general candidates, the normal zone of consideration is taken as three times the number of vacancies. However, this is extended to five times the number of vacancies in the case of Scheduled Castes and Scheduled Tribes candidates if an adequate number of such candidates are not available within the normal zone of consideration, extending to three times the number of vacancies.

The specific suggestion in this regard, which has been made by the Committee in Recommendation No. 21, viz., that for promotion of Scheduled Castes/Scheduled Tribes candidates, the zone of consideration might be extended to include all eligible candidates, has been referred to the Department of Personnel and Administrative Reforms for their consideration (*vide* reply on Recommendation No. 21).

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019/45/78-Ad. III-B dated 28-7-78]

### **Comments of the Committee**

The Committee may be informed of the decision taken by the Department of Personnel and Administrative Reforms in this regard.

### **Recommendation (Sl. No. 20, Para No. 4.5)**

The Committee are confident that there is no dearth of Scheduled Caste and Scheduled Tribes persons for undertaking petty contracts provided they are offered suitable opportunities. The Committee are, therefore, of the view that the Central Board of Excise and Customs should explore the feasibility of providing reservations in the award of petty contracts to Scheduled Caste and Scheduled Tribe persons.

### Reply of Government

There is no provision for 'reservations' to Scheduled Caste|Scheduled Tribe in awarding petty contracts, which is done after taking into account the prices quoted, service expected from the prospective contractor, etc. Any preference based on the caste|tribe of the prospective contractor might be attacked as introducing a discrimination not supported by law. As the matter pertains to general policy of the Government of India, this has been referred to Department of Personnel and Administrative Reforms and the Ministry of Law.

[Ministry of Finance (Department of Revenue) O.M. No. A. 14019|45|78-Ad. III-B dated 26-7-78]

NEW DELHI;

RAM DHAN,

April 16, 1979

Chairman,

Chaitra 26, 1901 (Saka).

Committee on the Welfare of Scheduled  
Caste and Scheduled Tribes.

## APPENDIX I

### EXTRACT FROM 41ST REPORT OF THE PARLIAMENTARY COMMITTEE ON WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

#### Recommendation No. 20 (Para No. 2.31)

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

xx

xx

xx

xx

#### Government's Reply

The existing orders contained in Department of Personnel and Administrative Reforms O.M. No. 27/25/68-Estt. (SCT) dated 25-3-1970, provide that while vacancies reserved for Scheduled Castes and Scheduled Tribes will be reserved for the respective community only, Scheduled Tribes candidates may also be considered for appointment against a vacancy reserved for Scheduled Castes where such a vacancy could not be filled by a Scheduled Caste candidate even in the third year to which the vacancy has been carried forward, and *vice versa* this arrangement likewise applies also in the case of vacancies reserved for Scheduled Tribes and carried forward for three years. The existing orders allowing exchange of reserved vacancies only in the third year, i.e., last year, of carry forward when otherwise, the reservation is to lapse, were, issued after detailed consideration of all aspects of the matter. The main consideration due to which an exchange has been allowed only in the last year of carry forward and not in earlier years is that Scheduled Castes and Scheduled Tribes have been viewed as district groups for the purpose of reservation and if reservations



are allowed to be exchanged between SCs & STs every year without any, future adjustment, it would indirectly mean a combined or overall quota of reservation for Scheduled Castes and Scheduled Tribes together. Such an arrangement may also give rise to complaints that the vacancies reserved for one community are being made over to the other at the cost of the former. It was therefore considered that after carrying forward the reserved vacancies for subsequent years, if suitable candidates of the community for which vacancies are reserved are still not available, it would be unobjectionable to utilise these vacancies for the other community as otherwise the reservations would lapse. The period of 'carry forward' of reserved vacancies was also simultaneously increased from two to three subsequent recruitment years so that the chances of securing suitable candidates from the group for which reservations were made, improved.

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

3. This matter has also be considered by the High Power Committee set up under the Chairmanship of the Prime Minister to review the representation of the Scheduled Castes and Scheduled Tribes in the services, at its meeting held on 12-11-1976. The Committee felt that the existing orders allowing exchange of reserved vacancies for Scheduled Castes in favour of Scheduled Tribes and

*vice versa* only, in the third year, i.e., last year of carry forward, when the reservations will otherwise lapse, safeguard the legitimate interests of both the groups, viz., Scheduled Castes and Scheduled Tribes and that an exchange of the reservations earlier than in the final year of carry forward, would affect adversely the weaker of the two groups, viz., generally the Scheduled Tribes. The High Power Committee therefore did not consider it necessary to alter the existing arrangement in this regard.

[Cabinet Secretariat, Department of Personnel & Administrative Reforms O.M. No. 38022|1|76-Estt. (SCT) dated 30-11-1976].

## APPENDIX II

### ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE TWENTY-THIRD REPORT (SIXTH LOK SABHA) OF THE COMMITTEE

I.	Total number of recommendations . . . . .	29
II.	Recommendations which have been accepted by Government ( <i>Vide</i> Recommendations at Serial Nos. 3, 5, 8, 11, 13, 14, 15, 16, 18, 22, 23, 24, 25, 26, 27 and 28)	
	Number . . . . .	16
	Percentage to total . . . . .	55.17
III.	Recommendations which the Committee do not desire to pursue in view of the Government's replies ( <i>vide</i> Recommendations at Serial Nos. 1, 4, 6, 17, 20 and 21)	
	Number . . . . .	6
	Percentage to total . . . . .	20.69
IV.	Recommendations in respect of which replies of Government have not been accepted by the Committee and which require reiteration ( <i>Vide</i> Recommendations at Serial Nos. 2, 10, 12 and 19)	
	Number . . . . .	4
	Percentage to total . . . . .	13.79
V.	Recommendations in respect of which final replies of Government have not been received ( <i>Vide</i> Recommendations at Serial Nos. 7, 9 and 29)	
	Number . . . . .	3
	Percentage to total . . . . .	10.35

20. Atma Ram & Sons,  
Kashmere Gate,  
Delhi-6.
21. J. M. Jaina & Brothers,  
Mori Gate, Delhi.
22. The English Book Store,  
7-L, Connaught Circus,  
New Delhi.
23. Bahree Brothers,  
188, Lajpatrai Market,  
Delhi-6.
24. Oxford Book & Stationery  
Company, Scindia House,  
Connaught Place,  
New Delhi-1.
25. Bookwell,  
4, Sant Narankari Colony,  
Kingsway Camp,  
Delhi-9.
26. The Central News Agency,  
23/90, Connaught Place,  
New Delhi.
27. M/s. D. K. Book Organisations,  
74-D, Anand Nagar (Inder Lok),  
P.B. No. 2141,  
Delhi-110035.
28. M/s. Rajendra Book Agency,  
IV-D/50, Lajpat Nagar,  
Old Double Storey,  
Delhi-110024.
29. M/s. Ashoka Book Agency,  
2/27, Roop Nagar,  
Delhi.
30. Books India Corporation,  
B-967, Shastri Nagar,  
New Delhi.

© 1979 BY LOK SABHA SECRETARIAT

PUBLISHED UNDER RULE 382 OF THE RULES OF PROCEDURE AND CONDUCT  
OF BUSINESS IN LOK SABHA (SIXTH EDITION) AND PRINTED BY THE  
GENERAL MANAGER, GOVERNMENT OF INDIA PRESS,  
MINTO ROAD, NEW DELHI.