

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1994-95)**

(TENTH LOK SABHA)

FORTY-THIRD REPORT

**MINISTRY OF PERSONNEL,
PUBLIC GRIEVANCES AND PENSIONS**

Action taken by Government on the recommendations contained in the Twenty-Fourth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Personnel, Public Grievances and Pensions — Formulation, Implementation and Monitoring of Reservation Policy.



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

April, 1995/Chaitra, 1917(S)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND SCHEDULED TRIBES
(1994-95)**

Shri Paras Ram Bhardwaj — *Chairman*

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1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri Babu Ram — *Deputy Secretary*

Ceased to be Member of the Committee on his resignation from Lok Sabha w.e.f. 24.3.95

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorized by the Committee to submit the Report on their behalf, present this 43rd Report (10th Lok Sabha) on Action Taken by Government on the recommendations contained in the 24th Report (10th Lok Sabha) on the Ministry of Personnel, Public Grievances and Pensions — Formulation, Implementation and Monitoring of Reservation Policy.

2. The Draft Report was considered and adopted by the Committee on 27 January, 1995.

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

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

4. An analysis of the Action Taken by Government on the recommendations contained in the 24th Report of the Committee is given in the Appendix. It would be observed therefrom that out of 35 recommendations made in the Report, 25 recommendations *i.e.* 71.43% have been accepted by the Government. The Committee do not desire to pursue 2 recommendations *i.e.* 5.71%. In case of 3 recommendations *i.e.* 8.57% final replies have not been received; 5 recommendations *i.e.* 14.29% in respect of which reply of Government has not been accepted by the Committee, require further comment.

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

NEW DELHI;
April, 1995

Chairman, 1917(S)

CHAPTER I

REPORT

This Report of the Committee deals with the Action Taken by the Government on the recommendations contained in the 24th Report (10th Lok Sabha) of the Committee on the Welfare of SCs and STs on the Ministry of Personnel, Public Grievances and Pensions — Formulation, Implementation and Monitoring of Reservation Policy.

1.2 The 24th Report was presented to Lok Sabha on April 29, 1993. It contained 35 recommendations. Replies of Government in respect of these recommendations have been examined and are categorised as under:

- (i) Recommendations and observations which have been accepted by the Government.
Sl. Nos. 3 (para 2.30), 7 (para 4.3), 8 (para 4.6), 9 (paras 5.6 and 5.7), 11 (para 5.9), 12 (para 5.10), 13 (paras 5.12, 5.13, 5.14 and 5.15), 14 (para 5.20), 15 (para 5.21), 16 (paras 5.24, 5.25 and 5.26), 17 (paras 5.28 and 5.29), 18 (paras 5.31, 5.32, 5.33 and 5.34), 19 (para 5.36), 20 (para 5.40), and 21 (para 6.3).
- (ii) Recommendations and observations which the Committee do not desire to pursue taking into consideration the replies of the Government.
Sl. Nos. 10 (5.8), 22 (6.8).
- (iii) Recommendations and observations, reply to which have not been accepted by the Committee and which require reiteration.
Sl. Nos. 1 (para 2.12), 2 (paras 2.23 and 2.24), 4 (para 2.33) and 22 (para 6.7)
- (iv) Recommendations and observations in respect of which final replies have not been received.
Sl. Nos. 5 (para 3.7) and 6 (para 3.15 and 3.16)

1.3 The Committee will now deal with those action taken replies of the Government which need reiteration or merit comments.

(A) Recruitment

(Sl. No. 1, Para 2.12)

1.4 In para 2.12 of the 24th Report (10th Lok Sabha), the Committee had observed the backlog in officers category. One of the reasons for this backlog was stated to be that only 25% in the officers cadre in JMGS-I

could be filled by way of direct recruitment and the balance through promotions from sub-staff to clerical cadres respectively. The Committee, had therefore, recommended and it was agreed by the representatives of Ministry of Finance during the evidence that the Ministry should put the matter of increasing the percentage of officer cadre in JMGS-I from 25% to 50% through direct recruitment so that the backlog of SCs/STs vacancies is filled up.

1.5 In their Action Taken Note, the Ministry of Finance (Deptt. of Economic Affairs — Banking Division) have stated that at present approximately 80% of the vacancies in clerical cadre and 25% in the officers cadre in JMGS-I are filled by way of direct recruitment and the balance through promotions from sub-staff to clerical cadre, respectively. The Ministry further stated that the workman unions are not likely to agree to the raising of this percentage of direct recruitment.

1.6 The Committee are not satisfied with reply furnished by the Ministry. They, therefore, reiterate that the Ministry must continue its efforts of negotiations with trade unions to make them agree on the point of increasing the percentage of direct recruitment from 25 percent to 50 percent to wipe out the backlog.

(B) Promotion Procedure

1.7 In para 2.23 of the 24th Report (10th Lok Sabha), the Committee had observed that there is shortfall of SCs/STs in promotion. One of the reasons for shortfall is not providing relaxation in period of qualifying service for SCs/STs. The Committee had therefore, recommended to provide relaxation in the period of qualifying service so that backlog could be filled up. In para 2.24 the Committee, had also desired that the Ministry must bring a proposal to remove all restrictions limiting applicability of reservation orders to any level or group and follow the Supreme Court judgement in Syndicate Bank case to apply reservation upto the highest level in all Ministries/Departments, Public Sector Undertakings, Public Sector Banks etc.

1.8 In their Action Taken Note, the Ministry of Personnel, Public Grievances and Pensions stated that relaxation of qualifying service may not be consistent with the provisions of Article 335 of the Constitution. The Ministry of Finance replied that it may not be desirable to give relaxation in the qualifying service as such service is considered necessary for an employee to move to the next higher grade/scale.

1.9 In their Action Taken Note on making reservation applicable upto the highest level in all Ministries/Departments, Public Sector Undertakings, Public Sector Banks etc. The Ministry stated that the Supreme Court judgement in Syndicate Bank case does not have general applicability and cannot therefore, be applied to other public Banks, Public Sector Undertakings and the Ministries/Departments of the Government of India.

1.10 The Committee are not convinced with the reasons given by the Ministry of Personnel, Public Grievances and Pensions that relaxation in qualifying period of service for promotion may not be consistent with the provisions of Article 335 of the Constitution. The Committee strongly urge that the matter should be reconsidered and the necessary relaxation in the qualifying period of service should be given to SCs/STs for promotion to the next higher grade.

1.11 The Committee are also dissatisfied with the reply of the Ministry regarding Supreme Court Judgement in Syndicate Bank case for making reservation applicable upto the highest level in all Ministries/Departments, Public Sector Undertakings, Public Sector Banks etc. The Committee, therefore, reiterate that the Ministry of Personnel, Public Grievances and Pensions must bring a proposal to remove all restrictions limiting applicability of reservation orders upto the highest level/group in all Ministries/Departments, Public Sector Undertakings, Public Sector Banks etc.

(C) Review of Reservation Percentage

1.12 In para 2.33 of the 24th Report (10th Lok Sabha), the Committee had observed that the reservation for SC/ST in public services was decided on the basis of the population of 1961 census, considering SC/ST population in proportion to the general population as 14.64 and 6.80% respectively. Accordingly the percentage of reservation for SCs and STs was decided as 15% and 7.5% respectively on 25.3.1970. The Committee has recommended that population as per 1991 should be considered as the main criterion for fixing the percentage of reservation in services and the existing percentage of reservation be revised accordingly.

1.13 In their Action Taken Note, the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel) have stated that the existing All India percentage of reservation for SC/ST is based on the 1961 census. The 1971 census perhaps did not warrant any review. The Government have further stated that the percentage of reservation to recruitment made on an All India basis could not be reviewed as per 1981 census because the census could not be carried out in the State of Assam. In the 1991 census also the All India figures of SC/ST is not available as the census could not be conducted in the State of Jammu and Kashmir.

1.14 The Committee do not agree with the argument given by the Ministry that due to non-conducting of Census in any one of the States the figures of SC/ST at All India could not be revised. The Committee feel that sincere efforts have not been made by the Ministry to revise percentage of reservation for SCs/STs by ascertaining the figures of SC/ST population as per 1991 census. The committee, therefore, reiterate that the percentage of reservation of SCs/STs in services should be revised after ascertaining the figures of SC/ST population as per 1991 census from the Ministry of Welfare. The Committee should be apprised of the outcome of the action taken on the recommendation.

(D) Housing Facilities

1.15 In para 6.7 of the 24th Report (10th Lok Sabha), the Committee had observed that the reservation in allotment of General Pool residential accommodation is 10% in types A and B and 5% in types C and D for SC/ST employees. The Committee also noted that the allotment of the reserved houses among SC/ST employees was being made in the ratio of 2:1. The Committee had, recommended that the percentage of reservation for SC/ST employees should be fixed as 15 and 7½% in place of 10% and 5% respectively in all Ministries/Departments.

1.16 In their Action Taken Note, the Ministry of Urban Development have stated that enhancement of reservation to the extent of 15% and 7.5% for SC/ST employees in residential accommodation is not possible. The reasons stated for this are (i) though reservation in employment has been provided to the extent of 15% and 7.5% for SC/ST employees, it has not been possible to fill up all the reserved vacancies due to non-availability of suitable candidates. Therefore, the representation of SC/ST employees in Govt. services cannot be taken as 15% and 7.5% of the total strength; (ii) the need for housing is important for the low paid Government employees of the other categories as in case of SC/ST employees; (iii) if reservation for SC/ST in allotment of Govt. accommodation is enhanced to the extent of reservation in employment, there may be demand from the other backward classes for reservation; (iv) due to acute shortage of Government accommodation Government employees are able to secure Government accommodation only couple of years before their retirement. If the reservation for SC/ST is enhanced this may lead to further shortage of accommodation available to other category employees.

1.17 The Committee are not convinced with the reasons furnished by the Ministry of Urban Development with respect to their inability to accept the Committees' recommendation of increase of reservation in allotment of General Pool residential accommodation from 10% to 15% in types A and B and from 5% to 7½% in types C and D for SC/ST employees. The Committee, therefore, reiterate that keeping in view the social background of SC/ST employees the percentage of reservation for SC and ST in allotment of Government accommodation should be enhanced upto 15% in Types A and B and 7.5% in Types C and D respectively of the total available accommodation.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (S.No. 3; Para 2.30)

The Committee find that in certain Department, Public Sector Undertakings etc. initially appointments are made on *ad hoc* basis followed by regular appointments. Consequently, posts reserved for SCs/STs in regular appointments are not filled up. The Committee, therefore, recommend that there should be reservation in *ad hoc* appointments also.

Reply of the Government (Ministry of Personnel, Public Grievances and Pensions)

Suitable instructions have been issued in this regard *vide* O.M. NO. 36022/4/93-Estt.(SCT) dated 25.6.1993

Recommendation (Sl. No. 7; Para 4.3)

Due to escalation of cost a pair of ordinary bullocks cost Rs. 6000/- in Kerala and non-availability of full finance has compelled to go to private money lenders who exploit them because they will not be able to repay the amount with interest. The Committee observe that instead of helping the poor beneficiaries, the bank management has encouraged them to go to the private money lenders. Therefore, the project cost of IRDP should be increased proportionate to the rate of inflation.

Reply of the Government (Ministry of Personnel, Public Grievances & Pension)

The Ministry of Rural Development has stated that Unit Cost Committee for the farm sector have been constituted in the regional offices of the NABARD. The unit cost of investment under various activities is to be reviewed every half year by the State level committee on unit cost and updated wherever found necessary. Regional offices of NABARD have delegated powers to revise the unit cost approved earlier. In regard to loans for activities under ISB sector of IRDP, the responsibility of fixing the unit cost has been left to the financing banks/DRDA/District Level Consultative Committee.

NABARD has clarified that unit cost approved by them are average unit cost and neither the maximum nor the minimum ones. The cost of each item of investment needs to be determined by the financing banks in each individual case with reference to the realistic cost estimates at

the time of appraisal of individual loan proposals. Variation of upto 15% at the branch level are acceptable by NABARD for the purpose of refinance.

The Ministry of Rural Development has also requested NABARD to issue suitable instructions to their regional offices for regular revision of unit cost. The need for this has also been emphasised in the recent Meeting of High Level Committee on Credit which was held on 9th June, 1993. Chairman, NABARD had promised to take corrective action.

**Reply of the Government (Ministry of Finance,
Department of Economic Affairs, Banking Division)**

The unit cost for a pair of ordinary bullocks which was fixed at Rs. 3000/- by the Unit Cost Committee of Kerala State on 27.7.1987 has been raised to Rs. 3500/- on 8.11.1991. The unit costs of various items of investment are approved by Unit Cost Committee comprising representatives from bankers and various Government Departments. The unit cost was not revised upward subsequently as there was no demand for upward revision either from the bankers, State Government Departments or even beneficiaries. The above unit costs are applicable for all the banks operating within Kerala State.

Meetings of the Unit Cost Committee are generally convened twice in a year at half-yearly intervals but more meetings can also be convened if sufficient proposals for revision of existing unit costs/fixation of new unit costs are received from banks, implementing agencies, Government Department etc. It may also be mentioned in this connection that unit costs approved in the manner as indicated above are average unit costs and not the maximum or minimum ones. The financing agencies can determine the cost as per the demand and supply position with a variation upto 10% to 15% of the approved cost at their discretion.

Comments of the Committee

The Committee would like to be apprised of the outcome of efforts made by High Level Committee on credit.

Recommendation (S.No. 8; Paras 4.4 to 4.6)

4.4 During examination of SBI regarding credit facilities extended to SC/ST in bank, officials informed the Committee that the income ceiling of Integrated Rural Development Programme beneficiaries has been fixed at Rs. 11,000/- from 1.4.92 and before that it was Rs. 6,400/- In some States the Integrated Rural Development Projects beneficiaries are selected on the basis of land holdings as most of them are cultivators by profession. A person possessing 5 acres or less than 5 acres is considered to be living below the poverty line and considered one of the beneficiaries and the person with more than 5 acres is denied any benefit.

4.5 In tribal areas more than 90% of the people are either landless labourers or agriculturalists with some land, 80% of them are below the

poverty line in actual sense. The Committee observed that the land capability varies from one region to another, therefore, income ceiling cannot be calculated correctly on the basis of possession of land alone. The land and productivity of land has to be taken into account. The Committee observe that in some districts many middle class farmers who actually live below the poverty line are not getting any assistance under Rural Development Programme as 5 acres of land is taken as the ceiling for selection of Integrated Rural Development Programme beneficiary.

4.6 The Committee feel that the double formula considering possession of land and income is not beneficial and therefore, the land criteria should be scrapped and only the economic criteria of income Rs. 11,000/- and less should be considered.

**Reply of the Government (Ministry of Personnel,
Public Grievances and Pensions)**

The Ministry of Rural Development has stated that so far as IRDP is concerned, the eligibility criteria is based on the annual family income. As per the existing guidelines of the programme, all rural households whose annual family income is below Rs. 11,000 are eligible to be assisted under the Programme. However, since the approach under the programme is to assist the poorest of the poor first, families below Rs. 6000 annual income are assisted first and thereafter families with annual income between Rs. 6000 and Rs. 8500 are assisted.

While determining the quantum of subsidy, the land holding does find consideration as could be seen from the subsidy pattern given below.

Category	Percentage Ceiling	Monetary Ceiling
Small Farmers	25%	Rs. 4,000/- in normal areas and Rs. 5,000/- in drought Prone Areas Programme and Desert Development Programme Areas.
Marginal Farmers/ Agricultural Labourers, Non-Agricultural Labourers and Rural Artisans.	33.33%	Rs. 4,000/- in normal areas Rs. 5,000/- in Drought Prone Areas Programme and Desert Development Programme Areas.
OF THESE (a) Scheduled Tribes (b) Scheduled Castes (c) Physically Handicapped	50%	Rs. 6000/-

It would be seen from the above that in case of SC/ST families and physically handicapped persons land holding is not considered while determining the quantum of subsidy under IRDP. The Ministry of Rural Development therefore, feels that the present system as described above may be continued.

Recommendation (S.No. 9; Para 5.6 to 5.7)

5.6 The Committee note with dismay that there is huge shortfall of SCs/STs in grade 'A' and 'B' services and there is also shortfall in grade 'C' and 'D' services of Scheduled Tribes. The shortfall figures as on 1.1.91 in grade 'A' and 'B' services for SC are 5.91% and 3.18% respectively and for STs 4.9% & 5.15% stand respectively. There is no shortfall for SCs in grade 'C' and 'D' services but for STs in grade C; D (ex-Sweepers) and D (Sweepers) are 2.52%, 0.68% and 3.62% respectively. The information provided over the 65 Departments under Government of India (Annexure I). The Committee recommend that all out efforts should be made to ensure prescribed percentage of representation of SCs/STs in services without further delay. The Committee also recommend that special efforts should be made to make available ST candidates for these services.

5.7 The Committee recommend that the best among the Scheduled Castes/Scheduled Tribes should be selected while making recruitment to non-technical and quasi-technical class III and class IV posts and given them in-service training to make them efficient in their work. This will help in clearing the backlog at the earliest.

**Reply of the Government (Ministry of Personnel,
Public Grievances and Pensions)**

All efforts are being made to clear the backlog in reserved vacancies for SC/ST. Instructions already exist to the effect that if the requisite number of SC/ST candidates fulfilling even the relaxed standards are not available to fill the vacancies reserved for them in non-technical and quasi-technical group 'C' and 'D' posts to be filled by direct recruitment otherwise than by written examination, the selecting authorities should select the best among the SC/ST while making recruitment and give them in-service training to make them efficient in their work. Extension of these instructions to recruitment made on the basis of written examination would be against the objective of a written examination and may not be consistent with the provisions of Article 335 of the Constitution.

Recommendation (Sl. No. 11; Para 5.9)

The Committee further recommend as agreed to during evidence for the opening of pre-examination training centre at district level in various States especially in isolated and backward areas for imparting training to SCs/STs candidates in respect of subordinate services examinations held

by the UPSC/SPSC/etc. The Department of Personnel and Training should take the responsibility to review the performance of such training centres.

**Reply of the Government (Ministry of Personnel,
Public Grievances and Pensions)**

The Ministry of Welfare has been requested to take necessary action in regard to opening of pre-examination training centres at district level in various States. As and when these training centres are set up, the Department of Personnel and Training would take necessary action to review the performance of such centres.

Recommendation (Sl. No. 12, Para 5.10)

The Committee have observed that the information in respect of Staff strength *vis-a-vis* shortage of staff for all the category of posts in respect of certain Ministries/Departments such as University service, judicial services, organised private sector had not been supplied at all in respect of certain Departments up-to-date information has not been supplied on the plea that the information has not been received from the concerned Ministries/Departments. However, from the information furnished the Committee have observed the overall shortage of SC/ST posts in the various Ministries/Departments. The Committee recommend that Ministry should ensure that up-to-date record of statistical figures in respect of all the Ministries/Departments is main ained in future so that the same could be made available in the Committee as and when required. The Committee also recommend that all necessary action should be taken against the Ministries/Departments which have failed to supply the requisite information.

Reply of the Government

The recommendation has been brought to the notice of all Ministries/Departments for necessary action.

No. 36022/13/93-Estt. (SCT)

Government of India

Ministry of Personnel, Public

Grievances & Pensions

(DEPARTMENT OF PERSONNEL & TRAINING)

....

New Delhi, the 30th July 93

OFFICE MEMORANDUM

SUBJECT: Maintenance of statistics relating to SC/ST persons—recommendation of the Parliamentary Committee on the Welfare of SC/ST.

The undersigned is directed to say that the Parliamentary Committee on the Welfare of SC/ST have observed in para 5.10 of the 24th Report that the information in respect of staff strength *vis-a-vis* shortage of staff for all

the category of posts in respect of certain Ministries/Departments such as University services, judicial services, organised private sector had not been supplied due to non-availability of the requisite information. The Committee has recommended that the Ministries/Departments should ensure that up-to-date record of statistical figures relating to SC/ST employees should be maintained by the Ministries/Departments so that the same could be made available to the Committee as and when required. The Committee has also recommended that all necessary action should be taken against the Ministries/Departments which fail to supply the requisite information in this regard.

2. It is, therefore, requested that the statistical information relating to the SC/ST employees in respect of various offices/organisations under the control of the Ministries/Departments may be maintained and furnished to the Parliamentary Committee on the Welfare of SC/ST as and when required.

Sd/-

(M. VENKATARAMAN)

Under Secretary to the Government of India

To
All Ministries/Departments of the
Government of India.

Recommendation (Sl. No. 13, Para 5.12 to 5.15)

5.12 The Committee are unhappy to note that at the level of Director out of 23 vacancies filled during 1990, the vacancies filled for SCs and STs were nil. The intake of SCs at the level of Deputy Secretary is better than those of STs.

5.13 The Committee regret to note the poor intake of STs in Section Officers Grade (seniority quota) and (exam quota). The shortfall figures for STs during 1990 in Section Officers Grade seniority quota and exam quota and nil and 3 respectively and for STs 7 and 10 respectively.

5.14 The Committee further note with dismay the shortfall in vacancies at Assistant Grade. The Committee are unhappy to note that the information regarding total number of vacancies for SCs/STs in various categories of posts in respect of Ministries/Departments for the year 1991 and 1992 has not been furnished by the Department of Personnel and Training after one year of correspondence. The Committee recommend that action should be taken against the officers responsible for delay in supplying the information. The Committee also recommend that the Department of Personnel and Training should maintain the statistics of all the posts in respect of all Ministries/Depts. so that the same could be made available to the Committee whenever required.

5.15 As a measure to improve the position the Committee further recommend that the Department of Personnel and Training must ensure to undertake further Special Recruitment Drives to wipe out the existing shortfall in both SC and ST categories. Particularly, in the case of STs the Committee suggest as agreed to during evidence that pre-recruitment training should be started in tribal concentrated areas with a view to find out suitable ST candidates for appointment in all the grades.

**Reply of the Government (Ministry of Personnel,
Public Grievances and Pensions)**

There is no reservation for SC/ST at the level of Deputy Secretary and Director in the Central Secretariat as these are deputation posts governed by the Central Staffing Scheme. In regard to the grade of Assistants and Section Officers there is a ban on dereservation of SC/ST vacancies in direct recruitment. The information regarding the vacancies were furnished to the Committee upto the 1990 examination, the results of which were declared in 1991. The results of the 1991 examination were available in 1992 and the formalities of recruitment in regard to these examinations were not completed by the time the information was furnished to the Committee.

The Committee had asked information in 1992 in respect of employment during the last three years (*i.e.* 1989, 1990 and 1991). While it was not found possible to compile the information asked for by the Committee in the format as indicated in the Questionnaire, the information as on 1.1.89, 1.1.90 and 1.1.91 was furnished to the Committee. Information to Seven sets of questionnaires covering various fields relating to the problems of SC/ST were furnished.

The Department has been maintaining statistical information group-wise in respect of all the Ministries/Depts. of the Government of India. As each group has thousands of posts under them having different designations in various Ministries/Departments, it may not be possible to collect, compile and maintain the statistical information in regard to each such post.

The proposal to have another Special Recruitment Drive to fill the backlog in SC/ST quota is under consideration. In regard to pre-recruitment training the Ministry of Welfare has been requested to take necessary action.

Comments of the Committee

The Committee would like to be apprised of the result of the proposal for special Recruitment Drive which is under consideration to wipe out the backlog.

Recommendation (Sl. No. 14, Para 5.20)

The Committee appreciate the performance achieved during first and second Special Recruitment Drives but regret to note that the achievements in third Special Recruitment Drive deteriorated. The Committee

recommend that all necessary efforts should be made by the Ministry to fulfil the backlog through SRD. The SRD should be continued till the backlog is fulfilled.

Reply of the Government (Ministry of Personnel, Public Grievances and Pensions)

The backlog to be filled during the third Special Recruitment Drive consisted of posts which had remained unfilled in spite of recruitment action being taken during the earlier drives. These posts are generally those which require some skill or technical qualification for which adequate number of SC/ST candidates were not available. Secondly, some of the backlog was being carried forward by the various departments due to their inability to fill up these posts on account of court injunctions, absorption of existing casual labour etc. In short, the backlog identified during the III Special Recruitment Drives consisted of hardcore vacancies that the Departments were finding difficult to fill up for one reason or the other.

The proposal to have another Special Recruitment Drive is under active consideration.

Recommendation (Sl. No. 15, Para 5.21)

In order to clear the huge backlog the Committee further emphasise the need of opening of pre-examination training centres at district level in various States, specially emphasising on isolated and backward areas for imparting training to SCs/STs in respect of subordinate services examinations held by the UPSC/SPSC/SSC etc, and recommend that the Department of Personnel and Training should initiate immediate action for opening of such training centres and take the responsibility to assess the performance of these centres every year.

Reply of the Government (Ministry of Personnel, Public Grievances and Pensions)

The Ministry of Welfare has been requested to consider the recommendation for opening up of pre-examination training centres at district level in various States. As and when these Centres are opened the Department of Personnel and Training would take necessary action for assessing the performance of these centres every year.

Recommendation (Sl. No. 16, Paras 5.24 to 5.26)

5.24 The Committee note with dismay that there has been backlog of vacancies in Life Insurance Corporation and General Insurance Corporation. The total backlog of vacancies of SC employees in Life Insurance Corporation as on 31.5.1992 in categories C and D is 4 and 5 respectively and the figures in Categories B, C and D for STs is 24, 20 and 12 respectively. Therefore, the total backlog for SCs and STs is 65 in Life Insurance Corporation.

5.25 The Committee are also unhappy to note the position of intake of SCs/STs in General Insurance Corporation as on 30.6.92 in categories A, B and C is 266 and 4 respectively and the corresponding percentage for STs is 11, 16 and 10. The total backlog of SCs and STs is 260 in General Insurance Corporation. The Committee recommend that all out efforts should be made to ensure prescribed percentage of representation of SCs/STs in the services of Insurance Corporations without further delay.

5.26 As a measure to improve the position the Insurance Corporations should under take immediately special recruitment drives to wipe out the existing shortfalls in both SCs and STs categories. Particularly in case of STs the Committee suggest that Insurance Corporations should take all positive steps to increase their number.

Reply of the Government (Ministry of Personnel, Public Grievances and Pensions)

The Department of Economic Affairs (Insurance Division) has been requested to take necessary action on these recommendations.

Reply of the Government (Ministry of Finance—Department of Economic Affairs—Insurance Division)

Life Insurance Corporation of India

(Reply to, Para No. 5.24)

In LIC though the number of backlog vacancies as on 31st May, 1992 was only 65, the Committee appears to feel that this backlog is high. Thus it will be appreciated that when the backlog of 65 is spread over the various Divisions, it is not even one vacancy per Divisional Office and thus the position is not alarming. Besides, after May, 1992 there has been recruitment activities going on in the various office of LIC. Recruitment in Western, Southern, Northern and North-Central Zones have not been yet completed. With these recruitments, these backlog vacancies would be filled in.

Comments of the Committee

The Committee would like to be apprised of the result of the recruitment in Western, Southern, Northern & North-Central zones.

*General Insurance Corporation of India***(Reply to Para No. 5.25)**

In GIC the backlog of SC/ST as on 31.3.1991 was as under :—

	SC	ST
Group A	02	11
B	66	167
C	111	175
D	12	40
	191	393

The entire backlog of SC/ST in Group A, C and D was cleared by GIC in December, 1992. But backlog in Group B could not be cleared view of the court order. However, the interview have been completed and the panel is ready. As soon as the court case is over, the backlog in Group B will also be cleared.

Comments of the Committee

The Committee would like to be apprised of the outcome of the court case.

(Reply to Para No. 5.26)

As mentioned in Para 5.26 that the Insurance Corporation should undertake immediately special recruitment drive to wipe out the existing shortfalls on both SCs and STs categories, it is felt that it is not necessary to conduct special recruitment drive. After conducting the special recruitment drive during the years 1989 and 1990, the entire backlog of vacancies has since been cleared. The carry forward vacancies which may arise during normal recruitment are being filled in by normal recruitment process. The reserved vacancies of SC/ST are filled in by candidates belonging to the respective communities only.

Recommendation (Sl. No. 17, Paras 5.28 and 5.29)

The Committee note with dismay that there has been huge backlog of vacancies in Public Sector Banks and Financial Institutions. The total backlog of vacancies of SC employees as on 31.12.1991 in categories of officers, clerical and sub-staff (including sweepers) is 224,967 and 307 respectively and the corresponding number of Scheduled Tribes is 171, 853 and 723.

The Committee are also unhappy to note that backlog of 3254 vacancies in Public Sector Banks and Financial Institutions and recommend that the Banking Division of the Ministry of Finance should undertake immediate special recruitment drives to increase the intake of SCs and STs in Public Sector Banks and Financial Institutions. The Committee are of the opinion that the Government of India may issue suitable instructions to the Public Sector Banks and Financial Institutions to increase the vacancies of SCs and STs in Public Sector Banks and Financial Institutions. The Committee are of the opinion that the Government of India may issue suitable instruction to the Public Sector Banks and Financial Institutions to increase the vacancies upto the prescribed percentage under reservation orders for SCs and STs. In addition, the BSRB and Recruitment Board in Financial Institutions should hold interviews/examinations in the tribal areas with a view to selecting tribal candidates for appointment to various categories of posts reserved for them.

Reply of the Government (Ministry of Personnel, Public Grievances and Pensions)

The Department of Economic Affairs (Banking Division) has been requested to take necessary action on these recommendations.

Recommendation (Sl. No. 17, Paras 5.28 and 5.29)

The Committee note with dismay that there has been huge backlog of vacancies in Public Sector Banks and Financial Institutions. The total backlog of vacancies of SC employees as on 31.12.1991 in categories of officers, clerical and sub-staff (including sweepers) is 224,967 and 307 respectively and the corresponding number of Scheduled Tribes is 171, 853 and 723.

The Committee are also unhappy to note that backlog of 3254 vacancies in Public Sector Banks and Financial Institutions and recommend that the Banking Division of the Ministry of Finance should undertake immediate special recruitment drives to increase the intake of SCs and STs in Public Sector Banks and Financial Institutions. The Committee are of the opinion

that the Government of India may issue suitable instructions to the Public Sector Banks and Financial Institutions to increase the vacancies upto the prescribed percentage of under reservation orders for SCs and STs. In addition, the BSRB and Recruitment Board in Financial Institutions should hold interviews/examinations in the tribal areas with a view to selecting tribal candidates for appointment to various categories of posts reserved for them.

(Replies to Paras 5.28 and 5.29)

The backlog vacancies to SC in the Public sector banks as on 31.12.1992 in categories of officers, clerical and sub-staff (including sweepers) were approximately 16,581 and 444 respectively and the corresponding numbers of STs were 75,528 and 601.

The Government has taken note of the recommendations of the Committees. Govts. has undertaken Special Recruitment Drive for the year 1993 apart from the Special Recruitment Drives carried out during the years 1989, 1990 and 1992 to increase the intake of SC/STs in public sector banks and Fls. Further the Govt. has taken several steps to ensure that the backlog does not accumulate and is kept within limits. Centres are being established for examination near to the areas concentrations of STs population. Pre-recruitment training is being imparted to SCs/STs candidates appearing for BSRBS examinations by all the banks. It is expected that to the extent of availability of vacancies, the backlog of SC/ST in various cadres of the banks will be cleared shortly.

Recommendation (Sl. No. 18, Paras 5.31 to 5.34)

The Committee find that Department of Public Enterprises was not able to fill up even the 50% of the vacancies identified for making recruitment in 139 PSUs during 31.3.91 to 1.3.92. The Committee are unhappy to note the backlog of 6550 vacancies in Public Sector Undertakings. The Committee recommend that all possible efforts should be made to ensure prescribed representation of SCs/STs in the services of PSUs. The Committee further recommend that SRD should be continued till the backlog is filled up.

The Committee would also like to stress that necessary administrative or statutory measures should be introduced in all the PSUs so that backlog is wiped out in each of PSU.

The Committee are unhappy to note that the Deptt. of Public enterprises have not applied information undertaking wise even after one year of correspondence. The Committee hope that henceforth all the PSUs would maintain statistics relating to the employment of SCs and STs *vis-a-vis* general candidates so that the same could be made available to the Committee on the Welfare of SCs and STs.

As per Government orders the backlog of SC/ST was required to be filled up by 31.3.92 by undertaking Special Recruitment Drives. But the position is still unsatisfactory. The Committee recommend that Ministry should issue necessary instructions to Ministries/Departments to hold an examination exclusively for SCs/STs for recruitment to different grades in order to fill up backlog.

Reply of the Government (Ministry of Personnel, Public Grievances and Pensions)

As per information furnished by PSEs with regard to Special Recruitment Drive as on 31.12.92, about 76% of the vacancies reserved for Scheduled Castes and Scheduled Tribes were filled through Special Recruitment position Recruitment Drive. A statement indicating recruitment position separately for Scheduled Castes and Scheduled Tribes in different groups is given below:

	No. of vacancies identified in 139 PSUs as on 31.3.91 for making recruitment	Vacancies filled position as on 31.12.92.	
		SC	ST
Group 'A'	3050	1758	732
Group 'B'	1378	518	493
Group 'C'	4497	2060	1464
Group 'D'	3224	1240	978
	12,149	5576	3667
		=9,243	

The recruitment process is continuing for the remaining unfilled vacancies.

The responsibility for implementing the Presidential directive on reservation for SCs and STs lies on the Head of the Department in a formal manner both in the Administrative Ministries and the Public Enterprises. Instructions have been issued by the Department of Public Enterprises to all PSUs to fill up the backlog vacancies reserved

for Scheduled Castes and Scheduled Tribes in Central Public Sector Undertakings as a part of policy of implementation of reservation for SCs/STs (copy enclosed).

All PSEs do maintain statistics relating to the employment of SCs and STs. The Department of Public Enterprises maintain consolidated information as reflected in the Annual Report being placed before the Parliament.

Comments of the Committee

The Committee would like to be apprised of the outcome of recruitment process for the remaining unfilled vacancies.

R.D. JOSHI
DIRECTOR (A)
TELE. No. 4363038

D.O. No. 6/793-DPE(SC/ST Cell)
Government of India
Ministry of Industry
Department of Public Enterprises
Block No. 14, CGO Complex,
Lodi Road, New Delhi-110003.

Dated: the 19th Feb. '93

Dear Chief Executive,

As you are aware, the Government is committed to fill up the backlog vacancies reserved for SCs/STs in the Central Public Sector Undertakings as a part of policy for Implementation of Reservation for SCs/STs. The Term 'Backlog Vacancy' is fully explained in Para 7 of the Presidential Directive on reservation for SCs/STs in appointments in PSEs circulated to Administrative Ministries/Departments *vide* this Department's O.M. No. 6/19/89-BPE (SC/ST) dt. 25.4.91 (Relevant extract enclosed). According to these instructions, backlog vacancies are those vacancies reserved for SCs/STs which could not be filled during theyear due to non-availability of required number of SC/ST candidates and remained unfilled. In the subsequent year, when recruitment is made for the current vacancies, the backlog vacancies are also required to be processed for recruitment.

2. From the reports received on the progress of recruitment, it is noticed that the achievement level in this regard is fairly low and a large number of vacancies reserved for SC/ST still remain unfilled. I shall therefore, be grateful if you could personally review the action to expedite clearing the backlog vacancies on priority basis. You are requested to draw up an action plan to complete the process of recruitment against the identified vacancies. The progress of recruitment may be conveyed to this Department in the format enclosed by 10th of every month beginning from 10.3.93. The status of vacancies yet to be filled and action plan drawn up for filling them may also be furnished alongwith the report.

With regards,

Yours sincerely,
(R.D. JOSHI)

Encl. As above

**PROGRESS OF RESERVED VACANCIES FILLED THROUGH
SPECIAL RECRUITMENT DRIVE — REPORT AS ON 31.3.1993**

No. of physical vacancies identified for filling up the vacancies as on 1.1.93.

	<u>SC</u>	<u>ST</u>
Group A		
Group B		
Group C		
Group D		

Out of the above, vacancies filled as on 28.2.93*

	<u>SC</u>	<u>ST</u>
Group A		
Group B		
Group C		
Group D		

Remarks (Status of remaining vacancies if any, and reasons for delay in filling up)

*Information as on 1.4.93, 1.5.93, 1.6.93 to be furnished by 10th succeeding month.

**RELEVANT EXTRACT OF PARA 7 OF THE PRESIDENTIAL
DIRECTIVES *Vide* BPE O.M. NO. 6/19/89-BPE (SC/ST CELL
DATED 25.4.91 IS REPRODUCED BELOW:**

7. Ban on dereservation in direct recruitment.

7.1 Where sufficient number of candidates belonging to SC/ST are not available to fill up the vacancies reserved for them in direct recruitment, the vacancies shall not be filled by candidates not belonging to these communities. In other words, there will be a ban on dereservation in direct recruitment.

7.2 In all cases of direct recruitment to fill up vacancies in posts/services in Group A,B,C and D. If sufficient number of suitable SC/ST candidates are not available to fill up vacancies reserved for them in the first attempt of recruitment then a second attempt shall be made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment to fill up these vacancies. If the required number of SC/ST candidates are not available

even then the vacancies which could be filled up shall remain unfilled until the next recruitment year. These vacancies will be treated as "backlog" vacancies.

7.3 In the subsequent year when recruitment is made for the vacancies of the year (called the current vacancies), the 'backlog' vacancies will also be announced for recruitment, keeping the vacancies of the particular recruitment year i.e. the current vacancies and the "backlog" vacancies as two distinct groups. While in respect of vacancies for the year of recruitment, the normal instructions relating to calculation of vacancies reserved for SC/ST as well as the instructions that not more than 50% of the vacancies could be reserved for SC/ST, Physically Handicapped etc. will apply, all the "backlog" vacancies reserved for SC/ST will be filled up by the concerned candidates belonging to reserved category without any restriction whatsoever as they belong to distinct group of "backlog" vacancies.

7.4 For example, if three vacancies for SC candidates and two vacancies for ST candidates remaining unfilled in earlier years are carried forward as "backlog" vacancies and four new vacancies arise in the year of recruitment and one vacancy each out of these 4 vacancies are to be reserved for SC/candidates respectively following the existing instructions on reservation, the number of vacancies to be announced will be as follows:—

Name of the Post	Current Vacancies			Backlog Vacancies	
	OC	SC	ST	SC	ST
	2	1	1	3	2

7.5 If vacancies reserved for SC/ST cannot be filled up and are carried forward as "backlog" vacancies and remain unfilled for three successive recruitment years, the vacancy earmarked for SC could be filled by ST candidate or vice versa in all subsequent attempts, if suitable candidates belonging to the category for which the vacancy is reserved is not available.

7.6 Notwithstanding the aforesaid, in rare and exceptional cases of direct recruitment to Group 'A' posts where the vacancy cannot be allowed to remain unfilled in public interest, dereservation of such reserved vacancies may be permitted with the approval of the Cabinet Minister incharge of the Administrative Ministry, on the recommendation of the Board of Directors.

OR

Notwithstanding the aforesaid, if due to non-availability of suitable technically qualified SC/ST candidates even with relaxed standards, a reserved vacancy in technical posts cannot be filled with SC/ST candidates

and the post cannot be allowed to remain vacant due to the resultant adverse impact on the operations of the public enterprises dereservation of such reserved vacancies may be permitted with the prior approval of the Minister in-charge of the Administrative Ministry on the recommendation of the Board of Directors in the case of Group 'A' posts, and with the approval of the Board of Directors in the case of Group 'B' and 'C' posts. However, even in such cases where dereservation may be resorted to, the interests of SC/ST will be taken care of by carryforward and exchange as hereinbefore.

Recommendation (Sl. No. 19, Para 5.36)

In view of the information furnished by the Department of Personnel and Training the Committee note with dismay that there has huge backlog of vacancies in Railways, Home Affairs, Defence, Revenue, I-B and CSIR. The total backlog of SC employees in Railways, Home Affairs and Defence as on 20.3.92 is 1162, 855 and 526 respectively. For STs is 1710, 816 and 723 respectively. The Committee feel that inspite of the Administrative directives on reservation many of the Ministries/Departments are not following the directives in the actual practice thereby resulting in huge backlog of reserved vacancies. The Committee feel that the existing administrative directives be replaced by an Act of Parliament. The Committee therefore, recommend that the Government should bring a proposal for the enactment of Reservation Act which will be more effective.

Reply of the Government (Ministry of Personnel, Public Grievances and Pensions)

The Ministry of Welfare has been requested to take necessary action in this regard.

Reply of Government

As regards the filling up of backlog vacancies is concerned, three Special Recruitment Drives were launched by the Govt. of India in 1989-90, 1990-91 and 1991-92 to recruit more SCs & STs. However, there are still vacancies remaining unfilled. In order to ensure that the entire backlog of vacancies for SCs/STs are cleared, Govt. of India have recently launched another Special Recruitment drive for the year 1993.

Government of India proposes to bring a legislation on Reservation for SCs and STs, which is under active consideration.

[Ministry of Welfare (SCD Division) O.M. No. 11021/26/92-SCD.
U dt. 18.11.93]

Comments of the Committee

The Committee would like to be apprised of the outcome of the efforts made by the Govt. to consider the legislation on Reservation for SCs and STs.

Recommendation (Sl. No. 20, Para 5.40)

The Committee find that the foreign posts of the Government of India are filled up under the procedure of 'Central Staffing Scheme' with due regard to merit, seniority and suitability. The number of SCs and STs posted abroad during 1989-91 was negligible. Only one SC employee has been sent for training abroad during the last three years. The Committee would like to recommend that in future, whenever names of employees are proposed for posting abroad, a fair and proportionate representation should be given to SC/ST employees.

Reply of the Government (Ministry of Personnel, Public Grievances and Pensions)

Instructions already exist that each Ministry/Department while making selection of persons for posting abroad should see that eligible employees belonging to SC/ST are also considered along with others for such posting. All eligible SC/ST employees would therefore, be duly considered for such posting. In so far as training is concerned, it may be stated that in 1992-93, 14 SC and 6 ST officers were sent on foreign training by the Department of Personnel and Training.

Recommendation (Sl. No. 21: Para 6.3)

Special arrangements are being made for training of Group 'A' officers belonging to SC/ST categories. While deputing officers for training, seminars and conference etc. preference should be given to officers belonging to SC/ST category.

The Committee are unhappy to note that the Ministry have not supplied even after one year of correspondence the figures of SCs/STs who were given pre-recruitment and inservice training during the last 3 years in different Ministries/Institutions and Organisations and the Centres where these training are provided. The Committee recommend that Ministry should ensure that up-to-date record of these figures in respect of all the Ministries/Departments is maintained by them properly so that the same could be made available to the Committee as and when required.

Reply of the Government

The Secretariat of the Parliamentary Committee on the Welfare of SC/ST sent seven questionnaires seeking information on various issues relating to the Welfare of SC/ST. The figures of SC/ST who were given pre-recruitment and in service training was asked only in the fourth questionnaire which was sent to this Department on 7.12.92. The information in this regard, however, could not be collected from various

Ministries/Depts. before the date fixed for the meeting fixed for oral evidence (i.e.) 5.1.93.

The Ministries/Departments have however been requested to furnish this information regularly each year. (copy enclosed)

Instructions already exist to the effect that while deputing officers to trainings seminars and conferences etc. preference should be given to officers belonging to SC/ST.

No. 36022/23/93-Estt. (SCT)
Government of India
Ministry of Personnel, Public
Grievances and Pensions

(DEPARTMENT OF PERSONNEL & TRAINING)

New Delhi, the 22 July, 93

OFFICE MEMORANDUM

SUBJECT : *SC/ST candidates who are given pre-recruitment and in-service training—Recommendations of the Parliamentary Committee on SC/ST.*

The Parliamentary Committee on the Welfare of SC/ST have recommended in their 24th Report that up-to-date information relating to SC/ST who are given pre-recruitment and in-service training should be maintained so that the same would be made available to the Committee as and when required. The Ministries/Departments are therefore requested to furnish to the Department before end of February every year information on the following:

- (i) S. No.
- (ii) Name of the SC/ST candidate
- (iii) Whether he belongs to SC or ST
- (iv) Whether given pre-recruitment training
- (v) Whether given in-service training
- (vi) if so, the period of training and the place where the training was given.
- (vii) Remarks, if any.

(M. VENKATARAMAN)

Under Secretary to the Government of India

To

All Ministries/Departments
of the Government of India.

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVT. REPLY

Recommendation (Sl. No. 10, Para 5.8)

The Committee further recommend as suggested by Ministry of Welfare during evidence that relaxation in eligibility criteria should be given to SCs/STs and after recruiting them they should be imparted in service training at massive level which will help in wiping out the backlog.

Reply of the Government (M/o Personnel, Public Grievances and Pensions)

In recruitment to posts, qualifications have been prescribed in regard to age, education and experience. In so far age is concerned, instructions already exist providing relaxation in the maximum age limit upto five years in regard to SC/ST candidates. Where some period of experience is prescribed as an essential qualification for direct recruitment to a post and where in the opinion of the Ministry/Department concerned, the relaxation of experience qualification will not be inconsistent with efficiency, a provision is inserted in the relevant recruitment rules to enable the UPSC/competent authority to relax the "experience" qualification in the case of SC/ST candidates. The length of service prescribed for promotion is also relaxed in the case of SC/ST candidates in certain situations as in the case of promotion of Section Officers to Under Secretary in the Central Sectt. Service. There are provisions of relaxation of standards of suitability for SC/ST candidates. Thus various relaxation on eligibility criteria are already provided to SC/ST candidates. It is however, considered that it may not be proper to relax the basic educational qualifications prescribed for a post. Such relaxation may not also be consistent with the provision of Article 335 of the Constitution.

Recommendation (Sl. No. 35, Para 6.8)

The Committee find that the Central Government Employees Welfare Housing Organisation has been set up under the aegis of Urban Development Ministry. This organisation will cater to the housing needs of Central Government Employees in various parts of the country. But the Committee regret to note that there is no reservation for SC/ST in allotment of houses. The Committee would like to know from the Ministry about the reasons for not providing the reservation for SC/ST in allotment of Houses.

Reply of Government (M/o Urban Development)

6.8 In regard to para 6.8, the Ministry of Urban Development have stated that the Central Govt. Employees Welfare Housing Organisation received a large number of requests and representations from various individuals/forums of the Central Government Employees, for reservation quota for various categories. The reservations were sought for:

- (a) Spouses of the deceased employees
- (b) Scheduled Castes/Scheduled Tribes
- (c) Serious medical cases.

The Governing Council of the CGEWHO, having representatives of employees, considered all these representations but decided that no reservation shall be made for the allotment of dwelling units under CGEWHO Scheme/Plan. That Ministry has further clarified that any eligible Central Government Employees who has applied, has been/will be given allotment. The Governing Council has also decided that in case of Type-A dwelling Units (smallest) preference will be given to group D employees, thus safeguarding the interests of low income groups. Further the number of applications for the schemes in New Bombay and Madras have been less than units to be constructed and so there is no question of any employee belonging to SC/ST being denied allotment.

Reply of the Government (Ministry of Finance, Deptt. of Economic Affairs-Banking Division)

Public Sector Banks to take steps to clear the backlog wherever it exists by having special recruitment drives or making relaxations in the cut off marks for written examinations/interviews. However, it may not be desirable to give relaxation in the qualifying service as such service considered necessary for an employee to move to the next higher grade/scale.

Comments of the Committee

Please see Para No. 1.10 and 1.11 of Chapter I.

Recommendation (Sl. No. 4; Para 2.33)

The Committee note that the reservations for SC/ST in public services was decided on the basis of the population of 1961 census, considering SC/ST population in proportion to the general population as 14.64 and 6.80 percent respectively. Accordingly the percentage of reservation for SCs and STs was decided as 15% and 7.5% respectively on 25.3.1970.

The Committee are disappointed to note that there is no proposal at present under consideration for revising the percentage of reservation even after three decades of its implementation. They feel that since 1991 census figures are now available with Ministry of Welfare, there is a strong case for review of reservation percentage for SCs/STs on the basis of population. The Committee, therefore, recommend that population should be considered as the main criterion for fixing the percentage of reservation in services and the existing percentage of reservation revised accordingly.

Reply of Government (Ministry of Personnel, Public Grievances and Pensions)

The existing all-India percentage of reservation for SC/ST is based on the 1961 census. the 1971 census perhaps did not warrant any review. On the basis of 1981 census, the percentage of reservation in regard to recruitment made on an all India basis could not be reviewed because the census could not be carried out in the State of Assam. Hence the actual impact of the 1981 census on all India percentages could not be known. However, the regional 100-point rosters percentage pertaining to the recruitment made on local/regional basis were revised as a result of this census. In the 1991 census also the all India figures of SC/ST is not available as the census could not be conducted in the State of Jammu and Kashmir. The revision of regional 100-points rosters on the basis of the census is under consideration.

Comments of the Committee

Please see Para No. 1.14 of Chapter I.

Recommendation (Sl. No. 22, Para 6.7)

The Committee find that the reservation in allotment of General Pool residential accommodation has been provided to the extent of 10% in types A and B and 5% in types C and D for SC/ST employees. The allotments to SC/ST Employees are being made in the ratio of 2:1. The Committee recommend that the percentage of reservation for SC/ST employees should be fixed as 15 and 7½ percent respectively in all Ministries/Departments. Similarly, 15% and 7½% of the total Housing facilities should be given to SC/ST respectively. The Committee note that the provision of reservation in Housing Facilities and House-building facilities is the responsibility of Urban Development Ministry but the Committee regret to note that the statistics of SC/ST employees occupying Government accommodation Ministry/Department-wise is not available with the Government.

Reply of the Government (Ministry of Personnel, Public Grievances and Pensions)

The issue of enhancement of reservation for SC/ST employees to the level of reservation in employment has been considered a number of times in the past, keeping in view the percentage of satisfaction of SC/ST employees vis-a-vis overall percentage satisfaction in general pool in various types. Initially it was decided to reserve 5% vacancies in type I and II for allotment to SC/ST employees. Subsequently, in the year 1974 on the basis of information collected from various Ministries/Departments and after detailed deliberations it was decided to enhance reservation to 10% of the vacancies in type A and B and 5% of vacancies in types C and D for allotment to SC/ST employees with the stipulation that allotments among them will be made in the ratio of 2:1. It was also provided that in case there is no ST employee the quota reserved for them may be allotted to SC employees. This reservation is over and above the allotment, the SC/ST employees may get in their own turn from the normal waiting list.

The matter was again considered in April, 1990 after calling for the information from various Ministries/Departments and it was found that there was no scope for enhancing the reservation to bring it at par with the reservation in vacancies in employment. The scope of these concessions subsequently in 1985 was extended to general pool accommodation even outside Delhi.

The Ministry of Urban Development is of the view that it is not possible to enhance the scope of reservation to the extent of 15% and 7½% for SC/ST employees on the following grounds:

- I. Though reservation in employment has been provided to the extent of 15% and 7½% for SC/ST employees, it has not been possible to fill up all the reserved vacancies due to non-availability of suitable candidates. Therefore, the representation of SC/ST employees in Govt. services cannot be taken as 15% and 7½% of total strength.

- II. The need for housing is important for the low paid Govt. employees of the other categories as in case of SC/ST employees.
- III. If reservation is provided in allotment of Govt. accommodation to the extent of reservation in employment, there may be demand from the other backward classes likely to be provided reservation in employment for reservation in Govt. accommodation.
- IV. In view of the acute shortage of Govt. accommodation Govt. employees are able to secure govt. accommodation only couple of years before their retirement. If the reservation is enhanced this may lead to further shortage of accommodation available for other category employees. Therefore, the reservation to the extent of 15% and 7½ may be considered only when the satisfaction level of housing goes up at least 90% as against the present 60% or so (in Delhi) based on restricted number of applications. Any increase in the reservation at present would be most unfair to the employees who have been waiting to get a house for 20—25 years.

Comments of the Committee

Please see Para No. 1.17 of Chapter I.

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES HAVE NOT BEEN RECEIVED

Recommendation (Sl. No. 5, Para 3.7)

The Committee observe that the privileges available under Panchayati Raj Act are not provided to Scheduled Areas giving the plea that Vth Schedule is already in the Constitution for the Scheduled Areas. But since last 43 years not a single directive has been issued under Vth Schedule. The Committee recommend that Panchayati Raj Act should be applicable to para 5(1) of the Vth Schedule.

Reply of the Government (Ministry of Personnel, Public Grievances and Pensions)

Ministry of Rural Development (Department of Rural Development) has been requested to take necessary action in this regard.

Reply of the Government (Ministry of Welfare)

Action:

The provision of the Constitution (73rd Amendment) Act, 1992 were analysed and Welfare Minister's order were obtained to suggest amendment to the Act so as to make it applicable to the Scheduled areas. Accordingly, the Ministry of Rural Development which had introduced the Bill in the Parliament was moved. The Ministry of Rural Development has responded to the effect that such an amendment is not necessary for the following two reasons:—

- (i) Exemption of Scheduled and Tribal Areas only means that mandatory provision is not applicable to these areas. This, however, does not mean that the State Panchayati Act, when drafted for the remaining parts of the State are not or cannot be made applicable to these areas; and
- (ii) The Governor has powers under para 5 of the 5th Schedule to direct by public notification that any law shall/shall not apply to the Scheduled Areas or part thereof and with such modification as may be specified therein.

In view of the observations of the Ministry of Rural Development, the matter has been referred to the Department of Legal Affairs for advice which is awaited.

[Ministry of Welfare (SCD Division) O.M.No. 11021/26/92-SCD. V
dated 18.11.93]

Reply of the Government

Ministry of Rural Development have constituted a High Level Committee under the Chairmanship of Shri Dilcep Singh Bhuriya, M.P. to discuss and examine the issues relating to extension of the provisions of Part IX of the Constitution to the Scheduled Areas and to make recommendation on the salient features of the laws for extending the provisions of this Part of the Constitution to the Scheduled Areas. A copy of the order dated 10.6.1994 constituting this Committee is enclosed.

[Ministry of Rural Development's O.M. No. N 11012/1/93—PR
dated 11.7.94]

No. N—11011/3/93—PR

Government of India

Ministry of Rural Development

Krishi Bhavan, New Delhi
the 10th June, 1994

ORDER

SUBJECT: *Constitution of a High Level Committee to make recommendations on the salient features of the law for extending the provisions of the Constitution (73rd Amendment) Act, 1992 to the Scheduled Areas*

It has been decided to constitute a High Level Committee to discuss and examine the issues relating to extension of the provisions of Part IX of the Constitution to the Scheduled Areas and to make recommendations on the salient features of the laws for extending the provisions of this Part of the Constitution to the Scheduled Areas.

2. Accordingly, a High Level Committee is hereby constituted with the following composition:—

- | | |
|---------------------------------------|----------|
| 1. Shri Dilcep Singh Bhuriya, M.P. | Chairman |
| 2. Shri Shibu Sorcn, M.P. | Member |
| 3. Shri Bheru Lal Mecna, M.P. | Member |
| 4. Shri Khagapati Pradhani, M.P. | Member |
| 5. Shri Somjibhai Damor, M.P. | Member |
| 6. Shri Manikrao H. Gavit, M.P. | Member |
| 7. Shri Piyus Tirkey, M.P. | Member |
| 8. Prof. M. Kamson, M.P. | Member |
| 9. Mrs. K. Kamla Kumari, M.P. | Member |
| 10. Shri Mankuram Sodhi, M.P. | Member |
| 11. Shri S.N. Brahmoo Chaudhury, M.P. | Member |

12. Shri Peter G. Marbaniang, M.P.	Member
13. Mrs. Bibhu Kumari Devi, M.P.	Member
14. Shri Hiphci, M.P.	Member
15. Shri Sushil Barongpa, M.P.	Member
16. Shri Bandi Oraon, Vice-Chairman, SC/ST Commission	Member
17. Dr. B.D. Sharma, Formerly Commissioner for SC/ST, Govt. of India.	Member
18. Dr. Bhupinder Singh, Formerly Spl. Commissioner for SC/ST, Govt. of India	Member
19. Shri D.N. Tiwari, Director General, Forest Research Institute, Dehradun	Member
20. Dr. R.L. Meena, Addl. Secretary, Deptt. of Legal Affairs	Member
21. Shri P.K. Mohanty, Joint Secretary, Ministry of Welfare	Member
22. Smt. Sushma Singh, Joint Secretary, Ministry of Rural Development	Convener

Comments of the Committee

3. The terms of reference of this Committee would be as under:—

- (a) The Committee shall suggest steps for harmonization of Fifth, Sixth, Eleventh and Twelfth Schedules of the Constitution as they impinge upon the Panchayati Raj Institutions;
- (b) It shall formulate the salient features of the law that may be taken up for enactment by Parliament for extending the provisions of the Part IX of the Constitution to the Scheduled Areas referred to in clause (I) of article 244 of the Constitution subject to such exemptions and modifications as may be necessary under article 243 M(4)(b); and
- (c) Variations and modifications in other Acts relevant to the Fifth Scheduled Areas in order to strengthen institutions of local Government in Fifth Scheduled Areas.

4. The Committee would submit its recommendations within a period of three months.

5. The Committee will lay down its own procedure and methodology of work.

6. The secretarial assistance and related services to the Committee would be provided by the Ministry of Rural Development.

Sd/-

(Sushma Singh)

Joint Secretary to the Government of India

To

1. All Members of the Committee.
2. The Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.
3. Shri K.R. Venugopal, Secretary, Prime Minister's Office, South Block, New Delhi.
4. The Secretary, Ministry of Parliamentary Affairs, 42, Parliament House, New Delhi.
5. PS to MOS(RD)(T)/PPS to Secy.(RD)/PS to AS(RD)
6. Guard file/spare copies

The Committee may be apprised of the action taken by the Deptt. of Legal Affairs and the recommendations of the High Level Committee appointed by M/O Rural Development to examine the issues relating to extension of the provisions of Part IX of the Constitution to the Scheduled Areas.

Recommendation (Sl. No. 6, Paras 3.15 and 3.16)

After going through Dr. Ambedkar's statement in the Constituent Assembly while framing Article 365 and the recommendations of Sarkaria Commission in this regard alongwith the reports of the Working Groups of Tribal Development, Planning Commission, 1990-95, the Committee feel that with the cooperation of the States the administration of Scheduled Areas and schemes drawn up under Article 339(2) can be achieved successfully but when the States did not abide by it for the last 43 years it is not expected that this can be done in future also. Therefore, the Ministry of Welfare is urged upon to explain and pressurise State Government to get the work done with their cooperation as per the recommendation of Sarkaria Commission. In the event of failure in this attempt within the next three months, action should be initiated to issue a directive as a last resort taking all formalities required for this purpose as exploitation of tribals is a serious lapse on the part of the State Governments concerned as the Central Government cannot remain a silent spectator of the exploitation caused by the State Government concerned.

The United Nations Organisation has declared 1993 as International Year for indigenous (tribal) people. The Committee suggest that the Government should provide special consideration for the beneficial

programmes for the tribal development and draw the attention of the Government to implement all the recommendations made under 5th Schedule without fail.

Reply of the Government (M/o Personnel, Public Grievances and Pensions)

The Ministry of Welfare has been requested to take necessary action in this regard.

Reply of the Government (Ministry of Welfare)

The Ministry of Welfare has examined the issue of directive by the Union to State Government and U.T. Administrations for implementation of Excise Policy in the interest of the tribal people of the country in accordance with provision under Article 339(2). The Ministry of Law and Justice (Deptt. of Legal Affairs), Ministry of Finance and Ministry of Home Affairs were consulted on this issue. Deptt. of Revenue has supported issuing such a directive. The Deptt. of Legal Affairs has advised that since the question involved will have a bearing on Centre-State relations, the Administrative Ministry may obtain the views of Home Affairs. The Ministry of Home Affairs has not apparently agreed with proposal for issue of directives and advised to hold a meeting of the Chief Ministers of the States who are not following the guidelines. However, the issue is under examination.

[Ministry of Welfare (SCD Division) O.M. No. 11021/26/92—SCD.V
dated 18.11.93]

Comments of the Committee

The Committee may be apprised of the outcome of the meeting of the Chief Ministers of the States who are not following the guidelines and the action taken by the Ministry of Welfare.

NEW DELHI;
April, 1995

Chairman, 1917 (S)

PARAS RAM BHARDWAJ,
Chairman,
Committee on the Welfare of SCs & STs.

APPENDIX

(Vide para 4 of the introduction)

Analysis of the Action Taken by Government on recommendation contained in the 24th Report (10th Lok Sabha) of the Committee on the Welfare of SCs and STs.

1. Total number of the recommendations	35
2. Recommendations/Observations that have been accepted by Government	
Numbers	25
Percentage to total	71.43
3. Recommendations/Observations which the Committee do not desire to pursue in view of the Government's replies	
Numbers	2
Percentage to total	5.71
4. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration	
Numbers	5
Percentage to total	14.29
5. Recommendations/Observations in respect of which final replies of Government have not been received	
Numbers	3
Percentage to total	8.57