

**COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(1996-97)**

(ELEVENTH LOK SABHA)

**FIRST REPORT**

**MINISTRY OF RAILWAYS  
(RAILWAY BOARD)**

**Reservation for and employment of Scheduled Castes and  
Scheduled Tribes in South Eastern Railway.**



सत्यमेव जयते

*Presented to Lok Sabha on 28-11-96  
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**LOK SABHA SECRETARIAT  
NEW DELHI**

*November, 1996/Agrahayana, 1918 (S)*

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COMPOSITION OF COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND SCHEDULED TRIBES  
(1996-97)

Shri Khagapati Pradhani — *Chairman*

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Shri J.P. Ratnesh  
Shri B.R. Kanathia

— *Joint Secretary*  
— *Deputy Secretary*

## INTRODUCTION

1. 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 First Report (Eleventh Lok Sabha) on Reservation for and employment of Scheduled Castes and Scheduled Tribes in South Eastern Railway.

2. The Committee took evidence of the representatives of Ministry of Railways (Railway Board) and South Eastern Railway on 24th January, 1996. The Committee wish to express their thanks to the Officers of the Ministry of Railways (Railway Board) and South Eastern Railway for placing before the Committee material and information the Committee wanted in connection with the examination of the subject.

3. The report was considered and adopted by the Committee on 16.10.1996.

4. A summary of conclusions/recommendations contained in the Report is appended.

NEW DELHI;  
*November, 1996*

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*Agrahayana, 1918 (Saka)*

**KHAGAPATI PRADHANI,**  
*Chairman,*  
*Committee on the Welfare*  
*of Scheduled Castes and*  
*Scheduled Tribes.*

## **CHAPTER I**

### **INTRODUCTORY**

#### **Organisational set up**

1.1 The South Eastern Railway, a Government body of Ministry of Railways (Railway Board), functions under the administrative control of General Manager who is assisted by Additional General Manager and various heads of Departments viz., (1) Senior Deputy General Manager; (2) Chief Operation Manager; (3) Chief Commercial Manager; (4) Chief Mechanical Engineer; (5) Chief Electrical Engineer; (6) Chief Signal and Telecom Engineer; (7) Chief Engineer; (8) Chief Medical Director; (9) Chief Security Commissioner; (10) Financial Adviser & Chief Accounts Officer; (11) Chief Personnel Officer; (12) Controller of Stores and; (13) Chief Safety Officer.

1.2 South Eastern Railway has been divided into 8 divisions namely (1) Kharagpur (2) Adra (3) Chakradharpur (4) Sambalpur (5) Bilaspur (6) Nagpur (7) Khurda Road and (8) Waltair. These divisions are headed by a Divisional Railway Manager. Apart from this South Eastern Railway has five major workshops situated at Kharagpur, Mancheswar, Nagur (Motibagh), Raipur and Sini.

## CHAPTER II RECRUITMENT

### (a) Reservation in Services

2.1 The Committee were informed that the prescribed percentages and reservation in various categories in South Eastern Railway are as under:—

#### A. Posts filled by Direct Recruitment

	SC	ST
I. For Direct recruitment on all India basis in Group 'A' & 'C' posts where the minimum scale is Rs. 1400/- (RPS) or above		
(a) By open competition	15%	7.5%
(b) Otherwise than by open competition	16 $\frac{2}{3}$ %	7.5%
II. For Direct recruitment in Group 'C' & 'D' posts in grade less than Rs. 1400/- (RPS), normally attracting candidates from a locality or a region.	15%	7.5%
B. Posts filled by Promotion		
In all promotion	15%	7.5%

2.2 In regard to the categories of posts which are exempted from applicability of the reservation orders in South Eastern Railway, the Committee were informed that these orders were not applicable to the following categories of posts:—

1. Vacancies filled by transfer/deputation.
2. Temporary appointments of less than 45 days duration.
3. Promotion against leave vacancies less than 45 days.
4. Posts filled up in production control organisation by drafting staff from the shop on ex-Cadre tenure basis without involving promotion.
5. Posts of Vigilance Inspector.
6. En masse upgradation.
7. Post of Instructors in training schools filled by drafting employees from other departments on tenure basis.
8. Reservation would not apply in those promotional posts where prescribed element of direct recruitment was more than 75%.

2.3 These exemptions were stated to be based on Department of Personnel and Training and Railway Board Brochures for SCs/STs.

**2.4 The Committee note that a large number of posts in South Eastern Railway have been kept outside the purview of reservation orders. The Committee, desire that as already recommended in their 21st Report (Sixth Lok Sabha), the Railways should review its policy of keeping a number of posts outside the purview of Reservation orders in consultation with the Department of Personnel and Training and apprise the Committee of the decision arrived at within three months.**

**(b) Recruitment made**  
**2.5 Year-wise recruitment made by South Eastern Railway is as under:—**

Year	Category of Posts	Total No. of vacancies actually occurred	No. of vacancies reserved for Scheduled Castes		No. of vacancies reserved for Scheduled Tribes		Total	No. of candidates appointed		No. of vacancies carried forward			
			Total	C/F	Total	C/F		SCs	STs	SCs	STs		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1992-93	Group 'C'	8663	6212	14	930	944	11	684	695	930	684	14	11
	Group 'D'	5349	4204	61	630	691	85	471	556	590	337	101	219
1993-94	Group 'C'	7632	6410	14	960	974	11	703	714	785	486	189	228
	Group 'D'	4982	4537	101	678	779	219	506	725	424	456	355	269
1994-95	Group 'C'	9229	6405	189	960	1149	228	689	917	778	577	371	340
	Group 'D'	5982	4542	355	681	1036	269	501	770	161	295	875	475



2.6 It has been observed from the statement of recruitment made by South Eastern Railway during the last three years *i.e.* 1992-93, 1993-94 & 1994-95 that the carry forward vacancies in Group 'C' were 371 and 340 and in Group 'D' 875 and 475 for SC and ST category respectively.

2.7 When the Committee desired to know the reasons for carrying forward such a large number of vacancies reserved for SCs and STs in Group 'C' and Group 'D' categories, it was informed that in non-technical categories the shortfall is hardly any but it does remain in the technical categories.

2.8 When the Committee desired to know about the posts filled up and the number of SCs and STs among them the representatives of South Eastern Railway stated during evidence that to overcome the carried forward vacancies, requisition was sent to Railway Recruitment Boards at Calcutta, Bhubneshwar and Ranchi. As a result of which in Group 'C' 711 SCs out of 781, 295 STs out of 386 and in Group 'D' 215 SCs out of 228 and 111 STs out of 115 were selected. Divisions have also assured that 197 Artisans will be made available by the end of March, 1996.

#### (e) Special Recruitment Drive

2.9 Statement showing SCs/STs persons recruited on the basis of Special Recruitment Drive during the last three years is as under:—

Year	Category	SCs	STs
1992-93	Group 'C'	664	245
	Group 'D'	228	95
1993-94	Group 'C'	729	286
	Group 'D'	217	39
1994-95	Group 'C'	711	295
	Group 'D'	218	111

2.10 The Committee were informed that inspite of the Special Recruitment Drives conducted during 1992-93, 1993-94 and 1994-95 certain backlog in Group 'C' and 'D' posts existed as on 1.4.95. Keeping in view this backlog indents had been placed for Group 'C' posts to Railway Recruitment Boards and backlog in regard to Group 'D' posts will be cleared by resorting to direct recruitment from the open market.

(d) Staff Strength and Shortfalls

2.11 The staff strength and the shortfall in all the categories of posts as on 1.1.93, 1.1.94 and 1.1.95 was stated to be as under:

Category of post	Total No. of employees		No. of employees		Percentage		Shortfalls		Percentage of shortfall	
			SCs	STs	SCs	STs	SCs	STs	SCs	STs
01.01.93										
Gr. 'A'	824	99	50	12.01	6.06	24	12	2.99	1.44	
Gr. 'B'	838	205	72	24.46	8.59	—	—	—	—	
Gr. 'C'	101634	11757	6246	11.56	6.14	3488	1376	3.44	1.36	
Gr. 'D'	89535	10876	7005	12.14	7.83	2554	—	2.86	—	
(Excluding Safaiwalas)										
Gr. 'D' (Safaiwala)	9393	4155	330	44.23	3.51	—	274	—	3.99	
01.01.94										
Gr. 'A'	817	104	53	12.62	6.48	18	8	2.38	1.02	
Gr. 'B'	822	209	69	25.42	8.39	—	—	—	—	
Gr. 'C'	100335	11408	6251	11.36	6.33	3642	1274	3.64	1.17	
Gr. 'D'	89108	11721	6890	12.03	7.73	1645	—	2.97	—	
(excl. Safaiwalas)										
Gr. D (Safaiwalas)	9251	4163	339	44.00	3.66	—	354	—	3.84	
01.01.95										
Gr. 'A'	816	102	52	12.50	6.37	20	9	2.50	1.13	
Gr. 'B'	819	211	67	25.76	8.18	—	—	—	—	
Gr. 'C'	99713	11031	5914	11.06	5.93	3925	1564	3.94	1.57	
Gr. D(excl. Safaiwalas)	87914	9955	6358	11.32	7.23	3232	—	3.68	0.27	
Gr. D(Safaiwalas)	8534	4018	326	47.08	3.82	—	314	—	3.68	

2.12 It is observed from the statement *ibid* that there is a continuous shortfall of SC employees in all the categories except in Group 'B' and Safaiwala and also shortfall of ST employees in almost every category except in Group 'B' posts. The reasons for this shortfall was stated to be non-availability of SC/ST candidates in Technical (Diploma and Graduate) and Para Medical categories.

2.13 On being asked to explain the steps taken or proposed to be taken to wipe out the shortfall, the Committee were informed that shortfall have been worked out in every category of posts. For instance, in Group 'C' the shortfall was 319 and 298, in group 'D' 418 and 191 and in Artisan category 93 and 104 for ST and SC categories respectively.

The Committee were further informed that to wipe out the shortfall after the indentification of the exact shortfall recruitment process is on and fruitful results are expected to be achieved by June, 1996.

2.14 The Committee note that despite Special Recruitment Drives undertaken during the years 1992-93, 1993-94 and 1994-95 a sizeable number of vacancies in Group "C" and "D" posts in respect of SCs/STs categories were carried forward. The Committee are unhappy to note that a continuous shortfall of SC employees in all the categories except in group B and Safaiwala and also shortfall of ST employees in almost every category except in group "B" posts existed as on 1.1.1995. The plea of South Eastern Railway that SC/ST candidates are not available in Technical (Diploma and Graduate) and Para Medical categories is not at all convincing. The Committee, therefore, recommend that besides launching special Recruitment Drives more frequently, the South Eastern Railway should also make sincere efforts to Campus/Institutional recruitments so that sufficient and suitable number of SC/ST candidates can be recruited to eliminate the shortfall in these categories.

#### (e) Pre-recruitment Training

2.15 The Committee were informed that South Eastern Railway has not been providing any pre-recruitment training to SC/ST candidates. It was stated during the evidence that at the recruitment stage weightage is given only to basic qualification and not to the training. However, in South Eastern Railway there is a system of training which is given only to the employees after they have been regularly employed.

2.16 The Committee note with concern that at present there is no scheme for imparting pre-recruitment training to SC and ST candidates in South Eastern Railway. They have observed that there are many mega Public Sector Undertakings including Banks who are imparting pre-recruitment training to SC/ST candidates. Keeping in view the existing shortfalls of SCs and STs in various categories of posts in South Eastern Railway, the Committee, recommend that the Railways should impart pre-recruitment training to SC/ST candidates without fail which would certainly lead to an improved intake of these candidates.

**(f) In-service Training**

2.17 The Committee were informed that SC/ST candidates who are found below the required standard are provided in-service training to make them fit for promotion to the higher grade in non-safety categories. Under this scheme, if SC/ST candidates do not secure the required marks in the written test but secure minimum 20% marks are allowed to officiate for a specific period of 6 months during which all help is provided and after completion of this period, if his working is found satisfactory, he continues to work against that post on promotion and his name is included in the original panel with the approval of the Competent Authority. In the safety category, pre-selection coaching is given to SC/ST employees to enable them to qualify for promotion to this category of posts.

2.18 The Committee appreciate that the South Eastern Railway is imparting pre-promotional training to the SC/ST employees in non-safety categories and have made arrangements to give pre-selection coaching in safety category so that SC/ST employees can qualify for promotion. The Committee feel that it is a fruitful step in the right direction and would like the South Eastern Railway to continue the scheme in future also.

## **CHAPTER III PROMOTION**

### **(a) Promotion Procedure**

As regards the procedure of promotion the Committee were furnished the following statement—

#### **3.1 (I) Promotion to Group “A” Posts:**

- (a) Absorption of Group “B” officers in Grade “A” services is done by Railway Board in consultation with Union Public Service Commission.
- (b) Promotion of Grade “A” officers from Junior Scale to Senior Scale is done at Zonal Railway level with the approval of General Manager.
- (c) Senior Scale Group “A” officers with minimum 6 years service in Group “A” are considered for adhoc promotion to J.A. grade at Zonal Railway level with the approval of General Manager.
- (d) Senior Scale Group “A” officers with minimum 8 years service in Group “A” are considered for regular promotion to J.A. Grade by Rly. Board.
- (e) Promotion of Gr. “A” officers to Selection Grade and above are done by Railway Board.

#### **(II) Promotion to Gr. “B” Posts:**

- (a) Promotions to Gr. “B” posts are done centrally at Headquarters level on the basis of positive act of selection. 70% of the vacancies are filled up by selection, calling senior-most candidates according to 1:3 ratio. Balance 30% of the vacancies are filled up on the basis of Limited Departmental Competitive Examination (LDCE) panel which is formed on merit basis.
- (b) If the required number of reserved candidates are not available within the zone of consideration for 70% vacancies, the zone of consideration for SC/ST candidates is extended upto 5 times.
- (c) For the Limited Departmental Competitive Examination the qualifying marks for SC/ST candidates are relaxed to 3/5th of the qualifying marks prescribed for general candidates for other than safety posts.
- (d) Pre-selection coaching is given to SCs/STs both for Safety and Non-Safety categories.

- (e) In the Selection Board, one Member is invariably nominated from SC/ST community.
- (f) In non-safety categories, if the required number of candidates are not available, the best among the failed candidates who secure not less than 20% marks are given adhoc promotion for 6 months for in service training and thereafter empannelled, if found suitable, with the approval of the General Manager.

**(III) Promotion to Group "C" Posts:**

- (a) Selection Posts: Some posts in technical and non-technical categories have been identified as selection posts. Promotion to Selection posts from the next below grade is done by a positive act of selection which consists of written and viva-voce tests. The prescribed percentages for SCs/STs against promotional categories are duly follows.
- (b) Seniority-cum-suitability post: The other posts in Group "C" which are not covered by selection, are filled up by promotion on the basis of seniority-cum-suitability. The suitability for promotion is generally assessed from the record of service of each candidate. In certain identified categories, written test/viva-voce test is also held to ascertain the suitability of a candidate for the next promotion. The prescribed percentages for SCs/STs against promotional categories are duly followed.
- (c) Trade Test Posts: Promotions in Artisan categories are done through Trade Tests. The prescribed percentage is 15% for SC and 7½ for ST.

**(IV) Promotion to Group "D" Posts:**

Promotions against Group "D" posts are made on the basis of seniority-cum-suitability. The prescribed percentage is 15% for SC and 7½ for ST.

3.2 On being asked about the concession/relaxation given to SC/ST employees while considering them for promotion, it was replied that:

- (a) For promotion in Group "C" & "D" posts SC/ST candidates are called from one grade below, irrespective of the fact whether they are coming within the zone of consideration or not. For promotion from Group "C" to Group "B", SC/ST candidates are called for written test if they are coming within the extended zone of consideration. Promotions from Group "B" to Group "A" are done by Railway Board in consultation with Union Public Service Commission.
- (b) Following relaxations in qualifying marks are given to SC/ST candidates in respect of promotion in Group 'D'/Group 'C' posts:

	Safety		Non-Safety	
	General Standard	Relaxed Standards for SCs/STs	General Standard	Relaxed Standards for SCs/STs
<b>A. SELECTION</b>				
1. Written Test	21 — (60%) 35 30 — (after adding the marks of seniority notionally) 50	21 — (60%) 35 30 — (after adding the marks of seniority notionally) 35	21 — (60%) 35	10 — 35
2. Professional ability	30 — 50	30 — 50	30 — 50	25 — 50
3. Aggregate	60 — 100	51 — (Excluding marks of seniority) 85	60 — 100	42 <sup>1</sup> / <sub>2</sub> (100-15 of seniority) — 85
<b>B. TRADE TEST</b>				
1. Practical Test	36 — (60%) 60	36 — (60%) 60	36 — (60%) 60	30 — (50%) 60
2. Oral Test	15 — 40	15 — 40	15 — 40	11 — 40
C. SUITABILITY TEST	50%	50%	50%	40%

(c) If adequate number of SC/ST candidates against the non-safety category posts are not found in the selection/seniority-cum-suitability test, the best amongst the failed candidates are given ad-hoc promotion for 6 months for in-service training to bring them upto the requisite standard. If they are found suitable, they are empanelled and promoted.

(d) In case of safety category posts, pre-selection coaching is given to SCs/STs with a view to improve their chances of empanelment and thereby promotions.

### (b) Promotion made

3.3 The Committee were informed that in the Group "C" and "D" posts following employees were promoted during the years 1992-93, 1993-94 and 1994-95 and the number of SCs and STs among them as well as percentage of shortfall was as under:

Year	Category of posts	Total No. of employees promoted	No. of Employees		Percentage		Shortfall		Percentage of Shortfall	
			SC	ST	SC	ST	SC	ST	SC	ST
			1992-93	Group C	4985	664	245	13.31%	4.91%	83
	Group D	1507	228	95	15.12%	6.30%	Nil	18	—	1.19%
1993-94	Group C	5287	729	286	13.78%	5.40%	74	110	1.40%	2.08%
	Group D	1568	217	96	13.83%	6.12%	18	21	1.15%	1.33%
1994-95	Group C	5146	711	295	13.81%	5.73%	70	91	1.36%	1.76%
	Group D	1535	216	111	14.28%	7.23%	12	4	0.78%	0.26%

3.4 It would be seen from the above statement that the information has been given only with regard to Group "C" and "D" posts. It was stated that in South Eastern Railway there was no direct recruitment for Group "B" posts and selection for Group "A" Posts was made centrally by the Ministry of Railways (Railway Board) through Union Public Service Commission.

3.5 The Committee were informed that the main cause of these shortfalls was non-availability of eligible SC/ST employees in immediate lower grade. To overcome this difficulty Ministry of Railways (Railway Board) vide their letter No. E(NG)I-94/PM1/17 dated 11.11.94 had issued instructions to relax the 2 years service condition in non-safety posts with the personal approval of the General Manager subject to the condition of minimum qualifying service of one year in the existing grade.

3.6 The Committee note with dismay that 2 posts of SC and 4 posts of ST in Group "C" in promotion category lapsed. The usual plea of non-availability of eligible SC/ST employees in immediate lower grade is hardly convincing. The Committee desire that the shortfall in promotion in respect of SC/ST should be cleared at the earliest, if possible, by relaxing the minimum qualifying period of service as instructed by the Ministry of Railways (Railway Board) vide their letter No. E(NG)I-94/PM1/17 dated 11.11.94 so that there is no occasion for shortfall or backlog of reserved vacancies. The Committee also recommend that to overcome the non-availability of eligible SC/ST candidates in the lower grade the promotional posts should temporarily be diverted to direct recruitment from among the SCs and STs only.



**CHAPTER IV**  
**MISCELLANEOUS**  
**(a) SCST Cell**

4.1 The Committee were informed that in the Ministry of Railways there is a separate cell to see the implementation of reservation policies for SC and ST with the following staff strength.

Designation	No. of Posts
Executive Director Estt. (Res.)	01
Joint Director Estt. (Res./SCT)	03
Section Officers	02
Inspectors	02
Assistants	04
Upper Division Clerks	03
Stenographers Gr. 'D'	01
Lower Division Clerks	02
Pcon	02
<b>Total</b>	<b>20</b>

4.2 The Committee has examined the strength and status of the set up and its adequacies to deal with special problems of SCs/STs due to which a special set up was created.

4.3 As per Chapter XXV of the Brochure on the Reservation for SCs and STs in Railway Services. The reservation Cell is responsible for:

1. Ensuring the due compliance by the subordinate appointing authorities with the orders and instructions pertaining to reservation in the vacancies in favour of SCs/STs.
2. Scrutinising the correctness of the statistics through the periodical returns.
3. Liaison and coordination with the different Ministries, Zonal Railways, Production Units, Public Sector Undertakings of Ministry of Railways, Recruiting Agencies i.e. Railway Recruitment Boards etc.
4. To take an effective step for wiping out the shortfall in the recruitment and promotional grades.
5. To research and review the causes of the shortfall and to evolve remedial measures.
6. To take effective steps for wiping out the shortfall wherever noticed and to give utmost attention to the existing shortfall.

7. To arrange the periodical inspections in the Zonal Railways, Production Units and Public Sector Undertakings of the Ministry of Railways.
8. To oversee that the Railway Recruitment Boards and Railway Administration are following the policies in regard to reservation.
9. To have a required number of candidates of reserved community so as to avoid the shortfall.
10. To scrutinise and process the dereservation proposals.
11. To arrange the direct recruitments where RRBs express their inability to furnish the required number of SCST candidates.
12. To see all the concessions and relaxations are implemented in realistic pattern which they have been extended.
13. To keep a watch on the composition of the Recruiting/Screening Committee.
14. To look into the complaints of SCST community members about the non-observation of the rules and discrimination.
15. To deal with the Court/CAT cases and to defend the policies of the Government of India.

4.4 The above functions are very specific and exhaustive. The present machinery existing at the level of Ministry of Railways is not adequate enough to deal with the above enumerated functions specially when the reservation cell has been entrusted with very important responsibilities and duties and this Reservation Cell is also required to deal with the OBC reservations as well as 15 Point Minority Welfare Programme for which no additional strength has been provided.

4.5 Keeping in view the significance and importance of the functions assigned to Reservation Cell of the Ministry of Railways as well as Zonal Railways and Production Units the Committee are of the view that necessary early step should be taken to strengthen the Cell by inducting sufficient staff in it.

4.6 Since the incumbents are discharging special responsibilities, they have to be selected with due care and their tenure and continuity has to be assured. The Committee, therefore, recommends that they have to be inducted in the reservation cell with due consultation of EDE (Res.) in-charge of the cell at the Ministry level and SPOs who are discharging the functions in the Zonal and Production Units should also be chosen in consultation with the EDE (Res.) in charge of the Cell.

4.7 The Committee also attach due significance and importance that the incumbents who are inducted in the reservation Cell have to be allowed to continue so that with their experience the Cell is benefitted and there is a permanency which will help in dealing with the SCs/STs problems with more involvement and full commitments. If any incumbent is to be changed, it should be done in consultation with EDE (Res.) incharge of the Cell and SPOs.

4.8 The Committee also desire that the reservation Cell should have a full strength all the time, so that the work of Reservation Cell may not suffer for want of incumbents. The Committee also recommend that the SPO (RP) at Zonal and Production Unit level should work directly under EDE (Res.).

#### (b) False Caste Certificates

4.9 The Committee were informed that 4 cases of appointment on the basis of false caste certificate were detected and the services of these persons had been terminated.

4.10 On being enquired by the Committee about the prosecution of persons who were found guilty of submitting false caste certificate, the representatives of South Eastern Railway replied during evidence.

"We did not do it. I think we should have done that. We regret it. In future we will keep it in mind."

4.11 The Committee note that 4 cases of appointment on the basis of false caste certificate were detected and the services of these persons had been terminated. The Committee desire that criminal proceeding should be initiated against the guilty persons who had secured appointment on the basis of false caste certificate. The Committee also desire that concrete corrective steps should be taken to check the recurrence of such cases in future so that genuine SCs and STs are not deprived of their constitutional rights.

#### (c) Complaints/Grievances

4.12 With regard to the procedure followed by South Eastern Railway for redressing the grievances of Scheduled Castes/Scheduled Tribes employees, the Committee were informed that these grievances/complaints are registered in a separate register. The complaints/grievance is forwarded to the concerned officer/Division for furnishing para-wise comments and factual position. After receiving required information from the respective offices, the cases of SCs/STs are finalised on their merits and concerned office/individual advised accordingly. It was also stated that these registers are checked during the visit of the officers of the Division and Headquarter office as well.

4.13 It was observed from a statement furnished regarding disposal of the complaints that out of 304 complaints received from SCs/STs employees during the last 3 years 204 complaints were disposed of and remaining 100 complaints are under various stages of investigation.

During the evidence it was also informed that as on 1.1.1996 only 29 complaints/grievances are pending.

4.14 When the Committee enquired about the time taken for disposal of each of the Complaints, it was replied that a complaint is generally disposed of within a period of 1—6 months depending upon the nature of the complaint.

4.15 The Committee note that the complaints of SCs/STs are disposed of within a period of 1—6 months. The Committee also note that requests for appointment on compassionate grounds by people other than the employees of South Eastern Railway are also included in the complaint register. The Committee desire that the complaints/grievances received from SC/ST employees should be registered separately. The Committee, also recommend that, in future, all the complaints/grievances of SC/ST employees, irrespective of their nature, should be disposed of within a period of three months.

#### (d) Roster

4.16 The Committee were informed that in South Eastern Railway Roster Registers are maintained both for direct recruitment and promotional categories. It was further informed that officers of the Ministry of Railways had inspected the roster registers maintained in South Eastern Railway two times during the last 3 years and general discrepancies/shortcomings which were found during these inspections were like entries in the column year of recruitment/selection lists and carried forward reserved vacancies were not shown against each point in the roster.

4.17 The Committee are unhappy to note that the roster registers maintained in South Eastern Railway are not being inspected at a regular interval. The Committee also note that the discrepancies/shortcomings found during the inspection of rosters are of basic/general nature. The Committee, therefore, recommend that the rosters should be maintained properly by employing such persons who are well-versed with the reservation policy/Rules.

#### (e) Defence of Reservation Policies in Courts

4.18 When the Committee enquired whether there is a system to ensure that SC/ST policies are defended at various judicial fora such as Supreme Court, High Courts and Central Administrative Tribunal and whether there is a panel of advocates to defend such policies, the representative of the Ministry of Railways stated during evidence that the reservation policy of the Government of India is defended by the South Eastern Railway in the best possible manner with its panel of advocates. At the time of empanelment of the advocates their efficiency and quality are taken into consideration. The representative also elaborated that, there is a wide gap in the fee paid to the Government lawyer and to private lawyer. On the

other hand the procedure laid down by the Government of India is very lengthy because to engage a high paid advocate the approval of the Railway Minister and Law Minister is necessary.

4.19 The Committee note with concern that in general and particularly in Railways, the litigation is on increase and reservation policies are being now challenged more and more in various courts/CAT as well as in the apex court. Reservation Cells of Zonal Railways and the Ministry of Railways are handling these court/CAT cases. The Committee feel that there is a need to have adequate manpower trained enough in legal matters to present the Government's viewpoint in most effective way before CAT/court. It is, therefore, necessary that at the each Zonal Railway/PUs as well as Ministry of Railway, there should be adequate number of the Chief Law Assistant/Law Assistants who are entrusted for ensuring that departmental replies are prepared in such a manner that they are in conformity with the Government policies and duly supported by the precedents as well as decided cases of the Apex Court and this work cannot be done unless and until adequate number of Chief Law Assistant/Law Assistants are inducted in the Reservation Cell.

4.20 The reservation matters that go to the Court/CAT are of special nature. In the opinion of Committee it is necessary that at each zonal railway a panel of Advocates may be kept to defend the policies of the Government of India. These panels should be finalised in consultation with the SPO of the Zonal Railway/PU and EDE (Res.) at Ministry of Railways level.

4.21 The Committee, therefore recommend that a panel may be drawn of the Advocates of higher professional reputation, integrity and competence in consultation with the Executive Director Establishment (Reservation) so that the reservation policy at apex level is also defended in a more effective manner by a competent legal person. Some senior officer should be made responsible to monitor such cases at least twice a year.

#### (f) Petty Contracts

4.22 As regards the procedure followed by South Eastern Railway in awarding petty contracts, the Committee were informed that prior to 1992 all petty, catering/vending contracts upto 1½ units were reserved for SCs/STs. The Zonal Railways were required to obtain prior approval of Ministry of Railways for awarding the contracts to other than SCs/STs. The catering Policy was reviewed by the then Railway Minister and the same was pronounced in the Budget speech of 1991-92 in the Parliament.

4.23 The Committee were further informed that in case of small and roadside stations, vending and catering contracts, preference has been given to SC/ST candidates whereas there is no reservation in vending/catering contracts and the basic criteria adopted is the capability, reputation, experience and track of records of the party to give requisite standard of food and service to passengers. It has also been informed to

Committee that the contracts of goods, parcels handling are awarded to available and willing genuine labour cooperative societies. Hence, there is no reservation for SCs/STs in regard to loading and unloading goods.

4.24 When the Committee enquired about the number of petty contracts awarded to the individuals during the last 3 years and number as well as percentage of SCs and STs among them, the following information was furnished:

<b>Year</b>	<b>Total</b>	<b>SC</b>	<b>ST</b>
1993-94	NIL	NIL	NIL
1994-95	3	NIL	NIL
1995-96	—	NIL	—

4.25 The Committee note with a great concern that not a single petty contracts was awarded to a person belonging to SC/ST during 1994-95. The Committee also note with concern that after the review made in 1991-92 by the then Minister for Railways, in case of small and roadside stations, vending and catering contracts, preference is given to SC/ST candidates without any reservation to them and the basic criteria for giving petty contract is the capability, reputation, experience and track of records of the party to give requisite standard of food and service to passengers. The Committee, therefore, recommend that the Ministry of Railways (Railway Board) should review this policy and fix at least 25% reservation for SCs and STs while awarding petty contracts.

NEW DELHI;

November, 1996

Agrahayana, 1918 (Saka)

KHAGAPATI PRADHANI,

*Chairman,*

*Committee on the Welfare  
of Scheduled Castes and*

*Scheduled Tribes.*

## APPENDIX

### *Summary of Conclusions/Recommendations contained in the Report*

Sl. No.	Para No.	Conclusions/Recommendations
1	2	3
1.	2.4	The Committee note that a large number of posts in South Eastern Railway have been kept outside the purview of reservation orders. The Committee, desire that as already recommended in their 21st Report (Sixth Lok Sabha), the Railways should review its policy of keeping a number of posts outside the purview of Reservation orders in consultation with the Department of Personnel and Training and apprise the Committee of the decision arrived at within three months.
2.	2.14	The Committee note that despite Special Recruitment Drives undertaken during the years 1992-93, 1993-94 and 1994-95 a sizeable number of vacancies in Group "C" and "D" posts in respect of SCs/STs categories were carried forward. The Committee are unhappy to note that a continuous shortfall of SC employees in all the categories except in group B and Safaiwala and also shortfall of ST employees in almost every category except in group "B" posts existed as on 1.1.1995. The plea of South Eastern Railway that SC/ST candidates are not available in Technical (Diploma and Graduate) and Para Medical categories is not at all convincing. The Committee, therefore, recommend that besides launching Special Recruitment Drives more frequently, the South Eastern Railway should also make sincere efforts to campus/Institutional recruitments so that sufficient and suitable number of SC/ST candidates can be recruited to eliminate the shortfall in these categories.
3.	2.16	The Committee note with concern that at present there is no scheme for imparting pre-recruitment training to SC and ST candidates in South Eastern Railway. They have observed that there are many mega Public Sector Undertakings including Banks

1	2	3
		<p>who are imparting pre-recruitment training to SC/ST candidates. Keeping in view the existing shortfalls of SCs and STs in various categories of posts in South Eastern Railway, the Committee, recommend that the Railways should impart pre-recruitment training to SC/ST candidates without fail which would certainly lead to an improved intake of these candidates.</p>
4.	2.18	<p>The Committee appreciate that the South Eastern Railway is imparting pre-promotional training to the SC/ST employees in non-safety categories and have made arrangements to give pre-selection coaching in safety category so that SC/ST employees can qualify for promotion. The Committee feel that it is a fruitful step in the right direction and would like the South Eastern Railway to continue the scheme in future also.</p>
5.	3.6	<p>The Committee note with dismay that 2 posts of SC and 4 posts of ST in Group "C" in promotion category lapsed. The usual plea of non-availability of eligible SC/ST employees in immediate lower grade is hardly convincing. The Committee desire that the shortfall in promotion in respect of SC/ST should be cleared at the earliest, if possible, by relaxing the minimum qualifying period of service as instructed by the Ministry of Railways (Railway Board) vide their letter No. E (NG) I-94/PM1-17 dated 11.11.94 so that there is no occasion for shortfall or backlog of reserved vacancies. The Committee also recommend that to overcome the non-availability of eligible SC/ST candidates in the lower grade the promotional posts should temporarily be diverted to direct recruitment from among the SCs and STs only.</p>
6.	4.5	<p>Keeping in view the significance and importance of the functions assigned to Reservation Cell of the Ministry of Railways as well as Zonal Railways and Production Units the Committee are of the view that necessary early step should be taken to strengthen the Cell by inducting sufficient staff in it.</p>



1	2	3	.
7.	4.6	<p>Since the incumbents are discharging special responsibilities, they have to be selected with due care and their tenure and continuity has to be assured. The Committee, therefore, recommends that they have to be inducted in the reservation cell with due consultation of EDE (Res.) in-charge of the Cell at the Ministry level and SPOs who are discharging the functions in the Zonal and Production Units should also be chosen in consultation with the EDE (Res) in charge of the Cell.</p>	
8.	4.7	<p>The Committee also attach due significance and importance that the incumbents who are inducted in the reservation cell have to be allowed to continue so that with their experience the Cell is benefited and there is a permanency which will help in dealing with the SCs/STs problems with more in devolvement and full commitments. If any incumbent is to be changed, it should be done in consultation with EDE (Res.) in-charge of the Cell and SPOs.</p>	
9.	4.8	<p>The Committee also desire that the Reservation Cell should have a full strength all the time, so that the work of Reservation Cell may not suffer for want of incumbents. The Committee also recommend that the SPO(RP) at Zonal and Production Unit level should work directly under EDE(Res.).</p>	
10.	4.11	<p>The Committee note that 4 cases of appointment on the basis of false caste certificate were detected and the services of these persons had been terminated. The Committee desire that criminal proceeding should be initiated against the guilty persons who had secured appointment on the basis of false caste certificate. The Committee also desire that concrete corrective steps should be taken to check the recurrence of such cases in future so that genuine SCs and STs are not deprived of their constitutional rights.</p>	
11.	4.15	<p>The Committee note that the complaints of SCs/STs are disposed of within a period of 1-6 months. The Committee also note that requests for appointment on compassionate grounds by people other than the employees of South Eastern Railway are also included in the complaint register. The Committee</p>	

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1	2	3
		<p>desire that the complaints/grievances received from SC/ST employees should be registered separately. The Committee, also recommend that, in future, all the complaints/grievances of SC/ST employees, irrespective of their nature, should be disposed of within a period of three months.</p>
12.	4.17	<p>The Committee are unhappy to note that the roster registers maintained in South Eastern Railway are not being inspected at a regular interval. The Committee also note that the discrepancies/shortcomings found during the inspection of rosters are of basic/general nature. The Committee, therefore, recommend that the rosters should be maintained properly by employing such persons who are well versed with the reservation policy/Rules.</p>
13.	4.19	<p>The Committee note with concern that in general and particularly in Railways, the litigation is on increase and reservation policies are being now challenged more and more in various courts/CAT as well as in the apex court. Reservation Cells of Zonal Railways and the Ministry of Railways are handling these court/CAT cases. The Committee feel that there is a need to have adequate manpower trained enough in legal matters to present the Government's viewpoint in most effective way before CAT/court. It is, therefore, necessary that at the each Zonal Railway/PUs as well as Ministry of Railway, there should be adequate number of the Chief Law Assistant/Law Assistants who are entrusted for ensuring that departmental replies are prepared in such a manner that they are in conformity with the Government policies and duly supported by the precedents as well as decided cases of the Apex Court and this work cannot be done unless and until adequate number of Chief Law Assistant/Law Assistants are inducted in the Reservation Cell.</p>
14.	4.20	<p>The reservation matters that go to the court/CAT are of special nature. In the opinion of Committee it is necessary that at each Zonal railway a panel of Advocates may be kept to defend the policies of the Government of India. These panels should be</p>

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15.	4.21	<p>finalised in consultation with the SPO of the Zonal Railway/PU and EDE(Res.) at Ministry of Railways level.</p> <p>The Committee, therefore, recommend that a panel may be drawn of the Advocates of higher professional reputation, integrity and competence in consultation with the Executive Director Establishment (Reservation) so that the reservation policy at apex level is also defended in a more effective manner by a competent legal person. Some senior officer should be made responsible to monitor such cases at least twice a year.</p>
16.	4.25	<p>The Committee note with a great concern that not a single petty contracts was awarded to a person belonging to SC/ST during 1994-95. The Committee also note with concern that after the review made in 1991-92 by the then Minister for Railways, in case of small and roadside stations, vending and catering contracts, preference is given to SC/ST candidates without any reservation to them and the basic criteria for giving petty contract is the capability, reputation, experience and track of records of the party to give requisite standard of food and service to passengers. The Committee, therefore, recommend that the Ministry of Railways (Railways Board) should review this policy and fix at least 25% reservation for SCs and STs while awarding petty contracts.</p>

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