

COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1992-93)
...

(TENTH LOK SABHA)

) TWENTY-FOURTH REPORT
ON

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS
AND
MINISTRY OF WELFARE

FORMULATION, IMPLEMENTATION AND
MONITORING OF RESERVATION POLICY

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LOK SABHA SECRETARIAT
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COMPOSITION OF THE COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND SCHEDULED TRIBES (1992-93)

.....

Shri K. Pradhani - Chairman

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1. Shri G.L. Batra, Additional Secretary
2. Shri S.C. Gupta, Joint Secretary
3. Shri N.M. Jain, Deputy Secretary
4. Shri Babu Ram, Under Secretary

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 Twenty-fourth Report (Tenth Lok Sabha) on Formulation, Implementation and Monitoring of Reservation Policy.


2. The Committee took evidence of the representatives of the Ministry of Personnel, Public Grievances and Pensions, Ministry of Welfare and Ministry of Finance on 26 November, 1992 and 5 January, 1993. The Committee wish to express their thanks to the officers of these Ministries placing before the Committee material and information the Committee desired in connection with the examination of the subject.

3. The Report was considered and adopted by the Committee on 28 April, 1993.

4. A summary of conclusions/recommendations contained in the Report is appended (Appendix)*

New Delhi;

April 28, 1993
Vaisakha 8, 1915 (S).


COPY (K. PRADHANI)
CHAIRMAN, 29-4-93
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.

* Not appended with cyclostyled copies of the Report.

CHAPTER I

INTRODUCTORY

HISTORICAL BACKGROUND - POSITION BEFORE COMING INTO FORCE OF THE CONSTITUTION.

1.1 From time immemorial, the SCs have been economically dependent on the other castes and their employment has been restricted to comparatively less remunerative occupations. However, the Government of India did take some steps for their amelioration prior to independence. Realising the necessity of securing a fair degree of representation in public services for the depressed classes (described as SCs in the Government of India Act of 1935), instructions were issued by Government in July, 1934 that the duly qualified candidates belonging to the SCs should not be deprived of a fair opportunity of appointments in public services simply because they were not able to compete in open competition. As it was difficult to get qualified candidates in sufficient numbers from amongst the SCs because they were educationally backward, it was not considered necessary at that time to reserve a definite percentage of vacancies for them. The position was reviewed in 1942 and it was found that in spite of various measures adopted to secure increased representation of the SCs in public services, the progress was very much unsatisfactory. Considering that the reservation of a definite percentage of vacancies in services for SCs might provide the necessary stimulus to the candidates from these castes to equip themselves with better educational qualifications and thus become

eligible for various posts, the Government issued orders in August, 1943 to reserve $8\frac{1}{3}$ % of vacancies for the SCs. At the same time, the maximum age limit for entry into services was relaxed by 3 years and the fee prescribed for admission to an examination or selection in connection with the recruitment to Government posts was also reduced to 1/4th in their case. These orders were applied to central services (Class I and Class II) and the subordinate services under the administrative control of the Government of India, with the exception of a few services and posts for which highly technical or special qualifications were required. In June, 1946, the percentage of vacancies reserved in favour of SCs was raised from $8\frac{1}{3}$ % to $12\frac{1}{2}$ %.

1.2 Government also examined the question of providing reservations in Central Services for STs. It was felt that no useful purpose was likely to be served by providing such reservations since the members of those classes were too backward economically to be available in sufficient numbers for appointment to posts under Government Instructions were, however, issued in December, 1947 that the appointing authorities should keep in view the desirability of recruiting suitable candidates from amongst the tribal people in vacancies reserved for other minorities to the extent to which

suitable candidates were available, particularly in making recruitment from the States of Assam, Bihar, Central Provinces and Berer (now M.P.) and Orissa. In July, 1949, further orders were issued which allowed to the tribals the age and fee concessions available to SCs.

(B) POSITION AFTER COMING INTO FORCE
OF THE CONSTITUTION

1.3 After the constitution was promulgated, Ministry of Home Affairs in its Resolution of 13.9.1950 provided 5% reservation for STs apart from the percentage fixed for SCs already in force. The 1961 Census revealed that the SC and ST population in proportion to total population stood at 14.64% and 6.80% respectively. Accordingly, the percentage of reservation for SCs and STs was increased from 12.5 and 5% to 15 and 7.5% respectively on 25.3.70.

premat/p.4

1.4 Reservation was extended to other modes of recruitment in stages. In 1957, reservations were provided for SC and ST to promotion in all grades made on the basis of departmental competitive examinations. Reservations in promotion by selection in Group C and D were provided in 1963 and in the same year reservation in departmental competitive examination was limited to Group 'C' and Group 'D' only. The position was slightly changed in 1968 when reservation in limited departmental examination to Group B, C and D and promotion by selection to Group C and D were subjected to a condition that element of direct recruitment should not exceed 50%. Reservation in promotion to non-selection posts i.e. by seniority subject to fitness, came in 1972 subject to the condition that the element of direct recruitment did not exceed 50%. In 1974, reservation in promotion by selection

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from Group C to Group B, within Group B and from Group B to the lowest rung of Group A were introduced provided the element of direct recruitment does not exceed 50%. The limitation of the direct recruitment not exceeding 50% was raised to 66 ²/₃% in 1976 and 75% in 1989.

1.5 Reservation Policy of Govt. of India in favour of SCs and STs has been provided in accordance with the provision contained in Article 335 and 16(4) of the Constitution, which are reproduced below :

Constn./GOI

"16(4) Nothing in this Article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State is not adequately represented in the services under the State."

"335 The claims of the members of the SCs and STs shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointments to services and posts in connection with the affairs of the Union or of a State."

1.6 The basic objective for providing reservation for SCs and STs in services is not just to increase their representation but also to assure them, through offering reserved jobs, an economic well being and social status which would bring them into the mainstream of the society. Reservation has been provided to overcome the social disabilities and age old handicaps which the SC and ST had suffered from.

17 In view of these objectives, reservation has been provided in direct recruitment in all grades. In case of recruitment made on all India basis by open competition, it is 15% and 7.5% for SC and ST respectively. In grades C and D where recruitment is done on regional basis it is proportional to the representation of SC/ST people of the region. In promotions, in Group D, C, B and upto the lowest rung of Group A reservation is prescribed 15% for SCs and 7.5% STs whether it is by limited departmental examination, seniority-cum-fitness and selection on merit.

1.8 The rule regarding carry forward has also undergone change in these years. In 1952, the unfilled reserved vacancies for SC/ST was required to be carried forward to one subsequent recruitment year, two subsequent recruitment year in 1955 and from 1970 unfilled reserved vacancies for SC/ST are to be carried forward to 3 subsequent recruitment years except in promotion by selection from Group C to Group B, within Group B and from Group B to the lowest rung of Group A where the principle of carry forward does not apply. Along with the principle of carry forward, the provision regarding exchange of vacancies between SC and ST has also changed. The position in 1955 was that reserved vacancies between SC/ST were to be exchanged in the same year of recruitment. The position was rescinded in 1962 in

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pursuance of recommendations of Scheduled Areas and Scheduled Tribe Commission. From 1970, reserved vacancies can be exchanged between SC and ST in the third and final year of carry forward except in promotion by selection from Group C to Group B, within Group B and from Group B to the lowest rung of Group A where such exchange is permitted in the year of recruitment.

RESERVATIONS

(A) Formulation of Reservation Policy

2.1 The Committee have been informed that the following are the Ministries/Departments responsible for formulation of reservation policy in favour of SC/ST in services :

(i)	Department of Personnel and Training	7-	Central Govt. Services
(ii)	Department of Public Enterprises	-	Public Sector Undertakings
(iii)	Banking Division of Ministry of Finance	-	Public Sector Banks
(iv)	Insurance Division of Ministry of Finance	-	Insurance Companies
(v)	Ministry of Rural Development	-	Distribution of land to SCs/STs
(vi)	Ministry of Urban Development	-	Reservation in Housing Facilities

2.2 During the course of evidence when the Committee enquired as to which Department deals with Reservation Policy, the Secretary, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) replied as under :

"There are two aspects of it viz. one aspect arising out of the Mandal Commission's recommendations and the second aspect is the special reservation for SCs and STs in case of promotions. The second aspect comes under our jurisdiction. It is done by the Department of Personnel and Training as per the Government of India Policy."

(B) Implementation of Reservation Policy

2.3 When the Committee further asked about the Ministry responsible for implementation and monitoring of reservation policy for SCs and STs, the representative of the Department of Personnel and Training replied that the implementation of the reservation policy is the responsibility of the various Ministries/Departments of the Government of India and Monitoring is done by a Special Officer (known as Commissioner for SC/ST)*. He investigates all matters relating to safeguards provided for SCs/STs under the Constitution and to report to the President upon the working of those safeguards periodically.

2.4 It was further added that the Organisational set up is existing in each Ministry/Department to oversee implementation of reservation policy in their respective Ministries/Departments and Public Sector Undertakings/Nationalised Banks/Organisations/Institutions and other bodies under their administrative control. Each Ministry/Department has SC/ST Cell to oversee the reservation policy for SC/ST and its implementation. Each Ministry/Department has a Liaison Officer of the rank of not less than a Deputy Secretary who is responsible for ensuring implementation of reservation orders for SCs/STs.

*. The Commissioner for SCs/STs has been replaced by the National Commission for SCs and STs w.e.f. 12.3.1992. (The Constitution (65th Amendment Act), 1990)

(c) RESERVATION IN DIRECT RECRUITMENT

2.5 The Committee have been informed that the percentage of reservations in respect of Scheduled Castes & Scheduled Tribes in Direct Recruitment is as under :-

<u>DIRECT RECRUITMENT</u>	<u>SC</u>	<u>ST</u>
(i) Direct recruitment on an All India basis by means of open competitive examination	15%	7½%
(ii) Direct Recruitment on an All India basis, otherwise than at (i) above, i.e. by not conducting written competitive examination.	16⅔%	7½%
(iii) Direct Recruitment to Group 'C' and 'D' posts normally attracting candidates from a locality or a region		In promotion to the population of SCs, STs in the respective States/Union Territories.

2.6 During its study tour to Kerala, Madras and Andhra Pradesh 14 October, 1992 when the Committee examined the State Bank of Travancore on recruitment and promotion the Bank stated that 80 percent of the posts are reserved for the lower category or the feeder cadre from Class IV to Class III and from Class III to Class II and so on. Only 20 percent of posts are open for direct recruitment. When the Committee enquired as to why this recruitment cannot be 50 percent through direct recruitment and another 50 percent from the Department, the representative of the Department of Personnel & Training replied "the recruitment in the banking sector was on the basis of a bipartite settlement the Management and the trade Union, so it is 75:25 and the problem cannot be solved unless it become 50:50 and for this we have to convince the Banks Unions. In the Banks, the Unions are very powerful. In the Insurance Corporation also, the Unions are very powerful. I do not know whether we will be able to convince them to change it."

2.7 The representative further added the other alternative is that, in case you find that from the feeder cadre you are not able to get enough people, then you have to ensure that the Direct Recruitment takes place from certain categories. Without Special or Direct Recruitment, there is no way to correct this imbalance.

2.8 When the Committee wanted to know that the formula of 50:50 is in practice in other departments, why the banks are not adopting it, the representative of the Ministry of Finance replied, "We accept this basic unfairness. But it arises because of the 75% and 25% ratio. We could introduce this 50:50 ratio in the banking system. It is a matter for negotiation with the Labour Unions. We will have to discuss it with them. It is not really in our hands."

2.9 When the Committee asked ^{that} the Ministry should put all the matters before the Union and come to an understanding, Secretary, Ministry of Finance stated "We will try and see what we can do. But I must mention that this is one of those things which the labour unions are totally opposed to. We will certainly do our best to bring this to the forefront and see whether they are willing to change."

2.10 When the Committee further asked that the orders of the Government of India are supreme and that will prevail upon any of the agreement with the labour unions and other class of people and the Ministry have to examine whether the Presidential Orders should be implemented or the opinion of labour unions. In reply, the Secretary, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training)

stated, "in this matter it is better to take unions into confidence, making attempt with the Unions is the best solution."

2.11 On the same point Secretary, Ministry of Finance added "I have noted the points which you have made and which the Committee in its report draws attention to. We will do that."

2.12 As agreed during the course of evidence the Committee recommend that the Ministry of Finance should put all the matters before the Bank Union and come to an understanding of 50:50 ratio i.e. 50 percent through direct recruitment and 50 percent through promotion so that the backlog of Scheduled Caste/Scheduled Tribe vacancies is filled up.

(D) Reservation in Promotion

2.13 The Committee have been further informed that the percentage of reservation in promotion in respect of SCs/STs is as under :

	<u>SCs</u>	<u>STs</u>
(i) Posts filled by promotion through Limited Departmental Competitive Examination within or to Group B,C and D in which the element of Direct Recruitment, if any, does not exceed 75%.	15%	7½%
(ii) Posts filled by promotion made by selection from Group B i.e. Class I to the lowest rung of Category in Group A i.e. Class I and Groups B,C and D posts in grades or services in which the element of Direct Recruitment, if any, does not exceed 75%.	15%	7½%
(iii) Posts filled on the basis of seniority subject to fitness in Groups A,B,C,D posts, in grades or service in which the element of Direct Recruitment does not exceed 75%.	15%	7½%

B. PROMOTION PROCEDURE

2.14 When the Committee wanted to know the promotion procedure in different Ministries and Departments and when did the reservation in promotion come into existence, Ministry of Personnel Public Grievances and Pensions (Deptt. of Personnel & Training) have informed that there are at present 3 modes of promotion existing as prescribed by Department of Personnel and Training :

1. Limited Departmental Competitive Examination.
2. By Selection
3. By Seniority-cum-Fitness.

Generally All Ministries/Departments follow the instructions of Department of Personnel and Training in cases of promotions.

2.15 For an impartial and uniform procedure of recruitment to services, it is necessary that there should be prescribed recruitment rules for every post/grade and all recruitments made in accordance with these rules. In deciding on the methods of recruitment the main consideration naturally is whether a direct recruit or a person with experience of work in the next lower grade would be more suitable for appointment to the post/grade. Generally departmental experience in an office is not only essential but may also be preferable to more academic qualifications for maintaining efficiency.

2.16 Every person eligible for promotion and in the field of choice should be considered for promotion.

2.17 Employing Departments should estimate the number of vacancies which might arise in the succeeding year for being filled by promotion on the recommendation of a Departmental Promotion Committee and also convene a meeting of the Departmental Promotion Committees at regular annual intervals.

2.18 The administrative authorities should ensure that the information furnished to Departmental Promotion Committee is accurate and in proper order in all respects. Ministries may investigate all cases of delay and submission of incorrect particulars to the Departmental Promotion Committee and take suitable action against persons responsible for default.

2.19 If a candidate who is recommended for Direct recruitment is also among those recommended for promotion by the Departmental Promotion Committee, he should be appointed as a direct recruit or a promotee according as his turn for appointment comes earlier from direct recruitment list or from the promotion list.

2.20 The Committee have been further informed that the reservation in promotion on the basis of departmental competitive examinations came into force from 1957.

2.21 The Committee observed that the SC/ST Employees are not given promotion to the next higher grade for want of experience. When the Committee enquired about the constraints/difficulties faced by the Government in giving promotion to SC/ST candidates to the next higher grade by relaxing the period of experience. The Department of Personnel and Training replied that in the matter of promotion, relaxations and concessions are available to SC/ST candidates. Briefly, these are as follows :-

- (a) In promotion by selection from Group B to the lowest rung of Group 'A', within group 'B', and from group 'C', to group 'B', the zone of consideration is extended to 5 times the number of vacancies.
- (b) In promotion by selection to Group 'C', and group 'D', there are additional select lists for SC and ST officers separately and for these additional select lists only SC and ST officers respectively from the eligibility list are considered.
- (c) For posts which carry an ultimate salary of Rs.5700/-p.m. or less, SC/ST candidates who are senior enough to be within the number of vacancies for which the select list is to be drawn up would be included in the list provided they are not considered unfit for promotion (not withstanding the benchmark).

(d) In promotion on the basis of seniority-cum-fitness (non-selection posts), separate lists are to be prepared for general, SC and ST candidates. Scheduled Caste and Scheduled Tribe candidates are to be considered separately in respect of reserved vacancies.

2.22 Every effort is made to see that the vacancies reserved for Scheduled Caste/Scheduled Tribe in promotion are filled by SC/ST candidates/with less experience than the general candidates are considered and promoted provided they fulfil the minimum experience prescribed in the relevant service rules/recruitment rules SC/ST candidates cannot be denied promotion merely for want of experience provided they fulfil the provisions of the relevant rules and they are considered suitable in other respects.

2.23 The Committee regret to note that there is no relaxation in period of qualifying service for Scheduled Castes, Scheduled Tribes consequently vacancies reserved for Scheduled Castes/Scheduled Tribes remain unfilled. The Committee recommend that Ministry should consider to provide relaxation in the period of qualifying service so that backlog quota can be filled up. The Committee further recommend that the Department of Personnel & Training should give due concessions to Scheduled Castes and Scheduled Tribes at all levels in promotions both for officers and other grades.

2.24 The Committee recommend that 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 and Departments, Public Sector Undertakings, Public Sector Banks etc.

(E) Services/Posts exempted from Reservation

2.25 The Committee have been informed that the reservation in services for SCs/STs do not apply in the following cases :

- (1) Vacancies filled by transfer on deputation;
- (2) Temporary appointments of less than 45 days duration;
- (3) Those work charged posts which are required for emergencies like flood relief work, accident restoration and relief;
- (4) All scientific and technical posts satisfying the following conditions:
 - (a) The posts should be in grades above the lowest grade in Group 'A' (Class I) of the Service concerned.
 - (b) They should be classified as scientific or technical in terms of Cabinet Secretariat OM No.85/11/Cf-61(1) dated 28.12.1961.
 - (c) They should be posts for conducting research or for organising, guiding and directing research.

2.26 The reasons specified by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) for not applying reservation for SCs/STs are that scientific and technical posts above the lowest

rung of Group 'A' require a high degree of talent and skill. As suitable SC/ST candidates are not available, and there is no scope for relaxation of standard, these posts have been exempted from the purview of reservation orders.

2.27 The Ministry further stated that Reservations is also not provided in posts to be filled by transfer on deputation. Filling up the post on deputation basis is only a lateral process within the organisation. For that reservation already exists at the time of initial recruitment/promotion.

2.28 When Committee desired to know the efforts made to make suitable SC/ST candidates available for scientific and technical posts, the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) replied that prior to 1975 all scientific and technical posts required for conducting research or for organising, guiding and directing research could be exempted from the purview of reservation orders. In 1975 scientific and technical posts upto the lowest rung of Group 'A' were also brought within the scheme of reservation.

2.29 In reply to a question as to why even after 45 years of independence SCs/STs have not been brought to the level which may make them eligible for scientific posts,

the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) stated that as far as reservation are concerned, right from 1947, there is a set pattern. However in regard to Class IV services, there is already reservation in the scientific departments. Most of the posts in the Scientific Departments are of Group 'A' posts. So reservation is not applicable. That is why when you talk of Department of Science and Technology, they have got posts like Laboratory Assistants, Laboratory Supervisors and Researchers viz. research people, where obviously, the very nature of those jobs require a minimum qualification of a degree or a post graduate degree in science. They do not take anybody else. That is why there is a problem. The Secretary, Ministry of Personnel, Public Grievances and Pensions, further added " My suggestion to you would be that the Committee should tell the Department of Science and Technology to list out the posts where reservation can be made applicable".

2.30 The Committee find that in certain Departments, 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 adhoc appointments also.

(G) REVIEW OF RESERVATION PERCENTAGE

2.31 On the basis of population census of 1961 percentage of reservation i.e, 15% for Scheduled Castes and 7.5% for Scheduled Tribes was fixed on 25.3.1970. After 1970 the population of Scheduled Castes/Scheduled Tribes has increased manifold. When the Committee asked about the views of Ministry for increase in percentage of reservation on account of the increase in Scheduled Castes/Scheduled Tribes population, it has been stated by the Department of Personnel and Training that the reservation percentages in respect of direct recruitment to Group 'A' and 'B' posts on All India basis are based on the census figures of 1961 and no change was made in these after the 1971 census, as the population percentage of Scheduled Caste and Scheduled Tribe as revealed in the 1971 census did not warrant any change in the reservation percentages prescribed, further the 1981 census figures did not cover the State of Assam, the All India Population distribution for Scheduled Caste/Scheduled Tribe was not clear. The reservation percentages, therefore, were not reviewed.

2.32 The Committee have been further informed that reservation percentages, in respect of direct recruitment to Group 'C' and 'D' posts, prescribed on local/regional basis, which were earlier based on the 1971 census, were reviewed in the light of the population distribution indicated in the 1981 census, and revised orders were issued in 1985 and 1986 prescribing fresh reservation percentages.

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 3 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 ^{the} 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 be revised accordingly.

WORKING OF V SCHEDULE IN SCHEDULED AREAS

(A) para.3

3.1 There is a provision in the V Schedule, para 3, empowering Union Government to extend its executive power to give direction to the States having Scheduled Areas as to the administration of Scheduled Areas.

3.2 But during the examination of Ministries of Home, Law, Welfare and Personnel, all were unanimous that directive can be issued by the Union Government to those States having Scheduled Areas and the Welfare Ministry, which is the nodal Ministry to deal with the development of Scheduled Tribes, can issue directive. The Cabinet Secretary also in a letter subscribed the same view and stated that the Welfare Ministry have to seek the permission of Cabinet to issue the directive. The Constitution came into force in 1950 and it is the 43rd year but not a single directive has been issued so far. The guidelines, letters and suggestions given by various departments for Scheduled Areas have been overlooked and flouted by the States and some States have become party to the exploitation of the tribal people. For example, Bihar and Orissa Governments during their examination last year stated in writing that the drinking has caused serious harm to the tribals but they spread their net in Scheduled Areas or ITDA areas to earn more revenue. In this connection Government of Orissa stated that "tribals usually spend large amounts of their income on social and religious

ceremonies mostly based on superstitions and spend lavishly on consumption of liquor as a result of which they are perpetually indebted to the money-lenders." In a note the State Government of Bihar stated that "drunkenness is the bane of the tribal society. Extra income accruing out of agriculture or from wages is spent on liquor. The dealers of country liquor take undue advantage of the simplicity of the tribals and try to exploit them." Government of India issued letters to Chief Secretaries of States having Scheduled Areas to close down liquor shops and ban country liquor in ITDA areas as it has been found to be a major source of exploitation of tribals. Late Prime Minister, Smt. Indira Gandhi, in her Minutes dated 19.6.74 stated that revenue should not be the consideration for sale of country liquor to run the government. If the State is under constraint of resources the developmental works can be reduced to that extent but the country liquor should be banned as per the recommendation of Debar Commission appointed by late Pandit Nehru, First Prime Minister of India, which has been accepted by the Government of India and also by the State Governments. After the report on Tribal Development in Orissa was placed in Parliament by the Committee on 22 and 23 December, 1992, it was sent to the Government of Orissa on 4.2.1993 recommending to close liquor shops in Scheduled Areas. But the State Government have asked the Collectors to open more branches of

liquor shops in Scheduled Areas through contractors. The Committee are upset and extremely unhappy about the non-implementation of excise policy in tribal areas as decided. This is inspite of so many requests, letters and guidelines issued by the Union Government. Most of the States have fully or partially flouted the guidelines except Andhra Pradesh, Gujarat, Tamil Nadu and one or two more States. Andhra Pradesh has accepted this principle not only in tribal areas but in the whole State where the revenue was roundabout Rs. 800 crores per year in the entire State and in Scheduled Areas it may be roundabout Rs. 5 to Rs. 6 crores. This shows that the attitude of a State Government is quite different from one State to the other. The Committee requested the Union Government to issue directive to the States but it has not been issued since last 43 years and it is likely that it cannot be issued in future also.

3.3 The main aim of the Government is to eliminate exploitation of tribals and give them socio-economic development in Scheduled Areas. Unless exploitation is eliminated there can be no development of any tribal. Under Article 339(2) of the Constitution the Union Government is authorised to formulate schemes and policies and allot funds to implement them through States in Scheduled Areas and give directions in this regard. It appears that Article 365, which provides maximum penalty for a State if the

as stated by the
Welfare Secretary,
The revenue is
round about
Rs. 60 crores per
year

directive is flouted, has no value. The Committee are of the opinion that the guidelines and letters should be honoured by the States having Scheduled Areas to maintain the State and Centre relation. It is not necessary that Article 365 should be invoked. In the Constituent Assembly this was discussed and Dr. Ambedkar stated:

"Once there is power given to the Union Government to issue directions to the States that in certain matters they must act in a certain way, it seems to me that not to give the Centre the power to take action when there is failure to carry out those directions, is practically negating the directions which the Constitution proposes to give to the Centre. Every right must be followed by a remedy".

3.4 In this connection Sarkaria Commission made the following recommendations in its Report:

"Articles 256, 257 and 365 are wholesome provisions, designed to secure coordination between the Union and the States for effective implementation of Union Laws and the national policies indicated therein. Nonetheless, a direction under Articles 256 and 257 and the application of the sanction under Article 365 in the event of its non-compliance, is a measure of last resort. Before issue of directions to a State or application of sanction under Article 365, utmost caution should be exercised and all possibilities explored for settling points of conflict by all other available means.

Federalism is more a functional arrangement for cooperative action than a static institutional concept. Article 258 provides a tool by the liberal use of which cooperative federalism can be substantially realised in the working of the system. A more extensive and generous use of this tool should be made than has hitherto been done for progressive decentralisation of powers to the Governments of the States and/or their officers and authorities".

3.5 The Committee feel that any request, letter or guidelines issued by the Union Government should be treated with due respect and Article 365 should not be used in every case but only in extraordinary circumstances as rarest of the rare cases. This has been made clear in the Constituent Assembly. If the letters and guidelines are not honoured by the States forever and no directive was issued even once in 43 years there is no meaning of powers under para (3), V Schedule and under Article 339(2).

(B) Para
5(1)

3.6 Para 5(1) of the Constitution empowers the Governor of a State having Scheduled Areas to suspend any Act passed by Parliament or Legislative Assembly fully or partially or enforce it with amendments. This power is not utilised by any Governor except Governor of Andhra Pradesh who has issued large number of notifications for single line administration and reservation of posts for Scheduled Tribes in Class III and Class IV posts. All the class IV and most of Class III posts are reserved 100% for tribals and qualifications have been relaxed to ^{local} Scheduled Tribe candidates. The Committee are extremely happy to find these notifications issued by the Governor of Andhra Pradesh under Para 5(1) and direct the Welfare Ministry to send copies of the memorandum issued by the State Government of Andhra Pradesh to other States and pursue them with a directive or otherwise to give effect to ~~this~~ without any further delay.

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

(C) Para 5(2)

3.8 Working Group of Planning Commission(1990-95) has recommended vide para 5(2) of its report that more regulations which are meant for the peace and good government, should be framed by the T.A.C. to avoid extremist activities in tribal areas where the people living at the lowest rung of our society face all sorts of exploitation. So far no such regulation has been framed by the TAC except Money-lenders Act and land transfer regulations which are not properly implemented by any State except Andhra Pradesh which has followed the guidelines of Government of India in true sense. In this context the TAC can frame any regulation beneficial to the tribals and went to the extent of saying that it can bypass the High Court as per the version of SC Law of a State but all remained on paper. The Working Group has warned that such steps should be taken up immediately to avoid extremist activities and for the peace and good government for the tribals. Report of Scheduled Caste and Scheduled Tribes

Commissioner stated that the production of agriculture in tribal areas has gone down due to large-scale transfer of land by the tribals to non-tribals and their economic standard is going down and the debt on them is increasing. Drastic action need to be taken on the line of Andhra Pradesh to prevent land transfer and provide employment to the tribals. The TAC should be activated on the line taken by Andhra Pradesh Government and should be given effect to with immediate effect. This State have purchased good land and provided to tribals and Harijans for their economic development instead of giving them waste land, unfit for cultivation.

(D) Agricultural Production

3.9 As per the 1981 census, 42.5% of ST population were main workers. Of them, 54.4% were cultivators and 32.6% were agricultural labourers. About 87% of the main workers, therefore, were wholly or largely dependent on agriculture. Low Agricultural productivity is a cause for alienation of tribal lands, chronic indebtedness and failure to repay credit obtained from banks and institutions such as LAMPS. This sets in motion a cycle leading to pauperization of the tribals dependent largely or wholly on agriculture. The productivities in the TSP districts, except in three States, have generally been lower than the State Averages, for all crops. Several of the TSP districts have shown decline in productivity in 1985-86 as compared to 1980-81. There is a shrinkage in area under certain important food crops. There is a drop in productivity in 1985-86 as compared to 1980-81 in respect of certain crops/districts even though the corresponding State average of productivity have increased for the same crops.

(E) Indebtedness

3.10 The problem of indebtedness among the tribals is serious. It is a symptom of economic malaise. At the household level, it is indicative of poverty, of an imbalance between income and minimum consumption requirements and lack of resources for carrying on gainful activity and employment. According to a sample study done by the Planning Commission in selected ITDPs, the indebted among the tribals increased from 14.4% in 1975-76 to 33.77% in 1982-83. The debt liability per household increased from Rs.419/- in 1975-76 to Rs.818/- in 1982-83. The tribals borrowed money both from institutional and non-institutional sources. 72% of the tribals were indebted to non-institutional sources including shopkeepers, friends, relatives etc., while 4% of the tribals were indebted to institutional sources including both banks and cooperatives.

3.11 The causes for indebtedness are many and varied, but it cannot be doubted that unscrupulous money lending practices and exploitation of tribals are important factors.

3.12 16 TSP States/UTs have enacted laws or issued regulations to regulate the business of money lending and to give debt relief. However, the enforcement of these protective laws continues to be weak. Apart from the laws, the eradication of indebtedness required establishment of institutional sources of credit, reasonable rates of interest, streamlined procedures for meeting requirement of both production and consumption credit and a

substantial increase in the incomes of tribals. Along with this, there is a need to encourage thrift among the tribals and to reduce the drinking habit, which not only contributes to indebtedness but is deleterious to health.

3.13 The Working Group recommended that the existing laws, regulations on moneylending and debt relief should be stringently enforced and enforcement of laws monitored. Marketing of produce, supply of agricultural inputs and supply of essential commodities should be arranged through cooperatives or through other institutional framework.

(F) ADMINISTRATION OF SCHEDULED AREAS

3.14 The Working Group of Planning Commission (1990-95) felt that the simple tribal situation requires a simple administrative structure. The Working Group considered the regulations framed by Madhya Pradesh in this context and felt that comprehensive regulations should be framed by the States using the Fifth Schedule provisions which will provide for administrative set up of Scheduled Areas with unity of command at the level of block and project, which will lay down a code of conduct for officers and other staff posted to these areas to make them more accountable for actions which affect the tribal interest; which would regulate the activities of outsiders including foreigners, in these areas and which would work for redressal of

tribal grievances on account of land, forests, employment, money-lending etc. Under the Fifth Schedule, the executive powers of the Union extend to giving directions to the States as to the administration of Scheduled Areas. The working group felt that it is time for the Centre to consider giving directions to these States for framing regulations on administration and for ensuring peace and good government of these areas.

3.15 After going through Dr. Ambedkar's statement in the Constituent Assembly while framing Article 365 and the recommendations of Sarkaria Commission in this regard along with the reports of the Working Group 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 Governments 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 3 months, action should be initiated to issue a directive as a last resort taking all formalities required/is a serious lapse on the part of the State Governments concerned as the Central Government cannot remain a silent spectator of the exploitations caused by the State Governments concerned.

3.16 The United Nations Organisations has declared 1993 as International year for indigenours people. The Committ request that the Govt. should ptovide special consideration for the beneficial programmes for the tribal development and draw the attention of the Govt. to implement all the recommendation made under 5th Schedule.

CHAPTER - IV

A. PROJECT COST: SOCIO-ECONOMIC DEVELOPMENT OF SCs/STs.

4.1 Integrated Rural Development Programme was launched on 2nd October, 1980 all over the country, it continues to be a major poverty alleviation programme in the field of rural development. The objective of IRDP is to enable identified rural poor families to cross the poverty line. This objective is sought to be achieved by providing productive assets and inputs to the target groups. The approach under IRDP is to cover the poorest of the poor in the first instance. In the identified target group, at least 50% of the assisted families should be from Scheduled Castes and Scheduled Tribe families.

4.2 The Committee on the welfare of Scheduled Castes and Scheduled Tribes visited the State Bank of Travancore in October to examine the credit facilities extended to SC/ST. In Nagercoil District the Study Group found that the beneficiaries belonging to SCs have purchased bullocks for cultivation and the cost of each pair of bullock was Rs.6,000/- and the State Bank of Travancore had financed only Rs.3500/-. The beneficiaries obtained the remaining balance from the private money-lenders to make up the shortfall, when the Committee enquired as to why they have gone to the private moneylenders the beneficiaries replied that they approached the Bank in this regard but the bank refused to give them more than Rs.3500/-. The Bank management clarified that the Project cost of a pair of bullocks has been fixed at Rs.3500/- and, therefore, they could not finance more than this.

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 the 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 moneylenders.

(B) Income Ceiling

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 1.4.1992 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 beneficiary therefore the land criteria should be scrapped and only the economic criteria of income Rs.11,000/- and less should be considered.

CHAPTER - V

(A). STAFF STRENGTH AND SHORTFALL
SHORTFALLS

5.1 The Committee have been informed that the following is the staff strength in all categories of posts in various Ministries/Departments of the Government of India from 1989 to 1991 is given below:-

Year	Category of posts	Total No. of employees	Number of SCs	Number of STs	Percentage SCs	Percentage STs	Percentage Shortfalls SCs	Percentage Shortfalls STs
1.1 1989	A	61176	5204	1373	8.51	2.24	6.49	5.26
	B	86018	10021	1720	11.65	2.00	3.35	5.50
	C	2224212	330330	100425	14.85	4.52	0.15	2.98
	D	1092715	223045	70583	20.41	6.46	-	1.04
1.1 1990	A	61686	5331	1593	8.64	2.58	6.36	4.92
	B	92968	10497	2222	11.29	2.39	3.71	5.11
	C	2217234	336880	107003	15.19	4.83	-	2.67
	D	1105165	237400	74327	21.48	6.73	-	0.77
1.1 1991	A	62560	5689	1584	9.09	2.53	5.91	4.97
	B	102532	12115	2414	11.82	2.35	3.18	5.15
	C	2402089	376015	119666	15.65	4.98	-	2.52
	D	1167836	248101	79589	21.24	6.82	-	0.68

5.2 The Committee observed that in category A & B, there is shortfall of SC/STs but in case of Group C shortfall exists for Scheduled Tribes.

5.3 When the Committee wanted to know the measures taken by the Government to make SC/ST candidates suitable for the posts to fill up the backlog, it was submitted by the representatives of the Ministry of Welfare that ^{after} scrutinising these posts, conscious decision is taken regarding relaxation in qualifications and experience.

5.4 The representative of the Ministry of Welfare replied "we are training a number of people especially for competitive examination like the IAS/IPS, the percentage results though good, but they are not very encouraging. Similarly, for other posts like bank clerks, typists, stenographers, etc. we have coaching centres. They can also be mounted up but there we have constraints of funds and we are unable to go in a big way".

5.5 The Ministry itself suggested that "in all there are two recommendations for this one is training-identification of the posts and then what can be relaxed. The second one is training in massive way - those people who can easily be selected for these posts".

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 4.97% and 5.15% 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 cover the 65 Departments under Government of India (Annexure I). The Committee recommend that all out efforts should be made to enusre prescribed percentage of representation of SC/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 Caste/Scheduled Tribe should be selected while making recruitment to non-technical and quasi-technical class III and Class IV posts and give them in-service training to make them efficient in their work. This will help in clearing the backlog at the earliest.

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 keep in wiping out the backlog.

5.9 The Committee further recommend as agreed to during evidence for the opening of pre-examination training centres at district level in various states especially in isolated and backward areas for imparting training to SCs/ST candidates in respect of subordinate services examinations held by the UPSC/SPSC/SSC etc. The Deptt. of Personnel and training should take the responsibility to review the performance of such training centres.

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 and in respect of certain Departments upto 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 maintained in future so that the same could be made available to 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.

5.17 The Committee have been informed that the vacancies reserved and filled in Directors, Deputy Secretaries, Section Officers and Assistants are as under :

VACANCIES RESERVED AND FILLED IN DIRECTORS,
DEPUTY SECRETARIES, SECTION OFFICERS AND
ASSISTANTS DURING THE LAST THREE YEARS

Year of Exam.	Vacancies		Scheduled Castes		Scheduled Tribes	
	Total	Filled	Total	Filled	Total	Filled
<u>DIRECTOR'S POST</u>						
1988	16	16	Nil	Nil	Nil	Nil
1989	16	16	9	9	Nil	Nil
1990	23	23	Nil	Nil	Nil	Nil
<u>DEPUTY SECRETARY'S POST</u>						
1988	37	37	12	12	2	2
1989	40	40	13	13	4	4
1990	40	40	9	9	Nil	Nil
<u>SECTION OFFICERS GRADE (DR) *</u>						
1988	51	35	8	7	4	2
1989	33	32	5	4	2	2
1990	49	49	6	5	3	4
<u>SECTION OFFICERS GRADE (SENIORITY QUOTA)</u>						
1988	43	43	6	6	4	6
1989	118	118	18	20	8	221
1990	164	164	24	24	13	6

Contd....

Year of Exam.	<u>Vacancies</u>		<u>Scheduled Castes</u>		<u>Scheduled Tribes</u>	
	Total	Filled	Total	Filled	Total	Filled

SECTION OFFICERS GRADE (EXAM QUOTA)

1988	43	43	6	19	3	2
1989	118	118	18	18	9	2
1990	164	164	24	21	12	2

ASSISTANT GRADE EXAMINATION

1988	322	309	62	58	36	32
1989	824	783	135	132	63	56
1990**						

ASSISTANT GRADE (SENIORITY QUOTA)

1988	322	294	62	62	36	15
1989	1649	1544	249	233	155	32
1990**						

* The information regarding vacancies filled is based on the nominations made by UPSC.

** Information for the year 1990 was not furnished by the Ministry.

- 5.12 The Committee are unhappy to note that at the level of Directors 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 are 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 dismayed 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 years 1991 and 1992 has not been furnished by the Deptt. of Personnel and Training even 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 Deptt. of Personnel and Training should maintain the statistics of all the posts in respect of all Ministries/Departments 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 Deptt. of Personnel and Training must ensure to undertake further Special Recruitment Drives to wipe out the existing shortfalls 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.

(B) BACKLOG VACANCIES - SPECIAL RECRUITMENT DRIVE

5.16 The Committee have been informed that the Special Recruitment Drives have been launched from 1989 onwards for recruitment of SCs/STs against the backlog vacancies, the information furnished by the Ministry are given below :-

Special Recruitment Drive-I

	Backlog Identified	Appointment offers issued	Percentage
Govt. Deptts.	35647	31253	87.00
PSUs	11000	8125	73.90
Banks	8822	8084	91.60
Insurance Corpn.	3085	3023	98.00
<u>Special Recruitment Drive-II</u>			
Govt. Deptts.	31928	19879	62.30
PSUs.	10461	6316	60.40
Banks	3142	2197	69.90
Insurance Corpn.	1028	1023	99.50
<u>Special Recruitment Drive-III</u>			
Govt. Deptts.	13556	8811	65.00
PSUs	12149	7195	57.00
Banks	2242	1384	61.70
Insurance Corpns.	804	381	47.40

5.17 During the course of evidence when the Committee asked as to how the Department of Personnel and Training propose to solve the backlog problem among SCs and STs, the representative of the Department of Personnel and Training replied during evidence :

"Special Recruitment Drives have been undertaken in 1989, 1990 and 1991 to fill up the backlog of reservations for SCs/STs in the Ministries/Departments of the Central Government, Public Sector Undertakings, Banks and Insurance Corporations. The basic idea in these drives was, to the extent possible the backlog in services for SCs/STs in all the four categories should be filled up. According to statistics, the Special Recruitment Drive of 1989 was very successful. Against the total backlog of 58,554, Ministry of Personnel was able to recruit 50,475, the percentage covered was 86.2. This was rated as the most successful drive. In the second Recruitment Drive of 1990, out of 46,559 identified as backlog, 29,415 were recruited, the percentage is 63.2. The last drive which was undertaken in 1991, the backlog was identified as 35,236, Department of Personnel and Training have filled up 19,109 vacancies which means, approximately 54.19%."

5.18 The representative of the Department of Personnel and Training further added :

"Now dereservation is not open to any administrative departments, the vacancies which are not filled will be carried forward in all the departments. In our three drives, we found that the problem of not getting the candidates lies mainly in Group B. In Group B, the Recruitment Drive covered Government Undertakings, Banks and Insurance Corporations. The feedback given to us from the banks and Insurance Companies is that they are not able to fill up posts in Group B, because SC/ST candidates are not attracted to Group B posts. In Group B posts, getting ST candidates is a major problem. The

Ministry itself suggested that something very fundamental needs to be done from the Ministry of Welfare with focus on pre-recruitment training and other aspects. Without that, we will not be able to have that much success in having ST category in Group A posts. In Group B & C, so far as SCs are concerned, it is more or less at par. But in STs, there is still backlog."

5.19 It was further added :

"In regard to DPC we have set guidelines. If there is a SC candidate available and his bench mark is certainly lower than others, we have provided clear instructions as to how he should be promoted. Basically it is not so much of promotion. Promotion is given unless his record is unfit. That is the way, we have analysed it. But basically, we have to agree that something more needs to be done for STs particularly with reference to Groups A and C. We need to concentrate on education and training so that we can equip them well to participate."

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 fulfill the backlog through SRD. The SRD should be continued till the backlog is fulfilled.

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 sub-ordinate

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.

5.22 The Committee have been informed that the backlog of vacancies in Insurance Corporations is as under :-

LIFE INSURANCE CORPORATION
(As on 31.5. 1992)

Category of posts	SC	ST
Group-A	-	-
Group-B	-	24
Group-C	4	20
Group-D	5	12
Total:	9	56

5.23 GENERAL INSURANCE CORPORATION
(As on 30.6.1992)

Group-A	2	11
Group-B	66	167
Group-C	4	10
Group-D	-	-
Total :	72	188

Total backlog in L.I.C. and G.I.C. is 325.

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. The total backlog of vacancies of SC employees in General Insurance Corporation as on 30.6.92 in categories A, B and C is 2,66 and 4 respectively and the corresponding percentage for STs is 11,167 and 10. The total backlog of SCs and STs is 260 in General Insurance Corporation and 325 vacancies in Insurance Corporation and 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 Corporation should undertake immediate 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 Corporation should take all positive steps to increase their number.

5.27 The Committee have been further informed that the backlog of vacancies in direct recruitment as on 31.12.1991 in Public Sector Banks and Financial institutions is as under :-

No.5/10/92
SCT(B)
MOF(Bnk.Div)

	Cadre	Backlog	
		SC	ST
1.	Officer	224	171
2.	Clerical	967	853
3.	Sub-Staff(including sweeper)	307	723
		<u>1498</u>	<u>1747</u>

5.28 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 officer, clerical and sub-staff (including sweeper) in 224, 967 and 307 respectively and the corresponding number of Scheduled Tribes is 171, 857 and 723.

5.29 The Committee are also unhappy to note the backlog of 3245 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 Govt. 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.

5.30 The Committee have also been informed that following is the position of vacancies identified in 139 Public Sector Undertakings as on 31.3.1991 and the number of vacancies filled by candidates belonging to SCs/STs :

D.O.No.6/2/89-
DPE(SCT Cell)
DPE

	No. of vacancies identified in 139 PSUs as on 31.3.91 for making recruitment	Vacancies filled by position as on 1.3.1992.	
		SC	ST
Group A	3050	1102	399
Group B	1378	292	240
Group C	4497	1327	996
Group D	3224	739	504
	<u>12149</u>	<u>3460</u>	<u>2139</u>

Total SC/ST = 5599

5.31 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.

5.32 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.

5.33 The Committee are unhappy to note that the Department of Public Enterprises have not supplied 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.

5.34 As per Government orders the backlog of SC/ST was required to be filled up by 31.3. 1992 by undertaking Special Recruitment Drives. But the position is till unsatisfactory. The Committee recommend that Ministry should issue necessary instructions to Ministries/Departments to hold an examination exclusively for SC/ST for recruitment to different grades in order to fill up backlog.

5.35 The Committee have been informed that the backlog of vacancies in different Ministries/Departments is as under :-

Ministry/Department	Backlog of Reservation	
	As on 20.3.92	
	SC	SI
CSIR	248	238
Defence	526	723
Home Affairs	855	816
I & B	297	380
Railways	1162	1710
Revenue	359	519

5.36 In view of the information furnished by the Deptt. of Personnel & Training the Committee note with dismay that there has been 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 SIs is 1710, 816 and 723 respectively. The Committee feel that inspite of the Administrative directives on reservation may 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.

(C)

POSTING ABROAD

5.37 When the Committee asked about the criteria followed to ensure implementation of the reservation orders for SCs/STs in posting abroad, it has been replied by the Deptt. of Personnel & Training that there is no specific norms of relaxation in favour of SCs and STs in the matter of posting in foreign countries. When Ministries/Departments make selection of persons for posting in the units located in a foreign country, it should see that eligible SC/ST employees are also considered alongwith others for posting.

5.38 The number of officers posted during each of the last 3 years and number of SC/ST officers among them are given below :

Postings Abroad from 1989-91

<u>Year</u>	<u>Total No. of persons abroad</u>	<u>SC</u>	<u>ST</u>
1989	12	1	-
1990	8	-	-
1991	3	-	-

pre.mat./p.66

5.39 When asked about the reasons for SCs/STs not being posted abroad and what constraints are faced in providing specific relaxation in favour of SCs and STs in the matter of posting in foreign countries, Deptt. of Personnel & Training replied that it is not that SC/ST officers are not posted abroad on foreign posting. The foreign posts of the Govt. of India are filled up under the procedure of Central

p.10/p.m.

Staffing Scheme with due regard to merit, seniority and suitability. The officers belonging to SCs and STs are also considered for these posts whenever found suitable.

5.40 The Committee find that the foreign posts of the Govt. 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.

CHAPTER VI
MEASURES TO IMPROVE RESERVATIONS

(A) PRE-RECRUITMENT TRAINING

6.1 When the Committee asked about the details of scheme for giving pre-recruitment training to SC/ST candidates in various Ministries and Departments. The Ministry of Personnel, ^{Public}Grievances and Pensions replied that Pre-examination training centres at over 100 centres have been set up in various States and UTs to increase the employment potentialities of SC/ST candidates in reserved vacancies filled through various competitive examination. The authorities holding various competitive examination are required to inform these pre-examination training centres well in advance of the actual date of examination, the probable number of reserved vacancies and the syllabus for and standard of examination which in turn would lead to an improvement in the intake of SC/ST candidates against reserved vacancies.

(B) IN-SERVICE TRAINING

6.2 When the Committee enquired about the arrangements for providing in-service training to the SC/ST employees in all the Ministries/Departments, the Department of Personnel and Training replied that on the recommendation contained in the 41st Report of Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, Ministries/Departments have been instructed to draw up special training programmes including in-service training programmes in

which necessary training could be provided to SC/ST candidates. The Training Division of the Department of Personnel & Training renders technical assistance needed by the Ministry/Deptt. in drawing up the training programme and also undertakes periodical reviews of such training programmes as and when required.

6.2 Special arrangements are being made for training of Group A officers belonging to SC/ST categories. While deputing officers for training seminars and conferences 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 in-service training during the last 3 years in different Ministries/Institutions and organisations and the Centres where there are 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 main-l. by them properly so that the same could be made available to the Committee as and when required.

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(C) HOUSING FACILITIES

6.4 When the Committee enquired about the housing facilities available to SC and ST employees in the various Ministries/Departments and also whether the reservation is provided to SCs and STs in residential accommodation. The Ministry of Urban Development have informed that Reservation in allotment of General Pool Residential Accommodation has been provided to the extent of 10% in type 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. For the purpose of allotment to SC/ST employees a separate roster is maintained. In this roster every 10th and 20th vacancy in types A and B is allotted to SC employees and 30th vacancy to the ST employees. In types C & D every 20th and 40th vacancy is allotted to SC category and 60th to the ST category. On the basis of this reservation and the fact that the SC/ST employees get the accommodation in their own turn also, these employees are better placed in comparison to the general category employees as would be evident from the date of priorities covered as on 31.12.1992 in case of general category employees and SC/ST employees at Delhi which are given below :

<u>TYPE</u>	<u>GENERAL POOL</u>	<u>SCs</u>	<u>STs</u>
A	18.10.1978	15.11.78	25.02,80
B	01.01.1964	24.09.65	24.11.75
C	31-01-1961	22.11.61	27.03.68
D	05.11.1963	27.11.64	05.05.77

6.5 The Committee have also been informed that the statistics of SC/ST employees occupying Government accommodation Ministry/Departments-wise is not available with the Ministry.

6.6 When the Committee further asked about the building facilities as extended for the benefit of SCs and STs working in various Ministries/Departments and the machineries existing for implementation of these facilities, the Ministry of Urban Development informed that the Central Government Employees Welfare Housing Organisation has been set up under the aegis of that Ministry. This Organisation will cater to the housing needs of Central Government Employees in various parts of the country. There is, however, no reservation for SC/ST in allotment of houses. Housing Schemes will be undertaken for the registrants of that scheme.

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 & 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.

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.

CONFIDENTIAL

SCTC No. 509

COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1992-93)

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AUTHENTICATED COPY

29-4-93

(TENTH LOK SABHA)

TWENTY FOURTH REPORT ON

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL & TRAINING) AND MINISTRY OF
WELFARE

FORMULATION, IMPLEMENTATION AND MONITORING OF
RESERVATION POLICY.

PART II

MINUTES OF THE SITTINGS OF THE COMMITTEE HELD
ON 26.11.1992, 05.01.1993 and 28.04.1993

Presented to Lok Sabha on 29.4.93

Laid in Rajya Sabha on 29.4.93

LOK SABHA SECRETARIAT
NEW DELHI

April, 1993/ Vaisakha, 1915(S)

COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1992-93)

(TENTH LOK SABHA)

Twenty-sixth Sitting
26. 11. 1992

The Committee sat from 15.00 hrs. to 17.00 hrs.

PRESENT

Shri K. Pradhani - Chairman

MEMBERS
LOK SABHA

2. Shri Mahendra Baitha
3. Shri Anadi Charan Das
4. Prof. Ram Kapse
5. Dr. Ravi Mallu
6. Shri Kariya Munda
7. Shri Rup Chand Murmu
8. Shri Ram Singh
9. Kumari Vimla Verma

RAJYA SABHA

10. Shri Sunil Basu Ray
11. Dr. Faggni Ram
12. Shri G.Y. Krishnan
13. Shri Radhakishan Malaviya

SECRETARIAT

1. Shri N.M. Jain, Deputy Secretary
2. Shri Babu Ram, Under Secretary

REPRESENTATIVES OF THE MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES & PENSIONS (DEPT. OF PERSONNEL & TRAINING)

1. Shri N.R. Ranganathan, Secretary
2. Shri M. Venkataramanan, Under Secretary

REPRESENTATIVES OF THE MINISTRY OF WELFARE

1. Shri K.S.R. Murthy, Secretary
2. Shri R.K. Nayak, Addl. Secy.
3. Shri Ganga Das, Joint Secretary
4. Shri G. Sundaram, Deputy Secretary

contd.../-

REPRESENTATIVES OF MINISTRY OF FINANCE

1. Shri M.S. Ahluwalia, Secretary
2. Shri R.V. Gupta, Addl. Secretary
3. Shri K. Srinivasan, Joint Secretary
4. Shri Y.P. Sethi, Deputy Secretary

REPRESENTATIVES OF THE NATIONAL COMMISSION FOR SCs/STs

1. Shri R.P. Sinha, Joint Secretary
2. Shri Waryam Singh, Deputy Director

The Committee took evidence of the representatives of the Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel & Training), Ministry of Welfare and Ministry of Finance regarding "Formulation, Implementation and Monitoring of Reservation Policy."

Reservation in Direct Recruitment

2. When the Committee enquired as to why this recruitment cannot be 50 percent through direct recruitment and another 50 percent from the Department, the representative of the Deptt. of Personnel & Training replied "the recruitment in the banking sector was on the basis of a bipartite settlement the Management and the trade Union, so it is 75:25 and the problem cannot be solved unless it become 50:50 and for this we have to convince the Banks Unions. In the Banks, the Unions are very powerful. In the Insurance Corporation also, the Unions are very powerful. I do not know whether we will be able to convince them to change it."
3. The representative further added the other alternative is that, in case you find that from the feeder cadre you are not able to get enough people, then you have to ensure that the Direct recruitment takes place from certain categories. Without special or Direct Recruitment, there is no way to correct this imbalance.
4. When the Committee wanted to know the formula of 50:50 is in practice in other departments, why the banks are not adopting it, the representative of the Ministry of Finance replied, " we accept this basic unfairness. But it arises because of the 75% and 25% ratio. We could introduce this 50:50 ratio in the banking system. It is a matter for negotiation with the Labour Unions. We will have to discuss it with them. It is not really in our hands."
5. When the Committee asked that the Ministry should put all the matters before the Union and come to an understanding, Secretary, Ministry of Finance stated "we will try and see what we can do. But I must mention that this is one of those things which the labour unions are totally opposed to. We will certainly do our best to bring this to the forefront and see whether they are willing to change."

6. When the Committee asked that the orders of the Govt. of India are supreme and that will prevail upon any of the agreement with the labour unions and other class of people and the Ministry have to examine whether the Presidential orders should be implemented or the opinion of labour unions. In reply, the Secretary, Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel & Training) stated, "in this matter it is better to take unions into confidence, making attempt with the Unions is the best solution."

7. On the same point Secretary, Ministry of Finance added "I have noted the points which you have made and which the Committee in its report draws attention to. We will do that."

Staff Strength & Shortfalls

8. When the Committee wanted to know the measures taken by the Govt. to make SC/ST candidates suitable for the posts to fill up the backlog, it was submitted by the representatives of the Ministry of Welfare that after scrutinising these posts, conscious decision is taken regarding relaxation in qualifications and experience.

9. The representative of the Ministry of Welfare stated that "we are training a number of people especially for competitive examination like the IAS/IPS, the percentage results though good, but they are not very encouraging." Similarly, for other posts like bank clerks, typists, stenographers, etc. we have coaching centres. They can also be mounted up but there we have constraints of funds and we are unable to go in a big way."

10. The Ministry itself suggested that "in all there are two recommendations for this one is training identification of the posts and then what can be relaxed. The second one is training in massive way - those people who can easily be selected for these posts."

11. When the Committee asked as to how the Deptt. of Personnel and Training propose to solve the backlog problem among SCs and STs, the representative of the Deptt. of Personnel and Training replied :

"Special Recruitment Drives have been undertaken in 1989, 1990 and 1991 to fill up the backlog of reservations for SCs/STs in the Ministries/ Departments of the Central Govt. Public Sector Undertakings, Banks and Insurance Corporations. The basic idea in these drives was, to the extent possible the backlog in services for SCs/STs in the four categories should be filled up.

/all

According to statistics, the Special Recruitment Drive of 1989 was very successful. Against the total backlog of 58,554, Ministry of Personnel was able to recruit 50,475, the percentage covered was 86.2. This was rated as the most successful drive. In the second Recruitment Drive of 1990, out of 46,559 identified as backlog 29,415 were recruited, the percentage is 63.2. The last drive which was undertaken in 1991, the backlog was identified as 35,236, Deptt. of Personnel and Training have filled up 19,109 vacancies which means, approximately 54.19."

12. The representative of the Deptt. of Personnel and Training further added :-

"Now dereservation is not open to any administrative departments, the vacancies which are not filled will be carried forward in all the departments. In our three drives, we found that the problem of not getting the candidates lies mainly in Group B. In Group B, the recruitment drive covered Govt. Undertakings, Banks and Insurance Corporations. The feedback given to us from the banks and Insurance Companies is that they are not able to fill up posts in Group B, because SC/ST candidates are not attracted to Group B posts. In Group B posts, getting ST candidates is a major problem. The Ministry itself suggested that something very fundamental needs to be done from the Ministry of Welfare with focus on pre-recruitment training and other aspects. Without that, we will not be able to have that much success in having ST category in Group A posts. In Group B & C, so far as SCs are concerned it is more or less at par. But in STs, there is till backlog."

13. It was further added :-

"In regard to DPC we have set guidelines. If there is a SC candidate available and his bench mark is certainly lower than others, we have provided clear instructions as to how he should be promoted. Basically it is not so much of promotion. Promotion is given unless his record is unfit. That is the way, we have analysed it. But basically, we have to agree that something more needs to be done for STs particularly with reference to Groups A and C. We need to concentrate on education and training so that we can equip them well to participate."

The Committee then adjourned.

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES (1992-93)

(TENTH LOK SABHA)

Thirty-first Sitting

5-1-1993

The Committee sat from 11.00 hrs. to 13.30 hrs.

PRESENT

Shri K. Pradhani - Chairman

MEMBERS
LOK SABHA

2. Shri Birbal
3. Shri Ram Prakash Chaudhary
4. Shri Anadi Charan Das
5. Shri Kalka Das
6. Prof. Ram Kapse
7. Shri Mangal Ram Premi
8. Shri Ram Singh

RAJYA SABHA

9. Shri Prakash Yashwant Ambedkar
10. Dr. Faguni Ram
11. Shrimati Kailashpati
12. Shri Radhakishan Malaviya

SECRETARIAT

1. Shri N.M. Jain, Deputy Secretary
2. Shri Babu Ram, Under Secretary

REPRESENTATIVES OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS (DEPTT. OF PERSONNEL & TRAINING)

1. Shri N.R. Ranganathan, Secretary
2. Shri R. Ramani, Joint Secretary
3. Shri M. Venkataraman, Under Secretary

MINISTRY OF WELFARE

1. Shri K.K. Naik, Addl. Secretary
2. Shri Ganga Das, Joint Secretary
3. Shri G. Sundaram, Deputy Secretary

The Committee took evidence of the representatives of the Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training) and Ministry of Welfare regarding "Formulation, Implementation and Monitoring of Reservation Policy."

Formulation of Reservation Policy

2. When the Committee enquired as to which Department deals with Reservation Policy, the Secretary, Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training) replied :

"There are two aspects of it viz. one aspect arising out of the Mandal Commission's recommendations and the second aspect is the special reservation for SCs and STs in case of promotions. The second aspect comes under our jurisdiction. It is done by the Deptt. of Personnel and Training as per the Govt. of India policy."

The Committee then adjourned.

COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1992-93)

(TENTH LOK SABHA)

Forty-third Sitting
28. 4. 1993

The Committee sat from 15.00 hrs. to 16.30 hrs.

PRESENT

Shri K. Pradhani - Chairman

MEMBERS

LOK SABHA

2. Shri Mahendra Baitha
3. Shri Birbal
4. Dr. Ram Chandra Dome
5. Prof. Ram Kapse
6. Dr. Mallu Ravi
7. Shri Ram Singh
8. Shri K.D. Sultanpuri

RAJYA SABHA

9. Shri Sunil Basu Ray
10. Dr. Faguni Ram
11. Shrimati Kailashpati
12. Shri G.Y. Krishnan
13. Shri Nyodek Yonggam

SECRETARIAT

1. Shri N.M. Jain, Deputy Secretary
2. Shri Babu Ram, Under Secretary

contd.../-

2. The Committee considered Draft Report on Formulation Implementation and Monitoring of Reservation Policy and adopted.

3. The Committee authorised the Chairman to finalise the Report and get it presented to both the Houses of Parliament.

The Committee then adjourned.