

COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1998-99)

(TWELFTH LOK SABHA)

NINTH REPORT

ON

MINISTRY OF RAILWAYS
(RAILWAY BOARD)

Action taken by the Government on the recommendations/ observations contained in the Thirty Ninth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on Ministry of Railways (Railway Board) - Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Northern Railway including reservation for SCs and STs in award of Petty contracts.

S

E

A

L

Presented to Lok Sabha on 12 - 3 - 1999

Laid in Rajya Sabha on 12 - 3 - 1999


AUTHENTICATED COPY LOK SABHA SECRETARIAT

NEW DELHI

March

1999/ Phalguna

1920(s)

COMPOSITION OF THE COMMITTEE

INTRODUCTION

COMPOSITION OF THE REPORT

Chapter I	Report
Chapter II	Recommendations/Observations which have been accepted by the Government.
Chapter III	Recommendations/Observations which the Committee do not desire to pursue in view of Government replies.
Chapter IV	Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and which reiteration.
Chapter V	Recommendations/Observations in respect of which final replies have not been received.
Appendix	Analysis of Action Taken by Government on the recommendations contained in the Ninth Report of the Committee.

COMPOSITION OF THE COMMITTEE ON
THE WELFARE OF SCHEDULED CASTES AND
SCHEDULED TRIBES (1998-99)

Shri Kariya Munda - Chairman

MEMBERS - LOK SABHA

2. Shri Padma Nava Behera
3. Shri S.K. Bwiswmuthiary
4. Shri Kishanlal Diler
5. Shri Thawar Chand Gehlot
6. Shri Paban Singh Ghatowar
7. Shri Prabhudayal Katheria
8. Shri Jogendra Kawade
9. Shri Bheru Lal Meena
10. Shri Muni Lall
11. Shri Rup Chand Murmu
12. Shri Salkhan Murmu
13. Shri Jang Bahadur Singh Patel
14. Shri P. Rajarethinam
15. Shri N.J.Rathwa
16. Shri Bajju Ban Riyan
17. Shri Larang Sai
18. Shri Harpal Singh Sathi
19. Shri Sandipan Bhagwan Thorat
20. Shri Ratilal Kalidas Varma

MEMBERS - RAJYA SABHA

21. Shri Gandhi Azad
22. Shri Ram Nath Kovind
23. Shri Sanatan Bisi
24. Shri Mohd. Azam Khan
25. Shri Govindram Miri
26. Shri Rajubhai A. Parmar
27. Smt. Jayaprada Nahata
28. Shri C.P. Thirunavukkarasu
29. Shri Sukhdev Singh Libra
30. Shri Jhumuk Lal Bhendia

SECRETARIAT

1. Shri G.C. Malhotra - Additional Secretary
2. Shri B.R. Kanathia - Director
3. Shri V.S. Negi - Under Secretary

(iii)

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the Report on their behalf, present this Ninth Report (Twelfth Lok Sabha) on Action Taken by the Government on the recommendations contained in the 39th Report (10th Lok Sabha) on the Ministry of Railways (Railway Board regarding Reservation for and employment of Scheduled Castes and Scheduled Tribes in Northern Railway including reservation for SCs and STs in award of Petty contracts.

2. The Draft Action Taken Report was considered and adopted by the Committee (1998-99) at their sitting held on 18 February, 1999.

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

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

4. An analysis of the Action Taken by the Government on the recommendations contained in the 39th Report (10th Lok Sabha) of the Committee is given in the Appendix. It would be observed therefrom that out of 26 recommendations in the Report 15 recommendations, i.e. 57.69% have been accepted by the Government. The Committee do not desire to pursue 4 recommendations i.e. 15.38% of the total recommendations in view of the replies of the Government. There are 2 recommendations i.e. 7.69% in respect of which replies of Government have not been accepted by the Committee and require further comment, recommendations in respect of which final replies of Government have not been received are 5 i.e. 19.23%.

New Delhi
March , 1999
Phalguna , 1920 (Saka)

KARIYA MUNDA
CHAIRMAN
COMMITTEE ON THE WELFARE
OF SCHEDULED CASTES AND
SCHEDULED TRIBES


AUTHENTICATED COPY

CHAPTER I

REPORT

This Report of the Committee deals with the Action Taken by the Government on the recommendations/observations contained in the Thirtyninth Report (Tenth Lok Sabha) of the Committee on the Welfare of Scheduled Caste and Scheduled Tribes (1994-95) on the Ministry of Railways (Railway Board) regarding Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Northern Railway.

1.2 The Thirtyninth Report was presented to Lok Sabha on 21st December, 1994. It contained twenty-six recommendations. Replies of the Government in respect of these recommendations/observations have been examined and are categorised as under:-

- (i) Recommendations/observations which have been accepted by the Government (Sl.Nos. 3,5,6,7,8,9,13,15,16,17,18, 19,20,23,25)
- (ii) Recommendations/observations which the Committee do not desire to pursue taking into consideration the replies of the Government (Sl. Nos. 4,11,21 and 26)
- (iii) Recommendations/observations replies to which have not been accepted by the Committee and need reiteration (Sl. Nos. 1,22).

(iv) Recommendations/observations in respect of which final replies have not been received (Sl. Nos. 2,10,12,14 and 24).

1.3 The Committee are constrained to note that though Action Taken Replies to the recommendations/observations contained in a Report are required to be furnished by the Government within a period of six months from the date of presentation of the Report but in the instant case the Ministry of Railways (Railway Board) have not furnished the Action Taken Replies on their 5 recommendations/observations even after a lapse of more than four years. The Committee express their displeasure over inordinate delay on the part of the Government which detracts from the importance of the recommendations of the Committee. They, therefore, desire that the Final Action Taken Replies alongwith the reasons for such inordinate delay on the recommendations/observations in respect of which the replies have not been furnished so far should be furnished within a month after the receipt of Action Taken Report.

1.4 The Committee will now deal with those action taken replies of the Government which need reiteration and comment.

RESERVATION ORDERS AND EXEMPTIONS

(Recommendation No. 1 and Para 1.6)

1.5 The Committee had recommended that the Ministry of Railways (Railway Board) should review in consultation with the

Department of Personnel & Training, its policy of keeping a number of post outside the purview of reservation orders and apprise the Committee of the difficulties/constraints, if any, faced in bringing each of the aforesaid exempted posts within the fold of reservation orders.

1.6 The Ministry of Railways (Railway Board) in their reply have stated that the recommendation has been considered in detail and following exclusions were reviewed:-

- i) Vacancies filled by transfer.
- ii) Vacancies filled by promotion in grades or posts in which the element of direct recruitment, if any, exceeds 75%.
- iii) Temporary appointments of less than 45 days' duration.
- iv) Those work charged posts which are required for emergencies, like floods relief work, accident restoration and relief etc.
- v) Appointment of Casual Labour/Substitutes.
- vi) Promotions against leave vacancies of less than 45 days.
- vii) Posts filled by deputation.
- viii) Posts filled up in Production Control Organisation by drafting staff from the shop floor on ex-cadre tenure basis without involving promotions. However, when the ex-cadre tenure posts are filled up involving promotions, reservation rules will apply.
- ix) Post of Vigilance Inspector.
- x) In the scheme of upgradation where all the posts in a category are upgraded.
- xi) Posts of Instructors in Training Schools filled by

drafting employees from other departments on tenure basis.

2. Exclusions listed at Sl. Nos. (i) to (vii) above are as per general policy of the Department of Personnel & Training and exclusions at Sl. No. (viii) is provided on the consideration that these posts are filled up on deputation basis and does not involve promotion. The exclusion at Sl. No. (ix) for the post of Vigilance Inspector is specifically provided on the consideration the incumbents of posts are required to investigate/assist in investigations, therefore, they may be selected on the criteria of integrity/efficiency and posts are kept outside the scope of reservation. Exclusion at Sl. No. (x) above is provided on the consideration that in mass upgradation all including SC/STs get benefitted suo-motto. The exclusion at Sl. No. (xi) above is provided on the consideration that these posts are filled up on tenure basis.

3. These exclusions have a very negligible impact on promotional prospects of SC/ST employees because these are very small and insignificant in number.

(Comments of the Committee)

1.7 The Committee do not agree with the reply of the Ministry of Railways (Railway Board) and reiterate their earlier recommendation that the reservation in promotion to the post of Vigilance Inspector should be provided to SC/ST employees as there is no dearth of capable and competent SC/ST

employees who have aptitude for vigilance work.

AWARD OF PETTY CONTRACT

Recommendations (Sl. No. 22, Para 4.27)

1.8 The Committee had recommended that the Ministry of Railways (Railway Board) should consider as has been assured during evidence, fixing a definite percentage of reservation for SCs and STs while awarding petty contracts in small and big stations as well as in running trains.

1.9 The Ministry of Railways (Railway Board) in their reply have stated that catering/vending is essentially an area of service where quality of food served to the passengers is an important aspect. This has to be maintained as a part of customer service. However, each Tender/Contract is an individual case and is decided on merits. The basic criteria are capability, reputation, experience and track record of the party. It is, therefore, very difficult to show any preference/fix any quota system for Scheduled Castes/Scheduled Tribes.

(Comments of the Committee)

1.10 The Committee are not satisfied with the above reply of the Ministry of Railways (Railway Board) and reiterate their

earlier recommendation and also opine that no doubt that catering/vending is essentially an area of service where quality of food served to the passengers is an important aspect and such contracts may be decided on merit i.e. capability, reputation, experience etc. The Committee are of the view that among the SC/ST communities also there are persons who can stand at par with the other general persons in such fields. Therefore, the Committee desire that the Ministry of Railways (Railway Board) should reconsider in giving reservation to SC/ST candidates by resorting to their old policy of reservation in Petty Contracts at stations of make them more sound economically and socially.

NEW DELHI
MARCH, 1999
PHALGUNA, 1920(Saka)

(KARIYA MUNDA)
CHAIRMAN
COMMITTEE ON THE WELFARE
SCHEDULED CASTES AND
SCHEDULED TRIBES