

**COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(2018-2019)**

**(SIXTEENTH LOK SABHA)**

**TWENTY-SECOND REPORT**

**ON**

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT  
(DEPARTMENT OF HIGHER EDUCATION)**

**Action taken by the Government on the recommendations contained in the Fifth Report (Sixteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Role of Educational Institutions including Universities, Technical, Medical and Engineering in socio-economic development of SCs and STs - Implementation of reservation policy in University of Delhi".**

*Presented to Lok Sabha on 25.07.2018*

*Laid in Rajya Sabha on 06.04.2018*



**LOK SABHA SECRETARIAT**

**NEW DELHI**

25July, 2018/-----Sravana,1940 (Saka)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND  
SCHEDULED TRIBES (2017-2018)**

**Dr. Kirit P. Solanki - Chairperson**

**MEMBERS - LOK SABHA**

2. Shri Kanti Lal Bhuria
3. Shri P.K. Biju
4. Shri B.N. Chandrappa
5. Dr. (Smt.) Heena Vijaykumar Gavit
6. Dr. K. Gopal
7. Shri Rattan Lal Kataria
8. Smt. Pratima Mondal
9. Prof. Ajmeera Seeta Ram Naik
10. Shri Ram Charitra Nishad
11. Shri Ravindra Babu Pandula
12. Shri Kamlesh Paswan
13. Shri Ram Chandra Paswan
14. Shri Vishnu Dayal Ram
15. Smt. Rita Tarai
16. Shri Krupal Balaji Tumane
17. Shri Vikram Usendi
18. Shri Bhanu Pratap Singh Verma
19. Dr. Bhagirath Prasad
20. Shri Chintaman Navasha Wanaga\*

**MEMBERS - RAJYA SABHA**

21. Shri Shamsheer Singh Dullo
22. Shri D. Raja
23. Shri Amar Shankar Sable
24. Shri Veer Singh
25. Shri Tiruchi Siva
26. Smt. Wansuk Syiem
27. Shri Pradeep Tamta
28. Shri Dilip Kumar Tirkey
29. Mahant Shambhuprasadji Tundiya
30. Shri Ramkumar Verma

**SECRETARIAT**

- |    |                   |   |                  |
|----|-------------------|---|------------------|
| 1. | Shri N.C. Gupta   | - | Joint Secretary  |
| 2. | Shri D.R. Shekhar | - | Director         |
| 3. | Shri V.K Shailon  | - | Deputy Secretary |
| 4. | Shri Mukesh Kumar | - | Under Secretary  |

**\* ceased to be Member of the Committee w.e.f 30.01.2018 upon his sad demise.**

## INTRODUCTION

I, the Chairperson, 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 Twenty-second Report (Sixteenth Lok Sabha) on Action Taken by the Government on the recommendations/observations contained in the Fifth Report (Sixteenth Lok Sabha) on the Ministry of Human Resource Development (Department of Higher Education) regarding "Role of Educational Institutions including Universities, Technical, Medical and Engineering in socio-economic development of SCs and STs - Implementation of reservation policy In University Of Delhi".

2. The draft Report was considered and adopted by the Committee at their sitting held on 05.04.2018 (Appendix-II).
3. The Report has been divided into the following chapters:-
  - I Report
  - II Recommendations/Observations which have been accepted by the Government.
  - III Recommendations/Observations which the Committee do not desire to pursue in view of replies of the Government.
  - IV Recommendations /Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.
  - 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 Fifth Report (Sixteenth Lok Sabha) of the Committee is given in Appendix-II.

**New Delhi;**  
**July, 2018**  
**Sravana, 1940(Saka)**

**DR. KIRIT P. SOLANKI**  
**Chairperson,**  
**Committee on the Welfare of**  
**Scheduled Castes and**  
**Scheduled Tribes.**

## CHAPTER I

### Report

This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the Action Taken by the Government on the recommendations contained in the Fifth Report (Sixteenth Lok Sabha) on the Ministry of Human Resource Development regarding "Role of Educational Institutions including Universities, Technical, Medical and Engineering in socio-economic development of SCs and STs - Implementation of reservation policy in University of Delhi".

1.2 The Fifth Report was presented to Lok Sabha on 18<sup>th</sup> December, 2015. It contained eight recommendations/observations. Replies of the Government in respect of all these recommendations/observations have been examined and may be categorized as under:-

- (i) Recommendations/observations which have been accepted by the Government (SI.Nos. 2,6 & 7).
- (ii) Recommendations/observations which the Committee do not desire to pursue in the light of the replies received from the Government (SI Nos. 4, 5 & 8)
- (iii) Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (SI No. 1,3 & 9).
- (iv) Recommendations/observations in respect of which final replies of the Government have not been received (Nil).

1.3 The Committee will now deal with the Action Taken by the Government on some of the recommendations/observations which need reiteration or comments.

## **Recommendation (Sl. No. 1, Para No. 39)**

### **1.4 Reservation among positions of Professors, Associate Professors and Assistant Professors**

The Committee are perturbed to note that SCs and STs continue to be poorly represented among the positions of Professors, Associate Professors and Assistant Professors in the University of Delhi. The Committee note that out of the total sanctioned strength of 264 Professors as on April, 2015, only 3 SC category persons are occupying the post of Professor among various colleges in the University of Delhi whereas there is no representation of ST among this post. The Committee also note with concern that out of total 271 posts in position in University of Delhi there are only 07 SC and 1ST candidates occupying the post of Associate Professors. Moreover, the post of Assistant Professor wherein the reservation has been existing for over two decades has shortfall of 10 SC posts and 08 ST posts as against the total 421 existing position in University of Delhi. This scenario indicates lax attitude of University of Delhi in the matter. The Committee are further dismayed to observe that inspite of the fact that restructuring of roster with effect from September, 2013 had not only increased the number of vacancies earmarked for SCs/STs and but has also extended the benefit of reservation to the posts of Associate Professor and Professor, still even after lapse of more than two years SC/ST representation in these grades are nominal. The Committee would like to recommend that University of Delhi should make all out efforts to fill the posts lying vacant for SCs/STs. The Committee have often been served with cliché replies that the post stay vacant due to non- availability of suitable candidates. The Committee are disinclined to buy this stereo type reply. The Committee find it pertinent to observe that presently there is no dearth of talented and suitable SC/ST candidates, particularly in Delhi there are sufficient SCs/STs candidates who have qualified UGC NET exam and have applied for the post. From the above it seems that there is an imperative need to change mindset of the higher ups of University of Delhi to be positive and accommodative towards the talented and qualified SCs/STs candidates in order to achieve the goal for socio-economic development of SCs/Sts enshrined in the Constitution of India. For this purpose, if necessary provisions of concession/relaxation can be exercised by University of Delhi, the Committee would like to point out that many SC/St candidates who teach at ad hoc positions in University of Delhi that too for many years at a stretch are labelled unsuitable whenever a permanent postion arises. The Committee are of the view that ad hoc position in University of Delhi be filled up against vacant regular vacancies so that at least backlog vacancies can be cleared.

## Reply of the Government

### 1.5 Response to the below quoted observation made in Para 39 -

“The Committee are perturbed to note that SCs and STs continue to be poorly represented among the positions of Professors, Associate Professors and Assistant Professors in the University of Delhi.”

- The University humbly submits that the reservation for SCs/STs was made applicable to the post of Assistant Professor with effect from 02.07.1997 in accordance with DOPT no. 3602/2/98-Estt.(Res) communicated by UGC in 1999. This was made applicable at the level of Associate Professor and Professor with effect from 3<sup>rd</sup> September 2013.
  - Notwithstanding this, prior to September 2013, the University had appointed 2 Professors from the reserved category, on their own merit.

The timeline for implementation of reservation at all the levels is detailed below:

- The University is bound by its Act, Statutes and Ordinances to implement the National Reservation Policy for SC/ST/OBC of providing reservation to the extent of 15% to SC, 7.5% to ST and 27% to OBC as notified by the Government of India/UGC from time to time.
- The University switched over from vacancy-based rosters to post-based rosters in the case of Assistant Professors with effect from 2.7.1997 in 1999 in accordance with the DOPT OM No. 36012/2/98-Estt.(Res), as communicated by the UGC.
- The UGC issued guidelines for strict implementation of reservation policy in the year of 2006. As per the guidelines, the reservation for SCs/STs was to be implemented cadre wise taking the University as a unit.
- The University wrote to the University Grants Commission and Ministry of HRD in 2009 vide letter No. Estab.IV/Res./2008/2849 dated 20.03.2009 and letter no. VCO/MHRD/2009/188 dated 25.09.2009 respectively, requesting for clarification on the issue of implementation of reservation for SC/ST.
- On receipt of further directions from MHRD and UGC vide OM No. 12-60/2013-UI dated 25.06.2013 and letter No. F.1-15/2008 (SCT) dated 09.05.2013, the reservation in the cadres of Associate Professor and Professor was implemented by the University vide its EC Resolution No. 69(4) dated 28.09.2013.
- The roster was recast, as per guidelines laid down by DOPT in this regard, while harmonising the operational requirement of the University as an academic institution, vide EC Resolution No. 64 and 69(4) dated 28.09.2013.
- Accordingly, reservation for SCs/STs, which was previously only at the Assistant Professor level, was made applicable for the posts of Associate Professor and Professor with effect from 3<sup>rd</sup> September 2013.

## 1.6 Response to the below quoted observation made in Para 39 of the Report –

“The Committee note that out of the total sanctioned strength of 264 Professors as on April, 2015, only 3 SC category persons are occupying the post of Professor among various colleges in the University of Delhi whereas there is no representation of ST among this post. The Committee also note with concern that out of total 271 posts in position in University of Delhi there are only 07 SC and 1 ST candidates occupying the post of Associate Professors.”

- As per Executive Council Resolution Nos. 69(4) and 64 dated 28.09.2013, 200 point post based reservation rosters<sup>1</sup> were drawn for Associate Professor and Professor cadres for SC/ST, taking the University as a unit, and appointments made so far were plotted accordingly in the 200 point post based reservation roster<sup>2</sup>, in consonance with the DOPT guidelines.
  - This process resulted in shortfall<sup>3</sup> in the number of SC/ST candidates at the level of Associate Professor and Professor because
    - reservations were implemented at these two levels from 3<sup>rd</sup> September 2013, and
    - all appointments made at the Associate Professor and Professor levels prior to this date were treated as UR candidates.
  - Advertisements for filling up the vacant positions of SC/ST for the post of Professor, Associate Professor and Assistant Professor, as per the 200 point post based reservation roster<sup>4</sup> had been made vide Advt. No. Estab. IV/248/2013 dated 31.10.2013, Advt. No. Estab. IV/256/2015 dated 13.05.2015, followed by corrigendum dated 20.05.2015 and addendum dated 21.05.2015.
  - It has been observed that there are either very limited number of SC/ST applicants who apply for the post of Professor and Associate Professor or no applicants in certain disciplines such as Mathematics, Economics (in the case of Professor). Please refer to Table – 1.
  - It is also pertinent to mention here that the composition of the Selection Committee for the appointment of faculty includes Observer from the reserved categories having status equivalent to other members of the Selection Committee. The presence of Observer in the Selection Committee is a mandatory requirement irrespective of whether the post under consideration is reserved or not.
  - Tables 1 and 2 below give a glimpse of the selection process conducted for filling up the vacant posts of Professor and Associate Professor in SC/ST category.
-



- The data in the Tables indicate that there were instances where the concerned Selection Committee, in its wisdom, had recommended for appointment of candidates from reserved category even if they were the sole candidate appearing for the interview, after ascertaining suitability and merit.

**Table - 1: Appointments conducted for the post of Professor in various departments**

Sl. No	Department	Category of post advertised	No. of Applicants shortlisted as per relaxed standards	No. of post filled	Remarks
1	Economics	1 SC (advt 248/2013)	0	0	No applicants
2	Economics	1 ST(advt 248/2013)	0	0	No applicants
3	Mathematics	1SC(advt 248/2013)	0	0	No applicants
4	Philosophy	1SC (advt 248/2013)	1	1	Selected
5	Political Science	2SC(advt 248/2013)	2	1	1 present and got selected
6	Political Science	1SC (advt 256/2015)	1	0	Absent on the date of interview
7	Zoology	1 ST(advt 256/2015)	1	0	Not found suitable
8	Commerce	1SC(advt 256/2015)	1	0	Not found suitable
9	Commerce	1ST(advt 256/2015)	1	1	Selected

**Table - 2: Appointments conducted for the post of Associate Professor in various departments**

Sl. No	Department	Category of post advertised	No. of Applicants shortlisted as per relaxed standards	No. of Candidates interviewed	No. of post filled	Remarks
1	Commerce	2SC(advt 256/2015) 1ST(advt 256/2015)	5 0	4 0	2 0	1 Selected
2	Chemistry	3SC(advt 248/2013) 1ST (advt 248/2013)	5 3	3 2	1 1	1 selected 1 selected
3	African Studies	1SC(advt 256/2015)	1	1	1	Selected
4	Philosophy	2SC(advt 248/2013)	1	1	1	Selected
5	Philosophy	1ST(advt 248/2013)	1	0	0	None present
6	Sanskrit	3SC(advt 248/2013)	4	3	2	Filled except one vacancy
7	Sanskrit	2ST(advt 248/2013)	1	1	1	Selected
8	Zoology	2SC(advt 256/2015)	1	1	0	Not found suitable
9	Zoology	1ST(advt 256/2015)	1	1	1	Selected

- It is also humbly submitted that the data quoted in the Report does not include the number of teachers belonging to the reserved category who may have got promoted under Career

Advancement Scheme/Merit Promotion Scheme to the level of Associate Professor and Professor. The scheme provides opportunity to every faculty member to be promoted to the level of Professor or Associate Professor on completion of requisite number of years in service alongwith requisite academic achievements.

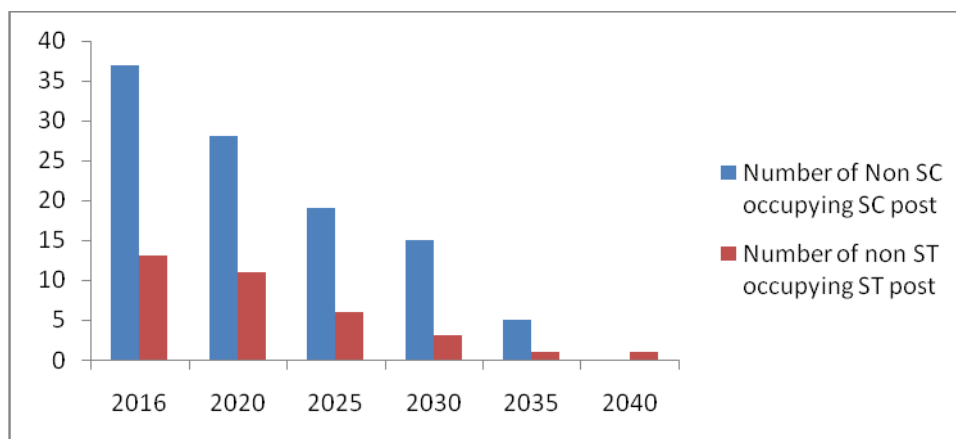
- The data in Table 3 indicate the number of Associate Professors and Professors of the reserved category promoted under the Career Advancement Scheme in recent years:

**Table – 3: SC/ST Faculty promoted to Professor and Associate Professor**

Sr. No.	Designation	Category	Number of Faculty promoted
1.	Professor	SC	2
2.	Professor	ST	2
3.	Associate Professor	SC	7
4.	Associate Professor	ST	1

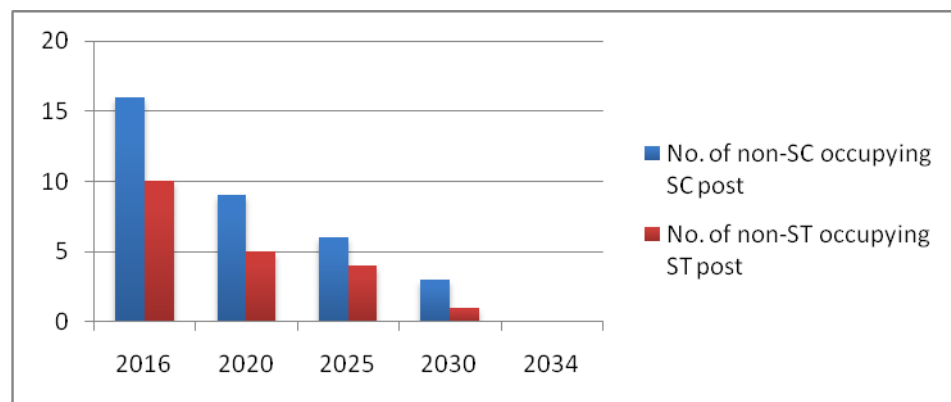
- It is respectfully submitted that the shortfalls existing in the Associate Professor and Professor levels will be offset in due course of time. The shortfalls at these levels shall be counterbalanced by superannuation of the faculty members from unreserved category occupying the corresponding reserved category positions.
- Figure 1 below would bring out that the current shortfall of 37 SC posts and 13 ST posts at the level of Associate Professor would be minimised to a great extent in coming years on account of superannuation of the faculty members from unreserved category occupying the reserved category positions. Subsequently, the appointment against these reserved posts would be done by applying the principle of replacement whereby persons of respective reserved category would be appointed and the shortfall would be offset in due course.

**Figure 1 : Data regarding SC & ST posts at Associate Professor Level**



- Figure-1 depicted above indicates that, on account of retirement of non-SC occupying SC positions and non ST occupying ST positions, the present net shortfall of 37 SC and 13ST posts gets reduced to net shortfall of 28 SC and 11 ST in next 4 years, which further gets reduced to a net shortfall of 15SC and 03ST posts by 2030, i.e. the following next 10 years, while the shortfall of SC is completely offset in next 06years i.e., by 2036, the shortfall of ST is reduced to 01 in next 05 years, i.e., 2035 and ends with the retirement of this person in 2040.
- The following Figure 2 would bring out that the current shortfall of 16 SC posts and 10 ST posts at the level of Professor, would be minimised to a great extent in coming years on account of superannuation of the faculty members from unreserved category occupying the reserved category positions. Subsequently, the appointment against these reserved post would be done by applying principal of replacement whereby person of respective reserved category would be appointed and the shortfall would be offset in due course.

**Figure 2 : Data regarding SC & ST posts at Professor Level**

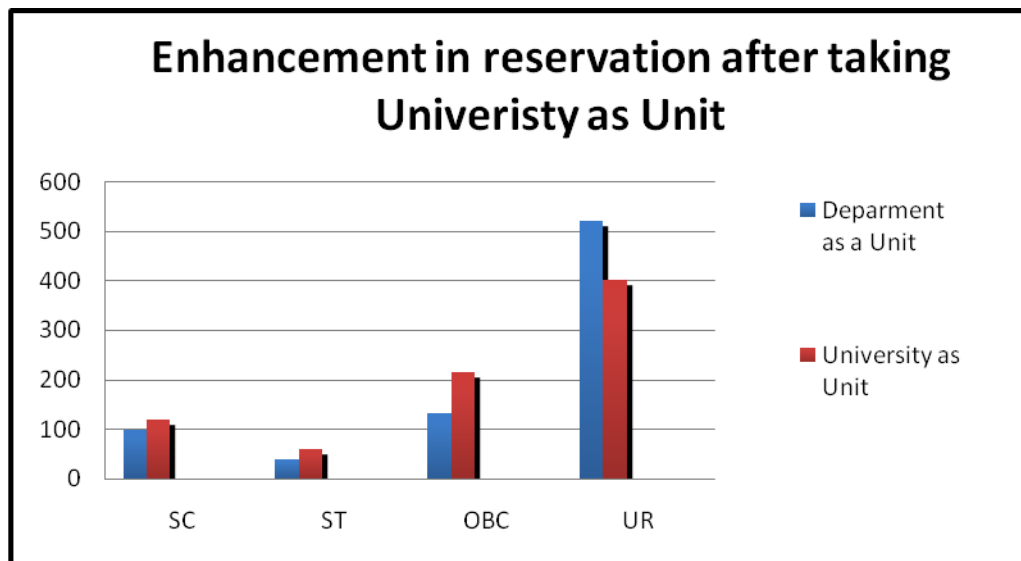


- Figure 2 depicted above indicates that on account of retirement of nonSC occupying SC positions and non ST occupying ST positions, the present net shortfall of 16SC and 10ST posts gets reduced to net shortfall of 09SC and 05ST in next 4 years, which further gets reduced to a net shortfall of 03SC and 01ST posts by 2030, i.e. next 10 years. The shortfall is completely offset in next 04 years, i.e. by 2034.

“Moreover, the post of Assistant Professor wherein the reservation has been existing for over two decades has shortfall of 10 SC posts and 08 ST posts as against the total 421 existing position in University of Delhi. This scenario indicates lax attitude of University of Delhi in the matter.”

- At the outset, it is humbly submitted that recasting of reservation roster for SC/ST/OBC, with **department as a unit**, into 200 point post based reservation roster<sup>5</sup>, with **University as a unit**, was done with effect from 03.09.2013, as per EC Resolution No. 69(4) dated 28.09.2013, in pursuance of UGC letter No. F.1-15/2008 (SCT) dated 09.05.2013 and MHRD OM No. 12-60/2013-UI dated 25.06.2013.
  - The resultant shortfall of 10 positions in SC posts and 08 in ST posts, as against the total 421 of the then existing positions of Assistant Professors, is an expected fallout of recasting the post based roster with department as a unit (small faculty departments had followed 13 point based roster) into 200 point post based reservation roster with University as a unit. The shortfall, therefore, is because of positional plotting of some of the erstwhile UR post (in department as unit based roster) into reserved post (in University as unit based roster) as a consequence of the recasting.
  - A positive consequence of recasting of the roster is that the number of posts allocated for reserved categories have increased. The number of posts reserved for SC, which was 98 before re-casting increased to 119 and the number of posts reserved for ST before the re-casting was 40 which increased to 59. Therefore, many posts which were not reserved in the erstwhile department based roster were converted into posts reserved for SC/ST/OBC in the present roster.
  - The element of increase in the number of reserved category posts in the current 200 point post based roster and consequential reduction of UR posts in this roster is succinctly brought out by Figure 3 below.
-

**Figure 3: Comparison between erstwhile roster and current roster**



- Further, portions of Post Based Reservation Rosters, with department as a unit, which existed prior to recasting of rosters and 200 Point Post Based Reservation Rosters<sup>6</sup> with University as a unit, which were drawn in pursuance of the EC Resolution Nos. 69(4) and 64 dated 28.09.2013 are depicted below to elaborate the submission made above:

**Table – 4 :Post Based Reservation Roster with Department as a Unit**

Year of recruitment/number of shortfall vacancies/reservation carried forward (+) (-) from previous years				Cycle NO./ Point NO.	Unreserved or reserved for SCs/STs/OBCs	Name of the person appointed Km./Smt./Sh./Dr.	Date of appointment
1	2	3	4	5	6	7	8
Year	SC	ST	OBC	CYCLE1			
Adult Continuing Education & Ext. (Total Post (s) = 05)							
1990				1/01	UR	D.D. Agarwal	01.04.1990
1990				02	UR	B. P. Mohanty	01.04.1990
1997				03	UR	J.P. Dubey	09.04.1997

1997				04	OBC-1*	V.K. Dixit	09.04.1997
1997				05	UR	Rajesh	09.04.1997
African Studies (Total Post (s) = 06)							
1964				1/01	UR	K.K. Virmani	07.08.1964
1979				02	UR	HarjinderSingh	15.01.1979
1998				03	UR	A.S. Yaruigam	17.08.1998
1998				04	OBC	Suresh Kumar	11.08.1998
2000				05	UR	Tribhuwan Prasad	09.08.2000
2000				06	UR	Jagdish Prasad Sharma	17.08.2000
Anthropology (Total Post (s) = 15)							
1963				1/01	UR	Sudesh Seth	16.07.1963
1967				02	UR	P.K. Seth	01.09.1967
1967				03	UR	I.S. Marwaha	30.09.1967
1969				04	OBC	M.K. Khumbnani	24.02.1969
1973				05	UR	M.K. Bhasin	06.03.1973
1973				06	UR	A.K. Kala	06.03.1973
1984				07	SC-1	V.C. Channa	12.09.1984
1985				08	OBC-2	V.K. Shrivastava	12.01.1985
1986				09	UR	M.P. Sachdeva	22.05.1986
1987				10	UR	SatwantiKapoor	12.02.1987
1996				11	UR	R.P. Mandal	13.12.1996
1997				12	OBC-3	IndraniChattopadhyaya	08.01.1997
2002				13	UR	Manoj Kumar Singh	15.11.2002
2002				14	ST-1	K.N. Saraswathi	18.11.2002
2002				15	SC-2	N.K. Mala Devi	02.04.2013

**Table – 5 :200 Point Post Based Reservation Roster with University as a Unit**

Year of recruitment/number of shortfall vacancies/reservation carried forward (+) (-) from previous years				Cycle NO./ Point NO.	Unreserved or reserved for SCs/STs/OBCs	Name of the person appointed Km./Smt./Sh./Dr.	Date of appointment
1	2	3	4	5	6	7	8
Year	SC	ST	OBC	CYCLE1			
Adult Continuing Education & Ext. (Total Post (s) = 05)							

1997				1/01	UR	J.P.Dubey	09.04.1997
1997				02	UR	V.K.Dixit	09.04.1997
1997				03	UR	Rajesh	09.04.1997
2014				04	OBC-1	Rahul Yadav	05.12.2014
2014				05	UR	VandanaSisodia	08.11.2014
African Studies (Total Post (s) = 06)							
1998				06	UR	Suresh Kumar	11.08.1998
1998				07	SC-1	A.S. Yarunigam	17.08.1998
2000				08	OBC-2	Tribhuvan Prasad	09.08.2000
2015				09	UR	RashmiKapoor	23.07.2015
2015				10	UR	SandipaniDash	01.10.2015
-				11	UR		
Anthropology (Total Post (s) = 15)							
1985				12	OBC-3	V.K. Srivastava	12.01.1985
1996				13	UR	R.P. Mandal	13.12.1996
1997				14	ST-1	IndraniChattopad haya	08.01.1997
2002				15	SC-2	Manoj Kumar Singh	15.11.2002
2002				16	OBC-4	K.N. Saraswathi	18.11.2002
2004				17	UR	BenrithingMurry	20.12.2004
2004				18	UR	Ram Prasad Mitra	20.12.2004
2009				19	OBC-5	AvitoliGZhimo	23.01.2009
2013				20	SC-3	Vipin Gupta	28.03.2013
2013				21	UR	ShivaniChandel	28.03.2013
2013				22	UR	MeenalDhall	28.03.2013
2013				23	OBC-6	ChakravartiMaha jan	01.04.2013
2013				24	UR	NaoremKiran Mala Devi	02.04.2013
2013				25	UR	Moirangthem Kennedy Singh	08.04.2013
2013				26	OBC-7	MitashreeSrivast ava	23.04.2013
2014				30	OBC-8	Mohd. Akram	12.11.2014

- From the portions of post-based reservation rosters with Department as a Unit and University as a Unit respectively depicted above, the phenomena of conversion of UR post into reserved post can be observed resulting into shortfall as follows:
  - 2<sup>nd</sup> point in the department based roster for the Department of African Studies which is a UR post becomes point no. 7 of the reservation roster with University as a unit and is reserved for SC category.

- 3<sup>rd</sup> point in the department based roster for the Department of Anthropology which is a UR post becomes point no. 14 of the reservation roster with University as a unit and is reserved for ST category.
- 4<sup>th</sup> point in the department based roster for the Department of Anthropology which is a OBC post becomes point no. 15 of the reservation roster with University as a unit and is reserved for SC category.
- It is clear that the shortfall that occurred due to switching over from department as a unit to University as a unit after recasting of the reservation roster is therefore purely unintentional and inexorable.

1.8 Response to the below quoted observation made in Para 39 of the Report –

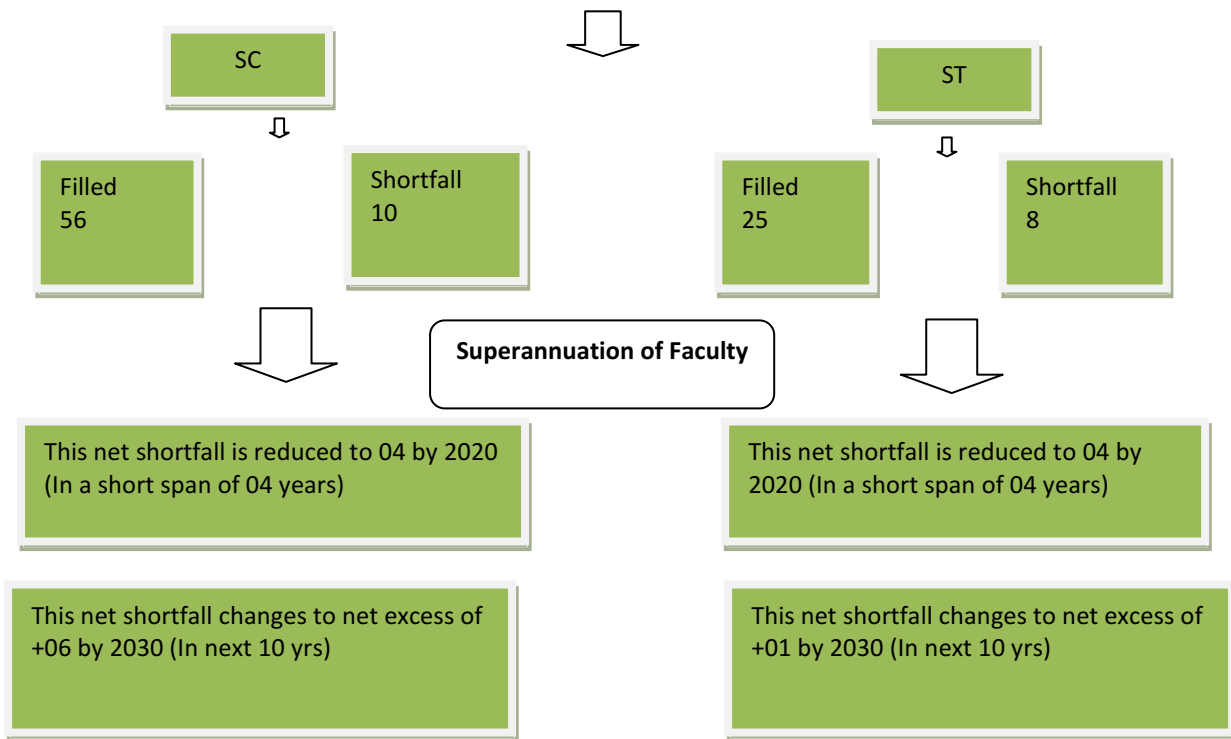
“The Committee are further dismayed to observe that inspite of the fact that restructuring of roster with effect from September, 2013 had not only increased the number of vacancies earmarked for SCs/STs and but has also extended the benefit of reservation to the posts of Associate Professor and Professor, still even after lapse of more than two years SC/ST representation in these grades are nominal. The Committee would like to recommend that University of Delhi should make all out efforts to fill the posts lying vacant for SCs/STs.”

- It is assured that University shall strive hard to fill the posts lying vacant for SCs and STs.
- The University has advertised 346 posts of Assistant Professor(of which 54 and 27 posts are for SC and ST respectively), 198 posts of Associate Professor (43 and 27 posts for SC and ST respectively)and 93 posts of Professor (16 and 07 posts for SC and ST respectively) across various departments/faculties in May 2015. The University expects to complete the interviews and recruitments at the earliest.
- Further, the University would undertake special drive for recruitment of SC/ST in case of backlogs<sup>7</sup> created, if any, after the present recruitment cycle.
- Figure-4 below clearly brings out that the shortfall, created by the process explained above, shall be offset in a very short span.

**Figure 4: Shortfall in cadre of Assistant Professors**

Assistant Professor  
Total 794, Filled 435 as on 29.02.2016





**This is because non-SC and non-ST category teachers occupying SC/ST roster position retire in greater number before SC and ST category teacher retire from non-SC/ST roster position. (This is because reservation for SC/ST category was adopted only after 1996).**

- It is worthwhile to mention that though the existing strength of Assistant Professor has increased from 421 to 435, yet the shortfall has remained stagnant.

1.9 Response to the below quoted observation made in Para 39 of the Report –

“From the above it seems that there is an imperative need to change mindset of the higher ups of University of Delhi to be positive and accommodative towards the talented and qualified SCs/STs candidates in order to achieve the goal for socio-economic development of SCs/STs enshrined in the Constitution of India. For this purpose, if necessary provisions of concession/relaxation can be exercised by University of Delhi.

The University provides various relaxations/concessions to the SC/ST category candidates as detailed below:

- In accordance with the UGC (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulations, 2010 as amended from time to time, the University has provided a relaxation of 5% marks at the graduate and post-graduate level to the applicants belonging to the Scheduled Castes/Scheduled Tribes/Persons with Disability categories while determining

the eligibility to apply for the teaching post and assessing his/her good academic record for the same.

- Table 6 depicts instances where relaxation in marks were given to candidates who applied for Assistant Professor post:

**Table - 6: Instances where relaxation in marks have been given to candidates from reserved categories**

Sr. No.	Advt. No.	Department	Number of candidates given relaxation
1.	Estab.IV/248/2013 dated 23 <sup>rd</sup> October, 2013	English	12-SC 03-ST
2.	Estab.IV/248/2013 dated 23 <sup>rd</sup> October, 2013	History	04-SC 06-ST
3.	Estab.IV/256/2015 dated 13 <sup>th</sup> May, 2015	CIC	07-SC 04-ST

- In addition, concession in application fees has been provided to SC/ST/PwD category applicants applying for various teaching positions under direct recruitment process. This provision has been made to enable more and more applicants from the reserved categories to apply for the advertised posts.
- Table 7 gives details of concession given in application fees to the applicants belonging to reserved categories.

**Table - 7: Concession in application fees given to reserved category applicants**

Name of Post	Advt. No.	Fee for UR	Fee for SC	Fee for ST
Associate Professor & Professor	Estab.IV/247/2013 dated 31 <sup>st</sup> October, 2013	Rs. 2000/-	Rs. 1000/-	Rs. 1000/-
Assistant Professor	Estab.IV/248/2013 dated 23 <sup>rd</sup> October, 2013	Rs.300/-	Rs.150/-	Rs.150/-
Associate Professor & Professor	Estab.IV/256/2015 dated 13 <sup>th</sup> May, 2015	Rs.2000/-	Rs.1000/-	Rs.1000/-

Assistant Professor	Estab.IV/256/2015 dated 13 <sup>th</sup> May, 2015	Rs.300/-	Rs.150/-	Rs.150/-
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1.10 Response to the below quoted observation made in Para 39 of the Report –

“The Committee would like to point out that many SC/ST candidates who teach at ad hoc positions in University of Delhi that too for many years at a stretch are labelled unsuitable whenever a permanent position arises. The Committee are of the view that ad hoc position in University of Delhi be filled up against vacant regular vacancies so that at least backlog vacancies can be cleared.”

Response to the below quoted observation made in Para 39 -

“The Committee would like to point out that many SC/ST candidates who teach at adhoc positions in University of Delhi that too for many years at a stretch are labelled unsuitable whenever a permanent position arises.”

- The University Ordinances permit ad hoc appointments for a limited duration to be made against vacancies occurring in regular posts in the interests of organisation of teaching in a department/college. Further, the ad hoc vacancies are filled on the basis of limited advertisement.
- The University further humbly submits that appointments of ad hoc teachers are done on the basis of the vacancies in the 200 point post-based roster, respecting the roster point (earmarked category) of those vacancy positions.
- Unlike the ad hoc vacancies which are filled for a limited period through limited advertisement, the regular vacancies of teachers are required to be filled after open advertisement and due recruitment process. Regular teaching vacancies are advertised widely including in the Employment News and applications are received from India and abroad.
- Ad hoc teachers apply for such regular vacancies when advertised. The ad hoc teaching experience gained by a candidate is given due consideration during the interview for direct recruitment which is of benefit to the ad hoc teachers who apply for regular post as and when advertised. Infact, it may not be out of place to mention that several of these adhoc teachers have been appointed on permanent basis in many of the colleges and departments of the University, after following due process.
- Moreover, protection of the interest of the SC/ST candidates is ensured by the presence of Observers from the reserved categories in the Selection Committees. Such Observers enjoy equivalent status as any other member of the concerned Selection Committee. The presence of

such Observers is a mandatory requirement, irrespective of whether the recruitment to the post under consideration is reserved for SC/ST or not.

- The University screening guidelines for the appointment of Assistant Professors give additional weightage to the teaching experiences which is brought out by Table 8 given below:

**Table –8 : Details of weightage given to past teaching experience in the screening guidelines for appointment of Assistant Professor**

Maximum 20 Points for University Departments or Colleges			
1.	Post Ph.D. research experience as post-doctoral fellow/Research Associate/ Research Scientist etc. in recognized University/ Institution in India or abroad	1 point for every 4 months OR 4 points for every 1 year	Maximum 20 points
2.	Teaching experience (as full-time ad hoc, temporary or permanent) in recognized University/College/ Institution)	1 point for every 4 months OR 4 points for every 1 year.	
Total points : Academic qualifications + Publications + Teaching/ Post Ph.D. research experience			Maximum 100 points

1.11 Response to the below quoted observation made in Para 39 of the Report

“The Committee are of the view that ad hoc position in University of Delhi be filled up against vacant regular vacancies so that at least backlog vacancies can be cleared.”

- It is further submitted that even while making adhoc appointments against regular/temporary vacancies, due care is taken to ensure that the adhoc appointments are made as per the points earmarked in 200 point post based reservation roster<sup>8</sup>with University as a unit, so that no shortfall is created. Hence, even in adhoc appointments, the reserved category posts are filled only by the respective category persons.
- Details of appointments made on adhoc basis at the level of Assistant Professor in few departments are given below in Table 9 to elucidate the same.

**Table–9 : Details of adhoc appointments in few departments as an illustration**

Sr. No.	Departments	Vacant Roster points	Appointments made
1.	Commerce	UR 07 OBC 04 SC 02 ST 01	UR-07 OBC-04 SC-02 ST-01
2.	Economics	UR 06 OBC 02 SC02 ST 01	UR-06 OBC-01 SC-01

3.	Education	UR 04 OBC 03 SC 02 ST 01 VH 01	UR-04 OBC-03 SC-02 ST-01
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- Infact, ad hoc appointment for any temporary/ad hoc vacancy created by leave/absence of a UR teacher, presently occupying a reserved post, is also filled by appointing an ad hoc faculty belonging to that reserved category on which the reservation point falls. For instance, if an adhoc appointment is to be made at point 14 (reserved for ST) in the department of Anthropology, which may be occupied by a UR person, only a person from ST category would be appointed on adhoc basis during the temporary absence of the concerned UR appointee.
- Thus ad hoc appointments are made as per allocated reservation points in the 200 point post based reservation roster<sup>9</sup> with University/college as a unit, even for the points where there is a shortfall, i.e. when a UR candidate, occupying a reserved post, relinquishes charge for a temporary period thereby creating an ad hoc vacancy. This principle which is adopted while making adhoc appointments ensures that no shortfall is created in the process but in fact existing shortfall is counterbalanced to that extent.

### Comments of the Committee

**1.12 From the reply of the Ministry of HRD, the Committee observe that inspite of reservation policy implemented for Assistant Professor in 1997 and Associate Professor and Professor from September 2013 and instructions issued by the University Grants Commission Ministry of HRD for its strict compliance, reservation rosters were re-cast as per DoPT guidelines in September 2013 only. Due to this inordinate delay in re-casting of rosters between 1997 to 2013 post at the level of Assistant Professor were filled up by the University of Delhi as per flawed/distorted roster without following guidelines laid down by the DoPT. As a result thereof, SC/ST genuine applicants for Associate Professor could not be appointed for the post of Assistant Professor and in place of them applicant from other category were appointed till 2013 which denied the legitimate right of reservation for the post of Assistant Professor approved by the Government since July 1997. In view of above, the Committee reiterate that reservation roster may be re-cast with effect from 2nd July, 1997 until now and on the basis of that backlog vacancies at the level of Assistant Professor, Associate Professor and Professor may be filled up at the earliest and for the purpose of filling of post of Associate Professor and Professor,**

**and if required, UGC may provide relaxation in this regard. The Committee may be apprised about the steps taken and progress made accordingly by the Ministry in this regard.**

**Recommendation (Sl. No. 2, Para No. 40 )**

1.13 The Committee are pained to note that even in non-teaching posts there is shortfall existing in various posts. This clearly indicates lackadaisical approach of University of Delhi towards filling up of the SC/ST vacancies. The Committee therefore would like to recommend that University of Delhi should strive to fill these posts at the earliest. The Committee express their strong displeasure over the complacent stand of University of Delhi on the matter. The Committee would also like to point out that while University of Delhi is a premiere institute among all over India offering various courses at graduate and under graduate level and it is at the helm of education, it is dismaying to note that such institute of excellence and brilliance is now turning into a place of social inequality and latent bias notorious for hurling caste based discrimination and ill treatment towards reserved category candidates. The Committee are baffled to note that University of Delhi on the pretext of recasting of roster has been delaying the process of filling up of posts. The Committee therefore direct University of Delhi and Ministry of Human Resource Development to draw out a strategy and provide the Committee with a clearcut deadline for filling up of these posts.

**Reply of the Government**

**1.14 Response of the University**

- Under the University Recruitment Rules, non-teaching posts are filled up by direct recruitment as well as through promotion/Limited Departmental Examination.
- The category-wise vacant positions of non-teaching posts to be filled on direct recruitment basis in the University as on 31.12.2015 is placed at **Annexure 1**.
- The University advertised various non-teaching posts to be filled on direct recruitment basis on 16.3.2015, and is in the process of advertising some more vacant posts under the non-teaching category.
- The recruitment process had to be held back for a period in accordance with an advisory from MHRD in this respect, wherein the University was required to hold back the recruitment process pending joining of the regular Vice Chancellor. The process would now be re-initiated. The University will endeavour to complete the process by the end of 2016.

### **Comments of the Committee**

1.15 From the reply of Ministry of HRD regarding filling up of non-teaching post, the Committee observe that a large number of non-teaching posts are lying vacant and are to be filled on direct recruitment basis by the university as on December 2015. For the purpose university advertised various non-teaching posts in March 2015 and University is still in process of advertising some vacant posts. The Committee note that recruitment process had to be held back for a period in accordance with an advisory from MHRD in this respect, wherein the University was required to hold back the recruitment process pending joining of the regular Vice Chancellor. The Committee note that the process would now be re-initiated and for the purpose, the University will endeavour to complete the process by the end of 2016. From the above reply of the Ministry, the Committee observe that Delhi University is not serious in filling up of non-teaching posts of direct recruitment as well as their promotion/limited departmental examination is enough and dilly-dallying persistently on the matter. Accordingly, the Committee express its serious concern in the matter and recommend that within a time period of four months all vacant posts in non-teaching grades must be filled up by the University of Delhi and progress report to this effect from time to time may be apprised to the Committee. The Committee also desire the Ministry to take further appropriate actions/steps to complete the required work within stipulated time limit.

### **Recommendation (Sl. No. 3, Para No. 41)**

1.16 Reservation for the post of Principal

The Committee are of the view that the posts of the Principals of the colleges under the University of Delhi should be pooled in order to apply the rule of reservation. The Committee would like all the concerned authorities to examine this and submit a report.

### **Reply of the Government**

1.17 Response of the University

- The Colleges of the University of Delhi comprise of
  1. Trust Colleges
    - a. Trust Colleges with Maintenance Grant 95% by UGC and 5% by Trust
    - b. Trust Colleges with Maintenance Grant 100% by UGC
  2. Delhi Administration Colleges
    - a. Colleges with 100% Financial assistance by Delhi Government
    - b. Colleges with Maintenance Grant 95% by UGC and 5% by Delhi Government

3. Delhi University Maintained Colleges with 100% Maintenance Grant from UGC
  4. In addition, there are Colleges conducting professional/medical/ engineering courses which are either fully maintained by the Central/Delhi Government and those colleges run by Societies that obtain no funding from UGC/Government.
  5. Minority Colleges with Maintenance Grant 95% by UGC and 5% by Trust.
- The post of College Principal constitutes a single post cadre to be filled by direct recruitment which is not subject to reservations as per the law laid down by the Supreme Court (see *Post Graduate Institute of Medical Education & Research, Chandigarh v. Faculty Association and others*, (1998) 4 SCC 1, where the Court held: “*In a single post cadre, reservation at any point of time on account of rotation of roster is bound to bring about a situation where such a single post in the cadre will be kept reserved exclusively for the members of the backward classes and in total exclusion of the general members of the public. Such total exclusion of general members of the public and cent per cent reservation for the backward classes is not permissible within the constitutional framework. The decisions of this Court to this effect over the decades have been consistent. Hence, until there is plurality of posts in a cadre, the question of reservation will not arise because any attempt of reservation by whatever means and even with the device of rotation of roster in a single post cadre is bound to create 100% reservation of such post whenever such reservation is to be implemented...*”
  - Furthermore, following the UGC (Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulations, 2010 the appointment of a Principal is only for a term of five years.
  - The colleges and institutions admitted to the privileges of the University are governed by Governing Body specific to each College/Institution constituted in accordance with the provisions of the Act, Statutes and Ordinances of the University, which is the appointing authority of the Principal in terms of Clause 7(2)(a) Ordinance XVIII of the Ordinances of the University which inter alia states that “*The appointment of the Principal shall be made by the Governing Body of the College...*”. Accordingly, not only are the colleges distinct entities having distinct sources of funding, the appointing authority for the recruitment of Principal in each college is also distinct.



- The University abiding by extant rules<sup>10</sup> in this respect, treats the standalone single cadre post of Principal of each college as unreserved.
- However, it is reiterated that the University will be guided by the UGC/MHRD on the modalities of introducing reservations in the appointment of Principals.

#### 1.18 Reservation for the post of Principal

The Committee would also like to apprise of the number of SC/ST candidates who had occupied the post of Principal in the past, the number of eligible SC/ST candidates who had been shortlisted for the post of Principals in the last 05 years and the reasons for them not being appointed.

#### Response of the University

- Selections for the post of Principal were held in 15 colleges in the past 5 years. Table 10 indicates the details of applicants with respect to the Colleges where the posts of Principals have been advertised and filled in the past 05 years.

**Table – 10 : Details of applications received from reserved category candidates in response to the advertisement for the post of Principal**

S. No.	College Name	No. of SC Candidates Applied	No. of ST Candidates Applied	Candidates belonging to SC Categories shortlisted	Candidates belonging to ST Categories Shortlisted
1	AditiMahavidyalaya	Nil	Nil	N.A.	N.A.
2	Aryabhatta College	Nil	Nil	N.A.	N.A.
3	Atma Ram Sanatan Dharma College	One	Nil	None	N.A.
4	Bhaskaracharya College of Applied Sciences	Nil	Nil	N.A.	N.A.
5	Daulat Ram College	Nil	Nil	N.A.	N.A.
6	Dyal Singh Evening College	Nil	Nil	N.A.	N.A.
7	Lakshmibai College	Nil	Nil	N.A.	N.A.
8	Lady Shri Ram College	One (did not have the required minimum API Score)	Nil	None	N.A.
9	PGDAV College (Day)	Nil	Nil	N.A.	N.A.
10	PGDAV College (Eve.)	Nil	Nil	N.A.	N.A.
11	ShaheedBhagat Singh College	Nil	Nil	N.A.	N.A.

12	ShaheedRajguru College of Applied Sciences	Nil	Nil	N.A.	N.A.
13	ShyamLal College	Nil	Nil	N.A.	N.A.
14	ShyamLal College (Eve.)	Nil	Nil	N.A.	N.A.
15	ZakirHussain Delhi College (Eve.)	Nil	Nil	N.A.	N.A.

- It would be seen from Table 10 that, except in the case of two colleges, candidates from SC/ST categories did not apply for the post of Principal that were advertised.
- All eligible candidates who applied for the post of Principal were considered by a duly constituted Selection Committee, having mandatory Observer from reserved category as member, in a fair, impartial and transparent manner.

### Comments of the Committee

**1.19 The Committee had recommended that posts of principals of the colleges under the University of Delhi should be pooled in order to apply rule of reservation. The Committee are given to understand that Committee under the Ministry of HRD informed that post of college principals constitutes a single post cadre to be filled by direct recruitment which is not subject to reservation as per the law laid down by the Supreme Court. The Committee observe that out of 80 colleges under the University of Delhi none of the college principal belongs to reserved category. Keeping in view the interests of SCs/STs, the Committee are of the firm view that without the introduction of reservation policy for the post of college principal, it is not possible to have a single college principal from reserved category. The Committee, therefore, again strongly recommend that there must be reservation policy by pooling the post of principal under the University of Delhi Accordingly, the rule of reservation for SC/ST may also be followed for appointment of principals in every college of the University of Delhi and other Central Universities also. The Committee are of the view that if required, for the purpose, Government may bring a reservation Bill in Parliament and enact it as early as possible to make reservation policy binding in all institutions/Ministries/Departments including higher positions like Principals etc. In case the seats reserved for SC/ST applicants are not filled up by any way then reasons thereof alongwith efforts made in this regard including relaxation proposed must be communicated by the Ministry to the Committee.**

### **Recommendation (Sl. No. 6, Para No. 44)**

1.20 The Committee note that in the roster as recasted, college is taken as a unit and departments are placed in an alphabetic order. The Committee are concerned to note that the recasted roster is being tampered with to deny even entry level representation to SC and ST candidates and is being manipulated according to the whims and fancies of the college authority like in Aryabhata College. Recently in August 2015 when Aryabhata College advertised vacancies for Assistant Professor, there was no post reserved for ST category at all. The Committee are distressed to note that out of total 47 Asst. Professor, Associate Professor and Professor no ST candidate was in position. The Ministry of Human Resource Development, UGC and College Authority informed the Committee as per commitment made, it is assured that the College will advertise one post of ST category by 31 August, 2015 and therefore reservation roster for teaching posts will be recasted by Aryabhata College as per DoPT guidelines to fill up remaining posts of ST category in the next round of recruitment in about three months time. The Committee are pained to observe the plight of SC/ST teachers who are at the receiving end of this blatant violation of reservation rules framed by DoPT. The Committee are also pained to note that the SC/ST teachers who are already in lurch because of the 200 point rosters as their rightful places are occupied by general category candidates, are given hard times when they apply for meagre posts which are advertised now and then. The Committee finds the nonchalance of University of Delhi in this matter deplorable. The Committee would therefore like to recommend the University of Delhi should address the matter expeditiously and should do away with their trite and languid response in the matter of recruitment of SC and ST teachers.

### **Reply of the Government**

#### 1.21 Response of the University

- The University has respectfully taken note of the concern of the Parliamentary Committee with regard to Aryabhata College. On the advice of the Parliamentary Committee on the Welfare of the SCs and STs, the College had advertised one post of Assistant Professor in Computer Science (reserved for ST category) in the national dailies on 21.8.2015. As per information provided by the college and also submitted to the Hon<sup>ble</sup> Parliamentary Committee, the recruitment and the appointment of the Assistant Professor in the Department of Computer Science is now complete and this has been incorporated in the roster.

- As is the case with several colleges, the number of posts utilised by the college changed upon the roll back of the FYUP and subsequently with the introduction of the Choice Based Credit System, and the start of new courses at the undergraduate level. The college is accordingly being advised to submit its recast roster based on the teaching strength/approved courses under the Choice Based Credit System for vetting by the University.

### **Comments of the Committee**

**1.22 In the first instance, the Committee may be apprised about the updated status of the vacancies filled up in teaching and non-teaching side by the Aryabhata College. Further Committee may also be informed about the admissions status of the students in various disciplines in the various colleges of the University of Delhi including Aryabhata College and relaxation given to facilitate admissions of the SC/ST students in various disciplines by the University of Delhi and its overall effect on admission of SCs/STs students. Based on the aforesaid information, the Committee will review the aforesaid matters.**

### **Recommendation (Sl. No. 7, Para No. 45)**

#### **1.23 Role of Liaison Officer**

The Committee are bewildered to note that despite there being Liaison officers at college and University levels, the SC/ST faculty members are still being given raw deal and there is no hearing to the endless pleas of SC/ST teachers. The Committee would like to recommend that there should be a proper mechanism in place for settling the complaints of aggrieved SC/ST teachers. The Committee would like to direct that the Liaison officers appointed in various colleges and University of Delhi should act in a vigilant manner and should not let any instances of caste discrimination go unnoticed. The Committee would further like to recommend that any such caste based matter should be treated with sensitivity and urgency. In light of various discrepancies in the rosters which have come to notice of the Committee, it would like to express their grave displeasure over inaction on the part of Liaison officers appointed among various colleges. The Committee further recommend with due emphasis that various colleges authorities look into the matter and take necessary action in the spirit of reservation policy framed by Government of India. It is quite clear that the college authorities have time and again attempted to deprive SC/ST candidates of their legitimate dues as well as opportunities. The Committee are further alarmed to note that such acts of visible bias are still prevalent right under the nose of Liaison officers who are legally empowered to act as watchdogs for protection of SC/ST candidates rights and ensuring proper implementation of reservation policy. Needless to say the

Committee expects the Liaison officers to perform their duties in a free and fair manner and asserts that any act of discrimination and caste abuse if it goes unheard and unattended on their watch then the onus of responsibility should fall squarely on them. The Committee impresses on the respective college authorities to act on the discrepancies pointed out by Liaison officers and shoulder the responsibility in case they ignore the findings of the Liaison officers. The Committee would further like to recommend that there be generation of an exclusive SC/ST cell to cater such complaints and that a separate complaint register be maintained to record complaints/grievances of SC/ST employees clearly indicating date of receipt of complaint, nature of each case and its disposal.

### **Reply of the Government**

#### **1.24 Response of the University**

- The University submits that each college has a Liaison Officer (SC/ST) who duly monitors the maintenance of the rosters, which in turn, is also vetted by the Liaison Officers of the University.
- In accordance with the recommendation of the Parliamentary Committee, the University has communicated to all Colleges to take necessary steps to ensure that Office of the Liaison Officers of each College function also as a SC/ST Cell and it is duly equipped to both register the grievances of SC/ST teaching and non-teaching employees systematically and redress these grievances in a time-bound manner in due consultation with the competent authority of the College.
- Likewise, the Liaison Officer (SC/ST) of the University has also been administratively equipped to register and redress the grievances of SC/ST employees in consultation with the competent authority in a time-bound manner and shall accordingly function as a Special Cell for SC/ST teachers and non-teaching employees. Adequate office infrastructure has been made available for this purpose. In addition, the University ensures that Liaison Officers and related officials avail adequate training opportunities in these matters, so that they, may in turn conduct the necessary training and sensitisation programmes for the wider University community. Copies of relevant letters/notifications issued are placed at **Annexure- 2**.

### **Comments of the Committee**

**1.25 To review the effectiveness of the Liaison Officer working in University of Delhi Committee in the first instance, would like to know the details of number of grievances/complaints of SC/ST teaching and non-teaching employees received and redressed**

**within a time bound frame by the University of Delhi in consultation with the Liaison Officer. The Committee would like to opine on the matter after observing all the aspects in this regard.**

### **Recommendation (Sl. No. 9, Para No. 47)**

1.26 The Committee in view of observations made in preceding paras have desired that a "Fact Finding" Committee/Study Group may be constituted by the Government of India with due representation from SC/ST Associations to look into the correctness of the reservation roster maintained in DU as per DoPT guidelines and to suggest ways and means to implement reservation policy effectively. The Committee also desire that responsibility may be fixed for discrepancy in the roster and violation of reservation policy. Considering the gravity of the matter, the Committee further desire that they may be apprised of the action taken in this regard within 3 months of presentation of this Report to the Houses of Parliament.

### **Reply of the Government**

#### **1.27 Response of the University**

- The University of Delhi, a central University, remains committed to implement the national policy of reservations applicable in central universities for teaching/non-teaching positions, as communicated by the UGC from time to time.
- As directed by the UGC, the University switched from vacancy-based rosters to post-based rosters with effect from 2.7.1997 in 1999 in accordance with the DOPT OM 36012/2/98-Estt.(Res) which the UGC communicated to the University. This DOPT OM defined a „cadre“ for the purpose of roster as “a particular grade and shall comprise the number of posts to be filled by a particular mode of recruitment”.
- Since (i) the qualification for posts in each department is different based on the relevant subject, (ii) the composition of the selection committees for recruitment in each department is distinct with domain-specific different subject experts/nominees, etc. and, (iii) teaching posts are not transferable across departments notwithstanding that teachers across different departments may be in the same grade, the University adopted department-based rosters w.e.f 2.7.1997 starting with the earliest existing appointment and placing them chronologically in the post-based roster as indicated by the above-mentioned DOPT OM as was also done by various Universities at that time.
- Subsequently, the UGC directed the University that if teaching and non-teaching post are not transferable on an inter-University or inter-College basis, the reservation policy should be implemented, taking the University or College as a unit. The University accordingly complied with the direction by issuing an OM dated 3.9.2013 for implementation of reservation in appointment

of SCs and STs to the posts of Associate Professor and Professor (reservation at the level of Assistant Professor for SC/ST was already introduced in 1996 by the University) and that the reservation policy would be implemented in all teaching and non-teaching posts, taking the University and College as a unit.

- The University also kept in mind the law laid down by the Supreme Court while recasting the new University/college-wise rosters. The Supreme Court in *Dr. Suresh Chandra Verma And Ors vs. Chancellor, Nagpur University* 1990 AIR SC 2023 categorically stated, “According to us, the word „post“ used in the context has a relation to the faculty, discipline, or the subject for which it is created. When, therefore, reservations are required to be made in „post“ the reservations have to be post wise, i.e., subject wise.”
  - It may be noted that posts sanctioned by the UGC are allotted by the Executive Council in the University (and by the Governing Body in colleges) Department-wise/subject-wise. Any roster adopted by the University must, therefore, indicate department/subjects and respective roster points when such posts are created/allotted, and not merely at the time of recruitment.
  - The Executive Council approved the details of the modalities for implementation of reservation roster for appointment in teaching posts vide the EC Res. No. 64 dated 28.9.2013. While drawing up these modalities, the Executive Council kept the UGC directions to have a single roster for the University, the law laid down by the Supreme Court regarding reservations to be done „subject wise“, and the DOPT OM of 1997, regarding recasting a post-based reservation roster in mind. Based on the modalities adopted by the Executive Council, a single roster is now maintained with posts arranged departmentally in alphabetical order starting with the earliest appointment.
  - Complying with DOPT OM, UGC guidelines and the decision of the Supreme Court cited above require that the roster clearly indicate the category to which each roster point relates and also the department/subject to which every sanctioned post relates, starting with the earliest teacher appointed in each department at the time of recasting the roster.
  - The roster thus indicates the subject as well as the relevant roster point of both filled and vacant posts which increases transparency and fairness. (The University would like to submit that the post-based roster adopted by AIIMS, New Delhi also adopts a 200 point post based roster<sup>11</sup>with departments arranged alphabetically).
  - Such identification of the roster point of the department/subject of each individual post right from the time of casting the roster and notifying the same, eliminates any discretion and manipulation whatsoever in the determination of post that should be reserved/unreserved at the time of
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advertisement/recruitment.

- The University of Delhi as a leading University attracts academicians from all over India, and even abroad. Such an approach reduces arbitrariness and increases transparency in the recruitment process since the vacant post, along with its department/subject as well as the roster point i.e. SC/ST/OBC/UR, is clearly indicated.
  - Thus, keeping all these aspects in mind, the Executive Council adopted the modalities for a single 200 point post-based reservation roster<sup>12</sup>single roster for the University/College as a whole on 28.9.2013.
  - The University submits that the modalities adopted by the University, to introduce a single reservation roster for the University/College as a whole based on the direction of the UGC/MHRD, were challenged in the Hon<sup>ble</sup> High Court of Delhi in WP(C) 803/2014. The Hon<sup>ble</sup> High Court has dismissed this petition on 3 February, 2016.
  - It is further pertinent to note that the MHRD and UGC were also made respondents in the said writ petition. The MHRD submitted before the Hon<sup>ble</sup> Court that the national reservation policy was binding on all central educational institutions receiving grants-in-aid from the Government of India through the UGC, and that it was the responsibility of the UGC for ensuring compliance with the national reservation policies. **The UGC's submission before the Court, and as recorded in the Court orders, has been that the University modalities for implementing the reservation roster is in accord with the relevant UGC guidelines.** As already pointed out, the Hon<sup>ble</sup> High Court has dismissed the writ petition.
  - As has already been noted by the Hon<sup>ble</sup> members of the Parliamentary Committee, the shifting from the department based rosters to a single 200-point rosters<sup>13</sup>for the University/College as-a-whole, has resulted in an increase in the number of reserved posts for the same total number of sanctioned posts in the University/College. This is a result of smaller departments now getting merged in a single roster as directed by the UGC resulting in the immediate availability of all reservation roster points, which was otherwise not possible under the smaller 13-point rosters<sup>14</sup>.
  - As a result, in the University, there is an overall shortfall of SC/ST category appointees against the (now increased) SC/ST roster points.
  - Another reason for the shortfall has been that the University introduced reservation for SC/ST in the University and Colleges at the level of Lecturer (Assistant Professor) in 1996. Teachers appointed prior to 1996 (and several are in service at the current time) were appointed as
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unreserved/general category and contribute to the present shortfall. This has been acknowledged by DOPT OM dated 2.7.1997 which noted that at the stage of the initial operation of the roster it will be necessary to adjust existing appointments in the roster. As posts get vacated and filled with the respective roster point, the post-based roster will ensure the required reservations are achieved and maintained. The occurrence of shortfalls and excesses with respect to a specific category are an inevitable but transient phenomenon associated with the initial adoption of a single post-based University-as-a-unit roster.

- The DOPT OM has clarified that the rosters *“have been drawn up keeping in mind two fundamental principles – the reservations for the entitled categories is to be kept within the prescribed percentages of reservation and the total reservation should in no case exceed 50 % of the cadre;”* The DOPT OM dated 2.7.1997 (and which has also been incorporated in the modalities adopted by the Executive Council on 28.9.2013) states as follows: *“The roster is to be operated on the principle of replacement and not as “running account” as hitherto. In other words, the points at which reservation for different categories applies are fixed as per the roster and vacancies caused by retirement etc. of persons occupying those posts shall be filled by appointment of persons of the respective categories.”* The principle of replacement is to ensure these outcomes.
- In the University, at the level of Assistant Professor with 794 posts, and after excluding the vacant posts which are in the process of being filled, there is a net shortfall of 10 posts of SC and 08 posts of ST category. The University has considered some suggestions made to address the shortfall in the recruitment of SC/ST category, in particular, a suggestion to allot vacant UR roster point posts to meet a shortfall in the SC/ST/OBC category. The University has carefully considered this suggestion and would like to submit as follows: Under the current replacement principle directed by the DOPT, it is clear that the shortfalls and excesses change with every replacement. It is important to note that shortfalls and excesses must be computed keeping in mind the ensuing retirements in each time period to verify whether the number of reserved positions exceeds 50%.
- An analysis of University posts of Assistant Professors shows that, after accounting for retirements, in the current time period ending 31-12-2020, that is within a short span of 04 years, there will be a net shortfall of 04 for SC and 04 in the ST category. This **Net Shortfall in positions evolves into a Net Excess** for SC (+06) and ST (+01) in a subsequent time period ending 31-12-2030. This is because non-SC and non-ST category teachers occupying SC/ST roster positions retire in greater numbers before SC and ST category teachers retire from non-SC/ST roster positions (possibly because the appointment of SC/ST was adopted only after

1996). This evolution from a Net Shortfall to a Net Excess must be kept in mind, and any attempt to adjust current Shortfalls in an ad hoc manner, ignoring the DOPT principle of replacement of vacancies in accordance with post-based roster points, may result in the violation of the principle that reservations should in no case exceed 50 percent of the cadre in a subsequent time period. In view of the above data and in accordance with the DOPT OM of 1997, the University submits that the principle of replacement, as adopted in the post-based roster, will ensure compliance with the national reservation policy.

- It may be pointed out that various Universities under the UGC/GOI (as evidenced from the roster available on their websites as on date) have followed different modes of maintaining their rosters as is indicated below. As will be noticed, there appears to be **multiple ways** in which the Central Universities themselves are maintaining their rosters. Some are listed below for easy reference.
- Some Universities have multiple rosters in the same University, with each School/Faculty having a separate roster. Their Executive Council resolution permitting School-wise rosters is available online.
- Some Central Universities maintain single rosters with the University as a unit as required by UGC. Posts are arranged based on the date on which they were sanctioned. Further, within each set of posts in a common sanction order, filled posts are arranged by adjusting according to the appropriate roster point instead of chronologically starting with the earliest existing appointment. Vacant posts are indicated along with the subject across various points in the roster.
- Some Universities maintain single rosters with the University as a unit as required by the UGC are maintained. Filled posts are arranged by adjusting according to the appropriate roster point instead of chronologically starting with the earliest existing appointment. Vacant posts are indicated along with the subject across various points in the roster.
- The instances cited above show that various central Universities have chosen multiple methods of making their rosters while implementing the national policy on reservations.
- The University of Delhi would like to submit that that its rosters have been drawn up after carefully studying and keeping the DOPT OMs, the UGC guidelines, the specificity of the University and the law laid down by the Hon<sup>ble</sup> Supreme Court in mind and that it fulfils all the criteria required of it as a central university adhering to the national policy of reservation. The UGC too has indicated (as recorded in the orders of the court case cited above) that the rosters of the University of Delhi are in accord with its guidelines.
- In view of the above, the University respectfully submits that its rosters are in accordance with the national policy on reservations as communicated by the UGC and the University is

committed to effective implementation of the national policy of reservation.

- Without prejudice to the submissions made herein, it is humbly reiterated that the University will sincerely endeavour to be guided by any further direction the UGC/MHRD may communicate in this regard.

### **Comments of the Committee**

**1.28 The Committee observe that number of colleges had committed discrepancies in preparation of roster in violation of reservation policy and moreover same was pointed out by the DoPT in their random visit to selective colleges on suggestion made by the Committee in this regard. The Committee, therefore, again strongly recommend that all roster made by the colleges under the University of Delhi must be in conformity with DoPT guidelines, otherwise UGC may take strict action against the concerned colleges. The Committee may be apprised about the action/steps taken by the UGC against the concerned colleges and progress made in this regard.**

## CHAPTER II

### RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

#### **Recommendation (Sl. No. 2, Para No. 40)**

2.1 The Committee are pained to note that even in non-teaching posts there is shortfall existing in various posts. This clearly indicates lackadaisical approach of University of Delhi towards filling up of the SC/ST vacancies. The Committee therefore would like to recommend that University of Delhi should strive to fill these posts at the earliest. The Committee express their strong displeasure over the complacent stand of University of Delhi on the matter. The Committee would also like to point out that while University of Delhi is a premiere institute among all over India offering various courses at graduate and under graduate level and it is at the helm of education, it is dismaying to note that such institute of excellence and brilliance is now turning into a place of social inequality and latent bias notorious for hurling caste based discrimination and ill treatment towards reserved category candidates. The Committee are baffled to note that University of Delhi on the pretext of recasting of roster has been delaying the process of filling up of posts. The Committee therefore direct University of Delhi and Ministry of Human Resource Development to draw out a strategy and provide the Committee with a clear cut deadline for filling up of these posts.

#### **Reply of the Government**

2.2 Please see Para No. 1.14 of Chapter I.

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

2.3 Please see Para No. 1.15 of Chapter I.

#### **Recommendation (Sl. No. 6 Para No. 44)**

2.4 The Committee note that in the roster as recasted, college is taken as a unit and departments are placed in an alphabetic order. The Committee are concerned to note that the recasted roster is being tampered with to deny even entry level representation to SC and ST candidates and is being manipulated according to the whims and fancies of the college authority like in Aryabhata College. Recently in August 2015 when Aryabhata College advertised vacancies for Assistant Professor, there was no post reserved for ST category at all. The Committee are distressed to note that out of total 47 Asst. Professor, Associate Professor and Professor no ST candidate was in position. The Ministry of

Human Resource Development, UGC and College Authority informed the Committee as per commitment made, it is assured that the College will advertise one post of ST category by 31 August, 2015 and therefore reservation roster for teaching posts will be recasted by Aryabhata College as per DoPT guidelines to fill up remaining posts of ST category in the next round of recruitment in about three months time. The Committee are pained to observe the plight of SC/ST teachers who are at the receiving end of this blatant violation of reservation rules framed by DoPT. The Committee are also pained to note that the SC/ST teachers who are already in lurch because of the 200 point rosters as their rightful places are occupied by general category candidates, are given hard times when they apply for meagre posts which are advertised now and then. The Committee finds the nonchalance of University of Delhi in this matter deplorable. The Committee would therefore like to recommend the University of Delhi should address the matter expeditiously and should do away with their trite and languid response in the matter of recruitment of SC and ST teachers.

### **Reply of the Government**

**2.5 Please see Para No. 1.21 of Chapter I.**

### **Comments of the Committee**

**2.6 Please see Para No. 1.22 of Chapter I.**

### **Recommendation (Sl. No. 7 Para No. 45)**

2.7 The Committee are bewildered to note that despite there being Liaison officers at college and University levels, the SC/ST faculty members are still being given raw deal and there is no hearing to the endless pleas of SC/ST teachers. The Committee would like to recommend that there should be a proper mechanism in place for settling the complaints of aggrieved SC/ST teachers. The Committee would like to direct that the Liaison officers appointed in various colleges and University of Delhi should act in a vigilant manner and should not let any instances of caste discrimination go unnoticed. The Committee would further like to recommend that any such caste based matter should be treated with sensitivity and urgency. In light of various discrepancies in the rosters which have come to notice of the Committee, it would like to express their grave displeasure over inaction on the part of Liaison officers appointed among various colleges. The Committee further recommend with due emphasis that various colleges authorities look into the matter and take necessary action in the spirit of reservation policy framed by Government of India. It is quite clear that the college authorities have time and again attempted to deprive SC/ST candidates of their legitimate dues as well as opportunities. The Committee are further alarmed to note that such acts of visible bias are still prevalent right under the

nose of Liaison officers who are legally empowered to act as watchdogs for protection of SC/ST candidates rights and ensuring proper implementation of reservation policy. Needless to say the Committee expects the Liaison officers to perform their duties in a free and fair manner and asserts that any act of discrimination and caste abuse if it goes unheard and unattended on their watch then the onus of responsibility should fall squarely on them. The Committee impresses on the respective college authorities to act on the discrepancies pointed out by Liaison officers and shoulder the responsibility in case they ignore the findings of the Liaison officers. The Committee would further like to recommend that there be generation of an exclusive SC/ST cell to cater such complaints and that a separate complaint register be maintained to record complaints/grievances of SC/ST employees clearly indicating date of receipt of complaint, nature of each case and its disposal.

### **Reply of the Government**

**2.8 Please see Para No. 1.24 of Chapter I.**

### **Comments of the Committee**

**2.9 Please see Para No. 1.25 of Chapter I.**

## CHAPTER III

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

#### Recommendation (Sl. No. 4, Para No. 42)

3.1 The Committee would like to stress that vacant teaching posts only impedes quality of Higher Education, and there is an urgent need to fill up all the vacant teaching posts in University of Delhi, colleges. There are enough candidates available from the SC/ST community who can take up teaching and non-teaching posts, but the unwillingness on the part of the college authorities remains main cause for non filling up of the vacant posts. The Committee would like to assert that a positive attitude with implementation of affirmative action plan for SC/ST community can bring positive change in the society. In this regard the role of UGC and University of Delhi is of utmost importance as a watchdog and a guide. The Committee would like to recommend that strict action must be taken against colleges which are not implementing reservation policy in recruitment of backlog vacancies as per DoPT guidelines. The Committee further recommend that a monitoring body should be constituted which would regularly examine reservation rosters prepared as per DoPT guidelines and to ensure that strict implementation of reservation policy for bringing about social justice for reserved category candidates. The Committee have been informed that with a purpose to fill backlog vacancies advertisement have been given and the last date for submission of application was 5 June, 2015. The Committee would thus like to be apprised of the number of SC/ST candidates who had applied against advertised posts and how many SC/ST posts have been filled up till date. The Committee also strongly recommend that the University should plan to undertake Special Recruitment Drive for filling up vacant backlog seats earmarked for SCs and STs within three months from date of presentation of this report.

#### Reply of the Government

#### 3.2 Response of the University

Response to the below quoted observation made in Para 42 -

“The Committee would like to recommend that strict action must be taken against colleges which are not implementing reservation policy in recruitment of backlog vacancies as per DoPT guidelines.”

- Colleges are required to comply with the national reservation policy applicable to central universities for teaching positions as communicated by the UGC from time to time and duly adopted by the Executive Council of the University. The Colleges have

accordingly adopted 200 point post-based reservation roster<sup>15</sup>, treating each College as a unit.

- The University has clarified the expression “back-log vacancies” in light of relevant DOPT OMs (DOPT OM No. 36033/1/2008 Estt (Res.) dated 15.07.2008 and DOPT OM No. 36012/17/2002 Estt (Res) dated 6.11.2003) and Colleges are expected to fill such back-log vacancies accordingly.
- Prior to the recasting of the roster in 2013, most Colleges had completed their recruitment of sanctioned posts (as sanctioned at that time) following special recruitment drives. The additional sanctioned posts allotted to various colleges as a consequence of the mandatory increase of seats in admission following the Central Educational Institutions (Reservations in Admissions) Act, 2006 are now currently being filled based on the single 200 point roster<sup>16</sup> at the level of each College, with the college as a unit, in compliance with relevant UGC communications.

### 3.3 Response to the below quoted observation made in Para 42 -

“The Committee further recommend that a monitoring body should be constituted which would regularly examine reservation rosters prepared as per DoPT guidelines and to ensure that strict implementation of reservation policy for bringing about social justice for reserved category candidates.”

- Pursuant to the recommendation of the Parliamentary Committee, the University has decided to constitute a Monitoring Committee which would regularly examine the reservation rosters and monitor the implementation of the reservation policy.
  - The Monitoring Committee will examine, on an on-going basis, the reservations rosters maintained by various colleges to monitor compliance with the national reservation policy applicable to central universities for teaching positions as communicated by the UGC from time to time and duly adopted by the Executive Council of the University.
  - The reservation rosters are to be updated annually as on 1<sup>st</sup> January of each year by each college which must be vetted by the respective Liaison Officers of the College and University.
  - The rosters are also currently uploaded on the website of the respective College to
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ensure transparency and accountability. The University rosters at the levels of Assistant Professor, Associate Professor and Professor are also to be updated annually. These rosters are available on the website of the University.

#### 3.4 Response of the University regarding representations submitted to the Parliamentary Committee regarding specific Colleges (para 2 of the Report of the Parliamentary Committee)

- In addition, the University would like to respectfully submit that it has taken care to ensure that the roster of every college is duly vetted and is in accordance with the national policy of reservations as communicated by the UGC from time to time. In this connection, the University would like to respectfully submit that based on representations submitted to the Parliamentary Committee regarding specific Colleges (para 2 of the Report of the Parliamentary Committee), the following steps have been taken:

##### ***ZakirHussain Delhi College:***

When the roster for ZakirHussain Delhi College was approved by the University on 01.11.2013, the positions earmarked for the reserved categories in the Department of English were as under: Roster point No. 74, 81 and 87 for SC; Roster point No. 80 for ST and Roster point No. 75, 78, 82 & 86 for OBC.

There was a backlog post of ST from the time of the department-wise roster, and upon recasting and moving to a single roster for the college as per UGC guidelines, the said ST roster point is now occupied by an UR category teacher. The filling of the ST category vacancy was given primacy and the college was informed that one post of ST (against a vacant SC post in roster point No. 87) and one post of OBC (roster point No. 86) may be filled up. It has been ascertained from the college that they have filled up the vacancies accordingly. In view of the above, the University has informed the College that as the backlog vacancy for ST was adjusted against an SC reserved post, the next vacancy arising in the subject of English is to be adjusted against the SC post and is to be advertised accordingly.

##### ***Lakshmibai College***

The University submits that as per the reservation roster of Lakshmibai College, out of a total of 154 teaching posts, 23 posts are allotted to SC, 11 posts to ST and 41 posts to the OBC category. As per the roster, the 20 posts of the Department of Political Science figure at roster point 124 to 143, with roster points number 127, 135 and 140 are earmarked for

3.5 SC, point number 136 earmarked for ST and point numbers 126,130, 134, 138 and 141 earmarked for OBC. It is pertinent that as per the roster vetted by the University there is no shortfall for SC/ST in this subject in the college. The roster point numbers 142 and 143, earmarked as per the roster point, are vacant in the Department of Political Science.

***ShaheedBhagat Singh College***

As per the roster provided by the College there were 08 vacancies in the Department of Political Science (OBC-02 and UR-06) and a shortfall of SC-01 and ST-01 in the roster. The point number 154 in the teaching roster was mistakenly marked for the UR category. The College has been asked to rectify this error and ensure that the post be marked for the SC category and accordingly fill up.

***AcharyaNarendraDev College***

As per the roster of the College, duly vetted by the University, the 11 posts in the Department of Botany figure at roster points 09 to 19 in the 200 point roster<sup>17</sup>. The College has not conveyed any backlog in the department of Botany. As per the roster, 11 posts are sanctioned for this department which figure from the roster points 09 to 19 in the post-based roster, with roster point number 15 earmarked for SC, point 14 for ST while point numbers 12, 16 and 19 are earmarked for OBCs.

Response to the below quoted observation made in Para 42 -

The Committee would thus like to be apprised of the number of SC/ST candidates who had applied against advertised posts and how many SC/ST posts have been filled up till date. The Committee also strongly recommend that the University should plan to undertake Special Recruitment Drive for filling up vacant backlog seats earmarked for SCs and STs within three months from date of presentation of this report.

- At the outset, the University would like to clarify two terms used in the Report having two distinct connotations, i.e. *backlog* and *shortfall*. A vacancy in the reserved category (SC/ST/OBC) is considered as a *backlog*<sup>18</sup> vacancy only when such vacancy has been advertised atleast twice but not filled up due to non-availability of suitable candidate. Whereas *shortfall*<sup>19</sup> is a difference in the number of reserved category person actually appointed and the number of
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reserved category person required to be appointed.

- The University further submits that it adopted post-based rosters as mandated by the Constitution Bench of the Supreme Court in the *R.K. Sabharwal v. State of Punjab* case (incorporated in the DOPT OM No. 36012/2/98-Estt.(Res) dated 2 July, 1997 and communicated by the UGC) w.e.f. 2 July, 1997 in pursuance of the Executive Council Resolution No. 39 dated 30 April, 1999. Backlog vacancies, based on the operation of the department-level post-based rosters adopted w.e.f. 2 July, 1997, were advertised and filled in pursuance of various UGC letters requiring backlog reserved vacancies identified as on 01.11.2008 to be filled.
- Accordingly, at present, there is *no backlog* although there are *shortfalls* which have arisen due to recasting of the reservation roster, treating University as a unit, as required by directions from MHRD and UGC vide O.M. No. 12-60/2013-UI dated 25.06.2013<sup>20</sup>.
- The University has advertised 637 posts vide its advertisement dated 13.5.2015 and its addendum so as to fill vacancies in various departments. The University has advertised 346 posts of Assistant Professor (of which 54 and 27 posts are for SC/ST respectively), 198 posts of Associate Professor (43 and 27 posts for SC/ST respectively) and 93 posts of Professor (16 and 07 posts for SC/ST respectively) across various departments/faculties in May 2015.
- Table 11 below gives details of the applications received in response to the current advertisement.

**Table – 11 : Applications received in response to the advertisement in 2015\***

	UR	OBC	SC	ST	Total
Professor	442		38	8	488
Associate Professor	712		111	26	849
Assistant Professor	3921	1369	967	290	6547
Total	5081	1406	1116	324	7884

(\*This table, however, does not include applicants for posts advertised subsequently in the Faculty of Law, following an order of the Hon<sup>ble</sup> High Court of Delhi).

- The period of validity of the current advertisement is until November 2016, as per University rules. The University expects to complete recruitments by that time.

- The University has already filled 39 positions from the current advertisement, out of which 6 (15.4%) are SC candidates and 3 (7.6 %) are ST Candidates.
- The present vacancies advertised by the University pertain to additional posts sanctioned by the UGC and vacancies that have arisen in the meantime. Posts of SC/ST/OBC categories that become *backlog*<sup>21</sup>, at the conclusion of second cycle of recruitment (i.e. the current recruitment) shall be filled by special recruitment drive in a time bound manner, as recommended.

### **Recommendation (Sl. No. 5, Para No. 43)**

3.6 The Committee have been informed with the intervention of Ministry of Human Resource Development and UGC since last one decade, finally the reservation rosters of University of Delhi have been recasted with effect from September, 2013 by taking the University and colleges as a unit respectively in compliance with the directions of UGC. The Committee note that after recasting, the number of SC posts of Assistant Professors have increased from 98 to 119 and number of ST posts have increased from 40 to 59. For the first time, reservation has been extended in the cadre of Associate Professors and Professors for Scheduled Castes and Scheduled Tribes. The Committee are flabbergasted at the fact that despite there being measures to facilitate the entry of SCs & STs in faculty positions, the same is not really visible. It has been assured that post adoption of 200 point roster, the SCs and STs would get a legitimate share among faculty positions and thus would have no more grievances nevertheless a closer look at the modalities makes it amply clear that this arrangement would further deprive them of reservation benefits for years to come. The Committee are given to understand that when the 200 point roster was adopted, the existing appointees have been accommodated in the roster and in this process, a number of posts that were earmarked for the reserved category were occupied by General category candidate. The Committee would like to point out that although the current 200 point roster system strives to ensure that reservation reach prescribed percentage, it inadvertently ends up doing just the opposite. The major issue to be addressed is that the posts meant for SC/ST candidates are already occupied by general category candidates and till the time current occupants do not retire, the SC/ST for whom the posts were earmarked stay out of job. This clearly indicates that the new roster system is depriving the current SC/ST candidates of their legitimate place among the faculty position. The Committee are confounded to note that the University of Delhi turned a blind eye to this anomaly or has ignored the issue deliberately. The Committee, therefore, desire in emphatic term that the University of Delhi ensure that

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the SC/ST candidates vying for teaching positions are given their due representation since the posts meant for them are being occupied by general category candidates. The Committee hence recommend that atleast for ad-hoc positions SC/ST candidates should be given due preference.

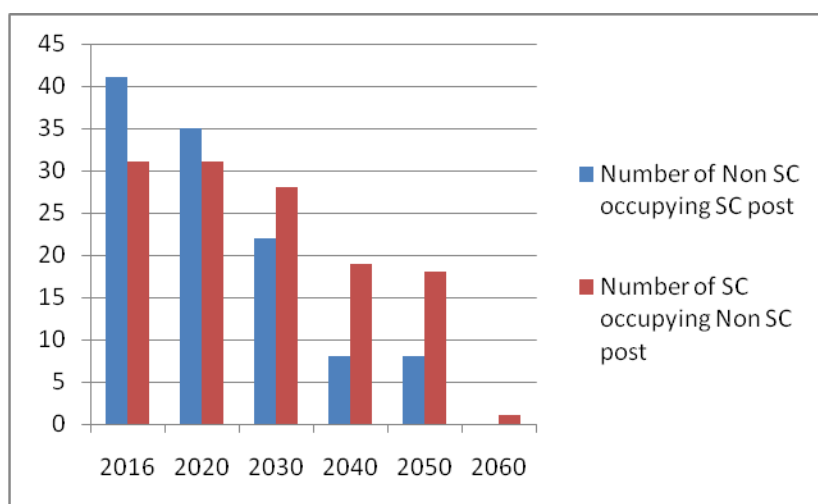
### Reply of the Government

3.7 Response to the below quoted observation made in Para-43 of the Report:

“The Committee, therefore, desire in emphatic term that the University of Delhi ensure that the SC/ST candidates vying for teaching positions are given their due representation since the posts meant for them are being occupied by general category candidates.”

- The Committee has observed that the posts meant for the SC/ST candidates are occupied by UR candidates. However, the University would like to humbly submit that the reverse of the same is also true and there are many UR positions which are occupied by reserved category candidates. This is the result of recasting of roster with University as a unit<sup>22</sup>
- After offsetting the excesses and shortfalls on this account, there is a resultant shortfall of just 10 SC posts and 08 ST posts in a total of existing 435 positions of Assistant Professor (total sanctioned positions of Assistant Professors is 794).
- In addition, as already pointed out, there has been an enhancement of posts at the Assistant Professor level allocated for SC, by as many as 11 posts, and as many as 19 posts for the STs after the re-casting of the rosters.
- The data at Figure 5 below would bring out that the shortfall of 10 SC posts at the level of Assistant Professor would be offset in a short span on account of superannuation of the persons occupying the reserved category positions.

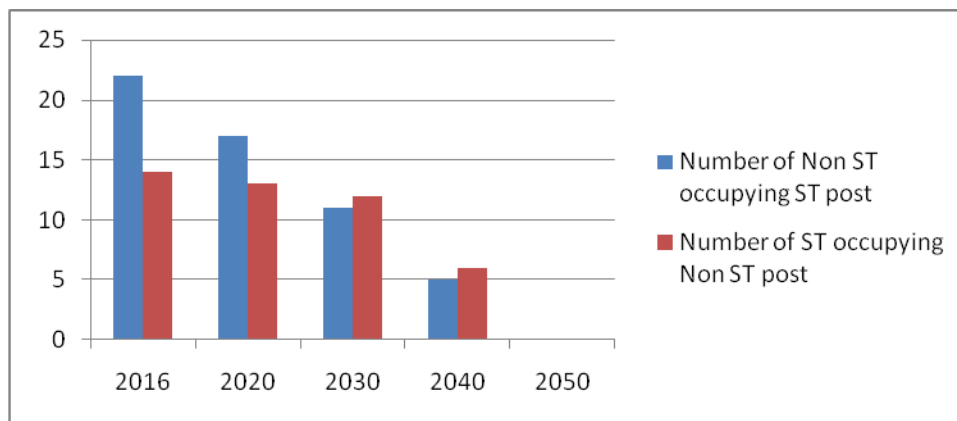
**Figure 5 : Data regarding SC positions at Assistant Professor Level**



# Shortfall/Excess is indicated by the difference between the two bars in Figure 5.

- Figure 5 depicted above indicates that, on account of higher pace of superannuation of non SC occupying SC positions than those SCs occupying non SC positions, the present net shortfall of 10 SC posts gets converted into a mere net shortfall of 04 in next 4 years, which further evolves into a net excess of +6 SC posts by 2030, i.e. next 10 years.
- Figure 6 below would bring out that the shortfall of the 08 ST posts at the level of Assistant Professor, would be offset in a very short span on account of superannuation of the non ST persons occupying the reserved category positions.

**Figure – 6 : Data regarding ST positions at Assistant Professor Level**



**# Shortfall/Excess is indicated by the difference between the two bars in Figure 6.**

- The figure depicted above indicates that, on account of retirement of non ST occupying ST positions at higher pace than those STs occupying non ST positions, the present net shortfall of 08 ST posts gets converted into a mere net shortfall of 04 in next 4 years, which further evolves into a net excess of +1 ST posts by 2030, ie next 10 years.

**3.8 Response to the below quoted recommendation No. 9 made in Para-43 of the Report:**

“The Committee hence recommend that at least for ad hoc positions SC/ST candidates should be given due preference.”

- Regarding the above observation, it is stated that the University is taking care to ensure that ad hoc appointments against vacancies in regular posts are done strictly on the basis of the 200 point post-based roster<sup>23</sup> and all the posts reserved for SC/ST are filled up by the candidate of the respective category only. This has already been elaborated upon in preceding paras.
- In addition, in compliance with UGC Regulations, 2010, a relaxation of 5% marks is provided at the graduate and master’s level for the Scheduled Castes/Scheduled Tribes/Persons with Disability categories for determining their eligibility for such appointment, even in the case for ad

hoc appointments. This has already been elaborated upon in response to observation number 2 of Para number 39 and detailed in Table 6 and 7 therein.

### **Recommendation (Sl. No. 8, Para No. 46)**

3.9 Further the Committee are of considered view that SC/ST students too have to encounter veiled discrimination at many levels beginning from admissions. There have been instances of students complaining of not being allocated the colleges, courses and subjects of their choice even if they have secured good marks. The Committee note that the SC/ST seats in the colleges remained unfilled, some colleges fair good but in others the performance is dismal. The Committee feels that not enough efforts or initiative is being taken to admit the SC/ST students. The reasons put forth like economic conditions or lack of hostel facility need to be addressed in right earnest by all the implementing authorities. The poor intake of the SC/ST students should be examined and the problem areas identified for rectification so that no reserved category student is denied higher education. A pro-active approach by the University of Delhi by having coaching classes for the SC/ST students would certainly ensure that they are able to complete their studies. Delhi being an expensive city, any outstation student particularly, those belonging to the reserved category find it hard even after getting admission to continue their studies in the absence of hostel facility. The Committee desire that the hostel facilities may be expanded in the colleges so that all get their rightful due. The Committee further desire that any loopholes and extraneous intricacies in the admission procedure should be identified and done away with so as to make it possible for SCs/STs to attain education. The Committee would also like to be apprised of the plan devised by the University of Delhi to facilitate admission of SC/ST student in different colleges as per their choice. The Committee would like to be apprised how many SC/ST students out of total reserved seats had applied for admission during the year 2014-15 in different colleges for admission in various courses and number of them got admission with reasons for denying admission even after relaxation given in cut off marks.

### **Reply of the Government**

3.10 Response to the below quoted observation made in Para-43 of the Report:

“The Committee desire that the hostel facilities may be expanded in the colleges so that all get their rightful due”.

### **Response of the University**

- The University of Delhi provides hostel facilities to its under-graduate, post-graduate and research students. Most under-graduate students are

accommodated in the hostels of their respective colleges) but the University also provides some hostels for under-graduate girl students. For instance, the Under-Graduate Hostel for Girls specifically caters to under-graduate students of colleges of University of Delhi.

- Hostels of the University reserve seats for SC and ST students as per prescribed norms. However, there are also hostels in the University which reserve a higher percentage of seats for SC and ST students as indicated below:
  1. In the AmbedkarGanguly Students" House for Women (formerly named as the Delhi School of Economics and SC/ST House for Women), Dhaka Complex, a 99 seater hostel, reserves 50% of its seats for SC and ST post-graduate women students of the University. These reserved seats are distributed amongst SC and ST in the ratio of 2:1. Therefore, about 33-34% of the seats in this hostel are allotted to SC students and 16-17% seats to ST students, which is much more than the prescribed percentage of 15% and 7.5% respectively. SC/ST category students are given 33% concession in application fees.
  2. In the Rajiv Gandhi Hostel for Girls, 500 seats (out of 732) are specifically reserved for girl students from the North-East (including Sikkim) and ST girl students from all over India. As most of the North-Eastern States, such as Mizoram, Meghalaya and Nagaland, have high percentage of ST population (94.4%, 86.1%, and 86.5% respectively), the reservation for ST students in this hostel are much higher than the prescribed 7.5%. Out of the remaining 232 seats, 15% are reserved for SC students.
  3. Similarly, in North-East Students" House for Women, a 101 seater post-graduate women hostel, 71 of its seats are reserved for North-East students from the seven North-Eastern states and Sikkim. The distribution of seats in this hostel amongst these states is as per the reservation policy formulated by the North Eastern Council in consultation with the respective State governments This reservation generally results in accommodating much more number of ST students than the otherwise prescribed 7.5%.
- In view of the above, the University would like to submit that hostels in the University of Delhi, not only provide for the minimum reservation ratio of 15% and 7.5% for SC and ST students but, in certain instances, provide greater reservation for SC and ST students.



3.11 Response to the below quoted observation made in Para-43 of the Report:  
 “The Committee further desire that any loopholes and extraneous intricacies in the admission procedure should be identified and done away with so as to make it possible for SCs/STs to attain education. The Committee would also like to be apprised of the plan devised by the University of Delhi to facilitate admission of SC/ST student in different colleges as per their choice. The Committee would like to be apprised how many SC/ST students out of total reserved seats had applied for admission during the year 2014-15 in different colleges for admission in various courses and number of them got admission with reasons for denying admission even after relaxation given in cut off marks”.

**Response of the University**

- The University of Delhi has been implementing the reservation policy for SC/ST category students as notified by the Govt. of India and communicated by the UGC from time to time regarding admissions in under-graduate courses.
- The admission to under-graduate courses in the University is on the basis of cut-off percentage marks for each course. Each year the University notifies several successive cut-off lists over the entire period of admission which continuously lowers the cut-off marks required for admission in each course in order to facilitate students to take admissions in various courses of their choice based on the cut-off percentage notified.
- The data for the students belonging to SC/ST category registered for undergraduate admission for the year 2013-14 to 2015-16 is provided in Table 12 below.

**Table– 12 : Data for the students belonging to SC/ST category registered for undergraduate admission for the year 2013-14 to 2015-16**

Category	2013-14	2014-15	2015-16
SC	34324	36041	37052
ST	5424	5342	6269
<b>Total</b>	39748	41383	43321

- The data for the students belonging to SC/ST category admitted during the past 4 academic years against the total sanctioned intake is as follows:

**Table– 13 : Data for the students belonging to SC/ST category admitted during**

### the past 4 academic years

S.No.	Year of Admission	Sanctioned Intake	SC Candidates admitted	ST Candidates admitted
1.	2012-13	54462	8444	2773
2.	2013-14	53052	9568	2227
3.	2014-15	54117	10747	2610
4.	2015-16	52909	8754	2307

- The percentage of admission of SC candidates vis-à-vis the sanctioned strength is much beyond the statutory requirement of 15%. However, the quantum of admission of ST category candidates is close to 5% (instead of the statutory requirement of 7.5%) of the sanctioned intake. This is despite best efforts made in this respect by the University and its Colleges to attract ST category students in various courses of study, even with relaxed standards.
- It will not be out of place to indicate that although the University of Delhi is a central university, attracting students from all over India, the immediate catchment area for the University is comprised of neighbouring states of Delhi, which have relatively less number of ST students. This is a major factor responsible for the lesser percentage of ST category students.
- The University would further like to submit that at the initial stage of admission, almost all the undergraduate seats are filled up. However, when other colleges notify further cut-off lists, there is a withdrawal of admission from a particular course or college as students seek to get admission in the course and college of their choice. This has a cascading effect, and when the final list of various undergraduate colleges is out at the end of the admission process, some seats remain vacant even after the last date of admission is over.
- For instance, if a college „A“, having a better reputation, lowers its cutoff in a particular stream, students from other colleges may cancel their admission in those colleges and taken admission in college „A“. This cyclical process continues in the subsequent cut off cycles and towards the end of admission process some seats remain vacant despite declaration of increased numbers of cut off lists in recent years.
- Further, there are certain streams where students have exhibited lack of interest. For instance, Arabic (Hons), Bengali (Hons), Persian (Hons), Urdu

(Hons) and B.A.(Pass) are some of the courses which are not opted by the students in large number. Vacancy in this streams/subject also lead to a resultant vacancy towards the end of the admission process.

- The University would also like to further submit that lowering the cut-off percentage for a few unfilled seats by even a small margin would make several students eligible for admission, and the colleges would be obliged to admit all the eligible students who appear and seek admission within that cut-off range in the notified period. The resultant effect is that the number of admitted students goes far beyond the sanctioned strength as cut-off based admissions cannot follow the process of first-cum-first-served criteria.
- The University conducts counselling sessions/open house at the time of admissions. Greater attention shall be paid to counselling, particularly the ST category students, to avail admission in various courses based on their interests, eligibility and cut-off marks declared by colleges for admission.
- Further the University has been conducting remedial classes for SC/ST/OBC/minority students in English language through English Language Proficiency Course (ELPC).
- The University will also be conducting „Coaching for NET“ and „Entry for Services“ for SC/ST/OBC students.

## CHAPTER IV

### RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE GOVERNMENT AND WHICH REQUIRE REITERATION

#### **Recommendation (Sl. No. 1, Para No. 39)**

4.1 The Committee are perturbed to note that SCs and STs continue to be poorly represented among the positions of Professors, Associate Professors and Assistant Professors in the University of Delhi. The Committee note that out of the total sanctioned strength of 264 Professors as on April, 2015, only 3 SC category persons are occupying the post of Professor among various colleges in the University of Delhi whereas there is no representation of ST among this post. The Committee also note with concern that out of total 271 posts in position in University of Delhi there are only 07 SC and 1 ST candidates occupying the post of Associate Professors. Moreover, the post of Assistant Professor wherein the reservation has been existing for over two decades has shortfall of 10 SC posts and 08 ST posts as against the total 421 existing position in University of Delhi. This scenario indicates lax attitude of University of Delhi in the matter. The Committee are perplexed at the fact that despite there being constitutional and legal safeguards in place for the upliftment of SCs/STs, the disparities between SC/ST and non SC/ST continue alarmingly. The Committee are dismayed to state that the glorified dream of creating an egalitarian society by founder of our Constitution has been quashed by the recalcitrant attitude of the University of Delhi who are seemingly hell bent on denying equal opportunity to SCs/STs which is clearly indicated by the low representation of SC/ST in faculty positions. The Committee are further dismayed to observe that inspite of the fact that restructuring of roster with effect from September, 2013 had not only increased the number of vacancies earmarked for SCs/STs and but has also extended the benefit of reservation to the posts of Associate Professor and Professor, still even after lapse of more than two years SC/ST representation in these grades are nominal. The Committee would like to recommend that University of Delhi should make all out efforts to fill the posts lying vacant for SC/ST. The Committee have often been served with cliché replies that the post stay vacant due to nonavailability of suitable candidates. The Committee are disinclined to buy this stereo type reply. The Committee find it pertinent to observe that presently there is no dearth of talented and suitable SC/ST candidates, particularly in Delhi there are sufficient SCs/STs candidates who have qualified UGC NET exam and have applied for the post. From the above it seems that there is an imperative need to change mindset of the higher ups of University of Delhi to be positive and accommodative towards the talented and qualified SCs/STs candidates in order to achieve the goal for socio-economic development of SCs/STs enshrined in the Constitution of India. For this purpose, if necessary provisions of concession/relaxation can be exercised by University of

Delhi. The Committee would like to point out that many SC/ST candidates who teach at ad-hoc positions in University of Delhi that too for many years at stretch are labelled unsuitable whenever a permanent position arises. The Committee are of the view that ad hoc position in University of Delhi be filled up against the vacant regular vacancies so that at least backlog vacancies can be cleared.

### **Reply of the Government**

**4.2 (Please see Para Nos. 1.5 to 1.11 of Chapter I)**

### **Comments of the Committee**

**4.3. Please see Para No. 1.12 of Chapter I.**

### **Recommendation (Sl. No. 3, Para No. 41)**

4.4 The Committee are aghast to know that among 68 colleges of University of Delhi there is only one SC/ST candidate currently occupying the post of Principal on merit against the unreserved post. The Committee have been informed that the post of Principal is a standalone post for each college in line with Department of Personnel and Training (DOPT) guidelines and that the governing body of the college is the appointing authority of the Principal. The Committee are disappointed on the near negligible representation of the reserved category in the post of Principals in University of Delhi colleges. One of the pre-requisites to be eligible for the post of Principal is to be a Professor. However, the Committee note that even Associate Professors are eligible for the post and thereafter there is selection through interview. The Committee are of view that the ingrained prejudice in the minds of appointing authorities of colleges has deliberately denied opportunities to reserved category candidate. The Committee are disheartened to note that rather than the innate ability, ambition and hard work determining the future of SC/ST candidates, it's their castes which seem decisive for their future. The Committee feel that the consequential fallout of treating the post as standalone is denial of the very objective of reservation and as also the opportunity to the deserving reserved candidates. The Committee are of the view that the posts of the Principals of the colleges under the University of Delhi should be pooled in order to apply the rule of reservation. The Committee would like all the concerned authorities to examine this and submit a report. The Committee would stress that the appointing authorities while appointing Principals should not let their better judgement be clouded by cast slur and facilitate eligible SC/ST candidates. The Committee would further like to assert that the practice of turning away SC/ST candidates holding promising credentials for the post of Principal on the basis of their caste should dissuaded. The Committee would also like to apprised of the number of SC/ST candidates who had occupied the post of Principal in the past, the number of eligible SC/ST candidates

who had been shortlisted for the post of Principals in the last 05 years and the reasons for them not being appointed.

#### **Reply of the Government**

**4.5 (Please see Para No. 1.14 of Chapter I)**

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

**4.6 Please see Para No. 1.15 of Chapter I.**

#### **Recommendation (Sl. No. 9, Para No. 47)**

4.7 The Committee in view of observations made in preceding paras have desired that a "Fact Finding" Committee/Study Group may be constituted by the Government of India with due representation from SC/ST Associations to look into the correctness of the reservation roster maintained in DU as per DoPT guidelines and to suggest ways and means to implement reservation policy effectively. The Committee also desire that responsibility may be fixed for discrepancy in the roster and violation of reservation policy. Considering the gravity of the matter, the Committee further desire that they may be apprised of the action taken in this regard within 3 months of presentation of this Report to the Houses of Parliament.

#### **Reply of the Government**

**4.8 (Please see Para No. 1.27 of Chapter I)**

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

**4.9 Please see Para No. 1.28 of Chapter I.**

**CHAPTER – V**

**RECOMMENDATIONS/OBSERVATION IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT HAVE NOT BEEN RECEIVED.**

**- N I L -**

**New Delhi;  
July, 2018  
Sravana, 1940(Saka)**

**DR. KIRIT P. SOLANKI  
Chairperson,  
Committee on the Welfare of  
Scheduled Castes and  
Scheduled Tribes.**

- 10 -

F.No.J-14021/3/2016-SCT  
Government of India  
Ministry of Petroleum & Natural Gas  
(SCT Section)

Shastri Bhavan, New Delhi  
Dated: 5<sup>th</sup> March, 2018

**OFFICE MEMORANDUM**

**Sub:- Action Taken by the Government on the recommendations contained in the Tenth Report (16<sup>th</sup> Lok Sabha) of Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Status of implementation of reservation policy in those companies who have 50 % Government and 50 % private equity like PETRONET LNG Limited.**


The undersigned is directed to refer to this Ministry's O.M of even number dated 5<sup>th</sup> Sept., 2017, 30<sup>th</sup> January, 2018 and Lok Sabha Secretariat's O.M.No.6/1/4A/SCTC/2015 dated 20<sup>th</sup> November, 2017 and 16<sup>th</sup> February, 2018 on the Status of implementation of reservation policy in those companies who have 50 % Government and 50 % private equity like PETRONET LNG Limited.

2. In this connection, it is stated that this Ministry has consulted Ministry of Corporate Affairs, Ministry of Social Justice & Empowerment, Department of Public Enterprises (Ministry of Heavy Industries), Department of Legal Affairs (Ministry of Law & Justice) and Department of Personnel & Training (Ministry of Personnel, Public Grievances and Pensions). Their comments are enclosed in Annexure.

3. Based on the comments received from various Ministries/Departments, the Ministry of Petroleum & Natural Gas elucidates its stand as under:

"PLL was formed as a Joint Venture company to import LNG and set up LNG terminals in the country in 1998, by GAIL (India) Limited (GAIL), Oil & Natural Gas Corporation Limited (ONGC), Indian Oil Corporation Limited (IOCL) and Bharat Petroleum Corporation Limited (BPCL) holding 12.5% equity each with the total equity jointly held by these promoters at 50% of total paid up capital. The other equity partners are Financial Institutions and general public. Since the share of four PSU Oil and Gas promoters in PLL equity structure is restricted to 50% of total Paid-up capital, PLL is not a Government Company and, therefore, not a Central Government PSU.

Petronet LNG Ltd. is a Public Company as defined under the Companies Act, 2013. Since Petronet is not a Public Sector Undertaking, therefore, the DPE guidelines which inter-alia deal with the provisions of reservation of Posts in Public Sector Undertakings, Nationalized Banks, Statutory and Semi-Government bodies for certain classes of citizens are not applicable to Petronet LNG Ltd. However, all the laws, Rules and Regulations which are applicable to a listed Corporate Entity are being followed by Petronet LNG Limited."

  
(V. Tirkey)

Under Secretary to the Govt. of India  
Ph. 23388602

To,

Shri D.R. Shekhar  
Director, Lok Sabha Secretariat  
(Parliamentary Committee on the Welfare of SCs and STs)  
Parliament House Annexe, New Delhi-110001  
Fax: 23010756



Ministry/Department	Comments
Ministry of Corporate Affairs	<p>Section 2(45) of the Companies Act, 2013 defines a Government Company as under:-</p> <p>“Government Company” means any company in which not less than 51% of the paid-up share capital is held by the Central Government, or by any state Government or Governments, or partly by the Central Government and partly by one more State Governments, and includes a company which is a subsidiary company of such a Government company”.</p> <p>Accordingly, keeping in view the definition of Government Company in Section 2(45) of Companies Act, 2013, Companies who have 50% Government and 50% Private equity, such as Petronet LNG Limited are not Government companies. It may further be noted that Companies Act 2013 does not have any specific provision on reservation for SCs/STs in companies.</p>
Ministry of Social Justice & Empowerment	<p>As per Allocation of Business Rules 1961, the matter/affairs in relation to the Public Enterprises / Joint Venture is being looked after by Department of Public Enterprises / under Ministry of Heavy Industries. Ministry of Social Justice &amp; Empowerment is not concerned with the subject matter. The Comments /views of the Department of Public Enterprises may be taken in the matter.</p>
Ministry of Heavy Industries & Public Enterprises, Department of Public Enterprises	<p>The companies with 50% private equity and 50% Government equity not being considered as CPSEs, do not fall under the purview of DPE and thus on the issue of implementation of reservation policy in such companies, DPE has no comments to offer.</p>
Department of Legal Affairs, Ministry of Law & Justice	<p>“As per the sub clause 4.1 of clause 4 of the Shareholding Agreement entered into between BPCL, GAIL, IOCL, ONGC and GDF International relating to Petronet LNG Limited dated 2<sup>nd</sup> June, 2001 in regard the shareholding pattern it is stated that that “in accordance with the existing policy of the Government of India (which currently holds more than 50% equity in each of the Promoters), Government Companies presently hold 50% of the Equity and each of the promoters individually hold 12.5% of the equity. While it is intended that the total shareholding of Government Companies shall not at any time exceed 50% of the equity, this will be subject to any decisions of the Government of India to the contrary and the provision of the Act.</p> <p>That as per Clause 4A in regard to the limits of Government Holding in the Articles of Association of Petronet LNG Limited as amended on 12<sup>th</sup> February, 2016 at any given point of time not more than fifty percent (50%) of the company's share capital shall be held, whether directly or indirectly, by the Government including any Government Company and Public Sector Undertaking.</p> <p>Therefore going by the observations of Ld Law Secretary, Department of Legal Affairs before the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (2016-17) and as per the provisions of sub clause 4.1 of clause of the Shareholding Agreement, Clause 4A in regard to the limits of Government holding in the Articles of Association of Petronet LNG Limited as amended on 12<sup>th</sup> February, 2016 and Section 45 of the Company Act, 2013 since the share of four PSU Oil and Gas promoters in the equity structure is restricted to 50% total Paid up capital, prima facie Petronet LNG Limited does not appear to qualify either as a Government Company or a Public Sector Undertaking.</p>

<p>Department of Personnel &amp; Training (DOPT)</p>	<p>As per the Allocation of Business Rules, 1961, the subject falling under the domain of DOPT "Reservation of posts in services for certain classes of citizens" Article 16 (4) of the Constitution provides that "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 service under the State". Article 12 of the Constitution provides that "the State" shall include the Government and Parliament of India and the Government and the Legislature of each of the States and all Local or other authorities within the territory of India or under the control of the Government of India. Article 309 of the Constitution provides that Union/Central Government can regulate the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union.</p> <p>It is stated that this Department deals with the reservation for SC/ST/OBC in posts and services under Central Government. It is noted that in this matter Department of Legal Affairs have stated that the Petronet LNG Limited does not appear to qualify either as a Government Company or Public Sector Undertaking. Therefore, this Department has no further comments to add.</p>
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**APPENDIX II**  
(Vide Para 4 of Introduction)

**ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE FIFTH REPORT (SIXTEENTH LOK SABHA) OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES.**

1.	Total number of recommendations.....	09	
2.	Recommendations/observations which have been accepted by the Government		Total: 03 Percentage: 33.33%
3.	Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government		Total: 03 Percentage: 33.33%
4.	Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration		Total: 03 Percentage: 33.33 %
5.	Recommendations/Observations in respect of which final replies of the Government have not been received ( <i>Nil</i> )		Total: 00 Percentage: 0%