

of Ministers responsible to the legislature. There may be some limitations and reservations in view of Delhi, being the Capital of the Union, but will Government see the necessity of a unified authority in the form of an elected legislature ?

**SHRI K. C. PANT :** It is true there are many authorities in Delhi and I accept there is need to constantly review their functioning, so that there is no overlapping and there is a rationalised structure. But in the very nature of things, a certain amount of multiplicity of authority is unavoidable. For instance, there is the New Delhi Municipal Committee. There is the Cantonment Board which looks after the cantonment area. There is the Central Government which must have a say in the administration of Delhi. In addition to it, there is the Metropolitan Council and the Delhi Municipal Corporation. Even the Administrative Reforms Commission which went into this matter has accepted the need for all these bodies but only suggested that the Corporation and the Metropolitan Council be merged. There is no escape from a number of bodies, because their functions are different. The Central Government functions at one level. The Metropolitan Council functions at a different level. There are bodies which have civic functions. I do not think a single legislature is the answer to the problem. The answer is to examine and see how best the present structure can function, so that there is minimum of overlapping.

**SHRI Y. ESWARA REDDY :** Is there any proposal of merging the Corporation with the Metropolitan Council and if so, what are the broad features of the proposal ?

**SHRI K. C. PANT :** As I said, the ARC made that recommendation, but we have not accepted it. Both the Metropolitan Council and the Corporation are in existence. Election have been held and they are functioning.

जी इसहाक सम्मली : क्या सरकार को मालूम है कि दिल्ली में सभी पोलिटिकल पार्टियों की तरफ से, जिनमें कांग्रेस भी शामिल है, वह मांग होती रही है कि दिल्ली के लिए एसेम्बली और रिप्रेजेंटेटिव कौन्सिल की गठनमेंट हीभी

चाहिए ? यह तो खुशी की बात है कि हिमाचल प्रदेश, त्रिपुरा और मणिपुर को ये अधिकार दिये गये हैं, लेकिन क्या बुधवारी पेश आ रही है कि दिल्ली के शहरियों को ये अधिकार नहीं मिल रहे हैं और उनको फुल-फ्लेज्ड एसेम्बली नहीं दी जा रही है ? क्या सरकार इस पर गौर कर रही है ?

श्री कृष्णाचन्द्र पन्त : इस सम्बन्ध में इस सदन में कई बार चर्चा हो चुकी है। यह जाहिर है कि दिल्ली की, जो देश की राजधानी है, अपनी समस्यायें हैं और उनका हल अपने ढंग से निकालना पड़ेगा। मणिपुर या त्रिपुरा से इसकी तुलना करना बहुत ठीक नहीं होगा।

Revision of rules for recruitment of Backward classes

\*468. **SHRI B. K. DASCHOWDHURY :** Will the **PRIME MINISTER** be pleased to state :

(a) whether Government have revised some rules in the matter of recruitment of backward classes in the country; and

(b) if so, the amendments made as a result of such revision ?

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIHDA) :** (a) and (b). A statement is laid on the Table of the House.

#### Statement

Reservations and concessions have been provided for Scheduled Castes and Scheduled Tribes in the services under the Government of India. The Government of India have not recognised any classes other than the Scheduled Castes and Scheduled Tribes as backward classes for purpose for reservation in services under them. The need for continued efforts in securing adequate representation of Scheduled Castes and Scheduled Tribes in services is always kept in view by Government and various orders have been issued in that direction from time to time.

A gist of some of the important orders issued by Government from 1968 onwards in the matter of recruitment of Scheduled Castes and Scheduled Tribes candidates in services is given below :—

- (1) The percentages of reservation have been increased with effect from 26th March, 1970 from 12% to 15% for Scheduled Castes and from 5% to 7% for Scheduled Tribes.
- (2) The period of carrying forward of reservations has been increased from 2 to 3 years *vide* instructions issued on 25th March, 1970. At the end of this period, vacancies reserved for Scheduled Castes could be utilised for Scheduled Tribes and *vice versa* thus reducing the chances of lapsing of a reserved vacancy.
- (3) The procedure for advertising the vacancies reserved for Scheduled Castes/Scheduled Tribes has been revised with effect from 31st July, 1970. The reserved vacancies in the posts filled by selection would now be advertised calling for applications of Scheduled Castes/Scheduled Tribes candidates, as the case may be, against such vacancies in the first instance. Should this advertisement prove infructuous, a second advertisement would be issued calling for applications of Scheduled Castes/Scheduled Tribes candidates as well as general candidates. The general candidates, however, would be considered only if Scheduled Castes/Scheduled Tribes candidates are considered unsuitable for appointment against such vacancies.
- (4) Instructions have been issued on 31st July, 1970 that Scheduled Castes/Scheduled Tribes candidates should be called for interview on a separate day or a separate sitting of the Selection Committee.
- (5) The criterion for relaxation in standards of suitability in favour of Scheduled Castes and Scheduled Tribes has been redefined in the instructions issued on 25th July,

1970. Under these instructions for appointment against reserved vacancies, candidates of these communities could be selected even if they do not fulfil the general standards of suitability as long as they are not found unfit for appointment to such posts.

- (6) Instructions have been issued on 24th September, 1968 that where requisite number of Scheduled Castes/Scheduled Tribes candidates fulfilling even the relaxed standards are not available to fill the vacancies reserved for them in non-technical and quasi-technical Class III & IV services/posts filled by direct recruitment otherwise than by written examination, the best among the available Scheduled Castes/Scheduled Tribes candidates who fulfil the minimum educational qualifications prescribed for such a service/post would be selected to the extent of the vacancies reserved for such categories. In order to bring such candidates upto the minimum standard necessary, for the maintenance of efficiency of administration, they would be given in-service training.

SHRI B. K. DASCHOWDHURY :

The revised reservation rules for scheduled castes and scheduled tribes apply only to future vacancies and not to the existing posts in any department, a resulting in huge backlogs in the quota reserved for scheduled castes and scheduled tribes I want to know whether Government will consider making a definite provision for applying these rules and instruction and orders in all their totality to the department as a whole and not piecemeal ? Secondly, some of the public sector undertakings have not accepted the Government's instructions and orders in regard to reservation in services for promotion. For example, Air India and Indian Airlines have not accepted them. I want to know how the Government will ensure that all the public sector undertakings and departments fall in line with the Government's instructions and orders in this regard ?

SHRI RAM NIWAS MIRDHA : The reservations are only for new recruitments

to the vacancies. Therefore, if we see from the point of view of the total strength of a particular Department or Ministry the persons belonging to the Scheduled Castes and Tribes do not come up to the standards of reservation which we have for fresh recruitment. But the suggestions of the hon. Member is not acceptable because it would involve a lot of other difficulties. For example, the Supreme Court has in a ruling said that we cannot have more than 50 per cent of reservations in a particular selection. In addition to reservation for Scheduled Castes and Scheduled Tribes, we have reservations for Emergency Commissioned Officers and other categories of persons. So, even if we try to increase the number of fresh entrants in those categories it will not solve the problem in the way the hon. Member wants. But the total number and percentage in the various categories of government employees of Scheduled Castes and Scheduled Tribes is constantly increasing. In many categories, even in the highest categories, which means IAS and allied examinations, the full quota and sometimes even more than the full quota of reserved candidates are being selected. With respect to the total number of employees, the number of Scheduled Castes and Scheduled Tribes employees is higher and their percentage is gradually increasing. We have examined the suggestion made by the hon. Member a number of times. Because of legal and other difficulties it cannot be accepted.

As regards reservation in the public sector undertakings, it is really a serious matter and the Government is very serious that all public sector undertakings should adopt the same reservation rule as the Government. We have taken it up with them a number of times and we are constantly reminding them that this policy of reservation should be accepted by them in the same manner as it has been accepted by the Government. Unfortunately, the response from certain undertakings is not very favourable. They mention various difficulties of their own. Some of them say that this cannot be accepted because of their constitution, their objectives, memorandum of association and things like that. Now we are asking them to revise them where necessary. So, in all these ways the problem of reservation is being gradually solved.

**SHRI B. K. DASCHOWDHURY :** I say with a very heavy heart that I am not

in a position to accept the contention of the hon. Minister in his reply to the first of my question. The Supreme Court judgement does not stand in the way. Then he mentioned that the carry forward of backlog has been increased from two years to three years recently. Is it not possible to carry forward for a longer number of years so that within the framework of the Supreme Court judgement more and more persons belonging to the Scheduled Castes and Tribes can be employed? Further, various Ministries and departments do not keep track of the various instructions issued by the Ministry on this subject. Would it not be possible on the part of the government to publish a brochure containing all these reservation orders so that the department of government and the public sector undertakings may have all these instructions readily available for their guidance?

**SHRI RAM NIWAS MIRDHA :** Well, the carry forward has been increased from two to three years. Not only that, at the end of three years the reservations available for Scheduled Castes can be transferred to Scheduled Tribes and *vice versa*. We are watching how this system is working. If it needs some improvement, or increase in the period, it would be considered at a later stage. But, for the present, we think this is working quite satisfactorily and this increase should be tried for some time and not altered.

As regards the brochure containing all the orders regarding reservations for Scheduled Castes and Tribes, we already have a compilation and the public sector enterprises are perfectly aware of them. If the hon. Member feels that they do not know them, I will certainly do what he has suggested.

**SHRI K. S. CHAVDA :** Keeping in view article 335 of the Constitution, namely that the claims of the Scheduled Castes and Scheduled Tribes shall be taken into consideration in making appointments to services and posts in connection with the State or the Union, and also keeping in view the fact that there is a decline in the progress made in this connection, may I know whether Government is going to fix a time-bound programme for filling up the reserved quota for Scheduled Castes and Scheduled Tribes in the services and posts under the State?

**SHRI RAM NIWAS MIRDHA :** It is not correct to say that there has been a decline so far as reservations are concerned.

**SHRI K. S. CHAVDA :** *Status quo* position.

**SHRI RAM NIWAS MIRDHA :** It is not *status quo* position, but the position has been constantly improving. There is no question of any time-bound programme. As it is, even with respect to IAS and similar services, since 1964 all reserved vacancies are fully being taken up by candidates of the requisite standard. So, I do not think any time-bound programme is necessary. We are making much more progress than the minimum required.

**SHRI K. S. CHAVDA :** What is the percentage? Only 2 per cent out of 12½ per cent.

**SHRI T. BALAKRISHNIAH :** May I know whether Government is aware of the statement made by the hon. Minister of Finance in the Rajya Sabha that in Grade I services of the Central Government the percentage of Scheduled Castes and Scheduled Tribes is less than 5 per cent and in Grade II services it is less than 1 per cent; if so, what are the steps that Government is proposing to take to fill the reserved vacancies for Scheduled Castes and Scheduled Tribes?

**SHRI RAM NIWAS MIRDHA :** I have answered that already. The hon. Member, who asked this question, had raised this point. Reservations are being made for the present recruitment. The reservations came in very late and there had been such a large number of persons who were employed in the past so many years. If we take the total number of Government employees and count their number also and say that as on this date only so much percentage of reserved vacancies are there, that will be giving an incorrect picture of the whole situation. As I have said, we are bound to have certain reservations for the present recruitment and the intake of Scheduled Castes people in some of those categories is more than the legal minimum.

श्री अश्वेश : माननीय मंत्री जी ने बताया कि सुप्रीम कोर्ट का जजमेंट और सूटेबिलिटी से दो चीजें बड़ी बाधक होती हैं उनको सुरक्षित

स्थान दिलाने में, तो मंत्री महोदय बतलाने की कृपा करेंगे कि इन बस्ताओं को दूर करने के लिए क्या सरकार कुछ सोच रही है? जैसे कि प्रिन्सिपल जस्टिस के मामले में हम क्रिष्णा सुप्रीम कोर्ट के फैसले के बारे में भी बैसा ही क्या सरकार सोच रही है कि रिजर्वेशन के मामले में भी इस बाधा को दूर करने के कोई उपाय किए जाय? क्या सरकार यह भी सोच रही है कि कोई समय की अवधि निर्दिष्ट की जाय कि जब तक यह रिजर्वेशन उनको मिल सके?

श्री रामनिवास मिर्धा : श्रीमन्, मैंने निवेदन किया कि अवधि मुकर्रर करने की आवश्यकता नहीं है। प्राज जो स्थिति है वह सतोषजनक है। जो रिजर्वेशन अभी उपलब्ध है उसका पूर्ण रूप से उपयोग किया जा रहा है और सुप्रीम कोर्ट का जो फैसला है उसको भी बदलने की आवश्यकता प्रतीत नहीं होती। यह जो रिजर्वेशन है इसके अलावा और भी कटेगरीज का रिजर्वेशन है। इन सारी बातों को ध्यान में रखते हुए 1961 के संसद के नतीजे आए उससे कुछ प्रतिशत हमने बढ़ाया भी, उससे कुछ ज्यादा व्यक्तियों को नौकरी मिलने लगी है। इसलिए जो अभी वैधानिक स्थिति है वह सतोषजनक है और सरकार इस पर काम करने के लिए कटिबद्ध है।

श्री अश्वेश : अध्यक्ष महोदय, माननीय मंत्री जी ने स्पष्ट शब्दों में कहा कि सुप्रीम कोर्ट का जजमेंट बाधक है और सूटेबिलिटी बाधक है और अब कहते हैं कि यह बाधक नहीं है।...

श्री राम निवास मिर्धा : कई कारण थे, उनमें से एक कारण यह भी है वह मैंने कहा। मैंने यह नहीं कहा कि केवल उसी वजह से कोई विवकल हो रही है। जो सच्ची स्थिति है वह मैंने सदस्यों के सामने रखी।... (अध्वजात)...

श्री अश्वेश अन्व-कक्षबाध : अध्यक्ष महोदय, मैं आपके माध्यम से मंत्री महोदय से जानना

बाह्यता हूँ कि रिजर्वेशन का ठीक प्रकार से पालन किया जा रहा है केन्द्रीय सरकार द्वारा, ऐसा भाषका कहना है, लेकिन राज्य सरकारें इसको प्रमत्त में नहीं लाती हैं, ऐसी कई घटनाएं सुनने को मिली हैं और देखने में आती हैं, तो राज्य सरकारें ठीक प्रकार से इन नीतियों को प्रमत्त में लावे, इसके लिये आप कौन से विशेष कदम उठाने जा रहे हैं? इस प्रकार के नियम प्राइवेट उद्योगों पर भी लागू हों, क्या इस प्रकार की कोई योजना सरकार के पास है?

श्री राम निवास मिश्रा : श्रीमन्, राज्य सरकारें भी इन नीतियों पर चल रही है और हम हमेशा उनसे सम्पर्क स्थापित किये रहते हैं कि जो रिजर्वेशन का प्रावधान है, उसका पालन किया जाता है या नहीं किया जाता है। कई राज्यों में कुछ प्रक्रिया ठीक नहीं है, रोस्टर-सिस्टम ठीक तरह से नहीं रखा जाता है। उसके सम्बन्ध में हम समय-समय पर सम्पर्क रखते हैं और स्थिति की सुधारने में मदद करते रहते हैं।

जहाँ तक प्राइवेट सैक्टर में रिजर्वेशन लागू करने का प्रश्न है, यह योजना अभी सरकार के विचाराधीन नहीं है।

श्री हुकम चन्द कछवाय : जिस तरह से आपने उन उद्योगों में कण्ड की योजना लागू की है, बीनस की योजना लागू की है, उसी तरह से आप हमको आश्वासन दें कि आप इस पर विचार करेंगे।

MR. SPEAKER : That is a suggestion for action.

#### P&T OFFICERS' ENTITLEMENT TO SERVICE CALLS

470. SHRI S. N. MISRA : Will the Minister of COMMUNICATIONS be pleased to refer to the reply given to Starred Question No. 121 regarding Telephones in inspection quarters of Posts and Telegraphs Department on the 22nd March, 1972 and state :

(a) whether the holidaying Officers are also entitled to the use of P&T Inspection

Quarters on the same terms as for Touring Officers and also given free telephone facility;

(b) if so, whether he would lay on the Table a copy of Government orders on the subject;

(c) whether the P&T Officers are entitled to put in Service Calls, which get priority over public calls; and

(d) if so, the considerations which have weighed with Government in not taking necessary measures to prevent the misuses of telephones at the Inspection Quarters ?

THE MINISTER OF COMMUNICATIONS (SHRI H. N. BAHUGUNA) : (a) and (b). Holidaying Gazetted Departmental Officers are entitled to occupy Inspection Quarters in a restricted manner as per extract of the Rules laid on the Table of the Lok Sabha as in the statement attached. Free telephone facility is not permissible to these holidaying Officers.

(c) P&T Officers are entitled to put in service calls for official purpose but these do not get any priority over the public calls.

(d) Does not arise.

#### Statement

3A. Gazetted Officers of the Posts and Telegraphs Department who are on leave or who have retired from service, may occupy inspection quarters or inspection rooms other than those attached to the Telecommunications buildings, so long as these are not required for Departmental officers on tour in their official capacity. Inspection quarters and rooms so occupied will have to be vacated at 24 hours notice if required by a Departmental officer on duty. Rent will be charged from officers on leave on the basis of 10 per cent, of the pay drawn by them before proceeding on leave, while from retired officers, this will be done on the basis of the pay last drawn, regardless of whether the accommodation provided is less or more than the accommodation to which they are entitled by reason of the pay on which rent is calculated.