

COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES

(2023-2024)

(SEVENTEENTH LOK SABHA)

TWENTY - FIFTH REPORT

ON

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

"ROLE OF MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING) IN FORMULATION, IMPLEMENTATION
AND MONITORING OF RESERVATION POLICY"

Presented to Lok Sabha on 31-07-2023

Laid in Rajya Sabha on 31-07-2023



LOK SABHA SECRETARIAT
NEW DELHI

31st July, 2023 / 9 Sawana, 1945 (Saka)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED
CASTES AND SCHEDULED TRIBES (2023-24)**

Dr.(Prof.) Kirit Premjibhai Solanki– Chairperson

MEMBERS - LOK SABHA

2. Shri Girish Chandra
3. Shri Guman Singh Damor
4. Shri Anil Firojiya
5. Shri Tapir Gao
6. Shri Rattan Lal Kataria*
7. Smt. Goddeti Madhavi
8. Smt. Pratima Mondal
9. Shri Ashok Mahadeorao Nete
10. Shri Vincent H. Pala
11. Shri Chhedi Paswan
12. Shri Prince Raj
13. Shri A. Raja
14. Shri Upendra Singh Rawat
15. Smt. Sandhya Ray
16. Shri Mohammad Sadique
17. Shri Jagannath Sarkar
18. Shri Ajay Tamta
19. Shri Rehati Tripura
20. Shri Krupal Balaji Tumane

MEMBERS - RAJYA SABHA

21. Shri Abir Ranjan Biswas
22. Shri Niranjana Bishi
23. Smt. Kanta Kardam
24. Smt. Phulo Devi Netam
25. Shri Samir Oraon
26. Shri Nabam Rebia
27. Shri Anthiyur P. Selvarasu
28. Dr. V.Sivadasan
29. Dr. Sumer Singh Solanki
30. Shri Kamakhya Prasad Tasa

* Ceased to be Member of the Committee w.e.f 18.05.2023 upon his sad demise.

SECRETARIAT

1. Shri D.R. Shekhar - Joint Secretary
2. Shri P.C. Choudhary - Director
3. Shri N.Touhng - Under Secretary

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-fifth Report (Seventeenth Lok Sabha) on the subject "Role of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) in formulation, implementation and monitoring of reservation policy" "

2. The Committee took evidence of the representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) on 18.05.2022. The Committee wish to express their gratitude to the officers of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) for placing before the Committee the material and information the Committee required in connection with the examination of the subject.

3. The Report was considered and adopted by the Committee on _____.

4. For facility of reference and convenience, the observations/recommendations of the Committee have been printed in bold letters in chapter II of the Report.

New Delhi;

31st July, 2023

9 Sawano, 1945(Saka)

DR.(Prof.) KIRIT P. SOLANKI

Chairperson,

Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.

CHAPTER 1

REPORT

I. BACKGROUND NOTE

As per the Government of India (Allocation of Business) Rules, Ministry of Social Justice and Empowerment is the nodal Ministry for the overall policy, planning and coordination of programmes relating to SCs, OBCs, EWS etc. and Ministry of Tribal Affairs is the nodal Ministry for policy matters related to STs. DoPT issues instructions related to reservation in posts and services under the Central Government based on the policy decision taken by the above concerned nodal Ministries.

2. As per the extant guidelines issued by this Department, there shall be reservation of 15% for the members of the SC, 7.5 % for the members of the ST and 27% reservation for the members of the OBC in the matter of appointment by direct recruitment to civil posts and civil services on all India basis by open competition. However, in the matter of appointment by direct recruitment to civil posts and civil services on all India basis otherwise than by open competition, there shall be a reservation of 16.66% for the members of the SC, 7.5% cent for the members of the ST and 25.84% for the members of the OBC.

3. In case of reservation in promotion in posts and services under the Central Government, reservation of 15% for the members of the SC, 7.5% for the members of the ST is provided. However, the issues regarding 'reservation in promotion' and 'promotion of SCs and STs on own-merit' are presently sub-judice before the Hon'ble Supreme Court under the SLP No.30621/2011 titled '*Jarnail Singh & Ors. vs Lachhmi Narain Gupta & Ors.*'. In this matter, the Hon'ble Supreme Court has pronounced its judgement on larger issues on 28.01.2022. However, individual cases are still sub-judice. In pursuance of the aforesaid judgement, dated 28.01.2022 and as per the advice of Ld. Attorney General, DoPT has issued an O.M. on 12.04.2022, providing the procedure to be followed and conditions to be fulfilled prior to effecting reservations in the matter of promotions by all Departments of the Central Government. These conditions inter-alia include collection of quantifiable data regarding inadequacy of representation of SCs and STs and application of this data to each cadre separately. However, since the *Jarnail Singh* batch of cases is still sub-judice before the Hon'ble Supreme Court, any promotion order shall be subject to the further orders that may be passed by the Hon'ble Supreme Court in the said matter. ,

4. Reservation is also applicable in recruitment in Public Sector Undertakings, Statutory and Semi-Government Bodies, Autonomous Bodies/Institutions including Municipal Corporations, Cooperative Institutions, Universities etc. under the control of the Central Government.

5. However, each Ministry/Department is required to monitor the implementation of reservation policy in their Department/Ministry/Attached and Subordinate offices and organizations under their administrative control. In order to ensure implementation of the reservation policies, DoPT, vide OM No.43011/153/2010-Estt.(Res.) dated 4.1.2013, has made provision for nomination of Liaison Officer, atleast of the rank of Deputy Secretary, in each Ministry/Department, including attached/subordinate offices, Public Sector Undertakings,

Statutory Bodies, Autonomous Bodies etc. It is the duty of the Liaison Officer to ensure due compliance by the subordinate appointing authorities of the orders and instructions pertaining to the reservation of vacancies in favour of OBCs and other benefits admissible to them. The Liaison Officer is required to conduct annual inspection of the reservation registers/roster registers maintained in the Ministry/Department, Offices, Undertakings, Autonomous/Statutory Bodies, etc with a view to ensuring proper implementation of the reservation orders. Cases of negligence or lapses in implementing reservation rules/guidelines coming to light through the inspections carried out by the Liaison Officers or otherwise, is required to be reported/submitted by him to the Secretary/Additional Secretary to the Government in the respective Ministry/Department or to the Head of the Department in respect of offices under the Head of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department shall pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned.

6. DoPT has, however, evolved a mechanism to ascertain the status of appointments made in respect of SCs/STs/OBCs in all Ministry/Department/Organisations of the Central Government. For this purpose, a portal titled 'Representation of Reserved Categories in Posts and Services (RRCPS)', which is a web-based application for collection and monitoring of data regarding representation of SCs/STs/OBCs in the Central Government. The application enables each Ministry/Department to ascertain the shortfall of representation of SCs/STs/OBCs in the Government of India.

7. DoPT also monitors the progress in filling up of backlog reserved vacancies for SCs, STs & OBCs, as on 01st January of every year, with ten Ministries/ Departments, having more than 90% of the employees in Central Government. These Ministries/Departments include M/o Home Affairs, M/o Railways, M/o Education, M/o Housing and Urban Affairs, D/o Revenue, D/o Defence, D/o Defence Production, D/o Posts, D/o Financial Services and D/o Atomic Energy. Communications are issued to these Ministries/Departments from time to time and frequent interactions are held with them through meetings seeking details of backlog reserved vacancies filled by them.

II. WORKING AND ORGANISATIONAL STRUCTURE :

(a) Vision

8. To create an enabling environment for the development and management of Human Resources of the Government for efficient, effective, accountable, responsive and transparent and ethical governance.

(b) Mission

9. Development and management of government personnel by attracting the best talent, providing excellent career advancement opportunities, encouraging competence and innovation, adopting a dynamic framework of personnel policies and procedures, ensuring capacity building at all levels, inculcating and supporting a culture of transparency, accountability and zero tolerance of corruption in public affairs, and institutionalizing a system of continuous and constructive engagement with stakeholders to make the public services in India more efficient, effective, accountable and responsive.

10. The various wings of DoP&T are as under:

- Establishment Officer (EO)
- Services & Vigilance (S&V)
- Establishment (Estt.)
- Administration and Training (Trg.), IR & AT

(c) Establishment Officer's (EO) Wing:

11. The Establishment Officer's Wing deals with the matters relating to senior appointments, Career management, fellowship abroad, foreign assignment, Central Staffing Scheme, appointment to posts of Chairperson, Managing Director, full-time functional Director/ Member of the Board of Management of various Public Sector Undertakings/ Enterprises, Corporations, Banks and financial institutions, all proposals for senior appointments under the Government of India which require the approval of the Appointments Committee of the Cabinet (ACC). In addition, all appointments by promotion, which require the approval of the ACC are also processed through the Establishment Officer.

(d) Services & Vigilance (S&V) Wing:

12. The Services & Vigilance Wing handles matters relating to Administration of rules on all the service matters in respect of All India Services, all matters relating to Administrative vigilance (including administration of CvC), All India Services, Cadre Management of AIS/CSS/ CSSS / CSCS.

(e) Establishment (Estt.) Wing:

13. The Establishment Wing is responsible for framing and revising rules and regulations regarding service conditions of the employees and personnel policies of Central Government servants, other than All India Service Officers, Reservation in services, Joint Consultative Machinery for Central Government employees, and matters relating to the Union Public Service Commission, Staff Selection Commission and PESB, State Reorganization and redeployment of surplus staff, Staff Welfare and Policy Matters relating to Departmental Canteen in the Ministries/ Departments / offices of GOL.

(f) Administration and Training (Trg.), IR & AT Wing:

14. Administration Wing deals with the matters related to Personnel/General Administration of DoPT, all coordination matters; Citizens and Client Charter, all Budget matters relating to this Ministry and its attached/subordinate offices, Parliamentary Matters, all matters relating to the Administrative Tribunals, all policy matters relating to Right to Information Act, 2005, and the Central Information Commission.

15. Training Division administers induction training to recruits to the Indian Administrative Service and other All India Services and Central Services. It is also responsible for coordinating the implementation of National Training Policy. Training Division implements Central Sector Scheme "Training for All (TFA)". An online training programme known as I.GOT (Integrated

Government Online Training) has been launched on 20th December, 2018. All matters relating to Training and Administration of the Lal Bahadur Shastri National Academy of Administration, Mussoorie, the Institute of Secretariat Training and Management, New Delhi and the Indian Institute of Public Administration, New Delhi.

16. The Department of Personnel and Training also handles the administrative work relating to the following: -

- Union Public Service Commission
- Central Vigilance Commission
- Lokpal
- Central Administrative Tribunals
- Central Information Commission
- Central Bureau of Investigation
- Staff Selection Commission
- Public Enterprises Selection Board
- Lal Bahadur Shastri National Academy of Administration
- Institute of Secretariat Training and Management

III. ACHIEVEMENTS OF DEPARTMENT OF PERSONNEL & TRAINING (April, 2018 onwards)

17. **Mission Karmayogi**

(i) Capacity of civil servants is a key component of implementing Ease-of Doing - Business reforms. To strengthen the efforts of the implementing departments, the Department of Personnel and Training has designed the National Programme for Civil Services Capacity Building (NPCSCB) — Mission Karmayogi, which was approved by the Union Cabinet on 2nd Sep. 2020. Under NPCSCB, DoPT is taking steps to calibrate all civil services tasks to a framework of Roles, Activities and Competencies (FRAC) to identify the behavioural, functional and domain needs of each individual position in the government. National Programme for Civil Services Capacity Building (NPCSCB) aims to create a professional, well-trained and future-looking civil servants, that is imbued with a shared understanding of India's developmental aspirations, national programs and priorities.

(ii) An online learning platform (iGOT-Karmayogi) is also being developed that will allow the departments to provide training resources and opportunities to their employees at a hitherto impossible scale.

18. **Infusing fresh talent at Policy Making Levels:** A total of 08 officers have been appointed at Joint Secretary level in different Ministries on lateral entry basis. Appointment of DS/Director level on lateral entry basis is also at advanced stage.

19. **National Recruitment Agency (NRA):** The National Recruitment Agency (NRA) was created in August 2020 as a transformational reform in the recruitment process for central government jobs. This multi-agency body will conduct a Common Eligibility Test (CET) to screen/shortlist candidates for the Group B and C (non-technical) posts and will have representatives of Ministry of Railways, Ministry of Finance/Department of Financial Services, the SSC, RRB & IBPS. It is envisioned that the NRA would be a specialist body bringing the state-of-the-art technology and best practices to the field of Central Government recruitment.

20. **Joint Consultative Machinery** : 47th Meeting of the National Council, headed by Cabinet Secretary, was held on 13.04.2019 after a gap of about 9 years. Thereafter, on 26.6.2021, the 48th Meeting of National Council under the Chairmanship of Cabinet Secretary was held. With the holding of these two meetings, the Government could resolve many outstanding issues and grievances of the employees' associations.

21. **Promotions of officers of Central Secretariat Service (CSS) and Central Secretariat Stenographers Service (CSSS), including officers belonging to reserved category** : Due to the pendency of the Jarnail Singh matter, involving the issue of 'Reservation in Promotion', before the Hon'ble Supreme Court, promotions of the officers of CSS and CSSS, both belonging to unreserved and reserved category, were held up. However, keeping in view the functional requirement of the Government, around 1200 officers of CSS and CSSS were promoted in various grades in these cadres.

IV. IMPLEMENTATION OF RESERVATION POLICY

22. When the Committee enquired about the details of mechanism evolved for proper implementation of the reservation policy along with the oversight available at various levels including group A and above the Ministry/DoPT in reply has furnished as below :

(i) As per DoPT OM No.5/1/63-(SCT)(I) dated 4.3.1964, Ministries/ Departments are required to issue suitable instructions to the Undertakings under their control to make reservation for SCs and STs in their services on the lines of the reservation in Central Government services. Further, DoPT OM No.39/40/74-(SCT)(I) dated 30.9.1974 requires autonomous bodies, Cooperative Institutions, Universities etc., receiving Grants-in-Aid from the Government of India, to provide reservations for SCs and STs by making suitable provisions in the relevant statutes or in the Articles of Association of the respective bodies.

(ii) As per DoPT OM No.43011/153/2010-Estt.(Res.), dated 4.1.2013, each Ministry/Department/attached/subordinate office is required to designate an officer, atleast of the rank of Deputy Secretary, as Liaison Officer, in the matters relating to SCs/STs/OBCs. It is the duty of the Liaison Officer to ensure due compliance by the subordinate appointing authorities of the orders and instructions pertaining to the reservation of vacancies in favour of OBCs and other benefits admissible to them. The Liaison Officer is required to conduct annual inspection of the reservation registers/roster registers maintained in the Ministry/Department/ Offices under the control of the Ministry/ Department with a view to ensuring proper implementation of the reservation orders. Cases of negligence or lapse in the matter of following the reservation and other orders relating to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, coming to the light through the inspections carried out by the Liaison Officer, is required to be reported/ submitted by him to the Secretary/Additional Secretary to the Government of India in the respective Ministry/ Department or to the Head of the Department in respect of offices under the Heads of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department is required to pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned. These instructions also provide that each Ministry/Department is required to set up a Special Reservation Cell within the Ministry/Department under the direct control of the Liaison Officer to assist the Liaison

Officer in discharging of his duties effectively. Public Sector Undertakings, Autonomous Bodies, Institutions etc. under the Central Government are required to appoint Liaison Officer in the same manner as existing in the Ministries/Departments.

(iii) Reservation in posts and services in the Central Government is provided upto the lowest rung of Group A. However, when promotion by selection is made from a Group A post to a Group A post which carry Grade Pay of Rs. 8700/- or less, the Scheduled Caste and Scheduled Tribe Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion.

23. When the Committee further desired to know whether DoPT has given any specific directives to the Ministry of Social Justice/Tribal Affairs in connection with reservation/appointments of SCs/STs the Ministry/DoPT in reply has informed that as per the Government of India (Allocation of Business) Rules, Ministry of Social Justice and Empowerment (MSJE) is the nodal Ministry for the overall policy, planning and coordination of programmes relating to SCs, OBCs, EWS etc. and Ministry of Tribal Affairs is the nodal Ministry for policy matters related to STs. DoPT issues instructions relating to reservation in posts and services under the Central Government based on the policy decision taken by the above concerned nodal Ministries.

V RESERVATION FOR SCs/STs IN RECRUITMENT AND PROMOTION IN PSUs/AUTONOMOUS BODIES

24. DoPT Being the nodal organization on 'being asked whether any mechanism is available with DoPT for ensuring the mandated reservation for both recruitment and promotions in those PSUs/Autonomous Bodies which are not under the Central Government it is informed that DoPT is concerned with the reservation in posts and services under the Central Government. The matter relating to services of employees of the State Government falls under List II i.e. "State List" of the Seventh Schedule of the Constitution, which is in the purview of the respective State Government.

25. The Committee further enquired about the details of promotions (regular/ad-hoc) carried out by the Departments/Ministries, subsequently, based on DoPT's instructions issued vide OM No. 36012/11/2016- Estt.(Res.1) dated 15.06.2018 which directed all the cadre controlling authorities of Central Government Ministries/Departments and Union Territories to carry out promotions in accordance with the directions of the Hon'ble Supreme Court in the pending litigation related to reservations in promotions and connected matters. The Ministry/Departments has stated that no centralize data is maintained regarding number of promotions carried out by different Ministries/Departments in pursuance of the DoPT OM dated 15.6.2018. DoPT issues guidelines/instructions regarding identification of vacancies, convening of DPCs, instructions on reservations in promotions etc. and it is the duty of the concerned cadre controlling authorities under various Ministries/Departments to take necessary action for making promotions against vacancies.

Further, in *Jamail Singh*, the Hon'ble Supreme Court has heard the matter at length during October, 2021 and vide its Order dated 26.10.2021, has reserved its Judgement.

VI. REPRESENTATION OF SCs/STs IN THE BOARD OF DIRECTOR

26. In a written reply furnished to the Committee regarding the detailed position of SC/ST Officers in the recruitment Board/Selection Committee and Board of Directors in different Companies, PSUs and Banks etc. and also the fact that there is no mandatory provision to approve at least one/two SC/ST Director in the Board of Director in PSUs, Banks, inspite of number of recommendations made by the Parliamentary Committee on Welfare of SCs/STs the Ministry/DoPT in response has furnished as under:

(i) The Public Enterprises Selection Board (PESB) is a high powered body constituted by the Government of India vide Resolution dated 03.03.1987, amended from time to time. The PESB has been set up with the objective of evolving a sound managerial policy for the Central Public Sector Enterprises (CPSEs) and in particular, to advise the Government on appointment to top management posts. As per the information provided by PESB, as of now, there is no Government policy of reservation on recommendations of names by PSEB to the top management posts in Central Public Sector Enterprises (CPSEs). PESB process neither discriminates nor promotes any individual on the basis of caste/ religion/ region. Also, PESB does not ask for information on caste status in applications. Further, the recommendations are made keeping in view the performance of the candidates interviewed with special regard to his qualities of managerial capability, leadership, broad vision, track record, the available ACRs and the inputs provided by the Secretary of the concerned Administrative Ministry/ Department and CMD/MD/Chairman of the concerned CPSE.

(ii) A five judge Bench of the Hon'ble Supreme Court in its judgment dated 17.4.1998 in the case titled 'Post Graduate Institute of Medical Education and Research Vs Faculty Association and Others' has held that "there cannot be any reservation in single post cadres". The Apex Court has further held that "unless there is plurality of posts in a cadre, the question of reservation will not arise even with the device of reservation by rotation."

(iii) Earlier, Department of Public Enterprises (DPE) had informed that Board of Directors of CPSEs comprises Functional, Government and non- Functional Directors and every Director position is a single post cadre. Government officers from concerned administrative Ministry or related Government agency are nominated as Government Directors on the Boards of CPSEs on ex-officio basis with no fixed tenure. Therefore, it may not be possible to have any provision for reservation for any caste/community to the posts of Government Directors on the Board of CPSEs. Whereas, non-official Directors are generally not considered as "employees" of the Government.

(iv) DPE had also informed that they are taking action to increase the representation of persons belonging to SCs, STs, Minorities, OBCs and Women as non-official Directors on the Boards of CPSEs. They also informed that the Department related Parliamentary Standing Committee on Industry in its 221st Report on the issue of certain criteria laid down by the Government for appointment of non-official Directors on Boards of CPSEs, had recommended SC, ST, OBC and Women should be given preference. The concern expressed by the Committee was communicated by DPE to all the administrative Ministries/Departments. DPE has also informed that they maintain data bank of persons who can be considered for appointment as non-official Directors on the Boards of CPSEs. In order to increase the number of persons belonging to categories of

Scheduled Castes, Scheduled Tribes, Minorities, OBCs and women in the data bank, DPE had brought out advertisements in leading newspapers of all metros and state capitals inviting applications for inclusion in DPE data bank.

(v) To monitor the representation of persons belonging to categories of SCs, STs, Minorities, OBC and women being recommended/appointed as non-official Directors on the Boards of CPSEs, DPE proposed to prescribe a uniform format of bio-data for persons to be considered for appointment as non-official Directors on the Boards of CPSEs and the administrative Ministries would be requested to furnish the bio-data of persons in the prescribed format only.

(vi) It is further submitted that the position explained in preceding paragraphs was submitted by this Department and also considered by the Hon'ble Parliamentary Committee on Welfare of SCs and STs in its 3rd Report (16th Lok Sabha), tabled in the Parliament in April 2015 on Ministry of Personnel, Public Grievances & Pensions.

(vii) Under Para 3.16 to 3.24 of Chapter-II of the said Report, this issue has been discussed in detail and has been included as one of the item on which "the recommendations/observations are not proposed to be pursued in view of the replies of the Government."

The Committee further asked to provide a copy of minutes of the discussions held by various Departments/Ministries/Organisations/PSUs while discussing the recommendation of Parliamentary Committee on the Welfare of Scheduled Castes in various reports regarding proper representation SC/ST member in Board of Directors in the said Government Organisations/Departments/PSUs the Ministry/Department in response has informed that the Department of Public Enterprises is the nodal department for all the Central Public Sector Enterprises (CPSEs) and formulates policy pertaining to CPSEs. Similarly, Department of Financial Services is the nodal Department in respect of Public Sector banks (PSBs), Public Sector Insurance Companies (PSICs) and Development Financial Institutions (DFIs).

27. When the Committee desired to know why suitable comments are not made to give reservation/representation to SCs/STs to become member of Recruitment Board/Selection Committee/DPCs set up for selection of candidates for various posts in different Ministries/Departments/PSUs the Ministry/DoPT has stated that Instructions for nomination of an SC/ST member in the DPCs/Selection Boards are in existence since 1975. OMs dated 2.9.1970 and 23.5.1975 provided that Ministries/Departments should endeavour to nominate an SC/ST officer on the Selection Boards/DPCs. Subsequently, vide OM dated 16.8.1990, it was made mandatory to have one member belonging to SC/ST and one member belonging to the Minority Community in the Selection Committee/Board for making recruitment to 10 or more vacancies in Group C and D posts. This OM also provided that where the number of vacancies against which selection is to be made is less than 10, no effort should be spared in finding an SC/ST officer and a Minority community officer for inclusion in such Committees/ Boards. This OM was slightly modified vide OM dated 11.7.1995 by providing for nomination of a lady officer also in such Selection Committees/Boards. However, vide OM dated 13.2.2014, it has been made mandatory to have one Member belonging to SC / ST, one Member belonging to OBC category, one Member belonging to Minority Community and a lady Member in Selection Committees/ Boards constituted for making recruitment to 10 or more vacancies in any level of

posts or services. Further, where the number of vacancies is less than ten, Ministries/Departments are required to make every effort in finding the SC/ST/OBC officer, the minority community officer and a lady officer, in such Committees/ Boards. Similar instructions are required to be issued by D/o Public Enterprises and D/o Financial Services in respect of PSUs and Financial Institutions (including Public Sector Banks) respectively.

VII. RESERVATION IN PROMOTION IN HIGHER POSITIONS

28. In response to queries raised by the Committee for providing status of reservation in promotion in higher position in different Ministries and Departments of Government of India the Ministry/Department in reply has furnished as under:

- (i) Reservation in promotion is made upto the lowest rung of Group A. There is no provision of reservation in promotion within Group A.
- (ii) The appointment of officers to the senior level posts under the Government of India such as Joint Secretary, Additional Secretary and Secretary are filled on deputation basis from officers of participating services, including All India Services (AIS). These posts are filled as and when the officers possessing requisite experience are made available by the State Government. Hence, representation of SC/ST officers in these posts depends on the number of officers belonging to such communities provided by the respective cadres.
- (iii) It is a continued endeavour of the Government to ensure higher representation of SC/ST officers in terms of guidelines for empanelment to hold posts at various level which provide for "in case the selection process does not lead to adequate representation of categories like SC/ST in the panel, the criteria for empanelment would be suitably relaxed to give due representation to these categories".

VIII RESERVATION IN PROMOTION AND ON OWN MERIT

29. The Committee during the sitting was informed that reservation in promotion and promotion of SCs and STs on own-merit are presently sub-judice. In this regard when the Committee desired to know the total number of such cases pending in Court and the reasons for its pendency along with the time line set for implementation of notification pertaining to reservation of SCs/STs in promotion including own merit along with the updated status of the matter of reservation in promotion the Ministry/DoPT in reply furnished as under :

- (i) Hon'ble Supreme Court, vide its Judgement dated 19.10.2006 in the Writ Petition (Civil) 61 of 2002 titled *M. Nagaraj & Others vs Union Of India & Others*, held that if the State wishes to make reservation in promotion, it has to fulfil certain conditions which *inter alia* included collection of quantifiable data showing backwardness of the class (since deleted by Hon'ble Supreme Court vide Judgement dated 26.9.2018 in *Jarnail Singh vs. Lachmi Narian Gupta*), inadequacy of representation of that class in public employment, compliance of Article 335 (maintenance of administrative efficiency) and ensuring that reservation does not breach the ceiling limit of 50%.
- (ii) In pursuance of *Nagaraj* Judgement, Punjab & Haryana High Court, vide Judgement, dated 15.7.2011, quashed DoPT OM dated 10.8.2010 providing for 'Promotion of SC/ST on Own Merit' and Delhi High Court, vide Judgement, dated 23.8.2017, quashed DoPT OM dated 13.8.1997, providing for 'Reservation in Promotion'. These Judgements of the High Courts were challenged before the Hon'ble Supreme Court which have been tagged with the SLP No. 30621/2011 titled '*Jarnail*

Singh & Ors Vs. Lachhmi Narain Gupta & Ors'. There are nearly 140 cases tagged with this SLP, which include around 87 cases in which Government of India is party.

(iii) Government of India has taken a stand before the Hon'ble Supreme Court that its reservation policies are *Nagaraj* compliant as under:

Conditions	Stand of Govt. of India
Inadequacy of representation	DoPT OM dated 2.7.1997 provides for maintenance of reservation roster in which points have been earmarked for each category. This system/mechanism indicates adequacy/ inadequacy of representation of each category.
Administrative efficiency	APAR captures assessment of work output, personal attributes and functional competency of each officer and the APARs are assessed before making promotion to higher grade, thereby ensuring administrative efficiency.
Non-breaching of 50% ceiling	In the matters of promotion, reservation is provided only to the extent of 15% to SCs and 7.5% to STs. There is no reservation in promotions to OBCs. Hence, this condition is also complied with.

(iv) Hon'ble Supreme Court, vide its judgement dt. 28.1.2022 in *Jarnail Singh*, has adjudicated on some common issues, which have emanated from *Nagaraj*. The Court has inter alia held as under:

- Court cannot lay down any yardstick for determining the adequacy of representation of SCs and STs in promotional posts for the purpose of providing reservation;
- unit for operation of the roster would be the cadre strength and that the collection of information regarding inadequacy of representation of SCs and STs should be relatable to the grade/category of posts to which promotion is sought;
- *Nagaraj* judgement would operate prospectively;

(v) However, the Court has not expressed any opinion on the merits of any individual cases and these are still **sub judice**.

(vi) In pursuance of the judgement dated 28.1.2022 in *Jarnail Singh*, DoPT, in consultation with Ld. Attorney General, has issued an OM dated 12.4.2022, which lays down certain conditions which are required to be fulfilled by the Ministries/Departments before making reservation in promotion. These conditions inter alia include:

Collection of quantifiable data regarding inadequacy of representation of SCs and STs;

Application of this data to each cadre separately;

vii. The above OM enables all the Ministries/Departments of the Government of India to give reservation in promotions. Based on the said OM, DoPT has also initiated the exercise for making promotions in various grades of CSS/CSSS/CSCS.

IX REPRESENTATION OF SC/ST IN SENIOR POSITIONS

30. On specific query about the number and percentage of officials in higher positions at present in the Grade of Director/JS/AS/Secretaries in different Ministries/Departments of Government belonging to SCs & STs and also the number of SCs/STs in the zone for consideration in such higher level post during the last 05 years but were not considered along with the reasons therefor, the Ministry/DoPT in a written reply has stated as under:

(i) To fill up the posts of Joint Secretary/Additional Secretary/Secretary in the Ministries/Departments of Government of India under the Central Staffing Scheme (CSS), the officers of various services participating under the CSS are considered for empanelment/retention to hold these posts. These posts are deputation posts and are not cadre posts of any service. Out of the empanelled officers, those who give option for deputation are considered for appointment for Joint Secretary & above under the CSS. There is no provision for reservation in the posts filled up on deputation basis under the CSS.

(ii) The number of officers at present in the Grade of Director/JS/AS/Secretaries in the Ministry / Department under Central Staffing Scheme belonging to SCs & STs is as under:

DS/Director		Joint Secretary		Additional Secretary		Secretary	
Total	Number of officers belonging to SC/ST	Total	Number of officers belonging to SC/ST	Total	Number of officers belonging to SC/ST	Total	Number of officers belonging to SC/ST
509	79	242	25	90	12	87	04

31. Upon enquiring about the reasons for not providing/ making adequate representation of SC/ST to the post of Joint Secretary/ Additional Secretary/Secretaries the Ministry/Department in their has informed that to fill up the posts of Joint Secretary/Additional Secretary/ Secretaries in the Ministries/Departments of Government of India under the Central Staffing Scheme (CSS), the officers of various services participating under the CSS are considered for empanelment/retention to hold these posts. These posts are deputation posts and are not cadre posts of any service. Out of the empanelled officers, those who give opinion for deputation are considered for appointment for Joint Secretary & above under the CSS. There is no provision for reservation in the posts filled up on deputation basis under the CSS. However, at the time of empanelment every effort is made to empanel officers belonging to SC/ST categories and if necessary, by adopting liberal benchmark as compared to officers of General category.

32. When the Committee enquired about the various SC/ST officials who are/were eligible for the post of JS/AS/Secretaries but have not been promoted with reasons thereon in various Ministries /Departments of Government of India including DoPT the Ministry/Department in their reply has stated that appointments are made to the posts of Joint Secretary, Additional Secretary and Secretary at the Centre on deputation basis under Central Staffing Scheme. As these appointments are not on representation basis such data is accordingly not maintained.

X RESERVATION FOR SCs/STs IN DIRECTOR'S LEVEL

33. When the Committee desired to know the reaction of the Government with regard to the suggestion made by the Committee wherein it had suggested during the sitting of the Committee that suitable amendments should be made to give out preference or reservation to

SCs/STs in Director's level as it can be seen that only few SCs/STs are holding higher positions in various Ministries and Departments and if there is any proposal to give out preferences or reservation to SCs/STs in higher level officers the Ministry/DoPT has informed the appointment of officers to the senior level posts under the Government of India such as Joint Secretary, Additional Secretary and Secretary are filled on deputation basis from officers of participating services, including All India Services (AIS). These posts are filled as and when the officers possessing requisite experience are made available by the State Government. Hence, representation of SC/ST officers in these posts depends on the number of officers belonging to such communities provided by the respective cadres. Insofar as the representation of SC and ST in the post of Director in the Ministries/ Departments is concerned, the data is as under:

Particulars	SC	ST	Others	Total
Directors in Central Staffing Scheme	39	17	295	351
Directors (including insitu JS) of Central Secretariat Service	45	27	82	154
Total	84	44	377	505
Percentage	16.64%	8.71%	74.65%	

It may be seen from the above that the representation of SC and ST is adequate in the grade of Director in the Ministries/Departments.

XI GRADE WISE REPRESENTATION OF SCs/STs

34. In reply to queries raised by the Committee regarding details of representation of SC/ST group-wise and grade-wise percentage viz-a-viz unreserved candidate up to September, 2021, it is stated that the DoPT has devised a portal viz. rcps.nic.in on which the Ministries/Departments are required to upload the data regarding representation of SCs, STs and OBCs every year, as on 1st January. Data on representation uploaded by various Ministries/Departments, as on 1.1.2021, on this portal, is given in the statement at **Annexure I.**

35. The Ministry/DoPT in reply to additional queries from the reply provided by DoPT vide OM No. 41034/1/2018-Estt.(Res.1), the percentage of Safai Karamchari is 36.9 per cent when the Committee enquired if Safai Karamchari over the prescribed percentage of reservation (15 per cent SC and 7.5 per cent ST) are treated as general it was responded that in pursuance of Honble Supreme Court judgement in *Sabharwal*, DoPT, vide OM dated 2.7.1997, has issued detailed instructions to all the Ministries/Department for maintenance of post based reservation roster, which emphasizes upon the principles laid down in *Sabharwal* that vacancies released by retirement, resignation, promotion, etc. of the persons belonging to the general and reserved categories are to be filled by appointment of persons from the respective category, so that the prescribed percentage of reservation is maintained. This OM also provides that persons appointed on merit and not owing to reservation, should not be shown against reserved points. Thus, as per these instructions, reserved candidates can be appointed against the vacancies reserved for them and also against unreserved vacancies on own merit. However, as mentioned above, it is the concerned Ministry/Department which uploads the data on representation of SC, ST and OBC grade-wise and group-wise on the portal.

(vii) Relaxation of Standard

Authority can be considered

XII. DETAILS OF RECRUITMENT/PROMOTION IN SCs/STs CATEGORY

36. The Ministry/DoPT in their written replies provided the details regarding appointments made in the grades of Multi-Tasking Staff, Junior Secretariat Assistant and various grades of Central Secretariat Stenographers Services and Central Secretariat Services including appointments of SCs/STs, backlog vacancies, own-merit in appointments etc. as per tables given at **Annexure-II**.

XIII. SUPREME COURT INTERIM ORDER ON SC/ST MERITORIOUS CANDIDATES/EMPLOYEES

37. When the Committee desired to know about the updated status of Office Memorandum dated 10th August, 2010 issued by DoPT to give reservation in promotion to SC/ST candidates promoted on their own merit, the final outcome of the judgments of Supreme Court in this regard along with the considered view and action taken by the DoPT to nullify the effect of Courts Orders in this regard and the details of current status of various cases pending in various courts including High Courts/Supreme Court on the matters relating to reservation on seniority and merit for SCs/STs, the Ministry/Department in reply has informed that the issues of 'Reservation in Promotion' and 'Promotion of SC/ST on Own Merit' is presently sub judice before the Hon'ble Supreme Court in the SLP No. 30621/2011 titled "Jarnail Singh and Ors. Vs Lachhmi Narain Gupta & Ors'.

(i) The Hon'ble Supreme Court, vide its Order dated 19.10.2006, in the case titled 'M. Nagaraj & Ors Vs Uol & Ors', held that if the State wishes to make reservation in promotion, it has to collect quantifiable data showing backwardness of the class, justify inadequacy of representation of that class in public employment, ensure compliance of Article 335 and see that reservation does not breach the ceiling limit of 50% or obliterate Creamy Layer or extend reservation indefinitely. The condition regarding collection of quantifiable data showing backwardness of the class was, however, held as invalid by Hon'ble Supreme Court on 26.9.2018 in Jarnail Singh, it being contrary to the Judgement of the nine-Judges Bench in Indra Sawhney. Based on the Nagaraj Judgement, Hon'ble Punjab and Haryana High Court, vide Order dated 15.11.2011, and Hon'ble Delhi High Court, vide Order dated 23.7.2017, have quashed DoPT OM providing 'Promotion of SC/ST on Own Merit' and OM providing 'Reservation in Promotion' respectively.

(ii) Government has challenged both the above Orders of the Hon'ble High Courts on the ground that the existing instructions regarding reservation in promotion fulfil the conditions laid down in Nagaraj. The matter is presently sub judice before the Hon'ble Supreme Court in the Jarnail Singh batch of cases. Around 137 related cases are tagged with the Jarnail Singh matter, which includes 87 cases pertaining to Government of India involving the issues such as 'Reservation in Promotion', 'Promotion of SC/ST on Own Merit', 'Consequential Seniority to the SCs/STs' etc.

(iii) The Hon'ble Supreme Court vide its interim Orders, dated 17.5.2018 and 5.6.2018, had allowed the Government to fill up the reserved vacancies subject to the outcome of the matter. Subsequently, Hon'ble Supreme Court, vide its order dated 15.4.2019, directed to maintain Status Quo in the matter. However, no clarification has been furnished by the Hon'ble Court on the intent and meaning of its Status Quo Order.

XIV BILL FOR MANDATORY IMPLEMENTATION OF RESERVATION POLICY

38. The Ministry/DoPT in their replies to additional queries on whether the Government has any proposal to bring a Bill in Parliament for mandatory implementation of reservation policy by the Government Offices/Departments as provided to the candidates and followed by some States like Karnataka DoPT in their replies has stated that the Ministry/ DoPT has issued instructions on reservation for SCs, STs and OBCs in posts and services under the Central Government in pursuance of the provisions contained in Article 16(4); 16(4A) and 16 (4B) and these instructions are required to be followed by all the Central Government Ministries/Departments, their Attached/Subordinate offices and various PSUs, Universities, autonomous bodies etc. under it.

(ii) In *Nagaraj* (2006), Hon'ble Supreme Court laid down certain conditions for the State to be fulfilled before making reservation in promotion. These conditions, *inter alia*, included collection of quantifiable data on the backwardness of the class, inadequacy of representation of the class, compliance of Article 335, simultaneously ensuring that the reservation provision does not breach the ceiling limit of 50% etc. Since, there was difficulty in collection of quantifiable data showing backwardness of the class and uncertainty regarding methodology for determining inadequacy of representation of that class in public employment, the prospects of promotion of the employees belonging to the SCs and STs were felt to be adversely affected. Accordingly, the Constitutional (117th Amendment) Bill was introduced and passed in the Rajya Sabha by the Government in 2012. However, the Bill could not be considered in the 15th Lok Sabha and lapsed on the dissolution of 15th Lok Sabha.

(iii) Subsequently, Hon'ble Supreme Court, vide Order, dated 26.9.2018, in the SLP No. 30621/2011, titled *Jarnail Singh & Others vs. Lachmi Narain Gupta & Ors'*, held the condition, laid down in *Nagaraj* regarding quantifiable data on the backwardness of SCs and STs, as invalid, it being contrary to *Indira Sawhney*. Government has also filed an affidavit before the Hon'ble Supreme Court in *Jarnail Singh* submitting that the requirement of inadequacy is being determined through the mechanism of reservation roster, guidelines on which were issued by DoPT vide OM dated 2.7.1997, in pursuance of Hon'ble Supreme Court Judgement in *Sabharwal*. Hearings in this matter have since been concluded and the Hon'ble Supreme Court, vide its Order dated 26.10.2021, has reserved its Judgement.

XV. RELAXATIONS/CONCESSIONS TO SC/ST CANDIDATES /EMPLOYEES

39. In a written reply furnished to the Committee regarding factual note about the concession given to SC/ST candidates/employees at the time of direct recruitment/appointments/ promotion and interview (open in house) with citing examples in this regard the Ministry/Department in response furnished as under :

The various relaxations/ concessions applicable to SC/ST candidates/employees are as under:

(i) Concession in Promotions within Group A - When promotion by selection is made from a Group A post to a Group A post which carry Grade Pay of Rs. 8700/- or less (pre-revised), the Scheduled Caste and Scheduled Tribe Officers, who are senior enough in

the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion.

(ii) Consideration for Appointment by Deputation and Absorption - Whenever a Ministry/Department/Attached Office/Subordinate Office etc. propose to depute, in public interest, officers serving under them to a post in or under another Ministry/Department etc., the Scheduled Caste /Scheduled Tribe employees serving under them, who are eligible to be sent on deputation should also be considered along with other eligible employees for such deputation.

(iii) Age Relaxation in Direct Recruitment - The maximum age-limit prescribed for direct recruitment to a service or post shall be increased by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes and by 3 years in the case of candidates belonging to OBCs.

(iv) Age Relaxation in Promotion - Where an upper age-limit not exceeding 50 years is prescribed for promotion to a service/post, it shall be relaxed by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes. This, however, would not apply to posts which have arduous field duties or are meant for operational safety and discipline in Military Organizations.

(v) Concession in Fee - The candidates belonging to Scheduled Castes and Scheduled Tribes are not required to pay any fees for admission to any recruitment examination/selection.

(vi) Relaxation of Experience Qualification for SCs and STs in Direct Recruitment - When any vacancies reserved for Scheduled Castes and Scheduled Tribes are advertised or intimated to the Employment Exchange, it should be specifically mentioned in the advertisement/requisition that the period of experience prescribed is relaxable, at the discretion of the Union Public Service Commission or the competent authority, as the case may be, in the case of Scheduled Caste/Scheduled Tribe candidates as provided in the Recruitment Rules. Where some period of experience is prescribed as an essential qualification for direct recruitment to a post, and where, in the opinion of the Ministry/Department concerned, the relaxation of the experience qualification will not be inconsistent with efficiency, a provision for relaxation of experience by competent authority may be considered for candidates belonging to Scheduled Castes and Scheduled Tribes.

(vii) Relaxation of Standard of Suitability in Direct Recruitment - In direct recruitment to posts in para-Military Organizations, the number of vacancies reserved for Scheduled Castes, Scheduled Tribes and OBCs Classes cannot be filled on the basis of general standard, and these communities will be taken by relaxed standard to make up the reserved quota, subject to the fitness of these candidates for appointment to the posts in question.

(viii) Relaxation of Standards in Departmental Competitive / Qualifying Examinations - If in case of promotions made through departmental competitive examinations, sufficient number of Scheduled Caste / Scheduled Tribe candidates are not available on the basis of general standard to fill all the vacancies reserved for them, Scheduled Caste/Scheduled Tribe candidates who have not acquired the general qualifying standard can

also be considered for promotion to fill up the remaining vacancies reserved for them provided they are not found unfit for such promotions.

The reply further stated that the benefits being given to SC/ST candidates in promotion have been challenged in different courts of Law, from time to time in the past. Keeping in view various judgments of different Courts of Law, especially the judgments of the Hon'ble Supreme Court, instructions are re-examined and efforts are made by the Government from time to time, with a view to continue to protect the concessions/ relaxations available to SCs and STs, provided under the Constitution. As replied against Question No. 7 above, the Government has challenged the Hon'ble Punjab and Haryana High Court Order dated 15.07.2011 (quashing DoPT OM dated 10.08.2010 regarding own merit in promotion) and Hon'ble Delhi High Court order dated 23.08.2017 (quashing DoPT OM dated 13.08.1997 regarding reservation in promotion) before the Hon'ble Supreme Court which are presently sub judice in Jarnail Singh. Further, Liaison Officer for SCs/STs or for OBCs in various Ministries/Departments, as required to be nominated in terms of DOPT OM No.43011/153/2010-Estt.(Res.) dated 4.1.2013, is responsible for implementation of reservation policies in appointments.

XVI. NON COMPLAINE OF RULES ON CONCESSIONS/RELAXATION FOR SC/ST CANDIDATES

40. When the Committee desire to know if relaxation provided to SCs/STs during selection and promotion is in conformity with Supreme Court Judgements and policy/rules framed by the Government from time to time, the Ministry/DoPT in reply has stated that as per the extant instructions, reservation in promotion is available upto the entry level of Group A and there is no reservation in promotion within Group A posts. With regard to Board level appointment in Public Sector Undertaking, the extant guidelines do not provide for reservation to candidates belonging to the Scheduled Castes and Scheduled Tribes.

The reply further stated that vide Constitution (Eighty Second Amendment) Act 2000, a proviso has been inserted under Article 335 providing that nothing in this article shall prevent in making of any provision in favour of the members of the SCs and STs for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State. In Nagaraj (2006), the Hon'ble Supreme Court has upheld the constitutional validity of the above Amendment Act.

41. When the Committee desired to know whether any case of Government Department(s)/Organisation(s) which is/are not following the rules about the aforesaid relaxation/concessions along with the action taken by DoPT in this regard the Ministry/DoPT informed that no specific case has come to the notice of DoPT where any particular Department/Ministry is not following the rules regarding relaxation/concessions available to SC/ST candidates. All Ministries/Departments are required to follow the guidelines issued by DoPT.

XVII MONITORING OF RESERVATION ROSTER

42. When the Committee desired to know the mechanism available with the DoPT to monitor that particular Ministry/Department is not following the reservation policy and backlog as per DoPT & Court order and also if DoPT have undertaken surprise visit to check roster of any Ministry/Department/autonomous Central body to know that they are strictly following DoPT guidelines to prepare roster in their organization it was informed that DoPT is the nodal

Department that formulates policies on service matters and issues instructions from time to time. However, these instructions are to be followed by the Ministries/ Departments of the Central Government scrupulously. It is reiterated that DoPT, vide OM No.43011/153/2010-Estt.(Res.), dated 4.1.2013, has provided for nomination of an officer, atleast of the rank of Deputy Secretary, as Liaison Officer in each Ministry/Department, including its attached/subordinate office, PSUs/autonomous bodies etc. in the matters relating to SCs/STs/OBCs. It is the duty of the Liaison Officer to inspect the reservation rosters and ensure due compliance by the subordinate appointing authorities of the orders and instructions pertaining to the reservation of vacancies in favour of SCs, STs and OBCs and other benefits admissible to them. The Liaison Officer is required to report/submit the cases of negligence or lapse in following the reservation and other orders relating to SCs/STs/OBCs. In fact, the appointment of Liaison Officer in such Organisations under the Ministry/Department does not dilute or alter or curtail the responsibilities of the Liaison Officer of the administrative Ministry/Department and he is required to ensure implementation of reservation policy and its compliance in these Organisations.

XVIII. VERIFICATION OF ROSTER OF VARIOUS COLLEGES OF UNIVERSITY OF DELHI

43. The Committee desired to know about number of colleges in Delhi University where roster were examine and found inconsistent to DoPT guidelines and the action taken/proposed to be taken by DoPT and also to send report regarding the complaint received from Delhi University SC/ST/OBC Teacher's forum wherein rosters of most of the colleges are not prepared according to DoPT and UGC norms along with the proposed action in this regard.

(i) The Ministry/Department has informed that subsequent to the directions of the Hon'ble Parliamentary Committee, the then Deputy Secretary (Res) of DOPT was nominated in January 2017 to visit Delhi University to examine the rosters of Delhi University. During this visit, the Rosters relating to Assistant Professor, Associate Professor and Professor were verified by him. Thereafter, subsequent to verification of rosters, the Delhi University had organised an inter-active session with the Liaison Officers of various affiliated colleges, which was also attended by the representative of DOPT.

(ii) The reply further stated that during the month of January/February 2017, the Principal and Liaison Officers of College of Vocational Studies, Aryabhata College, Deen Dayal Upadhyaya College were invited to DOPT along with the Rosters prepared by them. This meeting was also attended by the Liaison Officer of Delhi University. The affiliated colleges are following the same principles of Roster being followed by the Delhi University, which is apparently not in conformity with the DOPT instructions of 02.C7.1997.

44. The University of Delhi was given instructions by UGC to prepare roaster with effect from 2006 but they have prepared roaster since 2013. On being asked the exact guidelines of DoPT in this regard and also to inform specifically whether the University of Delhi as per rule and DoPT guidelines is bound to prepare post based roaster since July, 1997? Infact it was stated that insofar as application of reservation policies in the University of Delhi is concerned, it is reiterated that as per DoPT OM No.39/40/74-(SCT)(I) dated 30.9.1974, the concerned administrative Ministry/Department, which is M/o Education in case of University of Delhi, is required to ensure implementation of reservation policies.

45. On specific query of the Committee on the role of DoPT in case some of the Ministries/Departments are not following prescribed guidelines for preparing roster the Ministry/DoPT has furnished their response as under :

(i) DoPT formulates policy and issues instructions from time to time for implementation of reservation policies. However, it is for the concerned Department/ Ministry/Organisation to implement the said policies. Whenever any reference is made to this Department seeking clarifications on implementation of reservation policies, appropriate advice is given.

(ii) As per the provisions of Transaction of Business Rules and Allocation of Business Rules, all Departments/Ministries are equal and the Department of Personnel and Training has no power of superintendence over other Ministries to monitor the implementation of reservation policy. This is why each Ministry/ Department is entrusted to monitor the implementation of reservation policy in their Department/ Ministry /Attached and Subordinate offices and organizations under their administrative control. Further, keeping in view the large structure of Govt. of India, it may not be possible for a single organization to monitor implementation of the reservation policy in all the Ministries/ Departments/ Organizations/Establishments.

(iii) The grievances of SCs and STs are taken care of by the Ministry/Department itself. If the grievances are referred to DOP&T, intervention is made wherever required and feasible. The National Commission for Scheduled Castes and National Commission for Scheduled Tribes invite representative of Department of Personnel Training regularly for seeking comments/ views on issues concerning implementation of reservation policies in different organisations/ Departments/ Ministries.

(iv) In order to protect the interests of the SCs and STs and to ensure implementation of the reservation policies, DoPT, vide OM No.43011/153/2010-Estt.{Res.} dated 4.1.2013, has made provision for nomination of Liaison Officer, atleast of the rank of Deputy Secretary, in each Ministry/Department, including attached/subordinate offices and organisations under it, and it is the duty of the Liaison Officer to ensure due compliance by the subordinate appointing authorities of the orders and instructions pertaining to the reservation of vacancies in favour of OBCs and other benefits admissible to them. The Liaison Officer is required to conduct annual inspection of the reservation registers/roster registers maintained in the Ministry/Department/Offices under the control of the Ministry/Department with a view to ensuring proper implementation of the reservation orders. Cases of negligence or lapses in implementing reservation rules/guidelines coming to light through the inspections carried out by the Liaison Officers or otherwise, is required to be reported/submitted by him to the Secretary/Additional Secretary to the Government in the respective Ministry/Department or to the Head of the Department in respect of offices under the Head of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department shall pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned. Liaison Officers are also required to be appointed by the Public Sector Undertaking, Statutory and Semi Government Body, Autonomous Body/Institution including Municipal Corporations, Co-operative Institutions, Universities, Voluntary Agencies receiving grants in aid from the Government in the same manner as is required to be done by the Ministries/Departments. DOPT organises trainings to Liaison Officers of various Organisations/ Departments/ Ministries through the Institute of Training and

Management (ISTM).

(v) However, subsequent to the directions of the Hon'ble Parliamentary Committee, the then Deputy Secretary (Res) of DOPT was nominated in January 2017 to visit Delhi University to examine the rosters of Delhi University. During this visit, the Rosters relating to Assistant Professor, Associate Professor and Professor were verified by him. Thereafter, subsequent to verification of rosters, the Delhi University had organised an inter-active session with the Liaison Officers of various affiliated colleges, which was also attended by the representative of DOPT.

(vi) During the month of January/February 2017, the Principal and Liaison Officers of College of Vocational Studies, Aryabhata College, Deen Dayal Upadhyaya College were invited to DOPT along with the Rosters prepared by them. This meeting was also attended by the Liaison Officer of Delhi University. The affiliated colleges are following the same principles of Roster being followed by the Delhi University, which is apparently not in conformity with the DOPT instructions of 02.07.1997.

XIX APPOINTMENT OF LIAISON OFFICERS FROM SCs/STs COMMUNITY

46. The Committee during the sitting was informed that instructions have been issued to designate an officer as a Liaison Officer (LO) in respect of matters relating to representation of SCs/STs. In this regard when the Committee desired to know whether the designated LO is from SCs/STs community and to furnish the details of the appointment of Liaison Officers for SCs/STs during the last 5 years in DoPT the Ministry/DoPT in reply has stated that instructions provide that in each Ministry/Department/Attached and Subordinate Office, the Deputy Secretary in charge of administration (or any other Officer at least of the rank of Deputy Secretary) should be designated as a Liaison Officer in respect of matters relating to the representation of the Scheduled Castes and Scheduled Tribes. The instructions do not bind that the Liaison Officer should belong to SC/ST community. Insofar as DoPT is concerned, Shri Juglal Singh, Director (Admn.), who also belongs to SC category, has been designated as Liaison Officer since September 2018.

XX. STATUS OF LIAISON OFFICER AND HIS OFFICE IN DoPT

47. On queries of the Committee regarding the status of Liaison Officer in DoPT and their working including position of staff and availability of office and also if Liaison Officer and his staff have been given training about the rules, regulations, provisions of reservation for SC/ST the Ministry/DoPT informed that Shri Juglal Singh, Director (Admn.), is the Liaison Officer for the work relating to representation of SCs, STs and Persons with Disabilities in Services and Shri A.K.Jain, Director (RR&DC) is the Liaison Officer for Other Backward Classes concerning this Department.

They are assisted by Administration Division of the Department in discharging their functions and that Liaison Officer and his staff have been given training about the rules, regulations and provisions of reservation for SC/ST.

XXI. RESERVATION IN PROMOTION BY SELECTION WITHIN GROUP 'A'

48. The Committee further desired to know how interest of SCs and STs are being protected by the Selection Committee in Group 'A' and above posts for appointments and promotion by seniority or on merit the Ministry/DoPT in replies has informed that although there is no reservation in promotion within Group A, DoPT OM dated 07.06.2013 provides that in promotion by selection to posts/services within Group 'A' which carry a Grade Pay of Rs. 8700 or less (pre-revised scale), the SC/ ST officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion. Thus, there is no reservation in promotion within Group A, interests of the SC/ST officers are taken care of while making promotions within Group A.

XXII. RESERVATION IN GROUP 'B' TO 'A' SERVICE

49. The Committee during the examination of working of CBEC, CBEC observed that for promotion of SC/ST employees from Group B to A, reservation policy has not been followed due to various Court stay orders in this regard. In view of that when the Committee desired to be informed about the status of promotion of SC/ST employees from Group B to A in various Ministries including Ministry of Personnel, Public Grievances and Pensions and Department of Personnel and Training the Ministry/DoPT has stated that the issue of 'promotion on SC & ST on own merit' alongwith the issue of 'reservation in promotion' is presently sub-judice before the Hon'ble Supreme Court under the SLP No. 30621/2011 titled 'Jarnail Singh and Ors. Vs LachhmiNarain Gupta & Ors'.

XXIII REPRESENTATION OF SCs/STs IN DoPT

50. In reply to a query on the details to provide break up of category wise representation in Group A, B and C in terms of number, percentage vis a vis general candidates the Ministry/DoPT has furnished as under:

DoPT collects and maintains data on the presentation of SCs, STs and OBCs in the posts and services under the Central Government. As per information received from 44 Ministries/ Departments, the representation of Scheduled Castes, Scheduled Tribes in the posts and services under the Central Government as on 1st January, 2020, is summarized below:-

GROUP	Number of Persons				
	Total Number of Employees	SC		ST	
		Number	%	Number	%
A	33930	4469	13.17	1868	5.51
B	96629	16456	17.03	6672	6.9
C (Excluding Safai Karamchari)	428869	79703	18.58	33154	7.73
C (Safai Karamchari)	12996	4795	36.9	892	6.86
Total	572424	105423	18.42	42586	7.44

XXIV. FORMATION OF SC AND ST EMPLOYEE ASSOCIATIONS IN MINISTRIES/DEPTT OF GOVERNMENT OF INDIA

51. The Committee have observed that Ministry of Personnel, Public Grievances and Pensions in their notification dated 5th November, 1993 under rule 5 (f) inter-alia mentioned that:-

"The Service Association shall not be formed to represent the interests, or on the basis, of any caste, tribe or religious denomination or of any group within or section of such caste, tribe or religious denomination".

When the Committee desired to know the consolidated view on legality of above notification and also if it is in conformity with the various Acts and Constitutional provisions made by the Government in favour of SCs/STs the Ministry/DoPT in their reply has furnish the details as under:

(i) In E.V. Chennaiha vs. State of Andhra Pradesh, it has been held by Hon'ble Supreme Court that dividing castes kept under Article 341 in the category of Scheduled Caste (SC), into groups for the purpose of granting reservation, is unconstitutional. For the benefit of reservation, all the castes have been treated as a homogenous group. Similarly, in N.N. Thomas case, the SC candidates were treated as a separate group for the purpose of promotion.

(ii) In both the cases, the context for treating all the castes included, under Article 341, in the Schedule, as a homogenous group, was in a totally different context. Further, in a recent case of the Government of Punjab, titled 'State of Punjab vs. Davinder Singh', a three Judges Bench of the Hon'ble Supreme Court has requested the Chief Justice of India to refer the E.V. Chennaiha to a larger Bench of 7 or more judges, as considered appropriate, for revisiting the same.

(iii) Regarding recognition of SC/ST Associations by other Departments, M/c. Railways, has, informed the CCS (RSA) Rules, 1993 are not applicable to industrial employees of M/o Railways and that the All India SC/ST Railway Employees Association, which has been registered under Societies Registration Act XXI 1860, has been recognized as a Welfare Association for a limited purpose only. The Association is a Welfare Association and is not a Service association, and CCS (RSA) rules, 1983 are not applicable to this Association. Further, the Department of Public Enterprises and the Department of Financial Services have stated that no Welfare Association or SC/ST Service Association, has been recognized by them!

(iv) Regarding legality of these Rules, the Ministry of Law & Justice has advised as under:

"-----The stand of the Government that association of government servants, if formed on the basis of caste, tribe or religion, would be undesirable and improper is valid. It is noticed that the Rules that have been notified vide notification dated 5.11.1993 have not been challenged or declared null and void by any court of law. It is therefore, advised that the provisions mentioned in the said rules are valid and legally enforceable "

(v) Separately, on 5.12.2019, the Ministry of Law opined as under:-

"The right to form Association or Unions includes Associations for any lawful purpose [All India Bank Employees Association vs. NI Tribunal AIR 1962 SC (171) example a Trade Union, and Government Servants are not excluded from its protection (O K Ghosh vs. Joseph Ex-AIR 1963, SC 812). The freedom of Association guaranteed by Article 19(1)(c) cannot include right of any particular Association to obtain the recognition of the Government (Raghubir Dayal Jai Prakash vs. Union of India AIR 1962 SC 263). Hence, the conditions imposed by the Government for obtaining recognition cannot be challenged as unreasonable restrictions imposed upon the freedom of Association (Kuikarni Raja vs. State of Bombay AIR 1954 SC 73).

(vi) In the light of the above, there appears to be no legal or constitutional objection to form SC/ST Welfare Association. However, since the right to freedom of Association does not include the right to obtain recognition the same cannot be claimed as a matter of right. It is therefore, for the DOPT to examine the matter from the angle of policy and precedent to take a decision in this regard".

(vii) Views of DoPT

a) The association which claims recognition should be formed for the Common service interest" of "distinct category of government servants"

b) Distinct category" for the purpose of Rules relate to cadre structure of posts denoting either Class III, Class IV, Class II or Class 1, or individual categories within these classes, viz., LDC/UD, Stenographers, Accountants, as may be defined by the respective Departments.

c) Categorisation has to be with reference to commonality of interest and functioning of the association as a homogenous group with reference to function of posts and not with reference to any caste or group of caste like SC/ST employees. Therefore, SC/ST cannot be taken as distinct category for the purpose of service association. They may have common caste interests but cannot have common service interests in totality.

d) Recognition of Associations exclusively for a particular caste or a conglomeration of castes/tribes is not in the interest of a unified Civil Service.

e) SC/ST association(s) may not allow membership to non SC/ST employees even though they may come within the same category of post/service which would be violative of Rule 5(c).

f) Further members of SC/ST association may belong to various distinct categories functionally different like Clerical, Technical etc. and thus there would be no commonality of interest as prescribed under Rule 5(b)".

(viii) CCS(RSA), Rules, 1993 provides rules for recognition of Associations of Government Employees of different grades/ cadres of government servants having similar interests. Formation of caste based associations is outside the purview of CCS(RSA), Rules, 1993.

XXV. BACKLOG VACANCIES IN MINISTRIES/DEPARTMENTS

52. The Ministry/DoPT, in reply to a query by the Committee were informed that DoPT reviews the backlog vacancies in ten big departments of Central Government every year. When the Committee desired to know the details/number of backlog vacancies for SCs/STs till date in all these Ministries/Departments/PSUs, department wise, the Ministry/DoPT in their reply has stated that filling up of vacancies, including backlog reserved vacancies, is a continuous process. Instructions have been issued to all Ministries/Departments of the Central Government to constitute an in-house Committee for identification of backlog reserved vacancies, to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives.

(ii) The Ministry/DoPT further stated that there are 79 Ministries/Departments in the Government of India under which 32.83 lakh employees work. Out of these 32.83 lakh employees, 30.76 lakh employees (93.7%) are working in 10 major Ministries/Departments i.e. (i)Railways, (ii)Posts, (iii)Housing and Urban Affairs, (iv)Defence Production, (v)Defence, (vi)Atomic Energy (vii)Financial Services, (viii)Revenue, (ix)MHA, and (x) Education. Thus, DoPT monitors the progress made by these 10 Ministries/Departments which have more than 93% of the total employees of the Government of India. As regards backlog reserved vacancies in other Ministries/Departments, standing instructions already exist which require the Ministries/Departments to constitute an in-house Committee for identification of backlog reserved vacancies, to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives.

(iii) It is also stated that a Workshop on filling up of backlog vacancies of SCs/STs was held on 31.05.2022 under the chairpersonship of Addl. Secretary (Admn.), DoPT, with the above mentioned 10 major Ministries/Departments and they were again requested to fill up the backlog reserved vacancies in a time bound manner. During the Workshop, 9 Ministries/Departments furnished the data regarding backlog reserved vacancies as on 1.1.2022, which are as under:

Ministry/Department	Category	
	SC	ST
Department of Atomic Energy	97	106
Department of Defence	2653	1780
Department of Financial Services	747	616
Department of Defence Production	1686	1599
Ministry of Education	1002	782
Ministry of Housing and Urban Affairs	49	22
Department of Posts	196	216
Ministry of Railway	5879	4798
Department of Revenue	3021	2217

The Government had constituted a Committee under the Chairmanship of the then Secretary, Department of Social Justice and Empowerment to make an analysis of the reasons for non-filling up of reserved vacancies and to suggest remedial measures. Based on the recommendations of this Committee, Department of Personnel and Training issued instructions in November / December, 2014 to all Ministries/Departments to constitute an in-house Committee to take time bound measures like constitution of in-house Expert Committee to identified backlog reserved vacancies, study of the root cause of backlog reserved vacancies,

initiation of measures to remove such factors and to fill up the backlog reserved vacancies. Filling of vacancies along with backlog reserved vacancies is a continuous process. DoPT regularly pursues the matter with the 10 Ministries/Departments and seeks report from them.

53. When the Committee desired to know the mechanism by which DoPT keeps a tab on backlog vacancies in departments other than ten big departments which it directly reviews along with reports of non adherence to reservation policy in several Government departments and also the method of redressal of grievances in Government Departments with respect to non compliance of reservation policy, the Ministry/DoPT in their reply stated that insofar as the non-compliance of the reservation policies in Ministries/Departments, it is reiterated that each Ministry/Department is required to appoint a Liaison Officer, atleast of the rank of Dy. Secretary, who is responsible for implementation of the reservation policies for the SCs/STs in posts and services in the Government. He is required to conduct annual inspection of the reservation registers/roster registers maintained in the Ministry/Department/ Offices under the control of the Ministry/ Department with a view to ensuring proper implementation of the reservation orders and report the cases of negligence or lapse to the Secretary/Additional Secretary concerned, who shall pass necessary orders to ensure strict compliance of the reservation orders by the appointing authority concerned. Institute of Secretariat Training and Management (ISTM), an attached office under DoPT, has been conducting Workshops on 'Reservation in Services' and 'Workshop for Liaison Officers' on regular basis. During the last 5 years, 24 such Workshops have been conducted in which 892 officers participated. In addition, ISTM has scheduled 2 Workshops of 2 days each (9th-10th June, 2022 and 23rd-24th June, 2022) on 'Reservation Roster Management' for the Liaison Officers. All the 79 Ministries/Departments have been advised to nominate their Liaison Officers for the Workshop.

54. In response to queries raised by the Committee regarding the issue of backlog vacancies which directly impacts the representation of SCs/STs employees, the mechanism available to fill up such vacancies, the constraints being faced in filling up the vacancies reserved for SCs/STs category alongwith the efforts being made to overcome the problems the Ministry/DoPT in reply has furnished as under :-

(i) As already stated above, standing instructions already exist which provide that the Ministries/Departments are required to constitute an in-house Committee for identification of backlog reserved vacancies, to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives.

(ii) However, backlog reserved vacancies are existing in the Ministries/ Departments. As already stated above, DoPT held a Workshop on filling up of backlog vacancies of SCs/STs on 31.05.2022 with Liaison Officers and senior officers of 10 major Ministries/Departments and they were requested to indicate the reasons and difficulties being faced by them in filling up of backlog reserved vacancies and the steps taken by them to fill up the backlog reserved vacancies. During the Workshop, the representatives of these 10 Ministries/Departments indicated various reasons for non-filling up of the backlog reserved vacancies which include, non-availability of suitable candidates, resignation of trainees identified for filling up of vacancies on successful completion of training, inability of the reserved candidates to qualify the written exam even after relaxing 5% qualifying marks, reluctance of the reserved candidates to join remote stations/units, poor performance in Written Test in spite of

relaxation in qualifying marks, pending litigation before various courts leading to delay in recruitment, non-completion of recruitment due to COVID-19 etc.

(iii). The representatives of these 10 Ministries/Departments, however, informed that they have taken various steps to fill up the backlog reserved vacancies. The Ministries/Departments informed that they have re-advertised the vacant posts and have conducted Special Drives, wherever required. Relaxations are being provided to fill up the backlog reserved vacancies. Some Ministries/Departments furnished specific action taken by them to fill up the backlog reserved vacancies. D/o Atomic Energy informed that the selection process for filling the backlog vacancies is complete and sufficient numbers of candidates are empanelled and undergoing training and on successful completion of the training and subsequent absorption, the backlog vacancies will be filled. D/o Financial Services informed that they have advised all Public Sector Banks, Public Sector Insurance Companies and Public Financial Institutions to make special efforts like launching of special recruitment drive for filling up of Backlog vacancies reserved for SC/ ST categories; D/o Higher Education informed that Secretary (Higher Education) has issued instructions to all Central Higher Education Institutions (CHEIs) to fill up backlog vacancies by undertaking special drives in a special mode. Further, the Institutions have been requested to indicate the status of backlog vacancies in their Annual Report 2021-22, to include an agenda item on this subject in every meeting of Finance Committee/ Board of Governors/ Board of Management and to send a monthly report to Secretary (HE) apprising the status of action taken. These institutions are holding special recruitment drives to fill up the backlog vacancies in compliance of the above instructions. Ministry of Home Affairs informed that the recruitment processes for filling up the vacant posts in various cadres are under progress and indents have been sent to UPSC/ SSC/ recruitment agencies. They have also published notification/ advertisements in respect of many Group 'C' posts and have also submitted proposal to the concerned authorities for promotion. Ministry of Railways informed that they have given relaxation of qualifying marks and age in direct recruitment and that the vacancies, including backlogs/anticipated, are filled as per calendar of selection. They have been imparting pre-promotional training to reserved candidates so that they could pass in selection process & reserved posts do not remain vacant. They also downgrade a post to lower grade to fill up the promotional vacancies, wherever shortfall is noticed. Further, shortfall of backlog vacancies of SCs, STs and OBCs left unfilled are taken care of in the subsequent recruitment cycle.

XXVI. POTENTIAL BENEFIT

55. In a writ petition regarding the current status for grant of consequential benefits to applicants/non-officers, dated 15th July, 2014 in Civil Appeal No. 6046-47 of Rohtas Bhankar along with the efforts made to expedite submission of proposals in this regard so that interest of the SC/ST employees could be protected within a legal frame work without further delay the Ministry/DoPT has furnished their response as under :

(i) Consequent upon their inclusion in the Section Officer Select List 1996 in compliance of the Hon'ble Supreme Court order dated 15.07.2014 in CA No, 6046-6047 of 2004 in the matter titled 'Rohtas Bhankar & Ors. Vs. UOI & Anr.', the petitioners became eligible for consideration for their further promotion in the next higher grade i.e. Under Secretary for the Select List of 2004 onwards on completion of 8 years eligibility service.

(ii) A proposal was forwarded to UPSC for Review of USSLS 2004 and 2005 in which the names of beneficiaries of the case were also included. However, the process of conducting Review DPC was taking time. Meanwhile, litigation on reservation issues on own merit with Hon'ble Supreme Court was also pending. Therefore, on the basis of precedence in Garima Singh case (Hon'ble CAT order dated 09.05.2011 in O.A.No.3278 of 2010), it was decided to provisionally interpolate these SC/ST category officers in appropriate USSLS (USSL-2006 and USSL-2007) in which their juniors have been included.

(iii) Accordingly, a Screening Committee was constituted for consideration of provisional interpolation of the beneficiaries of Rohtas Bhankhar case in appropriate US Select List with reference to their respective juniors. Based on the recommendations of the Screening Committee in its meeting held on 29.09.2016 and again on 09.11.2016, with the approval of competent authority, an order dated 13.01.2017 was issued to provisionally interpolate 30 SC/ST category officers who are beneficiaries of Rohtas Bhankhar case in appropriate USSLS (USSL-2006 /2007) with reference to their juniors.

(iv) Consequent upon their provisional interpolation in USSLS 2006 and 2007, retrospective pay fixation benefit in Section Officer and Under Secretary grades has also been granted to them, vide O.M. dated 16.11.2017.

(v) Subsequently, based on DoPT's instructions issued vide OM No.36012/11/2016-Estt.(Res.I) dated 15.06.2018 which directed all the cadre controlling authorities of Central Government Ministries/Departments and Union Territories to carry out promotions in accordance with the directions of the Hon'ble Supreme Court in the pending litigation related to reservations in promotions and connected matters, this Department promoted 340 Under Secretaries including beneficiaries of Civil Appeal No. 6046-47 of Rohtas Bhankhar to the grade of Deputy Secretary on ad-hoc basis, vide order dated 28.12.2018.

XXVII PENALTY PROVISIONS FOR ERRING OFFICIALS

56. In reply to a query on how Ministry/DoPT ensured that the reservation policy is stringently followed by all the Ministries/ Department of the Government of India and also if there is any provision for penal action against those who deliberately flout the Rules in reservations roster along with the role of the DoPT in such matters the Ministry/DoPT in reply has stated that under the Allocation of Business Rules, each Department/ Ministry is to see whether instructions on reservations are being implemented in true perspective. It is also submitted that as per the provisions of Transaction of Business Rules and Allocation of Business Rules, all Departments/ Ministries are equal and the Department of Personnel and Training has no power of superintendence over other Ministries to monitor the implementation of reservation policy. This is why each Ministry/Department is entrusted to monitor the implementation of reservation policy in their Department/ Ministry/ Attached and Subordinate offices and organizations under their administrative control. Further, keeping in view the large structure of Govt. of India, it may not be possible for a single organization to monitor implementation of the reservation policy.

(i) It is also submitted that grievances of SCs and STs are taken care of by the Ministry/

Department itself. If the grievances are referred to DoPT, intervention is made wherever required. Apart from this, the National Commission for Scheduled Castes and National Commission for Scheduled Tribes also intervene in disposing of the grievances of SCs and STs respectively.

(ii) Instructions issued by DOPT on 04.01.2013, inter-alia, provide that in each Ministry/ Department the Deputy Secretary in charge of administration or any other officer at least of the rank of Deputy Secretary will act as a Liaison Officer in respect of matters relating to the representation of Scheduled Castes and Scheduled Tribes in all establishments and services under the administrative control of the Ministry/ Department. A separate Liaison Officer should be appointed for Other Backward Classes. The duties and responsibilities of Liaison Officers have also been spelt out. Each Ministry/Department should set up a Reservation Cell within the Ministry/ Department under the direct control of the Liaison Officers.

(iii) Cases of negligence or Lapses in the matter of following the reservation and other orders relating to Scheduled Castes, Scheduled Tribes and Other Backward Classes coming to light through the inspections carried out by the Liaison Officers or otherwise, should be reported/submitted by him to the Secretary/Additional Secretary to the Government in the respective Ministry/Department or to the Head of the Department in respect of offices under the Head of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department shall pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned.

(iv) DoPT organizes training programmes and workshops for Liaison Officers of all the Ministries/Departments through Institute of Secretariat Training and Management (ISTM) to sensitize them with their role, duties and responsibilities.

(v) This Department is of the view that if the existing instructions and procedure are duly complied with by all concerned stakeholders, the implementation of reservation policy would be achieved to a large extent.

(vi) Non compliance of Government policy makes an official liable for disciplinary action.

XXVIII. OUTSOURCING OF WORK AND DE-RESERVATION

57. The Committee on SCs/STs welfare during the examination of various subjects/Ministries/Departments have observed that in large scale, most of the non core areas pertaining to group C and D have been outsourced by the Ministries/Departments/PSUs/Banks/Autonomous Bodies and while doing so reservation policy for SC/ST is not at all followed by the above organisations. Committee observe that most of the SC/ST percentage have been working in group C and D and by outsourcing work of these services, Committee feel that it is a gross violation of reservation policy prescribed by the Constitution and the DoPT. Further it is an indirect denial of reservation policy meant for SC/ST.

(i) In this regard when the Committee desired to know the considered view of the Ministry including efforts made to protect the interest of SCs and STs in such situations along with the reasons for not keeping prescribed reservation for SC/ST during the outsource in case of outsourcing policy that has been introduced by the DoPT itself to the various Ministries. The Committee also desired to know if there is reservation policy for SC/ST in subsidiaries of the various Banks, PSUs, Companies etc. The Ministry/DoPT in response has furnished as under :

(ii) As per the instructions, issued by DoPT vide OM No. 27/4/67(II)-Estt.{SCT}, dated 24.09.1968, and OM No. 36036/3/2018-Estt (Res.), dated 15.5.2018, reservation for SCs, STs and OBCs is applicable in temporary appointments which are to last for 45 days or more.

(iii) However, Rules 177 to 206 of the General Financial Rules, 2017 (GFR 2017), which have been issued by M/o Finance, allows the Ministries or Departments of the Government of India to hire 'Consulting Services" such as external professionals, consultancy firms or consultants or "Non-Consulting Services" such as hiring of vehicle, outsourcing of building facilities management, security, photocopier service, office errand services etc. in the interest of economy and efficiency. The personnel engaged in such services are the employees of the contractors or firms, who provide such services. Hence, they are the employees of the private sector.

(iv) As per DoPT instructions dated 4.3.1964, Ministries are required to issue suitable instructions to the Undertakings under their control to make reservation for SCs and STs in their services on the lines of the reservation in Central Government services, Further, DoPT instructions dated 30.9.1974 requires that autonomous bodies, Cooperative Institutions, Universities etc.,receiving grant-in-aid from the government of India, to provide reservations for SCs and STs by making suitable provisions in the relevant statutes or in the Articles of Association of the respective bodies.

(v) DoPT instructions dated 7.10.1974 provide that the voluntary organisations, employing more than 20 persons on a regular basis and meeting at least 50 percent of its recurring expenditure from grants-in-aid from the Central Government; and the body (registered society or a cooperative institution), which is in receipt of grants-in-aid of Rs.2 lakh and above from the Consolidated Fund of India, are also required make a provision for reservation for SCs, STs and OBCs in case of direct recruitment.

(vi) Further, Liaison Officer, required to be appointed by each Ministry/Department or attached/subordinate offices and other Organisations under the administrative control of the Department / Ministry, is required to ensure strict implementation of the reservation policies applicable in recruitment/appointment.

XXIX TRAINING ABROAD FOR SC/ST OFFICERS/EMPLOYEES

58. On being asked the criteria adopted for nomination of officials for training abroad, the number of officers/employees sent on foreign training assignment/symposia etc., during the last three years and the number of SCs/STs among them along with criteria adopted for selecting employees for foreign training the Ministry/DoPT in a written reply has informed that Foreign Training Cell (FTC) under Training Division of DoPT, implements a Central Sector Scheme of the Government of India namely Domestic Funding of Foreign Training (DFFT) under which the officers of the All India Service (AIS) cadre and other Group 'A' officers of the Central Civil Services and State Civil Services are deputed to undergo various short-term and long-term capacity building and training programmes in the premier institutes/ universities abroad. These programmes are mainly divided into three parts:

(i) Part I – Full funding Short-term and Long-term programmes (up to one year) where nomination rights for a specific course are with DoPT. In these programmes, the applications are invited online and the officers are short-listed by applying weightage

criteria which includes parameters such as Foreign training deficit, Seniority, SC/ST/Women, posted in NE/J&K/Naxal affected areas/PH, priority for being close to age bar, APAR grading and completion of specified MOOCs.

(ii) Part II – Full funding long term programmes of one year, including IACA programs of two years, where officers secure admission for specific courses on their own merit and this Department only supports with full funding for meeting the training cost. In these programmes applications are received online and offline both and there is no provision to indicate category, viz. ST/SC, of the officers in the applications, neither any weightage given to the officers for this.

(iii) Part II – Partial funding programmes (long term programmes of more than 6 months) where officers secure admission for specific courses on their own merit and this Department only supports with partial funding for meeting the training cost and the rest of the costing are managed by the officers through personal or scholarship or any other type of grant from private or government organizations. In these programmes also, the applications are received online and offline both and there is no provision to indicate category (viz. SC/ST) of the officers in the applications. In other words, all officers are considered at par in the matter of training abroad.

2. In addition, the Foreign Training Cell also nominates officers for bilateral technical training programmes viz. programmes offered by Japan International Cooperation Agency (JICA India office), Embassy of Japan in India, Korea Development Institute (KDI) (South Korea) etc. In these programmes, there is no criteria related to SC/ST. These programmes are fully funded by the foreign governments and selection rights in these programmes are with the concerned foreign agencies.

3. As regards the number of officials who have undergone Foreign Training during last three years including the number of SCs/STs, the details are as under:

Year	Number of Officials			Percentage of SC/ST candidates (DFFT)
	Foreign Training under DFFT Scheme	Foreign Training under JICA and YLP (Embassy of Japan)	Number of SCs/STs (DFFT)	
2018-19	347	30 [#]	49	14%
2019-20	310	15 [#]	43	14%
2020-21	04 [#]	3 [#]	#	#

of these numbers, there were no criteria of SC/ST in the respective training programmes.

Note: The number in the financial year 2020-21 are very less because the Foreign Training could not be conducted due to restriction imposed on foreign training due to outbreak of COVID-19 pandemic and in view of the safety measures and financial austerity.

XXX. RESERVATION IN PRIVATE SECTOR

59. On specific query of the Committee on the views of the DoPT for introducing reservation policy in private companies, industries, schools, colleges (academic and professional) who are taking fully or partially funds, grants, equity from the Government of India, PSUs/Banks etc. the

Ministry/DoPT have stated that as per the Government of India (Allocation of Business) Rules, Ministry of Social Justice and Empowerment (MSJE) is the nodal Ministry for the overall policy, planning and coordination of programmes relating to SCs. Based on the policy decision of the MSJE, DoPT issues instructions related to reservation in posts and services under the Central Government. The subject "Reservation in Private Sector" also pertains to MSJE. MSJE has informed that it supports reservation in any entity which is partly and fully supported by the Government — Central and State.

60. According to written reply furnished by the Ministry/DoPT regarding the details of steps taken/being taken by DoPT to protect the interest of SC/ST where the PSUs/Banks/Government Companies have been privatized/under the process of privatization it is stated that Privatization of a company is made on a 'going concern' basis, with change in ownership only and employees continue to be company's employees. Post-disinvestment, the prospects of the employees are expected to improve with the growth in production, productivity and profitability. While deciding the terms and conditions of the strategic sale, employees' concern, including the SC and ST, are suitably addressed through appropriate provisions made in the Share Purchase Agreement (SPA) to be signed by the Government with the strategic buyer. Agreed terms and conditions laid down in the Share Purchase Agreement generally have specific clauses in respect of the job protection of employees, including SC and ST, for a certain period.

XXXI. RESERVATION IN MINORITY COLLEGES /SCHOOLS

61. When the Committee desired to know about the rationale or legal basis for not having reservation of SCs and STs in minority school and colleges where sufficient funds are provided by the Central/State Government? Please furnish supporting documents in this regard the Ministry/DoPT in reply has stated as under :

(i) Article 30 of the Constitution of India — "Right of minorities to establish and administer educational institutions" provides as under:

(a) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(b) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

(ii) Accordingly, Section 4 of the Central Educational Institutions (Reservation in Admission) Act, 2006 and Amendment Act, 2012 provides that this Act shall not apply to a "Minority Educational Institution" as defined under the Act. Further, Section 4 of the Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019, also provides that this Act shall not apply to a "Minority Educational Institution".

(iii) In context of above provisions, Department of Higher Education is implementing the reservation policy of the Government of India, in all Central Educational Institutions including Deemed to be Universities maintained directly or indirectly and affiliated to an central institution or institution receiving grants-in-aid from the Ministry of Education/ Central Government except Minority Educational institution under Article 30(1) of the Constitution. However, the minority status of two educational institutions, namely Aligarh

Muslim University (AMU), Aligarh (U.P.) and Jamia Millia Islamia (JMI), Delhi, which are Central Universities, is sub judice before the Hon'ble Supreme Court of India and the High Court of Delhi respectively.

XXXII RESERVATION IN CONTRACTUAL/OUTSOURCED JOBS

62. In reply to a query regarding mechanism devised to ensure that SCs and STs do get their reservation due and also whether the Government plans to introduce reservation in contractual/outsourced jobs as well along with steps can be taken to ensure that SCs and STs are adequately represented in contractual/outsourced jobs the Ministry/DoPT in responded has stated that it is stated that Rules 177 to 206 of the General Financial Rules, 2017 (GFR 2017), which have been issued by M/o Finance, allows the Ministries or Departments of the Government of India to hire "Consulting Services" such as external professionals, consultancy firms or consultants or "Non-Consulting Services" such as hiring of vehicle, outsourcing of building facilities management, security, photocopier service, office errand services etc. in the interest of economy and efficiency. Since the personnel engaged in such services are the employees of the contractors or firms, who provide such services, they are the employees of the private sector. It is stated that the subject of 'Reservation in Private Sector' is the subject matter pertaining to MSJE and it has been replying to the Parliament Questions on this subject. Further, DoPT issues instructions on reservation in appointments in posts and services under the Central Government based on the policy decisions taken by the MSJE on reservation matter.

XXXIII PROVISIONS/LEGAL BASE FOR OUTSOURCING APPOINTMENT

63. In reply to additional queries raised by the Committee regarding the legal base of outsourcing in government Departments/Organizations/ Ministries and also if it is in contradictory against the reservation policy for SC/ST laid down in the Constitution of India and to provide the details of provisions/legal base under some of the Departments/Organisations outsourced by the government and whose expenditure is borne by the Government Exchequer DoPT in reply has stated that the policy instructions on outsourcing of manpower and services are issued by D/o Expenditure (DoE). It is also stated that the subject matter 'Reservation in Private Sector' pertains to Ministry of Social Justice and Empowerment (MSJE).

As stated above reply from the MSJE and DoE are as under :

(i) DoE : Rule 177 and 197 of General financial Rules (GFR) provide for hiring Consulting & Non –Consulting services by the respective Departments. The GFR also elaborates detailed procedure for such hiring.

As per the GFR provisions, hiring of consultancy/non-consultancy services is generally done through contractor/agency by entering into commercial contractor. There is no employer-employee relationship between the Government and the Contractor providing such services. Further the expenditure on such services is debited to budget heads "Office Expenses" or "Professional Services" and not from "Salaries" head as in the case of a Government Servant.

The related question is whether such outsourcing is in violation of the reservation policy for SC/ST. Articles 16 and 335 of the Constituting have a direct bearing on the reservation in appointment to Service or Post in Government. Art 16 provides for equality in opportunity in

belonging to a SC and ST is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever prima facie proof he is able to produce in support of his claim subject to his furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his obtaining a certificate, the appointing authority should itself verify his claims through the District Magistrate concerned. DoPT, vide letter dated 20.3.2007, have requested the State/UT Governments to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status. In pursuance of the directions given during the sitting of the Parliamentary Committee on the Welfare of SC and ST on 18.12.2020, DoPT has again issued a letter to all the State/UT Governments, with endorsement to all the Central Government Departments/Ministries, on 19.3.2021 (Annexure I) reiterating the instructions on timely verification of the caste certificate of the employees.

66. When the Committee further desired to know about the progress made by the Ministry regarding the Committee's OM No. 57/1/SCTC/2019 dated 11% January, 2021 wherein Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) were requested to pursue the said OM to sensitize various Ministries/Departments, Banks, PSUs etc regarding not to stop pension of SCs and STs after their retirement in the name of verification of caste certificate the Ministry/DoPT informed as under :

(i) Department of Pensions and Pensioners' Welfare is the nodal Department for formulation of policies relating to pensions and other retirement benefits of Central Government employees covered under the Central Civil Services (Pension) Rules, 1972. There is no provision either in the Central Civil Services (Pension) Rules, 1972 or in any other instructions / guidelines issued 'by the Department of Pension and Pensioners' Welfare for withholding of retirement benefits on account of pending verification of caste status of Scheduled Caste, Scheduled Tribes and Other Backward Class employees. The Department of Pension and Pensioners' Welfare has also not issued in any instructions/directions or otherwise for withholding of pension of retired Central Government employees pending verification of community/cost certificates.

(ii) However, the responsibility for the issue and verification of Caste Certificate lies with the concerned State/UT Government. The Hon'ble Supreme Court, vide its Order dated 2.9.1994 in the matter of Kumari Madhuri Patil vs Addl. Commissioner, has laid down detailed guidelines for effective verification of the Caste Certificates of the employees, so that no person, on the basis of fake caste certificate, may secure employment wrongfully in the Government. DoPT has issued various guidelines from time to time for streamlining the process of verification of Caste Certificate of the employees, and has requested the State/UT Governments for timely verification of the same. However, keeping in view the instances regarding withholding of pension of the employees due to the pendency of their caste verification, as brought to the notice of DoPT by the Hon'ble Parliamentary Committee, this Department has again issued a communication to all the State/UT Governments on 19.3.2021 requesting them that it may be ensured that the process of caste verification is completed within a reasonable time, and the concerned

appointing authorities are informed about the veracity of the Caste Certificate of the candidates/employees within one month of the receipt of such request from the concerned appointing authority. Copy of this communication has also been endorsed to all the Ministries/ Departments of the Government of India requesting them to ensure strict compliance of the existing instructions on timely verification of Caste /Community Certificate.

XXXVI. REDRESSAL OF GRIEVANCES OF SCs/STs EMPLOYEES

67. On specific query of the Committee about the mechanism adopted for redressal of grievances of SCs/STs employees in DoPT, the Ministry/DoPT responded that there is a Public Grievance Cell in DoPT for receiving the grievances of the public (including SCs/STs employees) for which Shri Juglal Singh, Director (Admin), is the Nodal Grievances Officer. The grievances received by the nodal grievance officer are forwarded to the concerned Ministries/ Departments and concerned Divisions of DoPT for appropriate action. Shri Juglal, who belongs to reserved category, is also the Liaison Officer with respect to the work relating to representation of SCs/STs/Persons with disabilities.

68. When enquired by the Committee about the details of the complaints received from SCs/STs employees during the last 05 years, present status and also the steps taken for disposal of those complaints, the Ministry/DoPT in their written reply has informed that in last 5 years no complaint has been received by the Liaison Officer from SCs/STs employees of DoPT.

XXXVII VERIFICATION OF CASTE CERTIFICATES

69. In a written reply furnished to the Committee regarding cases of securing employment on the basis of false Caste Certificates in DoPT the Ministry/DoPT stated that no case of securing employment on the basis of false caste certificate has been reported in DoPT.

70. The Committee further enquired whether the Government/DoPT has issued any advisory to the Ministries/Departments/PSUs of Central Government that verification of bogus caste certificates will have to be carried out within a stipulated time, the Ministry/DoPT responded as under :

DoPT, from time to time, has issued various instructions to the States/UTs and the Central Government Ministries/Departments for timely verification of the caste certificate. DoPT, vide letter dated 20.3.2007, have requested the State/UT Governments to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status. In pursuance of the directions given during the sitting of the Parliamentary Committee on the Welfare of SC and ST on 18.12.2020, DoPT has again issued a letter to all the State/UT Governments, with endorsement to all the Central Government Departments/Ministries, on 19.3.2021 reiterating the instructions on timely verification of the caste certificate of the employees.

71. When the Committee desired to know about the reasons for staging dharnas by some tribal persons in Tamil Nadu and suicide case due to undue delay in getting ST certificates

verified and also the positive effect of the report presented on 13.12.2021 regarding verification of caste certificate, the Ministry/DoPT has stated as under :

(i) The responsibility for issue and verification of caste certificate lies with the concerned State/UT Government. The Hon'ble Supreme Court, vide its Order dated 2.9.1994 in the matter of Kumari Madhuri Patil vs Addl. Commissioner, has laid down the detailed guidelines for effective verification of the Caste Certificates of the employees, so that no person, on the basis of fake caste certificate, may secure employment wrongfully in the Government. Hon'ble Supreme Court, vide this Judgement, has directed that the social status certificate shall be issued by the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than Taluk or Mandal level officer. Hon'ble Supreme Court has also directed the State Governments to constitute Scrutiny Committee for verification of the caste certificate and Vigilance Cell to investigate into the social status claims.

(ii) As already stated above, DoPT, from time to time, has issued various instructions to the States/UTs and the Central Government Ministries/Departments for timely verification of the caste certificate. DoPT instructions dated 31.10.1975 provides that where a candidate belonging to a SC and ST is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever prima facie proof he is able to produce in support of his claim subject to his furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his obtaining a certificate, the appointing authority should itself verify his claims through the District Magistrate concerned. DoPT, vide letter dated 20.3.2007, have requested the State/UT Governments to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status. DoPT has again issued a letter to all the State/UT Governments, with endorsement to all the Central Government Departments/Ministries, on 19.3.2021 reiterating the instructions on timely verification of the caste certificate of the employees. Thus, it is the responsibility of the concerned appointing authority to get the caste certificate of the employee verified through the concerned State/UT Government and such State/UT authorities is responsible for issue and verification of the caste certificate.

XXXVIII MISCELLANEOUS

72. In a written reply furnished to the Committee regarding whether circular issued for fulfillment of filling up of all the required posts reserved for SCs/STs in various Government Departments/Undertakings and Autonomous Bodies, the Ministries/DoPT in their reply stated that filling up of vacancies, including backlog reserved vacancies, is a continuous process. Instructions have been issued to all Ministries/Departments of the Central Government to constitute an in-house Committee for identification of backlog reserved vacancies, to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives. DoPT monitors the progress with regard to filling up of backlog reserved vacancies for SCs, STs and OBCs with 10 Ministries/Departments, having more than 90% of the employees in Central Government. These 10 Ministries/Departments are (i) Railways, (ii) Posts, (iii) Housing and Urban Affairs, (iv) Defence

Production, (v)Defence, (vi)Atomic Energy (vii)Financial Services, (viii)Revenue, (ix)MHA, and (x) Education. Data as on 1st January every year is collected from these 10 Ministries/Departments. Frequent interactions are held with these Ministries/Departments through meetings and communications are issued to them from time to time seeking action taken report regarding filling up of reserved backlog vacancies.

73. The Committee further enquired whether the Government/DoPT has issued any guidelines regarding verification of Caste Certificate of employees belonging to SCs/STs before entry into Government services along with mechanisms available to ensure that the issued guidelines are strictly adhered to so that the interests of SC/ST candidates are protected, the Ministry/DoPT has stated as under :

(i) The policy instructions issued by DoPT provide that the benefit of reservation and other schemes of concessions etc. go only to the rightful claimants. Instructions have been issued providing that where a candidate, belonging to SC and ST, is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever prima facie proof he is able to produce in support of his claim subject to his furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his obtaining a certificate, the appointing authority should itself verify his claims through the District Magistrate concerned. DoPT, vide letter dated 20.3.2007, have requested the State/UT Governments to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status.

(ii) Instructions further provide that the appointing authorities should include a clause in the offer of appointment of the SC/ST candidates that their appointment is provisional subject to verification of their caste/community and that if the verification reveals that the claim to belong to SC/ST is false, their services will be terminated forthwith without assigning any further reasons and action may be taken under the provisions of the Indian Panel Code for production of false certificates.

CHAPTER - II

RECOMMENDATION/OBSERVATION OF THE COMMITTEE

1. Due Representation in empanelment of officers on deputation

The Committee is please to note that representation of Scheduled Castes and Scheduled Tribes candidates among higher echelons of bureaucracy to some extent is increasing but still much below the expected level, rather dismal as data furnished shows an increased from 458 in 2017 to 550 in 2022, the maximum of which is at the level of DS/Director with 423 in 2017 to 509 in 2022 . At the senior level of JS/AS/Secretary the figure remains almost the same with 35 in 2017 and 41 in 2022. The Committee have been informed that the appointment of officers to the senior level posts under the Government of India are filled on deputation basis from officers of participating services, including All India Services (AIS). These posts are filled as and when the officers possessing requisite experience are made available by the State Government. Hence, representation of SC/ST officers in these posts depends on the number of officers belonging to such communities provided by the respective cadres. The Committee is also aware that there is no provision for reservation in the posts filled up on deputation basis under the CSS. It was, however informed that at the time of empanelment, every effort is made to empanel officers belonging to SC/ST categories and if necessary, by adopting liberal benchmark as compared to officers of unreserved category.

The Committee appreciate the Ministry for adopting liberal benchmark for SCs and STs category but at the same time agree that these higher level posts are filled as and when the officers possessing requisite experience are made available by the State Government including those officers from SC/ST and that representation of SC/ST officers in these posts depends on the number of officers belonging to such communities provided by the respective cadres. The Committee are of the opinion that there are adequate officers from SC/ST community who possess requisite experience for empanelment as they enter in Government services in their prime age and that too on their own merit as the unreserved candidate. The Committee have also been assured that effort is made to empanel officers belonging to SC/ST categories. The Committee, therefore, recommend the Ministry to explore all possibilities to increase representation of SCs & STs in the process of empanelment so as to ease out the current imbalance in the empanelment process. The Committee is also made to believe that the dismal presence of SC/ST Officers at the higher level is due to non provision for reservation in the post filled up on deputation basis. The Committee may be apprised about the effective steps taken by the Government in this regard.

2. Unique Identification Number for candidates for competitive exams.

The Committee are of the view that all competitive examinations candidates should be allowed to appear in exam using a code number only without disclosing names for fair assessments. The Committee further desire that the name of the caste of SC/ST Community should also not be disclosed once selection processes in all aspects are completed so that any possible form of discrimination against such community may be less evident. The Committee, therefore, recommend that the Department of Personnel and Training should issue directions in this regard. The action taken report may be communicated to the Committee within three months of the presentation of the report.

3. Representation of SCs and STs in the Board of Directors

The Committee note that at present there is negligible presence or no presence of SC and ST members in the Board of Directors of almost all the Ministries/Departments/PSUs/Banks etc which in fact deprive SCs/STs to be part of the decision making process and policy matters and also helpful in protecting the interests of SCs and STs in service matters. The most common reason provided being that "the Officers of SC/ST community could not be appointed to the post of Members and Chairman, primarily due to non-availability of suitable candidate". The Committee are not willing to accept routine reply as there are highly qualified deserving and meritorious candidates among SCs/STs available. The Committee firmly believe that non-inclusion of SC/ST members in the Board of Directors is not in conformity with the participatory democracy which provides representation/participation of each section of the society. The Committee strongly recommend that DoPT being the formulator of central policy for the Central Government/Ministries/Department must come forward to formulate policy in coordination with all the Ministries/Departments, Department of Financial Services, Ministry of Social Justice and Empowerment and Department of Public Enterprises to ensure that there must be representation of SCs/STs in the Board of Directors of all Central Government Organisations/Ministry/Departments/PSUs/Banks/Autonomous Bodies etc. The Committee firmly believe that the long pending legitimate expectation of the Committee would come into effect with the earnest efforts of DoPT. The Committee may be apprised about the progress made by the Government in this regard.

4. Monitoring mechanism set up for Regulatory Body under DoPT for implementation of reservation policy

The Committee note that the DoPT formulates and issues various instructions from time to time for implementation of reservation policies for SCs and STs. The Committee further note that the DoPT have made a provision for nomination of Liaison Officer, in each Ministry/Department to ensure due

compliance of the orders and instructions pertaining to the reservation of vacancies in favour of SCs/STs and other benefits admissible to them. The Committee, however, are of the view that the DoPT should not feel contented by merely passing on the reservation policy and orders to the Ministries/Departments without monitoring and inspecting their performance in execution of SC/ST reservation policy. The Committee, however, do understand that in view of the large structure of Government of India, it may not be possible for DoPT to monitor implementation of the reservation policy in all the Ministries/Departments/ Organisations/Establishments etc. The Committee, therefore, are of the view that DoPT must inspect certain Ministries/Departments and the Government of India where the stake of SCs and STs are high. The Committee are happy to note that the DoPT during evidence has informed that it monitors the progress with regard to filling up of backlog vacancies reserved for SCs, STs and OBCs with 10 Ministries/Departments and that frequent interactions are held with these Ministries/Departments through meetings and communications being issued to them from time to time seeking action taken report regarding filling up of reserved backlog vacancies. Like-wise, the Committee feel that DoPT being the nodal Ministry, it is legitimate expectation from the Department of Personnel and Training to monitor periodically whether or not various Ministries/Departments are earnestly implementing the reservation policies and orders in letter and spirit. The Committee are of the firm view that to solely left to individual Liaison Officer/Ministry to take up the decision to implement the reservation policies and orders is neither advisable nor in the interest of SCs and STs. The Committee are, therefore, of the firm view that the Ministry/DoPT should take up the matter with highest authority to set up a separate regulatory authority under DoPT to ensure meaningful and full implementation of the reservation policies and orders till legislation to this effect is enacted by the Government.

5. Representation of SCs/STs in Services

The Committee are perturbed to note that the category-wise percentage representation at various levels for Scheduled Castes and Scheduled Tribe for Group A is far below the constitutionally mandated percentage of 15 % for SC and 7.5 % for ST. The Committee also note that the representations of ST for Group B and C are well below the mandated percentage. The Committee would like to be apprised regarding the reasons for very low percentage of representation in group A posts for both SCs and STs and also Group B and C post for STs despite various concessions/relaxation/reservation being offered. The Committee, therefore, strongly recommend that in view of the implementation of presidential mandate concerted efforts be made by the Ministry/DoPT to attain the prescribed percentage of SC/ST Officers in all level of posts. The progress made in this regard may be informed to the Committee.

6. Clearance of Backlog vacancies

The issue of backlog vacancies pertaining to direct recruitment and promotion is of great concerned and has continuously been raised by the

Committee during evidence with various Ministries/Departments/PSUs/Banks etc. The Committee note that massive shortfall exists in both direct recruitment and promotion of SCs and STs in all categories of posts according to the statements furnished during such evidences. The Committee are, however, please to note that the Department of Personnel and Training issues instructions to all Ministries/Departments of the Central Government to constitute an in-house Committee for identification of backlog reserved vacancies, to study the root cause of such vacancies, to initiate measures to remove the factors causing such vacancies and to fill them up through Special Recruitment Drives. For the purpose frequent interactions are held with 10 Ministries/Departments, having more than 90% of the employees in Central Government and communications being issued to them from time to time seeking action taken report regarding filling up of reserved backlog vacancies. The Committee are, nevertheless, not satisfied with the statement stated above as the monitoring by DoPT is not inclusive but specific to few Ministries/Departments. The Committee during the sitting held on 12.07.2022 had strongly desired that the Ministry/DoPT should review their monitoring mechanism by devising an effective detailed plan that should include all the Ministries/Departments, classifying Group wise all the the backlog vacancies existing in various Ministries and Departments for intelligible statistical data on priority basis. Accordingly, the Committee hope that all such identified backlog vacancies would be filled within a stipulated schedule by carrying out special recruitment drive as recommended. The Committee would like to be apprised of the progress made in the filling up of backlog posts should be informed.

7. Reservation Roster

The Committee are pleased to note that subsequent to the directions of the Hon'ble Parliamentary Committee, an Officer of DOPT was nominated to examine the rosters of Delhi University and found that reservation was not as per DoPT guidelines issued, and that thereafter, subsequent to verification of rosters, the Delhi University had organized an inter-active session with the Liaison Officers of various affiliated colleges, which was also attended by the representative of DOPT. The Committee is of the firm view that since rosters is a very important document as far as the welfare and interest of SCs and STs are concerned separate post-based rosters be maintained for promotion and in direct recruitment since the whole system of implementation of reservation orders rest on maintenance of rosters. Roster being the only mechanism through which a watch is kept on the proper placement of SC/ST employees in their respective cadres against the vacancies reserved for them, the Committee, therefore, recommend that a team consisting of DoPT officer should randomly check any roster prepared by the Ministries/Departments and also direct all the Ministries/Departments to follow a common roster format prescribed and approved and report to the Committee about the conformity pointed out by the DoPT in this regard. The Committee had also desired that DoPT should also from time to time or randomly check the rosters of one/two colleges of the Central

Universities to ensure that rosters are being prepared as per DoPT norms. DoPT may use certain common format which may be applicable to all and then circulate the same to all central universities/colleges for common use. Discrepancies noticed during such inspection of rosters should be rectified immediately and also brought to the notice of the Head of the Department. The Committee, as such, are of the view that the officers concerned for the maintenance of rosters as well as Liaison Officers should be made sensitized about any lapse and to avoid its recurrence. The Committee would like to be informed about the strict compliance with regard to DoPT inspection reports on rosters and discrepancies identified and have been rectified. The Committee also recommend that rosters prepared by each Ministry/Department/Autonomous Bodies must be uploaded on their respective intranet in order to maintain transparency in this regard.

8. Liaison Officer

The Committee are pleased to note that Liaison Officer and his staff have been given training about the rules, regulations, provisions of reservation for SC/ST. The Committee are given to understand that Liaison Officer apart from carrying out work relating to SCs/STs have been assigned technical/administrative work also. The Committee are of the view that the Liaison Officer is a key figure in an organisation and is responsible for ensuring implementation of reservation policies of the Government. Therefore, the Committee desire that Liaison Officer should be allowed to work independently and without any interference from any side and provided independent working space. The Committee strongly recommend that since the Liaison Officer is appointed to ensure due compliance of orders and instructions pertaining to reservations of vacancies in favour of SCs/STs, he should not be overburdened with other heavy official work apart from his liaisoning duties otherwise, the Liaison Officer will not be able to render justice to his main functions i.e. to look after the welfare of SCs/STs employees in the organisation/institutions. The Committee are of view that the Liaison Officer, being a link between the Management and the SC/ST employees of the Ministries/Departments/PSUs/Banks etc Liaison Officer and his supporting staff should be appointed from reserved communities, so that the SC/ST employees may discuss, send and represent their reservation related problem without fear in a candid way. The Committee further desire that reviewing officer of the liaison officer should be the head of the department only and that the ACR of the liaison officer should be written by the highest authority so that there is no interference from other senior officers which may be for any reasons against the interest of SC/ST employees. Moreover, SC/ST officer appointed as Liaison Officer should be able to augment confidence of SC/ST employees and that the Liaison Officer may in turn be able to do his job with more dedication and commitment.

9. Promotion of SC/ST employees

The Committee note that the percentage representation of promoted SC/ST in Group A during the last 05 years is well below the mandated percentage of 15 % for SC and 7.5 % for ST. The mandated percentage for Group C and D is also not being maintained. With regard to factual note about the concession given to SC/ST candidates/employees at the time of direct recruitment/ appointments/ promotion and interview the Committee are informed that in case promotions made through departmental competitive examinations, if sufficient number of Schedule Caste / Scheduled Tribe candidates are not found eligible to the higher standard fixed , then to fill up all the vacancies reserved for Scheduled Caste and Scheduled Tribe candidates by granting concession of 10% in qualifying standard marks to keep a chain of promotion and feeder cadre intact. The Committee appreciate to note that in order to enable a level playing fields for SC/ST candidates in promotion/written exams in various Ministries/Departments/PSUs/Banks etc. pre-promotion training is imparted. The Committee would like to impress upon Department of Personnel & Training that if they still are not able to find the eligible candidates in the feeder cadre, the backlog vacancies subject to conformity of rule, may be diverted temporarily to the direct recruitment quota by conducting departmental examination to fill up backlog in time bound manner. In the subsequent year(s) when reserved vacancies in the direct recruitment quota becomes available they may be diverted to the promotion quota to make up the vacancies diverted earlier and filled from SC/ST candidates in feeder cadre who might by now have become eligible for promotion. The exchange of vacancies in this manner will ensure that structure and composition of the cadre remain unaffected over a period.

10. Verification of Caste Certificate

The Committee has observed that presently verification of caste certificate is also carried at the rag end of the career of the employee. Many a times it is seen that retirement benefits of SC/ST employees are being withheld due to non-verification of their caste certificate as it is seen that verification process takes a long time because of old records being not accessible/easily accessible. This especially is the case if verification is being done after a long gap of more than 30-35 years of appointment of a person. In reply to a query regarding mechanism to ensure guidelines issued by DoPT with regard to verification of caste certificate it is stated that the State/UT Governments have been requested to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. DoPT further stated that the State/UT

Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status. It has been observed that the State level scrutiny Committees usually cause inadvertent delay in processing the cases causing extreme mental harassment and financial difficulties to the retired employees. The Committee, therefore, strongly recommend that working of State level Scrutiny Committees be streamlined. The Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) should bring out clear guidelines which should be adhered to by all the State Governments/State Level Scrutiny Committees. The Committee are of the view that if Organization/Ministry/Department/PSU carries out the verification process immediately on joining of a person, no person can gain employment on the basis of false caste certificate. The Committee hence recommend that the process of verification should be streamlined by following scientific methods and deciding them in a time bound manner so that it does not become a tool for harassing innocent people and that responsibility should be fixed for any inordinate delay during the process of the verification of caste certificate. If the organisation carries out the verification process immediately on joining of a person, then no person can gain employment on the basis of false caste certificate. As recommended earlier also the Committee reiterate that Government may introduce a Bill to make the use of false caste certificate a punishable offence.

11. Reservation in Outsourced/Contractual appointments

In reply to queries raised by the Committee regarding provision for reservation for SC/ST in contractual appointments as per instructions issued by Department of Personal & Training (DoPT), there shall be reservation for SCs, STs and OBCs in temporary appointments to Central Government posts and services, which are to last for 45 days or more. It is, however, seen that contracts for such outsourced services are awarded to the firms and the personnel engaged in such services are the employees of the private contractors or firms. As per DoPT instructions Ministries are required to issue suitable instructions to the Undertakings under their control to make reservation for SCs and STs in their services and that autonomous bodies, Cooperative Institutions, Universities etc., receiving grant-in-aid from the government of India, to provide reservations for SCs and STs by making suitable provisions in the relevant statutes or in the Articles of Association of the respective bodies. The Committee are made to understand that in various PSUs, Banks and their subsidiaries, with huge manpower and establishment/offices which spread across the country are outsourcing some specific non-core works to contractors and that reservation for SC/ST are not being implemented in these organizations. The Committee, in view of the fact that these subsidiaries are owned by the government strongly recommend that reservation should be extended to all such subsidiaries at the earliest. The Committee legitimately expect from such organizations that as per DoPT order contractual labours who have worked more than 45 days are eligible for reservation in service. The Committee may be apprised of the compliance of

DoPT order by various Ministries/Departments/PSUs/Banks etc in this regard. The Committee desire that a stringent monitoring mechanism be in placed so that DoPT instructions on reservation policy issued from time to time are strictly comply with and that any instructions issued by the Government regarding reservation for SCs/STs in outsourcing of works and contractual employment be strictly followed in all Ministries/Departments/PSUs/Banks etc. The Committee are of the firm view that since the payment to outsourced to private entity are made from the consolidated fund of India and that Department of Personal Training being a principal employer should issue strict instructions and that there should be a special contract clause for implementation of reservation policy for SCs and STs to be followed by the Contractors while engaging the workers. Further, the Committee also recommend that a mechanism be put in place to ensure minimum wages, safety, health benefits and security to all contractual and outsourced worker. In this way the downtrodden sections of society will get proper representation and equal chance to be at par with other sections of the society.

12. Redressal of grievances of SCs/STs employees and Associations/Council/Federations etc.

The Committee are aware that there are many grievances related cases/complaints relating to caste verifications, retirement benefits, more particularly on under-representation of SCs & STs in the higher positions, deprivation of SCs and STs in getting promotion or attaining higher positions in various Ministries/Departments/PSUs/Banks etc. The Committee note that the grievances and complaints on service matters such as discrimination in promotion or non-consideration for promotion, non-inclusion of name in MACP Scheme, delay in financial upgradation, violation of reservation policies etc., have far reaching consequences and may have an adverse effect on the career growth of SC/ST employees. The Department of Personnel & Training in reply to a query has stated that the grievance of SCs/STs are taken care of by the Ministry/Department itself. The Committee are not satisfied with the reply as the Committee feel that DoPT, being the nodal Ministry/Department should evolved a mechanism to ascertain the status of such service related grievances from different Ministries/Departments/PSUs/Banks etc so that instructions may be issued to all Ministries/Departments to dispose of such grievances/complaints in a time-bound manner. The Committee recommend that DoPT should stringently monitor and assess such grievances/complaints related cases of employees belonging to SC/ST of all the Ministries/Departments. The Committee further recommend that DoPT should issue instructions to all Ministries/Departments/PSUs/Banks to hold separate periodic meetings with the representatives of the SC/ST Welfare Associations therein to sort out various problems/grievances relating to service matters. The Committee also recommend that the proceedings of the meetings should be recorded for follow up action and a copy of the minutes of such meetings be circulated to the representatives of the SC/ST Welfare Associations and to the concerned Ministry/Department/PSUs/Banks for information and necessary action so that

purpose of such meetings may not be defeated. Further for recognized SC/ST Employees Association/Council/Federation, the Government must issue SOP in order to avoid split or dispute among the Associations to claim legitimate or recognized Association.

13. Formation of SC and ST Employee Associations in Ministries/Deptt of Government of India

The Committee observe that Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) in their notification dated 5th November, 1993 under rule 5 (f) inter-alia mentioned that "the Service Association shall not be formed to represent the interests, or on the basis, of any caste, tribe or religious denomination or of any group within or section of such caste, tribe or religious denomination". In this connection, the Committee are of the view that in above notification of DoPT, nomenclature of SC/ST has been misunderstood and misinterpreted by the DoPT. The Supreme Court in its Judgments has defined SC/ST a class, not caste which represents thousands of castes and tribes. In pursuance of that number of welfare association/Council/ Federation was allowed to be formed for welfare of SC/ST persons like Bank, Railways and other PSUs, etc. The Committee, therefore, desire that the interest of SC/ST employees can be properly looked into if welfare association/union for such marginalized class having common service interest are legitimately permitted to be formed. The Committee, therefore, expect from the DoPT to review above notification regarding recognition of legitimate SC/ST Employees Welfare Associations permissible in Banks, Railways and Autonomous Bodies etc.

New Delhi;

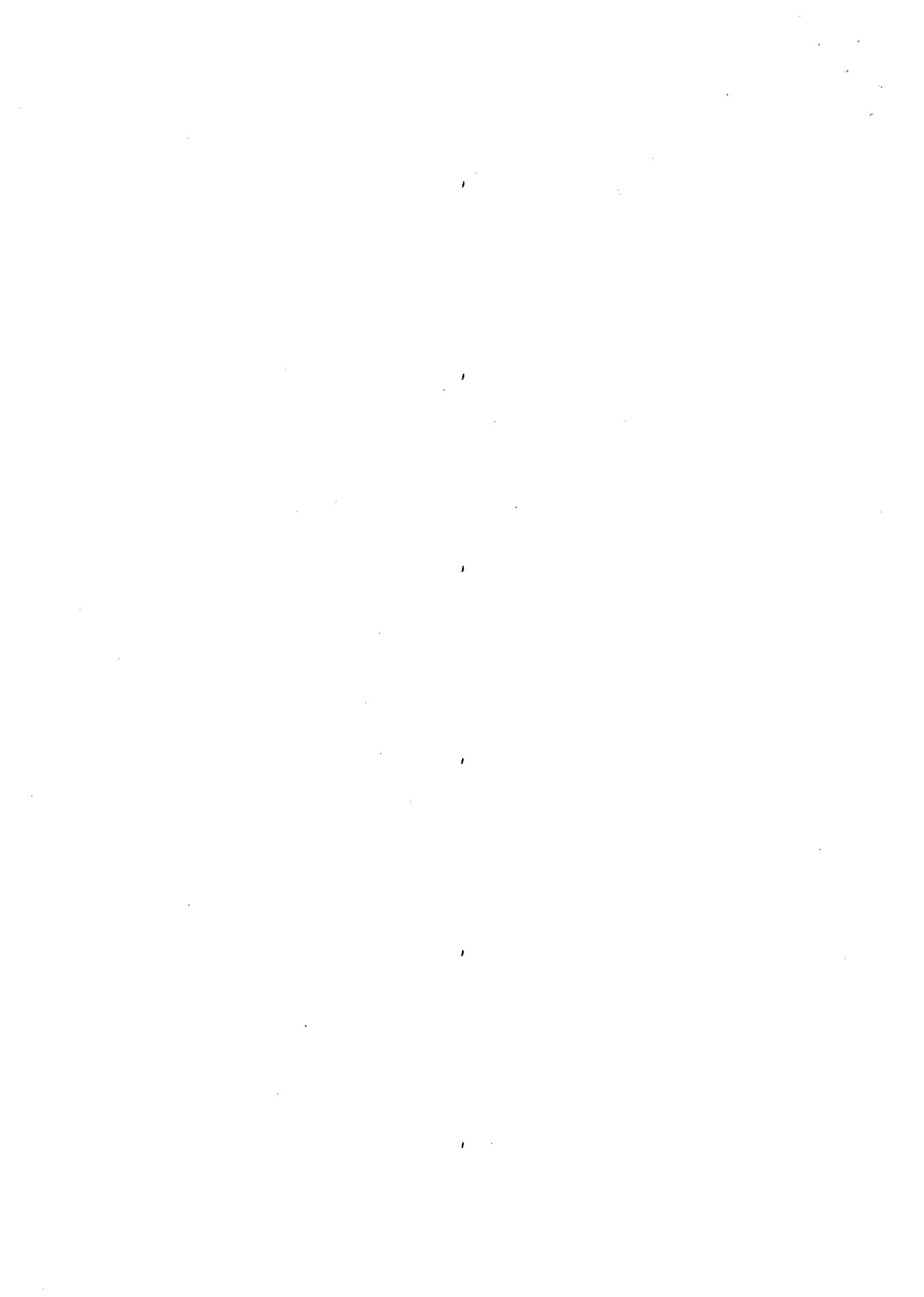
31st July, 2023

9 Saawana, 1945(Saka)

DR.(Prof.) KIRIT P. SOLANKI

Chairperson,

Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.



**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES**

(2022-2023)

(SEVENTEENTH LOK SABHA)

SECOND SITTING

(18.05.2022)

MINUTES

The Committee sat from 1130 hrs. to 1315 hrs. in the Committee Room D, Ground Floor, Parliament House Annexe, New Delhi

PRESENT

Dr. Kirit P. Solanki – Chairperson

MEMBERS - LOK SABHA

2. Shri Girish Chandra
3. Shri Santokh Singh Chaudhary
4. Shri Guman Singh Damor
5. Shri Tapir Gao
6. Shri Rattan Lal Kataria
7. Smt. Pratima Mondal
8. Shri Ashok Mahadeorao Nete
9. Shri Prince Raj
10. Shri Upendra Singh Rawat
11. Shri Jagannath Sarkar

MEMBERS - RAJYA SABHA

12. Shri Abir Ranjan Biswas
13. Smt. Kanta Kardam
14. Dr. Sumer Singh Solanki

SECRETARIAT

1. Shri D. R. Shekhar, Joint Secretary
2. Shri P.C.Choulda, Director
3. Shri V.K. Shailon, Deputy Secretary

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

- | | | | |
|----|----------------------|---|----------------------|
| 1. | Ms. Radha Chauhan | - | Secretary |
| 2. | Ms. Rashmi Chowdhary | - | Additional Secretary |
| 3. | Shri S.P.Pant | - | Deputy Secretary |

2. At the outset, the Chairperson welcomed all to the sitting of the Committee to have a discussion with the representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) on the subject "Role of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) in Formulation, Implementation and Monitoring of Reservation policy". The Chairperson then outlined the agenda of the sitting. Thereafter the representatives briefly introduced themselves.

3. The representatives of the Ministry then briefed the Committee on the subject via power point presentations. Brief points on presentation by the Department of Personnel and Training are :

- Work Allocation as per Allocation of Business Rules.
- Extent of Reservation.
- Liaison Officer.
- Reservation in Promotion and Promotion of SCs and STs on Own-Merit which is sub-judice.
- Stand of Government of India before the Supreme Court.
- DoPT OM dated 12.04.2022 on Reservation in Promotion.
- RRCPS- Mechanism to Ascertain Appointments of SCs/STs/OBCs.
- Action to take for filling up of Backlog Vacancies.
- Monitoring Mechanism for filling up of Backlog Vacancies.

4. Thereafter, Members of the Committee raised numerous queries. Important issues which were raised by the Committee and responded to by the Witnesses are as under :-

- i. Need for nominating Liaison Officers only from SC/ST category in the Government Departments/Organizations/PSUs.
- ii. Need for implementation of notification pertaining to reservation in promotion.

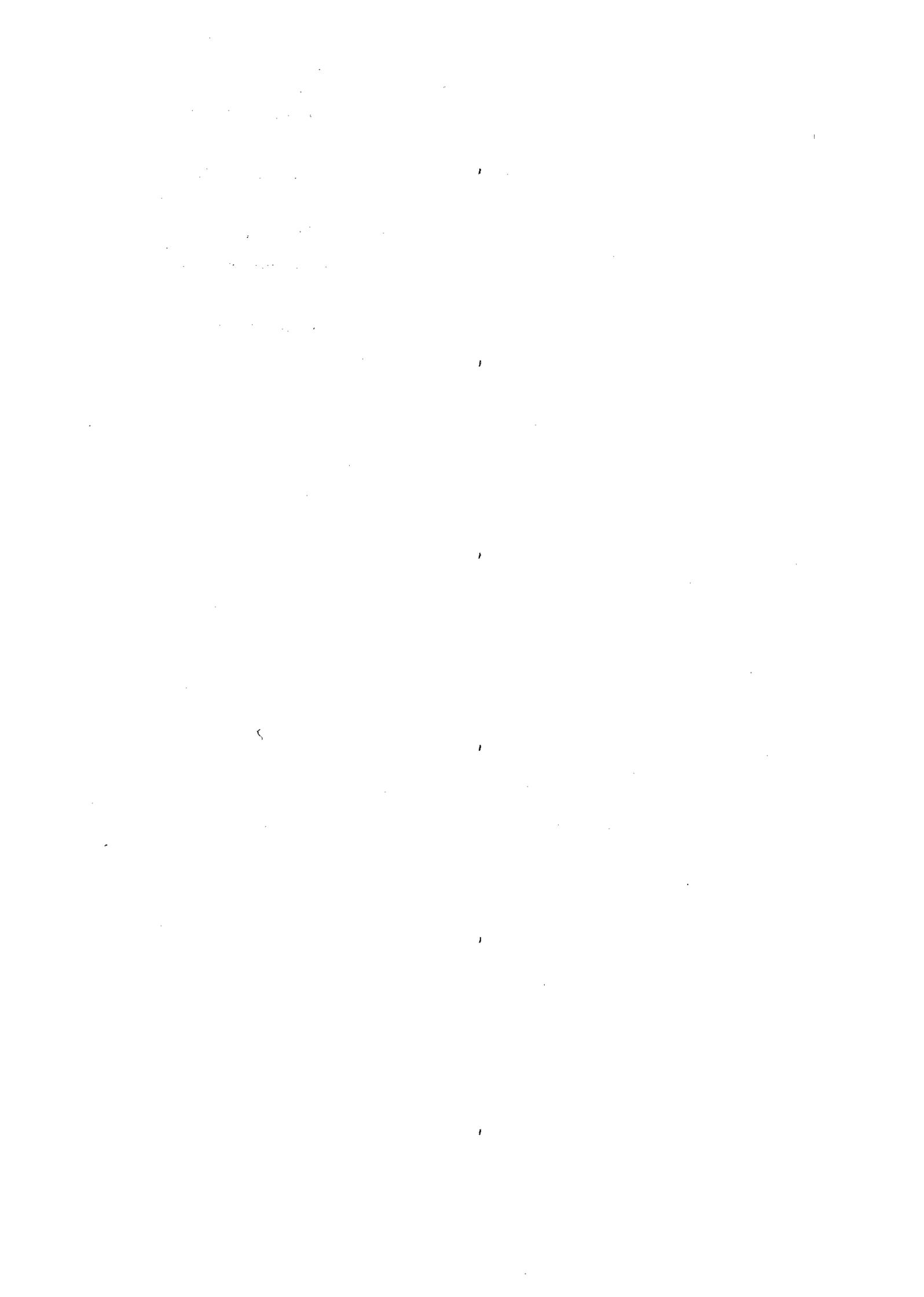
- iii. Low representation of SC/ST in higher Level Officers.
- iv. Need for suitable amendment to give out representative reservation to SCs/STs in Director's level.
- v. Need for centralized data of number of SC/ST officers adversely affected by various court orders for assessing the ground level positions of the SCs and STs in service matters.
- vi. Formulation of policy for providing reservation among employees appointed on contractual basis/outsourced.
- vii. Backlog vacancies to be filled within the specific time period and Ministry/Departments failing which fixation of accountability/responsibility of the concerned officer.
- viii. Employment on false caste certificate and issues of pensionary benefits.
- ix. Reservation in higher judiciary.
- x. Issue of non-reservation in Board of Directors of PSUs.
- xi. Mandatory to have one member belonging to SC/ST in Selection Committee Board for all the grades of posts/vacancies.
- xii. Need for restricted access to Representation of Reserved categories in Posts and Services (RRCPS) by monitoring Parliamentary Standing Committees also.
- xiii. Recognition of Scheduled Caste and Scheduled Tribe Employees Association in the Ministry/Department Government of India in the line of PSUs, Banks, Ministry of Railways and autonomous bodies.

5. Thereafter, the representatives of the Ministry responded to these queries one by one. On certain points on which the information was not readily available with the witnesses, the Chairperson directed the representatives concerned to submit the replies to the Secretariat within 15 days.

(The witnesses then withdrew)

The Committee sitting then adjourned.

A Verbatim record of the proceedings has been kept.



CONFIDENTIAL

**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2023-2024)**

(SEVENTEENTH LOK SABHA)

**FOURTH SITTING
(28.07.2023)**

MINUTES

The Committee sat from 1000 hrs. to 1130 hrs. in Chairperson Chamber, Room No. 137, Third floor, Parliament House, New Delhi-110001

PRESENT

Shri Kirit Premjibhai Solanki - Chairperson

MEMBERS

LOK SABHA

2. Shri Tapir Gao
3. Smt. Pratima Mondal
4. Shri Upendra Singh Rawat

RAJYA SABHA

5. Dr. V. Sivadasan
6. Smt. Phulo Devi Netam
7. Dr. Sumer Singh Solanki
8. Shri Kamakhya Prasad Tasa
9. Shri Samir Oraon
10. Shri Niranjan Bishi

SECRETARIAT

- 1 Shri D.R. Shekhar, Joint Secretary
- 2 Shri Kulmohan Singh Arora, Additional Director
- 3 Shri. Mohan Arumala, Under Secretary

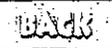
At the outset, the Chairperson welcomed the Members of the Committee. The Committee then considered the draft report(s) on the following subjects:-

1. "Role of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) in formulation, implementation and monitoring of reservation policy"
2. Action taken by the Government on the recommendations contained in the Fourteenth Report (17th Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Reservation for Scheduled Castes and Scheduled Tribes in Public Sector Banks/Financial Institutions/Reserve Bank of India and credit facilities and other benefits being provided by such Institutions/Banks to the Scheduled Castes/Scheduled Tribes with special reference to the Life Insurance Corporation of India (LIC)"

3. "Implementation of Reservation Policy in Government of NCT of Delhi including socio-economic development of Scheduled Castes/Scheduled Tribes"
 4. Action taken by the Government on the recommendations contained in the Twentieth Report (17th Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Subject- "Reservation for Scheduled Castes and Scheduled Tribes in Public Sector Oil Companies and Status of allotment of Petrol and Gas agencies (CNG, PNG, LPG etc) and other related Agencies/Units to Schedule Castes and Scheduled Tribes"
2. After due consideration, the Committee adopted the aforementioned Report(s) without any modification. The Committee also authorized the Chairperson to present the Report to both the Houses of Parliament during the ongoing Session.

The sitting of the Committee then adjourned.

ANNEXURE-I



SC/ST/OBC REPORT-I

Date of Report- 10/12/2021 :: 5:48PM

Annual Statement Showing The Representation Of SCs,STs And OBCs As On 1st January 2021 And Number Of Appointments Made During The Preceding Calendar Year 2020

Ministry/Department/Attached/Subordinate Office: All 33 Mins/Dept.

Groups	Representation of SCs/STs/OBCs (As On 1/1/2021)						Number of Appointments made during the calendar year 2020														
	Total Employee	SCs	STs	OBCs	EWS	Others	By Direct Recruitment					By Promotion			By Deputation						
							Total	SCs	STs	OBCs	EWS	Others	Total	SCs	STs	Others	Total	SCs	STs	OBC	Others
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
A	21210	2723	1126	3393	7	13961	345	32	10	84	5	214	560	98	35	427	47	7	1	6	33
B	53423	9176	3453	6971	3	33820	329	38	22	107	0	162	3535	676	283	2576	60	13	10	6	31
C(Excluding Safai Karmchari)	91240	16216	6823	18837	1	49363	700	132	61	241	2	264	4569	1158	479	2932	26	4	1	7	14
C(Safai Karmchari)	637	317	63	64	0	193	0	0	0	0	0	0	2	1	0	1	0	0	0	0	0
Total	166510	28432	11465	29265	11	97337	1374	202	93	432	7	640	8666	1933	797	5936	133	24	12	19	78

PRINT

Details regarding appointments made by DoPT including representation of SCs/STs, backlog vacancies, appointment made on own-merit etc.

Table 1

Promotion made in Principal Private Secretary grade (Group A)

Year	Category of Posts	Total No. of vacancies occurred	Total No. of vacancies actually filled	No. of vacancies reserved for Scheduled Castes and Scheduled Tribe										Backlog SCs/STs vacancies		Backlog SCs/STs vacancies filled		Remarks
				Reserved during the year		Total SCs/STs vacancies		Total SCs/STs vacancies actually filled		Short Fall		% of shortfall		SCs	STs	SCs	STs	
				SCs	STs	SCs	STs	SCs	STs	SCs	STs	SCs	STs					
1	2	3	4	5		6		7		8		9		10		11		
2017	PPS	881	728	127	54	127	92	55	11	72	81	5.4	6.1	0	38	0	11	1329
2018		203	57	0	0	72	81	5	2	67	79	5	5.9	72	81	5	2	1329
2019		221	76	22	0	89	79	23	0	66	79	4.9	5.9	67	79	23	0	1331
2020		209	74	7	0	73	79	17	1	56	78	4.2	5.9	66	79	17	1	1331
2021		284	212	15	4	53	73	53	1	0	72	0	5.9	38	69	38	1	1217

Table 2

Promotion made in Private Secretary grade (Group B)

Year	Category of Posts	Total No. of vacancies occurred	Total No. of vacancies actually filled	No. of vacancies reserved for Scheduled Castes and Scheduled Tribe										Backlog SCs/STs vacancies		Backlog SCs/STs vacancies filled	
				Reserved during the year		Total SCs/STs vacancies		Total SCs/STs vacancies actually filled		Short Fall		% of shortfall		SCs	STs	SCs	STs
				SCs	STs	SCs	STs	SCs	STs	SCs	STs	SCs	STs				
1	2	3	4	5		6		7		8		9		10		11	
2018	PS	177	167	5	2	*	1	NA									
2019		113	85	15	0	*	1 (OM)	NA									
2020		114	17	15	1	*	2 (OM)	NA									
2021		170	58	48	1	*	11 (OM)	32 (OM)									
2022		148	6	9	3	*	1 (OM)	NA									

OM- own-merit

NA- No eligible officers available in feeder grade

* as the final result of LDCE exam conducted by UPSC has not been declared, vacancies arisen only against seniority quota have been filled up on the basis of assumptions that all the backlog vacancies have been filled up in the previous select list. Hence, neither backlog nor shortfall vacancies has been shown in the table. Further no eligible offices belonging to SCs/STs category has been left out for promotions. As soon as the result of the LDCE is declared, proper backlog vacancies can be calculated.

Table 3

Promotion made in the grade of Steno Gr. 'D' (Group C) and Personal Assistant (Group B)

Year	Category Of Posts	Total No. of vacancies occurred	Total No. of vacancies actually filled	Reserved during the year		Total SCs/STs vacancies		Total SCs/STs vacancies actually filled		Shortfall		Percentage Shortfall		Backlog SC/ST vacancies		Backlog SC/ST vacancies filled	
				SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
2017	Stenographer Gr. 'D'	34	29	2	2	2	2	2	2	0	0	0	0	0	0	0	0
2018		272	252	42	20	42	20	42	20	0	0	0	0	0	0	0	0
2017	PA	351	6	137	89	137	89	0	0	137	89	100	100	68	45	0	0
2018		997	55	PA LDCE Exam, 2017 onwards is pending; exact no. of vacancies in each category has not been calculated. As there is still large number of vacancies available in PA grade, all the eligible Stenographer Gr. 'D' of 2010 and 2011 batch have been promoted as per select list.													
2019		1533	5														
2020		1528	1														
2022		1527	488														

Table 4

Own-merit appointment in the grade of Principal Private Secretary (Group A) and Private Secretary (Group B)

Year	Category of posts	Total No. of employees (appointed)	No. of		Selected on own merit		Percentage of		Shortfall		Remarks, if any
			SCs	STs	SCs	STs	SCs	STs	SCs	STs	
2017	PPS	728	55	11	175	1			72	81	
2018		57	5	2	0	0			67	79	
2019		76	23	0	0	0			66	79	
2020		74	17	1	0	0			56	78	
2021		212	53	1	0	0			0	72	No eligible ST officers is available in feeder grades i.e. PS
2018	PS	167	1*	NA	0	NA					
2019		85	1*	NA	1	NA					
2020		17	2*	NA	2	NA					
2021		58	11*	32	11	32					
2022		6	1*	NA	1	NA					

No other eligible officer is available
A- No eligible officer is available

Table 5

Own-merit appointment in the grade of Steno Gr. 'D' (Group C) and Personal Assistant (Group B)

Category of Posts	Total no. of Employees	No. of		Selected On Own merit		Percentage of		Shortfall		Remarks
		SC	ST	SC	ST	SC	ST	SC	ST	
Steno Gr. D - 2017	29	3	2	1	0	10.34	6.897	NA	NA	
Steno Gr. D - 2018	260	48	20	6	0	18.46	7.692	NA	NA	
PA 2017	6	1	0	1	0	16.67	0	NA	NA	
PA 2018	55	4	4	0	0	7.273	7.273	NA	NA	
PA 2019	5	1	0	1	0	20	0	NA	NA	
PA 2020	1	0	0	0	0	0	0	NA	NA	
PA 2022	488	104	6	35	1	21.31	1.23	NA	NA	

Table 6

Appointment in the grade of Assistant Section Officer(Group B)

YEAR	Category of posts	Total No. of vacancies occurred	Total No. of vacancies actually filled	No. of vacancies reserved for Scheduled Caste and Scheduled Tribe										Backlog SCs/STs vacancies		Backlog SCs/STs vacancies filled	
				Reserved during the year		Total SCs/STs vacancies		Total SCs/STs vacancies actually filled		Short-fall		%age of shortfall					
				SCs	STs	SCs	STs	SCs	STs	SCs	STs	SCs	STs	SCs	STs	SCs	STs
1	2	3	4	5		6		7		8		9		10		11	
2017	ASO , Gr. B	371	371	38	29	38	29	38	29	0	0	0	0	0	0	0	0
2018		955	954	143	72	143	72	143	72	0	0	0	0	0	0	0	0
2019		138	138	21	10	21	10	21	10	0	0	0	0	0	0	0	0
2020		151	-	13	10	13	10	13	10	The vacancies have already been reported to SSC. SSC is yet to nominate the candidates to CSS.							
2021		203	-	25	14	25	14	25	14								
2022		303	-	43	22	43	22	43	22								

Year	Category of posts	Total No. of Employee	No. of		Selection on own merit		Percentage		Shortfall		Remarks, if any	
			SCs	STs	SCs	STs	SCs	STs	SCs	STs		
2017	ASO, Group B	371	38	29	0	0	0	0	0	0	0	
2018		954	143	72	1	0	0.1*	0	0	0	0	
2019		138	21	10	0	0	0	0	0	0	0	
2020		151	13	10	The vacancies have already been reported to SSC. SSC is yet to nominate the candidates to CSS.							
2021		203	25	14								
2022		303	43	22								

* Percentage is based on total number of candidates (i.e. 954) nominated for the post of ASO through CGLE-2019.

Table 7

Shortfall of SC and ST in the grade of Under Secretary (Group A)

I. For the Select List Year 2017

	No. of officers promoted	Shortfall
UR	154	
SC	24	
ST	16	
Total	194	

II For the Select List Year 2018

	No. of officers promoted	Shortfall
UR	336	
SC	23	18
ST	04	34
Total	363	

III For the Select List Year 2019

	No. of officers promoted	Shortfall
UR	145	
SC	28	20
ST	31	34
Total	205	

IV. For the Select List Year 2020

	No. of officers promoted	Shortfall
UR	100	
SC	41	02
ST	35	00
Total	176	

V. For the Select List Year 2021

	No. of officers promoted	Shortfall
UR	224	
SC	27	03
ST	14	00
Total	265	

Table 8

Promotion from Multi-Tasking Staff (MTS) to Junior Secretariat Assistant (JSA) grade (Group C)

S.No.	Vacancy Years	Total Promotion	Promotion made in SC Category		Promotion made in ST Category	
			Number	Percentage	Number	Percentage
1	2016	7	2	28.5%	0	--
2	2017	0	0	--	0	--
3	2018	1	0	--	0	--
4	2019	2	1	50%	0	--
5	2020	6	2	33.33%	1	16.66%
6	2021	Nil	Nil	Nil	Nil	Nil

Table 9

Shortfall in the grade of MTS and Canteen Attendant (Group C)

Category	Shortfall	Excess
SC	-	3
ST	6	-
Total	6	3

The vacancies have been reported to SSC.

Table 10

Promotion made from MTS to JSA grade(both Group C) on seniority basis

Year	Category of Posts	Total No. of Vacancies occurred	Total No. of vacancies actually filled	No. of vacancies reserved for SC and ST										Backlog SCs/STs Vacancies	Backlog SCs/STs vacancies filled
				Reserved during the year		Total SCs/STs Vacancies		Total SCs/STs vacancies actually filled		Shortfall		% Shortfall			
				SC	ST	SC	ST	SC	ST	SC	ST	SC	ST		
2016	JSA (Group 'C')	7	7	0	0	0	0	-	-	0	0	0	0	0	-
2017		0	0	0	0	0	0	-	-	0	0	0	0	0	-
2018		1	1	0	0	0	0	-	-	0	0	0	0	0	-
2019		2	2	0	0	0	0	-	-	0	0	0	0	0	-
2020		6	6	0	1	0	1	-	1	0	0	0	0	0	-
2021		NIL	NIL	NIL		NIL				NIL		NIL		NIL	NIL

Year	Category of Posts	Total No of Employees	No. of				Selected on own merit	Percentage of		Shortfall		Remarks, if any
			SC	ST	SC	ST		SC	ST	SC	ST	
2016	JSA (Group 'C')	7	2	0	2	0	28.5%	0	0	0		
2017		0	0	0	0	0	0	0	0	0		
2018		1	0	0	0	0	0	0	0	0		
2019		2	1	0	1	0	50%	0	0	0		
2020		6	2	1	2	0	33.33%	0	0	0		
2021		NIL	NIL			NIL	NIL		NIL			

