



KARNATAKA LEGISLATURE

# COMMITTEE

ON THE  
WELFARE OF SCHEDULED CASTES  
AND SCHEDULED TRIBES  
(1978-79)

(*Sixth Assembly*)

**FIRST REPORT**

**GENERAL REPORT**

ON  
CONSTITUTIONAL SAFEGUARDS AND RESERVATION IN  
PUBLIC SERVICES, *ETC.*, FOR SCHEDULED CASTES  
AND SCHEDULED TRIBES IN KARNATAKA STATE

(*Presented on 19th April 1979*)

KARNATAKA LEGISLATURE SECRETARIAT  
VIDHANA SOUDHA, BANGALORE

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**SCHEDULED CASTES AND SCHEDULED TRIBES.**

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## INTRODUCTION

I, the Chairman of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes constituted by the Karnataka Legislature having been authorised by the Committee to submit on their behalf present this First Report on **Constitutional Safeguards and Reservations in Public Services, Etc., for Scheduled Castes and Scheduled Tribes in Karnataka State.**

The present Committee was constituted on 4th September, 1978.

The Committee selected for their study the following subjects :

(1) **Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Karnataka State Services—including Government Secretariat, Universities, High Court and Public Service Commission.**

(2) **Atrocities on Scheduled Castes and Scheduled Tribes.**

(3) **Economic Upliftment of Scheduled Castes and Scheduled Tribes.**

In this behalf the Committee framed detailed questionnaires and approved the same on 7th October, 1978 and sent them to all concerned for furnishing replies.

The Committee regret very much for the delay in furnishing replies to the questionnaires by the concerned authorities inspite of several reminders. This has hampered the work of the Committee.

The Committee before taking up the detailed examination of the above subjects, decided to present a General Report first on the Constitutional Safeguards and Reservations for Scheduled Castes and Scheduled Tribes in State Services, etc.

This Report is based on the material available and information collected by the Committee during their visits, tours within and outside the State and discussions, with the Officials and non-officials and also representations received by them.

The Report was considered and adopted by the Committee on 8th March 1979.

A summary of Conclusions and Recommendations contained in the Report is given in Chapter III.

C. M. ARUMUGHAM,  
Chairman,  
Committee on the Welfare of  
Scheduled Castes/Scheduled Tribes.

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**R E P O R T**  
**CHAPTER I**  
**INTRODUCTORY**

**CONSTITUTIONAL SAFEGUARDS**

The Scheduled Castes and Scheduled Tribes who are the down trodden community in our society have remained neglected for centuries on account of their social disabilities and economic instability. They have been the victims of various forms of exploitation. It is unfortunate that even to-day their conditions have not improved to the expected extent. It is most essential therefore that all concerned in the Government and the public should work with a sense of commitment, dedication and social obligation for their advancement.

1.2. Considering the seriousness and the magnitude of their problem, the founding Fathers of our Constitution had rightly given due consideration to the problems and have provided special safeguards, and concessions in the Constitution for the all-round development of them.

1.3. High hopes were raised in the weaker sections of the society, particularly the Scheduled Castes and Scheduled Tribes with the dawn of independence and constitution of schemes providing for removing poverty and raising social status. The promises of a socialist society had tremendous impact on people. Their expectations were further increased. Unfortunately the high hopes were shattered due to non-implementation of the Constitutional safeguards and guarantees by both Centre and State Governments. The gap between promises and performance remained wide; the poor became poorer and the rich became richer. The percentage of people living under the poverty line increased. Generally, the economic conditions in the country improved, but the economic conditions of the poverty-stricken people deteriorated further.

1.4. There is no doubt that during the last three decades efforts have been made for the social, educational and economic upliftment and development of Scheduled Castes

and Scheduled Tribes. A number of useful schemes to achieve that end have also been introduced through various Five Year Plans, which have benefited these people to some extent. In the field of general development, however, the country has made tremendous progress in various spheres and some of them have achieved spectacular results of which one can feel proud of. No doubt, due to all these efforts there has been a general prosperity in the country, but only a few have been benefited by it. These benefits have not percolated to the desired extent to the weaker sections. When we look at the balance sheet of our socio-economic achievements, particularly relating to the upliftment of the Scheduled Castes and Scheduled Tribes, it is seen that the benefits of the socio-economic progress have not fully reached these communities and there is lot of ground still to be covered.

1.5. Further, if one could have a close view and study the cross-section of all categories of employees, both in the Government services as well as public sector undertakings, aided institutions, statutory Boards, Corporations, etc., the reservation in initial recruitments for the last three decades has not achieved the desired result. There is a wide gap between what is preached and what is practiced. There are several special provisions in the Constitution such as Article 15(4), 16(4), 17, 46, 320(4), 330, 332, 335 and 341(1) which are very significant and are designed to secure advancement of the Scheduled Castes and Scheduled Tribes people.

1.6. These provisions should be understood in their true spirit and meaningful implementation by all concerned. It is also very essential that the constitutional provisions should be kept in view while assessing the efforts made so far in the direction of the welfare of Scheduled Castes and Scheduled Tribes. The special safeguard provided under the relevant articles of the Constitution are reproduced below :

**Article 15 (4)** 1.7. Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes.

**Article 16 (4)** 1.8. Nothing in this article shall prevent the State from making any provision for the reservation of appointments

or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

1.9. The State shall promote with special care the educational and economic interests of the weaker sections of the people and in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social in-justice and all forms of exploitation. **Article 46**

1.10. Such sums as Parliament may by-law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States : **Article 275**

Provided that there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State :

Provided further that there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of the State of Assam sums, capital and recurring, equivalent to—

(a) the average excess of expenditure over the revenues during the two years immediately preceding the commencement of this Constitution in respect of the administration of the tribal areas specified in (Part I) of the Table appended to paragraph 20 of the Sixth Schedule ; and

(b) the costs of such schemes of development as may be undertaken by that State with the approval of the Government of India for the purpose of raising the level of administration of the said areas to that of the administration of the rest of the areas of that State.

(IA) On and from the formation of the autonomous State under article 244A—

(i) any sums payable under clause (a) of the second proviso to clause (I) shall, if the autonomous State com-



prises all the tribal areas referred to therein, be paid to the autonomous State, and, if the autonomous State comprises only some of those tribal areas, be apportioned between the State of Assam and the autonomous State as the President may, by order, specify ;

**Article 330(4)**

1.11. Nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of article 16 may be made or as respects the manner in which effect may be given to the provisions of article 335.

**Article 330**

1.12. (1) Seats shall be reserved in the House of the people for—

(a) the Scheduled Castes

(b) the Scheduled Tribes (except the Scheduled Tribes).

(i) in the tribal areas of Assam ;

(ii) in Nagaland ;

(iii) in Meghalaya ;

(iv) in Arunachal Pradesh ; and

(v) Mizoram ; and

(c) the Schedule Tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State (or Union territory) for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State (or Union territory) in the House of the People as the population of the Scheduled Castes in the State (or Union territory) or of the Scheduled Tribes in the State (or Union territory) or part of the State (or Union territory) as the case may be, in respect of which seats are so reserved, bears to the total population of the State (or Union territory).

(3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State.

(Explanation.—In this article and in article 332, the expression “population” means the population as ascer-

tained at the last preceding census of which the relevant figures have been published.

Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2,000 have been published, be construed as a reference to the 1971 census).

1.13. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes (except the Scheduled Tribes in the tribal areas of Assam, in Nagaland and in Meghalaya) in the Legislative Assembly of every State. **Article 332**

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State.

(5) The constituencies for the seats reserved for any autonomous district of Assam shall not comprise any area outside that district.

(6) No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district.

1.14. The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State. **Article 335**

1.15. (1) The President (may with respect to any State (or Union territory), and where it is a State after consultation with the Governor thereof) by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to the State (or Union territory, as the case may be).

The definition of "Scheduled Castes" given in the article 366(24) is:—

"Scheduled Castes" means such castes, races, or tribes or parts of or groups within such castes, races or tribes as are deemed under Article 341 to be Scheduled Castes for the purposes of this Constitution".

1.16. The provisions of the Constitution as stated above are intended to provide, *inter alia* for reservation of appointments to services or posts in favour of the Scheduled Castes and Scheduled Tribes under the Union or a State, and bestow on them certain rights and privileges. The safeguards have apparently been provided to facilitate the implementation of the Directive principle contained in Article 46 of the Constitution which postulates that "the State shall promote with special care the educational and economic interests of weaker sections of the people, and in particular of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation". The most important and insistent demand of the Scheduled Castes and Scheduled Tribes next to educational facilities is for adequate representation in the various branches of the administrative services. Article 335 of the Constitution while enjoining upon the Employing Authorities to find employment for these persons provides that "the claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration consistent with the maintenance of efficiency of Administration in the making of, appointments to services and posts in connection with the affairs of the Union or of a State".

1.17. Article 16(4) while assuring equality of opportunity in matters of public employment particularly notes that "nothing in this Article shall prevent the State from making any provision for the reservation of appointment or posts in favour of any backward class of citizens which, in the opinion of the State is not adequately represented

in the services under State”, and for this purpose a certain percentage of seats has to be reserved. Further, as regards the manner of giving effect to service safeguards for Scheduled Castes and Scheduled Tribes, Article 320(4) declares that “nothing in clause (3) shall require a Public service Commission to be consulted as respects the manner in which any provision referred to in Clause (4) of Article 16 may be made or as respects the manner in which effect may be given to the provisions of Article 335”.

1.18. Under article 275 of the Constitution it shall be the responsibility of the Government of India to provide necessary funds out of their consolidated funds for the welfare of Scheduled Tribes. Article 15(4) provides that nothing shall prevent the States from making special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes. The practice of untouchability has been forbidden by article 17 of the Constitution.

1.19. Under Article 330 and 332, provision has been made for the reservation of seats for Scheduled Castes and Scheduled tribes in the Legislative Assemblies and in the Lok Sabha and this reservation will come to an end in 1980. Since there is no provision of reservation of seats in the Legislative Councils and in the Rajya Sabha the Scheduled Castes and Scheduled Tribes have not been properly represented in these bodies. **Therefore, the Committee feel that necessary provision should be made for reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Councils and Rajya Sabha. The Committee therefore recommend that Government of Karnataka should take up this matter with the Government of India for necessary action.**

1.20. Besides the above Constitutional Safeguards, the Constitution also ensures to all citizens justice, Social, Economic and political and equality of Status.

1.21. The Committee feel that the law, rules and orders issued from time to time for the well being and representation of Scheduled Castes and Scheduled Tribes in services are strong enough, workable and flexible to the extent possible to provide adequate and fair representation of these communities in all services. It is only at the stage of implementation things have gone wrong, not because

the orders were bad, but because the officers who have been asked to implement were vile.

1.22. It is of paramount importance therefore to emphasis that more and more Scheduled Castes and Scheduled Tribes people are educated and employed. Employment is a field by which Socio-economic standards of these people can be rapidly raised and it is of utmost importance to give special emphasis to this aspect of employment which will act as a moving force in the advancement of these classes of people.

1.23. It is evident that the old social order is coming under the pressure of a new awareness of the awakened Scheduled Castes and Scheduled Tribes. Realising this, it is explained in this Report by the Committee that mere social change would not help the present system of the society unless there is change in the economic system among the Scheduled Castes and Scheduled Tribes. To achieve economic change, it is all the more necessary that those who had been deprived in the past should have priority over others in employment.

1.24. It should also be realised that our constitutional social order has been laid down in Article 38 of the Constitution. Article 38 and preamble constitute a social order. According to Article 38, the State is obliged to promote the welfare of the people by securing and protecting effectively a social order in which justice, social, economic and political, shall inform all the institutions of national life. The preamble mentions justice, liberty, equality and fraternity of the Nation. The necessity of protecting the weaker sections of the society becomes more evident when one understands that the power in the Indian society is derived not only from property but also from authority and social status. To give social status for the Scheduled Castes and Scheduled Tribes Government should ensure the economic stability of this community by providing means of their earnings. This is only possible if the bulk of the Scheduled Castes and Scheduled Tribes are employed in services.

## CHAPTER II

### **GENERAL OBSERVATIONS AND RECOMMENDATIONS REGARDING RESERVATIONS AND EMPLOYMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES IN PUBLIC SERVICES AND ALLIED MATTERS**

It is a long standing grievance of the Scheduled Castes and Scheduled Tribes that their representation in Public Services, is most inadequate and that even after various steps are taken by Government to ensure reservations of 15 percent and 3 percent for Scheduled Castes and Scheduled Tribes in public services in the State, the position has not improved to the extent expected. The Committee have observed that there is short fall in various departments, public undertakings and statutory Bodies. Even the cursory look at the position of representation of Scheduled Castes and Scheduled Tribes in public services, etc., will show that there is grossly inadequate representation of Scheduled Castes in these services and the claim of upliftment of these people to the level of advanced communities is still far behind and to that extent the constitutional and moral responsibility has not been fulfilled. All along efforts in this field remained limited only to lower categories of posts and no serious efforts have been made to give proper representation to them in higher categories of posts in public and other services. **Immediate steps should be taken to analyse this situation and to make realistic assessment of the problem so that there is quick improvement in the position.**

2.2. In the succeeding paragraphs, the Committee have tried to analyse the situation and have offered their remarks and made suitable recommendations.

2.3. The Committee were surprised to note that in a number of departments and other organisations, the general slogan was that qualified Scheduled Castes and Scheduled Tribes candidates are not available for appointments either through employment exchanges or the Employment Cell of the Directorate of Social Welfare. There appears to be some thing wrong either with the information furnished by

the recruiting agencies or the process of requisitioning the candidates required for filling the posts reserved for Scheduled Castes and Scheduled Tribes.

2.4. The figures which are given below will clearly indicate the actual position existing at present where large number of qualified Scheduled Castes and Scheduled Tribes candidates are available for employment in various categories and who are actually unemployed.

**I. Statement showing particulars of Scheduled Castes and Scheduled Tribes applicants waiting for employment assistance on the live register of Employment Exchanges in the State as on 31st December 1978.**

<i>Sl. No.</i>	<i>Category</i>	<i>Scheduled Castes</i>	<i>Scheduled Tribes</i>
<b>I. Post Graduates :</b>			
1.	Arts .. ..	146	31
2.	Science .. ..	42	12
3.	Commerce .. ..	12	1
4.	Engineering .. ..	1	..
<b>II. Graduates :</b>			
1.	Arts .. ..	1,642	273
2.	Science .. ..	325	146
3.	Commerce .. ..	132	45
4.	Engineering .. ..	34	4
5.	Medicine .. ..	65	14
6.	Agriculture .. ..	30	1
7.	Education .. ..	37	18
8.	Other subjects .. ..	15	1
<b>III.</b>	<b>Matriculates .. ..</b>	<b>21,386</b>	<b>2,414</b>
<b>IV.</b>	<b>Below Matric including illiterates</b>	<b>29,916</b>	<b>2,043</b>
	<b>Total ..</b>	<b>53,783</b>	<b>5,008</b>

**II. Statement showing the number of Scheduled Castes and Scheduled Tribes candidates who have registered their names in the Employment Cell of the Directorate of Social Welfare, Bangalore as on 15th March 1979.**

	<i>Scheduled Castes</i>	<i>Scheduled Tribes</i>
1. List of graduates .. ..	1,775	27
2. List of Post-graduates .. ..	316	2
List of Engineers (Electrical Civil M95 and Mechanical). C15 E48	158	1
4. List of Medical graduates .. ..	75	1
5. List of Diploma Holders .. ..	220	1
6. List of candidates who have passed ITI/ITC and Other certificate holder.	1,737	3
7. Scheduled Castes and Scheduled Tribes Drivers who have driving licences of heavy and light vehicles	(HV)73 and (LV) 30	2(LV)
<b>Total ..</b>	<b>4,383</b>	<b>37</b>



**III Statement showing the number of unemployed Scheduled Caste Candidates year-wise from 1972-73 to February, 1979.**

Sl. No.	Category	1972-73	1973-74	1974-75	1975-76	1976-77	1977-78	1979-80	Total
								Upto Feb. 79	
1	2	3	4	5	6	7	8	9	10
1.	Non-S.S.L.C.	235	415	653	923	232	640	424	3,502
2.	S.S.L.C. Failed	243	472	662	790	282	388	347	3,184
3.	S.S.L.C. Passed	493	1,057	2,097	1,725	370	1,002	743	7,397
4.	Typists & Stenos	112	150	215	231	102	259	178	1,247
5.	<i>Technical Qualifications —</i>								
6.	ITI/ITC & other Certificates	..	224	150	300	321	551	560	2,106
7.	Diploma/Mech. Engineering	..	12	10	14	10	58	9	113
8.	Diploma/Elec. Engineering	..	5	8	9	8	15	8	53
9.	Diploma Civil Engineering	..	3	4	1	1	9	5	23
10.	Diploma in Agriculture	..	..	..	..	..	..	1	1
11.	B.E., Mech. Engineering	..	23	27	15	4	3	3	75
12.	B.E., Elec. Engineering	..	14	4	7	2	2	4	33
13.	B.E., Civil Engineering	..	5	8	6	1	1	2	25

14.	Graduates B.A.	..	..	96	302	148	157	210	152	1,065
15.	Graduates B.Sc.	..	..	77	186	178	15	96	56	608
16.	Graduates B.Com.	..	..	15	9	31	11	27	9	102
17.	Post Graduates M.Sc.	..	..	13	15	22	16	10	12	88
18.	Post Graduates M.A.	..	..	25	48	58	34	38	27	220
19.	Post Graduates M.Com.	..	..	..	2	..	..	3	3	8
20.	M.B.B.S.	..	..	6	11	20	4	22	12	75
21.	T.C.H. Trainees	..	..	11	5	50	23	27	12	128
22.	Ex-Servicemen	..	..	7	14	8	10	28	12	79
23.	B.A., B.Ed.	..	..	..	..	..	..	8	3	11
24.	B.Sc., B.Ed.	..	..	..	..	..	..	2	2	4
25.	B.P.Ed., & C.P.Ed.	..	..	..	..	..	..	2	1	3

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993	2,630	4,410	4,536	1,603	3,401	2,535	20,150
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**IV. Statement showing the number of unemployed Scheduled Tribes Candidates yearwise  
from 1972-73 to February 1979**

<i>Sl. No.</i>	<i>Category</i>	1972-73	1973-74	1974-75	1975-76	1976-77	1977-78	1978-79	<i>Total</i>
1	2	3	4	5	6	7	8	9	10
							<i>upto end of Feb.</i>		
1.	Non-S.S.L.C.	..	..	..	17	..	12	7	36
2.	S.S.L.C. Failed	..	..	7	..	3	..	5	23
3.	S.S.L.C. Passed	..	..	13	..	25	12	17	104
4.	Typists and Steno's	..	..	..	..	1	4	..	5
5.	Technical qualification I.T.I., T.T.C. and other Technical and Certificate Courses.	..	1	2	..	..	3	..	18
6.	Diploma in Mechanical Engg. :								
7.	Diploma Electrical Engg.	..	..	..	..	1	..	1	2
8.	Diploma Civil Engg.	..	..	1	..	..	..	..	1
9.	Diploma Agriculture	..	..	..	..	..	..	..	..
10.	B.E. Mechanical	..	..	1	..	..	..	..	1
11.	B.E. Electrical	..	..	..	..	..	..	..	..
12.	B.A. Graduate	..	..	2	..	3	2	..	7
13.	B.Sc. Graduate	..	..	..	..	2	5	..	7
14.	B.Com., Graduate	..	..	2	1	..	5	..	8
15.	M.A. Graduate	..	..	..	1	..	1	..	2
16.	M.B.B.S.	..	..	..	..	..	1	..	1
17.	T.C.H. Trainees	..	..	..	1	..	..	..	1
								<b>Total</b>	<b>216</b>

2.5. For whatever it might be, the Committee wonder that despite availability of large number of Scheduled Castes and Scheduled Tribes, the appointing authorities have been pleading non-availability of Scheduled Castes and Scheduled Tribes for appointment against reserved vacancies. **This requires immediate remedial measure and Government should take necessary action in the matter. In the opinion of the Committee this must be for want of sincere and honest efforts on the part of the recruiting authorities for proper implementation of reservation orders in respect of appointment of Scheduled Castes and Scheduled Tribes. The committee recommend that necessary training facilities should be provided to meet the requirements of Scheduled Castes and Scheduled Tribes for appointments to such categories of posts where training is required and for want of which the Scheduled Castes and Scheduled Tribes are deprived of their posts.**

2.6. The Committee further recommend that the Director of Employment and Training should be instructed to render educational and vocational guidance for Scheduled Castes and Scheduled Tribes and Separate interviews should be held for Scheduled Castes and Scheduled Tribes by the appointing authorities.

2.7. Government should issue strict instructions to the recruiting authorities to inform simultaneously to the Director of Social Welfare and the Employment Exchanges and Special Employment Exchanges for Scheduled Castes and Scheduled Tribes about their requisitions of candidates for reserved vacancies from time to time.

2.8. Recruiting authorities should get list of qualified candidates from the Employment Exchanges, Scheduled Castes Associations and through advertisement in newspapers. If there is any paucity of candidates for technical and skilled posts like Stenographers, Teachers, Doctors and Engineers, necessary intensive training classes should be held for Scheduled Castes and Scheduled Tribes.

### **MAINTENANCE OF VACANCY ROSTERS**

2.9. The Committee have come to know that in several departments of Government and other Institutions vacancies rosters are not being maintained properly and in most of the cases the due turn of Scheduled Castes and Scheduled Tribes have not been strictly adhered to and this has resulted in injustice for the Scheduled Castes and Scheduled Tribes.

2.10. The Committee therefore recommend that proper instructions should be issued to all the appointing authorities to maintain Registers/Rosters strictly according to the rotation and the turn allotted in favour of Scheduled Castes and Scheduled Tribes should be followed scrupulously.

2.11. The Committee further recommend that if any candidate belonging to Scheduled Castes and Scheduled Tribes is appointed/promoted against a leave vacancy or stop-gap vacancy or if he is retrenched or reverted the appointment/promotion should not be counted against a reserved vacancy in the roster.

### **CARRY FORWARD OF VACANCIES**

2.12. The Committee have observed that the carry forward of vacancies also are not being done in several Departments Strict instructions should be issued to all the appointing authorities to follow carry forward system strictly in word and spirit as per the procedure prescribed with specific provision for stern action against the defaulting officers.

2.13. At present the carry forward vacancies are limited for the next two years. But in the opinion of the Committee this two years period is not sufficient. Therefore, the Committee recommend that if adequate number of Scheduled Castes and Scheduled Tribes candidates are not available in any particular year the vacancy or vacancies shall be carry forward for the next 3 years instead of 2 years.

2.14. Government of Punjab have also thought of a new procedure of reservation to the members of Scheduled Castes and Scheduled Tribes in the services in the matter of carry forward of vacancies. According to this if it is not possible to fill the reserved vacancy by appointing Scheduled Castes and Scheduled Tribes persons the reservation will be carried over from vacancy to vacancy in the same block and if necessary to the succeeding block also so that more than one vacancy is being carried forward. The Committee recommend that Karnataka Government should follow this procedure.

2.15. The Punjab Government is also granting interest free loan and subsidy to persons going abroad for employment purpose, with the object of providing encouragement to the Scheduled Castes and Scheduled Tribes. The Com-

**mittee recommend that the Karnataka Government should also implement this scheme and provide interest free loans to the Scheduled Castes and Scheduled Tribes people who are willing to go abroad for employment purpose for meeting their passage and incidental expenses.**

### **CYCLE OF ROTATION**

2.16. The Committee have come to know that in small units of appointment where there is no scope for large number of vacancies, the turn as per the cycle of rotation allotted to Scheduled Castes and Scheduled Tribes may not reach at all.

2.17. The Committee, therefore recommend that the cycle of rotation should be revised to Serial No. 1 so that the very first vacancy in the cycle of rotation may be availed by the Scheduled Caste and Scheduled Tribes.

2.18. Isolated posts or cadres in any department should be grouped and reservation roster should be applied to the group.

### **PROVISION FOR RESERVATION AT THE TIME OF CONFIRMATION**

2.19. At present there is no provision of reservation applicable at the time of confirmation to enable the Scheduled Castes and Scheduled Tribes to secure an adequate share in permanent posts.

2.20. The Committee recommend that the provision of reservation should be made applicable in these cases also.

2.21. The Committee have come to know that there is some ambiguity in the matter of recruitment that when candidates belonging to Scheduled Caste/Scheduled Tribes come out in the general competition are excluded from the respective reserved quota. To make the position very clear, the Committee recommend that strict instructions should be issued to clear the position stating that whenever the candidates belonging to Scheduled Castes and Scheduled Tribes come out in the general competition they should be excluded from the reserved quota.

### **PROVISION FOR RESERVATION IN RESPECT OF POSTS FILLED BY DEPUTATION AND TRANSFER**

2.22. As large number of posts are filled by deputation and transfer of employees from one department to another,

there has been an urge to introduce reservation in these cases.

2.23. The Committee therefore impress upon the Government to introduce the principle of reservation in such cases to give adequate representation to Scheduled Castes and Scheduled Tribes.

### **SPECIAL RECRUITMENT AND RELAXATION OF AGE**

2.24. The Committee recommend that adhoc measures should be taken for special recruitment to all posts for increasing the representation of Scheduled Castes and Scheduled Tribes in several departments where back log exists by special relaxation of age by 5 years/in addition to general relaxation and this relaxation should be given to the employees of the Scheduled Castes and Scheduled Tribes who are in service also. So that they can compete in the Special and general recruitment Schemes.

2.25. The Committee have come to know that in Uttar Pradesh, Special Recruitments were made for Scheduled Castes and Scheduled Tribes fixing 45 per cent for Scheduled Castes and 5 per cent for Scheduled Tribes to clear the back log.

2.26. In this connection the Committee will go a step further and recommend to stop general recruitment and only to recruit Scheduled Castes and Scheduled Tribes till the backlog is cleared and until the quota for Scheduled Castes and Scheduled Tribes is reached. The Committee further recommend that special recruitments should be conducted in such of the departments where there has been no continuous recruitments for a number of years. Regular half-yearly special reports should be submitted to Government by each department/Statutory Bodies and Public Sector Undertakings, and Government should review these reports and take action to remedy the failures on such reports.

2.27. The Committee recommend that no Scheduled Castes and Scheduled Tribes employees should be declared surplus/retrenched from service until the shortfall of Scheduled Castes and Scheduled Tribes is filled up in the department.

2.28. If the services of the Government servants belonging to Scheduled Castes and Scheduled Tribes are terminated

candidates belonging to Scheduled Castes and Scheduled Tribes should be appointed to safeguard the interest of the Scheduled Castes and Scheduled Tribes in the reserved vacancy.

**2.29. The Committee further recommend that if any member of Scheduled Castes and Scheduled Tribes being selected for a post fails in the concerned medical test he should be provided with the alternative employment, where he is not unfit to fill the short fall.**

**2.30. In the opinion of the Committee it is very necessary that Scheduled Castes members should be represented in all Recruitment Committees and Selection Committees of the various employment agencies to safeguard the interest of the Scheduled Castes and Scheduled Tribes.**

### **NEED FOR RAISING THE PERCENTAGE OF RESERVATIONS FOR SCHEDULED CASTES AND SCHEDULED TRIBES FOR GIVING-MORE REPRESENTATION FOR THEM IN SERVICES, ETC.**

2.31. The minimum reservation of 15 per cent and 3 per cent for Scheduled Castes and Scheduled Tribes respectively was fixed in the State long back in the year 1950 and even now it remains the same though their population and literacy has increased and their representation in services has not reached to the prescribed quota.

2.32. The following statement about the representation of Scheduled Castes and Scheduled Tribes in services in the State as on 1-1-1977 will show that the representation of Scheduled Castes and Scheduled Tribes is grossly inadequate and is far below the prescribed percentage.



REPRESENTION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN STATE  
SERVICES AS ON 1-1-1977.

Sl. No.	Classification of posts	Total.No. of Government employees	Scheduled Castes			Scheduled Tribes			Remarks
			Percentage admissible	No. of S.C. employees of Col. No. 5 to Col. No. 3	Percentage	Percentage admissible	No. of S.C. employees of Col. No. 8 to Col. No. 3	Percentage	
1	2	3	4	5	6	7	8	9	10
A	Class I	3,434	15%	131	3.8	3%	10	0.3	
B	Class II	11,312	15%	491	4.3	3%	54	0.5	
C	Class III	2,00,494	15%	14,381	7.2	3%	1,201	0.6	
D	Class IV	83,527	15%	13,214	15.9	3%	1,503	2.3	
	Tot.1	2,98,767	15%	28,217	9.5	3%	3,218	1.1	

2.33. Keeping in view of the above the Committee recommend that as a first step Government should take immediate action for the upward revision of this percentage to higher percentage in respect of Scheduled Castes and Scheduled Tribes to give adequate representation for them in services etc.

2.34. The Committee have come to know the Punjab Government is following that whenever representation for Scheduled Castes and Scheduled Tribes is below the required percentage in any of the department, the reservation percentage is raised to higher percentage and in the cases of Constables and Patwaries reservation percentage is raised to even 40 and 25 per cent respectively.

2.35. In Uttar Pradesh there is a general reservation of 18 per cent of Scheduled Castes and Scheduled Tribes in each category of posts. However, until normal quota of 18 per cent is completed there will be reservation of 25 per cent in Class III posts which are outside the purview of the Public Service Commission and 30 per cent in all Class IV Posts.

## **RESERVATION IN POSTS FILLED BY PROMOTION**

2.36. The principle of reservation in promotional posts has been accepted by the Karnataka Government in April 1978 and accordingly the Government have made provision for reservation for Scheduled Castes and Scheduled Tribes in promotional posts as per Government Order No. DPAR 29 SBC 77 (PT), dated 27th April 1978 which is as follows :

“The question of making reservations under Article 16(4) of the Constitution in promotional vacancies has been engaging the attention of Government for some time past. After considering all aspects of the matter, Government has decided to make reservations in favour of persons belonging to Scheduled Castes and Scheduled Tribes in promotional vacancies also, to the extent indicated in the succeeding paragraphs.

Government are accordingly pleased to direct that there shall be reservations for persons belonging to Scheduled Castes and Scheduled Tribes at 15 per cent and 3 per cent respectively of vacancies to be filled by promotion in all the cadres upto and inclusive of the lowest category of Class I posts in which there is no element of

direct recruitment, such element of direct recruitment does not exceed 66 $\frac{2}{3}$  percent.

The reservations shall be made for each category of posts under each promoting authority according to the percentages indicated in para 2. For the purpose of calculating the vacancies to be reserved for persons belonging to Scheduled Castes and Scheduled Tribes, a rotation of 33 vacancies shall be followed for each category of posts under each authority competent to order promotions.

The rotation of vacancies shall be as indicated in the annexe to this order, and shall be a running account until the 33rd vacancy is reached. For example, if on the first occasion of promotion 21 posts have been filled, on the next occasion of promotion the classification will start from the 22nd point, and so on. All authorities competent to order promotions shall maintain a separate register indicating the promotional rotation for each category of posts under them.

In giving effect to these orders, against vacancies reserved for persons belonging to Scheduled Castes, the senior-most qualified and suitable persons belonging to Scheduled Castes and against vacancies reserved for persons belonging to Scheduled Tribes, the senior-most qualified and suitable persons belonging to Scheduled Tribes shall be promoted irrespective of their ranking in the overall seniority list of the cadre from which promotion has to be made.

If on any occasion of promotion, qualified and suitable Scheduled Castes or Scheduled Tribes candidates for whom vacancies are reserved are not available, such vacancies shall be filled by promotion of qualified and suitable persons from amongst others in accordance with the rules of recruitment.

The vacancies lost to persons belonging to Scheduled Castes and Scheduled Tribes on account of such promotions shall not be carried forward and future vacancies shall be filled up according to rotation as indicated in the Annexe to this order.

Inter-state seniority amongst persons promoted on any occasion shall be determined in accordance with rule 4 or 4A (as the case may be) of the Karnataka Government Servants (Seniority) Rules, 1957.

Government are also pleased to direct that all institutions receiving grants or aids from Government, other than the educational institutions established and administered by minorities based on religion or language, shall also be required to make reservation in employment, under them in accordance with the provisions of this order.

Under Government Order No. GAD 6 SBC 75 dated 3rd May 1975 as amended, and G.O. No. DPAR 1 SBC 77, dated 4th March 1977, the Secretaries to Government were requested to issue directions to companies, statutory boards Corporations, etc. under their administrative control whether fully owned or partly owned by Government to make reservations for persons belonging to Scheduled Castes, Scheduled Tribes and Backward Classes. The Secretaries to Government are requested to issue, in the same manner, additional directives to the Companies, Board etc. to follow the provisions of this order also. The draft of the directive which was forwarded to the Secretaries to Government under Government Order dated 3rd May 1975 should be modified suitably to include the provisions of this order."

**Annexe to G.O. No. DPAR 29 SBC 77, dated 27th  
April 1978.**

- |                      |                     |
|----------------------|---------------------|
| 1. Unreserved        | 18. Unreserved      |
| 2. Scheduled Caste   | 19. Unreserved      |
| 3. Unreserved        | 20. Unreserved      |
| 4. Unreserved        | 21. Unreserved      |
| 5. Unreserved        | 22. Unreserved      |
| 6. Unreserved        | 23. Unreserved      |
| 7. Unreserved        | 24. Scheduled Caste |
| 8. Unreserved        | 25. Unreserved      |
| 9. Scheduled Caste   | 26. Unreserved      |
| 10. Unreserved       | 27. Unreserved      |
| 11. Unreserved       | 28. Unreserved      |
| 12. Unreserved       | 29. Unreserved      |
| 13. Unreserved       | 30. Unreserved      |
| 14. Unreserved       | 31. Scheduled Caste |
| 15. Unreserved       | 32. Unreserved      |
| 16. Scheduled Tribes | 33. Unreserved      |
| 17. Scheduled Caste  |                     |

2.37. The percentage of reservation in promotional posts is to the extent of 15 per cent and 3 per cent of Scheduled Castes and Scheduled Tribes respectively. But this reservation is limited to the lowest category of Class I posts only. From the existing Government Order to determine as to which are the Junior Class I posts the discretion is entirely given to the appointing authorities. In certain Departments, even Class II posts, at the time of promotion are classified as Class I Senior posts depending upon their scale. In the opinion of the Committee this would adversely affect the promotional chances of Scheduled Castes and Scheduled Tribes. The Committee have come to know that the provision of reservations in promotions has not been given effect in many of the departments even now and there are complaints that in some cases, the Scheduled Castes and Scheduled Tribes persons have been deprived of this benefit.

2.38. The Committee recommend that Government should issue suitable instructions in this behalf immediately and also take immediate action to extend the provision of reservation in promotions to all categories and classes of posts, including the senior and supertime scale posts, so that the benefit intended actually helped the Scheduled Castes and Scheduled Tribes employees. Suitable instructions should also be issued to extend this benefit to all public sector undertakings statutory corporations and boards, local bodies, universities, other autonomous organisations.

2.39. Appointment to selection grade including new and intermediate selection grade should also be considered as promotion and reservation for Scheduled Castes, Scheduled Tribes should also be provided in these grades.

2.40. Whenever representation for Scheduled Castes and Scheduled Tribes is below the required percentage in any of the department the reservation percentage in promotion should also be raised to higher percentage.

2.41. In no case candidate belonging to Scheduled Castes and Scheduled Tribes be superceded for promotion to post/posts by application of the rigid standard of suitability. As the word suitability can be conveniently interpreted by the appointing authority against the interest of Scheduled Castes and Scheduled Tribes. The departments

should consider such cases sympathetically without applying the yardstick of suitability by relaxing the standard of suitability.

### **RESERVATION FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES UNDER HIGH COURT**

2.42. Under Article 229(1) of the Constitution appointments of Officers of High Courts shall be made by the Chief Justice of the Court or such other Judge or Officer of the Court as he may direct. Hence there is no provision for reservation for Scheduled Castes and Scheduled Tribes in the services of the High Court. This has resulted in the denial of legitimate claims of the Scheduled Castes and Scheduled Tribes in the matter of employment in the services under High Court. The reservation Orders issued by the Government from time to time are not also being followed by the High Court in the matter of employment under the services of the High Court.

2.43. **The Committee therefore strongly urge the Government to take immediate steps to frame the Rules in respect of Judiciary for making reservations for Scheduled Castes and Scheduled Tribes in the services of the High Court.**

### **RESERVATIONS FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES UNDER UNIVERSITIES**

2.44. After careful scrutiny of the appointments in the Universities, the Committee have come to know that Universities which impart advance scientific education have not cared to follow the reservations for Scheduled Castes and Scheduled Tribes in their services since their inception.

2.45. The Universities also have not followed the reservation orders of Government issued from time to time strictly though some of them had adopted resolutions for making reservations and this was also only in respect of some categories of posts. After common University Act, 1976 came into force specific provision has been made in the Act, for reservation for Scheduled Castes and Scheduled Tribes in respect of Teachers, non-ministerial staff and ministerial staff of the Universities but this provision also not being followed by the Universities strictly even now.

2.46. The University of Agriculture Sciences which was established under the University of Agricultural Sciences Act 1963 does not contain provision for reservation for Scheduled Castes and Scheduled Tribes in the appointment under the University. Though provision for reservation for Scheduled Castes and Scheduled Tribes has been made in statute, the same is also not followed by the University of Agriculture Sciences strictly. The Committee therefore, recommend that the provision should be made for reservation of Scheduled Castes and Scheduled Tribes in the Act itself.

2.47. The Committee emphatically urge the Government to see that reservations for Scheduled Castes and Scheduled Tribes should be made applicable immediately in the service under all the Universities and they are made applicable to all categories of posts and in all respect both at the time of initial recruitment and also at the time of promotion in the Universities. It should be made obligatory for the Universities that for receiving grants from the State Government they should adopt and implement all the instructions issued by the Government regarding reservations for Scheduled Castes and Scheduled Tribes compulsorily.

2.48. The Committee recommend that a separate Cell should be created in the University to follow up reservation orders for Scheduled Castes and Scheduled Tribes issued by Government from time to time and to watch the implementation of these Orders. Universities should also be asked to make adequate financial allocations in their budget for the welfare of Scheduled Castes and Scheduled Tribes, such as supply of text books, book banks, hostel accommodation, tour expenses, merit scholarships, etc.

#### **NOMINATION OF LIAISON OFFICERS AND CREATION OF SPECIAL CELLS.**

2.49. The Committee are of the view that it is necessary that Liaison Officers should be nominated in each department of the rank of Deputy Secretary to be overall in-charge of the work relating to representation of Scheduled Castes and Scheduled Tribes in the respective departments. This Liaison Officer should conduct inspection of rosters maintained in the offices under his charge. A small cell within each department may also be created under the control of the Liaison Officer. This cell should assist the Liaison Officer to discharge his duties efficiently.

2.50. The Committee understand that this has been done already by the Government of India.

2.51. The Committee therefore recommend that the State Government should also take similar steps immediately in this behalf.

### **CREATION OF SPECIAL CELL IN THE PUBLIC SERVICE COMMISSION**

2.52. The Committee also recommend that there should be a Special Cell in the Office of the Karnataka Public Service Commission in order to give special attention in connection with the appointments and promotions to the Scheduled Castes and Scheduled Tribes in services.

### **RESERVATION IN PUBLIC UNDERTAKINGS, STATUTORY CORPORATIONS AND OTHER BODIES, ETC.**

2.53. There are as many as 45 public undertakings and statutory Bodies, Government Companies in the State. The previous Committee on the Welfare of Scheduled Castes and Scheduled Tribes has examined the reservation position and employment of Scheduled Castes and Schedule Castes and Scheduled Tribes in these undertakings and has presented its Report to the Legislature in March, 1975.

2.54. The present Committee also visited a few of undertakings to see whether there has been any improvement in the employment position of Scheduled Castes and Scheduled Tribes in these undertakings. But to their surprise, there has not been any appreciable improvement in the matter in spite of the Committees earlier recommendations. The Committee would like to reiterate that immediate steps should be taken by all these undertakings and other statutory bodies to give required and adequate representation for Scheduled Castes and Scheduled Tribes in their organisations and also to take immediate steps to clear the backlog.

2.55. The Committee would also like to urge the Government once again to issue strict instructions to all the public sector undertakings and other statutory bodies in the State to implement the reservation orders scrupulously and to take stringent action against the defaulting organisations.



2.56. It should be made obligatory on the part of these public undertakings to submit a periodical report of recruitment and reservation, to the Government and Legislature.

2.57. There should be a Scheduled Castes and Scheduled Tribes representative in all the recruitment/selection Committees of public sector undertakings and statutory bodies to safeguard the interest of the Scheduled Castes and Scheduled Tribes. Necessary instructions should also be issued to these undertakings etc., to follow the reservation orders in respect of promotional posts also strictly on similar lines of Government departments.

### **FALSE CERTIFICATES**

2.58. In several instances appointments are secured by non-Scheduled Castes and Scheduled Tribes persons by producing false certificates.

2.59. The Committee have come to know that in many cases non-Scheduled Castes persons have secured appointments in services and seats in colleges and schools by producing false certificates claiming themselves belonging to Scheduled Castes and Scheduled Tribes and also by producing such false certificates other castes candidates have got appointments in many of the public undertakings. To that extent the Scheduled Castes and Scheduled Tribes candidates have been deprived of their employment in these undertakings. In the opinion of the Committee drastic steps should be taken in this direction to punish the persons responsible for producing false certificates and also against those who issue such certificates, treating it as a criminal offence. Suitable provision should be made in the relevant legislation recommended by the Committee for punishment of these offences under Section 182, 420 of the Indian Penal Code and any person or authority issuing the false certificates should also be punished for the offences under Section 109 of the Indian Penal Code.

### **ENACTMENT OF LEGISLATION TO PROVIDE FOR RESERVATIONS FOR SCHEDULED CASTES AND SCHEDULED TRIBES AND IN GOVERNMENT SERVICES, ETC.**

2.60. The Committee are of the opinion that inclusion in this Report of the several provisions of the Constitu-

tion which give guarantee and safeguards to the Scheduled Castes and Scheduled Tribes will provide an opportunity to the Members of the Legislature, persons at the helm of affairs and officers who implement the orders, to know and understand the words and thoughts of the Constitution makers and to act accordingly. The Committee also feel that the inclusion of the several Articles of the Constitution in this Report would be of great advantage to those who are interested in the welfare of the Scheduled Castes and Scheduled Tribes.

2.61. The wheel of law needs to be turned in favour of the weaker sections of the society. The customary rule of law to quote GOLDSMITH—"the law grinds the poor and the rich rules law" must change. The law should not grind the poor nor the rich be allowed to rule law, but law must be used as the effective instrument for bringing about revolutionary socio-economic transformation in the Indian society.

2.62. The Government at times makes laws rules etc., to meet the socio-economic aspirations of the Scheduled Castes and Scheduled Tribes. The ultimate responsibility to implement these schemes and laws falls on the officers, i. e., the Heads of Departments. From the experiences, gained by the Committee in their tours, they have come to know that such laws and rules are not followed at district level or even in State level with regard to the reservation of posts for Scheduled Castes and Scheduled Tribes, ultimately resulting the reduction of their percentage. Government should take action against such Officers who have failed to follow the reservation orders. Unless Government bring forward stringent measures, the Officers will not follow the reservation orders and hence there is imperative need for enacting a Legislation to provide for reservations for Scheduled Castes and Scheduled Tribes in services to protect their interests.

2.63. The Committee have learnt that the Government of West Bengal and the Government of Orissa have enacted Legislation for making reservations in services for Scheduled Castes and Scheduled Tribes. The West Bengal Act has provided penal provision to the effect that appointing authorities found responsible for contravention of reservation orders shall be liable to fine to the extent of Rs. 250.

2.64. In the opinion of the Committee the penal provision and award of punishment entered in service records of the Officer concerned will serve as a deterrent against violation of reservation orders.

2.65. **The Committee therefore recommend to Government to follow the lead given by the Government of Orissa and West Bengal and enact a similar and more progressive legislation in Karnataka State by providing penalty to the extent of Rs. 2,000 together with rigorous imprisonment for one year or both for violation of reservation orders by the appointing authority. This provision should also be made applicable even to public sector undertakings and other statutory bodies. This will go a long way in securing the benefits to Scheduled Castes and Scheduled Tribes in the State services, etc.**

#### **MACHINERY FOR WATCHING THE IMPLEMENTATION OF RESERVATIONS FOR SCHEDULED CASTES AND SCHEDULED TRIBES AT THE STATE LEVEL.**

2.66. In order to ensure scrupulous implementation of rules of reservation in public services a special machinery is required to be set up as has been done in Andhra Pradesh. The Committee have learnt that in Andhra Pradesh an Officer of the rank of Assistant Secretary is required to function under the direct control of the Chief Secretary and will inspect departments of the Secretariat, offices of the Heads of department and all unit offices under them. He is also required to visit local bodies offices, of the statutory corporations and other State Public Undertakings, etc., and verify the implementation of the rules of reservation, in the matter of Public employment.

2.67. **The Committee recommend that a similar machinery with Senior Officer of the rank of a Joint Secretary should be set up by Karnataka Government for the purpose as the present employment cell in the Directorate of Social Welfare in the State is not functioning effectively, since this cell is not having sufficient powers or status to inspect the various departments, public sector undertakings, etc., in the State.**

2.68. In Rajasthan a flying squad has been set up to ensure the reservation and roster system for Scheduled Castes and Scheduled Tribes in all the departments. **The Committee recommend that similar squad may also be set**

**up in Karnataka State as part of the above machinery for watching the implementation and reservation order for Scheduled Castes and Scheduled Tribes.**

2.69. The previous Committee on the Welfare of Scheduled Castes and Scheduled Tribes had earlier in their II Report presented to the Legislature in the year 1973 recommended that a separate Commissioner and Secretary to Government at the Secretariat level should be appointed to be in exclusive charge of the welfare of Scheduled Castes and Scheduled Tribes in the State and he should be designated as the Additional Chief Secretary. They had also recommended that he should be made responsible to implement all the constitutional safeguards, Central and State directions, the recommendations of the Commissioner for Scheduled Castes and Scheduled Tribes relating to the Scheduled Castes and Scheduled Tribes in the State and he should also be in charge of all the welfare schemes, programmes, plans concerning Scheduled Castes and Scheduled Tribes and work under the direct control of the Chief Minister and Cabinet.

2.70. The Director of Social Welfare should directly under the Commissioner, and he shall be responsible for implementation of all the schemes meant for Scheduled Castes and Scheduled Tribes to be implemented not only by him but also by other departments.

2.71. In Uttar Pradesh there is a separate Commissioner for Scheduled Castes and Scheduled Tribes to look after the implementation of various Government policies and programmes exclusively for Scheduled Castes and Scheduled Tribes.

2.72. The Committee while reiterating the earlier recommendation in the matter urge the Government to take necessary steps in this direction. With such a step alone in the opinion of the Committee, it would be possible to fix responsibility and ensure the proper implementation of the welfare schemes for Scheduled Castes and Scheduled Tribes.

## **RESERVATION FOR EX-SERVICEMEN IN THE STATE SERVICES**

2.73. A Notification was issued by the Governor of Mysore (Karnataka) during 1970 further amending the

Mysore State Civil Services (General Recruitment) Rules for providing reservation for Ex-Servicemen. This rule came into force since then. Subsequently it was incorporated under Rule 9 of the Karnataka Civil Services (General Recruitment) Rules, 1977 which reads as follows :—

“ Notwithstanding anything contained in the rules of recruitment specially made in respect of any service or posts, if in such rules of recruitment direct recruitment is prescribed as one of the methods of recruitment, the percentage or number of vacancies set apart for that method shall be reduced by ten per cent or by such number as is equal to ten per cent of the vacancies and the percentage or number so reduced shall be filled by direct recruitment from among Ex-Servicemen and members of the families of persons who, while serving in the Armed Forces of the Union, were either killed or permanently disabled ”.

2.74. It has also been provided therein that orders relating to reservation of vacancies for Scheduled Castes and Scheduled Tribes, Backward Tribes and other Backward Classes issued by the Government under clause (4) of Article 16 of the Constitution of India shall not be applicable to recruitment from among persons belonging to the categories mentioned above.

2.75. This rule is being followed in the matter of recruitment in State Civil Services and even by the Karnataka Public Service Commission and other recruiting authorities in Karnataka. Since 1970 and thereby large number of posts have been lost to the Scheduled Castes and Scheduled Tribes.

2.76. Accordingly under the above rule, wherever 100 posts are to be filled up by direct recruitment 10 per cent of posts will be reserved for Ex-Servicemen and in the remaining 90 posts reservation is provided for Scheduled Castes and Scheduled Tribes. This will reduce the number of posts to be filled by direct recruitment in case of Scheduled Castes and Scheduled Tribes. The Scheduled Castes and Scheduled Tribes are not getting 15 and 3 per cent reservation from 1970 and instead they are getting 13½ and less than 3 per cent reservation respectively.

2.77. In this connection the Committee examined the Chief Secretary to Government on 21st November 1978 and the Committee was informed that according to the

Government Order dated 13th June 1977 in all direct recruitment 10 per cent of vacancies have been reserved for Ex-Servicemen or children of disabled Ex-Servicemen. This reservation order applies to all Departments. Asked by the Committee does it not take away the reservation quota meant for Scheduled Castes and Scheduled Tribes, the Committee were told that it will not affect as recruitment of Ex-Servicemen has been treated as a separate source of recruitment and in the normal quota Government have reserved 15 per cent and 3 per cent for Scheduled Castes and Scheduled Tribes. In other words the recruitment of Ex-Servicemen has been treated outside source of recruitment under the above said rules. When asked by the Committee what is the basis for outside source of recruitment, the Committee were informed that the reservation has been made according to General Recruitment Rules of Government and under the direction of the Government of India.

2.78. The Committee was also informed that the reservation for Ex-Servicemen is not a source of recruitment which attracts the provisions of Article 16(4) of the Constitution.

2.79. The Government of India had suggested to the State Government that the State should take certain measures for rehabilitation of Emergency Commissioned Officers and Short Service Commissioned Officers, who joined the Armed Forces during the Emergency in 1967. The Central Government have reserved a certain percentage of vacancies in Central Services for such persons. On the suggestion of the Central Government, certain State Governments appear to have taken steps to reserve a certain percentage of vacancies in Class I and II in their State Services. But the State of Karnataka referred this matter to the Law Department, who opined that reservation of posts in Government services is done under Clause 4 of Article 16 and unless the criteria for determining the backwardness is proved and satisfied, a citizen cannot be considered to be backward for purposes of reservation in services, and they have also quoted the Supreme Court decision as explained in Balaji case (Balaji Vs. State of Mysore—AIR 1963 S.C. 649). Further, the decision, of the Supreme Court (AIR 1967—S.C. 1283) was also brought to the notice of the Government. The Law Department was also of the view that the demobilised

officers of the Armed Forces could be appointed in certain services and posts like the Police and Watch and Ward in various departments, wherein there should be some rationale between the source of recruitment, viz., demobilised officers of the Armed Forces and the service or the post for which recruitment is made. They have further stated that in the case of other services and posts there may be difficulty in establishing that there is a rationale between those services and the qualifications of the demobilised officers for the purpose of recruitment to those services.

2.80. Since the Law Department did not agree on the suggestion made by the Central Government, the Government of Karnataka could not proceed in making reservation for Ex-Servicemen, particularly in Class I and Class II posts for officers recruited as Emergency Commissioned Officers and Short Service Commissioned Officers. Therefore the Karnataka Government referred it back to the Government of India and in turn the Government of India sought the opinion of the Attorney-General of India. The Attorney-General of India also gave his opinion for making certain provisions of reservation decided upon by the Government of India only in favour of Class I and Class II posts, and he made a definite suggestion that this reservation could continue until a phased programme of demobilisation of Emergency and Short Service Commissioned Officers is completed.

2.81. The proposal of the Government of India and the opinion rendered by the Attorney-General of India pertains to Class I and Class II posts and never makes any provision for Class III and Class IV posts. Further, nowhere the Government of India in their suggestion and the Attorney-General in his opinion have fixed any percentage of reservation for these two class of posts. But, how the Karnataka Government came to the conclusion to reserve 10 per cent of posts in direct recruitment in favour of the Ex-Servicemen is a matter which requires thorough study and investigation.

2.82. There is deviation in the decision of the Government of Karnataka while making reservation as they have included Class III and Class IV posts in the reservation instead of confining the reservation to Class I and II posts as suggested by the Government of India. Thereby the claims of Scheduled Castes and Scheduled Tribes have been

deprived considerably. The provisions for reservation of posts for Scheduled Castes and Scheduled Tribes is under Article 16(4) of the Constitution, whereas there is no enabling Provision for Ex-Servicemen and thereby the State Government has not conferred in the discretionary power of the State to make any reservation in appointments in favour of Ex-Servicemen. Further, there is no provision in the Constitution which confers any right on the members of the Ex-Service personnel for reservation either at the initial stage of recruitment or at the stage of promotions. In the opinion of the Committee, the rule providing for reservation for Ex-Service Personnel is unconstitutional. In the name of advancement or protection of the Ex-Service Personnel, the right of reservation for Scheduled Castes and Scheduled Tribes cannot be ignored or reduced.

2.83. While the Committee is not against the Ex-Servicemen for getting any appointments in the State and in any public sector undertakings, the Committee realises that the Ex-Service Personnel who risked their lives and limbs in the service of the Nation require consideration on compassionate grounds for any appointments. While framing recruitment rules making provisions for reservation to the Ex-Servicemen, it has been mentioned that the orders issued by the Government under Article 16(4) of the Constitution of India shall not be applicable to recruitment from amongst persons belonging to the categories mentioned ex-service personnel. This amounts to Scheduled Castes and Scheduled Tribes personnel who have served in the Army and who have risked their lives and limbs would not be considered for any appointment if such appointments are reserved in favour of Ex-Servicemen. But nonetheless in the opinion of the Committee, the Government of Karnataka should have reserved 18 percent of vacancies to Scheduled Castes and Scheduled Tribes first and then to the Ex-Servicemen. But by reserving 10 per cent of posts to Ex-Servicemen first the Scheduled Castes and Scheduled Tribes have lost the prescribed quota of 18 per cent in the recruitments. This could mean the Scheduled Castes and Scheduled Tribes persons among the Ex-Servicemen would not be considered for appointment under this 10 per cent reservation.

2.84. For instance when the previous Committee on the Welfare of Scheduled Castes and Scheduled Tribes examined



the Sericulture Department in respect of representation of Scheduled Castes and Scheduled Tribes in the department they came to know that a notification was issued by the Sericulture Department calling for applications from the eligible candidates for the following posts :

S. No.	Name of post	No.	Classification	
1.	Sericulture Operatives	200	Ex servicemen	20
			S.C.	27
			S.T.	5
			B.C.	51
			B.T.	5
			O.C.	92
			Total	200
2.	Sericultural Demonstrators	50	Ex-servicemen	5
			S.C.	7
			S.T.	1
			B.T.	1
			B.C.	13
			O.C.	23
			Total	50

When the Committee examined, the Officers of the Department and the note sent by them it was found that the Recruitment Committee for Sericulture Department had made the following observations :

“The Committee went through the above classification. In this classification 10 per cent of the posts advertised have been provided for Ex-servicemen. After deducting the numbers, provided for the Ex-servicemen from the total number of posts advertised, reservation has been made for Scheduled Caste, Backward Community and Backward Tribes, etc., at the percentage prescribed. The Committee felt that reservation for Scheduled Castes, Scheduled Tribes, Backward Community and Backward Tribes, etc., should be made to the total number of posts advertised and not after deducting the number provided for Ex-Servicemen.”

From the above 200 posts of Sericulture Operatives advertised by the department 20 posts have been provided for Ex-Servicemen and after deducting these 20 posts classification of the remaining 180 posts had been made as follows :

S.C.	..	27
S.T.	..	5
B.C.	..	51
B.T.	..	5
O.C.	..	92
		<hr/>
Total	..	180
		<hr/>

If the classification is done based on the total number of post advertised namely, 200 the reservation could have been as follows :—

S.C.	..	30
S.T.	..	6
B.C.	..	56
B.T.	..	6
O.C.	..	82
Ex-Servicemen	..	20
		<hr/>
Total	..	200
		<hr/>

2.85. From the above facts it could be seen that out of 200 appointments made by the Sericulture Department, according to the reservation for Scheduled Castes and Scheduled Tribes, the Scheduled Castes ought to have got 30 posts and the Scheduled Tribes 6, whereas the Scheduled Castes actually got 27 and the Scheduled Tribes 5. In this way, a large number of vacancies and posts meant for Scheduled Castes and Scheduled Tribes have gone in favour of others and to that extent the Scheduled Castes and Scheduled Tribes have been deprived of their percentage. In the bulk appointments like Teachers and Doctors etc., made by the Public Service Commission the Scheduled Castes and Scheduled Tribes have lost several posts and it is surprising how even the Public Service Commission which is a Statutory Body could follow this rule, i.e., making 10 per cent reservation for Ex-Servicemen for every 100 appointments and

then make 15 per cent and 3 per cent from the remaining 90 posts. This in the opinion of the Committee, amounts to breach of trust and contempt committed against the Constitution by the authorities concerned. **Therefore the Committee recommend that according to the constitutional provisions the reservation of 18 per cent must be made first in favour of the Scheduled Castes and Scheduled Tribes in recruitment, and if the Government is in favour of giving special treatment for Ex-Servicemen, they should do so after making reservation for Scheduled Castes and Scheduled Tribes in all recruitments.**

2.86. Further, the Committee strongly feel that from 1970 all posts that have gone in favour of others depriving the Scheduled Castes and Scheduled Tribes should be compensated by making bulk appointments. The Committee suggest that suitable action should be taken against the persons who are responsible for depriving the legitimate quota meant for Scheduled Castes and Scheduled Tribes in the recruitment.

2.87. The Committee undertook tours in some of the northern States, viz., Delhi, Haryana and Punjab etc., and held discussions in those States with the concerned Officers and came to know that whenever recruitment is made, first they provide for Scheduled Castes and Scheduled Tribes and then to Ex-Servicemen and others.

2.88. The Committee are not convinced with reply of the Government and unable to understand the difficulty experienced by them in first making reservation for Scheduled Castes and Scheduled Tribes in recruitment and then to others and hence **the Committee are of the strong opinion that when other States are making reservation in the first instance for Scheduled Castes and Scheduled Tribes and then for Ex-Servicemen and others the State Government should also follow similar procedure in order to protect the claims of Scheduled Castes and Scheduled Tribes.**

## **RESERVATION OF JOBS IN PRIVATE SECTOR**

2.89. Many of the large private institutions and organisations have grown up and prospered on the liberal assistance and grants given by the State. Bulk of their finances also come from the Governmental Financial Institutions which is public money. This private sector has immense employment potential, which should be

secured for providing employment for Scheduled Castes and Scheduled Tribes. In the opinion of the Committee it will be very necessary and it is high time that the private sector should also be asked to fall in line with the Government policy. In keeping their social obligation and spirit of our Constitution the private sector should provide reservation to the Scheduled Castes and Scheduled Tribes in their services.

2.90. The Committee recommend that Government should take appropriate steps without any further delay in this direction as to secure employment benefits for Scheduled Castes and Scheduled Tribes in the private sector. Necessary legislation in this behalf should be enacted early.

### **SELECTION AND NOMINATIONS FOR I.A.S. AND I.P.S., ETC.**

2.91. The number of officers belonging to Scheduled Castes and Scheduled Tribes from Karnataka State in all India services, like I.A.S., and I.P.S. is not adequate. To increase the intake of Scheduled Castes and Scheduled Tribes from the Karnataka State in the above services at the All India level, the State Government should take necessary steps to start and activate the pre-examination training centres, coaching-cum-guidance centres etc., in the State as to ensure that larger number of candidates belonging to these communities compete at these examinations. Government should also consider starting of Pre-examination training centres in each division of the State. The Universities in the State should also be asked to take up Special Coaching Schemes for All India Services under the centrally sponsored scheme as has been done in Punjab. Further, while nominating Officers from State services to I.A.S. and I.P.S., action should be taken to nominate more number of Scheduled Castes and Scheduled Tribes Officers so as to give more representation for them in these services.

### **NEED FOR CREATION OF A SEPARATE COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN THE STATE, GENERAL BACKGROUND AND RECOMMENDATIONS.**

2.92. The Constitution of India is shaped on the values of justice, liberty, equality and fraternity. It has provided

in it a seed for the growth, development, progress and upliftment of the Scheduled Castes and Scheduled Tribes. It also provided the methods for adoption with changing needs and aspirations of this community. The Preamble of the Constitution declares unequivocally its objectives to secure to the citizens justice, social, economic and political, liberty, equality and fraternity, and particularly it directs the States to enact special laws and measures for the improvement and well being of the poorer sections of the society. This fundamental law of our country is a protector of the weaker sections.

2.93. Social justice should be achieved in the shortest possible time. Justice means fair dealings and denotes brotherly relationship between man and a man in a society. Justice has to emanate in the heart of a man and should be directed towards the material harmony of a society. Thus, justice in the ultimate analysis is both subjective and objective, for achieving the goal of advancement for one and all, particularly the weaker sections of the society.

2.94. Fortunately the fundamental law has not come in the way of the progress of Scheduled Castes and Scheduled Tribes. The successive Five Year Plans have played a distinctive role for the development of the country and its people and have provided special schemes for the improvement of the Scheduled Castes and Scheduled Tribes. In the First Five Year Plan, special programmes relating to education, reservation of certain percentage of posts in Government services and allotment of waste lands to the Scheduled Castes and Scheduled Tribes were incorporated. Emphasis was laid on the provision of educational facilities upto the University stage. In the Second Five Year Plan, development programmes for the Scheduled Castes and Scheduled Tribes have been formulated with the object of improving their status and providing them fuller educational and economic opportunities. Provision was also made for items like housing, drinking water supply and economic upliftment. Under the Third Five Year Plan, the main aims were to make available special scholarships, based to the extent possible, on suitable merit-cum-means test. Under the economic upliftment, stress was laid on the allotment of land and on imparting training in village and small industries, and introduction of improved techniques in the traditional crafts. Under the Fourth

Five Year Plan, all States have undertaken extensive programmes for pre-matric stipends and other assistance in education. Economic upliftment schemes, as special programmes, were intended to enable Scheduled Castes and Scheduled Tribes to secure maximum advantage from the general schemes, and co-operative form of organisations for fisheries, poultry and dairying were suggested as a means for economic advancement. Huge funds were made available for house sites. In the Fifth Plan, in order to further the safeguards, various schemes have been taken up in Karnataka to improve the socio-economic conditions of the Scheduled Castes and Scheduled Tribes. In order to carry more benefits from the Five Year Plans, a Special Plan meant for the Scheduled Castes and Scheduled Tribes was prepared during the Fifth Plan. Apart from the outlays of the development programmes, for other departments benefiting the Scheduled Castes and Scheduled Tribes an amount of Rs. 26.5 crores was provided in the Fifth Plan; another Rs. 37 crores was provided under the development programmes of the Social Welfare Department to ameliorate the conditions of Scheduled Castes and Scheduled Tribes, both under Plan and non-plan budget. Though provision of Rs. 26 crores was made in the Fifth Five Year Plan to be spent in five years, actual implementation started only in the past 3 years. To assess the performances of the Five Year Plans and the Budget amount for the various welfare schemes for the Scheduled Castes and Scheduled Tribes, creation of high power commission is very necessary.

2.95. Plans were formulated and enormous amounts are being provided, but at the stage of implementation either certain diversification takes place or the machinery at the implementation stage is found to be not upto the mark, or the persons involved in the implementation do not take adequate interest or the machinery at the field miserably fails. As a result of this expected improvement, progress and advancement of the Scheduled Castes and Scheduled Tribes hampers very much.

2.96. All schemes pertaining to the Scheduled Castes and Scheduled Tribes are to be channelised, implemented and supervised at the taluk level by the Social Welfare Inspector under the overall superintending control and guidance of the Block Development Officer. The Block

Development Officer is an officer entrusted with multipurpose and multifarious schemes. He is sandwiched between the vested interests and the official bureaucracy, and therefore he is not free to carry out the schemes intended by the Government for the welfare of the Scheduled Castes and Scheduled Tribes. Therefore, there must be a class II gazetted officer at the taluk level trained in all the schemes aimed at the improvement of the Scheduled Castes and Scheduled Tribes.

2.97. In place of the District Social Welfare Officer who has got limited powers and jurisdiction in the district, a senior officer of the status of Class I should be made incharge of the entire district for all the development works concerned and he must be able to assist, guide, supervise and suggest means and measures for the overall improvement of the Scheduled Castes and Scheduled Tribes.

2.98. Similarly, as has been mentioned earlier in the report, a highly competent officer, who is in the senior most super time scale, next only to the Chief Secretary, should be incharge of the schemes pertaining to the Scheduled Castes and Scheduled Tribes at the State level.

2.99. The recommendation of the Committee to create a Commission for Scheduled Castes and Scheduled Tribes in the State is to exert overall control on all the units from Taluk to District and State level and to present a Report to the Legislature annually about the reservation in services, welfare schemes, the budgeted amount the mode of expenditure, the performance and the targets achieved in respect of the Welfare of Scheduled Castes and Scheduled Tribes. The creation of such a Commission would ensure fair and speedy implementation of all the welfare schemes by the administrative machinery.

2.100. In the opinion of the Committee the creation of the Commission would inspire confidence and faith among the Scheduled Castes and Scheduled Tribes in proper protection and safeguard of their interests in service and other matters.

2.101. As the Scheduled Castes and Scheduled Tribes have now come to be identified as the hard core any lack of initiative on the part of the public and the Government in respect of their welfare would prove fatal and therefore the Committee feel an over all and thorough change is

required in the approach and implementation of all the schemes meant for the welfare of Scheduled Castes and Scheduled Tribes in the State. In the opinion of the Committee streamlining of the administrative machinery is of utmost importance for the progress of the Scheduled Castes and Scheduled Tribes to bring them on par with other sections of the society in the quickest possible time.

**2.102. Considering reservations, representation and employment of Scheduled Castes and Scheduled Tribes in the services etc., the Committee have come to the conclusion that there is urgent need for creating a Statutory Commission for Scheduled Castes and Scheduled Tribes in the State, to watch as to how the measures for their well being are being implemented and to suggest ways and means for the purpose. Among other matters stated earlier the Commission should perform the following functions :**

**(a) to investigate into the implementation of the constitutional safeguards and reservation for Scheduled Castes and Scheduled Tribes and all other welfare schemes and programmes meant for them in the State ;**

**(b) to aid and advise the Government on the measures to be taken for the speedy implementation of all the welfare measures for Scheduled Castes and Scheduled Tribes in the State ;**

**(c) to examine any complaint lodged with the Commission and to take appropriate action thereon ;**

**(d) to sanction prosecution in case of offences committed by public servants in contravention of the reservation orders etc., ;**

**(e) to call for reports and returns from any appointing authority or establishment to secure due compliance with the reservation provisions, etc., ;**

**(f) to inspect and check the records maintained by the several departments, corporations, local and statutory bodies concerning reservation and other measures ;**

**(g) to issue directions in connection with the due implementation of the reservation orders and other welfare measures, programmes schemes in respect of Scheduled Castes and Scheduled Tribes ;**



(h) to make annual reports to the Government to be laid before the State Legislature in respect of implementation of reservation orders and other welfare measures, schemes in respect of Scheduled Castes and Scheduled Tribes in the State ;

(i) to perform such other functions in regard to the Scheduled Castes and Scheduled Tribes as may be entrusted to it by the State Government.

(j) The Commission may consist one or more members—one belonging to the Scheduled Castes/Tribes appointed by the State Government and where the Commission consist of more than one member, one of the member may be appointed as the Chairman thereof. The members of the Commission shall not be the servants or employees of the Government, retired or in service.

(k) The Commission should have the powers of a Civil Court to summon witnesses and to examine documents, etc. . . The term and condition of members of the Commission may be as prescribed by the Government by notification.

**C. M. ARUMUGHAM**

**Chairman**

**Committee on the Welfare of  
Scheduled Castes/Scheduled Tribes.**

**CHAPTER III**  
**SUMMARY OF CONCLUSIONS/RECOMMENDATIONS**  
**OF THE COMMITTEE**

<b>Reference</b>		<b>Summary of conclusions/recommendations</b>
<b>Sl. No.</b>	<b>to para No. in the Report</b>	
1	2	3
1	1.18	The Committee feel that necessary provision should be made for reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Councils and Rajya Sabha. The Committee therefore recommend that Government of Karnataka should take up this matter with the Government of India for necessary action.
2	2.1	Immediate steps should be taken to analyse this situation and to make realistic assessment of the problem so that there is quick improvement in the position.
3	2.5	This requires, immediate remedial measure and Government should take necessary action in the matter. In the opinion of the Committee this must be for want of sincere and honest efforts on the part of the recruiting authorities for proper implementation of reservation orders in respect of appointment of Scheduled Castes and Scheduled Tribes. The committee recommend that necessary training facilities should be provided to meet the requirements of Scheduled Castes and Scheduled Tribes for appointment's to such categories of posts where training is required and for want of which the Scheduled Castes and Scheduled Tribes are deprived of their posts.
4	2.6	The Committee further recommend that the Director of Employment and Training should be instructed to render educational and vocational guidance for Scheduled Castes and Scheduled Tribes and Separate interviews should be held for Scheduled Castes and Scheduled Tribes by the appointing authorities.
5	2.7	Government should issue strict instructions to the recruiting authorities to inform simultaneously to the Director of Social Welfare and the Employment

Exchanges and Special Employment Exchanges for Scheduled Castes and Scheduled Tribes about their requisitions of candidates for reserved vacancies from time to time.

- 6     **2.8** Recruiting authorities should get list of qualified candidates from the Employment Exchanges, Scheduled Castes Associations and through advertisement in newspapers. If there is any paucity of candidates for technical and skilled posts like Stenographers, Teachers, Doctors and Engineers, necessary intensive training classes should be held for Scheduled Castes and Scheduled Tribes.
- 7     **2.10** The Committee therefore recommend that proper instructions should be issued to all the appointing authorities to maintain Registers/Rosters strictly according to the rotation and the turn allotted in favour of Scheduled Castes and Scheduled Tribes should be followed scrupulously.
- 8     **2.11** The Committee further recommend that if any candidate belonging to Scheduled Castes and Scheduled Tribes is appointed/promoted against a leave vacancy or stop-gap vacancy or if he is retrenched or reverted the appointment promotion should not be counted against a reserved vacancy in the roster.
- 9     **2.13** The Committee recommend that if adequate number of Scheduled Castes and Scheduled Tribes candidates are not available in any particular year the vacancy or vacancies shall be carry forward for the next 3 years instead of 2 years.
- 10    **2.14** According to this if it is not possible to fill the reserved vacancy by appointing Scheduled Castes and Scheduled Tribes persons the reservation will be carried over from vacancy to vacancy in the same block and if necessary to the succeeding block also so that more than one vacancy is being carried forward. The Committee recommend that Karnataka Government should follow this procedure.
- 11    **2.15** The Committee recommend that the Karnataka Government should also implement this scheme and provide interest free loans to the Scheduled Castes and Scheduled Tribes people who are willing to go abroad for employment purpose for meeting their passage and incidental expenses.

- 12    2.17    **The Committee, therefore recommend that the cycle of rotation should be revised to Serial No. 1 so that the very first vacancy in the cycle of rotation may be availed by the Scheduled Castes and Scheduled Tribes.**
- 13    2.20    **The Committe recommend that the provision of reservation should be made applicable in these cases also.**
- 14    2.21    **The Committee recommend that strict instructions should be issued to clear the position stating that whenever the candidates belonging to Scheduled Castes and Scheduled Tribes come out in the general competition they should be excluded from the reserved quota.**
- 15    2.23    **The Committee therefore impress upon the Government to introduce the principle of reservation in such cases to give adequate representation to Scheduled Castes and Scheduled Tribes.**
- 16    2.24    **The Committee recommend that adhoc measures should be taken for special recruitment to all posts for increasing the representation of Scheduled Castes and Scheduled Tribes in several departments where back log exists by special relaxation of age by 5 years in addition to general relaxation and this relaxation should be given to the employees of the Scheduled Castes and Scheduled Tribes whoare in service so also that they can compete in the Special and general recruitment schemes.**
- 17    2.26    **The Committee will go a step further and recommend to stop general recruitment and only to recruit Scheduled Castes and Scheduled Tribes till the backlog is cleared and until the quota for Scheduled Castes and Scheduled Tribes is reached. The Committee further recommend that special recruitment should be conducted in such of the departments where there has been no continuous recruitments for a number of years. Regular half-yearly special report should be submitted to Government by each department/Statutory Bodies and Public Sector Undertakings and Government should review these reports and take action to remedy the failures on such reports.**
- 18    2.27    **The Committee recommend that no Scheduled Castes and Scheduled Tribes employees should be declared surplus/retrenched from service until the shortfall of Scheduled Castes and Scheduled Tribes is filled up in the department.**

- 19    2.29    The Committee further recommend that if any member of Scheduled Castes and Scheduled Tribes being selected for a post fails in the concerned medical test he should be provided with the alternative employment, where is not unfit to fill the short fall.
- 20    2.30    In the opinion of the committee it is very necessary that Scheduled Castes members should be represented in all Recruitment Committees and Selection Committees of the various employment agencies to safeguard the interest of the Scheduled Castes and Scheduled Tribes.
- 21    2.33    Keeping in view of the above the Committee recommend that as a first step Government should take immediate action for the upward revision of this percentage to higher percentage in respect of Scheduled Castes and Scheduled Tribes to give adequate representation for them in services etc.
- 22    2.38    The Committee recommend that Government should issue suitable instructions in this behalf immediately and also take immediate action to extend the provision of reservation in promotions to all categories and classes of posts, including the senior and supertime scale posts, so that the benefit intended actually helped the Scheduled Castes and Scheduled Tribes employees. Suitable instructions should also be issued to extend this benefit to all public sector under-takings statutory corporations and boards, local bodies, universities other autonomous organisations.
- 23    2.39    Appointment to selection grade including new and intermediate selection grade should also be considered as promotion and reservation for Scheduled Castes, Scheduled Tribes should also be provided in these grades.
- 24    2.40    Whenever representation for Scheduled Castes and Scheduled Tribes is below the required percentage in any of the department the reservation percentage in promotion should also be raised to higher percentage.
- 25    2.41    In no case candidate belonging to Scheduled Castes and Scheduled Tribes be superceded for promotion to post/ posts by application of the rigid standard of suitability. As the word suitability can be conveniently interpreted by the appointing authorities against the interest of Scheduled Castes and Scheduled Tribes the department should consider such cases sympathetically without applying the yardstick of suitability by relaxing the standard of suitability.

- 26    2.43    The Committee therefore strongly urge the Government to take immediate steps to frame the Rules in respect of Judiciary for making reservations for Scheduled Castes and Scheduled Tribes in the services of the High Court.
- 27    2.46    The Committee therefore recommend that provision should be made for reservation of Scheduled Castes and Scheduled Tribes in the Act itself.
- 28    2.47    The Committee emphatically urge the Government to see that reservations for Scheduled Castes and Scheduled Tribes should be made applicable immediately in the service under all the Universities and they are made applicable to all categories of posts and in all respect both at the time of initial recruitment and also at the time of promotion in the Universities. It should be made obligatory for the Universities that for receiving grants from the State Government they should adopt and implement all the instructions issued by the Government regarding reservations for Scheduled Castes and Scheduled Tribes compulsorily.
- 29    2.48    The Committee recommend that a separate Cell should be created in the University to follow up reservation orders for Scheduled Castes and Scheduled Tribes issued by Government from time to time and to watch the implementation of these Orders. Universities should also be asked to make adequate financial allocations in their budget for the welfare of Scheduled Castes and Scheduled Tribes, such as supply of text books, book banks Hotel accommodation, tour expenses, merit scholarships etc.
- 30    2.51    The Committee therefore recommend that the State Government should also take similar steps immediately in this behalf.
- 31    2.52    The Committee also recommend that there should be a Special Cell in the Office of the Karnataka Public Service Commission in order to give special attention in connection with the appointments and promotions to the Scheduled Castes and Scheduled Tribes in services.
- 32    2.54    The Committee would like to reiterate that immediate steps should be taken by all these undertakings and other statutory bodies to give required and adequate representation for Scheduled Castes and Scheduled Tribes in their organisations and also to take immediate steps to clear the backlog.
- 33    2.55    The Committee would also like to urge the Government once again to issue strict instructions to all the public

- public sector undertakings and other statutory bodies in the State to implement the reservation orders scrupulously and to take stringent action against the defaulting organisations.
- 34 2.56 It should be made obligatory on the part of these public undertakings to submit a periodical report of recruitment and reservation, to the Government and Legislature.
- 35 2.57 There should be a Scheduled Castes and Scheduled Tribes representative in all the recruitment/selection Committees of public sector undertakings and statutory bodies to safeguard the interest of the Scheduled Castes and Scheduled Tribes. Necessary instructions should also be issued to these undertakings etc., to follow the reservation orders in respect of promotional posts also strictly on similar lines of Government departments.
- 36 2.59 In the opinion of the Committee drastic steps should be taken in this direction to punish the persons responsible for producing false certificates and also against those who issue such certificates, treating it as a criminal offence. Suitable provisions should be made in the relevant legislation recommended by the Committee for punishment of these offences under Section 182, 420 of the Indian Penal Code and any person or authority issuing the false certificates should also be punished for the offences under Section 109 of the Indian Penal Code.
- 37 2.65 The Committee therefore recommend to Government to follow the lead given by the Government of Orissa and West Bengal and enact a similar and more progressive legislation in Karnataka State by providing penalty to the extent of Rs. 2,000 together with rigorous imprisonment for one year or both for violation of reservation orders by the appointing authority. This provision should also be made applicable even to public sector undertakings and other statutory bodies. This will go a long way in securing the benefits to Scheduled Castes and Scheduled Tribes in the State services, etc.
- 38 2.67 The Committee recommend that a similar machinery with Senior Officer of the rank of a Joint Secretary should be set up by Karnataka Government for the purpose as the present employment cell in the Directorate of Social Welfare in the State is not functioning effectively, since this cell is not having sufficient powers or status to inspect the various departments, public sector undertakings, etc., in the State.

- 39 2.68 The Committee recommended that flying squad may also be set up in Karnataka State as part of the above machinery for watching the implementation and reservation for Scheduled Castes and Scheduled Tribes.
- 40 2.85 The Committee recommended that according to the constitutional provisions the reservation of 18 per cent must be made first in favour of the Scheduled Castes and Scheduled Tribes in recruitment and if the Government is in favour of giving special treatment for Ex-Servicemen, they should do so after making reservation for Scheduled Castes and Scheduled Tribes in all recruitments.
- 41 2.86 The Committee strongly feel that from 1970 all posts that have gone in favour of others depriving the Scheduled Castes and Scheduled Tribes should be compensated by making bulk appointments. The Committee suggest that suitable action should be taken against the persons who are responsible for depriving the legitimate quota meant for Scheduled Castes and Scheduled Tribes in the recruitment.
- 42 2.88 The Committee are of the strong opinion that when other States are making reservation in the first instance for Scheduled Castes and Scheduled Tribes and then for Ex-Servicemen and others the State Government should also follow similar procedure in order to protect the claims of Scheduled Castes and Scheduled Tribes.
- 43 2.89 In the opinion of the Committee it will be very necessary and it is high time that the private sector should also be asked to fall in line with the Government policy. In keeping their social obligation and spirit of our Constitution the private sector should provide reservation to the Scheduled Castes and Scheduled Tribes in their services.
- 44 2.90 The Committee recommend that Government should therefore take appropriate steps without any further delay in this direction as to secure employment benefits for Scheduled Castes and Scheduled Tribes in the private sector. Necessary legislation in this behalf should be enacted early.
- 45 2.91 To increase the intake of Scheduled Castes and Scheduled Tribes from the Karnataka State in the above services at the All India level, the State Government should take necessary steps to start and activate the pre-examination



training centres, coaching-cum-guidance centres etc., in the State as to ensure that large number of candidates belonging to these communities compete at these examinations. Government should also consider starting Pre-examination training centres in each division of the State. The Universities in the State should also be asked to take up Special Coaching Schemes for All India Services under the centrally sponsored scheme as has been done in Punjab. Further, while nominating Officers from State services to I.A.S., and I.P.S., action should be taken to nominate more number of Scheduled Castes and Scheduled Tribes Officers so as to give more representation for them in these services.

- 46     2.102 Considering reservation, representation, and employment of Scheduled Castes and Scheduled Tribes in the services, etc., the Committee have come to the conclusion that there is urgent need for creating a statutory Commission for Scheduled Castes and Scheduled Tribes in the State to watch as to how the measures for their well being are being implemented and to suggest ways and means for the purpose. Among other matters stated earlier the Commission should also perform the following functions :
- (a) to investigate into the implementation of the constitutional safeguards and reservation for Scheduled Castes and Scheduled Tribes and all other welfare schemes and programmes meant for them in the State ;
  - (b) to aid and advise the Government on the measures to be taken for the speedy implementation of all the welfare measures for Scheduled Castes and Scheduled Tribes in the State ;
  - (c) to examine any complaint lodged with the Commission and to take appropriate action thereon ;
  - (d) to sanction prosecution in case of offences committed by public servants in contravention of the reservation orders etc. ;
  - (e) to call for reports and returns from any appointing authority or establishment to securedue compliance with the reservation provisions etc. ;
  - (f) to inspect and check the records maintained by the several departments, Corporations, local and statutory bodies concerning reservation and other measures ;

(g) to issue directions in connection with the due implementation of the reservation orders and other welfare measures, programmes, schemes in respect of Scheduled Castes and Scheduled Tribes.

(h) to make annual reports to the Government to be laid before the State Legislature in respect of implementation of reservation orders and other welfare measures, schemes in respect of Scheduled Castes and Scheduled Tribes in the State ;

(i) to perform such other functions in regard to the Scheduled Castes and Scheduled Tribes as may be entrusted to it by the State Government ;

(j) The Commission may consist one or more members one belonging to the Scheduled Castes and Scheduled Tribes appointed by the State Government and where Commission consists of more than one member, one of the member may be appointed as the Chairman thereof. The members of the Commission shall not be the servants or employees of the Government, retired or in service.

(k) The Commission should have the powers of a Civil Court to summon witnesses and to examine documents, etc. The term and condition of members of the Commission may be as prescribed by the Government by notification.

C O R R I G E N D A

First General Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes of Karnataka Legislature.

Sixth Assembly

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Page No.	In Para No.	Line	For	Read
4	1.12	Item No.(c)	Schedule	Scheduled
7	1.17	5	declars	<b>declares</b>
11	Heading	2	thrie	their
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