

COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(2006-2007)

(FOURTEENTH LOK SABHA)

TWENTY-FIRST REPORT

ON

MINISTRY OF URBAN DEVELOPMENT

Action taken by the Government on the recommendations contained in the Eighth Report (Fourteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject – Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Public Works Department (CPWD)

Presented to Lok Sabha on 20.3.2007

Laid in Rajya Sabha on 20.3.2007

LOK SABHA SECRETARIAT
NEW DELHI

20th March, 2007 / 29th Phalguna, 1928(Saka)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED
CASTES AND SCHEDULED TRIBES (2006-2007)**

Shri Ratilal Kalidas Varma - Chairman

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2. Shri P.K.Misra - Joint Secretary
3. Shri Gopal Singh - Director
4. Ms. J.C. Namchyho - Deputy Secretary
5. Smt. Maya Lingi - Under Secretary

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the report on their behalf, present this Twenty-first Report (Fourteenth Lok Sabha) on action taken by the Government on the recommendations contained in their Eighth Report (Fourteenth Lok Sabha) on the Ministry of Urban Development regarding - Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Public Works Department (CPWD).

2. The draft Report was considered and adopted by the Committee on 6th March, 2007 (Appendix-I).

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

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

4. An analysis of the Action Taken by the Government on the recommendations contained in the Eighth Report of the Committee is given in Appendix II. It would be observed therefrom that out of 27 recommendations/observations made in the report, 11 recommendations i.e. 41 per cent have been accepted by the Government. The Committee do not desire to pursue 13 recommendations i.e. 48 per cent, in view of replies of the Government. There is 1 recommendation i.e. 4 per cent in respect of which reply of the Government has not been accepted by the Committee and which requires further reiteration. In respect of 2 recommendations i.e. 7 per cent, final replies of the Government have not been received.

NEW DELHI
20th March, 2007
29th Phalguna, 1928 (Saka)

RATILAL KALIDAS VARMA
Chairman
Committee on the Welfare
of Scheduled Castes and
Scheduled Tribes

CHAPTER I

REPORT

1.1 This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the recommendations contained in their Eighth Report (Fourteenth Lok Sabha) on the Ministry of Urban Development regarding “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Public Works Department (CPWD)”.

1.2 The Eighth Report was presented to Lok Sabha on 21st December, 2005. It contained 27 recommendations/observations. Replies of the Government in respect of all these recommendations/observations have been examined and may be categorised as under :-

- (i) Recommendations/Observations which have been accepted by the Government (Sl. Nos. 1, 3, 5, 6, 7, 8, 9, 11, 14, 15 and 16).
- (ii) Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. Nos. 2, 4, 10, 12, 13, 17, 19, 21, 22, 23, 24, 26 and 27).
- (iii) Recommendations/Observations which have not been accepted by the Committee and need reiteration (Sl. No. 25).

(iv) Recommendations/Observations in respect of which final replies of the Government have not been received: (Sl. Nos. 18 and 20).

1.3 The Committee desire that final replies in respect of the recommendations for which only interim replies have been given ought to be furnished within three months of the presentation of the Report.

1.4 The Committee will now deal with Action Taken by the Government on some of the recommendations.

(Recommendation (Sl. No. 3, Para No. 1.15))

1.5 The Committee noted that no SC/ST Cell existed in CPWD although two posts had been sanctioned for the Cell. The post of Liaison Officer was in existence for several years. The Committee however, felt that as far as the welfare of the SCs/STs was concerned, SC/ST Cell should be manned by competent officials. The Committee noted that the designated Liaison Officer was acting as a liaison between the Department and the SC/ST employees with the help of only one LDC. The Committee felt that with meager staff and other facilities, it would be difficult for him to do any justice to his work. The Committee, therefore, strongly recommended that CPWD should create a SC/ST Cell immediately with adequate staff of appropriate level who were well conversant with orders/circulars of the Government regarding reservations of SCs/STs in services.

Reply of the Government

1.6 The recommendation of the Parliamentary Committee has been noted and the steps are undertaken to create the separate SC/ST Cell for the welfare of SC/ST employees as per the recommendation.

Comments of the Committee

1.7 The Committee appreciate that steps have been taken to create separate SC/ST Cell for the welfare of SC/ST employees. The Committee desire that the process should be completed within 6 months of this report and the Committee may be apprised of the progress made in setting up of the Cell.

(Recommendation Sl. No. 7, Para No. 2.13)

1.8 CPWD had not provided information about the promotion given in case of Group A and B categories of posts during the years 2001 to 2004. As a result, the Committee were unable to comment whether the promotion posts reserved for SCs and STs in Group A and B categories had been duly filled up. The Committee desired that the Government should furnish the detailed information regarding the promotions effected in each of the categories of Group A and B posts during the years 2001 to 2004, where reservation orders were applicable indicating the shortages as on 31.12.2005.

Reply of the Government

1.9 The observation of the Committee has been noted. Information is furnished below in respect of group – A & B.

Group-A&B:- Due to stay granted by the High Court of Delhi in CWP No. 840/2003 in the matter of Gurbaaz Singh & others V/s. UOI and others vide orders dated 31.01.2003 and 3.11.2004, promotions in the grade of EE from the grade of AEs have not been made after 1999. However, the post of EE falling in the quota of AEEs have been filled up for the year 1996-97 up to 2003-04 by promotion of AEEs. Now, the Hon'ble court in its interim order dated 31.3.2006 have permitted to fill 431 vacant posts (313 for Civil and 118 for Electrical/Mechanical cadre) in the grade of Ex. Engineer on ad hoc basis for Assistant Engineers in accordance with 1996 R/Rules. As per this permission 265 AE (Civil), 87 AE (E/M) and 13 AEE (C) and 2 AEE (E/M) have been promoted on ad hoc basis. The vacancy in the SC quota have been filled to the extent their reservation quota. The shortfall of 23 and 7 vacancies for ST in the grade of Ex. Engineer(C) and Ex. Engineer(E) could not be filled up for want of eligible ST candidates. There is a shortfall of 23 and 7 vacancies of ST category in the grade of Executive Engineer after making ad hoc promotions of eligible officers who had the requisite qualifying service of 8 years and possess degree of diploma qualification, these shortfall vacancies could not be filled. Further there is one shortfall in the grade of AEE(Elect.) and recruitment to this was made through UPSC. The candidate recommended by UPSC did not join. As regards Deputy Director of Horticulture, one ST candidate has become eligible for the year 2006-07. Regarding the grade of Architect, no ST officer is available in the feeder grade for 2 vacancies. The proposal for Deputy Architect has been sent to UPSC.

1.10 The year wise details of promotions of AEEs to the grade of EE in both the disciplines and vacancies of AEs (Civil & Electrical) etc. filled up category wise against the vacancies of the year 2000-01 to 2003-04 are given as under:-

Year	Category		General		SC		ST		TOTAL	
	Gr.-A	Gr.-B	Gr.-A	Gr.-B	Gr.-A	Gr.-B	Gr.-A	Gr.-B	Gr.-A	Gr.B
2000-01	EE(C)	AE(C)	19	127	03	00	01		23	127
	EE(EI.)	AE(E)	04	35	01	01	01	00	06	36
	Sr.Arch	ADH	11	06	01	01	00	01	12	08
	Arch	AA/TO	04	01	02	00	02	00	08	01
2001-02	EE(C)	AE(C)	03	63	01	00	-		04	63
	EE(EI.)	AE(E)	01	07	-	27	01	00	02	34
	Ch.Arch	ADH	01	04	01	02	00	00	02	06
	Arch	AA/TO	08	02	01	00	00	00	09	02
	DDOH	Ch.Est	06	01	02	01	00	00	08	02
2002-03	EE(C)	AE(C)	-	46	-	00	-		-	46
	EE(EI.)	AE(E)	-	27	-	00	-	01	-	36
		Ch.Est		01		01		00		02
2003-04	EE(C)	AE(C)	04	63	01	00	-		05	63
	EE(EI.)	AE(E)	-	35	--	00	-	00	--	35
	Ch Arch	ADH	02	05	00	00	00	00	02	05
	Arch.	AA/TO	06	01	01	00	00	00	07	01
	DDHO	Ch.Est	00	02	01	01	00	00	01	03
Shortage as on 31.12.05	EE(C)	AE(C)	--	--	--	--	23	65	23	65
	EE(EI.)	AE(E)	--	--	--	--	07	25	07	25
	Sr Arch	ADH	--	--	--	--	---	02	----	02
	Arch	AA/TO	05	--	--	--	02		07	
	DDOH	Ch Est	--				01		01	

Comments of the Committee

1.11 The Committee note that as on 31.12.2005, there was shortfall of ST officers in both Group A & B posts. Even after effecting ad-hoc promotions in pursuance of interim order dated 31.3.2006 of the Hon'ble High Court, ST posts in grade of Executive Engineer(C) and Executive Engineer(E) have not been filled up. The Committee are surprised to note that there are no eligible ST officers who had the requisite qualifying service of 8 years and possessing degree or diploma qualification to fill up the shortfall of 23 and 7 vacancies in the grades of Executive Engineer(C) and Executive

Engineer(E). Even in the grade of Architect, 2 ST vacancies could not be filled up due to non-availability of officers in the feeder grade. The Committee are deeply concerned about the problem of non-availability of eligible ST candidates in the feeder grades and the inability of the Government to get sufficient ST candidates to fill up these shortfall vacancies. The Committee are of the view that if no ST candidate is available in the feeder grade for promotion, it implies that the prescribed percentage of reservation for ST had not been maintained in the feeder grade. The Committee, therefore, desire that to fill up the backlog of ST vacancies in the grades of Executive Engineers (C) and Executive Engineers (E) and in the grade of Architect, the requisite length of service and qualification should be relaxed and if need be, the zone of consideration for promotion should further be extended. The Committee are also dismayed to note shortfall of 65 and 25 ST officers in grades of AE(C) and AE(E) respectively. The Committee recommend that these posts should be filled up within three months of presentation of this report. The Committee should also be informed of the progress made in this regard as also about the proposal to fill one post of Deputy Architect which was referred to UPSC.

(Recommendation Sl. No. 8, Para No. 2.14)

1.12 The Committee had noted that only a few ST employees had been promoted in case of promotions effected in Group C and D posts during the years 2001 to 2004,. The Committee felt that low representation of STs in promotions during the period indicated that CPWD had not done enough to

promote ST officials which resulted in an increase of backlog vacancies of STs. Whereas the case was different in case of SC officials. Despite having promoted more than the prescribed percentage of 15 percent of SC candidates in Group C and D posts during the years 2001 to 2004, the backlog vacancies had still remained. The Committee had therefore wanted to know the reasons as to why the backlog vacancies in Group C posts in regard to SCs still existed?

Reply of the Government

1.13 It is true that overall representation of SC category is more than that of prescribed percentage. This is due to higher percentage of SC category employees in group D. However, it would be pertinent to mention here that some of (Group-C) posts reserved for SC category viz Operator (E&M), Sr. Operator (E&M), Lift Operator, Sr. Mechanic (E&M) etc. could not be filled up due to non-availability of suitable SC category candidates. The proposal to change mode of recruitment and one time relaxation in zone of consideration for SC and ST is under process.

Comments of the Committee

1.14 The Committee are not convinced with the reply of the Government that some of the Group 'C' posts reserved for SC category viz. Operator (E&M), Sr. Operator (E&M), Lift Operator, Sr. Mechanic (E&M) etc. could not be filled up due to non-availability of suitable SC category candidates. The Committee feel that the lack of publicity at the time of recruitment process at the level of feeder grade could be the reason for non-availability of SC candidates at the time of promotion. Otherwise job opportunities specifically for the above mentioned posts are usually located in urban

areas, where there is no dearth of SC population. The Committee also note that no comments have been offered in regard to observation on promotion of ST candidates in Group C & D posts. The Committee therefore recommend that the Government should take prompt decision on the proposal to change the mode of recruitment and one time relaxation in zone of consideration for SC/ST candidates keeping in mind their best interest. The Committee also recommend that the recruitment process for all unfilled SC/ST posts should be completed within three months of the presentation of this report and the outcome thereof apprised to them.

(Recommendation Sl. No. 9, Para No. 2.15)

1.15 The Committee noted that the data on promotions effected from 1996 to 2000 gave detailed information on each category of post although it did not mention as to how the posts were filled – by selection, by departmental examination or on seniority-cum-fitness basis. The Committee noted that SC/ST employees who were within the zone of consideration were not ignored for promotion even if they had average ACRs. The Committee, therefore, recommended that the existing SC/ST promotional vacancies should be filled up at the earliest. The Committee also recommended that relaxation in promotion should also be provided to SC/ST candidates amongst work charged staff.

Reply of the Government

1.16 Accepted. Directions have been issued to all the SEs, Co-ordination Circles as well as Exceptional Units identified for Work Charge staff to fill up all the vacancies of SC/ST arisen due to promotion in various categories. The matter is being examined and is under process.

Comments of the Committee

1.17 The Committee would like to know about the compliance of the directions issued by the Government to all SEs, Co-ordination Circles as well as Exceptional Units identified for work charge staff regarding filling up of all SC/ST vacancies arisen due to promotions in various categories. The Committee may be apprised of the action taken by the various units of the Department in this regard.

(Recommendation Sl. No. 11, Para No. 2.26)

1.18 The Committee noted that the required percentage of SCs/STs had been maintained in promotion of JEs (both Civil and Electrical) to AEs through examination during the five years. The Committee however, were not at all satisfied with the percentage achieved in respect of STs especially in promotion by the seniority quota which the Department had attributed to the non-availability of eligible ST candidates in the feeder category even in the extended zone of consideration. It was a matter of serious concern that no eligible ST candidates were available in the feeder grade for promotion to the next higher post. The Committee, therefore, recommended that CPWD should take prompt action to fill up the posts reserved for ST candidates through Special Recruitment Drive. The Committee had also desired the Department to modify and amend suitably the recruitment and promotional policies for promotion to the post of AEs so that sufficient SC/ST candidates were available in the feeder grade for promotion.

Reply of the Government

1.19 Accepted. The proposal for granting one time relaxation in respect of 92 vacancies of AEs (C) & (E) to clear the backlog is under process for referring to DOP&T.

Comments of the Committee

1.20 The Committee are happy that the recommendation has been accepted and promptly implemented by the Government. Besides, the Committee note that in most of the replies, it has been stated that the proposal is under process which leads to delays in the implementation of the recommendations. The Committee, therefore, urge the Government that once having accepted the recommendation, its implementation should be expedited. In the instant case, the Committee should be informed of the latest position.

(Recommendation Sl. No. 16, Para No. 3.4)

1.21 The Committee observed that a force of 22,023 work charged employees were working in Group 'C' and 'D' posts in CPWD across the country at the time of submission of the preliminary material to the Committee. As on 1.1.2005, the number of work force had come down to 18,430. The number of ST work force had also gone down from 645 to 559 in Group 'D' posts which was far below the prescribed quota of 7½ per cent of the total Work-charged employees working in CPWD. Since the intake of the Scheduled Tribe Work-charged employees were far below the prescribed quota in all the regions of the country, the Committee had recommended that CPWD should make every effort to fill up the prescribed quota of Scheduled Tribes in all the Work-charged establishments by recruiting

them on all India basis if they were not available locally. The Committee had also sought the reasons for decrease in the number of work force and employees belonging to SC/ST categories.

Reply of the Government

1.22 Accepted. Directions have been issued to all the SEs, Co-ordination Circles of CPWD as well as the heads of the Exceptional Units identified for Work Charge staff to make best efforts to fulfill the required percentage of SC/ST categories.

Comments of the Committee

1.23 The Committee are not fully satisfied with the reply of the Government as in spite of having accepted the recommendation, the reasons for decrease in the number of work force including employees belonging to SC/ST categories have not been furnished as desired by the Committee. The Committee, therefore, be apprised of the reasons as also the progress made in filling up of prescribed percentage of SC/ST work charged employees.

Recommendation (Sl. No. 17, Para No. 3.13)

1.24 The Committee noted that the representation of Scheduled Tribes in almost all categories of posts in CPWD was far below the quota reserved for them. As per the Statements furnished to the Committee in March 2005, there was still shortfall of SC/ST candidates in both Group C and D posts of Work-charged employees. Similarly, backlog vacancies of SCs in Group C and STs in both Group C and D had existed continuously. The Department, however, had

not furnished latest information in regard to Group A and B posts. Backlog vacancies existed for SCs/STs in different posts under Group A and B too vide Appendix III. The Committee were of the view that at the time of recruitment the Department had not followed the Reservation Rules and as a result no ST candidates were

available in the feeder grades. The Committee, therefore, urged the Government to permit further relaxation in the zone of consideration for the Scheduled Castes and Scheduled Tribes. The Committee also recommended that the posts should be filled by promoting the deserving SC/ST candidates in feeder grades, who are otherwise fit and fulfil the minimum eligibility conditions for promotion.

Reply of the Government

1.25 Accepted. A proposal for granting one time relaxation in the extended zone of consideration has already been moved and the matter is under process.

Comments of the Committee

1.26 The Committee are pleased to learn that the Government have accepted their recommendation in principle regarding a proposal for one time relaxation in the extended zone of consideration. The Committee, however, note that the Government have not said anything about their observation in regard to information not furnished about Group A and B posts. The Committee, therefore, would like the Government to furnish the latest information about Group A & B posts.

Recommendation (Sl. No. 18, Para No. 3.14)

1.27 In regard to non-availability of Scheduled Tribe candidates in the feeder category, the Committee were also informed that the DOP&T had been directed by the Court to look into the matter in a case relating to Horticulture cadre. The Committee felt that the DOP&T would definitely find a tangible solution to the problem faced not only by CPWD but by other Departments under such a situation. The Committee had therefore desired that they be informed about the decision taken by DOP&T in this regard.

Reply of the Government

1.28 The matter is being taken up with the DOP&T in the light of the recommendation of the Committee. A compliance report will be furnished on receipt of the directions of the Department of Personnel & Training.

Comments of the Committee

1.29 The Committee hope that a positive result would emerge from the case referred to DOP&T. The Committee, therefore, urge the Ministry to get the case expedited by DOP&T and apprise them of the progress made in this regard.

Recommendation (Sl. No. 19, Para No. 3.15)

1.30 The Committee noted that CPWD had attributed the reason for the present shortfall/backlog mainly to the ban imposed on direct recruitment in 1999 by the Ministry of Finance as a part of austerity measures initiated by the Government. The Committee were of the view that filling up of backlog SC/ST

vacancies is a special task and the instructions issued regarding recruitment should not be applied to the vacancies reserved for SCs/STs. Referring to the instructions that had already been issued for launching Special Recruitment Drive the Committee recommended for filling up all backlog vacancies. The Committee viewed that finding suitable candidates for the reserved posts should not be that difficult since there was no dearth of eligible SC/ST candidates especially in States predominantly inhabited by these communities. The Committee recommended that proper and wide publicity should be given to the recruitment process by using all forms of information media. The Committee also desired that the Department should even contact regional and local employment exchanges so as to attract the maximum candidates for the posts. The Committee further desired that copies of the notifications/ advertisements regarding recruitment should also be made available to them as well as to the SC/ST Members of Parliament so that they could also help in this regard.

Reply of the Government

1.31 The recommendations of the Committee have been noted for compliance. Directions have been issued to all SEs, Co-ordination Circles and heads of all the Exceptional Units identified for work charged staff in CPWD.

Comments of the Committee

1.32 The Committee observe that in the light of their recommendation, directions have been issued for compliance to all SEs, Co-ordination circles and heads of all the Exceptional units identified for work charged staff. The Committee desire that compliance reports should be sought

from them and the same may be furnished to the Committee for information.

Recommendation (Sl. No. 20, Para No. 3.19)

1.33 The Committee appreciated that the Department undertook Special Recruitment Drive to fill up the backlog of vacancies reserved for SCs and STs for the posts of JEs. The Committee, however, were pained to note that the Department had not conducted special drive to clear the backlog of other vacancies due to restriction on direct recruitment. The Committee viewed that the backlog of vacancies reserved for SCs/STs should not be clubbed with other general vacancies. The Committee, therefore, recommended that the entire backlog of vacancies in other categories of posts might also be wiped out by launching Special Recruitment Drive. The Committee desired to be apprised of the latest position in this regard as also on the action taken on the vacancies numbering 1657 which were to be surrendered.

Reply of the Government

1.34 Special Recruitment Drive – 2005 have been conducted for filling up 474 (48-SC+426-ST) vacancies of Direct Recruitment quota and 866 (278-SC+588-ST) vacancies of Promotion Quota which is underway. Now, the Committee has desired to fill up the backlog vacancies arisen due to promotions and also backlog vacancies in work charged category. Therefore, fresh instructions have been issued. A compliance report can only be furnished after obtaining the exact number of backlog vacancies in each category. Compliance report will also be

furnished about the details of 1657 posts to be surrendered and the posts actually filled during the Special Recruitment Drive – 2005 & 2006.

Comments of the Committee

1.35 The Committee take serious note of the tardy progress made in finalisation of Special Recruitment Drive – 2005. The Committee opine that when SC/ST categories are not fully represented through a normal recruitment exercise, Special Recruitment Drives are conducted to augment their intake and to fill up the backlog vacancies which have to be completed in a time bound manner. The Committee, therefore, desire that compliance reports on the details of 1657 posts to be surrendered and the posts actually filled during the Special Recruitment Drive – 2005 and 2006 may be furnished to them for information.

Recommendation (Sl. No. 25, Para No. 4.15)

1.36 The Committee noted that out of 30 persons sent abroad for training during the year 1998 to 2001, only 2 were from SC/ST communities. The Committee felt that in the CPWD deputation for foreign training was arbitrarily decided by the authority concerned and that the interests of SC/ST in this regard was not considered seriously. The Committee, therefore, recommended that CPWD should evolve certain norms whereby the officers from these communities could get fair opportunities for undergoing training abroad. It was advised that representation of SC/ST officers should be in accordance with the instructions issued by DOP&T while deputing officers to attend seminars/conference and also for attending various training programmes in India and abroad.

Reply of the Government

1.37 The selection of officers for undergoing training is done on basis of requirement and the most suitable officers are selected keeping in view higher qualification, special work exposures, special aptitude in particular subject and the names of officers for training are finalized by the concerned authority providing Foreign Training Agency. However, the names of SC/ST Officers are also sponsored for training/deputation abroad alongwith others. The instructions of Department of Personnel & Training are being followed.

Comments of the Committee

1.38 The Committee are not satisfied with the reply of the Government that selection of officers for undergoing training is done on the basis of requirement and qualifications, special work exposures and special aptitude in particular subject. The Committee feel that the criteria laid down for nomination for training abroad should be suitably laid down and enforced strictly. The relevant experience of working should be given due weightage. The Committee, therefore, urge the Government to consider the case of SC/ST officers separately by reserving a few slots in each course exclusively for SCs/STs and their names be nominated for training abroad. The Committee further stress that the Government should strive to ensure that the nominated SC/ST officers are selected by the agency that provides foreign training.

Recommendation (Sl. No. 27, Para No. 4.21)

1.39 The Committee desired that the existing concessions /relaxations given to SC/ST contractors might be further improved. The Committee also recommended that at the time of awarding petty contracts and tenders, SCs/STs should be given preference from others and certain percentage/share of the contract works might be reserved for SC/ST contractors as usually they are not in a position to compete with rich contractors.

Reply of the Government

1.40 Consequent upon issue of New Enlistment Rules-2005 the tendering limit of contractors of General Category has been raised along with increased working capital certificate. Accordingly, revision in the concessions in respect of SC/ST contractors is under process.

1.41 The improved other concessions admissible to the contractors belonging to SC/ST are:-

- A. For works up to an estimated cost of Rs. 1 lakh, a price preference up to 5% is allowed in favour of individual SC/ST contractors. In such cases, tenders may be entertained even from non registered contractors. No earnest money is required in such cases.
- B. For works of estimated cost ranging from Rs. 1 lakh to Rs. 2.5 lakhs tenders may be obtained only from registered contractors. The price preference up to 5% is allowed in favour of individual SC/ST contractors. However, earnest money at a reduced rate of ½% may be accepted in such cases.

Comments of the Committee

1.42 The Committee are surprised to note that consequent upon issue of New Enlistment Rules – 2005, the tendering limit of contractors of general category has been raised along with increased working capital certificate whereas revision of concessions in respect of SC/ST contractors is still under process. The Committee feel that revision of concessions admissible to SC/ST contractors could have been done at the time of raising tendering limit for general category contractors. The Committee, therefore, urge the Government to expedite the process of revision of concessions admissible to SC/ST contractors and latest position in this matter should be furnished to them for information.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No. 1, Para No. 1.11)

2.1 The Committee have been apprised that the Reservation Rules are in force in the CPWD since the time Resolution No. 42/21/49 NGS of the Ministry of Home Affairs providing for reservation of 12 1/2% and 5% for the Scheduled Castes and the Scheduled Tribes respectively in direct recruitment through open competition was issued on 13 September 1950. In case of recruitment made other than by open competition, there was a provision for 16 2/3% reservation for the Scheduled Castes in the Department but there is no mention of such provision for the Scheduled Tribes. Subsequently, the Resolution of the Ministry of Home Affairs dated 25 March 1970 provided for reservation of 15% and 7 1/2 % for the Scheduled Castes and the Scheduled Tribes respectively. Despite the claim of the Department that they have been enforcing the Reservation Rules since 1950, the Committee note that the required percentage of the Scheduled Tribes has not been achieved in all groups of employees as per the data furnished. Not providing reservation for the Scheduled Tribe community in recruitment made by other than by open competition might perhaps be one of the basic reasons for the shortfall in intake of Scheduled Tribe employees. The Committee, therefore, recommend that the Department should ensure proper implementation of the extant rules in future recruitment so that the requisite percentage of reservation for SCs/STs is achieved/maintained.

Reply of the Government

2.2 The recommendations of the Parliamentary Committee have been accepted and the directions have been issued to all concerned for strict compliance of the same.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 3, Para No. 1.15)

2.3 The Committee are surprised to note that no SC/ST Cell exists in CPWD although two posts have been sanctioned for the Cell and that the post of Liaison Officer has been in existence for several years. The Committee however, feel that as far as the welfare of the SCs/STs is concerned, it is imperative to have a proper SC/ST Cell manned by competent officials. The Committee note that the designated Liaison Officer is stated to be acting as a liaison between the Department and the SC/ST employees with the help of only one LDC. The Committee feel that with meagre staff and other facilities, it would be difficult for him to do any justice to his work. The Committee, therefore, strongly recommend that the CPWD should create a SC/ST Cell immediately with adequate staff of appropriate level who are well conversant with orders/circulars of the Government regarding reservations of SCs/STs in services.

Reply of the Government

2.4 The recommendations of the Parliamentary Committee have been noted and the steps are undertaken to create the separate SC/ST Cell for the welfare of SC/ST employees as per the recommendations.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para No. 1.7 of Chapter I.

Recommendation (Sl. No. 5, Para No. 2.3)

2.5 The Committee would like to stress that while framing the Recruitment Rules as also the procedures for formation of Departmental Promotion Committees for various categories of posts, the interests of SCs/STs should never be compromised but, if required, the extant rules should be amended or modified suitably so as to augment the intake of SCs/STs in various categories of posts in CPWD to maintain the requisite percentage.

Reply of Government

2.6 Recommendations of the committee have been noted for compliance.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 6, Para No. 2.7)

2.7. The Committee note that the Work-charged employees are the workers recruited on the basis of the various works and that their salaries are charged to those works. The Committee are of the view that recruiting Scheduled Caste and Scheduled Tribe people at least in the Work-charged category should not be that difficult as the work involved does not require people having higher educational qualification or technical skill. The Committee also recommend that CPWD should give maximum employment opportunities to Scheduled Caste and Scheduled Tribe people in those works which are in such regions where they

predominantly reside. The benefit of reservation should be given to these people to the maximum extent at the time of recruitment of Work-charged establishment.

Reply of the Government

2.8 The observations of the Committee have been noted. Instructions have been issued to all Units/Circles of CPWD for strict compliance.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 7, Para No. 2.13)

2.9 CPWD has not provided information about the promotion given in case of Group A and B categories of posts during the years 2001 to 2004. As a result, the Committee are unable to comment whether the promotion posts reserved for SCs and STs in Group A and B categories have been duly filled up. The Committee desire that the Government should furnish the detailed information as to the promotions effected in each of the categories of Group A and B posts during the years 2001 to 2004, where reservation orders are applicable indicating the shortages as on 31.12.2005.

Reply of the Government

2.10 The observations of the Committee have been noted, Information is furnished below in respect of Group A and B.

Group – A&B:- Due to stay granted by the High Court of Delhi in CWP No. 840/2003 in the matter of Gurbaaz Singh & others V/s UOI and others vide orders dated 31.01.2003 and 3.11.2004, promotions in the grade of EE from the grade of AEs have not been made, after 1999. However, the post of EE falling in the quota of AEEs have been filled up for the year 1996-97 up to 2003-04 by

promotion of AEEs. Now, the Hon'ble Court in its interim order dated 31.3.2006 have permitted to fill 431 vacant posts (313 for Civil and 118 for Electrical/Mechanical cadre) in the grade of Ex. Engineer on ad hoc basis for Assistant Engineers in accordance with 1996 R/Rules. As per this permission 265 AE (Civil), 87 AE (E/M) and 13 AEE (C) and 2 AEE(E/M) have been promoted on ad hoc basis. The vacancy in the SC quota have been filled to the extent their reservation quota. The shortfall of 23 and 7 vacancies for ST in the Grade of Ex. Engineer (C) and Ex. Engineer (E) could not be filled up for want of eligible ST candidates. There is a shortfall of 23 and 7 vacancies of ST category in the grade of Executive Engineer after making ad hoc promotions of eligible officers who had the requisite qualifying service of 8 years and possesses degree of diploma qualification, these shortfall vacancies could not be filled. Further there is one shortfall in the Grade of AEE(Elect.) and recruitment to this was made through UPSC. The candidate recommended by UPSC did not join. As regards Deputy Director of Horticulture, one ST candidate has become eligible for the year 2006-07. Regarding the grade of Architect, no ST officer is available in the feeder grade for 2 vacancies. The proposal for Deputy Architect has been sent to UPSC.

2.11 The year wise details of promotion of AEEs to the grade of EE in both the disciplines and vacancies of AEs (Civil & Electrical) etc. filled up category wise against the vacancies of the year 2000-01 to 2003-04 are given as under:-

Year	Category		General		SC		ST		TOTAL	
	Gr.-A	Gr.-B	Gr.-A	Gr.-B	Gr.-A	Gr.-B	Gr.-A	Gr.-B	Gr.-A	Gr.B
2000-01	EE(C)	AE(C)	19	127	03	00	01		23	127
	EE(EI.)	AE(E)	04	35	01	01	01	00	06	36
	Sr.Arch	ADH	11	06	01	01	00	01	12	08
	Arch	AA/TO	04	01	02	00	02	00	08	01
2001-02	EE(C)	AE(C)	03	63	01	00	-		04	63
	EE(EI.)	AE(E)	01	07	-	27	01	00	02	34
	Ch.Arch	ADH	01	04	01	02	00	00	02	06
	Arch	AA/TO	08	02	01	00	00	00	09	02
	DDOH	Ch.Est	06	01	02	01	00	00	08	02
2002-03	EE(C)	AE(C)	-	46	-	00	-		-	46
	EE(EI.)	AE(E)	-	27	-	00	-	01	-	36
		Ch.Est		01		01		00		02
2003-04	EE(C)	AE(C)	04	63	01	00	-		05	63
	EE(EI.)	AE(E)	-	35	--	00	-	00	--	35
	Ch Arch	ADH	02	05	00	00	00	00	02	05
	Arch.	AA/TO	06	01	01	00	00	00	07	01
	DDHO	Ch.Est	00	02	01	01	00	00	01	03
Shortage as on 31.12.05	EE(C)	AE(C)	--	--	--	--	23	65	23	65
	EE(EI.)	AE(E)	--	--	--	--	07	25	07	25
	Sr Arch	ADH	--	--	--	--	---	02	----	02
	Arch	AA/TO	05	--	--	--	02		07	
	DDOH	Ch Est	--				01		01	

(Vide Ministry of Urban Development, O.M. No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para No. 1.11 of Chapter I.

Recommendation (Sl. No. 8, Para No. 2.14)

2.12 According to the information provided in case of promotions effected in Group C and D posts during the years 2001 to 2004, the Committee note that only a few ST employees have been promoted. The low representation of STs in promotions during the last four years is indicative of the fact that CPWD has not done enough and that it is not taking proper interest to promote ST officials. As a result, the backlog vacancies of STs have gone up. Whereas the case is

different in case of SC officials. Despite having promoted a number of SC candidates in Group C and D posts during the years 2001 to 2004, even more than the prescribed percentage of 15 percent, the backlog vacancies still remain. The Committee would like to know as to the reasons why the backlog vacancies in Group C posts in regard to SCs still exist.

Reply of the Government

2.13 It is true that the overall representation of SC category is more than that of prescribed percentage. This is due to higher percentage of SC category employees in Group D. However, it would be pertinent to mention here that some of (Group – C) posts reserved for SC category viz. Operator (E&M), Lift Operator, Sr. Mechanic (E&M) etc. could not be filled up due to non-availability of suitable SC category candidates. The proposal to change mode of recruitment and one time relaxation in zone of consideration for SC and ST is under process.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para 1.14 of Chapter I.

Recommendation (Sl. No. 9, Para No. 2.15)

2.14 The Committee note that the data on promotions effected from 1996 to 2000 gives detailed information on each category of post although it does not mention as to how the posts were filled – by selection, by departmental examination or on seniority-cum-fitness basis. The Committee note that SC/ST employees who are within the zone of consideration are not ignored for promotion even if they have average ACRs. The Committee, therefore, recommend that the existing SC/ST promotional vacancies should be filled up at the earliest. The Committee also recommend that relaxation in promotion should also be provided to SC/ST candidates amongst work charged staff.

Reply of the Government

2.15 Accepted. Directions have been issued to all the SEs, Co-ordination Circle as well as Exceptional Units identified for Work Charge staff to fill up all the vacancies of SC/ST arisen due to promotion in various categories. The matter is being examined and is under process.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para No. 1.17 of Chapter I.

Recommendation (Sl. No. 11, Para No. 2.26)

2.16 The Committee note that the required percentage of SCs/STs has been maintained in promotion of JEs (both Civil and Electrical) to AEs through examination during the five years. However, the Committee are not at all satisfied with the percentage achieved in respect of STs especially in promotion

by the seniority quota which the Department had been attributed to the non-availability of eligible ST candidates in the feeder category even in the extended zone of consideration. It is a matter of serious concern that no eligible ST candidates are available in the feeder grade for promotion to the next higher post. The Committee, therefore, recommend that CPWD should take prompt action to fill up the posts reserved for ST candidates through Special Recruitment Drive. The Committee would like the Department to modify and amend suitably the recruitment and promotional policies for promotion to the post of AEs so as to ensure that sufficient SC/ST candidates are available in the feeder grade for promotion.

Reply of the Government

2.17 Accepted. The proposal for granting one time relaxation in respect of 92 vacancies of AEs (C) & (E) to clear the backlog is under process for referring to DOP&T.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para No. 1.20 of Chapter I.

Recommendation (Sl. No. 14, Para No. 2.37)

2.18 The Committee note that during the period 1996 to 2002, four officers had been sent on deputation abroad but no officer belonged to SC/ST communities. The Committee desire that SC/ST officers should also be given fair opportunity while considering candidates to send abroad on deputation. The Committee would, therefore, like the Department to follow the instructions issued in this

regard vide MHA OM.No.16/2/67 Est.(C) dated 27.9.67 and DOP&AR OM.No.36021/6/75 Est. (SCT) dated 9.10.75 and OM No.16/32/74-Estt.(SCT) dated 3.4.1976.

Reply of the Government

2.19 Noted. The instructions of DOP&T and DOP&AR are being followed, and the recommendation is accepted for observance.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 15, Para No. 2.40)

2.20 The Committee note that as per rules, seven vacancies of ST candidates were interchanged with posts reserved for SCs in 2000-2001, as eligible ST candidates were not available even in the extended zone of consideration. They presume that the Department must have undertaken the above exercise because at that time vacancy based rosters were in vogue and there was no restrictions regarding the interchange of vacancies between SCs and STs. The Committee note that DOP&T have issued an OM No.36012/17/2002-Esstt. (Res.) dated 6.11.2003, regarding non-permissibility of exchange of reservation between SCs and STs. The Committee, therefore, recommend that in future in the event of non-availability of either SCs or STs candidate for recruitment or promotion or in any matter relating to the exchange of vacancies between the SCs and STs in recruitment and promotion, the Department should strictly follow the instructions issued in this regard by the DOP&T.

Reply of the Government

2.21 Noted for compliance.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 16, Para No. 3.4)

2.22 The Committee observe that a force of 22,023 work charged employees was working in Group 'C' and 'D' posts in CPWD across the country at the time of submission of the preliminary material to the Committee. As on 1.1.2005, the number of work force has come down to 18,430. The number of ST work force has also gone down from 645 to 559 in Group 'D' posts which is far below the prescribed quota of 7½ per cent of the total Work-charged employees working in CPWD. Having noted that the intake of the Scheduled Tribe Work-charged employees is far below the prescribed quota in all the regions of the country, the Committee recommend that CPWD should make every effort to fill up the prescribed quota of Scheduled Tribes in all the Work-charged establishments of the Department by recruiting them on all India basis if they are not available locally. The Committee also desire that the reasons for decrease in the number of work force and employees belonging to SCs/STs categories should be informed to them at the earliest.

Reply of the Government

2.23 Accepted. Directions have been issued to all the SEs, Co-ordination Circles of CPWD as well as the heads of the Exceptional Units identified for Work Charge staff to make best efforts to fulfill the required percentage of SC/ST categories.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para No. 1.23 of Chapter I.

CHAPTER III

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

Recommendation (Sl. No. 2, Para No. 1.12)

3.1 The Committee have been apprised that the Department is presently headed by the Director General (Works) and that he is being assisted by 9 Additional Director Generals (ADGs) and 60 Chief Engineers (CEs) for effective control of works and in administrative matters. The Committee are, however, dismayed by the fact that the CPWD, one of the oldest departments of the Union Government, can boast of having only one Scheduled Caste officer who occupied the post of ADG (Arch). The Committee feel that it is high time that the Union Government should ensure implementation of reservation orders in such a way that more number of SCs/STs are available to occupy higher posts of AD(G)and DG.

Reply of the Government

3.2 As already noted under the existing instructions of the Government, reservation in promotion is applicable up to the level of Executive Engineer. Posts above that viz. DG, ADG, CE etc. are filled by promotion on selection basis from amongst the eligible officers as per the relevant Recruitment Rules.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 4, Para No. 2.2)

3.3 The Committee note that the CPWD has set procedures for recruitment of officers and workers in Engineering, Architecture, Horticulture and Ministerial cadres. The Committee note that in the cadre of Architecture, 25% of the posts in the grade of Senior Architect are filled up through direct recruitment by interview conducted by UPSC. However, this provision does not exist in the same grade of other cadres. Since the reservation has been provided to the Scheduled Caste and Scheduled Tribe candidates in case of direct recruitment, the Committee conclude that the element of reservation exists while filling up the post of Senior Architect through direct recruitment. The Committee desire that the same kind of arrangement should be made in equivalent grades of other cadres in Engineering, Horticulture etc. so that suitable Scheduled Caste and Scheduled Tribe candidates, who otherwise cannot make it to the top through promotion on the basis of merit-cum-seniority, but can compete, could also get an opportunity to prove their capability and to reach the higher posts of Additional Director General / Director General during their career.

Reply of the Government

3.4 As per old RRs notified on 28.10.1989, vacancies in the grade of Senior Architect used to be filled 25% by direct recruitment through UPSC and 75% by promotion from Architects. The purpose of keeping 25% vacancies reserved for direct recruitment was to induct fresh blood into the service. But in course of time it was observed that officers working as Architects in CPWD got selected as Sr. Architect against direct recruitment quota and no fresh blood was inducted. Thus this provision resulted only in upsetting the seniority position in the grade of

Senior Architect as some of the promotee Senior Architect inducted as direct recruit Senior Architect moved up considerably in seniority in the grade of Sr. Architect causing resentment among promotee Senior Architects.

3.5 Therefore, in the revised RRs notified on 27.02.2004, it has been provided that all the vacancies in the grade of Senior Architect shall be filled 100% by promotion of Architects.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 10, Para No. 2.18)

3.6 The Committee note that the Department resorted to adhoc promotions only when the Scheduled Caste and Scheduled Tribe candidates are not available. The Committee are of the view that ad-hoc promotion is a manipulative administrative process, which is intended to serve the interest and needs of a few people. In some circumstances in the name of ad hoc promotion, SC/ST employees are often denied promotional opportunities although rules clearly provide for reservation for SCs/STs. The Committee, therefore, recommend that ad hoc promotion should be resorted to only on rare and inevitable circumstances and due representation to SCs/STs should be given in all such cases.

Reply of Government

3.7 The observations of the Committee that the department has resorted to ad hoc promotions only when the SC/ST candidates are not available are not correct. The ad hoc promotion to the grade of EE has been made in administrative exigencies when the department was not able to fill the post on regular basis due to seniority disputes and court cases and when eligible candidates in relevant quota for particular category are not available. The claim of officers belonging to SC/ST categories and who were eligible for promotion have not been ignored and they have been duly considered along with other eligible officers in the zone of consideration.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 12, Para No. 2.32)

3.8 The Committee note that CPWD was not maintaining the rosters for reservation and promotion for various categories of post as was evident from the physical check carried out by the Committee. The Department had stated that they adopted 200 point post-based rosters as per the instructions issued by the DOP&T vide their OM No. 36012/2/96-Estt.(Res) dated 2 July 1997. Contrary to the claim made by the Department of having maintained the rosters in accordance with the instructions *ibid*, the Committee detected irregularities in the rosters when checked during the course of an evidence. Those rosters were not only tampered with but were maintained in the most improper manner. The Committee take a serious note of the matter. The Committee need hardly stress that rosters are the only mechanism through which a watch is kept on the proper

placement of SC/ST employees in services against the vacancies reserved for them. In fact, the whole system of implementation of reservation orders rests on maintenance of rosters. The proper maintenance of the rosters helps in keeping the authority concerned well-informed about the representation of Scheduled Castes and Scheduled Tribes in all posts as also in detecting shortfall, if any, in their representation in all those posts. The Committee, therefore, are not happy with the manner in which the Department has maintained the rosters. The Committee, therefore, direct that all rosters should be maintained as per rules issued by DOP&T from time to time and these should be checked periodically to ensure their proper maintenance. The Committee should be apprised about the action taken in the matter.

Reply of the Government

3.9 Noted. Directions have been issued to all the cadre controlling authorities to follow the instructions.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 13, Para No. 2.33)

3.10 The Committee also view the roster as a very important document as far as the welfare and interest of the Scheduled Castes and Scheduled Tribes are concerned. It foretells the time by which the SC/ST employees become eligible for the next promotion by their placement in the roster. The Committee, therefore, urge CPWD not to treat the rosters lightly but to entrust the job of maintaining the rosters to officers who are well versed with Recruitment rules and can maintain them strictly in accordance with the instructions laid down for the

purpose. The Committee, therefore, recommend that the rosters should be inspected regularly by the Liaison Officers and after every check he should put his signature with the stamp. The Committee further recommend that the officers concerned for the maintenance of the rosters as well as Liaison Officer should be made accountable for its proper maintenance.

Reply of the Government

3.11 Noted. Directions have been issued to all the concerned to comply with the instructions.

(Vide Ministry of Urban Development OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 17, Para No. 3.13)

3.12 The Committee note that the representation of Scheduled Tribes in almost all categories of posts in CPWD is far below the quota reserved for them. This is all the more distressing as the Scheduled Tribes were under-represented in all categories of posts even before the ban on direct recruitment became effective. As per the Statements furnished to the Committee in March 2005, there is still shortfall of SC/ST candidates in both Group C and D posts of Work- charged employees. Similarly, backlog vacancies of SCs in Group C and STs in both Group C and D have existed continuously. The Department however, have not furnished latest information in regard to Group A and B posts. Backlog vacancies existed for SCs/STs in different posts under Group A and B too vide Appendix III. The reason for not filling up the vacancies reserved for the Scheduled Tribes is reported to be non-availability of Scheduled Tribe candidates in the feeder posts despite the zone of consideration having been extended five

times the total number of vacancies. The Committee are of the view that at the time of recruitment the Department has not followed the Reservation Rules and as a result no ST candidates are available in the feeder grades. The Committee, therefore, urge the Government to permit further relaxation in the zone of consideration for the Scheduled Castes and Scheduled Tribes. The Committee also recommend that the posts should be filled by promoting the deserving SC/ST candidates in feeder grades, who are otherwise fit and fulfil the minimum eligibility conditions for the promotion.

Reply of the Government

3.13 Accepted. A proposal for granting one time relaxation in the extended zone of consideration has already been moved and the matter is under process.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para No. 1.26 of Chapter I.

Recommendation (Sl. No. 19, Para No. 3.15)

3.14 The Committee note that CPWD has attributed the reason for the present shortfall/backlog mainly to the ban imposed on direct recruitment in 1999 by the Ministry of Finance as a part of austerity measures initiated by the Government. The Committee need not stress that filling up of backlog SC/ST vacancies is a special task and the instructions issued regarding recruitment should not be applied to the vacancies reserved for SCs/STs. In fact, an instruction has already been issued for launching Special Recruitment Drive for filling up backlog vacancies reserved for SC/ST candidates within a specified

date vide DOP&T OM No.36038/1/2004-Estt.(Res.) dated 5.8.2004. The Committee, therefore, recommend that all backlog vacancies should be filled up by launching Special Recruitment Drive as per the instructions issued by the DOP&T. The Committee are of the view that finding suitable candidates for the reserved posts should not be that difficult since there is no dearth of eligible SC/ST candidates especially in States predominantly inhabited by these communities. The Committee recommend that proper and wide publicity should be given to the recruitment process by using all forms of information media. The Committee would like the Department even to contact regional and local employment exchanges so as to attract the maximum candidates for the posts. Copies of the notifications/ advertisements regarding recruitment should also be made available to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes as well as to the SC/ST Members of Parliament so that they could also help in this regard.

Reply of the Government

3.15 The recommendations of the Committee have been noted for compliance. Directions have been issued to all SEs, Co-ordination Circles and heads of all the Exceptional Units identified for work charged staff in CPWD.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para No. 1.32 of Chapter I.

Recommendation (Sl. No. 21, Para No. 4.6)

3.16 The Committee are unhappy to note that prior to August, 2002, no register/complaint book was maintained separately by the CPWD for recording grievances/complaints/representations of SCs/STs, which implies that their grievances and complaints were not taken seriously. The Committee have been apprised that the grievance registers have now been opened with Liaison Officer and the SEs (Coord) of various regions. The Committee suggest that these registers should record detailed information as to the nature of grievances/complaints etc. of SC/ST employees and action taken thereon besides recording dates of receipt and disposal of the grievances/complaints etc. The Committee would also like the Department to attend to the grievances/complaints etc. of SC/ST employees expeditiously. The Committee feel that the grievances received at the regional offices should also be shown to the Liaison Officer at the headquarters for his information before disposal so that the SC/ST employees may feel that the Liaison Officer who is usually appointed from amongst their own communities, would be able to judge whether their grievances have properly been addressed to. The Committee also stress that the Liaison Officer should also be shown the grievance registers of all regions regularly.

Reply of the Government

3.17 Recommendations/observations of the Committee have been noted for compliance. The liaison officer is Shri J.J. Lal, SE (P&A), Office of Chief Engineer (NDZ-II), CPWD, Nirman Bhavan, New Delhi and a copy of the directions has been endorsed to him.

(Vide Ministry of Urban Development OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 22, Para No. 4.9)

3.18 The Committee regret to note that meetings with SC/ST Employees' Welfare Associations are held only when a request is made by the Association. The Committee need hardly stress that SC/ST Employees' Association is the mouth piece/forum/platform for many aggrieved SC/ST employees through which they express their grievances and lodge complaints connected with their work and career. The Committee, therefore, recommend that the Department should give due recognition and importance to representations/grievances/complaints of SC/ST Employees' Association and also should hold periodic meetings with the SC/ST Employees' Association regularly to sort out the problems faced by the SC/ST employees.

Reply of the Government

3.19 As per the guidelines contained in Para 5(f) of O.M. No. 02/10/80-JCA (Vol. IV), dated the 5th November, 1993 no service association can be recognized on the basis of caste, tribe or religious denomination, hence no such associations are recognized by DOP&T. However, due consideration by the Department is

given on the demand, suggestion of the Association and suitable action is taken as per rules.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 23, Para No. 4.10)

3.20 In the course of examining many organisations including Government Departments, PSUs and Banks the Committee have come to understand that many a times resolutions and amicable solutions agreed to in the meetings between the Management and the SC/ST Employees' Welfare Associations, are not properly implemented in letter and spirit due to lack of interest and support from the management or the higher authorities. The Committee, therefore, recommend that the Management should honor the decisions whenever taken during the meetings with the SC/ST Employees' Welfare Association and implement them in letter and spirit.

Reply of the Government

3.21 As per the guidelines contained in Para 5(f) of O.M. No. 02/10/80-JCA (Vol. IV), dated the 5th November, 1993 no service association can be recognized on the basis of caste, tribe or religious denomination, hence no such associations are recognized by DOP&T. However, this Directorate takes cognizance of the demands, suggestion views raised by the Association representatives of these categories and suitable action is taken as per rules.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 24, Para No. 4.14)

3.22 The Committee are surprised to note that CPWD does not have arrangements for providing in-service and pre-recruitment trainings to employees including SCs/STs even though the Department is having huge backlog of vacancies in various categories of posts due to non-availability of candidates during direct recruitment and in the feeder category for promotion. The Committee, therefore, recommend that CPWD should make provision for providing pre-recruitment and pre-promotional training for SCs/STs on regular basis in order to help people belonging to SC/ST communities get their due representation in the CPWD.

Reply of the Government

3.23 The recruitment at introductory level is done by the UPSC and Staff Selection Commission. Hence no pre-recruitment training is done. The Foundation Course training is given to AEE/JEs. A few refresher courses are done after promotion, besides the other training courses. No pre-recruitment training is being provided to SC/ST.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 26, Para No. 4.19)

3.24 The Committee note that the SC/ST employees are eligible for allotment of accommodation from general pool on maturity of their turn but if they are already in occupation of general pool accommodation they will not be eligible for allotment of higher type of accommodation from the quota reserved for SC/ST employees. The Committee desire that SC/ST employees who are already in

occupation of lower type accommodation in the General Pool may also be made entitled for allotment of higher type of accommodation when their turn comes for allotment of higher type of accommodation in the reserved pool. The Committee also desire that percentage of allotment of accommodation to SC/ST may be enhanced suitably as many of them especially those working , in metro cities ill afford to pay exorbitant rent for private accommodation.

Reply of the Government

3.25 The existing provisions of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963 do not provide for reservation in the matter of allotment of General Pool residential accommodation. However, executive instructions have been issued by providing that:

- (i) 10% clear vacancies in types I & II and 5% in type III & IV may be reserved for allotment to Scheduled Caste and Scheduled Tribe employees entitled to these types.
- (ii) Clear vacancies becoming available in the reserved quota referred to above may be allotted in the ratio 2:1 between Scheduled Caste and Scheduled Tribe employees respectively. In case, however, there is no Scheduled Tribe employee, the quota reserved for them may be allotted to Scheduled Caste employee. For this purpose separate waiting lists may be prepared for Scheduled Castes and Scheduled Tribes employees.
- (iii) Scheduled Caste/Scheduled Tribe officers, who are already in occupation of general pool accommodation, are not eligible for

allotment of higher type accommodation from the quota reserved for Scheduled Caste and Scheduled Tribe employees.

3.26 It has now been decided that Scheduled Caste/Scheduled Tribe officers, who are already in occupation of general pool accommodation, shall also be eligible for allotment of higher and entitled type of accommodation from the quota reserved for Scheduled Caste and Scheduled Tribe employees.

3.27 Date(s) of priority covered in various types in respect of General Pool and SC/ST Pool as on 31.1.2006 are given below:-

Type	Date(s) of Priority covered as on 31.1.2006 in		
	General Pool	SC Pool	ST Pool
I	10.3.2003	31.7.2003	29.9.2003
II	27.9.1988	27.9.1998	30.4.1992
III	14.10.1992	14.10.1992	14.10.1992
IV	17.1.1984	17.1.1984	24.4.1989

3.28 It may be noted from the above Table that date(s) of priority covered in various Types in respect of SC and ST employees are either at par or ahead of date(s) of priority covered for General category employees. However, date(s) of priority covered in respect of ST employees are far ahead of date(s) of priority covered for General category employees in all types.

3.29 Demand, availability and shortage of General Pool accommodation in various types in Delhi is given as under. This includes applications received from SC and ST employees for residential accommodation:

Type	Eligibility pay range	Demand	Availability	Shortage	%age of satisfaction level
I	Less than Rs. 3050	16,699	16,487	212	97
II	3050-5499	36,988	23,660	13,328	64
III	5500-8499	16,676	12,032	4644	73
IV	8500-11,999	8845	5,518	3327	62
IV-Spl	10,000	3421	802	2619	23
D-II	12000-15099	4547	1,323	3224	29
D-I	15100-18399	2901	1008	1893	35
C-II	18400-22399	1795	498	1297	28
C-I	22400-24499	542	168	374	31
VII	24500-26999	238	102	136	43
VIII	26000	244	108	136	44
Total		92,896	61,706	31,190	66

3.30 There is acute shortage of General Pool residential accommodation. Against availability of 61,706 houses in various types, there is demand of 92,896

employees. Thus there is shortage of 31,190 units based on the applications received in this Directorate. Thus overall satisfaction is about 66%. Since 100% satisfaction level is not available for various categories of employees in different type of accommodation, the shortage of accommodation will have to be shared by all categories of employees. Further sufficient safeguards have been provided to protect the interests of SC and ST employees in the matter of allotment of Government accommodation. As such existing quota in the matter of allotment of accommodation to SC/ST employees is adequate and increase in quota would affect the chances of applicants, who are waiting for allotment in General Pool adversely. Further provision of Government accommodation for the Central Government employees is a welfare measure. In case the Government accommodation is not provided to its employees, the Central Government grants house rent allowance at the rates prescribed from time to time.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Recommendation (Sl. No. 27, Para No. 4.21)

3.31 The Committee desire that the existing concessions /relaxations given to SC/ST contractors may be further improved. The Committee also recommend that at the time of awarding petty contracts and tenders, SCs/STs should be given preference from others and certain percentage/share of the contract works may be reserved for SC/ST contractors as usually they are not in a position to compete with rich contractors.

Reply of the Government

3.32 Consequent upon issue of New Enlistment Rules-2005 the tendering limit of contractors of General Category has been raised along with increased working capital certificate. Accordingly, revision in the concessions in respect of SC/ST contractors is under process.

3.33 The improved other concessions admissible to the contractors belonging to SC/ST are:-

- A. For works up to an estimated cost of Rs. 1 lakh, a price preference up to 5% is allowed in favour of individual SC/ST contractors. In such cases, tenders may be entertained even from non registered contractors. No earnest money is required in such cases.
- B. For works of estimated cost ranging from Rs. 1 lakh to Rs. 2.5 lakhs tenders may be obtained only from registered contractors. The price preference up to 5% is allowed in favour of individual SC/ST contractors. However, earnest money at a reduced rate of ½% may be accepted in such cases.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para No. 1.42 of Chapter I.

CHAPTER IV

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

Recommendation (Sl. No. 25, Para No. 4.15)

4.1 The Committee note that out of 30 persons sent abroad for training during the years 1998 to 2001, only 2 were from the SC/ST communities. The Committee feel that in the CPWD deputation for foreign training is arbitrarily decided by the authority concerned and that the interests of SC/ST in this regard is not considered seriously. The Committee, therefore, recommend that CPWD should evolve certain norms whereby the officers from these communities also get fair opportunities for undergoing training abroad. Representation of SC/ST officers should be in accordance with the instructions issued by DOP&T while deputing officers to attend seminars/conference and also for attending various training programmes in India and abroad. It would enable the SC/ST officers to broaden their outlook and increase their knowledge.

Reply of the Government

4.2 The selection of officers for undergoing training is done on basis of requirement and the most suitable officers are selected keeping in view higher qualification, special work exposures, special aptitude in particular subject and the names of officers for training are finalized by the concerned authority providing Foreign Training Agency. However, the names of SCs/STs officers are also sponsored for Training/deputation abroad alongwith others. The instructions of Department of Personnel & Training are being followed.

(Vide Ministry of Urban Development, O.M. No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para No. 1.38 of Chapter I.

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT HAVE NOT BEEN RECEIVED

Recommendation (Sl. No. 18, Para No. 3.14)

5.1 In regard to non-availability of Scheduled Tribe candidates in the feeder category, the Committee were also informed that the DOP&T had been directed by the Court to look into the matter in a case relating to Horticulture cadre. The Committee feel that the DOP&T would definitely find a tangible solution to the problem faced not only by CPWD but by other Departments under such a situation. The Committee would like to be informed about the decision taken by DOP&T in this regard.

Reply of the Government

5.2 The matter is being taken up with the DOP&T in the light of the recommendation of the Committee. A compliance report will be furnished on receipt of the directions of the Department of Personnel & Training.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para No. 1.29 of Chapter I.

Recommendation (Sl. No. 20, Para No. 3.19)

5.3 The Committee appreciate that the Department undertook Special Recruitment Drive to fill up the backlog of vacancies reserved for Scheduled Castes/Scheduled Tribes for the posts of JEs. The Committee, however, are pained to note that the Department has not conducted special drive to clear the backlog of other vacancies due to restriction on direct recruitment. The Committee are of the view that the backlog of vacancies reserved for SCs/STs should not be clubbed with other general vacancies. The Committee, therefore, recommend that the entire backlog of vacancies in other categories of posts may also be wiped out by launching Special Recruitment Drive. The Committee may be apprised of the latest position in this regard. The Committee would also like to be apprised about the action taken on the vacancies numbering 1657 which were to be surrendered.

Reply of the Government

Special Recruitment Drive – 2005 have been conducted for filling up 474 (48-SC+426-ST) vacancies of Direct Recruitment quota and 866 (278-SC+588-ST) vacancies of Promotion Quota which is underway. Now, the Committee has desired to fill up the backlog vacancies arisen due to promotions and also backlog vacancies in work charged category. Therefore, fresh instructions have been issued. A compliance report can only be furnished after obtaining the exact number of backlog vacancies in each category. Compliance report will also be furnished about the details of 1657 posts to be surrendered and the posts actually filled during the Special Recruitment Drive – 2005 & 2006.

(Vide Ministry of Urban Development, OM No. 21011/1/2001-EW 2 dated the 13th July, 2006)

Comments of the Committee

Please see Para No. 1.35 of Chapter I.

NEW DELHI
20th March, 2007
29th Phalguna, 1928 (Saka)

RATILAL KALIDAS VARMA
Chairman
Committee on the Welfare
of Scheduled Castes and
Scheduled Tribes

APPENDIX-I
(Vide Para 2 of Introduction)

MINUTES

**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2006-2007)**

(FOURTEENTH LOK SABHA)

TWELFTH SITTING

(06.03.2007)

The Committee sat from 1500 to 1545 hrs.

PRESENT

Shri Ratilal Kalidas Varma - Chairman

MEMBERS

LOK SABHA

2. Shri M. Appadurai
3. Shri Eknath M. Gaikwad
4. Dr. P.P. Koya
5. Shri Rajesh Kumar Manjhi
6. Shri Rupchand Murmu
7. Shri Jual Oram
8. Shri Harikewal Prasad
9. Shri Ashok Kumar Rawat
10. Shri Bajju Ban Riyan
11. Dr. (Col.) Dhani Ram Shandil
12. Shri Lalit Mohan Suklabaidya
13. Shri Vanlalzawma

RAJYA SABHA

14. Shri Sharad Anantrao Joshi
15. Shri Lalhming Liana

SECRETARIAT

1. Shri P.K. Misra, Joint Secretary
2. Shri Gopal Singh, Director
3. Smt. Maya Lingi, Under Secretary

At the outset, the Hon'ble Chairman welcomed the Hon'ble Members of the Committee. The Committee then considered the draft report on Action taken by the Government on the recommendations contained in the Eighth Report (14th Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Public Works Department (CPWD)" and adopted the same with some modifications.

2. The Committee also authorised the Hon'ble Chairman to finalise the report in the light of consequential changes and present the same to both the Houses of Parliament.

The Committee then adjourned.

APPENDIX II

(Vide Para 4 of Introduction)

Analysis of Action Taken by the Government on the recommendations contained in the Eighth Report (Fourteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1. Total number of recommendations.....27

2. Recommendations/observations which have been accepted by the Government (vide recommendations Sl. No. 1, 3, 5, 6, 7, 8, 9, 11, 14, 15 and 16)

Number.....11
Percentage to the total.....41%

3. Recommendations/Observations which the Committee do not desire to pursue in view of the Government's replies (vide recommendations Sl. No. 2, 4, 10, 12, 13, 17, 19, 21, 22, 23, 24, 26, and 27)

Number.....13
Percentage to the total.....48%

4. Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (vide recommendations Sl. No. 25)

Number1
Percentage to the total..... 4%

5. Recommendations/Observations in respect of which final replies of the Government have not been received (vide recommendations Sl. No. 18 and 20)

Number.....2
Percentage to the total.....7%