

SCTC No. 740

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(2011-2012)
(FIFTEENTH LOK SABHA)
FIFTEENTH REPORT
ON
MINISTRY OF HEAVY INDUSTRIES
AND PUBLIC ENTERPRISES
(DEPARTMENT OF HEAVY INDUSTRY)**

Action Taken by the Government on the recommendations contained in the Tenth Report (Fifteenth 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 Bharat Heavy Electricals Limited (BHEL)”

*Presented to Lok Sabha on 7 September, 2011
Laid in Rajya Sabha on 7 September, 2011*



**LOK SABHA SECRETARIAT
NEW DELHI**

September, 2011/Bhadrapada, 1933 (Saka)

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CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE	(iii)
INTRODUCTION	(v)
CHAPTER I Report	1
CHAPTER II Recommendations/Observations which have been accepted by the Government	13
CHAPTER III Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government	21
CHAPTER IV Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration	34
CHAPTER V Recommendations/Observations in respect of which final replies of the Government have not been received	37

APPENDICES

I. Minutes of the sitting of the Committee held on 18.7.2011	38
II. Analysis of the Action Taken by the Government on the Recommendations contained in the Tenth Report (Fifteenth Lok Sabha)	40

COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED
CASTES AND SCHEDULED TRIBES (2011-2012)

Shri Gobinda Chandra Naskar — *Chairman*

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25. Dr. Bhalchandra Mungekar

*Appointed as Acting Chairman by Hon'ble Speaker for the period Shri Gobinda Chandra Naskar is unable to discharge his duties as the Chairman of the Committee due to his illness.

(iv)

26. Shri D. Raja
27. Shri K.B. Shanappa
28. Shri Veer Singh
29. Miss Anusuiya Uikey
30. Shri Veer Pal Singh Yadav

SECRETARIAT

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2. Ms. J.C. Namchyo — *Director*
3. Shri Hoti Lal — *Addl. Director*
4. Shri L. Singson — *Sr. Committee Assistant*

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 Fifteenth Report (Fifteenth Lok Sabha) on Action Taken by the Government on the recommendations contained in their Tenth Report (Fifteenth Lok Sabha) on the Ministry of Heavy Industries and Public Enterprises (Department of Heavy Industry) regarding “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Bharat Heavy Electricals Limited (BHEL)”.

2. The Draft Report was considered and adopted by the Committee on 18th July, 2011 (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 Tenth Report (Fifteenth Lok Sabha) of the Committee is given in the Appendix-II. It would be observed therefrom that out of 26 recommendations made in the Report, 12 recommendations *i.e.* 46.15 per cent have been accepted by the Government. The Committee do not desire to pursue 11 recommendations *i.e.* 42.30 per cent of the total recommendations in view of the replies of the Government. There are 2 recommendations *i.e.* 7.69 per cent in respect of which reply of Government have not been accepted by the Committee and which require further reiteration and in respect of 1 recommendation *i.e.* 3.84 per cent, final replies of the Government have not been received.

NEW DELHI;
September, 2011

Bhadrapada, 1933 (Saka)

BIREN SINGH ENGTI,
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 Tenth Report (Fifteenth Lok Sabha) on the Ministry of Heavy Industries and Public Enterprises (Department of Heavy Industry) regarding "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Bharat Heavy Electricals Limited (BHEL)".

1.2 The Tenth Report was presented to Lok Sabha on 23rd November, 2010. It contained 26 recommendations/observations. Replies of the Government in respect of all these recommendations/observations have been examined and may be categorized as under:—

- (i) Recommendations/observations which have been accepted by the Government (Sl. Nos. 2, 4, 8, 11, 12, 13, 17, 18, 19, 21, 25 and 26)
- (ii) Recommendations/observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. Nos. 3, 5, 6, 7, 9, 10, 14, 15, 16, 22 and 23)
- (iii) Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (Sl. Nos. 1 and 20)
- (iv) Recommendations/observations in respect of which final replies have not been received (Sl. No. 24)

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

Recommendation (Sl. No. 1, Para No. 1.14)

1.4 The Committee regret to note that Bharat Heavy Electricals Limited (BHEL) a leading public sector undertaking in the country enjoying a Navaratna status does not have representation of SC/ST members on its Board of Directors. BHEL also does not have provision for appointment of SCs/STs on its Board because Department of Public Enterprises (DPE) has not prescribed any reservation for appointment to these posts, as it is considered to be a contractual appointment. The Committee also note that selection to the posts of Chairman/Directors (full time/part-time) for all Public Sector Enterprises in the country is made through the Public Enterprises Selection Board (PESB) with the approval of the Appointments Committee of the Cabinet (ACC). The Committee are distraught to learn that no action was taken by the Management for inclusion of SC/ST member on the Board of Directors just because no reservation has been prescribed for appointment to these posts. The Committee are very much distressed

by the fact that there is hardly any SC/ST member on the board of Directors of the public sector undertakings/enterprises in the country and that the Government are not concerned of the issue of non-representation of SCs/STs in the management of the public sector undertakings/enterprises even after six decades of country's independence. The Committee have been consistently and continuously pressing the Government and management of all PSUs/Banks under examination to take appropriate action so as to include SC/ST members on the Board. Incidentally, the Banks have made provision for inclusion of non-official SC/ST member on their board. The Committee, therefore, feel that it is high time for the Government of India to take affirmative action to accommodate representative from SC/ST community on the Board/Management of PSUs in the country. The Committee feel that the affirmative action no rules are required but only the will to do it. The Committee opine that the rules and regulations and criteria governing appointments to the Board/Management are framed by the Government from time to time and even PESB is also created by the Government. The Committee, are therefore, of the view that the issue of non-representation of the SC/ST people on the Board/Management level of the PSUs needs to be reviewed and rules and regulations, criteria etc. which govern appointments of directors on the Board should be amended. The Committee are fully aware that there is no dearth of eligible SC/ST officers/candidates to occupy these positions, provided they are given proper support in the form of reservation/concession. In the years 2006 and 2007, 3 SC/ST candidates had attended the Selection Meetings/Interviews for appointment to the post of Director (ER&D), Director (HR) and Director (IS&P) in BHEL. The Committee however, are surprised to note that none of these candidates was selected by the PESB. The Committee, therefore, desire to know the reasons for non-selection of SC/ST candidates even though two of them appeared three times in the Selection Interview for the post of Director during the years 2006 and 2007. The Committee also recommend that with the objective of securing social justice and equal opportunities to all, the Government should review its policy on appointments to the Board/Management level posts of all PSUs in the country including BHEL and appropriately amend the rules and regulations governing appointment to these posts so that the SC/ST people are given an opportunity to rise to these positions.

Reply of the Government

1.5 Interview and selection of candidates for Board level posts in CPSEs are done by Public Enterprises Selection Board (PESB). PESB conducts interview of short-listed candidates for these posts and gives its recommendations by giving special regard to the qualities of managerial capability, leadership, broad vision, track record and the available ACRs of the candidates.

1.6 As regards the issue of review of policy on appointments to the Board/Management level posts in PSUs, the matter concerns DoPT and DPE and the observations of the Committee have been communicated to these Departments.

Comments of the Committee

1.7 The Committee feel that the observations and recommendations made by the Committee are not taken seriously by the Government. The Committee had specifically

desired to know the reasons for non-selection of 3 SC/ST candidates to the posts of Directors despite having appeared in Selection Interview during the years 2006 and 2007. By simply saying that interview and selection of candidates for Board level posts in CPSEs are done by Public Enterprises Selection Board, the Ministry avoided to give a straight reply. In regard to recommendation for review of policy on appointments to the Board/Management level posts in all PSUs including BHEL, it is stated that the matter concerns DoPT and DPE and the observations of the Committee have been communicated to these Departments. Judging by the reply, the Committee feel that the Government have scant regard for their recommendations. The lackadaisical attitude of the Government implies that the Government are not serious about the interests and welfare of SCs and STs when it comes to appointment to higher posts. In the course of examinations of various PSUs over the years, the Committee have noted that SCs and STs have not been given opportunity to come up to the Board level position even though these PSUs are controlled by the Central Government. For this reason the Committee have consistently and continuously been pursuing the Government and Managements of undertakings/enterprises/Banks to amend rules governing appointment to board level posts so as to include SC/ST members on the Board. The Committee feel that with a view to give social justice and equal opportunity as enshrined in our Constitution, the Government should take affirmative action to accommodate representatives from the SCs/STs in the Board level appointments. To make it possible, the Government should either give an outright reservation in appointments to all higher posts or to relax the eligibility criteria by amending all rules/regulations governing appointments. Otherwise, even when eligible SC/ST candidates become eligible to appear in Selection Interview for Director level posts, they can not be selected and when the Committee ask for the reasons for their non-selection it is not even disclosed. The Committee thus feel that if there is no transparency in selection of eligible SC/ST candidates, it is construed that consideration for appointment was not fair. The Committee, therefore, reiterate their earlier recommendations that the reasons for non-selection of 3 SC/ST candidates who had faced the Selection Interview in 2006 and 2007 should be made available to the Committee. The Committee, further reiterate that since the issue of review of policy on appointments to the Board/Management level posts is now in the court of DoPT and DPE, the matter should be given a serious thought by the Government so that a way out is found to enable many SC and ST officers to come up to the Board/Management level posts.

Recommendation (Sl. No. 2, Para No. 2.12)

1.8 The Committee note that BHEL has recently introduced an on-line system for recruitment process wherein applications are received on-line against the advertised vacancies carried out in National Dailies and Employment News. It has been noted that on-line permission slips for writtern test as well interview call letters are sent to the candidates through internet. Even results of successful candidates are displayed on official website of the Company and offer of appointment to selected candidates are also notified on the website as well as sent individually through registered posts. The Committee note that overall the use of information technology is a great boon to mankind, institutions, organizations etc. as it helps save resources and time. However,

it should also be noted that the use of information technology in recruitment is not always pragmatic because not many SC/ST candidates especially those residing in remote areas do not have access to these kind of facilities. It is therefore, advisable that apart from using the services of information technology, the conventional system of advertisement through National/Local dailies, Employment News and correspondence and intimation through letters should be continued. The Committee also desire that copies of advertisement should be provided to the members of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes and also to recognized SC/ST Employees Welfare Associations of BHEL to facilitate them in sponsoring reserved candidates.

Reply of the Government

1.9 Apart from the on-line system for recruitment process in BHEL, advertisements of vacancies are also given wide publicity in National Dailies and Employment News as mentioned in the recommendation of the Committee. The advertisements are also already being sent to the recognized SC/ST Employees Welfare Associations of the Company and are hosted on the website of BHEL. In addition to these measures, copies of advertisement shall be provide to the Members of Parliamentary Committee on the Welfare of SCs & STs as advised & sought by the Committee.

Comments of the Committee

1.10 The Committee expect that in future as assured copies of advertisement of vacancies in BHEL would be provided to the Members of Parliamentary Committee on the Welfare of SCs and STs to facilitate in sponsoring eligible reserved candidates.

Recommendation (Sl. No. 6, Para No. 2.41)

1.11 It has been stated that the causes of shortfall in promotion is due to non-availability of ST candidates in the feeder cadre. The reason for non-availability of ST candidates in the feeder cadre is that BHEL mainly operates in 12 different States in the country, where the percentage of reservation for recruitment especially for Group C and D posts is very low whereas, the percentage of reservation for STs in promotion is uniform *i.e.* 7.5%. It was also stated that since percentage reservation of recruitment in Group C and D posts is based on State-wise norms, there is resultant shortfall in promotions. However, the Committee note that the situation in respect of Group A and B posts is also same even though the prescribed percentage in recruitment and promotion is uniform. According to the updated information furnished to the Committee in November, 2009, the promotions given to STs especially in Group 'A' and 'B' posts is very dismal and for Group 'C' posts the figure was still low. The Committee are of the view that non-availability of SC/ST candidates in the feeder cadre for promotion is wholly the failure of the Management in not able to recruit enough SCs/STs in the feeder grade due to its lack of commitment towards the welfare and development of SCs and STs. The Committee, therefore, urge the Management to review the recruitment and promotion policies to find a lasting solution to the problem of shortfall not only in promotion but also in recruitment of SC/ST employees. The Committee desire that the Management should consult the Ministry/Department of Public Enterprises to work out a formula to do away with this problem. The Committee further recommend that

recruitment of Group C staff should also be made on all India basis so as to give equal opportunity to all SCs/STs in the country but to keep Group 'D' posts exclusively for local candidates. The Committee further recommend that the Management should also take immediate steps to ensure that sufficient candidates are readily available in Group C posts which are the feeder cadre for further promotions.

Reply of the Government

1.12 Reservation for SC/ST candidates in recruitment at specified induction level is being made in BHEL in accordance with the Government Directives. At other levels beyond induction level in various Groups, no direct recruitment takes place except in case of Medical/Legal/Finance/Highly Technical professional. Also, in promotion, officials of the feeder cadre are promoted on the basis of fulfilment of eligibility conditions. Wherever adequate number of SC/ST candidates are not available in the feeder grade for promotion to cadre change grade where the Rosters are applicable, the backlogs in promotion if any, are diverted for filling up by direct recruitment by inducting additional number of reserved candidates in recruitment, thereby giving benefits of reserved points in promotion to the respective category candidates only. Alternatively, such backlog posts in promotions are filled up in the subsequent years.

1.13 As such, the promotion policy is reviewed every year and depending upon organizational requirements as also to motivate the employees, adjustments in promotion are made accordingly. In promotion, every year the Departmental Promotion Committees are appraised before start of proceedings about the backlog to be filled and the probable points which will be arising for filling up the posts. The SC/ST representative and HR representative ensure that the required number of SC/ST points, including the backlog, if any, are selected, subject to availability of eligible candidates, fulfilling the minimum criteria for relevant grades.

1.14 With reference to the Committee recommendation that recruitment of Group C staff should also be made on all India basis so as to give equal opportunity to all SCs/STs in the country, Department of Public Enterprises (DPE) *vide* OM No. 24(11)/96 (GL-010)/GM dated 2nd November, 1998 and based on Supreme Court's Judgement [case of Excise Superintendent, Malkapatnam Krishan District, Andhra Pradesh *Vs.* K.P.N. Visweshwara Rao & Others (1996(6)SCALE 676)], has instructed that for recruitment for such categories, the vacancies are required to be notified on an All India basis through local/national dailies as also in the Employment News. Accordingly, advertisement for recruitment in Group C is done on all India basis where candidates of all over India are eligible to apply. However, as no specific instruction has been received regarding the applicability of reservation percentage (All India level or State level), the State level percentage for Group C posts is being implemented as per earlier guidelines.

1.15 for Group "D" posts, BHEL has not been making any fresh recruitment except in rare and exceptional cases such as court's decision.

1.16 In the above context, more details and actions taken/being taken by BHEL are given in the reply for Recommendation (Sl. No. 5 Para No. 2.29).

Comments of the Committee

1.17 The Committee feel that when advertisement for recruitment group 'C' is done on all India basis where eligible candidates from all over India are free to apply, it is perhaps appropriate to follow all India reservation percentage. The only concern of the Committee is that many deserving SC/ST candidates applying for Group 'C' posts should not be deprived of employment opportunity in BHEL due to non-issue of specific instructions on application of reservation percentage for Group 'C' posts. Moreover, Group 'C' posts being the feeder grade posts for promotion to Group 'B' posts for which there is no direct recruitments it is essential to have sufficient employees in Group 'C' posts. Keeping in view the Supreme Court judgement the Committee, therefore, urge the Ministry to obtain specific guidelines from the concerned Ministry. As the issue concerns policy matter the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST) should also be consulted so that there is no ambiguity in following reservation policy in recruitment of various Group 'C' posts while giving equal opportunity to all SCs/STs in the country.

Recommendation (Sl. No. 10, Para No. 3.7)

1.18 The Committee note that the Ministry have furnished the details of employees including SCs and STs amongst them appointed on compassionate grounds by BHEL during the years 2005, 2006, 2007, 2008 and 2009 (till 15.10.2009). However, the details of the pending cases with BHEL have not been furnished despite admitting that there are cases pending with the Company. It has also been informed that there are some cases of compassionate ground appointment on account of employee's death other than due to accident arising out of and in the course of employment. The Committee, should, therefore, be apprised as to the total number of cases including from SC and ST dependents of deceased employees that were received for appointment on compassionate grounds during each of the years 2005, 2006, 2007, 2008, 2009 and 2010 and their settlement/pending for appointment within three months of the presentation of this report.

Reply of the Government

1.19 In BHEL, immediate employment is considered for the dependant of the deceased employee based on the qualification of the dependant, if the death is due to accident arising out of and in the course of employment and in other cases of employee's death, whenever vacancies are sanctioned to Units in Group C & D, upto 25% vacancies are earmarked for being filled from dependants of deceased employees. The data on compassionate ground appointment is given below:—

Year	Number of applications received				Employment given		
	Group	Total	SC	ST	Total	SC	ST
1	2	3	4	5	6	7	8
2005	A	2	-	-	-	-	-
	B	6	3	-	-	-	-

1	2	3	4	5	6	7	8
	C	122	31	-	81	18	-
	D	13	4	-	-	-	-
2006	A	2	-	-	-	-	-
	B	10	2	-	2	1	-
	C	105	20	9	82	15	9
	D	7	3	-	0	-	-
2007	A	4	1	-	0	-	-
	B	6	2	-	1	-	-
	C	50	15	-	43	12	-
	D	7	3	-	3	-	-
2008	A	3	-	-	0	-	-
	B	5	2	-	1	1	-
	C	129	40	1	84	25	1
	D	16	4	2	-	-	-
2009	A	3	-	-	0	-	-
	B	3	1	-	0	-	-
	C	84	37	6	67	27	2
	D	12	4	1	0	-	-
2010	A	1	1	-	1	1	-
	B	1	-	-	0	-	-
	C	140	34	5	54	17	4
	D	6	3	-	0	-	-

Comments of the Committee

1.20 An overview of the data furnished on compassionate grounds appointments especially for the year 2010 shows that there were 20 applications of Scheduled Castes and one case of Scheduled Tribes pending for appointments. The Committee however have not been informed as to why all the applicants were not given employment on compassionate grounds. As the death of an earning member of a family always put the dependants in financial difficulty irrespective of the nature of death due to accident or death due to other reasons in the course of employment, BHEL is urged to show compassion to the bereaved families by giving appointments on compassionate grounds to the next of kin of the deceased employees. The Committee, therefore, desire that the management should take concerted efforts to give employment to the remaining dependants of all SC/ST deceased employees without any further delay and to inform the latest position within six months of the presentation of this report.

Recommendation (Sl. No. 11, Para No. 3.12)

1.21 The Committee note that the procedure cited for selection of candidates for

posting abroad is based on the specific requirement of the job at respective locations which is made with the approval of the CMD. The Committee also note that reservation orders do not apply to postings. However, the Committee desire that Management should give fair opportunity to SC/ST employees too should they are qualified and eligible for posting abroad. The Committee, therefore, urge the Management endeavour to nominate enough eligible SC/ST candidates for posting abroad.

Reply of the Government

1.22 It is assured that giving fair opportunity to qualified and eligible SC/ST employees is considered for posting abroad and has been the intent of BHEL's efforts.

Comments of the Committee

1.23 The Committee appreciate the positive attitude of the management of BHEL and its intention to give fair opportunity to qualified and eligible SC/ST employees for posting abroad. The Committee at the same time would like to see this good intention translated into action.

Recommendation (Sl. No. 12, Para No. 3.18)

1.24 The Committee are distressed to note that not a single ST employee was sent for training abroad during the years 2006 and 2007. However, during the years 2005 and 2008, there was representation of 3 ST employees in each year for training abroad. It has been informed that there is no reservation in nomination of employees for training abroad but employees are nominated based on the functional requirement and fulfilling other terms and conditions stipulated in the guidelines for regulation of training followed by the Company. Having noted that the company has a policy for regulation of nomination process for training abroad, the Committee stress that ST employees should not be ignored should they otherwise fulfil the eligibility criteria prescribed by the Company as foreign training is very important for employees' confidence building and of great value for advancement of their career. No doubt, it is the aspiration and dream of every employee to avail foreign training in his career. The Committee, therefore, urge the Management to ensure that the nomination of candidates from the recommendation stage by the Head of the concerned Unit should be done in a very transparent and fair manner so that eligible SC and ST candidates get equal opportunity for getting nominated to these trainings.

Reply of the Government

1.25 BHEL would like to assure the Committee that the Company is committed to providing platforms for its SC/ST employees for their career growth, including concerted efforts in providing equal opportunity to them for getting nominated to foreign trainings in a fair manner.

Comments of the Committee

1.26 The Committee would like to know the number of SCs and STs nominated for foreign training during the years 2009, 2010 and 2011.

Recommendation (Sl. No. 19, Para No. 4.6)

1.27 The Committee note that during the year 2008, there were 65 cases of false caste certificates out of which 57 cases were pending with district authorities for verification/cancellation, 6 cases were pending in courts and in 2 cases disciplinary action was initiated which were in different stages of process. According to the status as on 30th June, 2009, there were a total of 61 cases of false caste certificates, out of which 56 cases were pending with district authorities for verification/cancellation and 5 cases were pending in courts. The Committee note that in recent years instances of securing employment on the basis of false caste certificates are on the rise and have become a menace in every organization. The Committee are distressed by the fact that most of such cases are either pending with district authorities or in courts rendering the Management hapless in taking expeditious decision in the matter. In BHEL, it has been reported that some cases are pending with district authorities since prior to year 2000 and in courts since the year 2000 onwards. The Committee are shocked that a public undertaking which is one of the navratnas has failed to check a number of persons in securing employment on the basis of false caste certificates and thereby deprived the rights of genuine SCs and STs to get appointment in the company. The Committee are of the view that there are some loopholes in appointment procedure which BHEL has to set right immediately. The Committee, therefore, recommend that BHEL should review its procedure for recruitment/appointment within three months of presentation of this report and strictly insist on production of original caste certificate as prescribed while offering appointment at entry level of candidates. Had the BHEL been extra careful at entry level only, such a large number of false caste certificate cases would not have been pending with district authorities and in courts. The gravity of the issue of getting employment on the basis of false caste certificate has assumed immense proportion that in one such case of a bank employee who got appointment on the basis of false caste certificate, the Supreme Court had pronounced its ruling stating that such persons do not deserve any sympathy or indulgence of the court because a person, who enters the service by producing false caste certificate and obtains appointment for the posts meant for SCs/STs/OBCs deprive a genuine candidate falling in either of the said categories of appointment to the post. The Apex Court ruling further says that equity, sympathy or generosity have no place where the original appointment rests on a false caste certificate. The Committee are, therefore, of the firm view that the problem of false caste certificate cannot be tackled half-heartedly but has to be dealt with iron-hand, so that a strong message is sent to all concerned that false caste certificate cases are to be handled very seriously by all Government Departments and public sector undertakings. The Committee, therefore, recommend that once the case of false caste certificate is proved, the Management should immediately dismiss the person and not hesitate to file a criminal case against the person.

Reply of the Government

1.28 The Caste Certificate strictly in the prescribed format issued by the prescribed Competent Authority is required and insisted upon to be produced in original along with other certificates at the time of interview as well as initial appointment. Further, as per procedure, a copy of the Caste Certificates of SC/ST/OBC candidates are sent for verification to concerned District Authority immediately after joining. It needs to be

mentioned here that the process of verification and/or re-verification by District Authority/Verification Committee at District Level in some cases, generally takes long time. At times, some cases are immediately referred to various Courts by the candidates for stay or *de-novo* enquiry. In this process, a few of the Caste Certificates reported earlier as false, are found to be genuine and others get stayed by the Courts or ordered for *de-novo* enquiry.

1.29 It is assured that the cases of getting employment in BHEL based on false certificate(s) are taken very seriously. In this regard, once the certificate is proved false, dismissal process starts immediately.

Comments of the Committee

1.30 The Committee are of the strong view that in proven cases of false caste certificates, persons should not only be dismissed from service but a criminal case should be filed against him immediately so as to send a strong message that BHEL is not taking such cases very lightly.

Recommendation (Sl. No. 20, Para No. 4.7)

1.31 The Committee are also of the view that only giving directions to the units of BHEL to closely follow-up the cases with the concerned State Government authorities for speedy disposal of the false caste certificate will not suffice to tackle these problems. In regard to 56 cases pending with district authorities for verification and cancellation, the Committee would like to stress that the Management should approach the concerned district authorities for expeditious disposal of the cases. The district authorities should be given time period to complete the task of verification. In case these are not received, the district authorities should be clearly told that in case they do not send their comments within the prescribed period, they would be held responsible should the Company take action on its own in the matter. As for cases pending in courts, earnest efforts should be made to contact the registrar so that the cases may taken up for early hearing and disposal. The Committee also strongly recommend that BHEL should ask their lawyers to file early hearing petitions in respect of cases pending in courts since 2000 so that these are settled at the earliest. The Committee also recommend that the Management should closely monitor the progress made by different units in this regard by seeking quarterly progress report from them and if required to give necessary advice and guidance for early settlement of the cases.

Reply of the Government

1.32 Constant and concerted follow-up by BHEL Units with the District Authority is being done for all the pending cases for verification. As for those cases pending in courts, BHEL lawyers are relentlessly pursuing the same with the courts for early settlement. As desired by the Committee, pending cases will be closely monitored by Corporate Office by seeking quarterly reports from the Units.

Comments of the Committee

1.33 The Committee are concerned that a large number of cases of false caste certificates are still pending with State Government authorities for verification/cancellation. Some of those are reported to be more than a decade old. Despite the

clear instruction by the Committee that the district authorities should be given time to complete the task of verification and in case of failure to send their comments within a prescribed period, no such action seems to have been taken by BHEL. In this connection, letter No. 36022/1/2007-Estd. (Res.) dated the 20th March, 2007 issued by DoP&T to the Chief Secretaries of all States/UTs on the recommendation of the Committee should be invoked while dealing with District authorities. The Committee, therefore, reiterate their earlier recommendation and also like to be apprised of the present position in regard to 57 cases pending with District authorities as on 30th June, 2009. The present position in regard to 5 court cases should also be furnished.

Recommendation (Sl. No. 24, Para No. 4.31)

1.34 The Committee note that BHEL hires firms/companies on contract/tender basis for execution of various projects across the country. However, it has been noted that no reservation has been provided for hiring SC/ST contractors in award of any contract under the Works Policy of BHEL. As such, no information on the number of SC/ST contractors hired by BHEL is maintained. The Committee feel that as a matter of social justice and concern for socio-economic development of SC/ST communities, certain share of the works/contracts should be reserved for SC/ST contractors. The Committee would like to emphasis that socio-economic development of the SCs and STs and their upliftment should not be left to the initiatives of Government alone but such positive cause should also be espoused by all PSUs including BHEL. The Committee feel that only when every agency/organisation, whether Government or private join hands together and work in tandem, the plight of the SCs and STs in this country can be improved. The Committee, therefore, recommend that BHEL being a 'navaratna' company and one of the most well managed companies in consultation with the Department of Public enterprises should take the lead and formulate a guideline to give reservation to SCs and STs in award of contracts by the company.

Reply of the Government

1.35 Recommendations of the Committee have been communicated to DPE for examining the case in broader perspective.

Comments of the Committee

1.36 The Committee should be apprised of the action taken by the DPE on the matter.

Recommendation (Sl. No. 26, Para No. 4.47)

1.37 The Committee note that periodic meetings with SC/ST Employees Associations are held to sort out their problems and grievances. The Committee further note that office space and other required infrastructure facilities such as telephones, furniture etc. to run an office are provided to recognized associations at various units. The Committee also appreciate that the Chairman personally visited the manufacturing units of BHEL and interacted with them while on tour. The Committee desire that in addition to the existing infrastructure provided to the associations such as office space, telephones and furniture, other necessary infrastructure such as computer with internet facilities should also be provided to them. The Committee also urge the

Management to invite representative of SC/ST Employees Associations whenever important decision on matters of SC/ST employees have to be considered. The Committee urge the management not to subject the office bearers of SC/ST Employees Associations to frequent transfer and postings keeping in mind their commitment for the welfare of their fellow employees. The Management should be patient to hear and promptly redress the grievances/complaints brought up by the SC/ST Employees Associations for solution and redressal. The Committee desire that as far as possible the Management should show magnanimity and assume the role of patron to guide and assist the SC/ST Employees Associations in the right direction.

Reply of the Government

1.38 BHEL is committed to facilitate promotion of general cause of welfare of its SC/ST employees. A quarterly meeting of Unit management and SC/ST Associations of Delhi based Units of the Company was held at BHEL's Corporate Office on 09.12.2010 to discuss the issues of general interest of SCs/STs in an open forum.

Comments of the Committee

1.39 The Committee appreciate BHEL's commitment to facilitate promotion of general cause of welfare of its SC/ST employees. The Committee opine that it would be in the larger interest of the organisation if the SC/ST Associations are taken into confidence rather than dissuade them from meetings or taking up other policy decisions concerning their welfare without consulting them. The Committee desire that Management should provide SC/ST Associations at various units with necessary infrastructures such as telephones, basic furnitures, computer with internet link and once in a while or whenever, necessary joint meeting of representatives of various units should be called at Corporate Office to sort out various grievances of the SC/ST employees and to discuss other issues of general interest of SC/ST employees.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No. 2, Para No. 2.12)

2.1 The Committee note that BHEL has recently introduced an on-line system for recruitment process wherein applications are received on-line against the advertised vacancies carried out in National Dailies and Employment News. It has been noted that on-line permission slips for written test as well interview call letters are sent to the candidates through internet. Even results of successful candidates are displayed on official website of the Company and offer of appointment to selected candidates are also notified on the website as well as sent individually through registered posts. The Committee note that overall the use of information technology is a great boon to mankind, institutions, organizations etc. as it helps save resources and time. However, it should also be noted that the use of information technology in recruitment is not always pragmatic because not many SC/ST candidates especially those residing in remote areas do not have access to these kind of facilities. It is, therefore, advisable that apart from using the services of information technology, the conventional system of advertisement through National/Local dailies, Employment News and correspondence and intimation through letters should be continued. The Committee also desire that copies of advertisement should be provided to the members of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes and also to recognized SC/ST Employees Welfare Associations of BHEL to facilitate them in sponsoring reserved candidates.

Reply of the Government

2.2 Apart from the on-line system for recruitment process in BHEL, advertisements of vacancies are also given wide publicity in National Dailies and Employment News as mentioned in the recommendation of the Committee. The advertisements are also already being sent to the recognized SC/ST Employees Welfare Associations of the Company and are hosted on the website of BHEL. In addition to these measures, copies of advertisement shall be provided to the Members of Parliamentary Committee on the Welfare of SCs & STs as advised & sought by the Committee.

Comments of the Committee

2.3 Please *see* Para No. 1.10 of Chapter-I.

Recommendation (Sl. No. 4, Para No. 2.22)

2.4 It has been reported that recruitment is a continuous process and often there is an overlapping of a recruitment cycle in 2 calendar years. It has also been stated that recruitment of Artisans in Group C was in progress and that shortfall of 19 ST posts would be filled up by December, 2009. The Committee would like to know whether all

those ST vacancies have been fully filled up. The Committee also would like to stress on the need to fill up reserved vacancies of a given year within the same recruitment year and not be kept for the next recruitment year. Otherwise, special recruitment drive should be conducted to fill up the reserved vacancies so that SC/ST persons are not deprived of their opportunity due to delay in recruitment procedure.

Reply of the Government

2.5 Yes, the 19 posts for STs of 2009 were filled up at the close of December 2009. Further, it is assured that BHEL has no intention to deprive SC/ST candidates of an opportunity to fill up the reserved vacancies in the Company. For this, the Company makes all efforts to ensure filling up all the vacancies, including reserved SC/ST vacancies, within the same recruitment year. In this regard, the recruitment process is generally timed taking into due consideration the declaration of results by various educational institutions as well as facilitate maximum participation even from far flung regions of the country. As such, the recruitment process in itself takes around 4-5 months from advertisement of vacancies to joining by the candidates. This includes written test, interview of short-listed candidates, medical etc. Moreover, joining time of 3-4 weeks is generally given to the selected candidates. In some recruitment cycles, few SC/ST posts can remain unfilled due to candidates not joining, candidates seeking time extension and also overlapping of joining process in two calendar years. However, the unfilled vacancies due to this are filled up in the subsequent recruitment cycle in the same recruitment year, or in very exceptional & few cases, in the next recruitment year due to close of a recruitment year soon after completion of previous cycle. It is presently observed that SC/ST candidates are keen on joining BHEL, and the Company has been able to fill up reserved SC/ST vacancies in recruitment without having to resort to special recruitment drives .

Recommendation (Sl. No. 8, Para No. 2.43)

2.6 The Committee should also be apprised of the outcome of the recruitment exercise reported to have been undertaken during the years 2008 and 2009 as mentioned in the footnote of the statement of promotion at para 2.40.

Reply of the Government

2.7 Recruitment made during 2008 & 2009

Group	2008			2009		
	Total	SC	ST	Total	SC	ST
A	1736	296	132	549	105	31
B	9	1	0	37	4	6
C	3550	701	213	1776	340	106
D	9	5	0	0	0	0
Total	5304	1003	345	2362	449	143

2.8 The Committee may like to note that recruitment in BHEL is presently being made only in the lowest grade/cadre of Group 'A' and 'C' based on the present/future business requirement of the Company. Reservation requirements for every recruitment cycle are being fully met and Presidential Directives on reservation in recruitment strictly complied with. In Group 'B' and 'D' posts, BHEL has not been making any fresh recruitment except in rare and exceptional cases such as court's decision, bi-partite/ tripartite agreement etc.

Recommendation (Sl. No. 11, Para No. 3.12)

2.9 The Committee note that the procedure cited for selection of candidates for posting abroad is based on the specific requirement of the job at respective locations which is made with the approval of the CMD. The Committee also note that reservation orders do not apply to postings. However, the Committee desire that Management should give fair opportunity to SC/ST employees too should they are qualified and eligible for posting abroad. The Committee, therefore, urge the Management endeavour to nominate enough eligible SC/ST candidates for posting abroad.

Reply of the Government

2.10 It is assured that giving fair opportunity to qualified and eligible SC/ST employees is considered for posting abroad and has been the intent of BHEL's efforts.

Comments of the Committee

2.11 Please *see* Para No. 1.23 of Chapter I.

Recommendation (Sl. No. 12, Para No. 3.18)

2.12 The Committee are distressed to note that not a single ST employee was sent for training abroad during the years 2006 and 2007. However, during the years 2005 and 2008, there was representation of 3 ST employees in each year for training abroad. It has been informed that there is no reservation in nomination of employees for training abroad but employees are nominated based on the functional requirement and fulfilling other terms and conditions stipulated in the guidelines for regulation of training followed by the Company. Having noted that the company has a policy for regulation of nomination process for training abroad, the Committee stress that ST employees should not be ignored should they otherwise fulfil the eligibility criteria prescribed by the Company as foreign training is very important for employees' confidence building and of great value for advancement of their career. No doubt, it is the aspiration and dream of every employee to avail foreign training in his career. The Committee, therefore, urge the Management to ensure that the nomination of candidates from the recommendation stage by the Head of the concerned Unit should be done in a very transparent and fair manner so that eligible SC and ST candidates get equal opportunity for getting nominated to these trainings.

Reply of the Government

2.13 BHEL would like to assure the Committee that the Company is committed to providing platforms for its SC/ST employees for their career growth, including concerted efforts in providing equal opportunity to them for getting nominated to foreign training in a fair manner.

Comments of the Committee

2.14 Please *see* Para No. 1.26 of Chapter-1.

Recommendation (Sl. No. 13, Para No. 3.19)

2.15 The Committee also note that the number of SC and ST candidates sent abroad for attending seminars/symposia/conferences was low. It has been stated that based on the functional requirement employees are being nominated for attending company sponsored seminars etc. The Committee, therefore, recommend that as far as practicable, preference should be given to SC/ST employees for attending seminars/symposia/conferences scheduled to be held abroad.

Reply of the Government

2.16 It is assured that it has always been BHEL's efforts to provide opportunity to its SC/ST employees for attending seminars/symposia/conferences abroad in a fair and practicable manner.

Recommendation (Sl. No. 17, Para No. 3.32)

2.17 The Committee also note that an officer of the rank of Deputy Secretary has been designated as Liaison Officer in the Ministry of Heavy Industries. The Committee urge the Liaison Officer to conduct periodic inspection of the undertakings including BHEL to check that rosters maintained by them and to ensure that Presidential Directives on reservation of SCs and STs are implemented in letter and spirit.

Reply of the Government

2.18 The Liaison Officer of this Department has been conducting inspection of the PSUs under this Department including BHEL. However, he has been directed to conduct such exercise more often.

Recommendation (Sl. No. 18, Para No. 3.35)

2.19 The Committee note that rosters maintained at Head Office and also at regional offices are inspected by respective Liaison Officers and necessary action as suggested by the Liaison Officers are taken. It was also informed that the representatives of the Ministry of Heavy Industry and Public Enterprises also visited the Head Office and regional/zonal/circle offices of BHEL to check the rosters. It has also been stated that no discrepancies were noticed during inspections. It appears that rosters maintained by various officers of BHEL are being properly maintained. It is, however reiterated that roster is a very important document as far as the welfare and interest of the SCs and STs are concerned. It is the only mechanism through which a watch is kept on the proper placement of SC/ST employees in their respective cadres against the vacancies reserved for them. In fact, the whole system of implementation of reservation orders rest on maintenance of rosters. It foretells the time by which the SC/ST employees become eligible for their next promotion by their placement in the roster. The Committee, therefore, urge the BHEL to entrust the job of maintaining rosters to officers who are well versed and acquainted with recruitment rules and maintain them strictly in accordance with the instructions laid down for the purpose. Rosters should be inspected regularly by the Liaison Officers and after every inspection, he should put his signature

and stamp as a token for having inspected. The Committee also recommend that the officers concerned for the maintenance of rosters as well as Liaison Officers should be made accountable for its proper maintenance.

Reply of the Government

2.20 BHEL is strictly adhering to the instructions given by the Government for maintenance of rosters including periodic inspection by Unit Liaison Officers and Corporate SC/ST Liaison Cell. Company Officers dealing with rosters are provided awareness training regularly. SC/ST Cell of the Department of Heavy Industry also carries out inspection of the Company's Rosters from time to time.

Recommendation (Sl. No. 19, Para No. 4.6)

2.21 The Committee note that during the year 2008, there were 65 cases of false caste certificates out of which 57 cases were pending with district authorities for verification/cancellation, 6 cases were pending in courts and in 2 cases disciplinary action was initiated which were in different stages of process. According to the status as on 30th June, 2009, there were a total of 61 cases of false caste certificates, out of which 56 cases were pending with district authorities for verification/cancellation and 5 cases were pending in courts. The Committee note that in recent years instances of securing employment on the basis of false caste certificates are on the rise and have become a menace in every organisation. The Committee are distressed by the fact that most of such cases are either pending with district authorities or in courts rendering the Management hapless in taking expeditious decision in the matter. In BHEL, it has been reported that some cases are pending with district authorities since prior to year 2000 and in courts since the year 2000 onwards. The Committee are shocked that a public undertaking which is one of the navratnas has failed to check a number of persons in securing employment on the basis of false caste certificates and thereby deprived the rights of genuine SCs and STs to get appointment in the company. The Committee are of the view that there are some loopholes in appointment procedure which BHEL has to set right immediately. The Committee, therefore, recommend that BHEL should review its procedure for recruitment/appointment within three months of presentation of this report and strictly insist on production of original caste certificate as prescribed while offering appointment at entry level of candidates. Had the BHEL been extra careful at entry level only, such a large number of false caste certificate cases would not have been pending with district authorities and in courts. The gravity of the issue of getting employment on the basis of false caste certificate has assumed immense proportion that in one such case of a bank employee who got appointment on the basis of false caste certificate, the Supreme Court had pronounced its ruling stating that such persons do not deserve any sympathy or indulgence of the court because a person, who enters the service by producing false caste certificate and obtains appointment for the posts meant for SCs/STs/OBCs deprived a genuine candidate falling in either of the said categories of appointment to the post. The Apex Court ruling further says that equity, sympathy or generosity have no place where the original appointment rests on a false caste certificate. The Committee are, therefore, of the firm view that the problem of false caste certificate cannot be tackled half-heartedly but has to be dealt with iron-hand, so that a strong message is sent to all concerned that false

caste certificate cases are to be handled very seriously by all Government Departments and Public Sector Undertakings. The Committee, therefore, recommend that once the case of false caste certificate is proved, the Management should immediately dismiss the person and not hesitate to file a criminal case against the person.

Reply of the Government

2.22 The Caste Certificate strictly in the prescribed format issued by the prescribed Competent Authority is required and insisted upon to be produced in original along with other certificates at the time of interview as well as initial appointment. Further, as per procedure, a copy of the Caste Certificates of SC/ST/OBC candidates are sent for verification to concerned District Authority immediately after joining. It needs to be mentioned here that the process of verification and/or re-verification by District Authority/Verification Committee at District level in some cases, generally takes long time. At times, some cases are immediately referred to various Courts by the candidates for stay or *de-novo* enquiry. In this process, a few of the Caste Certificates reported earlier as false, are found to be genuine and others get stayed by the Courts or ordered for *de-novo* enquiry.

2.23 It is assured that the cases of getting employment in BHEL based on false certificate(s) are taken very seriously. In this regard, once the certificate is proved false, dismissal process starts immediately.

Comments of the Committee

2.24 Please *see* Para No. 1.30 of Chapter - I.

Recommendation (Sl. No. 21, Para No. 4.12)

2.25 The Committee note that BHEL has a well established grievance redressal mechanism for all employees including SC/ST employees. It has a three-tier approach, where in each stage of the process, complaints/grievances of aggrieved employees can be redressed within a specific time frame by an appropriate authority. In addition to the above, aggrieved SC/ST employees are also free to approach the Liaison Officer directly for redressal of his complaints/grievances. In spite of having a well established procedure for redressal of complaints/grievances, the record of settlement of cases as per information provided to the Committee is not satisfactory. The Committee note that every year the complaints/grievances are being carried forward to the next year. It is stated that most of the complaints/grievances of SCs and STs are related to cadre change promotion. It is certain that only when employees have grievances/complaints, do they approach the authority for redressal. Therefore, it should be the endeavour of the Management to address and settle the complaints/grievances in a time bound manner. The Committee, therefore, recommend that cases of complaints of SCs and STs pending settlement as in June, 2009 should be settled within a time frame and inform the Committee of the nature of action taken within three months of the presentation of the Report.

Reply of the Government

2.26 All 22 pending cases of grievances of SC/ST employees as on June, 2009 were settled by December, 2009.

2.27 As per the procedure followed in BHEL, the grievances is tried to be redressed in various phases, and the decision is implemented and informed to the aggrieved employee.

Recommendation (Sl. No. 25, Para No. 4.42)

2.28 The Committee note that BHEL as a responsible corporate citizen has undertaken various socio-economic and community development programmes near its manufacturing units and corporate office. It has carried out community development programmes in environment conservation, education, health management, drinking water facility, non-conventional energy management, support to physically/mentally challenged persons, contribution to PM's Relief Fund, adoption of villages etc. The Committee also note that record of socio-economic development activities, schemes and programmes for community development undertaken by the company encompasses all sections of the society. The Committee feel that BHEL can contribute a lot more for the socio-economic development of the SCs and STs not only in the vicinity areas of manufacturing units but all over the country. The Committee stress that allocation made for CSR should be focused more on socio-economic development of individual SC/ST families rather than covering all other communities. The Committee, therefore, recommend that in tune with the guidelines on the subject, BHEL should fully spend funds allocated under CSR in a structured manner so that activities, schemes and programmes undertaken under CSR directly benefits individual SCs/STs or SC/ST families.

Reply of the Government

2.29 Socio-economic and community programmes/works being undertaken by BHEL in the areas of education, health management, drinking water facility, adoption of villages etc. are inclusive welfare activities/schemes which covers the weaker sections of the Society mainly SC/ST dominated communities. Recently, Department of Public Enterprises (DPE) *vide* Office Memorandum F.No. 15(3)/2007-DPE(GM)-GL-99 dated 9.4.2010 has come out with detailed guidelines on the Corporate Social Responsibility (CSR) activities to be undertaken by the PSUs. BHEL has aligned all its CSR activities with the DPE guidelines and will continue to focus on development of SC/ST communities under CSR.

Recommendation (Sl. No. 26, Para No. 4.47)

2.30 The Committee note that periodic meetings with SC/ST Employees Associations are held to sort out their problems and grievances. The Committee further note that office space and other required infrastructure facilities such as telephones, furniture etc. to run an office are provided to recognized associations at various units. The Committee also appreciate that the Chairman personally visited the manufacturing units of BHEL and interacted with them while on tour. The Committee desire that in addition to the existing infrastructure provided to the associations such as office

space, telephones and furniture, other necessary infrastructure such as computer with internet facilities should also be provided to them. The Committee also urge the Management to invite representative of SC/ST Employees Associations whenever important decision on matters of SC/ST employees have to be considered. The Committee urge the management not to subject the office bearers of SC/ST Employees Associations to frequent transfer and postings keeping in mind their commitment for the welfare of their fellow employees. The Management should be patient to hear and promptly redress the grievances/complaints brought up by the SC/ST Employees Associations for solution and redressal. The Committee desire that as far as possible the Management should show magnanimity and assume the role of patron to guide and assist the SC/ST Employees Associations in the right direction.

Reply of the Government

2.31 BHEL is committed to facilitate promotion of general cause of welfare of its SC/ST employees. A quarterly meeting of Unit management and SC/ST Associations of Delhi based Units of the Company was held at BHEL's Corporate Office on 09.12.2010 to discuss the issues of general interest of SCs/STs in an open forum.

Comments of the Committee

2.32 Please *see* Para No. 1.39 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. 3, Para No. 2.18)

3.1 The Committee note that as per the Presidential Directives certain concessions/ relaxations such as relaxation in age, exemption from payment of application fee, relaxation in required percentage of marks and reimbursement of travelling expenses are given to SC and ST candidates in recruitment. In this regard, the Committee would like to state that at times some organisations in their advertisement for recruitment ask, in addition to the required essential qualification, extraneous qualifications, desirable qualifications and trade experiences which are very disadvantageous for many SCs and STs who barely possess the minimum essential qualification. The Committee opine that as far as the recruitment of SCs and STs are concerned, apart from the minimum essential qualification required, on other extraneous qualifications, desirable qualifications or experiences should be prescribed by the recruiting agency. Many a times, it is seen that candidature of SCs and STs are rejected and the vacant SC/ST posts are not filled up on the ground that they were not found to be suitable. It should be the endeavour of the Company to first offer them a job if they possess the minimum essential qualification and then to give them proper in-house training as per the demand of the job. The Committee, therefore, urge the Management that for recruitment of SC and ST candidates in jobs/posts reserved for them, extraneous and desirable qualifications with requirement for trade experiences should not be insisted upon and their suitability should not be rejected on such grounds. Possessing the minimum essential qualifications should be enough ground for SC/ST candidates to be eligible to be considered for the posts because possessing of higher degree and qualifications does not guarantee efficiency in performance.

Reply of the Government

3.2 Direct recruitment at present in BHEL is normally made at certain specified levels as follows:—

- (i) Engineer/Executive Trainee (ET) level in Group A.
- (ii) Artisan/Supervisor Trainee/Para-Medical staff in Group C.

3.3 Minimum qualifications have been specified for each of the above grades. Moreover, on extraneous and desirable qualification with experience in respective trade is required for induction in these grades. As such, candidates having higher qualification than the stipulated induction level qualification are not given more weightage in the selection process.

3.4 In few exceptional cases with respect to latest induction requiring experienced personnel, especially in areas such as Medical/Legal/Finance etc., experience is also prescribed along with qualification as this is required for the job.

Recommendation (Sl. No. 5, Para No. 2.29)

3.5 As per the position of staff strength as on 01.01.2009, there is no data/information in regard to the number and percentage of shortfall of SCs and STs. However, it has been stated that all the reserved vacancies for recruitment have been filled and there is no backlog/shortfall in recruitment after Special Recruitment Drive undertaken in 2004-05. The Committee, however are surprised that this fact has not been reflected as much as the percentage of STs in the staff strength for all categories of posts is very low compared to other communities. It is distressing to note that even in Group D posts where the requirement of education qualification might not be high, the number of ST in Group D posts is only 3.11% of the total Group D strength. While deposing before the Committee, the Chairman, BHEL admitted that in the past it was difficult to get ST but now it is not that difficult. He also stated that in the overall cadre, there may be shortfalls, but as far as new recruitments are concerned, they do not face any difficulty. Should the Committee, therefore, view that the deficiency in shortfall lies in promotion? Otherwise, if there is no shortfall in recruitment, how is it that the percentage of ST in all Groups is below the prescribed limit? It is the bounden duty of the Company and Government to ensure that the percentage of SC/ST employees is maintained in all categories of posts on recruitment and promotion. Having noted that the percentage of reservation in recruitment of STs in Group C and D varies from State to State and ranges from 0% to 3% whereas the percentage of reservation on promotion is uniform and fixed at 7.5%, the Committee strongly feel that a solution should be found to resolve the problem of maintaining staff strength of ST at prescribed limit in Group C and D posts. Having been informed that there is no dearth of suitable ST candidates now at recruitment stage, the Committee stress that BHEL should ensure that there are enough number of STs in the feeder cadre too for promotion to maintain the prescribed percentage for them. The Committee, therefore, recommend that BHEL in consultation with the Government should examine the issue of maintaining staff strength of STs at the prescribed limit taking into consideration the peculiar situation of variable percentage of reservation in recruitment in Group C and D posts in different States vis-a-vis the uniform percentage of reservation in promotion to clear the confusion. The Committee further, strongly urge the Management to thoroughly study the merits and demerits of recruitment of only local candidates for Group 'C' and 'D' posts (Both technical and non-technical) by local units based on the reservation percentage of the States and to examine whether ST candidates from other States should also be recruited so as to maintain the prescribed percentage of STs. The Committee also observe that there is shortfall of SCs in Group A posts and that of STs in both Group A and B posts. The Committee recommend that BHEL should wipe out all shortfall of SCs and STs in respective posts.

Reply of the Government

3.6 As per guidelines for Post roster system, cadre strength is taken into consideration for arriving at number of reserved vacancies in recruitments with a view to maintaining the prescribed percentage of 15% for SCs and 7.5% for STs in the case in which recruitment take place. There is no guidelines for additional recruitment above the prescribed percentage for removal of shortage of reserved categories in the overall/

total strength. Recruitment in BHEL is presently being made only in the lowest grade/ cadre of Group 'A' and 'C' based on the present/future business requirement of the Company. Reservation requirements for every recruitment cycle are being fully met and Presidential Directives on reservation in recruitment strictly complied with.

3.7 It may be mentioned that the combined representation percentages of SCs and STs in the overall strength works out to 25.04% (19.66%+5.38%) as on 30.06.2010, which is more than the combined requirement of 22.50% (15%+7.5%).

3.8 While BHEL is fully ensuring reservation requirement of ST employees in recruitment after advent of Post based reservations, the overall ST representation in the manpower strength appears to be less, due to the following factors:—

- (i) Inter-se-change of ST vacancies with SC, after 3 years of Carry Forward, was earlier permitted till 2003. As a result, if ST candidates were not available, the vacancies were getting filled by SC candidates, thereby resulting in shortage of ST candidates and excess in SC candidates, even though the guidelines on reservation were being followed.
- (ii) De-reservation in direct recruitment was permitted till 31.03.1989 due to which some shortfall in reservation could have resulted earlier.
- (iii) In case of direct recruitment in Group 'C' and 'D' posts, in some of the States where BHEL has Units, the percentage of reservation for ST is as low as 0%, 1% and 3% while reservation in promotion is 7.5% on all India basis. As a result of this, the overall percentage of ST appears to be less, while BHEL is adhering to the reservation requirement in recruitment in all categories of posts.
- (iv) In Group 'B' and 'D' posts, practically no recruitment has been taking place from open market taking into consideration the Company's requirements, except in rare and exceptional cases such as court's decision, bi-partite/tri-partite agreement, internal selection for site postings, Rajbhasha etc.
- (v) As per the Government Directives on reservation in recruitment, the number of vacancies to be filled by reservation (*i.e.* for SC, ST & OBC) excluding the backlog vacancies for these categories, should not exceed 50% of the total vacancies in a particular recruitment year. In view of these Directives, only the required number of ST candidates as per the Recruitment Rosters, with the exception of those coming on merit, can be appointed in a recruitment year. With this mandatory requirement for filling up the posts, the present shortfall of ST in various Groups can be made up only over the years, with the retirement of excess general category employees and appointment of required number of ST candidates complying with the guidelines for implementing Recruitment Rosters.

Action Plan to fill up the shortage:—

- (i) Wide publicity of vacancies is being made in all India level including far-flung areas in respect of group 'A' and 'C' posts, to attract more SC/ST employees so

that more of them could come on merit thereby improving the overall strength of reserved categories.

- (ii) With the prescribed percentage limit of filling up the posts indicated at (v) above and since the recruitment is being made only in the lowest grade/cadre of group 'A' and 'C', the present overall shortfall of ST representation in the Company's manpower can only be made up over the years, with the retirement of excess general category employees and appointment of required number of ST candidates, complying with the guidelines for implementing Recruitment Rosters.
- (iii) The standards of selection are being relaxed to a considerable extent, for SC/ST candidates to fulfil the reservation requirement as de-reservation is banned in recruitment.
- (iv) Campus selection is being resorted to in the far flung areas where ST population is concentrated to induct the required number of ST candidates.
- (v) Post-recruitment training programme for ST candidates to bring them at par with the required standard, through special development programmes have been designed, for implementation.

3.9 As explained above, BHEL is making all out efforts to improve the overall representation of STs by inducting more number of ST candidates on merit especially in Groups A and C where recruitment is normally resorted to in BHEL. The shortfall will be made up over the years. For reservation in recruitment and promotion, BHEL is strictly implementing Presidential Directives issued by Department of Personnel & Training (DoP&T)/Ministry of HI&PE on the subject from time to time.

Recommendation (Sl. No. 6, Para No. 2.41)

3.10 It has been stated that the causes of shortfall in promotion is due to non-availability of ST candidates in the feeder cadre. The reason for non-availability of ST candidates in the feeder cadre is that BHEL mainly operates in 12 different States in the country, where the percentage of reservation for recruitment especially for Group C and D posts is very low whereas, the percentage of reservation of STs in promotion is uniform *i.e.* 7.5%. It was also stated that since percentage reservation of recruitment in Group C and D posts is based on State-wise norms, there is resultant shortfall in promotions. However, the Committee note that the situation in respect of Group A and B posts is also same even though the prescribed percentage in recruitment and promotion is uniform. According to the updated information furnished to the Committee in November, 2009, the promotions given to STs especially in Group 'A' and 'B' posts is very dismal and for Group 'C' posts the figure was still low. The Committee are of the view that non-availability of SC/ST candidates in the feeder cadre for promotion is wholly the failure of the Management in not able to recruit enough SCs/STs in the feeder grade due to its lack of commitment towards the welfare and development of SCs and STs. The Committee, therefore, urge the Management to review the recruitment and promotion policies to find a lasting solution to the problem of shortfall not only in promotion but also in recruitment of SC/ST employees. The Committee desire that the Management should consult the Ministry/Department of Public Enterprises to work

out a formula to do away with this problem. The Committee further recommend that recruitment of Group C staff should also be made on all India basis so as to give equal opportunity to all SCs/STs in the country but to keep Group 'D' posts exclusively for local candidates. The Committee further recommend that the Management should also take immediate steps to ensure that sufficient candidates are readily available in Group C posts which are the feeder cadre for further promotions.

Reply of the Government

3.11 Reservation for SC/ST candidates in recruitment at specified induction level is being made in BHEL in accordance with the Government Directives. At other levels beyond induction level in various Groups, no direct recruitment takes place except in case of Medical/Legal/Finance/Highly Technical professional. Also, in promotion, officials of the feeder cadre are promoted on the basis of fulfilment of eligibility conditions. Wherever adequate number of SC/ST candidates are not available in the feeder grade for promotion to cadre change grade where the Rosters are applicable, the backlogs in promotion if any, are diverted for filling up by direct recruitment by inducting additional number of reserved candidates in recruitment, thereby giving benefits of reserved points in promotion to the respective category candidates only. Alternatively, such backlog posts in promotions are filled up in the subsequent years.

3.12 As such, the promotion policy is reviewed every year and depending upon organizational requirements as also to motivate the employees, adjustments in promotion are made accordingly. In promotion, every year the Departmental Promotion Committees are appraised before start of proceedings about the backlog to be filled and the probable points which will be arising for filling up the posts. The SC/ST representative and HR representative ensure that the required number of SC/ST points, including the backlog, if any, are selected, subject to availability of eligible candidates, fulfilling the minimum criteria for relevant grades.

3.13 With reference to the Committee recommendation that recruitment of Group C staff should also be made on all India basis so as to give equal opportunity to all SCs/STs in the country, Department of Public Enterprises (DPE) *vide* OM No. 24(11)/96 (GL-010)/GM dated 2nd November, 1998 and based on Supreme Court's Judgement [case of Excise Superintendent, Malkapatnam Krishan District, Andhra Pradesh Vs. K.P.N. Visweshwara Rao & Others (1996(6) SCALE 676)], has instructed that for recruitment for such categories, the vacancies are required to be notified on an All India basis through local/national dailies as also in the Employment News. Accordingly, advertisement for recruitment in Group C is done on all India basis where candidates of all over India are eligible to apply. However, as no specific instruction has been received regarding the applicability of reservation percentage (All India level or State level), the State level percentage for Group C posts is being implemented as per earlier guidelines.

3.14 For Group "D" posts, BHEL has not been making any fresh recruitment except in rare and exceptional cases such as court's decision.

3.15 In the above context, more details and actions taken/being taken by BHEL are given in the reply for Recommendation Sl. No. 5 (Para No. 2.29).

Comments of the Committee

3.16 Please see Para No. 1.17 of Chapter-I.

Recommendation (Sl. No. 7, Para No. 2.42)

3.17 The Committee regret to note that ST backlog vacancies in promotion can be dereserved for filling up by unreserved candidates in the subsequent year. The Committee, however, note that in the year 2008, 10 SC and 11 ST backlog vacancies in Group A were diverted for filling up through direct recruitment and in Group C, 3 SC and 8 ST backlog vacancies were filled up. In the year 2009 too, 2 SC and 4 ST in Group A and 2 SC and 20 ST in Group C were in the process of diversion for filling up through direct recruitment. The Committee are of the view that de-reservation of posts reserved for SCs and STs is the least desirable and desire that BHEL should resort to direct recruitment, if sufficient SC and ST are not available in the feeder cadre for promotion in view of power of relaxation as contained in OM No. AB 14017/30/89-Estt. (RR) dated 10.7.1990. If at all, de-reservation is inevitable, then it should be done strictly as per the prescribed procedures laid down in numerous OMs issued by the DoP&T. The Committee stress that before resorting to de-reservation of reserved vacancies all viable options should be explored and in no way, de-reservation should be resorted to unless absolute necessary. The Committee, therefore, recommend that before resorting to de-reservation of reserved posts, the relevant provisions of DoP&T instructions as enumerated in their OMs No. 36011/25/79-Estt.(SCT), dated 16.11.1979; 36011/5/81-Estt.(SCT), dated 7.4.1981 and 36011/2/83-Estt.(SCT), dated 15.3.1984 and their latest OM on the subject 36012/17/2002-Estt.(Res) dated 6.11.2003 should strictly be followed.

Reply of the Government

3.18 The Committee is assured that BHEL is not resorting to de-reservation of unfilled reserved posts in promotions though permitted under Presidential Directives, and it has been the Company's endeavor to fill up the reserved posts by respective reserved candidates only. Backlog posts in promotion, if any, are diverted and filled up through direct recruitment by inducting additional number of respective category candidates.

3.19 In the above context, more details and actions taken/being taken by BHEL, are given in the reply for Recommendation Sl. No. 5 and 6.

Recommendation (Sl. No. 9, Para No. 3.3)

3.20 The Committee note that BHEL has filled some posts on deputation from other Government Departments as well as sent its own employees on deputation to other departments. However, it is noted that not many employees have come on deputation after 2005 nor many have been sent on deputation to other departments. The number of SC/ST employees on deputation was negligible. The Committee opine that for the sake of career progression, SC/ST officers should be given opportunities in matter of deputation as it opens an avenue for them to get exposed to new work environment, improve upon their working skill and aptitude which eventually benefit the organisation. The Committee, therefore, desire that SC/ST officers should be encouraged to go on deputation or come on deputation to BHEL.

Reply of the Government

3.21 With reference to the Committee observation that not many employees have come on deputation after 2005 to BHEL nor many have been sent on deputation to other departments, Department of Public Enterprises (DPE) after a review of its guidelines on deputation *vide* OM No. 18(6)/2001-GM-GL-77 dated the 28th December, 2005 has permitted deputation only in very limited cases which are also subjected to various conditions. In this regard, the guidelines states that all attempts should be made to fill up the post on a regular basis. The option for filling up of a post on deputation should be used as an exception when all other avenues have been exhausted, and this also requires examination by DPE on case to case basis. Due to this restriction in general and also based on a few requirement of BHEL for deputation candidates, there is limited people coming in or going out on deputation.

3.22 Moreover, there is no reservation prescribed on deputation. As such, the issue of reservation of the deputationist is already taken care by appointing authority of the parent organization. For providing a platform to SC/ST employees to get exposed to new work environment, improve upon their working skill and aptitude, BHEL liberally deals with the issue of deputation.

Recommendation (Sl. No. 10, Para No. 3.7)

3.23 The Committee note that the Ministry have furnished the details of employees including SCs and STs amongst them appointed on compassionate grounds by BHEL during the years 2005, 2006, 2007, 2008 and 2009 (till 15.10.2009). However, the details of the pending cases with BHEL have not been furnished despite admitting that there are cases pending with the Company. It has also been informed that there are some cases of compassionate ground appointment of account of employee's death other than due to accident arising out of and in the course of employment. The Committee, should, therefore, be apprised as to the total number of cases including from SC and ST dependents of deceased employees that were received for appointment on compassionate grounds during each of the year 2005, 2006, 2007, 2008, 2009 and 2010 and their settlement/pending for appointment within three months of the presentation of this report.

Reply of the Government

3.24 In BHEL, immediate employment is considered for the dependant of the deceased employee based on the qualification of the dependent, if the death is due to accident arising out of and in the course of employment and in other cases of employee's death, whenever vacancies are sanctioned to Units in Group C & D, up to 25% vacancies are earmarked for being filled from dependants of deceased employees. The data on compassionate ground appointment is given below:—

Year	Number of applications received				Employment given		
	Group	Total	SC	ST	Total	SC	ST
2005	A	2	—	—	—	—	—
	B	6	3	—	—	—	—

Year	Number of applications received				Employment given		
	Group	Total	SC	ST	Total	SC	ST
2006	C	122	31	—	81	18	—
	D	13	4	—	—	—	—
	A	2	—	—	—	—	—
	B	10	2	—	2	1	—
2007	C	105	20	9	82	15	9
	D	7	3	—	0	—	—
	A	4	1	—	0	—	—
	B	6	2	—	1	—	—
2008	C	50	15	—	43	12	—
	D	7	3	—	3	—	—
	A	3	—	—	0	—	—
	B	5	2	—	1	1	—
2009	C	129	40	1	84	25	1
	D	16	4	2	—	—	—
	A	3	—	—	0	—	—
	B	3	1	—	0	—	—
2010	C	84	37	6	67	27	2
	D	12	4	1	0	—	—
	A	1	1	—	1	1	—
	B	1	—	—	0	—	—
	C	140	34	5	54	17	4
	D	6	3	—	0	—	—

Comments of the Committee

3.25 Please *see* Para No. 1.20 of Chapter—I

Recommendation (Sl. No. 14, Para No. 3.23)

3.26 The Committee note that BHEL provides training to a large number of ITI students including adequate number of SC/ST candidates under the Apprenticeship Schemes every year, and thus help them to get familiar with the type of skills required for recruitment. The Committee stress that SC/ST candidater should be given preference

in getting trained under the Apprenticeship Schemes so that there is good number of suitable SC/ST candidates for recruitment. The Committee further note that BHEL provides in-service training in various functional areas as well as on subjects of general interest useful to all employees including SCs and STs. Other than functional requirements, BHEL impart training on general health, motivation, safety, IT awareness, Raj Bhasa, academic guidance for children of employees, While appreciating these initiative undertaken by the Company for the welfare of its employees and their children, the Committee urge the Management to keep up the good work so that other organisations may also emulate these good works of the company. The Committee also desire that SC/ST employees should be given continuous training in different functional areas so that they can give their best service to the Company.

Reply of the Government

3.27 BHEL has a Human Resource Development Institute (HRD) and HRD Centres in its Units which provide training programmes in functional, managerial and behavior areas, including SC/ST employees of the Company. In additional, based on a suggestion by the Parliamentary Committee on Personnel, Public Grievances, Law and Justice in September 2008, BHEL is already organising special training programmes for SC/ST employees to enhance their knowledge and skills in their functional areas so as to help them equip themselves for future growth.

Recommendation (Sl. No. 15, Para No. 3.24)

3.28 The Committee note that apprentices are taken under Apprenticeship Act in various branches of BHEL. During the last 5 years (2005, 2006, 2007, 2008 and 2009), as good number of apprentices were taken but comparatively the absorption of those apprentices in BHEL is very low. The Committee are of the view that if the Company cannot absorb all the apprentices after they are trained, then why the Company is taking them under Apprenticeship Act in the first instance. The Committee are of strong opinion that shortfall of SC/ST at the lower level of posts can be made good by absorbing SC/ST apprentices in due course of time. The Committee, therefore, recommend that it should be ensured that SC/ST candidates taken for apprenticeship are given preference for absorption so that shortfall of Scheduled Castes and Scheduled Tribes especially in the posts for which they are trained are always filled up.

Reply of the Government

3.29 Apprentices are taken in BHEL as per Government's Apprentices Act so as to provide them practical training and improve their employability. On the other hand, recruitment is done through open advertisement, strictly following the Government directives for which the prescribed Rosters for recruitment are being implemented.

3.30 In the above context, as per Department of Public Enterprises (DPE) OM No. 24(11)/96(GL-010)/GM dated 2nd November, 1998 and based on Supreme Court's Judgement (case of Excise Superintendent, Malkapatnam Krishan District, Andhra Pradesh Vs. K.P.N. Visweshwara Rao & Others [1996(6) SCALE 676], induction level vacancies in respect of workers (Artisans) category falling under 'Group C' are required to be notified on an All India basis through local/national dailies as also in the Employment News. Eligible Apprentices can apply against the same. Further, it would

be pertinent to quote the judgement of Hon'ble Supreme Court in the matter of State of Karnataka vs. Uma Devi [Reported in (2006) 4SCC 1] where in it was clearly held that in selections for any vacancy in Public Sector employments, equal opportunity should be given to all eligible Indian citizens. BHEL is an equal opportunity employer and giving any such preference for SC/ST Apprentices as mentioned in the Committee recommendation will be a violation of the Government policies/guidelines.

Recommendation (Sl. No. 16, Para No. 3.31)

3.31 The Committee are of the view that the office of a Liaison Officer is a very important institution as far as the welfare and interest of the SCs and STs are concerned. The Liaison Officer is a link between the Management and the SC/ST employees of the organisation whose main function is to ensure that Presidential Directives on reservation of SCs and STs are implemented in letter and spirit. Therefore, it is important that Liaison Officer and his support staff are appointed from reserved communities, so that the SC/ST employees may be able to convey their problem without fear. Moreover, SC/ST officer appointed as Liaison Officer may also give confidence to SC/ST employees and the Liaison Officer may in turn be able to do his job with more dedication and commitment. However, the Committee note that in some units of BHEL, like Jhansi, Bhopal, Tiruchy, Rudrapur, Ranipet, Bangalore, Jagdishpur, Varanasi, Noida, Kolkata, Chennai, Nagpur, Mumbai, New Delhi the Liaison Officers do not belong to these communities. The Committee, therefore, urge the Management that as far possible an officer of appropriate rank from the SC/ST community having a sound knowledge of reservation policies should be appointed as Liaison Officer of the respective units and he should be provided with sufficient number of support staff drawn from reserved communities. The Committee are also aware that Liaison Officers out of fear and intimidation by others do not perform their assigned duties in a fair and transparent manner. Therefore, the Committee urge the Management that the Liaison Officer should be allowed to work independently and without any interference from any side. The Liaison Officer should also not be overburdened with many assignments apart from his liaison duties. However, for any lapse, negligence and dereliction of duty on his part, appropriate action should be taken against him so as to ensure accountability in the office of the Liaison Officer.

Reply of the Government

3.32 SC/ST officers are appointed as Liaison Officers to the extent possible. However, at places/Units where appropriate level officer is not available due to the Unit being small or where SC/ST officers are not interested, officers other than of SC/ST community are appointed as Liaison Officers. As such, only the willing & interested officers are appointed as Liaison Officers so that they can function proactively for the welfare and interest of SC/ST employees. Support staff in the SC/ST Liaison Cell in the Units are also drawn from SC/ST community to the extent possible and their willingness to work in the area. Liaison Officers, staff of SC/ST Cell as well as the members of SC/ST Associations are regularly made aware of the Presidential Directives on Reservation for which structured Company-wide workshop is held every year. Besides, Liaison Officers also organise Unit level workshops in consultation with and support by Unit

management based on felt need. Further, SC/ST Liaison Officers of BHEL are allowed to work independently.

Recommendation (Sl. No. 22, Para No. 4.18)

3.33 The Committee note that the number of SC/ST employees allotted company's owned accommodation is much higher than the prescribed norms and there is no waiting list for SCs/STs for allotment of quarters. The Committee also note that BHEL also provides interest subsidy on housing loans to employees who have completed five years of continuous service. The Committee appreciate that BHEL has taken good care of the housing needs of its employees including that of the SC/ST employees who do not have to wait for allotment of company's owned accommodation. The Committee urge the Management to continue providing accommodation to its employees in all of its Units so that they remain more focused and dedicated to their duties/works. the Committee also recommend that as mentioned by the Chairman, BHEL, during evidence that Union is demanding an increase in interest subsidy on housing loan and also in view of the mounting cost of flats/houses, the same should be increased appropriately so that all employees including SCs and STs benefit out of these benevolent act of the company.

Reply of the Government

3.34 Interest subsidy on Housing Loan cases to be a pressing issue in BHEL after recent wage revision. Prior to recent wage revision, an amount based on the basic of the employees was given as Interest subsidy on Housing Loan with a maximum cap of Rs. 7.5 lakhs taken as housing loan. With the concept of Cafeteria of Perks being introduced after the wage revision, interest subsidy has now become a part of perks with the following ceiling:—

For Executives and equivalent grades	:	10% of Basic Pay
For Supervisors in S1 to S3 and equivalent grades in Workers cadre	:	15% of Basic Pay
Workmen up to A6/B6	:	20% of Basic Pay

3.35 Even if the Housing Loan Interest Subsidy cap is increased, the limit of 46% between various perks remains. As such, the employee will not benefit by increasing the maximum cap.

Recommendation (Sl. No. 23, Para No. 4.27)

3.36 The Committee note that BHEL does not engage part time workers/casual labourers. However, there are 10400 casual labourers engaged as contractors labour. It has been stated that BHEL has no control on hiring of casual labourers by contractors. It has further been stated that these contractors are not required or bound by any rule to give reservation to SCs and STs and to maintain their data as there is no guidelines in this regard. The Committee also note that at the time of awarding contractual works, no preference are given to contracts who employ large number of SC/ST casual labourers, as appointment of contractors is done through a bidding process as per Purchase and Works Policy of the company. The Committee feel that engagement of

contract labourers by contractors without proper guidelines in regard to norms for hiring a definite number belonging to SCs/STs is not in the best of their interest. The Committee are of the view that the Company should ensure that the contractors should maintain data on reserved categories of casual labourers hired by them and they should be given liberal employment opportunity as contract labourer. The Committee, therefore, recommend that the Management should have a proper guidelines/policies in regard to hiring of casual labourers especially from SC/ST communities. To ensure that sufficient number of SC/ST casual labourers are hired, the contractors should be asked to maintain their data which will also help them in accessing various facilities under Factories Act and other Government rules.

Reply of the Government

3.37 BHEL has been engaging contract labour through contractors to carry out non core activities like house keeping, watch and ward, Horticulture, canteen etc. in its Units/offices. The award of contracts to various contractors are effected through a well defined bidding process. Besides, for the power project sites where BHEL is engaged, certain jobs of construction are awarded to the contractors. These contractors and the sub contractors engaged by them deploy contract labour mostly on casual basis as per the requirement, including hire and fire basis.

3.38 The aforesaid contract labour are covered under Contract Labour (Regulation and Abolition) Act, 1970, EPF & MP Act, 1952, ESI Act, 1948, Minimum Wages Act, 1948, Maternity Benefit Act, 1961, BOCW Act, 1996 etc. These Acts contain elaborate provisions regarding safety, health and welfare of these Workers. The contractors are required to maintain registers/records in respect of these workers. These records/registers which are statutory in nature are subject to inspection by Labour authorities. These registers/records do not require mentioning of caste of the worker.

3.39 As such, in the absence of any statutory provision the contractors are not under any obligation to deploy contract labour based on their caste or show the caste of the workers or maintain data regarding SC/ST status of the concerned workers. Moreover, BHEL being a principal employer does not have any legal authority to compel the contractors to deploy the contract labour belonging to any specific community/creed or to maintain data regarding their SC/ST status.

3.40 It is not permissible in law on the part of BHEL to issue guidelines or frame policies indicating the obligations of the contractors to deploy contract labour from any particular community or give any preference to the contractors who deploy contract labour from a particular community as the same would violate Article 14 of the Constitution of India. As per Article 14, the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Though, as per Article 16, the State is empowered to make provision for reservation of appointments in favour of any backward class citizens, the said provision is attracted only to the appointments under the Government or the PSU, but the said provision cannot be made applicable to a contractor which is a private body.

3.41 In view of the aforesaid position it is requested that the Committee recommendation should kindly not be pursued. In case it is felt that reservation for SC/ST is to be extended to the private bodies, and/or the private sector should be made to maintain data on SC/ST/OBC etc. of the person employed by them, it would be absolutely necessary to pass necessary legislation in the Parliament.

CHAPTER IV

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

Recommendation (Sl. No. 1, Para No. 1.14)

4.1 The Committee regret to note that Bharat Heavy Electricals Limited (BHEL) a leading public sector undertaking in the country enjoying a Navaratna status does not have representation of SC/ST members on its Board of Directors. BHEL also does not have provision for appointment of SCs/STs on its Board because Department of Public Enterprises (DPE) has not prescribed any reservation for appointment to these posts, as it is considered to be a contractual appointment. The Committee also note that selection to the post of Chairman/Directors (full time/part-time) for all Public Sector Enterprises in the country is made through the Public Enterprises Selection Board (PESB) with the approval of the Appointments Committee of the Cabinet (ACC). The Committee are distraught to learn that no action was taken by the Management for inclusion of SC/ST member on the Board of Directors just because no reservation has been prescribed for appointment to these Posts. The Committee are very much distressed by the fact that there is hardly any SC/ST member on the Board of Directors of the public sector undertakings/enterprises in the country and that the Government are not concerned of the issue of non-representation of SCs/STs in the management of the public sector undertakings/enterprises even after six decades of country's independence. The Committee have been consistently and continuously pressing the Government and management of all PSUs/Banks under examination to take appropriate action so as to include SC/ST members on the Board. Incidentally, the Banks have made provision for inclusion of non-official SC/ST member on their board. The Committee, therefore, feel that it is high time for the Government of India to take affirmative action to accommodate representative from SC/ST community on the Board/Management of PSUs in the country. The Committee feel that for affirmative action no rules are required but only they will to do it. The Committee opine that the rules and regulations and criteria governing appointments to the Board/Management are framed by the Government from time to time and even PESB is also created by the Government. The Committee, are therefore, of the view that the issue of non-representation of the SC/ST people on the Board/Management level of the PSUs needs to be reviewed and rules and regulations, criteria etc. which govern appointments of directors on the board should be amended. The Committee are fully aware that there is no dearth of eligible SC/ST officers/candidates to occupy these positions, provided they are given proper support in the form of reservation/concession. In the years 2006 and 2007, 3 SC/ST candidates had attended the Selection Meetings/Interviews of appointment to the post of Director (ER&D), Director (HR) and Director (IS&P) in BHEL. The Committee,

however, are surprised to note that none of these candidates was selected by the PESB. The Committee, therefore, desire to know the reasons for non-selection of SC/ST candidates even though two of them appeared three times in the Selection Interview for the post of Director during the years 2006 and 2007. The Committee also recommend that with the objective of securing social justice and equal opportunities to all, the Government should review its policy on appointments to the Board/ Management level posts of all PSUs in the country including BHEL and appropriately amend the rules and regulations governing appointment to these posts so that the SC/ ST people are given an opportunity to rise to these positions.

Reply of the Government

4.2 Interview and selection of candidates for Board level posts in CPSEs are done by Public Enterprises Selection Board (PESB). PESB conducts interview of short-listed candidates for these posts and gives its recommendations by giving special regard to the qualities of managerial capability, leadership, broad vision, track record and the available ACRs of the candidates.

4.3 As regards the issue of review of policy on appointments to the Board/ Management level posts in PSUs, the matter concerns DoPT and DPE and the observations of the Committee have been communicated to these Departments.

Comments of the Committee

4.4 Please *see* Para No. 1.7 of Chapter-I.

Recommendation (Sl. No. 20, Para No. 4.7)

4.5 The Committee are also of the view that only giving directions to the units of BHEL to closely follow-up the cases with the concerned State Government authorities for speedy disposal of the false caste certificate will not suffice to tackle these problems. In regard to 56 cases pending with district authorities for verification and cancellation, the Committee would like to stress that the Management should approach the concerned district authorities for expeditious disposal of the cases. The district authorities should be given time period to complete the task of verification. In case these are not received, the district authorities should be clearly told that in case they do not send their comments within the prescribed period, they would be held responsible should the Company take action on its own in the matter. As for cases pending in courts, earnest efforts should be made to contact the registrar so that the cases may taken up for early hearing and disposal. The Committee also strongly recommend that BHEL should ask their lawyers to file early hearing petitions in respect of cases pending in courts since 2000 so that these are settled at the earliest. The Committee also recommend that the Management should closely monitor the progress made by different units in this regard by seeking quarterly progress report from them and if required to give necessary advice and guidance for early settlement of the cases.

Reply of the Government

4.6 Constant and concerned follow-up by BHEL Units with the District Authority is being done for all the pending cases for verification. As for those cases pending in Courts, BHEL lawyers are relentlessly pursuing the same with the courts for early settlements. As desired by the Committee, pending cases will be closely monitored by Corporate Office by seeking quarterly reports from the Units.

Comments of the Committee

4.7 Please *see* Para No. 1.33 of Chapter-I.

CHAPTER V

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

Recommendation (Sl. No. 24, Para No. 4.31)

5.1 The Committee note that BHEL hires firms/companies on contract/tender basis for execution of various projects across the country. However, it has been noted that no reservation has been provided for hiring SC/ST contractors in award of any contract under the Works Policy of BHEL. As such, no information on the number of SC/ST contractors hired by BHEL is maintained. The Committee feel that as a matter of social justice and concern for socio-economic development of SC/ST communities, certain share of the works/contracts should be reserved for SC/ST contractors. The Committee would like to emphasise that socio-economic development of the SCs and STs and their upliftment should not be left to the initiatives of Government alone but such positive cause should also be espoused by all PSUs including BHEL. The Committee feel that only when every agency/organisation, whether Government or private join hands together and work in tandem, the plight of the SCs and STs in this country can be improved. The Committee, therefore, recommend that BHEL being a 'navaratna' company and one of the most well managed companies in consultation with the Department of Public Enterprises should take the lead and formulate a guideline to give reservation to SCs and STs in award of contracts by the company.

Reply of the Government

5.2 Recommendations of the Committee have been communicated to DPE for examining the case in broader perspective.

Comments of the Committee

5.3 Please *see* Para No. 1.36 of Chapter-I

NEW DELHI;
September, 2011

Bhadrapada, 1933 (Saka)

BIREN SINGHENGTI,
Chairman,
Committee on the Welfare
of Scheduled Castes and
Scheduled Tribes.

APPENDIX I

MINUTES

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND
SCHEDULED TRIBES

(2011-2012)

(FIFTEENTH LOK SABHA)

**Seventh Sitting
(18.07.2011)**

The Committee sat from 1430 to 1530 hrs. in Committee Room No. G-074, Parliament Library Building (PLB), New Delhi.

PRESENT

Shri D. Raja — *In the Chair*

MEMBERS

Lok Sabha

2. Shri Bhudeo Choudhary
3. Smt. Santosh Chowdhary
4. Smt. Jyoti Dhurve
5. Shri Prem Chand Guddu
6. Shri Mohan Jena
7. Shri Mohinder Singh Kaypee
8. Shri Bharat Ram Meghwal
9. Shri Ashok Kumar Rawat
10. Shri Bajju Ban Riyan
11. Shri Hamdullah Sayeed
12. Dr. Kirit Premjibhai Solanki
13. Shri Lalit Mohan Suklabaidya

Rajya Sabha

14. Shri K.B. Shanappa
15. Shri Veer Pal Singh Yadav

SECRETARIAT

1. Dr. R.K. Chadha — *Joint Secretary*
2. Ms. J.C. Namchyo — *Director*
3. Shri Hoti Lal — *Additional Director*

At the outset, the Committee were informed by the Joint Secretary that Hon'ble Chairman, will not be able to attend the sitting of the Committee due to illness. As provided in Rule 258(3) of Rules of Procedure and Conduct of Business in Lok Sabha, Shri D. Raja, M.P., was then unanimously chosen by the Committee to act as Chairman for the sitting.

2. The Committee then considered the draft report on Action Taken by the Government on the recommendations contained in their Tenth Report (15th Lok Sabha) on the Ministry of Heavy Industries and Public Enterprises (Deptt. of Heavy Industry) regarding "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Bharat Heavy Electricals Limited (BHEL)" and adopted the same.

3. While considering the report, the members pointed out that the Government do not appoint SC/ST in Board of Directors despite repeated recommendation to them. The Committee, therefore, decided to call the representatives of the Department of Personnel and Training as also Department of Public Enterprises to discuss this point as also other points relating to reservation policy in near future.

4. The Committee also authorised the Chairman to finalise the report 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 TENTH REPORT (FIFTEENTH LOK SABHA) OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

1. Total number of recommendations	26
2. Recommendations/Observations which have been accepted by the Government (<i>vide</i> recommendations at Sl. Nos. 2, 4, 8, 11, 12, 13, 17, 18, 19, 21, 25 and 26)	
Number	12
Percentage to the total	46.15%
3. Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government (<i>vide</i> recommendations at Sl. Nos. 3, 5, 6, 7, 9, 10, 14, 15, 16, 22 and 23)	
Number	11
Percentage to the total	42.30%
4. Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (<i>vide</i> recommendations at Sl. Nos. 1 and 20)	
Number	2
Percentage to the total	7.69%
5. Recommendations/Observations in respect of which final replies of the Government have not been received (<i>vide</i> recommendation Sl. No. 24)	
Number	1
Percentage to the total	3.84%

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