

COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(2010-2011)

(FIFTEENTH LOK SABHA)

NINTH REPORT

ON

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

Action taken by the Government on the recommendations contained in the Thirty-seventh Report (Fourteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Bharat Sanchar Nigam Limited (BSNL)".

Presented to Lok Sabha on 11.08.2010

Laid in Rajya Sabha on 11.08.2010



LOK SABHA SECRETARIAT
NEW DELHI

August, 2010 /Shravana, 1932 (Saka)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED
CASTES AND SCHEDULED TRIBES (2010-2011)**

Shri Gobinda Chandra Naskar - Chairman

MEMBERS

Lok Sabha

2. Shri M. Anandan
3. Shri Tara Chand Bhagora
4. Shri S.K. Bwiswmuthiary
5. Shri Harishchandra Chavan
6. Shri Bhudeo Choudhary
7. Shri Biren Singh Engti
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15. Shri Ashok Kumar Rawat
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18. Shri Kodikkunnil Suresh
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Rajya Sabha

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23. Shri D. Raja
24. Shri Praveen Rashtrapal
25. Shri Thomas Sangma
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27. Ms. Sushila Tiriya
28. Miss Anusuiya Uikey
29. Shri Veer Pal Singh Yadav
30. Vacant

Secretariat

1. Dr. R.K.Chadha, Joint Secretary
2. Ms. J.C. Namchyo, Director
3. Shri Hoti Lal, Additional Director
4. Shri M.L.K. Raja, Deputy Secretary
5. 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 Ninth Report (Fifteenth Lok Sabha) on action taken by the Government on the recommendations contained in their Thirty-seventh Report (Fourteenth Lok Sabha) on the Ministry of Communications and Information Technology regarding "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Bharat Sanchar Nigam Limited (BSNL)".

2. The draft Report was considered and adopted by the Committee on the 22nd July, 2010 (Appendix-A).

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 Thirty-seventh Report (Fourteenth Lok Sabha) of the Committee is given in Appendix-C. It would be observed therefrom that out of 28 recommendations made in the report, 13 recommendations i.e. 46.4 per cent have been accepted by the Government. The Committee do not desire to pursue 9 recommendations i.e. 32.1 per cent of the total recommendations in view of the replies of the Government. There are 6 recommendations i.e. 21.4 per cent in respect of which replies of the Government have not been accepted by the Committee and require further reiteration.

New Delhi;
August, 2010
Shravana, 1932 (Saka)

GOBINDA CHANDRA NASKAR,
Chairman,
Committee on the Welfare
of Scheduled Castes and
Scheduled Tribes.

CHAPTER I

REPORT

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 Thirty-seventh Report (Fourteenth Lok Sabha) on the Ministry of Communications and Information Technology regarding “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Bharat Sanchar Nigam Limited (BSNL)”.

1.2 The Thirty-seventh Report was presented to Lok Sabha on 26th February, 2009. It contained 28 recommendations/observations. Replies of the Government in respect of all these recommendations/observations have been examined and may be categorised as under:-

- (i) Recommendations/observations which have been accepted by the Government (Sl. Nos. 2, 4, 6, 9, 10, 12, 13, 14, 15, 22, 23, 24 and 27).
- (ii) Recommendations/observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. Nos. 1, 3, 11, 16, 18, 20, 21, 25 and 26).
- (iii) Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (Sl. Nos. 5, 7, 8, 17, 19 and 28).
- (iv) Recommendations/observations in respect of which final replies have not been received (NIL).

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

Representation of SCs/STs on the Board of Directors

Recommendation (Sl. No. 1, Para No. 1.10)

1.4. The Committee regret to note that there is no representation of SC/ST members on the Board of Directors of BSNL even though it was admitted that there is no prohibition of their being considered for the Board level appointments as per the guidelines. The Committee was informed that selections and appointments of members in the Board are made by the Government of India through the Public Enterprises Selection Board (PESB). It was also admitted that as of now no SC/ST candidate has found favour with the PESB but it is hoped that in the near future they should be able to have some SC/ST members on the Board. It is surprising to note that the BSNL has not felt the need to have representation of SCs/STs on the Board of Directors because an officer of the rank of Junior Administrative Grade level namely, CLO(SCT) coordinates implementation of Government's Reservation Policy. The Committee feel that these replies reflect lack of understanding on the subject matter being examined because the appointment of SC/ST members on the Board of Directors has no relevance with the appointment of Chief Liaison Officer (SCT) at the Headquarters. An SC/ST member on the Board by virtue of his position can play a crucial role for the greater interest and welfare of SC/ST employees over and above his contribution for the growth of the BSNL. Whereas, the role of a CLO, who is by far in a relatively lower position working under the direct control of top management is restricted to only implementation of Government reservation policies and other SC/ST related matters. Being not on the Board of Directors, he can not involve himself in the decision making process on various policies including proper implementation of Reservation Policy, which is normally considered at Board level meetings. BSNL, is a very large organisation with a staff

strength of around 3.10 lakhs out of which 70,000 employees are reported to be from SC and ST categories. The Committee, therefore, feel that an SC/ST member should have been appointed on the Board. Moreover, there is a Constitutional provision under Article 16(4A) which says that “Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which in the opinion of the State are not adequately represented in the services under the State”. In view of the above, the BSNL should take a proactive role in the process of appointment of SC/ST members on the Board and not leave the matter to the Government alone. There is no dearth of eligible SC/ST candidates for appointment to the Board, provided they have proper backing and support. The Committee, therefore, urge the BSNL to scout for suitable and eligible SC/ST candidates and sponsor them to the Government for appointment on the Board. The Committee also urge the BSNL to clearly spell out and justify the need for appointments of SC/ST members on the Board. The Committee recommend that, if necessary, the Government should amend the rules/regulations governing appointments to the Board in view of the Constitutional mandate so as to facilitate appointments of SC/ST member on the Board.

Reply of the Government

1.5 As the Committee was informed earlier selections and appointments of members on the Board of Public Sector Enterprises are made by the Govt. of India through the Public Enterprises Selection Board (PESB). The post is advertised in the newspaper by the PESB and is also posted on its website alongwith the detailed job descriptions, including the eligibility conditions. The PESB called for applications from eligible Central Public Sector Executives, State Public Sector Executives, Private Sector

Executives and Government officers. The Department of Telecom is also asked to forward the applications of eligible officers of the Public Sector Undertakings under its control. The applications received from Telecom PSEs and ITS officers are forwarded to the PESB. The applications are scrutinized by the PESB and the PESB after interviewing the candidates and assessing their Annual Confidential Reports recommends the name of two suitable officers. Since the post of Director is a contractual post and is higher than the lowest rung of Group 'A' post upto which the reservation is applicable, it cannot be reserved for SCs/STs. However, SCs/STs are also considered if eligible alongwith other candidates.

1.6 As regards the Committee's recommendation for amendment to the rules/regulations governing appointments to the Board, the recommendation of the Committee has been forwarded to the Department of Public Enterprises, the nodal Department for framing the policies in respective executives of CPSEs.

Comments of the Committee

1.7 **The Committee appreciate that the Bharat Sanchar Nigam Limited (BSNL) has forwarded the recommendation of the Parliamentary Committee for amendment of rules/regulations governing appointments to the Board to the Department of Public Enterprises, which is the nodal Department for framing the policies in respective executives of CPSEs. The Committee desire that the BSNL should continuously pursue the matter with the nodal department till a favourable policy for facilitation of appointments of SC/ST member on the Board even as non-official member is arrived.**

Absorption of Group 'A' officers on deputation from DOT

Recommendation (Sl. No. 2, Para No. 2.7)

1.8 The Committee note that Group A officers of BSNL have not yet been absorbed and are still deemed as on deputation from DOT. The period of deemed deputation was to last upto 30.9.2005 as per the decision of the Cabinet. Not satisfied with the terms and conditions, the Committee note that Group A officers did not exercise the option for absorption in BSNL/MTNL or continuation with DOT. The Committee further note that a committee constituted by DOT, which included representatives of Indian Telecom Service Association (ITSA), have recommended for liberalization of certain terms and conditions. Based on these recommendations, a cabinet note was being finalised for consideration of the Cabinet. The Committee hope that the said note would have been finalised by now and sent for consideration of the Cabinet for early absorption of Group A officers in BSNL. The Committee would like to be apprised of the decision of the Cabinet at the earliest.

Reply of the Government

1.9 The Committee was earlier informed of a brief background of the ongoing process of absorption of Group A officers in BSNL and about the constitution of a Committee including representatives of Indian Telecom Service Association (ITSA) to consider the absorption related issues in finer details. The Committee were further informed that based on the recommendations of the said Committee, a Note for the Cabinet was proposed to be submitted seeking approval on liberalization of certain terms and conditions of absorption and extension of the period of deemed deputation.

1.10 Thereafter, the following developments have taken place in the matter of absorption of Group A officers in BSNL/MTNL:-

(a) Based on the recommendations of the above Committee, a Note dated 2.5.2008 on the subject of absorption of Group A officers in BSNL/MTNL was submitted to the Cabinet. The Cabinet, in its meeting held on 15.05.2008, decided that the matter may,

in the first instance, be considered by a Group of Ministers (GOM). Accordingly, a Note dated 5.5.2008 was submitted to GOM. Based on the decisions taken by GOM on 10.06.2008, a fresh Note dated 3.7.2008 on the subject was submitted for consideration by the Cabinet.

(b) The Cabinet in its meeting held on 24.7.2008 considered the proposals made in the Note dated 03.07.2008 and approved the proposals with certain directions. After fulfilling the directions, a revised option letter dated 26.08.2008 was issued. Besides, the period of deemed deputation, without deputation allowance, of officers belonging to various Group A services was also extended till 22.12.2008 or the date of allocation, whichever is earlier.

(c) This Department received requests for modifying certain general terms and conditions of absorption as also seeking clarifications on various points. After considering the said requests, revised general terms and conditions and clarifications were issued on 29.09.2008 and 01.10.2008 & 22.10.2008.

(d) As per option letter dated 26.8.2008, the last date prescribed for submission of options by Group A officers was 16.10.2008, but the last date was extended from time to time upto 15.12.2008 to enable the officers to take an informed decision in the matter.

(e) Despite liberalized terms and conditions of absorption, as notified by the Department of Telecommunications vide their letter dated 26.08.2009 read with the revised general terms and conditions of absorption issued on 29.9.2008, the response of Group A officers towards absorption in BSNL/MTNL was very poor.

(f) Discussions with the officers in the Department/BSNL revealed that the chief reason for the poor response was the non-clarity on the issue of Government's ultimate liability to pay pensionary benefits to BSNL employees under all circumstances and the periodic revision of the pension sanctioned on the basis of combined service in the

Government and in the Public Sector Undertaking under Rule 37-A of CCS (Pension) Rules, 1972 as happens in the case of Government servants.

(g) The above issues were discussed in a meeting held by Secretary; Department of Expenditure in her office on 16th December, 2008. The meeting was attended, among others, by Secretary, Department of Telecommunications, Secretary, Department of Pension & PW and President, Indian Telecom Service Association (ITSA).

(h) During the above meeting, it was, inter-alia, agreed that the relevant provisions of Rule 37-A of CCS (Pension) Rules, 1972 were already clear on the question of ultimate liability of the Government to pay pensionary benefits including family pension to the employees of BSNL (excepting those recruited after 01.10.2000) and that a clarification in this regard could be issued by the Department of Telecommunications. Accordingly, a clarification dated 05.01.2009 was issued by the Department of Telecommunications.

(i) As regards the other issue, a view emerged that the employees who got absorbed in BSNL/MTNL (or will get absorbed in BSNL/MTNL) w.e.f. 1.10.2000 in IDA pay scale and opt for pension based on combined service will be eligible for revision of their pension, based on the recommendations of each subsequent Pay Commissions, including the 6th Pay Commission on the lines of DOP&PW OM No. 4/14/2001-P&PW(D) dated 19.9.2003. However, since the officers from Department of Pension & PW did not agree with this view, it was decided to seek legal opinion in the matter. Accordingly, a file on this subject was moved for comments of Deptt. of Pension & PW and Department of Expenditure as also for seeking the advice of Ministry of Law. A final decision in this matter will be taken in the light of the advice to be received.

(j) Since a successful completion of the absorption process is vital to the Government interests including those of BSNL/MTNL, it has been decided not to disturb the current deployment of all Group A officers in BSNL/MTNL who are on deemed

deputation for the present. It has also been decided to give another opportunity to Group A officers for exercising their option for absorption in BSNL/MTNL after a decision on the aforesaid issue of periodic revision of pension is taken.

Comments of the Committee

1.11 The Committee note that absorption of Group A Officers who are deemed on deputation from Department of Telecommunications is still incomplete because a final decision on the issue of periodic revision of pension is yet to be taken. The Committee desire that a expeditious decision in regard to issue of periodic revision of pension should be taken. The Committee should be apprised of the decision taken in this regard and action taken for.

Recommendation (Sl. No. 3, Para No. 2.8)

1.12 The Committee also note that Group A officers individually and through their Associations have filed a series of court cases challenging the terms and conditions of absorption. The Committee strongly recommend that action to vacate stay orders at the earliest should be taken so that absorption process of Group A employees as also cadre of absorbed Group B employees promoted to Group A officers be finalised.

Reply of the Government

1.13 At present, there are only three court cases filed in the Hon'ble High Court of Andhra Pradesh at Hyderabad where the interim orders passed to by this Court staying the absorption process are still in operation. However, as per legal advice, these interim orders are applicable in personam and not in rem, i.e. these interim orders are applicable to the petitioners in these Writ Petitions only. As such, there is no legal bar on proceeding ahead with the absorption process except in the case of a few Group A officers (about 100) who are parties in the above three court cases.

1.14 This Department has engaged learned Additional Solicitor General of India to defend these cases on behalf of Union of India and to have the interim orders vacated.

1.15 In order to seek expeditious disposal of the above cases, separate additional counter affidavits have recently been filed in the Hon'ble High Court of Andhra Pradesh in these cases to bring out the latest developments in the matter of absorption of Group A officers in BSNL/MTNL including the liberalized terms and conditions of absorption notified by this Department vide the latest option letter dated 26.8.2008 read with the revised general terms and conditions of absorption issued on 29.9.2008. In the said additional counter affidavit, a prayer has been made for dismissal of the cases on the ground that most of the demands made by Indian Telecom Service Association (ITSA), as finally approved at the highest level in the Government of India, i.e. Cabinet have been agreed to. Besides, separate Applications have also been filed praying for early hearing of these cases. It is expected that these cases will soon be disposed of by the Hon'ble High Court of Andhra Pradesh.

Comments of the Committee

1.16 The Committee should be apprised of the position in regard to pending absorption cases filed in the Hon'ble High Court of Andhra Pradesh.

Amendment of recruitment rules to fill all reserved vacancies

Recommendation (Sl. No. 5, Para No. 2.20)

1.17. The Committee note that only 406 SC posts in JTO category have been filled up as against 450 posts, which is 15 percent of 3000 posts for which recruitments were held in the year 2006. Similarly, the required number of ST JTOs to be recruited should have been 225 in addition to the carry forward vacancies of 57. The reason for not recruiting the requisite number of SC candidates was that they could not qualify in the

JTO examination, 2005 which was conducted on all India basis even under the relaxed qualifying standards. If given vacancies for a particular recruitment year could not be filled up due to non-availability of candidates, the vacant posts will most probably be carried forward to the next recruitment exercise as in the case of ST posts in JTO category which has been shown as carried forward in the recruitment year 2006. Even, if sufficient number of SC/ST candidates do not qualify in the subsequent recruitment, the trend of carrying forward of vacancies should continue. The Committee recommend that to discontinue these trend of carrying forward of reserved vacancies year after year, the selection should be based on the number of vacancies and merit. The Committee stress that on selection, SC/ST candidates should be given compulsory in-house trainings so as to bring them up to the required standards to meet the job requirements. The Committee, therefore, recommend that the BSNL should amend the recruitment rules and procedures appropriately so that all the reserved vacancies of SCs and STs are completely filled in every recruitment year through selection of the best candidates available in the competitive examinations.

Reply of the Government

1.18 In this para the recommendation of the Committee regarding recruitment appears to be very useful for the organisation and also in the interest of SC/ST candidates. However, BSNL is following the Government's rules and regulations formulated by DOP&T and DPE.

Comments of the Committee

1.19 The Committee are surprised to note that the recommendation of the Committee on recruitment of SCs and STs cannot be carried out since BSNL are following the rules and regulations formulated by DOP&T and DPE. The Committee have simply pointed out the shortcomings noticed in implementation

of the Government rules in practice. The thrust of the recommendation is that year after year due to non-availability of SC/ST candidates, it has been stated that reserved vacancies are carried forward to next recruitment year, which, in the view of the Committee do not serve the interest of SCs/STs in the long run. The Committee earnestly desire that steps should be taken to put an end to this practice. The Committee are of the opinion that one way of addressing the problem is to amend the existing rules and regulations concerning recruitment. The Committee are also of the view that recruitment rules, which are within the jurisdiction of the organization, should be amended as per requirement of circumstances and need due to changing times. The Committee also have some apprehension that carrying forward of unfilled reserved vacancies to the next recruitment year, if not checked on time would have its chain effect on promotional prospects of many SC/ST candidates with the net result of non-availability of candidates in the feeder grades for promotion. The Committee, therefore, reiterate their earlier recommendation that BSNL should amend the recruitment rules suitably so that provisions are made to completely fill all the reserved vacancies of SCs/STs in every recruitment year through selection of the best candidates available in the competitive examinations irrespective of the benchmarks set for the purpose. The Committee further recommend that the selected candidates should also be given in house training so as to bring them up to the required standards to meet the job requirements.

Shortfall of ST category in staff strength

Recommendation (Sl. No. 7, Para No. 2.34)

1.20 The Committee note that from the time of formation of BSNL on 01.10.2000 there is a continuous shortfall in the staff strength of ST category in various groups of posts.

It appears that no initiative was undertaken by the Department of Telecommunications (DOT) and BSNL to make up this shortfall. The Committee feel that to ignore the existence of shortfall for a considerable period is a great loss of employment opportunity to many aspiring ST candidates. It can be construed as sheer negligence on the part of the BSNL and DOT and cannot be overlooked. The Committee desire to know as to why this shortfall of ST category has not been addressed properly during the last 8 years by the BSNL and DOT. The Committee also urge the BSNL and DOT to chalk out a strategy to fill up these shortfall of ST category in various groups of post at the earliest and apprise the Committee of the action initiated in this regard within three months of the presentation of this report to Parliament.

Reply of the Government

1.21 BSNL was formed on 01.10.2000. Accordingly, BSNL recruited DR-JTOs from the open market on the basis of All India Competitive examination details are on the basis of the vacancies received from all heads of circles as under:

Year	Cadre	Advertised post	Declared successful	SC		ST	
				Vacancies out of Column (3)	Allotment out of Column (4)	Vacancies out of Column (3)	Allotment out of Column (4)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
2001	JTO	4000	3199	479	600	239	182
2002	JTO	3120	3120	450	458	302	302
2005	JTO	3000	2654	406	406	256	232
2007	JTO	3591	3141	546	547	272	181
2009	JTO	3545	-	-	-	-	-

1.22 Moreover, it is to state that shortfall in the ST & SC categories in the previous recruitment year has been suitably included in the succeeding Exams. However, unfilled vacancies if any, in SC/ST category will suitably incorporated in future recruitment.

Comments of the Committee

1.23 The reply of the Ministry only mentions about the number of SC and ST vacancies which were filled up in case of direct recruitment of JTOs during the period from the year 2001 to 2007. The Committee had specifically asked to know as to why shortfall of ST category had not been addressed during the last 8 years. The Committee had also urged the DOT and BSNL to chalk out a strategy to fill up shortfall of ST vacancies in various groups of posts. The Committee stress that if ST vacancies remain unfilled during a particular recruitment year, those vacancies become backlog vacancies during the subsequent recruitment and had to be accounted for separately as backlog vacancies. The Committee, therefore, reiterate their earlier recommendation that BSNL should work out a strategy and fill up all ST shortfall and backlog vacancies within a time frame. The Committee should also be apprised of the latest position of recruitment process for the year 2009 for which the detailed information was not provided.

Maintenance of records of recruitment, staff strength and promotions by Head Office/Ministry

Recommendation (Sl. No. 8, Para No. 2.44)

1.24 The Committee note that BSNL has separate provisions of its own for regulating promotions to various posts since Recruitment Rules for certain posts have already been framed. The Committee have been provided with information in regard to promotions effected in case of All India Executives cadre during the years 2004 to 2007 (31.3.2007) only, whereas in case of other categories, it has been stated that promotions in case of posts like JTO/TTA, etc. are completely decentralised and made at the Circle/SSA level spread all over India as per Recruitment Rules in respective cadres and as per Government directives. The Committee are, however, surprised by the irresponsible reply of the Ministry that since these cadre promotions are completely

decentralised, as per practice no records' in this connection are maintained in the BSNL (HQ) till date. The Ministry and the BSNL cannot escape from their responsibility and are equally accountable for what is happening in different Circles/SSA to ensure that reservation orders for SCs and STs as prescribed, are being maintained in all the offices under their control. The Committee, therefore, strongly recommend that BSNL should obtain the information for the last 5 years on promotion, recruitment and staff strength, etc. from all the Circles and start maintaining the record of the same at the Headquarters to ensure proper reservation order for SCs and STs and submit the same to the Committee within three months of the presentation of this Report to Parliament.

Reply of the Government

1.25 The communal break up of recruitment & staff strength for the cadre of JTO(T) & TTA is given as under:

Cadre	Total strength as on 11.08.2009	SCs	STs	OBCs
JTOs	17400	2808	516	2263
TTAs	15605	3126	1093	2655

Communal Break up of Recruitment

Year	JTOs				TTAs			
	Total	SCs	STs	OBCs	Total	SCs	STs	OBCs
2004	82	11	7	19	274	34	52	51
2005	8	1	3	1	69	8	19	10
2006	295	49	34	60	81	58	20	1
2007	1433	268	135	476	10	5	3	0
2008	9	2	0	4	3543	749	264	1253
2009*	651	142	40	246	478	106	28	156
	2478	473	219	806	4455	960	386	1471

(* status as on 11.08.2009)

Comments of the Committee

1.26 The Committee note that information on staff strength and communal break up of recruitment has been furnished but no information has again been provided

on promotion. The Committee are of the view that promotions to cadres other than executive cadres may be decentralized but that does not mean that BSNL (Headquarters) cannot obtain details of promotional records of all Circles for information as Chief Liaison Officer at Headquarters is also required to ensure that reservation in promotion is strictly adhered to by all the Circle Offices. The Committee, therefore, reiterate their earlier recommendations and urge BSNL to obtain information on promotions made during the last five years from all circles and start maintaining the record at the Headquarters so as to ensure proper reservation orders for SCs and STs are followed in promotions.

Promotion to the Post of JAO

Recommendation (Sl. No. 10, Para No. 2.46)

1.27 The Committee also observe that no promotion was made in the post of JAO in the years 2004, 2005 and 2007 due to pendency of court cases. It has been stated that the same will be filled up after finalisation of court cases. It has further been stated that promotion to the grade of AO could not be held in the years 2006 and 2007 due to non-availability of vacancies and eligible officers belonging to SC/ST categories. However, DPC was under process to fill up the newly sanctioned post under Man Power Plan 2007. The Committee again stress that earnest action should be taken to get the pending court cases finalised expeditiously so that the promotion process could be given a momentum. The Committee should also be apprised of the progress made by the DPC to fill up the newly sanctioned post under Man Power plan 2007.

Reply of the Government

1.28 The Contempt Petition no. 1594/2007 filled by Shri Ran Vijay Singh & others V/s Shri S. Bhargava CGMT UP(W) & others before Hon'ble High Court Allahabad has been dismissed on 20.03.2009. On receipt of the certified copy of the order, necessary

steps will be taken for recruitment of JAOs through open market and internal Competitive exams. Regarding filling up of the newly sanctioned post under Man Power Plan 2007, it is stated that after taking into account the sanctioned post under Man Power Plan 2007, a total no. of 1155 posts were filled up in the grade of AO including SC-165 and ST-66 posts in the last DPC held in Sep.2008 and 420 posts were filled up in the grade of STS including SC-59 and ST-1 posts in the DPC held on 18.03.2009.

Comments of the Committee

1.29 The Committee note that more than a year has passed since the contempt petition filed before Hon'ble High Court, Allahabad has been dismissed and by now certified copy of the court order must have been received. The Committee, therefore, should be apprised of the position in regard to recruitment of JAOs through open market and internal competitive exams.

Shortfall of SCs/STs in JAO Posts

Recommendation (Sl. No. 11, Para No. 2.47)

1.30 The Committee note that the reasons for the shortfall of 12 SCs and 13 STs in JAO posts in 2006 was due to non-availability of eligible SC/ST candidates to fill up the vacancies even after relaxing the qualifying standard for the reserved candidates in the departmental competitive examination conducted in 2006. Likewise, the reasons for the shortfall of 42 SC and 21 ST candidates in AO category is also due to non-availability of eligible candidates in the feeder grade, i.e. JAO cadre. It has further been stated that vacant posts in AO cadre will only be filled when eligible officers belonging to SC/ST categories are available. It is, thus, clear that the main reasons for shortfall in promotion is due to non-availability of eligible SC/ST candidates in the feeder grades. Therefore, as long as the problem of non-availability of reserved candidates in the feeder grades is not solved, the problem of shortfall in promotion will always remain in

all groups of posts. The only way to overcome the undesirable problem of shortfall in promotions is to have sufficient numbers of eligible candidates in the feeder grades for appointments/selections. The Committee, therefore, recommend that to ensure sufficient numbers of SC/ST candidates are available in many feeder grades for promotion, the BSNL in consultation with the Department of Telecommunications should take stock of this peculiar situation and accordingly amend the rules and regulations governing recruitments and promotions. The Committee further recommend that the Ministry/BSNL should also see whether the promotional quota can be converted into direct recruitment quota temporarily in view of Department of Personnel and Training O.M. No. AB 14017/30/89-Estt.RR New Delhi the 10 July 1990. The Committee should be apprised of the measures taken to fill up the shortfall in promotions within three months after presentation of this Report.

Reply of the Government

1.31 Recently contempt petition pending before Hon'ble high court of Allahabad has been dismissed. Now, necessary steps is being taken for recruitment of JAOs through open market in which appropriate reservation will be given to SC/ST candidates. Necessary action has already been taken for conducting JAO Part-II Examination for departmental candidates. After conducting the above proposed Part-II examination and declaration of results therefore, if any short fall vacancies are available against SC/ST quota(Departmental), then necessary action will be proposed to be taken for diversion of vacancies from departmental quota into direct recruitment quota as per DOP&T OM dated 10.07.1990 as recommended by Parliamentary Committee.

1.32 As per DOP&T OM dated 10.07.1990 as referred by Parliamentary Committee for diversion of vacancies from Departmental quota into Direct Recruitment quota temporarily, the procedure outlines in paras 3 and 4 of the above OM will not apply in

cases where the posts in a cadre are filled 100% by promotion or in which there is no element of direct recruitment prescribed in the Recruitment Rules. In such cases, the existing procedure will continue to be followed.

Comments of the Committee

1.33 The Committee should be apprised of the progress/outcome of JAO Part-II examination held for departmental candidates.

Nomination of SC/ST officers for training

Recommendation (Sl. No. 13, Para No. 3.10)

1.34 The Committee note that the number of SC/ST employees sent on foreign training is very less even though the selection/nomination of candidates for such training is done by the Screening Committee. It appears that the BSNL is not keeping abreast with the various guidelines issued by the DOP&T regarding nomination of SC/ST officers for attending seminars, conferences and training programmes abroad. The Committee are of the view that undergoing various training programmes abroad would enable the SC/ST officers to broaden their outlook and also help in capacity building of the individuals officers. It would also boost their moral and motivate them to work harder. The Committee strongly believe that BSNL would keep the assurance given during evidence. The Committee, therefore, recommend that at the time of nominating officers for training abroad, preference should be given to SC/ST officers and their cases should be considered more sympathetically so that they don't feel left out.

Reply of the Government

1.35 The recommendation of the Committee has been forwarded to the concerned Branch in BSNL to take care in nominating SC/ST officers for training abroad and action is being taken in that direction.

Comments of the Committee

1.36 The committee note that action is being taken for nominating SC/ST officers for training abroad. The Committee should be apprised of the exact nature of action taken in this regard.

Recommendation (Sl. No. 14, Para No. 3.13)

1.37 The Committee note that instructions for conducting pre-recruitment training for SC/ST candidates appearing in various direct recruitment/promotion examinations were issued on 28.08.2006 to all the Heads of Telecom Circles/Districts. The Committee, however, note that so far no pre-recruitment training has been implemented. It has been reported that BSNL are contemplating of helping SC/ST candidates appearing for direct recruitment examination for the posts of TTA, JTO and JAO. The Committee recommend that BSNL should expeditiously implement their instructions issued for imparting pre-recruitment training to SCs and STs appearing for different recruitment examinations.

Reply of the Government

1.38 The present position in this regard is that in TTA cadre pre-recruitment training to SC/ST candidates has been started and necessary action has already been initiated by this office for imparting pre-recruitment training to SC/ST internal departmental candidates appearing for JAO Par-II Exam.

Comments of the Committee

1.39 The Committee should be apprised of the details of SC/ST candidates who have availed pre-recruitment training programmes for TTA cadre and for JAO Part-II Exam. for departmental candidates.

Payment of Productivity Linked Incentives (PLI)

Recommendation (Sl. No. 17, Para No. 4.6)

1.40 The Committee are surprised to note that the reason for not making payment of Productivity Linked Incentives (PLI) for the year 2003-04 and 2004-05 to unabsorbed employees, who are on deemed deputation in BSNL, are not furnished and it has only been stated that the proposal for payment of the same is under consideration. However, it was noted that payment of PLI for the year 2006-07 was already made to unabsorbed employees. The Committee are of the view that if payment of PLI for the year 2006-07 has already been made, payment of the same for the earlier years should not be denied and delayed under any circumstances. Moreover, such payments are based on productivity/performance of the employees. The Committee understand that deputationists comprise of SCs/STs also and therefore, recommend that decision to pay the PLI to all eligible unabsorbed employees for the years 2003-04 and 2004-05 should be expedited without any further delay.

Reply of the Government

1.41 The issue regarding payment of PLI for the year 2003-04 and 2004-05 to unabsorbed employees, who are on deemed deputation in BSNL is under consideration of the Government.

Comments of the Committee

1.42 The Committee regret to note that payment of PLI for the years 2003-04 and 2004-05 to unabsorbed employees, who are on deemed deputation in BSNL is still under consideration by the Government. The matter is pending for a considerable period of time and the Committee are at a loss as to why a decision on the issue has not been taken till date when payment of PLI for the year 2006-07 has already been made to unabsorbed employees. The Committee would like to

emphasize that since the issue is concerning payment to employees including SCs and STs based on productivity/ performance of the employees, the matter is of great importance to the employees than the management. The Committee, therefore, reiterate its earlier recommendation that payment of PLI to all eligible unabsorbed employees for the years 2003-04 and 2004-05 should be made without any further delay.

Appointments on Compassionate grounds

Recommendation (Sl. No. 18, Para No. 4.10)

1.43 The Committee note that BSNL have been receiving large number of applications for appointment on compassionate grounds. The number of cases received from SC/ST families during the years 2004-05, 2005-06, 2006-07 and 2007-08 were 423, 479, 505 and 500, respectively. The number of SCs/STs who were beneficiaries during the same period were 218, 87, 126, and 262, respectively. It is a matter of great concern that as on 31.03.2008, there were 3419 cases still pending for consideration by the BSNL out of which 1199 cases pertained to SCs/STs. The Committee regret to note that a large number of SC/ST applicants are waiting for appointment on compassionate grounds. The Committee desire that the process of appointment on compassionate grounds should be expedited and accorded priority as many of these SC/ST families waiting for compassionate appointments would belong to lower income groups with no other means of livelihood. The Committee, therefore, recommend that the BSNL should explore the feasibility of filling up the shortfall of SCs/STs in its staff strength from eligible SC/ST candidates whose applications are pending for appointment on compassionate grounds.

Reply of the Government

1.44 BSNL has been following the guidelines issued by DOP&T vide OM No.14014/6/94-Estt(D) dated October 9, 1998. Under these instructions, there is no provision to consider cases of SC/ST separately. Further, compassionate ground appointment can be made upto a maximum of 5% of vacancies falling under direct recruitment quota in any Group 'C' or 'D' post. As such, it is not feasible to fill up the shortfall of SCs/STs vacancies by offering compassionate ground appointment to eligible SC/ST candidates.

1.45 At present only 1272 cases are pending for consideration at BSNL Corporate Office. Efforts are being made to clear all these pending cases by the end of this year.

Comments of the Committee

1.46 The Committee are distressed that a large number of cases are pending for appointment on compassionate grounds. The Committee should be provided with the latest position in regard to 1272 cases which were reported to be cleared by the end of the year 2009. The break-up of SC and ST cases, who were given appointments on compassionate grounds, should also be furnished. The Committee are of the view that such appointments, insofar as the SCs and STs are concerned, should be made on a time bound manner. The Committee are also of strong view that maximum ceiling of 5% fixed for appointment on compassionate grounds under direct recruitment quota in any Group C or D post needs to be raised. The Committee, therefore, recommend that the Ministry of Communications & Information Technology should take up this matter with concerned Ministries to raise the ceiling of 5% for appointment on compassionate grounds so that many dependents of deceased employees can be appointed on compassionate grounds.

Appointment on false caste certificates**Recommendation (Sl. No. 19, Para No. 4.16)**

1.47 The Committee note that a total of 62 instances of securing employment on the basis of false caste certificates had been detected by BSNL during the years 2004, 2005, 2006 and 2007. The instance of having 62 cases of false caste certificates in an organisation reflects the lapse on the part of the Management to curb these menace at the initial stage of appointment. The Committee are not satisfied with the steps taken by the Management to expedite the finalisation of these cases. As regards filing of criminal proceedings against the culprits, it has been informed that most of the cases are either sub-judice or departmental proceedings have been initiated and that further action can be taken only after final outcome of these cases. BSNL should be aware of the recent judgement given by the Supreme Court regarding dismissal of a bank employee who joined the service in the bank by producing false caste certificate. Recognising the gravity of the issue of getting employment on the basis of false caste certificates, the apex court had stated that such persons do not deserve any sympathy or indulgence of the court because a person, who enters the service by producing a false caste certificate and obtains appointments for the post meant for SCs/STs/OBCs deprives 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 rest on a false caste certificate. The Committee are, therefore, of the view that it is very essential for the Management to take more proactive steps than before. The Committee are also of the view that the menace of false caste certificate could be effectively checked at the time of initial appointment by proper verification of documents by the appointing authority with the help of a Liaison Officer for SC/ST who should be an expert on the subject. The Committee, therefore,

recommend that in cases where the Departmental proceedings are going on, the same must be conducted on day-to-day basis for expeditious finalisation of the cases and in cases which are pending in courts, the Management should implead itself as a party and actively pursue the matter for getting the stay vacated and for early hearing and decision. The Committee also recommend that for cases pending before the District Authorities for verification, the matter should be pursued vigorously by fixing date for early disposal by the District authorities. The Committee also urge the Management to seek quarterly progress report indicating action taken on the basis of the above instructions from the concerned Telecom Circles/Districts Officers and to give necessary advice and guidance, if need be.

Reply of the Government

1.48 The BSNL has been vigorously pursuing such cases to the concerned authorities for early disposal the pending verification. In this regard it is intimated that out of 62 cases, 14 cases were found genuine. The present status of remaining 48 cases is enclosed at **Appendix-A**.

1.49 The Chief General Managers of concerned Circles i.e. Andhra Pradesh, Gujrat, Himachal Pradesh, Karnatka, Madhya Pradesh, Maharashtra, Orissa and Tamilnadu have been requested to expedite the disposal of these remaining cases at earliest. This was also one of the agenda in 17th HOCC held on 27th & 28th April 2009.

Comments of the Committee

1.50 The Committee note that out of 62 cases, 14 cases have been found genuine whereas the remaining 48 cases are pending at various stages of investigation. The Committee observe that contrary to its recommendation for expeditious disposal of cases in the backdrop of recent apex court judgement on

false caste certificates, disciplinary proceedings are yet to be initiated in two cases and in three cases departmental inquiry is under process and few cases are pending with disciplinary authorities for final orders. However, the rest of the cases are still under verification. The Committee are, therefore, perturbed by the tardy progress made in settlement of these cases which is a serious crime against SCs and STs in regard to employment opportunity. The Committee, therefore, reiterate their earlier recommendation and urge that disciplinary cases which are under the jurisdiction of the Management should be finalised on day to day basis and settled within three months of presentation of this report. The Committee, further, recommend that for other cases which are at various stages of verification or pending with district authorities/courts, the matter should be pursued vigorously by the Management for expeditious completion of the investigations process. The Committee also urge the Management that the Chief General Managers of concerned circles should be asked to submit compliance/progress report in connection with disposal of these cases on regular basis.

Redressal of complaints

Recommendation (Sl. No. 21, Para No. 4.27)

1.51 The Committee note that the Chief Liaison Officer at headquarters and Liaison Officers and Deputy Liaison Officers at Circle and SSA level, respectively are looking into the complaints of SCs and STs for redressal of their grievance. The Committee are happy that BSNL has been able to dispose of all the cases of complaints and grievances received during the years 2004, 2005, 2006 and 2007. The Committee should be apprised whether all the complaints/grievances were disposed of to the full satisfaction of the aggrieved SC/ST employees. The Committee should also be

apprised of the details of grievances/complaints received and disposed of during the year 2008.

Reply of the Government

1.52 All the cases pertaining to 2004, 2005, 2006 and 2007 have been settled as per rules on the subjects.

1.53 The details of grievances/complaints received and disposed of during the year 2008 are as under:

Complaints received	Nature of complaints	Disposed of	Pending
72	Service matters and vigilance cases	50	22

Comments of the Committee

1.54 The Committee note that out of 72 complaints received during the year 2008, 50 cases had been disposed of and 22 cases were still pending. The Committee recommend that these 22 cases should also be disposed of without any further delay.

SC/ST employees welfare association

Recommendation (Sl. No. 23, Para No. 4.34)

1.55 The Committee appreciate the measures taken by the Management of BSNL to unite various groups of SC/ST Employees Associations under one forum. The Committee had always advised that every organisation should have a united SC/ST Employees Association so that the machinery for redressal of grievances/complaints of SC/ST employees are routed and redressed through this system. It is for this reason that in many of the study visits, the Committee always urged leaders of various SC/ST associations to be united so that the Management could address and redress their grievances through this channel. The Committee urge the Management to provide

proper office accommodation with essential infrastructures such as furniture, telephones, computers, etc. to recognised SC/ST Employees Association not only at the Headquarters but also at zonal/regional offices. The Committee also stress that periodical meetings should be held with the SC/ST Employees Association and minute of such meetings be circulated to them. If requested, they should also be allowed to examine the rosters of the employees' periodically. The Committee also desire that the office bearers of association should not be subjected to frequent transfer and postings keeping in view their commitment for the welfare of their fellow employees. The Committee also desire that a representative of SC/ST employees association should be invited to attend the meeting called by the Management whenever an important discussion on SC/ST related matter is to take place. In case of conflicting views on any SC/ST related matter, the Management should not adopt a bipartisan attitude. Rather, it should ensure that the matters of consideration/discussion are settled to the satisfaction of the SC/ST employees. The Committee also desire that the management should always guide and assist the SC/ST association as its own protégé for the healthy growth of the Corporation.

Reply of the Government

1.56 Necessary instructions for providing accommodation and telephone to the SC/ST Employees Welfare Association have been issued to all Circle Offices. So far as other facilities like computer is concerned, it is under consideration. The other privileges like allowing them to examine the Rosters, frequent transfers and postings, meeting with Management, in this connection, due importance/consideration is given to them as far as possible under the rules in the interest of SC/ST employees of this organisation.

Comments of the Committee

1.57 The Committee appreciate that office accommodation, telephone and other concessions, privileges, etc. have been extended to the SC/ST Employees Welfare Association. However, necessary office infrastructure such as computer facilities have not yet been provided. The Committee therefore, urge the Management to provide computer facilities with internet access to the Association so as to enable them to discharge their duties efficiently.

Corporate social responsibility

Recommendation (Sl. No. 27, Para No. 4.52)

1.58 The Committee also note that the BSNL has finalised a scheme under the corporate social responsibility for the State of Assam costing rupees one crore. The Committee recommend that the BSNL should draw out schemes/projects under the TSP for all States/UTs, wherever applicable, so that the fund allocated for the purpose are fully utilised. The Committee should be apprised of the details of the scheme undertaken in Assam under the Corporate Social responsibility of the BSNL.

Reply of the Government

1.59 Under the CSR Scheme Rs.80,48,850/- has been allocated to Assam Circle as mentioned below:-

Sl. No.	Schemes	Cost (In Rupees)
1	Distribution of Computers & Provision of Broadband Services to 13 girls' schools in Assam	28,30,100
2	Provision of Broadband Services in 200 village school in rural areas of Assam where computers are available.	26,40,000
3	Distribution of 30 Tricycles fitted with GSM PCO Boxes to physically handicapped persons in Nalbari & Kamrup districts.	4,50,000
4	Provision of 25 Village Kiosks for unemployed educated women in Nalbari and Kamrup Districts.	9,28,750
5	Supply of 4-5 Ambulances in Backward Districts of Assam	12,00,000
	Total	80,48,850

Comments of the Committee

1.60 The Committee have been furnished with only the details of scheme undertaken in the State of Assam under Corporate Social Responsibility. The Committee should also be informed whether BSNL has drawn out schemes/projects in other States/UTs, wherever TSP is applicable, so that the funds allocated for the purpose are fully utilised.

Scheduled Caste Sub-Plan (SCSP)

Recommendations (Sl. No. 28, Para No. 4.53)

1.61 The Committee regret to note that no funds have been earmarked for Scheduled Caste communities under the Scheduled Castes Sub-Plan (SCSP). The Committee would like to know as to why no funds have been allocated for the scheduled castes under the SCSP. The Committee recommend that separate funds for development of SCs under the Scheduled Castes Sub-Plan (SCSP) should be earmarked not only in BSNL but also in the Ministry as per the percentage of SC population of the State and as per the guidelines issued by the Planning Commission on the subject.

Reply of the Government

1.62 BSNL is not having any Special Component Plan for SC Communities (SCSP).

Comments of the Committee

1.63 Having noted that no reason for not earmarking funds for SCSP by BSNL has been mentioned, the Committee had recommended that separate funds for development of SCs under SCSP should be earmarked not only in BSNL but also in the Ministry as per population of SC population of the State and as per the guidelines issued by the Planning Commission on subject. However, the Committee are surprised that the Government have repeated the same reply that

BSNL is not having any Special Component Plan (SCSP) for SC communities. The Committee are of the strong view that BSNL and Ministry should have SCSP funds for development of SC communities as in the case with Scheduled Tribes. The Committee therefore, reiterate their earlier recommendation.

CHAPTER II

Recommendations/observations which have been accepted by the Government

Recommendations (Sl. No. 2, Para No. 2.7)

2.1 The Committee note that Group A officers of BSNL have not yet been absorbed and are still deemed as on deputation from DOT. The period of deemed deputation was to last upto 30.9.2005 as per the decision of the Cabinet. Not satisfied with the terms and conditions, the Committee note that Group A officers did not exercise the option for absorption in BSNL/MTNL or continuation with DOT. The Committee further note that a committee constituted by DOT, which included representatives of Indian Telecom Service Association (ITSA), have recommended for liberalization of certain terms and conditions. Based on these recommendations, a cabinet note was being finalised for consideration of the Cabinet. The Committee hope that the said note would have been finalised by now and sent for consideration of the Cabinet for early absorption of Group A officers in BSNL. The Committee would like to be apprised of the decision of the Cabinet at the earliest.

Reply of the Government

2.2 The Committee was earlier informed of a brief background of the ongoing process of absorption of Group A officers in BSNL and about the constitution of a Committee including representatives of Indian Telecom Service Association (ITSA) to consider the absorption related issues in finer details. The Committee were further informed that based on the recommendations of the said Committee, a Note for the Cabinet was proposed to be submitted seeking approval on liberalization of certain terms and conditions of absorption and extension of the period of deemed deputation.

2.3 Thereafter, the following developments have taken place in the matter of absorption of Group A officers in BSNL/MTNL:-

(a) Based on the recommendations of the above Committee, a Note dated 2.5.2008 on the subject of absorption of Group A officers in BSNL/MTNL was submitted to the Cabinet. The Cabinet, in its meeting held on 15.05.2008, decided that the matter may, in the first instance, be considered by a Group of Ministers (GOM). Accordingly, a Note dated 5.5.2008 was submitted to GOM. Based on the decisions taken by GOM on 10.06.2008, a fresh Note dated 3.7.2008 on the subject was submitted for consideration by the Cabinet.

(b) The Cabinet in its meeting held on 24.7.2008 considered the proposals made in the Note dated 03.07.2008 and approved the proposals with certain directions. After fulfilling the directions, a revised option letter dated 26.08.2008 was issued. Besides, the period of deemed deputation, without deputation allowance, of officers belonging to various Group A services was also extended till 22.12.2008 or the date of allocation, whichever is earlier.

(c) This Department received requests for modifying certain general terms and conditions of absorption as also seeking clarifications on various points. After considering the said requests, revised general terms and conditions and clarifications were issued on 29.09.2008 and 01.10.2008 & 22.10.2008.

(d) As per option letter dated 26.8.2008, the last date prescribed for submission of options by Group A officers was 16.10.2008, but the last date was extended from time to time upto 15.12.2008 to enable the officers to take an informed decision in the matter.

(e) Despite liberalized terms and conditions of absorption, as notified by the Department of Telecommunications vide their letter dated 26.08.2009 read with the revised general terms and conditions of absorption issued on 29.9.2008, the response of Group A officers towards absorption in BSNL/MTNL was very poor.

(f) Discussions with the officers in the Department/BSNL revealed that the chief reason for the poor response was the non-clarity on the issue of Government's ultimate liability to pay pensionary benefits to BSNL employees under all circumstances and the periodic revision of the pension sanctioned on the basis of combined service in the Government and in the Public Sector Undertaking under Rule 37-A of CCS (Pension) Rules, 1972 as happens in the case of Government servants.

(g) The above issues were discussed in a meeting held by Secretary; Department of Expenditure in her office on 16th December, 2008. The meeting was attended, among others, by Secretary, Department of Telecommunications, Secretary, Department of Pension & PW and President, Indian Telecom Service Association (ITSA).

(h) During the above meeting, it was, inter-alia, agreed that the relevant provisions of Rule 37-A of CCS (Pension) Rules, 1972 were already clear on the question of ultimate liability of the Government to pay pensionary benefits including family pension to the employees of BSNL (excepting those recruited after 01.10.2000) and that a clarification in this regard could be issued by the Department of Telecommunications. Accordingly, a clarification dated 05.01.2009 was issued by the Department of Telecommunications.

(i) As regards the other issue, a view emerged that the employees who got absorbed in BSNL/MTNL (or will get absorbed in BSNL/MTNL) w.e.f. 1.10.2000 in IDA pay scale and opt for pension based on combined service will be eligible for revision of their pension, based on the recommendations of each subsequent Pay Commissions, including the 6th Pay Commission on the lines of DOP&PW OM No. 4/14/2001-P&PW(D) dated 19.9.2003. However, since the officers from Department of Pension & PW did not agree with this view, it was decided to seek legal opinion in the matter. Accordingly, a file on this subject was moved for comments of Deptt. of Pension & PW

and Department of Expenditure as also for seeking the advice of Ministry of Law. A final decision in this matter will be taken in the light of the advice to be received.

(j) Since a successful completion of the absorption process is vital to the Government interests including those of BSNL/MTNL, it has been decided not to disturb the current deployment of all Group A officers in BSNL/MTNL who are on deemed deputation for the present. It has also been decided to give another opportunity to Group A officers for exercising their option for absorption in BSNL/MTNL after a decision on the aforesaid issue of periodic revision of pension is taken.

Comments of the Committee

2.4 Please see Para No. 1.11 of Chapter I.

Recommendation (Sl. No. 4, Para No. 2.19)

2.5 The Committee note that JTO and JAO, which are Group B executive posts, belong to circle cadre. Direct recruitment to these posts are done through All India competition. Majority of non-executive posts belong to SSA level and limited recruitment has been done at SSA level. It has been reported that recruitment to any cadre is based on the functional requirement of the company keeping in view the fast changing technological scenario and declining trend in the fixed lines. The reasons for not holding recruitment for the vacant posts of JAO during the years 2004, 2005, 2006 and 2007 which is a Group 'B' executive posts, is reported to be due to pending court cases. The Committee recommend that earnest efforts should be made for early disposal of court cases so that recruitments to JAO post are held. The Committee would also like to know the detailed information of the final outcome of direct recruitment exercise which was underway for 3591 JTOs in executive category and 5791 TTAs in non-executive category.

Reply of the Government

2.6 On constant and sincere pursuasion of the BSNL Management, the pending court cases, main hurdle in recruitment of JAO cadre for both through open market and internal competitive exams, have recently been settled and action has been initiated in this regard.

2.7 The BSNL conducted All India Competitive examination for the recruitment of 3591 JTOs from the open market for the year 2007. The final outcome is as under:

Recruitment of JTOs for the year 2007	OC	OBC	SC	ST	Total
Vacancies notified	1805	968	546	272	3591
Successful candidates	1670	743	547	181	3141

2.8 5791 vacancies of TTA for the recruitment year 2006 were allotted to 27 Recruiting Circles against which 5201 candidates qualified. Out of which 3652 successful candidates have joined as TTA out of which 253 belong to ST and 790 belong to SC.

Recommendation (Sl. No. 6, Para No. 2.28)

2.9 The Committee note that the result of failed SC/ST candidates is reviewed in case quota remains unfilled. The Committee would like to be apprised of the number of SC/ST candidates selected in various categories/posts, after such revisions during the last five years. The Committee further note that until now, the BSNL has followed the process of advertising the reserved posts in the Employment News and in the leading national/regional newspapers only. The Committee opine that in order to reach out to a wider section of the SC and ST people, the services of All India Radio and Doordarshan should also be used for dissemination of recruitment related information. Besides, copies of such advertisements may also be forwarded to Members of the Committee

and recognised SC/ST Employees Welfare Associations of the BSNL for sponsoring reserved candidates.

Reply of the Government

2.10 As per opinion of the Committee regarding advertisement of posts for employment in different cadres in BSNL, the services of All India Radio and Doordarshan will be also used for wider circulation and copies of such advertisements will be also forwarded to the Committee and recognised SC/ST Employees Welfare Association of BSNL.

2.11 The details of the number of SC/ST candidates selected in various categories/posts after review of results during the last five years are as under:

SC candidates selected after review	ST candidates selected after review
224	111

Recommendations (Sl. No. 9, Para No. 2.45)

2.12 The Committee also recommends that promotion policy for non-executive cadres should also be finalised expeditiously and should provide for necessary reservation for SCs and STs.

Reply of the Government

2.13 The BSNL has already finalised promotion policy for non - executive cadres. It is expected that the said policy will be implemented in BSNL very shortly.

Recommendation (Sl. No. 10, Para No. 2.46)

2.14 The Committee also observe that no promotion was made in the post of JAO in the years 2004, 2005 and 2007 due to pendency of court cases. It has been stated that

the same will be filled up after finalisation of court cases. It has further been stated that promotion to the grade of AO could not be held in the years 2006 and 2007 due to non-availability of vacancies and eligible officers belonging to SC/ST categories. However, DPC was under process to fill up the newly sanctioned post under Man Power Plan 2007. The Committee again stress that earnest action should be taken to get the pending court cases finalised expeditiously so that the promotion process could be given a momentum. The Committee should also be apprised of the progress made by the DPC to fill up the newly sanctioned post under Man Power plan 2007.

Reply of the Government

2.15 The Contempt Petition no. 1594/2007 filled by Shri Ran Vijay Singh & others V/s Shri S. Bhargava CGMT UP(W) & others before Hon'ble High Court Allahabad has been dismissed on 20.03.2009. On receipt of the certified copy of the order, necessary steps will be taken for recruitment of JAOs through open market and internal Competitive exams. Regarding filling up of the newly sanctioned post under Man Power Plan 2007, it is stated that after taking into account the sanctioned post under Man Power Plan 2007, a total no. of 1155 posts were filled up in the grade of AO including SC-165 and ST-66 posts in the last DPC held in Sep.2008 and 420 posts were filled up in the grade of STS including SC-59 and ST-1 posts in the DPC held on 18.03.2009.

Comments of the Committee

2.16 Please see Para No. 1.29 of Chapter I.

Recommendation (Sl. No. 12, Para No. 3.4)

2.17 The Committee note that the Ministry have provided consolidated information with regard to in service training given to SC/ST employees without mentioning the category of posts for which such training was imparted. Nevertheless, the percentage

of SC/ST employees who imparted in service training is not adequate. The Committee recommend that the BSNL should provide in service training to SC/ST employees in all categories of posts, at least as per prescribed quota. The Committee should also be provided with the break up of in service training provided during the years 2004, 2005, 2006, 2007, 2008 in all categories of posts.

Reply of the Government

2.18 Data on training of all employees (SC, ST, OBC and general category) with group-wise breakup is as under:

Category	2004-05				2005-06			
	SC	ST	OBC	Total	SC	ST	OBC	Total
Group-A	318	84	138	2174	360	110	145	2269
Group-B	1486	458	1151	11678	1952	496	1553	14307
Group-C	3829	1072	1208	20720	5699	1426	1793	28810
Group-D	177	36	29	652	223	41	65	850
Total	5810	1650	2526	35224	8234	2073	3556	46236

Category	2006-07				2007-08			
	SC	ST	OBC	Total	SC	ST	OBC	Total
Group-A	475	162	180	3266	673	204	229	4344
Group-B	2776	740	2091	20172	3891	980	2465	28651
Group-C	7427	1849	3265	40696	13589	3449	5157	76210
Group-D	549	113	226	2355	1437	255	712	6650
Total	11227	2864	5762	66489	19590	4888	8563	115855

Category	2008-09			
	SC	ST	OBC	Total
Group-A	790	275	235	4844
Group-B	4052	1023	2327	29106
Group-C	10152	2498	3919	56410
Group-D	1039	219	467	5146
Total	16033	4015	6948	95506

Recommendation (Sl. No. 13, Para No. 3.10)

2.19 The Committee note that the number of SC/ST employees sent on foreign training is very less even though the selection/nomination of candidates for such trainings is done by screening committee. It appears that the BSNL is not keeping

abreast with the various guidelines issued by the DoP&T regarding nomination of SC/ST officers for attending seminars/conferences and training programmes abroad. The Committee are of the view that undergoing various training programmes abroad would enable the SC/ST officers to broaden their outlook and also help him capacity building of the individual officers. It will also boost their moral and motivate them to work harder. The Committee strongly believe that BSNL would keep the assurance given during evidence. The Committee, therefore, recommend that at the time nominating officers for training abroad, preference should be given to SC/ST officers and their cases should be considered more sympathetically so that they do not fell left out.

Reply of the Government

2.20 The recommendation of the Committee has been forwarded to the concerned Branch in BSNL to take care in nominating SC/ST officers for training abroad and action is being taken in that direction.

Comments of the Committee

2.21 Please see Para No. 1.36 of Chapter I.

Recommendation (Sl. No. 14, Para No. 3.13)

2.22 The Committee note that instructions for conducting pre-recruitment training for SC/ST candidates appearing in various direct recruitment/promotion examinations were issued on 28.08.2006 to all the Heads of Telecom Circles/Districts. The Committee, however, note that so far no pre-recruitment training has been implemented. It has been reported that BSNL are contemplating of helping SC/ST candidates appearing for direct recruitment examination for the posts of TTA, JTO and JAO. The Committee recommend that BSNL should expeditiously implement their instructions issued for

imparting pre-recruitment training to SCs and STs appearing for different recruitment examinations.

Reply of the Government

2.23 The present position in this regard is that in TTA cadre pre-recruitment training to SC/ST candidates has been started and necessary action has already been initiated by this office for imparting pre-recruitment training to SC/ST internal departmental candidates appearing for JAO Par-II Exam.

Comments of the Committee

2.24 Please see Para No. 1.39 of Chapter I.

Recommendations (Sl. No. 15, Para No. 3.19)

2.25 The Committee note that CLO(SCT) inspected the rosters of CSS cadres of BSNL Headquarter in February and June, 2008. The Committee however, note that there is no mention of inspection of rosters of Technical and Finance and Accounts cadres up to STS level during the same period. The Committee would, therefore, like to know the reasons as to why the rosters of those two cadres were not inspected. The Committee recommend that the Liaison Officers nominated in the Ministry and BSNL should conduct annual inspection of rosters in the respective offices under their charge vide Department of Personnel & AR No.3611/1/76-Estt.(SCT) dated 06.03.1976. The Committee also recommend that record of the inspections made and of inspection reports should be properly kept since the Committee note that mistakes were noticed in almost every circle. The Committee further note that inspection of rosters has not been conducted by designated Liaison Officer in the Ministry. Instead, it has been carried out by a very junior level officer. The Committee recommend the Ministry and BSNL to follow the Government's directives on the subject in letter and spirit.

Reply of the Government

2.26 The roster of Technical and Accounts cadres are being inspected at regular intervals. CLO(SCT) and his team are conducting inspection of rosters in different Circles. Group 'A' posts in technical cadres are being maintained in Department of Telecom. However, Group 'A' RRs have been finalised and there will be no problem in finalising the STS level rosters in BSNL Corporate Office

2.27 So far as Government directions in the matter is concerned it will be implemented in BSNL in letter and spirit.

Recommendations (Sl. No. 22, Para No. 4.29)

2.28 The Committee are surprised to learn that instances of discrimination and harassment of SC and ST employees on grounds of social origin are still there in BSNL. Such incidents should be condemned and not allowed to thrive. The Committee, therefore, recommend that the Management of BSNL should take strict measures for safeguarding SC/ST employees from discrimination and humiliation for no fault of theirs by the employees of other castes, superiors and colleagues. The Committee also desire that punitive action against perpetrators of harassment/discrimination on grounds of caste should be taken immediately under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on receipt of such report.

Reply of the Government

2.29 On receiving such type of complaints immediate action is initiated to find out the truth by an independent Investigating/Inquiry officer. It is needless to mention that on proving guilty officers/officials prompt action is taken against them as per rules on the subject by the BSNL.

Recommendation (Sl. No. 23, Para No. 4.34)

2.30 The Committee appreciate the measures taken by the Management of BSNL to unite various groups of SC/ST Employees Associations under one forum. The Committee had always advised that every organisation should have a united SC/ST Employees Association so that the machinery for redressal of grievances/complaints of SC/ST employees are routed and redressed through this system. It is for this reason that in many of the study visits, the Committee always urged leaders of various SC/ST associations to be united so that the Management could address and redress their grievances through this channel. The Committee urge the Management to provide proper office accommodation with essential infrastructures such as furniture, telephones, computers, etc. to recognised SC/ST Employees Association not only at the Headquarters but also at zonal/regional offices. The Committee also stress that periodical meetings should be held with the SC/ST Employees Association and minute of such meetings be circulated to them. If requested, they should also be allowed to examine the rosters of the employees' periodically. The Committee also desire that the office bearers of association should not be subjected to frequent transfer and postings keeping in view their commitment for the welfare of their fellow employees. The Committee also desire that a representative of SC/ST employees association should be invited to attend the meeting called by the Management whenever an important discussion on SC/ST related matter is to take place. In case of conflicting views on any SC/ST related matter, the Management should not adopt a bipartisan attitude. Rather, it should ensure that the matters of consideration/discussion are settled to the satisfaction of the SC/ST employees. The Committee also desire that the management should always guide and assist the SC/ST association as its own protégé for the healthy growth of the Corporation.

Reply of the Government

2.31 Necessary instructions for providing accommodation and telephone to the SC/ST Employees Welfare Association have been issued to all Circle Offices. So far as other facilities like computer is concerned, it is under consideration. The other privileges like allowing them to examine the Rosters, frequent transfers and postings, meeting with Management, in this connection, due importance/consideration is given to them as far as possible under the rules in the interest of SC/ST employees of this organisation.

Comments of the Committee

2.32 Please see Para No. 1.57 of Chapter I.

Recommendation (Sl. No. 24, Para No. 4.37)

2.33 The Committee note that thirty-five percent of SCs and STs had been trained in the workshops conducted on reservation policy during the years 2006 and 2007. The number of SC/ST candidates nominated for attending workshops on reservation related subjects organised by BSNL should be enhanced by nominating SC/ST candidates drawn from various offices of BSNL, spread across the country. The details of participants of such trainings should be maintained so that they can be picked up for posting in SCT Cells as Liaison Officers and support staff. The Committee, therefore, recommend that a profile of all candidates nominated from various officers for attending such workshops should be maintained so that they can be easily picked up for posting in SCT Cells in times of need.

Reply of the Government

2.34 In this connection, instructions have already been issued vide this office letter No. 45-01/2006-SCT(Pt.)/232 dated 08.11.2006 to undertake two regular training

programmes annually . However, keeping in view of the recommendations of the Parliamentary Committee once again instructions have been issued on 11.05.2009.

Recommendations (Sl. No. 27, Para No. 4.52)

2.35 The Committee also note that BSNL has finalised a scheme under the corporate social responsibility for the State of Assam costing rupees one crore. The Committee recommend that the BSNL should draw out schemes/projects under the TSP for all States/UTs, wherever applicable, so that the fund allocated for the purpose are fully utilised. The Committee should be apprised of the details of the scheme undertaken in Assam under the Corporate Social responsibility of the BSNL.

Reply of the Government

2.36 Under the CSR Scheme Rs.80,48,850/- has been allocated to Assam Circle as mentioned below:-

Sl.No.	Schemes	Cost (In Rupees)
1	Distribution of Computers & Provision of Broadband Services to 13 girls' schools in Assam	28,30,100
2	Provision of Broadband Services in 200 village school in rural areas of Assam where computers are available.	26,40,000
3	Distribution of 30 Tricycles fitted with GSM PCO Boxes to physically handicapped persons in Nalbari & Kamrup districts.	4,50,000
4	Provision of 25 Village Kiosks for unemployed educated women in Nalbari and Kamrup Districts.	9,28,750
5	Supply of 4-5 Ambulances in Backward Districts of Assam	12,00,000
	Total	80,48,850

Comments of the Committee

2.37 Please see Para No. 1.60 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. 1, Para No. 1.10)**

3.1 The Committee regret to note that there is no representation of SC/ST members on the Board of Directors of BSNL even though it was admitted that there is no prohibition of their being considered for the Board level appointments as per the guidelines. The Committee was informed that selections and appointments of members in the Board are made by the Government of India through the Public Enterprises Selection Board (PESB). It was also admitted that as of now no SC/ST candidate has found favour with the PESB but it is hoped that in the near future they should be able to have some SC/ST members on the Board. It is surprising to note that the BSNL has not felt the need to have representation of SCs/STs on the Board of Directors because an officer of the rank of Junior Administrative Grade level namely, CLO(SCT) coordinates implementation of Government's Reservation Policy. The Committee feel that these replies reflect lack of understanding on the subject matter being examined because the appointment of SC/ST members on the Board of Directors has no relevance with the appointment of Chief Liaison Officer (SCT) at the Headquarters. An SC/ST member on the Board by virtue of his position can play a crucial role for the greater interest and welfare of SC/ST employees over and above his contribution for the growth of the BSNL. Whereas, the role of a CLO, who is by far in a relatively lower position working under the direct control of top management is restricted to only implementation of Government reservation policies and other SC/ST related matters. Being not on the Board of Directors, he can not involve himself in the decision making process on various policies including proper implementation of Reservation Policy, which is normally

considered at Board level meetings. BSNL, is a very large organisation with a staff strength of around 3.10 lakhs out of which 70,000 employees are reported to be from SC and ST categories. The Committee, therefore, feel that an SC/ST member should have been appointed on the Board. Moreover, there is a Constitutional provision under Article 16(4A) which says that “Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which in the opinion of the State are not adequately represented in the services under the State”. In view of the above, the BSNL should take a proactive role in the process of appointment of SC/ST members on the Board and not leave the matter to the Government alone. There is no dearth of eligible SC/ST candidates for appointment to the Board, provided they have proper backing and support. The Committee, therefore, urge the BSNL to scout for suitable and eligible SC/ST candidates and sponsor them to the Government for appointment on the Board. The Committee also urge the BSNL to clearly spell out and justify the need for appointments of SC/ST members on the Board. The Committee recommend that, if necessary, the Government should amend the rules/regulations governing appointments to the Board in view of the Constitutional mandate so as to facilitate appointments of SC/ST member on the Board.

Reply of the Government

3.2 As the Committee was informed earlier selections and appointments of members on the Board of Public Sector Enterprises are made by the Govt. of India through the Public Enterprises Selection Board (PESB). The post is advertised in the newspaper by the PESB and is also posted on its website alongwith the detailed job descriptions, including the eligibility conditions. The PESB called for applications from eligible

Central Public Sector Executives, State Public Sector Executives, Private Sector Executives and Government officers. The Department of Telecom is also asked to forward the applications of eligible officers of the Public Sector Undertakings under its control. The applications received from Telecom PSEs and ITS officers are forwarded to the PESB. The applications are scrutinized by the PESB and the PESB after interviewing the candidates and assessing their Annual Confidential Reports recommends the name of two suitable officers. Since the post of Director is a contractual post and is higher than the lowest rung of Group 'A' post upto which the reservation is applicable, it cannot be reserved for SCs/STs. However, SCs/STs are also considered if eligible alongwith other candidates.

3.3 As regards the Committee's recommendation for amendment to the rules/regulations governing appointments to the Board, the recommendation of the Committee has been forwarded to the Department of Public Enterprises, the nodal Departments for framing the policies in respective executives of CPSEs.

Comments of the Committee

3.4 Please see Para No. 1.7 of Chapter I.

Recommendation (Sl. No. 3, Para No. 2.8)

3.5 The Committee also note that Group A officers individually and through their Associations have filed a series of court cases challenging the terms and conditions of absorption. The Committee strongly recommend that action to vacate stay orders at the earliest should be taken so that absorption process of Group A employees as also cadre absorbed Group B employees promoted to Group A officers be finalised.

Reply of the Government

3.6 At present, there are only three court cases filed in the Hon'ble High Court of Andhra Pradesh at Hyderabad where the interim orders passed to by this Court staying the absorption process are still in operation. However, as per legal advice, these interim orders are applicable in personam and not in rem, i.e. these interim orders are applicable to the petitioners in these Writ Petitions only. As such, there is no legal bar on proceeding ahead with the absorption process except in the case of a few Group A officers (about 100) who are parties in the above three court cases.

3.7 This Department has engaged learned Additional Solicitor General of India to defend these cases on behalf of Union of India and to have the interim orders vacated.

3.8 In order to seek expeditious disposal of the above cases, separate additional counter affidavits have recently been filed in the Hon'ble High Court of Andhra Pradesh in these cases to bring out the latest developments in the matter of absorption of Group A officers in BSNL/MTNL including the liberalized terms and conditions of absorption notified by this Department vide the latest option letter dated 26.8.2008 read with the revised general terms and conditions of absorption issued on 29.9.2008. In the said additional counter affidavit, a prayer has been made for dismissal of the cases on the ground that most of the demands made by Indian Telecom Service Association (ITSA), as finally approved at the highest level in the Government of India, i.e. Cabinet have been agreed to. Besides, separate Applications have also been filed praying for early hearing of these cases. It is expected that these cases will soon be disposed of by the Hon'ble High Court of Andhra Pradesh.

Comments of the Committee

3.9 Please see Para No. 1.16 of Chapter I.

Recommendation (Sl. No. 11, Para No. 2.47)

3.10 The Committee note that the reasons for the shortfall of 12 SCs and 13 STs in JAO posts in 2006 was due to non-availability of eligible SC/ST candidates to fill the vacancies even after relaxing the qualifying standard for the reserved candidates in the departmental competitive examination conducted in 2006 likewise, the reasons for the shortfall of 42 SC and 21 ST candidates in AO category is also due to non-availability of eligible candidates in the feeder grade, i.e. JAO cadre. It has further been stated that vacant post in AO cadre will only be filled when eligible officers belonging to SC/ST categories are available. It is thus clear that the main reasons for shortfall in promotion is due to non- availability of eligible of SC/ST candidates in the feeder grades. Therefore, as long as the problem of non-availability of reserved candidates in the feeder grades is not solved, the problem of shortfall in promotion will also remain in all groups of posts. The only way to overcome the undesirable problem of shortfall in promotions is to have sufficient numbers of eligible candidates in the feeder grades for appointments/ selections. The Committee, therefore, recommend that to ensure sufficient number of SC/ST candidates are available in many feeder grades for promotion, the BSNL in consultation with the Department of Telecommunications should take stock of this peculiar situation and accordingly amend the rules and regulations governing recruitments and promotions. The Committee further recommend that Ministry/BSNL should also see whether the promotional quota can be converted into direct recruitment quota temporarily in view of department of Personnel & Training OM.No. AB 14017/30/89-Estt.RR New Delhi dated the 10 July, 1990. The Committee should be apprised of the measures taken to fill up the shortfall in promotions within 3 months after presentation of this report.

Reply of the Government

3.11 Recently contempt petition pending before Hon'ble high court of Allahabad has been dismissed. Now, necessary steps is being taken for recruitment of JAOs through open market in which appropriate reservation will be given to SC/ST candidates. Necessary action has already been taken for conducting JAO Part-II Examination for departmental candidates. After conducting the above proposed Part-II examination and declaration of results therefore, if any short fall vacancies are available against SC/ST quota(Departmental), then necessary action will be proposed to be taken for diversion of vacancies from departmental quota into direct recruitment quota as per DOP&T OM dated 10.07.1990 as recommended by Parliamentary Committee.

3.12 As per DOP&T OM dated 10.07.1990 as referred by Parliamentary Committee for diversion of vacancies from Departmental quota into Direct Recruitment quota temporarily, the procedure outlines in paras 3 and 4 of the above OM will not apply in cases where the posts in a cadre are filled 100% by promotion or in which there is no element of direct recruitment prescribed in the Recruitment Rules. In such cases, the existing procedure will continue to be followed.

Comments of the Committee

3.13 Please see Para No. 1.33 of Chapter I.

Recommendation (Sl. No. 16, Para No. 3.30)

3.14 The Committee note that SCT Cell set up in the headquarters and regional/zonal/circle officers perform many duties to help the Liaison Officer appointed in respective offices. However, no mention has been made about the duty in regard to preparation before DPC. It has been required under Department of Personnel & AR OM No.36011/22/82-Estt(SCT) dated 18.08.1983 that Liaison Officer has to acquaint

himself well in time about the dates of various DPCs which will be held in future, to have a ready list of officers of various levels belonging to SC/ST of a few sister Department/Ministries. The Liaison Officer is required to prepare a list by informally consulting the administrative wings of other Ministries/Departments to be associated whenever requirement arises to be associated as a member DPC. The Committee, therefore, recommend that Liaison Officer should follow this orders in letter and spirit. The Committee would also like to stress upon the importance of a Liaison Officer as an institution to watch the interest and welfare of the SCs and STs. Knowing this, the DOP&T has made it mandatory for all Ministries/Departments and establishments/officers under its control to have an officer of the rank of Deputy Secretary to Government of India as Liaison Officer to head the SCT Cells. The Committee are of the view that since the Liaison Officer is appointed to ensure due compliances of orders and instructions pertaining to reservations of vacancies in favour of SCs/STs, he should not be overburdened with other official works.

Reply of the Government

3.15 The instruction of Department of Personnel and Training regarding DPCs is being followed letter and spirit. The Director (SR) is looking after the work of Liaison Officer to watch the interest and welfare of SCs and STs. The instruction was also reiterated by the Department to all Public Sectors Undertakings/Autonomous Bodies/Statutory Bodies/ Attached and Subordinate Officer under the Department of Telecommunications vide letter No. 1-01/2007-SCT dated 3.1.2007.

3.16 At present Dr. Vincent Barla, Director (SR) & Liaison Officer is looking after the welfare and reservation of vacancies for SCs and STs. He has been assigned this work apart from his regular assignment as Director (Staff Relations). After formation of BSNL with effect from 1.10.2000 and absorption of staff in BSNL/MTNL, the sanctioned as

well as staff strength in DoT has been reduced considerably. The work load of Director (SR) has accordingly been reduced. Therefore, the work load of Liaison Officer in Department of Telecommunications has been found to be reasonable.

Recommendation (Sl. No. 18, Para No. 4.10)

3.17 The Committee note that BSNL have been receiving large number of applications for appointment on compassionate grounds. The number of cases received from SC/ST families during the years 2004-05, 2005-06, 2006-07 and 2007-08 were 423, 479, 505 and 500, respectively. The number of SCs/STs who were beneficiaries during the same period were 218, 87, 126, and 262, respectively. It is a matter of great concern that as on 31.03.2008, there were 3419 cases still pending for consideration by the BSNL out of which 1199 cases pertained to SCs/STs. The Committee regret to note that a large number of SC/ST applicants are waiting for appointment on compassionate grounds. The Committee desire that the process of appointment on compassionate grounds should be expedited and accorded priority as many of these SC/ST families waiting for compassionate appointments would belong to lower income groups with no other means of livelihood. The Committee, therefore, recommend that the BSNL should explore the feasibility of filling up the shortfall of SCs/STs in its staff strength from eligible SC/ST candidates whose applications are pending for appointment on compassionate grounds.

Reply of the Government

3.18 BSNL has been following the guidelines issued by DOP&T vide OM No.14014/6/94-Estt(D) dated October 9, 1998. Under these instructions, there is no provision to consider cases of SC/ST separately. Further, compassionate ground appointment can be made upto a maximum of 5% of vacancies falling under direct

recruitment quota in any Group 'C' or 'D' post. As such, it is not feasible to fill up the shortfall of SCs/STs vacancies by offering compassionate ground appointment to eligible SC/ST candidates.

3.19 At present only 1272 cases are pending for consideration at BSNL Corporate Office. Efforts are being made to clear all these pending cases by the end of this year.

Comments of the Committee

3.20 Please see Para No. 1.46 of Chapter I.

Recommendation (Sl. No. 20, Para No. 4.21)

3.21 The Committee appreciate that BSNL has sufficient quarters in most of its units for allotment to its employees. Making available proper and decent accommodation is one area where SC/ST people have faced difficulty in many organisations and departments. The Committee feel that SC/ST employees of BSNL will not have to worry about residence in their places/units of posting. The Committee, therefore, urge the Ministry and the Management of BSNL to vigilantly oversee the various process of allotment of accommodations so that SC/ST applicants do not suffer due to unnecessary delay in allotment.

Reply of the Government

3.22 So far as the allotment of accommodation to SC/ST employees is concerned, BSNL follows the Govt. instructions on the subject and priority are given to them. BSNL has not received any complaint in this regard.

Recommendation (Sl. No. 21, Para No. 4.27)

3.23 The Committee note that the Chief Liaison Officer at headquarters and Liaison Officers and Deputy Liaison Officers at Circle and SSA level, respectively are looking into the complaints of SCs and STs for redressal of their grievance. The Committee are

happy that BSNL has been able to dispose of all the cases of complaints and grievances received during the years 2004, 2005, 2006 and 2007. The Committee should be apprised whether all the complaints/grievances were disposed of to the full satisfaction of the aggrieved SC/ST employees. The Committee should also be apprised of the details of grievances/complaints received and disposed of during the year 2008.

Reply of the Government

3.24 All the cases pertaining to 2004, 2005, 2006 and 2007 have been settled as per rules on the subjects.

3.25 The details of grievances/complaints received and disposed of during the year 2008 are as under:

Complaints received	Nature of complaints	Disposed of	Pending
72	Service matters and vigilance cases.	50	22

Comments of the Committee

3.26 Please see Para No. 1.54 of Chapter I.

Recommendation (Sl. No. 25, Para No. 4.40)

3.27 The Committee note that BSNL hire in individual/firms/companies, etc. on contract/tender basis for execution of various projects across the country. The Committee note that at present there is no provision for preferential treatment for SCs/STs in the matter of allotment of contract. There might not be reservation and proper guidelines in allotment of contracts/tenders to individuals/firms/companies, but as a matter of social justice and concern for the socio-economic development of SC/ST communities, the Committee feel that a certain share of works/contracts should be allotted to SC/ST contractors/individuals/firms/companies. The Committee, therefore,

recommend that the BSNL should take lead and in consultation with the Ministry, should formulate guidelines in this regard for the welfare of SC/ST communities.

Reply of the Government

3.28 It is submitted that as on date no guidelines/provision are available for preferential treatment for SCs/STs in the matter of allotment of Contract in BSNL as the organisation does not have exemplary option in this matter and being a Govt. PSU it has to follow the guidelines of CVC, other Ministries and any unilateral decision for incorporating/ amending any clause of the Procurement Manual is subject to scrutiny by Courts.

Recommendations (Sl. No. 26, Para No. 4.51)

3.29 The Committee note that BSNL has a Tribal Sub Plan (TSP) for development of telecom network in tribal areas of the country for the socio-economic development of tribal people. On perusal of the details of expenditure incurred under TSP during the financial years 2002-03, 2003-04, 2004-05, 2005-06 and 2006-07, the Committee note that the funds allocated for the schemes had not been completely spent, except during the years 2004-05 and 2005-06. The Committee would like to know the reasons as to why the allocated funds during the years 2003-04 and 2006-07 were not utilised. The Committee recommend that BSNL Management should endeavor to utilise the entire allocated fund during a year to implement schemes/plants for the tribals. Not utilising the allocated fund during the year would imply lack of interest and reflect inefficiency on the part of the administrative machinery towards implementation of plans for the development of tribals.

Reply of the Government

3.30 (I) Reasons as to why the allocated funds during the 2003-04 were not spent:

Achievements against targets set for 2003-04 are given below:

Sl.No.	Parameter	2003-04			2004-05		
		Target	Achievement	% age of achievement	Target	Achievement	% age of achievement
1.	Telephone Exchange (Nos.)	Nil	66	---	23	22	95.65
2.	Switching Capacity (Lines)	3.0 lakh	2.95 lakh	98.33	2.46 lakhs	2.08 lakh	84.55
3.	Telephone connections (Nos.)	2.70 lakh	2.34 lakh	86.67	2.82 lakhs	2.98 lakh	105.67
4.	VPTs (Nos.)	Nil	3,082	---	2,920	3,719	127.36
5.	OFC(Rkms.)	600	2,210	368.33	2,422	1,912	78.94

3.31 Thus, it can be seen that during 2003-04 BSNL had almost achieved most of the targets and in some parameters achievements were even more than the targets.

3.32 During 2004-05 also, the physical targets were achieved almost fully. The funds allocated during 2004-05 were 209.83 Crores and funds utilised were 320.73 Crores. Thus some of the expenditure incurred in 2003-04 was carried over 2004-05.

(II) Reasons as to why the allocated funds during the 2006-07 were not spent:

3.33 The achievement of physical target were approximately 60% of the targets. This was mainly due to delay in supply of mobile exchange equipment as one of the bidder in tender for procurement of mobile exchange equipment has approached court. Due to shortfall in physical targets, the funds utilization was also less.

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. 5, Para No. 2.20)

4.1. The Committee note that only 406 SC posts in JTO category have been filled up as against 450 posts, which is 15 percent of 3000 posts for which recruitments were held in the year 2006. Similarly, the required number of ST JTOs to be recruited should have been 225 in addition to the carry forward vacancies of 57. The reason for not recruiting the requisite number of SC candidates was that they could not qualify in the JTO examination, 2005 which was conducted on all India basis even under the relaxed qualifying standards. If given vacancies for a particular recruitment year could not be filled up due to non-availability of candidates, the vacant posts will most probably be carried forward to the next recruitment exercise as in the case of ST posts in JTO category which has been shown as carried forward in the recruitment year 2006. Even, if sufficient number of SC/ST candidates do not qualify in the subsequent recruitment, the trend of carrying forward of vacancies should continue. The Committee recommend that to discontinue these trend of carrying forward of reserved vacancies year after year, the selection should be based on the number of vacancies and merit. The Committee stress that on selection, SC/ST candidates should be given compulsory in-house trainings so as to bring them up to the required standards to meet the job requirements. The Committee, therefore, recommend that the BSNL should amend the recruitment rules and procedures appropriately so that all the reserved vacancies of SCs and STs are completely filled in every recruitment year through selection of the best candidates available in the competitive examinations.

Reply of the Government

4.2 In this para the recommendation of the Committee regarding recruitment appears to be very useful for the organisation and also in the interest of SC/ST candidates. However, BSNL is following the Government's rules and regulations formulated by DOP&T and DPE.

Comments of the Committee

4.3 Please see Para No. 1.19 of Chapter I.

Recommendation (Sl. No. 7, Para No. 2.34)

4.4 The Committee note that from the time of formation of BSNL on 01.10.2000 there is a continuous shortfall in the staff strength of ST category in various groups of posts. It appears that no initiative was undertaken by the Department of Telecommunications (DOT) and BSNL to make up this shortfall. The Committee feel that to ignore the existence of shortfall for a considerable period is a great loss of employment opportunity to many aspiring ST candidates. It can be construed as sheer negligence on the part of the BSNL and DOT and cannot be overlooked. The Committee desire to know as to why this shortfall of ST category has not been addressed properly during the last 8 years by the BSNL and DOT. The Committee also urge the BSNL and DOT to chalk out a strategy to fill up these shortfall of ST category in various groups of post at the earliest and apprise the Committee of the action initiated in this regard within three months of the presentation of this report to Parliament.

Reply of the Government

4.5 BSNL was formed on 01.10.2000. Accordingly, BSNL recruited DR-JTOs from the open market on the basis of All India Competitive examination details are on the

basis of the vacancies received from all heads of circles as under:

Year	Cadre	Advertised post	Declared successful	SC		ST	
				Vacancies out of Column (3)	Allotment out of Column (4)	Vacancies out of Column (3)	Allotment out of Column (4)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
2001	JTO	4000	3199	479	600	239	182
2002	JTO	3120	3120	450	458	302	302
2005	JTO	3000	2654	406	406	256	232
2007	JTO	3591	3141	546	547	272	181
2009	JTO	3545	-	-	-	-	-

4.6 Moreover, it is to state that shortfall in the ST & SC categories in the previous recruitment year has been suitably included in the succeeding Exams. However, unfilled vacancies if any, in SC/ST category will suitably incorporated in future recruitment.

Comments of the Committee

4.7 Please see Para No. 1.23 of Chapter I.

Recommendations (Sl. No. 8, Para No. 2.44)

4.8 The Committee note that BSNL has separate provisions of its own for regulating promotions to various posts since Recruitment Rules for certain posts have already been framed. The Committee have been provided with information in regard to promotions effected in case of All India Executives cadre during the years 2004 to 2007 (31.3.2007) only, whereas in case of other categories, it has been stated that promotions in case of posts like JTO/TTA, etc. are completely decentralised and made at the Circle/SSA level spread all over India as per Recruitment Rules in respective cadres and as per Government directives. The Committee are, however, surprised by the irresponsible reply of the Ministry that since these cadre promotions are completely decentralised, as per practice no records' in this connection are maintained in the BSNL (HQ) till date. The Ministry and the BSNL cannot escape from their responsibility and

are equally accountable for what is happening in different Circles/SSA to ensure that reservation orders for SCs and STs as prescribed, are being maintained in all the offices under their control. The Committee, therefore, strongly recommend that BSNL should obtain the information for the last 5 years on promotion, recruitment and staff strength, etc. from all the Circles and start maintaining the record of the same at the Headquarters to ensure proper reservation order for SCs and STs and submit the same to the Committee within three months of the presentation of this Report to Parliament.

Reply of the Government

4.9 The communal break up of recruitment & staff strength for the cadre of JTO(T) & TTA is given as under:

Cadre	Total strength as on 11.08.2009	SCs	STs	OBCs
JTOs	17400	2808	516	2263
TTAs	15605	3126	1093	2655

Communal Break up of Recruitment

Year	JTOs				TTAs			
	Total	SCs	STs	OBCs	Total	SCs	STs	OBCs
2004	82	11	7	19	274	34	52	51
2005	8	1	3	1	69	8	19	10
2006	295	49	34	60	81	58	20	1
2007	1433	268	135	476	10	5	3	0
2008	9	2	0	4	3543	749	264	1253
2009*	651	142	40	246	478	106	28	156
	2478	473	219	806	4455	960	386	1471

(* status as on 11.08.2009)

Comments of the Committee

4.10 Please see Para No. 1.26 of Chapter I.

Recommendation (Sl. No. 17, Para No. 4.6)

4.11 The Committee are surprised to note that the reason for not making payment of Productivity Linked Incentives (PLI) for the year 2003-04 and 2004-05 to unabsorbed

employees, who are on deemed deputation in BSNL, are not furnished and it has only been stated that the proposal for payment of the same is under consideration. However, it was noted that payment of PLI for the year 2006-07 was already made to unabsorbed employees. The Committee are of the view that if payment of PLI for the year 2006-07 has already been made, payment of the same for the earlier years should not be denied and delayed under any circumstances. Moreover, such payments are based on productivity/performance of the employees. The Committee understand that deputationists comprise of SCs/STs also and therefore, recommend that decision to pay the PLI to all eligible unabsorbed employees for the years 2003-04 and 2004-05 should be expedited without any further delay.

Reply of the Government

4.12 The issue regarding payment of PLI for the year 2003-04 and 2004-05 to unabsorbed employees, who are on deemed deputation in BSNL is under consideration of the Government.

Comments of the Committee

4.13 Please see Para No. 1.42 of Chapter I.

Recommendation (Sl. No. 19, Para No. 4.16)

4.14 The Committee note that a total of 62 instances of securing employment on the basis of false caste certificates had been detected by BSNL during the years 2004, 2005, 2006 and 2007. The instance of having 62 cases of false caste certificates in an organisation reflects the lapse on the part of the Management to curb these menace at the initial stage of appointment. The Committee are not satisfied with the steps taken by the Management to expedite the finalisation of these cases. As regards filing of criminal proceedings against the culprits, it has been informed that most of the cases

are either sub-judice or departmental proceedings have been initiated and that further action can be taken only after final outcome of these cases. BSNL should be aware of the recent judgement given by the Supreme Court regarding dismissal of a bank employee who joined the service in the bank by producing false caste certificate. Recognising the gravity of the issue of getting employment on the basis of false caste certificates, the apex court had stated that such persons do not deserve any sympathy or indulgence of the court because a person, who enters the service by producing a false caste certificate and obtains appointments for the post meant for SCs/STs/OBCs deprives 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 rest on a false caste certificate. The Committee are, therefore, of the view that it is very essential for the Management to take more proactive steps than before. The Committee are also of the view that the menace of false caste certificate could be effectively checked at the time of initial appointment by proper verification of documents by the appointing authority with the help of a Liaison Officer for SC/ST who should be an expert on the subject. The Committee, therefore, recommend that in cases where the Departmental proceedings are going on, the same must be conducted on day-to-day basis for expeditious finalisation of the cases and in cases which are pending in courts, the Management should implead itself as a party and actively pursue the matter for getting the stay vacated and for early hearing and decision. The Committee also recommend that for cases pending before the District Authorities for verification, the matter should be pursued vigorously by fixing date for early disposal by the District authorities. The Committee also urge the Management to seek quarterly progress report indicating action taken on the basis of the above

instructions from the concerned Telecom Circles/Districts Officers and to give necessary advice and guidance, if need be.

Reply of the Government

4.15 The BSNL has been vigorously pursuing such cases to the concerned authorities for early disposal the pending verification. In this regard it is intimated that out of 62 cases, 14 cases were found genuine. The present status of remaining 48 cases is enclosed at **Appendix-A**.

4.16 The Chief General Managers of concerned Circles i.e. Andhra Pradesh, Gujrat, Himachal Pradesh, Karnatka, Madhya Pradesh, Maharashtra, Orissa and Tamilnadu have been requested to expedite the disposal of these remaining cases at earliest. This was also one of the agenda in 17th HOCC held on 27th & 28th April 2009.

Comments of the Committee

4.17 Please see Para 1.50 of Chapter I.

Recommendation (Sl. No. 28, Para No. 4.53)

4.18 The Committee regret to note that no funds have been earmarked for Scheduled Caste communities under the Scheduled Castes Sub-Plan (SCSP). The Committee would like to know as to why no funds have been allocated for the scheduled castes under the SCSP. The Committee recommend that separate funds for development of SCs under the Scheduled Castes Sub-Plan (SCSP) should be earmarked not only in BSNL but also in the Ministry as per the percentage of SC population of the State and as per the guidelines issued by the Planning Commission on the subject.

Reply of the Government

4.19 BSNL is not having any Special Component Plan for SC Communities (SCSP).

Comments of the Committee

4.20 Please see Para 1.63 of Chapter I.

CHAPTER V

Recommendations/observations in respect of which final replies of the Government have not been received.

- NIL -

New Delhi;
August, 2010
Shravana, 1932 (Saka)

GOBINDA CHANDRA NASKAR,
Chairman,
Committee on the Welfare
of Scheduled Castes and
Scheduled Tribes.

APPENDIX-A**(Vide Para No.148 & 4.15)****Present status of 48 cases of Fake/Bogus SC/ST caste certificates.**

Name of circle	Total	Cases Proved	Rule-14	Rule-16	Penalty Imposed		Sub - judices	Cases Cleared by the court	Action taken/Present status of the cases
					Major	Minor			
Andhra Pradesh	10	10	03	Nil	Nil	Nil	05	Nil	(a) Disciplinary proceedings are to be initiated in two cases. (b) Department Inquiry is under process in three cases.
Gujrat	02	02	01	Nil	1	Nil	1	Nil	One terminated form services.
Himachal	02	02	02	Nil	2	Nil	Nil	Nil	Cases are pending with disciplinary authorities for final orders.
Madhya Pradesh	7	1	Nil	Nil	Nil	Nil	01	Nil	6 cases are under verification.
Maharashtra	02	Nil	Nil	Nil	Nil	Nil	Nil	Nil	(a) Both cases are under verification as record is not available with issuing authority.
Orissa	03	03	02	Nil	Nil	Nil	01	Nil	I.O. and P.O. appointed in two cases.
Karnataka	16	04	Nil	Nil	Nil	Nil	01	Nil	(a) 12 cases are under verification. (b) In 03 cases, caste of the officials was under ST category at the time of issue of ST caste certificate. As per Karnataka Govt. Order dated 11.03.2002, their caste do not fall under ST category from the date of issue of this Govt. order. Accordingly officials have been asked to surrender their caste certificates to the issuing authority. No benefits will be extended to these candidates in future. One officials has surrendered his caste certificate to the issuing Authority.
Tamilnadu	06	06	06	Nil	01	Nil	03	Nil	One dismissal from service and inquiry is in progress in two cases.

APPENDIX-B

**MINUTES
COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND
SCHEDULED TRIBES
(2010-2011)**

(FIFTEENTH LOK SABHA)

**FIFTH SITTING
(22.07.2010)**

The Committee sat from 1500 to 1600 hrs. in Room No. '62', Parliament House, New Delhi.

PRESENT

Shri Gobinda Chandra Naskar – Chairman

MEMBERS**Lok Sabha**

2. Shri Tara Chand Bhagora
3. Shri S.K. Bwiswmuthiary
4. Shri Bhudeo Choudhary
5. Shri Kamal Kishor 'Commando'
6. Shri Virendra Kumar
7. Shri Ashok Kumar Rawat
8. Shri Bajju Ban Riyan
9. Shri Kodikkunnil Suresh

Rajya Sabha

10. Shri Lalhming Liana
11. Shri Mukut Mithi
12. Shri D. Raja
13. Shri Thomas Sangma

Secretariat

1. Dr. R.K. Chadha, Joint Secretary
2. Ms. J.C. Namchyo, Director
3. Shri Hoti Lal, Addl. Director
4. Shri M.L.K. Raja, Deputy Secretary
5. Shri G.C. Dobhal, Under Secretary

At the outset, the Hon'ble Chairman welcomed the Members of the Committee. The Committee then considered the draft report on Action Taken by the Government on the recommendations contained in their Thirty-seventh Report (14th Lok Sabha) on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Bharat Sanchar Nigam Limited (BSNL)" and adopted the same with minor modifications.

2. While considering the report, it was also brought to the notice of the Committee that there are some issues which require the attention by BSNL. The Committee, however, decided not to incorporate these issues in the draft report at this stage but to take up these issues separately with the BSNL.

3. The Committee authorised the Chairman to finalise the report in the light of consequential changes, if any, and present the same to both the Houses of Parliament.

The Committee then adjourned with vote of thanks to the Chair.

APPENDIX - C
(Vide Para 4 of Introduction)

Analysis of action taken by the Government on the recommendations contained in the Thirty-seventh Report (14th Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1.	Total number of recommendations	28
2.	Recommendations/observations which have been accepted by the Government (<u>vide</u> recommendations at Sl. Nos. 2, 4, 6, 9, 12, 13, 14, 15, 22, 23, 24, and 27)	
	Number	13
	Percentage to the total	46.42%
3.	Recommendations/observation which the Committee do not desire to pursue in view of the Government replies (<u>vide</u> recommendations at Sl. Nos. 1, 3, 11, 16, 18, 20, 21, 25 and 26)	
	Number	9
	Percentage to the total	32.14%
4.	Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (<u>vide</u> recommendations at Sl. Nos. 5, 7, 8, 17, 19, and 28)	
	Number	6
	Percentage to the total	21.42%
5.	Recommendations/observations in respect of which final replies of the Government have not been received	NIL