

2

**COMMITTEE ON WELFARE OF OTHER
BACKWARD CLASSES
(2014-15)**

(SIXTEENTH LOK SABHA)

MINISTRY OF LABOUR AND EMPLOYMENT

**'Reservation in employment and welfare measures for OBCs in the
Employees' Provident Fund Organisation.'**

SECOND REPORT



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

13th August, 2015/Shravana 22, 1937 (Saka)

SECOND REPORT
COMMITTEE ON WELFARE OF OTHER BACKWARD CLASSES
(2014-2015)
(SIXTEENTH LOK SABHA)

MINISTRY OF LABOUR AND EMPLOYMENT

**'Reservation in employment and welfare measures for OBCs in the
Employees' Provident Fund Organisation.'**

Presented in Lok Sabha on 13th August, 2015

Laid in Rajya Sabha on 13th August, 2015



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

13th August, 2015/Shravana 22, 1937 (Saka)

C.O.OBC No. 9

Price : Rs

@2013 BY LOK SABHA SECRETARIAT

Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha
(Fifteenth Edition) and printed by M/s Jainco Art India, New Delhi-110005

CONTENTS

	PAGE
Composition of the Committee	(iii)
Introduction.....	(iv)

PART I

A. Introductory.....	1
B. Organisational Set-up.....	3
C. Recruitment & Implementation of Reservation Policy for OBCs..	5
D. Training Facility for OBCs.....	12
E. Liaison Officers for OBCs.....	13
F. OBC Representation in Recruitment Boards/Selection Committees	14
G. Grievance Redressal Mechanism.....	14
H. Welfare Fund for OBCs.....	15

PART II

Observations/Recommendations of the Committee.....	16
--	----

ANNEXURE

List of DR Examinations held or to be held as per the Recruitment Rules for the cadre.....	24
---	----

APPENDICES

Minutes of the Sitzings of the Committee held on 30 th March, 2015 and 11 th August, 2015.....	25
---	----

COMPOSITION OF THE COMMITTEE ON WELFARE OF OBCs (2014-15)

SHRI RAJEN GOHAIN- CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri A. Arunmozhithevan
3. Shri Bijoy Chandra Barman
4. Dr. Subhash Bhamre
5. Shri Ramesh Bidhuri
6. Dr. Boora Narsaiah Goud
7. Shri Prataprao Jadhav
8. Shri Ram Mohan Naidu Kinjarapu
9. Dr. Banshilal Mahato
10. Dr. (Smt.) Pritam Gopinath Munde*
11. Shri Rodmal Nagar
12. Smt. Anupriya Patel
13. Shri Mullappally Ramachandran
14. Shri Rajeev Satav
15. Shri Ganesh Singh*
16. Dr. Nepal Singh
17. Shri Rajveer Singh
18. Shri Ladu Kishore Swain
19. Shri Akshay Yadav
20. Shri Om Prakash Yadav

RAJYA SABHA

21. Shri Ram Narain Dudi
22. Shri B.K. Hariprasad
23. Shri Ahamed Hassan
24. Shri Narendra Kumar Kashyap
25. Shri Vishambhar Prasad Nishad
26. Shri V. Hanumantha Rao
27. Smt. Vijila Sathyananth
28. Shri Ashk Ali Tak
29. Shri Ram Nath Thakur
30. Shri Shankarbhai N. Vegad

** Elected as Members of the Committee w.e.f. 12.12.2014 vice Shri Bandaru Dattatreya, MP and Shri Hansraj Gangaram Ahir, MP appointed Ministers on 09.11.2014*

SECRETARIAT

Smt. Anita Jain	--	Joint Secretary
Shri Shilpi Chatterjee	--	Director
Shri R.R. Kumar	--	Additional Director
Shri A.S.K. Das	--	Deputy Secretary

INTRODUCTION

I, the Chairperson, Committee on Welfare of Other Backward Classes (2014-15) having been authorized by the Committee to present the Report on their behalf, present this Second Report on '**Reservation in employment and welfare measures for OBCs in the Employees' Provident Fund Organisation**' pertaining to the Ministry of Labour and Employment.

2. The Committee took evidence of the representatives of the Ministry of Labour and Employment and Employees' Provident Fund Organisation' on 30th March, 2015. The Committee wish to express their thanks to the representatives of the Ministry and Employees' Provident Fund Organisation' for appearing before the Committee for evidence and furnishing the information desired by the Committee in connection with the examination of the subject.

3. The Report was considered and adopted by the Committee at their sitting held on 11 August, 2015.

4. The Committee place on record their appreciation for the valuable assistance rendered to them by the officials of the Lok Sabha Secretariat attached to the Committee.

5. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in Part-II of the Report.

NEW DELHI;
11 August, 2015
20 Shravana, 1937 (Saka)

RAJEN GOHAIN,
Chairperson,
COMMITTEE ON WELFARE OF OBCs.

REPORT

PART – I

A. Introductory

The Employees' Provident Fund Organization (EPFO) came into being following enactment of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 (19 of 1952) which extends to the whole of India except Jammu and Kashmir.

1.2 The object of the Act of 1952 is to institute compulsory savings for employees so as to provide for Provident Fund, Pension and Insurance benefits as a part of the social security mandate of the Government.

The following three schemes are framed under the EPF & MP Act, 1952:-

- i) Employees' Provident Funds Scheme, 1952;
- ii) Employees' Pension Scheme, 1995; and
- iii) Employees' Deposit Linked Insurance Fund Scheme, 1976.

Application of the Act

1.3 Subject to the provisions of the Section 16 of the EPF & MP Act 1952, Employees' Provident Funds and Miscellaneous Provisions Act, 1952 applies to:

- (i) every establishment which is engaged in any industries specified in Schedule I of the Act or any establishment or class of establishment notified by Central Government in the Official Gazette; and
- (ii) employing 20 or more persons

1.4 The Act does not apply to establishments registered under Co-operative Societies Act, employing less than 50 persons and working without the aid of power. It also applies to establishments employing 05 or more cine workers. Provision of Voluntary Coverage also exists for establishments not statutorily required to be covered.

Presently the Act applies to 187 industries/classes of establishments where 20 or more employees are employed.

Eligibility for membership

1.5 Every employee at the time of joining the employment of an establishment covered under the Act and getting wages upto Rs.15000/- is compulsorily required to become a member. Membership to the Fund is optional for employees getting wages above Rs.15000/-. For international workers and newspaper employees, there is no wage restriction for membership.

1.6 Under the Act an employee means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with the work of an establishment and who gets his wages directly or indirectly from the employer, and includes any person:

- (i) employed by or through a contractor in or in connection with the work of the establishment;
- (ii) engaged as an apprentice, not being an apprentice engaged under the Apprentices Act, 1961 (52 of 1961) or under the standing orders of the establishment.

Benefits provided under the Schemes

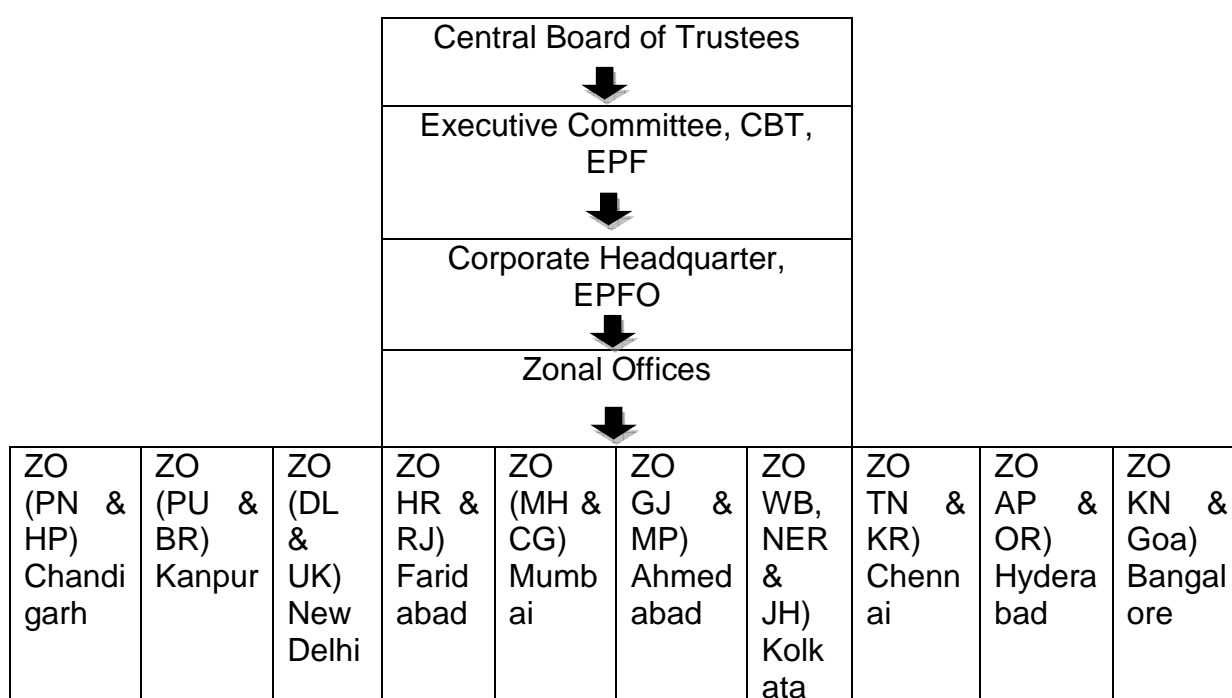
Employees' Provident Funds Scheme, 1952	Employees' Pension Scheme, 1995	Employees' Deposit Linked Insurance Scheme, 1976
<p>Accumulation plus interest accrued upon retirement, resignation, retrenchment, death.</p> <p>Partial withdrawals allowed for specific purposes such as house construction, repayment of housing loan, higher education, marriage, illness, lock out, natural calamity etc.</p>	<p>Monthly pension in case of superannuation / retirement, disability</p> <p>Family Pension to survivor widow/ widower, children, orphan children and dependent parents.</p> <p>Amount of pension based on Pensionable salary in final year of employment multiplied by Pensionable Service and divided by 70.</p> <p>Minimum pension for disablement/ widow/children</p> <p>Past service benefit to members of Employees Family Pension Scheme, 1971</p>	<p>Provides lump-sum insurance benefit upon death of the member to family/dependents based on the average balance available in the Fund / average monthly wages drawn subject to a maximum of Rs.3,20,000/- w.e.f. 1.9.14</p>

The employer of a covered establishment is required to submit periodical returns and pay contributions and other charges as provided under the schemes.

Failure to comply with these requirements will attract penal provisions as provided in the Act and Schemes.

B. Organisational Set-up

1.7 Employees' Provident Fund Organisation is a statutory body which has come into existence consequent upon the enactment of the Employees' Provident Fund & MP Act, 1952 and is functioning under the administrative control of Central Board of Trustees, Employees' Provident Funds under the Chairmanship of the Ministry of Labour, Government of India. The EPFO has its Headquarters in New Delhi and Zonal, Regional and Sub-regional offices spread throughout the Country except the State of Jammu & Kashmir. Organizational set up is as under:



Under the above Zonal Offices, the Organisation has 40 Regional Offices and under these 40 Regional Offices, the Organization has 82 Sub-Regional Offices all over India except Jammu and Kashmir.

1.8 The Committee desired to know about the composition of the Central Board of Trustees and Executive Committee of the Employees' Provident Fund Organization (EPFO). The Ministry of Labour & Employment in a note informed as under:

*"The **Central Board** is constituted in terms of Section 5A of the Act. The Central Government, by notification in the Official Gazette, constitutes, the Central Board consisting of the following persons as members.*

(a) **a Chairman and a Vice-Chairman** to be appointed by the Central Government;

(b) **not more than five persons** appointed by the Central Government from amongst its officials;

(c) **not more than fifteen persons** representing Governments of such States as the Central Government may specify in this behalf, appointed by the Central Government;

(d) **ten persons** representing employers of the establishments to which the Scheme applies, appointed by the Central Government after consultation with such organisations of employers as may be recognised by the Central Government in this behalf; and

(e) **ten persons** representing employees in the establishments to which the Scheme applies, appointed by the Central Government after consultation with such organisations of employees as may be recognised by the Central Government in this behalf

The Central Provident Fund Commissioner is the ex-officio Secretary cum member. The Chairman and members of the Board have a term of five years.

The **Executive Committee** is constituted under section 5AA of the Act, from amongst the members of the Central Board by the Central Government to assist the Central Board in the discharge of its functions.

The Executive Committee consists of the following persons as members:

(a) **a Chairman** appointed by the Central Government from amongst the members of the Central Board:

(b) **two persons** appointed by the Central Government from Central Government representatives.

(c) **three persons** appointed by the Central Government from State Government representatives

(d) **three persons** representing the employers

(e) **three persons** representing the employees

(f) the Central Provident Fund Commissioner, ex-officio.

The term of the Chairman and every member of the Executive Committee is of two year and six months.”

1.9 The Committee enquired whether there was any representative of OBC in the Central Board of Trustees. The representatives of EPFO deposed before the Committee during evidence as under:

“the Central Board of Trustees is constituted of the 10 representatives of employees and the 10 representatives of employers. They are determined by the Trade Unions or the Employers’ Association. Per se, the Government does not have any reservation. They are basically designated by the Employees’ Association or the Employers’ Association non-official members.”

C. Recruitment and Implementation of Reservation Policy for OBCs

1.10 Asked about the staff strength of Employees' Provident Fund Organization in terms of different grades or posts and representation of OBCs in each category of posts the Ministry of Labour & Employment in a note informed as under:

“The total in-position staff and officers strength, as on 31.3.2014 stood at 18,901 as against the total sanctioned strength of 24,659. The distribution of staff among various cadres is as follows:

GROUP A:

Sanctioned	1132
In position	883

APFC is the entry cadre of Group A posts in EPFO. As per rule, 27% reservation is applicable in APFC cadre under DR quota. Accordingly, UPSC conducted APFC exam and sent a list of 246 candidates for appointment as APFC in EPFO. Out of these 246 candidates, UPSC has sent the list of 59 candidates belonging to OBC category (excluding OBC own merit candidates). Majority of officers have joined. For a few Pre-appointment formalities / appointment process is under way.

GROUP B

Sanctioned	6361
In position	4670

Enforcement Officer/Accounts Officer (EO/AO in short) is Group B cadre in EPFO. The consultation process with UPSC to fill 543 posts of Enforcement Officers (as on 31.03.2013) through direct recruitment is already on. Out of

these 543 posts of Enforcement Officers 154 posts belong to OBC category and hence these are vacant. Further process for assessing vacancy position in EO/AO cadre upto 31.03.2016 has already been started vide EPFO Head Office circular letter No. HRM-III/22(01)2015/DP/43303 dated 18.03.2015.

“GROUP C

<i>Sanctioned</i>	<i>17166</i>
<i>In position</i>	<i>13348</i>

Social Security Assistant (SSA in short) and MTS are Group C cadre in EPFO. In this cadre, we got exam conducted through IBPS and declared the result of 1157 candidates out of which the offer of appointment in respect of 420 candidates belonging to OBC category have been issued. Pre-appointment formalities / appointment process completed or is under way.”

1.11 The Committee desired to know the reasons of a huge gap between the sanctioned strength and the actual strength of staff in each group. The Secretary, Ministry of Labour & Employment during evidence informed as under:

“actually, the recruitment is through the Union Public Service Commission for category A and category B. There is a little bit of dispute which is going on and they wanted a clarification. Since the entire money and the entire funding from the Employees contribution, so there is a provision in the law which says that we can be away from the clutches of the UPSC or we can go through the route of the UPSC. However, we have taken a decision that we will go in for recruitment through the UPSC. Thereafter, UPSC wanted some kind of clarification. We are in the process of firming up of our views and firming up our response to UPSC.”

1.12 On a further query regarding shortage of staff in all the categories, the representative of the EPFO submitted during evidence as under:

“You are right, recruitment should be made as per the sanctioned strength. There is a lapse. I accept the lapse of our organisation. We are not able to fill up the posts in Group A, B and C categories as expeditiously as it should be. There has been some issues with UPSC in Group A and B categories, but there was no problem in Group C. Therefore, I am accepting the lapse on our part. There was some problem in the recruitment of Group C posts

that the recruitment was made by Services Recruitment Board earlier, but at the now the Board has denied to carry out further recruitment for us. We were, therefore, in search of an independent recruitment agency. Just now, we have recruited 1200-1300 persons through Banking Recruitment Board. Now, we are in touch with them that any independent selection board may carry out recruitment for us, because we do not have our own recruitment board. This is the difficulty we are facing, and now we are trying to fill up these posts as early as possible.”

1.13 When the Committee asked about the procedure followed in EPFO for recruitment of staff in various categories of posts, the Ministry in a written reply stated:

“The recruitment is done as per the approved Recruitment Rules, which are specific to the said post. For direct recruitment, EPFO takes the services of UPSC in case of Group ‘A’ & Group ‘B’ and outside agency in case of Group ‘C’. In MTS cadre (i.e. Group ‘C’), EPFO recruits staff by open advertisement calling applications. The efforts are underway to recruit with the help of SSC also.”

1.14 The Committee desired the Ministry to furnish an overview of the implementation of the reservation of OBCs in Employees' Provident Fund Organization. The Ministry in a written reply stated:

“The following categories of posts are filled by way of direct recruitment to the extent of percentages indicated against each. The remaining percentage of posts is filled by way of promotions internally. In respect of direct recruitment of all cadres rule of reservation as prescribed by Govt. of India is being followed.

Name of the posts	% of posts filled through DR	% of posts filled through promotion	Last Direct Recruitment done
M.T.S.	100%	NIL	
S.S.A.	85%	15%	2013-2014
Enforcement Officers	25%	50% 25% by promotion on the basis of Departmental Examination	1998-1999
Assistant Provident Fund Commissioner	50%	50%	2013-2014

For other DR posts, the details provided by the Ministry are placed at Annexure.

1.15 Regarding the process of recruitment and implementation of reservation policy for OBCs, the Ministry in a written reply stated:

“No vacancies to any of the posts through direct recruitment are filled up by field offices independently. The vacancies in respect of all cadres, duly furnishing vacancies in respect of all categories as per reservation policy, are obtained from field offices and thereafter, vacancies are assessed in respect of Organization as a whole and thereafter, the vacancies are assessed in respect of Organization as a whole and thereafter, the vacancies are notified in the newspapers well in advance for conducting written test. The Head Office intimates to UPSC the vacancy position in respect of APFC and CO/AO for selection of candidates and in respect of SSA conduct the written test through an agency. After the written test, the qualified candidates are called for skill test and finally a select list is provided by the agency for appointment.

Reservation in Employment in EPFO:

1. Direct Recruitment on All India basis by Open Competition : 27%
2. Direct Recruitment on All India basis otherwise than by Open Competition : 25.84%
3. Direct Recruitment to Group ‘C’ and ‘D’ posts normally attracting candidates from a local region : Different Percentage for different States/UTs.”

1.16 The Committee enquired about the recruitments made since 1993 and reservation given to OBCs therein. The Ministry in a written reply stated:

“The data in respect of the post of Assistant P. F. Commissioner is given below:

Category of posts	Total No. of posts	Number of OBCs	Percentage	Shortfall	Remarks
1	2	3	4	5	6
APFC (2014)	Out of 540, the 258 posts are for the DR as on 31.03.2012	70	27.13%	-	For DR vacancies after 31.03.2012, fresh proposal is under consultation with the UPSC.

A special recruitment drive was conducted for the posts of Assistant Director (Official Language) through UPSC for filling up the reserved for OBCs in the year 2004 and 02 persons were selected.”

The Ministry further informed:

“Data in the desired format is not maintained, hence not available. EPFO however, is in the process of developing Human Resource software. Once operational it would be possible to fish out reliable data.”

1.17 Asked about the monitoring mechanism to ensure proper reservation for OBCs, the Ministry submitted:

“In order to implement the reservation policy, the reservation rosters are being maintained for all the posts where the reservation facility exists for the OBC. This roster is verified periodically by the Chief Liaison officer designated for the SC/ST apart from Liaison Officer of OBC, who verifies the reservation roster for all.

Separate Liaison Officer for OBCs has also been nominated in EPFO for looking after their grievances. In this case, one officer of the level of RPFC(II) (Under Secretary rank) has been appointed.”

1.18 The Committee asked the Ministry to furnish a statement showing staff strength in various offices of Employees' Provident Fund Organisation under all the Zones on the date when reservation for OBCs were enforced in the Employees' Provident Fund Organisation and as on date. The Ministry of Labour & Employment in a note stated:

“The data in respect of the post of Assistant P. F. Commissioner is given below:

Category of posts	Total No. of posts	Number of OBCs	Percentage	Shortfall	Remarks
1	2	3	4	5	6
APFC (1994)	291	00	-	-	<i>Information as available in old records and seniority lists.</i>
APFC (2014)	Out of 540, the 258 posts are for the DR as on 31.03.2012	70	27.13%	-	<i>For DR vacancies after 31.03.2012, fresh proposal is under consultation with the UPSC.</i>

However, the Ministry added:

“Data in the desired format is not maintained, hence not available. EPFO however, is in the process of developing Human Resource software. Once operational it would be possible to fish out reliable data.”

1.19 The Committee were not convinced about the non-availability of data in EPFO. The representative of EPFO submitted during evidence as under:

“... our problem is that most of the recruitments are made at the Zonal and Regional levels only and not at the Headquarter level. The Zonal Officer, Regional Officer make recruitment of Group C posts, which is out major staff, at their own level. The roster system is also being maintain there and central roster system is not being maintained. “

The Secretary also agreed with the Committee and stated during the evidence that:

“...When I reviewed this, I also found that the information collection and keeping it centrally is far from satisfaction...”

1.20 The Committee further asked the Ministry to furnish year-wise statements showing the recruitment made by Employees' Provident Fund Organisation during the last three years. The Ministry in a written reply stated:

“The data in respect of the post of APFCs for the last three years is given below:

Year	Category of posts	Total No. of vacancies occurred	Total no. of vacancies actually filled	No. of vacancies reserved for Other Backward Classes		
				C/F from Previous Year	Reserved during the year	Total
1	2	3	4	5	6	7
2011-12	APFC	NIL	NIL	NIL	NIL	NIL
2012-13	APFC	NIL	NIL	NIL	NIL	NIL
2013-2014	APFC	253	252*	00	63	63

**The pre-recruitment formalities are currently going on in some cases and the officers shall join after completion of those formalities.*

The data in respect of the post of SSA for the last three years is given below:

Year	Category of posts	Total No. of vacancies occurred	Total no. of vacancies actually filled	No. of vacancies reserved for Other Backward Classes		
				C/F from Previous Year	Reserved during the year	Total
1	2	3	4	5	6	7
2011-12	SSA	NIL	NIL	NIL	NIL	NIL
2012-13	SSA	NIL	NIL	NIL	NIL	NIL
2013-2014	SSA	1201	1157	00	420	420

1.21 Asked about the reasons for shortfall, if any, in the employment of OBCs against their reserved quota and the remedial measures taken or proposed to be taken to wipe out the shortfall, the Ministry in a note submitted:

“In accordance with extant provision, OBC category appointments are to be made from Direct Recruitment process. The shortfall will be met with the completion of the Direct recruitment Process for the post of APFC, Enforcement Officers and the Social Security Assistants. For APFC and EO, the consultation with the UPSC is already on. For the post of SSA and The MTS, the consultation with SSC is already started.”

1.22 The Committee also desired that the figures of backlog Vacancies reserved for OBCs in various offices of Employees' Provident Fund Organisation as on 31.12.2012, 31.12.2013, and 31.12.2014 category-wise may be furnished separately along with the reasons for the backlog and the measures taken to fill up the backlog vacancies. The Ministry in a written reply provided the following information:

“GROUP A

APFC is the first rung of Group A posts in EPFO. As per rule, 27% reservation is applicable in APFC cadre under DR quota. Recently, a Direct Recruitment Examination for the post of APFC was held for 253 posts taking the vacancies upto 31.03.2012. Accordingly UPSC conducted APFC exam and sent a list of 252 candidates for appointment as APFC in EPFO. Out of these 252 candidates, UPSC has sent the list of 63 candidates belonging to OBC category (excluding OBC own merit candidates). We have issued offer of

appointment in respect of all these candidates. Pre-appointment formalities / appointment process is under way.

The consultation process for 82 fresh vacancies arising in the year 2013-2014 to 2014-2015 is already on, out of which 27 belong to OBC.

There is no backlog vacancies in this cadre.

GROUP B

Enforcement Officer/Accounts Officer (EO/AO in short) is Group B cadre in EPFO. The consultation process with UPSC to fill 543 posts of Enforcement Officers (as on 31.03.2013) through direct recruitment is already on. Out of these 543 posts of Enforcement Officers 154 posts belongs to OBC category and hence these are vacant. Further process for assessing vacancy position in EO/AO cadre upto 31.03.2016 has already been started vide EPFO Head Office circular letter No. HRM-III/22(01)2015/DP/43303 dated 18.03.2015.

GROUP C

As per the past recruitment examination, a total of 1157 vacancies were notified out of which 426 vacancies belonged to the OBCs. However, only 420 candidates were selected. Fresh vacancies upto 31.03.2016 are being collected from all the regions. Separately the matter of recruitment of SSAs has been taken up with Staff Selection Commission through Ministry of Labour & Employment and also with a Government Agency NIELT."

D. Training facility for OBCs

1.23 Asked whether pre-recruitment and also pre-promotion trainings are given to OBCs candidates/employees, the Ministry in a written reply stated:

"The Organisation does not conduct pre-recruitment training. However Induction Training is given to all the new recruits and Refresher Course to all the cadres are conducted regularly through the Zonal Training Institutes/NATRSS irrespective of category based (SC/ST/OBC). As regards pre-promotion trainings, whenever any post are proposed to be filled through Departmental Examination Quota, special trainings are given to all the applicants in which the OBCs also attend such programme."

1.24 On a query regarding representation of OBCs employees in foreign training programmes the Ministry provided the following information for the last three years:

S. No	Year	Numbers	OBC
1.	2012	08	1
2.	2013	11	1
3.	2014	08	1

1.25 When the Committee asked about the reasons for low representation of OBCs in foreign training programmes, the Ministry stated in a note that the EPFO does not differentiate any candidate on the basis of category (SC/ST/OBC) or religion for sending an officer for a training course, and such deputation of officer sent on foreign training is based on the functional requirement and his likely contribution for the organisation after receiving the training.

E. Liaison Officers for OBCs

1.26 The Committee desired to know whether separate Liaison Officers for OBCs have been appointed in EPFO in various Zonal Offices and Corporate Office and the kind of facilities extended to them for discharging their mandate effectively. The Ministry in a note replied as under:

“Yes. In Headquarter one RPFC-II level officer is already in place. Further, all field offices have been instructed to nominate one officer, not below the rank of Under Secretary, separately for Other Backward Classes including Head Office vide Office Order No. HRM-I/(1)2009/Pt./14278 dated 6.11.2013. The special cell at the Head Office assists the Liaison officer in verification of reservation rosters.”

1.27 The Committee further asked whether any OBCs Cell has been set up in your Head Office under the direct control of a Nodal Officer. The Ministry in a note stated:

“Yes. An officer of the level of Regional Provident Fund Commissioner Grade –II has been appointed as Liaison Officer for Other Backward Classes in Head Office. The staff members of the special cell provide necessary assistance in verification of reservation rosters for the OBCs also. The State /erstwhile Region-wise appointment of exclusive Liaison Officer for OBC has been done.”

1.28 Regarding the category of the Liaison Officer, the Secretary, Ministry of Labour & Employment stated as under:

“As far as the Liaison Officers are concern, all the Liaison Officers appointed so far belong to OBC category”

F. OBC Representation in Recruitment Boards/Selection Committees.

1.29 Regarding representation of OBCs in the various Recruitment Boards/Selection Committees/D.P.C.s set up for selecting candidates for the posts wherein reservation has been provided for OBC candidates, the Ministry of Labour & Employment stated:

“All the direct recruitment examination is conducted with the help of UPSC/SSC or other external agency. They are required to follow the guidelines, wherever the interview process is required. For, promotion quota, i.e., DPC, there is no provision for the reservation of the OBCs.”

They further added:

“The constitution of the DPC is done as per the Notified/gazette Recruitment Rules. For example, the DPC for the post of RPFC-1 consists of Secretary (L&E), Additional Secretary (L&E) and CPFC as members.”

G. Grievance Redressal Mechanism

1.30 The Committee enquired about the machinery for redressal of grievances of OBCs employees in Employees' Provident Fund Organisation. The Ministry in a note stated:

“An officer of the level of Regional Provident Fund Commissioner Grade –II has been appointed as Liaison Officer for Other Backward Classes in Head Office. Further, all field offices have also been instructed to nominate one officer separately for Other Backward Classes. OBC employees are free to approach the nominated officer for redressal of grievance if any.

Further a Staff Grievance Handling Software recently launched is in the stabilization stage. Here any employee including OBC employee can register his/her grievance online. The grievances are monitored and disposed in accordance to the instructions on the subject as applicable.”

1.31 On a query regarding the number of complaints received from OBC employees and their disposal, the Ministry stated:

“As on the date, a total of 1450 staff grievances have been received. However,

the data on number of grievances received from the OBCs are not maintained separately.”

1.32 The Committee insisted on the complaints/grievances of OBC employees only and the representatives of the EPFO during evidence stated as follows:

“... 1450 complaints have been received. We have not analyzed them cast-wise. We have not asked the cast status of these 1450 persons. That is why we have not maintained any figures about the cast status of these complainants. We have already replied to 1000 complainants out of 1450. I have seen on the file that we have replied to more than 1000 persons about the status of their complaints and action taken thereon.

1.33 The Committee enquired whether the EPFO hold periodic meetings with OBCs employees to sort out their problems/grievances. The Ministry in a written reply stated:

“At present, no such officially recognized OBC employees association is functional in EPFO. The DoPT has issued a clarification that category based (SC/ST/OBC) associations are not to be recognized.”

H. Welfare fund for OBCs

1.34 The Committee desired to know whether Employees' Provident Fund Organisation has adopted any special scheme for socio-economic development of OBCs. The Ministry in a note stated:

“No special scheme has been adopted by EPFO. The EPFO does not encourage category based (SC/ST/OBC) schemes.”

PART – II

Observations/Recommendations

Representation of OBCs on the Central Board of Trustees

2.1 The Employees' Provident Fund Organisation (EPFO) is a statutory body which was established under Employees' Provident Fund & Miscellaneous Provisions Act, 1952 which extends to the whole of India except Jammu & Kashmir. The object of the Act is to institute compulsory savings for employees so as to provide for Provident Fund, Pension and Insurance benefits as a part of the social security mandate of the Government. The Committee have been informed that the Act applies to 187 industries/classes of establishments where 20 or more employees are employed. The EPFO is functioning under the administrative control of Central Board of Trustees, Employees' Provident Funds under the Chairmanship of the Minister of Labour, Government of India. The Committee note that the Central Board of Trustees is constituted in terms of Section 5A of the Act and consists of a Chairman, a Vice-Chairman and 40 other members appointed by the Government of India. Out of these 40 members, five persons are Central Government officials, fifteen persons are from State Governments, ten persons representing employers of the establishments and ten persons representing employees in the establishments to which the scheme applies. These ten representatives of the employees are appointed by the Central Government after consultation with such organisations of employees as may be recognised by the Central Government in this behalf. The Committee have been given to understand that the employees' representatives are determined by the Trade Unions and Employees' Associations. In view of the extant

provisions and practice, the Committee desire the Ministry of Labour and Employment to take initiative to ensure representation of OBC persons in the Central Board of Trustees of the EPFO as the representatives of the employees in order to promote and protect the interest of OBC employees of the organisation. This can be effected by encouraging OBC employees to form Association for the Welfare of OBC employees. The Ministry should also make efforts to get an OBC member included in the Executive Committee amongst the three representatives of the employees.

Recruitment and Implementation of Reservation Policy for OBCs

2.2 The Committee note that the EPFO is implementing the reservation orders of the Government of India in recruitment by giving 27 percent reservation to OBC candidates in direct recruitment on All India basis by open competition. In case of Group 'C' and 'D' posts, which normally attracts candidates from local regions, the percentage of reservation varies for different States/UTs as per the Government orders. The Committee are constrained to note that there is a huge gap between the sanctioned strength of 24,659 in the organisation and the actual strength of just 18,901 leaving a considerable shortage of 5,758 officials in all the category of officers and staff as on 31st March, 2014 which include the shortage of 252 Group 'A' officers, 1691 Group 'B' officers and 3818 staff in Group 'C' category. EPFO has informed that the recruitment of 252 candidates including 63 candidates belonging to OBC category for the entry level post of Assistant Provident Fund Commissioner (APFC) in Group 'A' is in final stage. However, for Group 'B' posts, the Committee find that no recruitment has taken place since 1998-99 leading to huge shortage of 1691 officers against which the EPFO is filling up only 543 posts of Enforcement Officers in Group 'B' including 154

posts of OBC category through direct recruitment. It is further disheartening that in Group 'C' category, which is facing the shortage of as many as 3818 staff, the EPFO is in the process of filling up only 1157 vacancies including 420 vacancies of OBC category. Regarding delay in recruitment, the EPFO has informed that the Union Public Service Commission (UPSC) has sought some clarifications regarding recruitment in Group 'A' and 'B' category of posts and the Ministry of Labour & Employment is still firming up their views in this regard. Even for Group 'C' posts, it appears that the Ministry is not sure about engaging a particular agency and is swinging between the Institute of Banking Personnel Selection (IBPS) and the Staff Selection Commission (SSC). In view of the foregoing, the Committee feel that the Ministry of Labour & Employment is not serious enough to fill up the huge pending vacancies in general and OBC vacancies in particular and a number of bona fide candidates especially from OBC category are being deprived of opportunities. The Committee, therefore, recommend that the recruitment process may be expedited by pragmatically resolving the issues with UPSC and other recruitment agencies and all the pending OBC vacancies may be filled up in a time bound manner. The Committee would like to be apprised of the action taken in this regard.

Data Collection

2.3 During the course of the examination of the subject, the Committee had sought year-wise information about recruitments made in all the grades and representation given to OBC candidates in the EPFO since the implementation of reservation policy of the Government of India in favour of OBCs in 1993. The Committee are unhappy to note that the data in this respect is not being maintained by the EPFO and they are still in the process of developing Human Resource Software. As informed by EPFO, most of the recruitments are being

made in Group 'C' category at Zonal and Regional levels and there is no Central Roster System for maintaining the record. The Committee, however, find that the EPFO is not able to provide information regarding recruitment made in Group 'A' and Group 'B' categories also since 1993, which is executed at the Headquarter level. The Committee would like to emphasize that data maintenance with regard to the recruitments and implementation of reservation policy is one of the primary responsibilities of the Executive. Even the Right to Information Act, 2005 provide that every public authority shall maintain all its records duly catalogued and indexed and ensure that all records that are appropriate to be computerised are computerised within a reasonable time. The Committee are surprised that the EPFO has not developed a centralised data maintenance system even after the lapse of 10 years of enforcement of the RTI Act. Against this backdrop, the Committee recommend the EPFO to develop a computerised data maintenance w.r.t. all the recruitments made and reservation enforced at Regional, Zonal and Headquarter level at least since 1993 and connect through a network so as to ensure easy, smooth and quick access to such records, on priority basis. The Committee may be apprised of the action taken in this regard.

Training facility for OBCs

2.4 The Committee have been informed that EPFO does not conduct pre-recruitment training. They arrange for Induction Training to the new recruits and Refresher course to all the cadres regularly through the Zonal Training Institutes/National Academy for Training and Research in Social Security (NATRSS) irrespective of their categories. Further, special trainings are given to all the applicants including OBCs whenever any post are proposed to be filled through Departmental Examination Quota. The Committee feel that the

OBC candidates appearing in competitive examinations for recruitment belong to socially and educationally backward section of the society and they genuinely need support and encouragement to compete with the other candidates in any open competition. In view of the fact that the EPFO is organising Induction Training programmes and Refresher Courses as also the training programmes while filling vacancies through Departmental Quota, the Committee recommend the EPFO to take initiative to start pre-recruitment training especially for the OBC candidates on priority basis so as to provide the backward community people a level playing field. The possibilities and feasibility may be explored to take services of the Zonal Training Institutes and/or the NATRSS in this regard.

2.5 The Committee further note that the EPFO has nominated only 3 OBC employees out of 27 officials for attending foreign training programmes during last three years. On being enquired about the reasons for low representation of OBC officials, the EPFO stated that they do not differentiate any candidate on the basis of categories or region while selecting for a training course and the officers are chosen for foreign training based on the functional requirement and their likely contribution for the organisation after receiving the training. While the Committee fully support the idea of taking care of the functional need of the organisation while nominating officials for such training programmes, yet to boost the morale of the officers/employees belonging to OBC community, it is imperative that they find more representation in such training programmes. The Committee, therefore, are not convinced with the reasons extended by the EPFO and desire that the organisation should adopt a just and equitable approach for weaker section of the society in future and

accommodate more and more OBC officials in foreign training programmes, assignments and symposia.

OBC Reservation in Recruitment Boards/Selection Committees

2.6 The Committee note that all the direct recruitments in the EPFO are being effected through recruitment examinations conducted by the UPSC/SSC or other external agencies and the EPFO is not making any recruitment directly. In respect to OBC representation in Recruitment Boards/Selection Committees/Departmental Promotion Committee (DPC), the Committee have been informed that the DPC is constituted as per the Notified/Gazette Recruitment Rules and there is no provision for reservation of OBCs in promotion quota. The Committee would like to draw the attention of the Ministry on the OM issued by the DoPT on 13th February, 2014 wherein it has been provided *inter-alia* that wherever a Selection Committee/Board is constituted for making recruitment to 10 or more vacancies in any level of posts or services, it shall be mandatory to have at least one Member belonging to OBC category in such Committee/Board. It has also been provided in the Government directive to make all efforts to ensure the inclusion of one OBC Member in such Committee/Board even if the number of vacancies against which selection is to be made is less than ten. Besides, for constitution of DPC, the DoPT has provided for inclusion on SC/ST officers. The Committee feel that even though there is no reservation for OBCs in promotions, they are getting reservation to the extent of 27 per cent in the direct recruitment and many of them are qualifying on their own merit. Thus, there is a sizeable number of OBC employees working in the organisation. It is, therefore, desirable to have a representative of OBCs in the DPC. In view of this, the Committee recommend that the EPFO should make all efforts to include at

least one OBC officer in the DPC on the lines of inclusion of SC/ST officer, in order to ensure OBC representation.

Grievance Redressal Mechanism

2.7 The Committee note with appreciation that the EPFO has appointed a separate Liaison Officer for OBCs in the Head Office and all field offices have also been instructed to nominate one officer separately as Liaison Officer for OBCs. The Committee have been given to understand that the OBC employees are free to approach the nominated officer for redressal of their grievances, if any. Regarding the numbers of complaints received from OBC employees, the Committee were informed that a total of 1450 staff grievances were received which include the grievances received from OBC employees also. It was emphasised by the Ministry of Labour & Employment that the data on number of grievances received from the OBCs are not maintained separately. While the Committee understand that it is difficult to maintain data of the complaints received on caste-basis, at the same time, the Committee feel that given the opportunity of placing their grievances at proper forum, the OBC employees will certainly come forward for redressal of their grievances. Appointment of separate Liaison Officer for OBCs is one such step which can be instrumental in addressing the cause of welfare of and justice to OBCs. Similarly, the Committee are of the opinion that OBC Employees' Welfare Association can be another forum to take up the issues relating to the recruitment, welfare and grievances of OBCs in the organisation. As such the Committee deplore the stand taken by the Ministry of Labour & Employment not to recognise officially the formation of OBC Employees' Welfare Association in the EPFO on the basis of the said DoPT clarification that category based (SC/ST/OBC) associations are not to be recognised. Rather the Committee are of the firm

view that the Constitution has provided safeguards for the socially and educationally backward section of the society for the sake of their upliftment and to ensure that the backward people are given the opportunity to join the mainstream of the society. The Committee, therefore, recommend that the EPFO should consider to recognise the formation of OBC Employees' Welfare Association in their organisation in order to provide appropriate platform to the OBC employees to voice their sentiments, problems, grievances, complaints etc. before the management. The EPFO may also arrange to hold periodical meetings with the representatives of such Association to ensure that their grievances are addressed as early as possible.

NEW DELHI;
11th August 2015
Shravana 20, 1937 (Saka)

RAJEN GOHAIN,
Chairperson,
COMMITTEE ON WELFARE OF OBCs.

List of DR Examinations held or to be held as per the Recruitment Rules for the cadre

S N	CADRE	%AGE OF DR AS PER RR	Last exam held in year
1	ASSISTANT PROVIDENT FUND COMMISSIONER	50%	Latest in 2013
2	ASSISTANT DIRECTOR (OFFICIAL LANGUAGE)	80%	Special recruitment for OBCs & PH in 2004
3	ASSISTANT (HQ)	75%	Nil. Various court cases
4	ENFORCEMENT OFFICER / ACCOUNTS OFFICER	25%	1999
5	SECTION SUPERVISOR	331/3 % by promotion through departmental examination failing which by direct recruitment	DPCs planned
6	JUNIOR ENGINEER (CIVIL/ ELECTRICAL)	Deputation/Absorption failing which by Direct Recruitment	2009
7	DATA PROCESSING ASSISTANT	100%	First DEOs conversion to be completed.
8	ASSISTANT PROGRAMMER Dying Cadre	50% promotion failing which by Deputation. 50% Deputation failing which by DR.	1998 #(with Other Outside Experts (Govt. Orgn.)
9	PROGRAMMER	Promotion failing which by deputation failing both by direct recruitment	Various court cases
10	JUNIOR HINDI TRANSLATOR	50%	1998
11	SENIOR HINDI TRANSLATOR	Promotion failing which by deputation failing both by direct recruitment	DPC has been planned
12	PERSONAL ASSISTANT	50% Direct recruitment	Nil. Various court cases.
13	SOCIAL SECURITY ASSISTANT	80% + 5%(sports)	2013-2014
14	MULTI TASKING STAFF	100%	2004-2005
15	STENOGRAPHER	100%	In 2003-2004. Now Various court cases

COMMITTEE ON WELFARE OF OTHER BACKWARD CLASSES (2014-15)

MINUTES OF THE SIXTH SITTING OF THE COMMITTEE ON WELFARE OF OTHER BACKWARD CLASSES (2014-15) HELD ON 30TH MARCH, 2015 IN COMMITTEE ROOM No. 53, PARLIAMENT HOUSE, NEW DELHI.

The Committee sat from 1500 hrs. to 1630 hrs.

PRESENT

Shri Rajen Gohain — *Chairperson*

MEMBERS

Lok Sabha

2. Shri A. Arunmozhithevan
3. Shri Bijoy Chandra Barman
4. Dr. Subhash Bhamre
5. Shri Ramesh Bidhuri
6. Dr. Boora Narsaiah Goud
7. Shri Prataprao Jadhav
8. Shri Ram Mohan Naidu Kinjarapu
9. Dr. Banshilal Mahato
10. Dr. (Smt.) Pritam Gopinath Munde
11. Shri Rodmal Nagar
12. Shri Mullappally Ramachandran
13. Shri Ganesh Singh
14. Dr. Nepal Singh
15. Shri Ladu Kishore Swain
16. Shri Om Prakash Yadav

Rajya Sabha

17. Shri Ram Narain Dudi
18. Shri Ahamed Hassan
19. Shri V. Hanumantha Rao
20. Smt. Vijila Sathyananth
21. Shri Ashk Ali Tak
22. Shri Ram Nath Thakur
23. Shri Shankarbhai N. Vegad

SECRETARIAT

- | | | |
|----------------------|---|---------------------|
| 1. Smt. Anita Jain | - | Joint Secretary |
| 2. Shri J.V.G. Reddy | - | Director |
| 3. Shri R.R. Kumar | - | Additional Director |

WITNESSES

Ministry of Labour & Employment

- | | | |
|----|-------------------------|-----------------|
| 1. | Shri Shankar Aggarwal | Secretary |
| 2. | Shri Manish Kumar Gupta | Joint Secretary |

Employees' Provident Fund Organisation (EPFO)

- | | | |
|----|-------------------|--|
| 1. | Shri K.K. Jalan | Central Provident Fund
Commissioner |
| 2. | Shri V. N. Sharma | ACC (HQ) |

2. The Chairperson welcomed the representatives of the Ministry of Labour & Employment and EPFO and briefed them about the need for proper implementation of reservation policy and welfare measures for OBCs in the EPFO in order to ensure justice to the socially and educationally deprived section of the people.

3. The Committee broadly discussed the following issues:

- (i) Mandate of EPFO and its role with regard to welfare of OBC labourers;
- (ii) Representation of OBCs at various levels in the overall strength of EPFO;
- (iii) Filling up the vacancies reserved for OBCs since 1993;
- (iv) Reasons for backlog vacancies for OBCs and efforts made to fill up them;
- (v) Reasons for delayed recruitment to various posts in EPFO across the country;
- (vi) Appointment of Liaison Officers for OBCs and representation of OBCs on Selection Board in EPFO;
- (vii) Training facilities to OBC candidates at pre-recruitment level;

(viii) Complaint Redressal system for OBC employees; and

(ix) Welfare measures for OBC employees

4. The Members raised several queries regarding the subject and the representatives of the Ministry and EPFO replied to the queries. The representatives of the Ministry and EPFO were asked to furnish written replies on the total number of posts advertised year wise in A, B, C and D categories in the EPFO since 1993 and the actual number of vacancies reserved for OBCs and filled up finally in each category, apart from the total number of OBC candidates selected/appointed on own merit in each category. The representatives of the Ministry were also asked to furnish the written replies to the queries of the Members which could not be replied instantly during the sitting.

5. A verbatim record of the proceedings of the sitting has been kept.

The Committee then adjourned.

COMMITTEE ON WELFARE OF OTHER BACKWARD CLASSES (OBCs)

MINUTES OF THE TWELFTH SITTING OF THE COMMITTEE ON WELFARE OF OTHER
BACKWARD CLASSES (OBCs) (2014-15) HELD ON 11TH AUGUST, 2015 IN
ROOM NO. 415, PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee sat from 1600 hrs. To 1700 hrs.

PRESENT

Shri Rajen Gohain — *In the Chair*

MEMBERS

Lok Sabha

2. Shri A. Arunmozhithevan
3. Shri Bijoy Chandra Barman
4. Dr. Subhash Bhamre
5. Shri Ramesh Bidhuri
6. Dr. Boora Narsaiah Goud
7. Shri Prataprao Jadhav
8. Shri Ram Mohan Naidu Kinjarapu
9. Dr. (Smt.) Pritam Gopinath Munde
10. Shri Rodmal Nagar
11. Smt. Anupriya Patel
12. Shri Ganesh Singh
13. Dr. Nepal Singh
14. Shri Ladu Kishore Swain

Rajya Sabha

15. Shri Ram Narain Dudi
- 16.. Shri B.K. Hariprasad
17. Shri Ahmed Hassan
18. Shri Narendra Kumar Kashyap
19. Shri Vishambhar Prasad Nishad
20. Shri V. Hanumantha Rao
21. Smt. Vijila Sathyananth
22. Shri Ashk Ali Tak
23. Shri Ram Nath Thakur
24. Shri Shankarbhai N. Vegad

SECRETARIAT

1. Smt Anita Jain — *Joint Secretary*
2. Shri S Chatterjee — *Director*
3. Shri R R Kumar — *Addl. Director*
4. Shri A S K Das -- *Deputy Secretary*

2. At the outset, the Chairperson welcomed the Members of the Committee on Welfare of Other Backward Classes (OBCs). The Committee thereafter discussed in detail the draft Reports on the following subjects:-

- i) 'Reservation in employment and welfare measures for OBCs in the Employees' Provident Fund Organisation'
- ii) 'Review of reservation policy for OBCs being implemented in medical institutions' and adopted the same with minor modifications.

3. The Committee then authorised the Chairperson to finalise the Report and present the same to the Parliament.

The Committee then adjourned.