

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(2017-2018)**

(SIXTEENTH LOK SABHA)

THIRTEENTH REPORT

ON

MINISTRY OF POWER

Action Taken by the Government on the recommendations contained in the Eighth Report (Sixteenth Lok Sabha) on “Reservation for and Representation of Scheduled Castes and Scheduled Tribes in Bhakra Beas Management Board (BBMB)”

Presented to Lok Sabha on 10.08.2017

Laid in Rajya Sabha on 09.08.2017



**LOK SABHA SECRETARIAT
NEW DELHI**

August , 2017/ Shravana, 1939 (Saka)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED
CASTES AND SCHEDULED TRIBES (2016-2017)**

Dr. Kirit P. Solanki - Chairperson

MEMBERS - LOK SABHA

2. Shri Kanti Lal Bhuria
3. Shri P.K. Biju
4. Shri B.N. Chandrappa
5. Dr. (Smt.) Heena Vijaykumar Gavit
6. Dr. K. Gopal
7. Shri Rattan Lal Kataria
8. Dr. Virendra Kumar
9. Smt. Pratima Mondal
10. Prof. Ajmeera Seeta Ram Naik
11. Shri Ram Charitra Nishad
12. Shri Ravindra Babu Pandula
13. Shri Kamlesh Paswan
14. Shri Ram Chandra Paswan
15. Shri Vishnu Dayal Ram
16. Smt. Rita Tarai
17. Shri Krupal Balaji Tumane
18. Shri Vikram Usendi
19. Shri Bhanu Pratap Singh Verma
20. Shri Chintaman Navasha Wanaga

MEMBERS - RAJYA SABHA

21. Shri Shamsher Singh Dullo
22. Shri D. Raja
23. Shri Amar Shankar Sable
24. Shri Veer Singh
25. Shri Tiruchi Siva
26. Smt. Wansuk Syiem
27. Shri Pradeep Tamta
28. Shri Dilip Kumar Tirkey
29. Mahant Shambhuprasadji Tundiya
30. Shri Ramkumar Verma

SECRETARIAT

- | | | | |
|----|---------------------|---|-------------------------|
| 1. | Shri N.C. Gupta | - | Joint Secretary |
| 2. | Shri D.R. Shekhar | - | Director |
| 3. | Shri Vinay P. Barwa | - | Deputy Secretary |
| 4. | Ms. Huma Iqbal | - | Sr. Committee Assistant |

INTRODUCTION

I, the Chairperson, 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 Thirteenth Report (Sixteenth Lok Sabha) on the Action Taken by the Government on the recommendations contained in their Eight Report (Sixteenth Lok Sabha) on “Reservation for Scheduled Castes and Scheduled Tribes in Bhakra Beas Management Board (BBMB)” pertaining to the Ministry of Power.

2. The draft Report was considered and adopted by the Committee on 03.08.2017.

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 Eight Report (Sixteenth Lok Sabha) of the Committee is given in Appendix-II.

NEW DELHI
August, 2017
Shravana, 1939 (Saka)

Dr.Kirit P.Solanki
Chairperson
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 Eighth Report (Sixteenth Lok Sabha) on the Ministry of Power regarding “ Reservation for and Representation of Scheduled Castes and Scheduled Tribes in Bhakra Beas Management Board (BBMB)”.

1.2 The Eighth Report was presented to Lok Sabha on 11th August, 2016. It contained four recommendations/observations. Replies of the Government in respect of all these recommendations/observations have been examined and may be categorized as under:-

(i) Recommendations/observations which have been accepted by the Government:

SI Nos. 15, 16, 17, 18

(ii) Recommendations/observations which the Committee do not desire to pursue in the light of the replies received from the Government:

SI.Nos. Nil

(iii) Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration:

SI.Nos. Nil

(iv) Recommendations/observations in respect of which final replies have not been received:

SI.No. Nil

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

Recommendation (Sl. No. 17, Para no 1)

1.4 The Committee note that despite the rules framed by the Central Government in 1974 BBMB is following the reservation policy of Punjab Government issued from time to time in regard to reservation in jobs for Scheduled Caste/ Backward Class, Ex-servicemen, Sportspersons, Persons with disability, Freedom Fighter etc. However , reservation in respect of STs has not been prescribed in Punjab Government Policy/notifications as there are no Scheduled Tribes in Punjab. BBMB being a Central Government PSU and its jurisdiction spread to four states viz. Punjab, Haryana and Rajasthan, the Committee wonder as to why Punjab Government's policy are being followed in the organisation. By not providing reservation for STs, the Committee strongly feels that provisions of the Constitution under which all Central Government departments including PSUs are mandatorily required to provide reservation for SCs and STs have been flouted with impunity and both management of BBMB as also Ministry of Power, being the nodal Ministry did nothing to implement these mandatory provisions of Constitution for providing reservation to STs in jobs.

Reply of the Government

1.5 The Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes visited Dharamshala on 08.06.2016 and had a meeting with the officers of Ministry of Power and officers from BBMB. During the meeting Parliamentary Committee observed that there is no reservation for STs in BBMB. Keeping in view of above, the Committee recommended that reservation in service as prescribes by the Central Government may be adopted in respect of BBMB.

1.6 An interim meeting to discuss the issue was held in the Ministry on 14.06.2015 inviting JS/Director level officers from DoPT, Department of legal Affairs, M/o Social Justice and Empowerment and Chairman, BBMB.

1.7 An agenda note on the above issue was put up in the subsequent meeting of Board which was held on 24.06.2016. The agenda, in accordance with the observation/directions of the Parliamentary Committee, proposed the adoption of Central Government reservation policy by way of amendment of the relevant regulation i.e. Regulation 11 of BBMB Class I & II Officers (Recruitment & Conditions of service) Regulation 2015 and BBMB class III and IV Employees(Recruitment & Conditions of Service) Regulations 1994.

1.8 Further consultation with the representatives of M/o Social Justice and Empowerment, DoPT and Law & Justice was held on 09.08.2016 to discuss the applicability of Central Government reservation policy of ST in BBMB.

1.9 In view of the advice given by the DoPT, the proposal for amendment in the Regulation 11 of BBMB Class III & IV (Regulation and Conditions of Service) Regulations 1994 and Regulation 11 of BBMB Class I & II Officers (Regulation and Conditions of Service) Regulations 2015 may be amended. For this, the file was sent to Ministry of law for vetting after seeking approval of Hon'ble Minister of State for Power (I/C).

1.10 The draft amendments for the reservation of Scheduled Castes and Scheduled Tribes in BBMB were duly vetted by the Ministry of Law & Justice on 07.11.2016. Thereafter , BBMB has been requested to notify the regulations vide Ministry of Power's letter No. 09/02/2008-BBMB dated 21.11.2016. BBMB has accordingly vide letter dated 19.12.2016 and letter dated 22.12.2016 requested the

Deptt. Of Publication, Ministry of Urban Development, Govt. Of India for necessary approval for publication of notification to amend the “Bhakra Beas management Board Class-III and Class-IV employees(Recruitment & conditions of service Rules) Amendment Regulation, 2016 and to amend the “Bhakra Beas Management Board Class-I and Class-II Offices(Recruitment & Conditions of Service Rules) Amendment Regulation, 2016” in the Gazette of India.

Comments of the Committee

1.11 The Committee take note of the fact that Ministry of Power accepted the recommendations of the Committee and immediately took up the matter with the Board of Directors of BBMB and also with the other concerned Ministries. The Committee are pleased that the Ministry of Power *vide* their OM dated 29th May, 2017 has sent a copy of the Gazette notification dated 20th -26th May, 2017 (Annexure-III) wherein the regulations to amend the “Bhakra Beas Management Board Regulations” stipulating reservation for SC and STs in BBMB has been published. The amended regulations are the “Bhakra Beas Management Board Class III and Class IV Employees (Recruitment & Conditions of Service) Amendment Regulations 2016” and also the “Bhakra Beas Management Board Class-I and Class-II Officers (Recruitment & Conditions of Service) Amendment Regulations 2016”.

CHAPTER II

Recommendations/Observations which have been accepted by the Government

Recommendation (Sl. No15, Para No. 1)

The Committee note that Bhakra Beas Management Board(BBMB) is a statutory body constituted by the Government of India under the Punjab Re-organisation Act, 1966 to carry-out the functions of operation and maintenance of Bhakra Nangal and Beas Projects on behalf of the Partner states. It discharges its functions as laid down in Section79(3) of the Punjab Re-organisation Act, 1966.

Reply of the Government

As per Section 79(3) of the Punjab Reorganisation Act, 1966:-

The functions of the Bhakra Management Board shall include—

(a) The regulation of the supply of water from the Bhakra- Nangal Project to the States of Haryana, Punjab, and Rajasthan having regard to—

- (i) Any agreement entered into or arrangement made between the Governments of the existing State of Punjab and the State of Rajasthan, and
- (ii) The agreement or the order referred to in sub-section(1) of section 78;

(b) The regulation of the supply of power generated at the power houses referred to in sub-section(1) to any Electricity Board or other authority in charge of the distribution of power having regard to—

- (i) Any agreement entered into or arrangement made between the Governments of the existing State of Punjab and the State of Rajasthan,

- (ii) The agreement or the order referred to in sub-section(1) of section78; and
- (iii) Any agreement entered into or arrangement made by the existing state of Punjab or the Punjab Electricity Board or the State of Rajasthan or the Rajasthan Electricity Board with any other Electricity Board or authority in charge of distribution of power before the appointed day in relation to the supply of power generated at the power houses specified in sub-section(1);
- (c) The construction of such of the remaining works connected with the Right Bank Power House as the Central Government may specify;
- (d) Such other functions as the Central Government may, after consultation with the Governments of the States of Haryana, Punjab and Rajasthan, entrust to it.

Recommendation (Sl. No. 16, Para no 1)

The Committee are given to understand that prior to the re-organisation, the erstwhile state of Punjab was executing the construction of Bhakra Nangal and Beas Projects and as such all the staff belonged to the erstwhile state of Punjab. The Committee observe that the Punjab Re-organisation Act(PARA-1966) section 79(4) provides “that every person who immediately before the Constitution of the said Board was engaged in the construction, maintenance or operation of the works in sub-section(i) shall continue to be so employed under the Board in connection with the said works on the same terms and conditions of service as were applicable to him before such constitution until the Central Government by order directs otherwise.” The Committee further note that Section 97(1) of the Punjab Re-organisation Act provides that”the Central Government may by notification in the official Gazette, make rules to give effect to the provisions of this Act” and the Central Government made BBMB rules, 1974

Reply of the Government

As per Section 79(4) of the Punjab Reorganisation Act, 1966:-

The Bhakra Management Board may employ such staff as it may consider necessary for the efficient discharge of its functions under this Act: Provided that every person who immediately before the constitution of the said Board was engaged in the construction, maintenance or operation of the works in sub-section(1) shall continue to be so employed under the Board in connection with the said works on the same terms and conditions of service as were applicable to him before such constitution until the Central Government by order directs otherwise: Provided further that the said Board may at any time in consultation with the State Government return any such person for service under that Government or Board.

As per Section 97(1) of the Punjab Reorganisation Act, 1966:-

The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act

As a result of these efforts the number of poorly performing districts could be reduced to 64; unfortunately 47 new districts have joined this group. Therefore, the total number of poorly performing districts currently stands at 111.

Recommendation (Sl. No. 17, Para no 1)

The Committee note that despite the rules framed by the Central Government in 1974 BBMB is following the reservation policy of Punjab Government issued from time to time in regard to reservation in jobs for Scheduled Caste/ Backward Class, Ex-servicemen, Sportspersons, Persons with disability, Freedom Fighter etc. However , reservation in respect of STs has not been prescribed in Punjab

Government Policy/notifications as there are no Scheduled Tribes in Punjab. BBMB being a Central Government PSU and its jurisdiction spread to four states viz. Punjab, Haryana and Rajasthan, the Committee wonder as to why Punjab Government's policy are being followed in the organisation. By not providing reservation for STs, the Committee strongly feels that provisions of the Constitution under which all Central Government departments including PSUs are mandatorily required to provide reservation for SCs and STs have been flouted with impunity and both management of BBMB as also Ministry of Power, being the nodal Ministry did nothing to implement these mandatory provisions of Constitution for providing reservation to STs in jobs.

Reply of the Government

The Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes visited Dharmshala on 08.06.2016 and had a meeting with the officers of Ministry of Power and officers from BBMB. During the meeting Parliamentary Committee observed that there is no reservation for STs in BBMB. Keeping in view of above, the Committee recommended that reservation in service as prescribes by the Central Government may be adopted in respect of BBMB.

An interim meeting to discuss the issue was held in the Ministry on 14.06.2015 inviting JS/Director level officers from DoPT, Department of legal Affairs, M/o Social Justice and Empowerment and Chairman, BBMB.

An agenda note on the above issue was put up in the subsequent meeting of Board which was held on 24.06.2016. The agenda, in accordance with the observation/directions of the Parliamentary Committee, proposed the adoption of Central Government reservation policy by way of amendment of the relevant

regulation i.e. Regulation 11 of BBMB Class I & II Officers (Recruitment & Conditions of service) Regulation 2015 and BBMB class III and IV employees(Recruitment & Conditions of service) Regulations 1994.

Further consultation with the representatives of M/o Social Justice and Empowerment, DoPT and Law & Justice was held on 09.08.2016 to discuss the applicability of Central Government reservation policy of ST in BBMB.

In view of the advice given by the DoPT, the proposal for amendment in the Regulation 11 of BBMB Class III & IV (Regulation and Conditions of Service) Regulations 1994 and Regulation 11 of BBMB Class I & II Officers (Regulating and Conditions of Service) Regulations 2015 may be amended. For this, the file was sent to Ministry of law for vetting after seeking approval of Hon'ble Minister of State for Power(I/C).

The draft amendments for the reservation of Scheduled Castes and Scheduled Tribes in BBMB were duly vetted by the Ministry of Law & Justice on 07.11.2016. Thereafter , BBMB has been requested to notify the regulations vide Ministry of Power's letter No. 09/02/2008-BBMB dated 21.11.2016. BBMB has accordingly vide letter dated 19.12.2016 and letter dated 22.12.2016 requested the Deptt. Of Publication, Ministry of Urban Development, Govt. Of India for necessary approval for publication of notification to amend the "Bhakra Beas management Board Class-III and Class-IV employees(Recruitment & conditions of service Rules) Amendment Regulation, 2016 and to amend the "Bhakra Beas Management Board Class-I and Class-II Offices(Recruitment & Conditions of Service Rules) Amendment Regulation, 2016" in the Gazette of India.

Recommendation (Sl. No. 18, Para no 1)

It is only after being pointed out by the Committee that Ministry of Power held an internal meeting on the issue on 14.06.2016 and thereby initiated the consultations process with Department of personnel & Training and Ministry of Law for their advice about the procedure to be followed in the matter for further action. The Committee desire that necessary action be taken with due promptitude and requisite amendments be made in the existing act/rule to provide reservation for STs within a period of four months. The Committee may be apprised of the action taken by the Ministry of Power in this regard.

Reply of the Government

The Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes visited Dharamshala on 08.06.2016 and had a meeting with the officers of ministry of Power and officers from BBMB. During the meeting Parliamentary Committee observed that there is no reservation for STs in BBMB. Keeping in view of above, the Committee recommended that reservation in service as prescribes by the Central Government may be adopted in respect of BBMB. In view of observations /directions of the Parliamentary Committee during the discussions, BBMB assured the Committee Members that requisite agenda for amending the regulations shall be put in the next Board meeting.

Meanwhile, an interim meeting to discuss the issue was held in the Ministry on 14.06.2016 inviting JS/Director level officers from DoPT, Department of legal Affairs, M/o Social Justice and Empowerment and Chairman, BBMB.

As assured by BBMB, an agenda note on the above issue was put up in the subsequent meeting of Board which was held on 24.06.2016. The agenda, in

accordance with the observation/directions of the Parliamentary Committee, proposed the adoption of Central Government reservation policy by way of amendment of the relevant regulation i.e. Regulation 11 of BBMB Class I & II Officers (Recruitment & Conditions of service) Regulation 2015 and BBMB class III and IV employees(Recruitment & Conditions of service) Regulations 1994.

Further, Parliamentary Committee on welfare of SC/ST met with the representatives of Mo P and BBMB on 27.07.2016 at Parliament House Annexe, New Delhi to discuss the points raised by the Members of the Committee during the visit to Dharmshala on 08.06.2016 regarding representation of Scheduled Castes and Scheduled Tribes in BBMB. During the course of discussion the Parliamentary Committee directed to revise the guidelines of BBMB class III and class IV Employees (Recruitment and conditions of Service), 1994 and BBMB Class I & II Officers (Recruitment and Conditions of Service) Regulations, 2015 preferably within a period of 4 months by incorporating the appropriate reservation to ST in the BBMB.

On the directions of the Committee at Dharamshala, the Department of Legal Affairs, GOI & DoPT, GoI were requested to advice in the matter vide D.O. Letter dated 26.07.2016 and 27.07.2016 respectively.

Further consultation with the representatives of M/o Social Justice and Empowerment, DoPT and Law & Justice was held on 09.08.2016 in the Ministry to discuss the applicability of Central Government reservation policy of ST in BBMB. All the participants in the meeting were agreed that there should be appropriate provision of reservation for ST in the recruitment of employees in BBMB. It was stated by the DoPT that the proposed amendment should be applicable to the BBMB's own recruited staffs only and not to the deputation staff.

In view of the advice given by the DoPT, the proposal for amendment in the Regulation 11 of BBMB Class III & IV (Regulation and Conditions of Service) Regulations 1994 and Regulation 11 of BBMB Class I & II Officers (Regulating and Conditions of Service) Regulations 2015 may be amended. For this, the file was sent to Ministry of law for vetting after seeking approval of Hon'ble Minister of State for Power (I/C).

The draft amendments for the reservation of Scheduled Castes and Scheduled Tribes in BBMB were duly vetted by the Ministry of Law & Justice on 07.11.2016. Thereafter , BBMB has been requested to notify the regulations vide Ministry of Power's letter No. 09/02/2008-BBMB dated 21.11.2016. BBMB has accordingly vide letter dated 19.12.2016 (ANNEX-II) and letter dated 22.12.2016 requested the Deptt. Of Publication, Ministry of Urban Development, Govt. Of India for necessary approval for publication of notification to amend the "Bhakra Beas management Board Class-III and Class-IV Employees(Recruitment & Conditions of Service Rules) Amendment Regulation, 2016 and to amend the "Bhakra Beas Management Board Class-I and Class-II Officers (Recruitment & Conditions of Service Rules) Amendment Regulation, 2016" in the Gazette of India-(**Annexure-III**).

CHAPTER III

Recommendations/observations which the Committee do not desire to pursue in the light of the replies received from the Government.

-Nil-

CHAPTER IV

Recommendations /Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.

-Nil-

CHAPTER V

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

-Nil-

New Delhi;
August, 2017
Shravana , 1939 (Saka)

DR. KIRIT P. SOLANKI
Chairperson,
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.

**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2017-2018)**

(SIXTEENTH LOK SABHA)

SIXTH SITTING

(03.08.2017)

MINUTES

The Committee sat from 1630 hrs. to 1700 hrs. in Committee Room C, Parliament House Annexe, New Delhi.

PRESENT

Shri Kirit Premjibhai Solanki - Chairperson

MEMBERS

LOK SABHA

2. Shri Kanti Lal Bhuria
3. Shri P.K. Biju
4. Dr.(Smt.) Heena Vijay Gavit
5. Shri Ratan Lal Kataria
6. Dr. Virendra Kumar
7. Prof. Seetaram Azmeera Naik
8. Shri Ravindra Babu Pandula
9. Shri Ram Charitra Nishad
10. Shri Vishnu Dayal Ram
11. Smt. Rita Tarai
12. Shri Krupal Balaji Tumane
13. Shri Bhanu Pratap Singh Verma
14. Shri Chintaman Navasha Wanaga

RAJYA SABHA

15. Shri Amar Shankar Sable
16. Shri Pradeep Tamta
17. Shri Ram Kumar Verma

SECRETARIAT

1. Shri N.C. Gupta, Joint Secretary
2. Shri D. R. Shekhar, Director
3. Shri Vinay P. Barwa, Deputy Secretary
4. Shri Mukesh Kumar, Under Secretary

At the outset, the Chairperson welcomed the Members of the Committee. The Committee then considered the draft reports on the subjects "Representation of SCs/STs in Services and Redressal of their grievances and credit facilities being provided by IDBI Bank to SCs/STs under the Ministry of Finance(Department of Financial Services" and Action Taken Report by the Government on the recommendations contained in the Eighth Report(Sixteenth Lok Sabha) on the Ministry of Power regarding" Reservation for and Representation of SCs and STs in Bhakra Beas Management Board(BBMB)". Both the Reports were considered and adopted by the Committee without any modifications. The Committee also authorized the Chairperson to present the same to both the Houses of Parliament in the current session of the Parliament.

XXXXXXXXXX

APPENDIX II

(Vide Para 4 of Introduction)

ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE EIGHTH REPORT (SIXTEENTH LOK SABHA) OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES.

1. Total number of recommendations.....04
2. Recommendations/observations which have been accepted by the Government (vide recommendations at Sl. Nos. 15, 16, 17, 18)
Number.....04
Percentage to the total.....100%
3. Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government
Number.....nil
Percentage to the total.....nil
4. Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration
Numbernil
Percentage to the total.....nil
5. Recommendations/Observations in respect of which final replies of the Government have not been received
Number.....nil
Percentage of the totalnil