

SCTC No. 794

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

(SIXTEENTH LOK SABHA)

EIGHTH REPORT

ON

MINISTRY OF POWER

**“RESERVATION FOR AND REPRESENTATION OF SCHEDULED CASTES AND
SCHEDULED TRIBES IN BHAKRA BEAS MANAGEMENT BOARD (BBMB)”**

Presented to Lok Sabha on 11.08.2016

Laid in Rajya Sabha on 11.08.2016



**LOK SABHA SECRETARIAT
NEW DELHI**

11 August, 2016/ 20 Sravana, 1938 (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

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2. Shri Ram Charitra
3. Shri Santokh Singh Chaudhary
4. Shri R. Dhruvanarayan
5. Dr. (Smt.) Heena Vijay Gavitt
6. Dr. K. Gopal
7. Shri Rattan Lal Kataria
8. Dr. Virendra Kumar
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MEMBERS – RAJYA SABHA

21. Shri Shamsheer Singh Dullu
22. Shri D. Raja
23. Shri Amar Shankar Sable
24. Shri Veer Singh
25. Shri Tiruchi Siva
26. Smt. Wansuk Syiem
27. Shri Dilip Kumar Tirkey
28. Mahant Shambhuprasadji Tundiya

SECRETARIAT

- | | | | |
|----|--------------------|---|---------------------|
| 1. | Shri N.C. Gupta | - | Joint Secretary |
| 2. | Shri D.R. Shekhar | - | Director |
| 3. | Ms. Pooja Kirthwal | - | 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 Eighth Report (Sixteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Reservation for and representation of Scheduled Castes and Scheduled Tribes in Bhakra Beas Management Board (BBMB) ".

2. The Committee took evidence of the representatives of the Ministry of Power and those of BBMB on 27.07.2016.
3. The Report was considered and adopted by the Committee on 09.08.2016.
4. The Committee wish to express their thanks to the officers of the Ministry of Power and BBMB for tendering evidence before them and for furnishing requisite material and information in connection with the examination of the subject.

New Delhi;
11 August, 2016
20 Sravana , 1938(Saka)

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

REPORT

INTRODUCTORY

One of the function of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes is to examine the measures taken by the Union Government to secure due representation of the Scheduled Castes and Scheduled Tribes in services and posts under its control (including appointments in the Public Sector Undertakings, Statutory and Semi-Government Bodies and in the Union Territories) having regard to the provisions of Article 335. In pursuance of the said mandate the Committee examined representation of Scheduled Castes and Scheduled Tribes in Bhakra Beas Management Board (BBMB), a Public Sector Undertaking under Ministry of Power during their on-the-spot study visit to Dharamshala on 8th June, 2016. During the discussions the Committee observed that BBMB was not following provision of reservation policy of the Government of India for ST category. Accordingly, the Committee decided to examine the issue in detail by calling the representatives of Ministry of Power and BBMB in New Delhi.

BACKGROUND

2. BBMB is a statutory body constituted by the Centre Government 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 Section 79(3) of the Punjab Re-organisation Act, 1966.

3. As per the Act, the staff is to be provided by the partner state Governments/SEBs on transfer basis. As such BBMB has no control over the

employees (General/SC/ST) provided by the partner states. In the event of inability of partner state/SEBs to provide the requisite staff. BBMB resorts to direct recruitment in Group C and D employees and promotion in respect of Group A, B, C and D employees as such due reservation is carried out in BBMB own recruited employees in accordance with the specified regulations.

4. The regulating framework for recruitment and conditions of service of all the groups is in place through BBMB Class III and Class IV Employees (Recruitment and Conditions of Service) Regulations, 1994 which were approved by the Central Government and published in the Gazette of India dated 08.10.1994 and BBMB Class-I & II officers (Recruitment & Conditions of Service) Regulation, 2015 approved by the Central Government and published in the Gazette of India dated 20.06.2015.

REPRESENTATION OF SC/STS

5. Ministry of Power in its written reply informed that the Regulation-11 of both the aforesaid regulations specifies the provisions w.r.t. reservation/representation of SC/ST in BBMB which was as follows:

“The Members belonging to the Scheduled Castes, the Scheduled Tribes, Backward Classes, Ex-Servicemen, physically handicapped persons and dependents of deceased employees in the service shall have the reservation in the service and all other concessions as prescribed by the Punjab Government from time to time”

6. Accordingly, BBMB was following the reservation policy of Punjab Govt. issued from time to time in regard to reservation in jobs for SC/ST. The prescribed percentage of reservation for Group A, B, C and D in favour of SC, as per Punjab Govt. instructions/Punjab Scheduled Castes & Backward Classes (Reservation in Service) Act, 2006 is as under:-

(i)	Posts filled by direct recruitment	25%
(ii)	Posts filled by promotion (for Group A & B services)	14%
(iii)	Posts filled by promotion (For Group C & D services)	20%

It was also informed that the reservation in respect of STs had not been prescribed in Punjab Government Policy/notifications.

7. It was further stated that the total sanctioned strength of BBMB was 13771. Currently, employees in positions were 11034 out of which 6231 were BBMB own recruited employees and 4803 from partner States. The total nos. Of SC/ST employees in BBMB own recruited employees were 1911, which was around 30.7% and the same was in compliance with the statutory requirement. The number of SC/ST employees provided by the States was 1322 which was around 27.5% but as mentioned earlier, BBMB had no control over the category of employees (Gen/SC/ST) provided by the partner States. However, after enforcement of regulation, the reservation norms in recruitment have been followed in BBMB.

8. The Committee were informed that system and process is in place to ensure that reservation made in favour of SC/ST, is actually fulfilled, in direct recruitment. The direct recruitment in Group C & D posts is done through Centralized Staff Selection Committee constituted by the Chairman, BBMB which also has one permanent member belonging to Scheduled Castes/Scheduled Tribes. The Centralized Staff Selection Committee consider the roster system during the selection process thereby ensuring the due representation of SC/ST in direct recruitment.

9. The Committee were also apprised that to ensure fulfilling of SC/ST reservation in promotion, a promotional Committee for the purpose of all departmental promotions is in place. This Committee has a permanent member belonging to SC/ST. Apart from Selection Committee as mentioned above, a well defined mechanism is in place in BBMB to monitor the implementation of reservation policy, adequate representation of SC/ST and for the welfare of SC/ST employees. For this purpose, BBMB has nominated an officer of the rank of Special Secretary as

Nodal officer and 8 Nos. Liaison officers of the rank not below the Superintending Engineers in all administrations of BBMB. Out of these 8 Liaison Officers, two belong to SC/ST. Periodic meetings of all Liaison Officers are taken by Nodal Officer to have an overall view. The roster registers are maintained by all the administrations and the same are checked periodically by Liaison Officers. Moreover, these registers are also inspected occasionally by the Liaison Officer, SC/ST Cell, Government of India, New Delhi. The designated Liaison Officers also hold meetings with the SC/STs employees on quarterly basis and ensure proper maintenance of roster.

10. Asked by the Committee as to what steps had been taken to provide reservation to STs, BBMB in their written replies stated that in view of observations/directions of the Parliamentary Committee during the discussion requisite agenda for amending the regulations shall be put in the next Board meeting. For amending the main regulations, the approval of the board is required in accordance with Punjab Re-organisation Act, 1966.

11. The Committee were further informed that accordingly, an agenda on the above issue was put up in the subsequent meeting of Board which was held on 24.06.2016. The agenda 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 & IV employees (Recruitment & Conditions of service) Regulations 1994.

12. The Committee were further informed that the Ministry of Power had held an internal meeting on the issue on 14.06.2016 and thereby initiated the consultation process with Department of Personnel & Training (DoPT) and Ministry of Law and that currently the matter has been referred to DoPT and Law Ministry for their advice about the procedure to be followed in the matter for further action.

13. On the issue of providing reservation to ST in BBMB, Secretary, Ministry of Power during its evidence before the Committee stated as under:-

%Committee has rightly brought in saying that BBMB is a body of the Government of India. If it is a body of the Government of India, the Government of India reservation policy is applicable. So the Ministry of Power tends to agree with the observation of the Committee saying that we should follow the reservation policy of the Government of India. Having said that, if you look at the total number of strength, about 500-odd direct recruitment they have done as per the Punjab Reservation Policy. I am not very sure, in future, how much recruitment they will do. But, irrespective of that, the policy has to be as per the Government of India policy. What we are suggesting is that we will take up this issue. Basically we have to change the rule; we have to change the regulations+.

14. When Hon^{ble} Chairperson enquired regarding time limit for change of the rules, Secretary, Ministry of Power replied as under:-

%Our assessment is that we require at least four months because we have to take consent of DoPT and Law and we have also to consult the State and notify the rules. So, the notification has to be done.

RECOMMENDATIONS/OBSERVATIONS

15. 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 Section 79(3) of the Punjab Re-organisation Act, 1966.

16. 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 Project 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.

17. The Committee note that despite the rules framed by 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-serviceman, 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 feel 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.

18. 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 consultation 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.

New Delhi;
11 August, 2016
20 Sravana , 1938(Saka)

DR. KIRIT P. SOLANKI
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