

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1991-92)**

(TENTH LOK SABHA)

NINTH REPORT

MINISTRY OF URBAN DEVELOPMENT

**Reservations for and Employment of Scheduled Castes and
Scheduled Tribes in National Buildings Construction
Corporation Limited**



*Presented to Lok Sabha on 27-4-1992
Laid in Rajya Sabha on 27-4-1992*

**LOK SABHA SECRETARIAT
NEW DELHI**

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**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND SCHEDULED TRIBES
(1991-92)**

Shri K. Pradhani — *Chairman*

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* Cesssed to be Member of the Committee on his retirement from Rajya Sabha w.e.f.
2 April, 1992.

INTRODUCTION

1. I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to submit the Report on their behalf, present this Ninth Report (10th Lok Sabha) on the Ministry of Urban Development—Reservations for and employment of Scheduled Castes and Scheduled Tribes in National Buildings Construction Corporation Limited.

2. The Committee took evidence of the representatives of the Ministry of Urban Development and National Buildings Construction Corporation Limited on 1.1.1992 and 30.1.1992. The Committee wish to express their thanks to the officers of the Ministry of Urban Development and National Buildings Construction Corporation Limited for placing before the Committee material and information the Committee wanted in connection with the examination of the subject.

3. The Report was considered and adopted by the Committee on 23.4.1992.

4. A summary of conclusions/recommendations contained in the Report is appended (Appendix).

NEW DELHI;
April 24, 1992

Vaisakha 4, 1914 (S)

K. PRADHANI
*Chairman,
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.*

CHAPTER I

REPRESENTATION IN THE BOARD OF DIRECTORS

A. *Organisational Set-up*

National Buildings Construction Corporation Ltd. (NBCC), a public sector company wholly owned by Government of India, was incorporated on 15 November, 1960 under the Companies Act, 1956. At present the Ministry of Urban Development is the administrative Ministry.

1.2 The Corporation undertakes for execution various projects for Central and State Governments, Public Sector Organisations and Autonomous Bodies. It has also executed overseas projects in Libya, Iraq, Sanaa, Maldives and Nepal.

1.3 The Corporation at present has projects for execution throughout the country covering about 127 field units. For its home projects, the Corporation has grouped its field units into nine different zones for better functional and administrative control.

1.4 The Corporate Office of National Buildings Construction Corporation Ltd. is located at New Delhi while the Zonal Offices are at Delhi, Bombay, Bangalore, Hyderabad, Calcutta, Patna, New Bombay, Gujarat and Chandigarh.

B. *Board of Directors*

1.5 The Memorandum of Articles of Association of the Company provides that there should not be less than 2 and more than 20 Directors in the Board of Directors.

1.6 At the moment, there are seven Directors on the Board of Directors of National Buildings Construction Ltd. The Chairman-cum-Managing Director, Director (Home Project) and Director (Planning) are whole time Directors on the Board, while the remaining four by virtue of their holding positions in various Ministries / Departments are part-time Official Directors. The Committee have been informed that none of these Directors on the Board belongs to Scheduled Castes and Scheduled Tribes.

1.7 During the evidence, the Committee drew the attention of the representative of Ministry of Urban Development to the repeated recommendation of the Committee for inclusion of one member from Scheduled Castes / Scheduled Tribes on the Board of Directors of Public Undertakings to look after, *inter-alia*, the interests of Scheduled Castes and Scheduled Tribes, and desired to know the steps taken by the Government to implement the said recommendation of the Committee so far

as National Buildings Construction Corporation Ltd. was concerned. The representative of the Ministry stated as under:—

“We have either full-time Directors or part-time official Directors. For the moment, we are not having any non-official Directors. As far as the full-time functional Directors are concerned, they are selected by the PESB and it depends on the selection procedure and the availability of SC / ST candidates as to whether or not they can pick up SC / ST Directors. As far as the part-time official Directors are concerned, it depends on the position of the officers in the Ministry in a given point of time. If one of the officers dealing with the subject of NBCC in our Ministry happen to be SC / ST, then he will be on the Board. We are not following any procedure as far as non-official Directors are concerned.”

1.8 When asked to explain whether there was any provision in the memorandum to include non-official Directors, the witness replied:

“Yes, it is possible to bring SCs / STs in this but it has not been the policy so far. All kinds of pressure like whether they are experts or not come in. But under the memorandum, it is possible, out of the total number of 20.”

1.9 The Committee have been informed that Ministry of Urban Development does not suggest name of Scheduled Caste and Scheduled Tribe candidates specifically for inclusion on the Board. During the evidence, on a point of clarification, the Committee were apprised that non-official or part-time Directors were appointed by the Government on the basis of commercial, industrial and administrative experiences of the person and Scheduled Caste and Scheduled Tribe persons with requisite experiences would definitely be appointed on the Board.

1.10 The Committee regret to note that inspite of their repeated recommendations for inclusion of atleast one SC / ST Director in the Board of Directors of all the public undertakings, none of the Directors in the Board of Directors of NBCC belongs to SC / ST. They also note that neither the Management of NBCC nor the Government ever suggested the name of any SC / ST candidate for inclusion in the Board of Directors. The Committee find that at present there is no non-official Director on the Board of NBCC. The Committee recommend that atleast one SC / ST person, official or non-official, should invariably be appointed as Director on the Board of Directors of NBCC to look after *inter alia* the interests of Scheduled Castes and Scheduled Tribes.

CHAPTER II

ORGANISATIONAL MATTERS

A. Liaison Officer and SC / ST Cell in the Ministry

2.1 No liaison officer has been appointed in the Ministry of Urban Development to ensure due compliance with the reservation orders. All cases pertaining to the National Buildings Construction Corporation Ltd., are attended to in PS Desk in the Ministry of Urban Development under the control of a part time Deputy Secretary and part time Joint Secretary. However, a separate cell in the Ministry monitors the implementation of Government orders regarding reservation in services for SCs / STs through periodical reports received in prescribed form from the National Buildings Construction Corporation such as annual returns for inspection of rosters by the Liaison Officers of NBCC; quarterly return regarding measures undertaken for the welfare of SCs / STs and weekly / fortnightly report on special recruitment drive to make up the backlog in reserved vacancies for SCs / STs. At present Director (Administration and Coordination) is in-charge of SCs / STs Cell in the Ministry.

2.2 Para 15.1 of DOP Brochure provides that in each Ministry / Department / Attached and subordinate offices, the Deputy Secretary in charge of administration (or another officer at least of the rank of Deputy Secretary designated for the purpose) will act as a Liaison Officer in respect of matters relating to the representation of Scheduled Castes and Scheduled Tribes in all establishments and services under the administrative control of the Ministry / Department with a view to ensuring proper implementation of the reservation orders.

2.3 In para 15.2 of the Brochure it has been stated that the Ministries / Departments should set up a cell within the Ministry / Department under the control of the Liaison Officer to mainly assist the Liaison Officer to discharge his duties effectively.

2.4 During evidence the representative of the Ministry stated that the Special Cell in the Ministry was also looking after the Scheduled Castes / Scheduled Tribes, reservations in NBCC and other undertakings under the administrative control of the Ministry.

2.5 When asked whether the Liaison Officer (Deputy Secretary or Director in-charge of the Coordination Section) who is responsible for looking after the reservations has ever visited National Buildings Construction Company Limited with a view to inspect the rosters and other documents relating to implementation of reservation orders, it was informed that the implementation of reservation orders was watched on

the basis of periodical reports from National Buildings Construction Corporation Limited.

2.6 The Committee note that the Director (Administration and Coordination) who is in-charge of the SC / ST Cell and is also responsible for looking after the reservation has never visited NBCC offices with a view to inspect rosters and other documents relating to implementation to reservation orders. The Committee recommend that the Director (Administration and Coordination) who is looking after the reservation work should regularly visit offices of NBCC and periodically check the rosters to ensure strict compliance of reservation orders. Further SC / ST cell may be put under the charge of one Officer exclusively for the purpose to look after properly to the functioning of the Cell.

B. Liaison Officer and SC/ST Cell in NBCC

2.7 It has been stated that the Liaison Officer is located at Head Office only and no Liaison Officer has been appointed in the Zonal Offices of National Buildings Construction Corporation Limited. The Chief Manager (Personnel) who had all along been functioning as Liaison Officer was very well conversant with reservation orders. Consequent upon his voluntary retirement last year, Director (Projects) is looking after all these functions for the time being.

2.8 Besides the other functions, the Liaison Officer conduct annual inspection of rosters maintained in the Corporation with a view to ensure proper implementation of reservation orders, examines and submits the proposals for dereservation of reserved vacancies before they are referred to competent authority for approval. He is responsible for looking in to all the grievances of Scheduled Castes/Scheduled Tribes and prompt disposal thereof. He also holds periodical meetings with Akhil Bharatiya Anusuchit Jati Janjati Parishad, whenever they ask for meetings, and each time the minutes are recorded. However, the Parishad has not asked for any meeting for the last one year. Besides, individual employees are also welcome to represent their cases.

2.9 SC/ST Cell has been set up in the Corporation w.e.f. 16.4.1983. The Cell consists of one Group B Officer of Scheduled Caste Community and two Office Assistants.

The Cell is functioning under the overall charge of Manager (Personnel) (pre-revised scale of pay of Rs. 1500—2000) and Office Superintendent.

The main functions of the Cell is to ensure due and strict compliance of the instructions issued by the Government of India from time to time in the matters of reservation of vacancies for Scheduled Castes/Scheduled Tribes and settlement of grievances, if any, from the employees to ensure that no injustice is done to Scheduled Caste/Scheduled Tribe employees.

Rosters

On 28th and 29th November 1985, office of the Commissioner for SC/ST conducted an on-the-spot investigation and inspected the rosters, registers and other records maintained by National Buildings Construction Corporation Limited in connection with the implementation of reservation orders and various other safeguards provided for Scheduled Castes/Scheduled Tribes in the services and posts, in the organisation.

The office of the Commissioner observed that Rosters for Direct Recruitment and Promotions were maintained by the Corporation since February, 1971 but the existing grouping of the posts for the purpose of the maintenance of rosters had to be reviewed in terms of the Government instructions. As such fresh grouping in the case of direct recruitment had to be done and also separate rosters in the case of promotion posts were to be maintained post-wise.

2.11 NBCC in their reply have stated that the existing groups of posts for the purpose of maintenance of rosters has already been reviewed in terms of Government instructions and fresh grouping have been made and rosters based on such regrouping have been started from 1.1.86.

2.12 When the Committee asked whether the Corporation followed the regional reservation quota at the time of recruitment through regional employment exchanges, it was submitted:

"We follow the 40 points roster obtaining for corporate recruitment by Public Sector Undertaking like National Buildings Construction Company Limited, in Delhi."

2.13 When the Committee pointed out that, as per Government instructions, recruitment for Group 'C' or 'D' posts should be made on regional/local basis following the prescribed percentage of reservation of that State or region, the witness clarified:—

"Sir, our corporate office is here in Delhi. We have got regional offices at different places which are there only for the purpose of completion of a particular project. Moreover we do not recruit people locally whenever a project is commissioned, but we transfer employees from other places. Only to the extent required, we do local recruitment. All the recruitment is controlled by the Central Office in Delhi."

He further submitted:

"Depending on the load of work, we transfer employees from one project to another. In areas like North East, we do recruitment at the local level. We take people from there."

When the Committee specifically asked whether the Corporation was following the local percentage of reservation for Schedule Castes and

Scheduled Tribes while appointing the persons to Group 'C' and Group 'D' category of posts the witness replied:

"We are not following it."

2.14 The Committee note that consequent upon the voluntary retirement of Chief Manager (Personnel) from the Head Office, the Director (Projects) in NBCC is temporarily functioning as Liaison Officer in the Corporate Office and no liaison officer has been appointed nor SC/ST Cell has been set up at the zonal officer probably on the ground that the recruitment and promotion of NBCC is centralised. Since one of the functions of the Liaison Officer/SC/ST Cell is to look into the grievances of SC/ST employees and their prompt disposal, the Committee desire that some senior officers in the zonal offices may be appointed to function as Liaison Officers and they may be provided with one or two assistants to help them in the discharge of their duties. The officers so appointed/nominated may given due training on reservation rules so as to enable them to observe reservation orders, as per Government directives.

2.15 The Committee note with surprise that NBCC provide 16 $\frac{2}{3}$ % reservation for SCs and 7 $\frac{1}{2}$ % for STs for recruitment in all groups of its services and maintain 40 point roster. No recruitment even for groups C and D is made on regional basis nor regional percentage on reservation is provided for these groups. The Committee recommend that, even if the recruitment for group C and D posts is centralised, such recruitment for group C and D posts should be made from different regions following 100 point roster as provided in the reservation rules.

C. Complaints/Grievances

2.16 The Committee have been informed that a Central Grievances Committee under the Chairmanship of Group General Manager and Senior Officers (including one Scheduled Caste and Schedule Tribes representative) attends to the grievances of all the employees including Scheduled Caste & Scheduled Tribe employees. The grievances of SCs/STs are also being looked into by SC/ST Cell attached to Personnel Division. During the last three years the grievances cell has received 7 complaints from Scheduled Caste/Scheduled Tribe Employees.

Regarding recording of the complaints of SC/ST Employees, it has been informed that:

"No separate records are maintained in respect of the Grievances received by the Personnel Division which are dealt with in the respective personal files."

As regards the nature of the complaints, it was stated as under:

- i) Regularisation of period of absence as Extra Ordinary Leave on Medical Grounds.
- ii) Revocation of reversion orders.

- iii) Transfer to Delhi from out station
- iv) Carry forward of gratuity, leave etc. on joining from another organisation.
- v) Supercession/Promotion to the higher post.
- vi) Crossing of Efficiency Bar.

It has been stated that all the complaints were looked into and disposed off within 2 to 4 months on an average.

2.17 The Committee find that a Central Grievance Committee, comprising senior officers (including one SC/ST representative) and Group General Manager as its Chairman, look into the grievances of all the employees including Scheduled Castes and Scheduled Tribes. The grievances of SCs and STs are also being looked into by SC/ST Cell attached to Personnel Division. However, no separate records are maintained in respect of grievances of SC/ST employees received in Personnel Division and these grievances are dealt with in the respective personal files and disposed of within 2 to 4 months. The Committee were informed that only 7 complaints from SC/ST employees had been received in the Grievances Cell during the last 3 years. The Committee get an impression that all the complaints from SCs/STs are not being taken note of for proper and speedy action and recommend that a separate grievance register showing the records of the complaints of SC/ST employees together with their disposal should be maintained. They also suggest that publicity be given about this arrangement amongst SC/ST employees through their Association.

CHAPTER III

RESERVATIONS IN SERVICES

A. *Presidential Directives*

3.1 It has been stated that the first Presidential Directives regarding reservations for Scheduled Castes and Scheduled Tribes in posts/services under the Public Enterprises was issued by the BPE on 18th September, 1969 followed by another Directive issued on 19th December, 1970 to National Buildings Construction Corporation Limited. The Corporation started implementing reservation orders in the services of National Buildings Construction Corporation Ltd. from 1.2.1971.

During the evidence, when asked as to why the Corporation did not start implementing the reservation orders immediately after the issue of the Directive by BPE on 18.9.1969, the representative of the Ministry submitted:

“As far as BPE is concerned, we are not able to lay our hands on the first Directive which was issued in 1969.”

When asked, whether any order regarding reservation policy had been issued by the Ministry to National Buildings Construction Corporation Limited since 1964, the year when the cell had started functioning in the Ministry, the witness replied:

“... Records as available, indicate that from 1969-70, BPE orders were issued and those are being followed. ... Whether there was anything issued before 1969, unfortunately we have not been able to find those old files.”

3.2 Subsequently the Ministry informed the Committee that *inspite of* thorough search it had not been possible to trace any file of the Ministry of Urban Development regarding directives with regard to reservation in service of Public Sector Undertakings issued by BPE between 1964 and 1969. However, the matter relating to inclusion of suitable provision with regard to complying by National Buildings Construction Corporation of the instructions issued by Government regarding reservation of posts for candidates belonging to Scheduled Castes and Scheduled Tribes was considered by the Board of Directors of National Buildings Construction Corporation during the meeting held on 31.12.1970 and the Board adopted the following Resolution:—

“Instructions issued by the Government of India regarding reservation of posts for candidates belonging to Scheduled Castes and Scheduled Tribes from time to time shall be complied with.”

B. Percentage of Reservation

3.3. The percentage of reservation in services in favour of Scheduled Castes and Scheduled Tribes in direct recruitment and promotions since February, 1971 is stated to be as under:

	SCs	STs
a) Direct Recruitment	16½%	7½%
b) Promotions	15%	7½%

It has been stated that the recruitment and promotion is centralised in the Central Office in Delhi even though National Buildings Construction Corporation has Zonal Offices at Delhi, Bombay, Bagalore, Hyderabad, Calcutta, Patna, New Bombay, Gujarat and Chandigarh.

C. Recruitment

Staff Strength

3.4 The Staff strength of National Buildings Construction Corporation Ltd. as on 1.1.1992 is as under:

Category of posts	Total No. of employees	No. of employees		% of	
		SC	ST	SC	ST
Group A	639	66	5	10.32	0.78
Group B	457	71	6	15.53	0.93
Group C	728	147	13	20.19	1.78
Group D	649	92	5	14.00	0.76
	2473	376	29	15.17	1.17

The percentage of shortfall, in the vacancies reserved for Scheduled Castes And Scheduled Tribes in various groups of posts, as on 1.1.1992 is as under:

Group	Percentage of Short-falls	
	SCs	STs
A	6.34	6.72
B	1.13	6.57
C	—	3.72
D	2.66	6.74
	1.49	6.01

The main reason for shortfall in employment of Scheduled Castes and Scheduled Tribes in almost all categories of posts is stated to be the non-availability of suitable Scheduled Castes and Scheduled Tribes candidates.

3.5 The Office of the Commissioner for Scheduled Castes/Scheduled Tribes in their report (August, 1986) on implementation of reservation policy in NBCOC has recommend for making Special efforts to induct more SC/ST candidates, particularly the ST and if necessary special scheme to be worked out to induct ST as Trainees at different levels, for their regularisation in due course.

Recruitment

3.6 The total number of persons recruited from 1.2.1971 to 31.12.1991 to the lowest rung of Group 'A' (carrying the scale of pay of Rs. 2200-4000) and Group 'B', 'C' and 'D' posts and the Position of Scheduled Castes and Scheduled Tribes among them on 31.12.1991 is as under:—

Group	Total person recruited	SC	ST	%age of	
				SCs	STs
'A'	587	104	11	17.6	1.8
B, C & D	*2552	310	24	12.14	0.94

* (This includes 718 persons regularised from TWE. Their documentation work for deciding SC/ST status was not done at that time).

The recruitments made during the years, 1989, 1990 and 1991 in different Groups including Scheduled Castes and Scheduled Tribes is as follows :—

Year	Category	No. of vacancies actually occurred	No. of vacancies reserved for SCs	No. of vacancies reserved for STs	C/F from Reserved		Total	No. of candidates appointed	No. of vacancies carried forward			
					previous year	the year						
1989	Group A	35	29	5	34	18	2	20	3	4*	28	15
	Group B	3	1	1	2	1	—	1	—	—	2	1
	Group C	52	17	10	27	27	4	31	7	6**	20	24
	Group D (Ex- cluding Sweepers)	15	1	3	4	1	1	2	5	—	—	2

*2 SC vacancies exchanged with 2 ST vacancies of 1986 in the 3rd year of Recruitment.

**2 SC vacancies exchanged into 2 ST vacancies of 1985 and 1986.

1990	Group A	38	38	28	6	34	15	5	20	4	1	20	12
	Group B	—	—	2	—	2	—	—	1	—	—	2	1
	Group C	63	63	20	11	31	24	6	30	20	—	10	25
	Group D	—	—	—	—	—	2	—	2	—	—	—	2
	(Ex- cluding Sweepers)												

In addition to the above 407 persons (including 65 SC/ST) were regularised from Temporary Works Establishment in September 1990.

1991	Group A	13	13	21	2	23	13	1	14	3	—	15*	8
	Group B	—	—	2	—	2	1	—	—	—	—	2	1
	Group C	50	50	11	9	20	26	3	29	5	2	17	25**
	Group D	—	—	—	—	—	2	—	2	—	—	—	2
	(Ex- cluding Sweepers)												

*5 SC lapsed and 6 ST lapsed.

**2 SC exchanged with ST and 2 ST lapsed.

The number of vacancies carried forward in each Group of posts on the date of launching special recruitment drive, i.e. 1.6.1989 is stated to be as under:—

Group	No. of vacancies carried forward	
	SC	ST
A	29	19
B	1	1
C	15	28
D	1	1
	46	49

As a result of special recruitment drives undertaken by NBCC during 1989 to 1991, the following reserved vacancies for Scheduled Castes/Scheduled Tribes in various Groups had been filled up upto 31.12.1991:

Groups	No. of persons joined	
	SC	ST
A	14	4
B	—	—
C	34	4
D	*6	—
	54	8

*Regularised from work establishment.

It has been stated that a number of Special Recruitments to fill up vacancies reserved for Scheduled Castes and Scheduled Tribes 'A' and 'C' in groups of posts had been undertaken by National Buildings Construction Corporation Limited from April 1989 to Jan. 1991. The position regarding number of reserved vacancies advertised and Scheduled Caste and Scheduled Tribe candidates joined as a result of such efforts is summarised as under:—

S.N.	Time of Release of Advertisements	No. of vacancies advertised		No. of persons joined	
		SC	ST	SC	ST
1.	4/89	4	7	4	1
2.	5/89	4	5	4	2
3.	6/89	1	2	1	2
4.	4/90	6	3	1	—
5.	8/89	1	1	—	—
6.	9/89	1	1	—	—
7.	10/89	12	8	23	—

S.N.	Time of/Release of Advertisements	No. of vacancies advertised		No. of persons joined	
		SC	ST	SC	ST
8.	11/89	6	5	1	—
9.	2/90	2	2	—	—
10.	3/90	1	3	1	1
11.	4/90	13	9	1	—
12.	5/90	7	7	3	—
13.	6/90	2	2	—	—
14.	9/90	6	5	1	—
15.	11/91	2	10	1	3
		68	70	41	9

3.9 In regard to filling up of backlog vacancies reserved for Scheduled Castes and Scheduled Tribes, it has been stated that strenuous efforts are being made to recruit Scheduled Caste and Scheduled Tribe candidates for North-Eastern Region and inviting nominations from **Employment Exchanges** and Scheduled Caste and Scheduled Tribe Associations.

The Corporation is also stated to have made special recruitments at its zonal offices i.e. Bangalore, Bombay, Calcutta etc. to fill up vacancies reserved for Scheduled Castes and Scheduled Tribes in Group 'C'. As a result of this recruitment drive, 2 Scheduled Castes and 3 Scheduled Tribes have been appointed through its Guwahati Zonal Office. One Scheduled Tribe and one Scheduled Caste candidates were selected for the post of Graduate Engineers in Sept. 1991 from Jammu & Kashmir Employment Directorate at Srinagar and recently Guwahati Office has been authorised to recruit Graduate Engineer (Elect.) locally through Employment Exchange specially for Scheduled Tribe candidates.

3.10 The position in regard to backlog vacancies under direct recruitment as on 31.12.1991 is stated to be as under:—

Group	SC	ST
A	15	8
B	2	1
C	17	25
D		2
	34	36

3.11 The Committee note that BPE issued its first directives regarding reservation in posts/services for SCs/STs on 18.9.1969 whereas NBCC Board decided to comply with the instructions of the Government at its meeting on 31.12.1970 and started implementation of the reservation orders from 1.2.1971. Thus the Ministry of Urban Development had not ensured the implementation of reservation orders in NBCC promptly.

3.12 The Committee find from the staff strength of NBCC as on 1.1.92 that there is a shortfall in reservation for SCs/STs in almost all categories of posts viz. in Group 'A' 6.34% for SCs and 6.27% for STs, in Group 'B'

1.13% for SCs and 6.57% for STs, in Group 'C' 5.72% for STs and in Group 'D' 2.66% for SCs and 6.74% for STs. It also appears that the shortfall has been calculated following their recruitment percentage which may not give a correct picture of shortfall as the shortfall has to be obtained or calculated from the roster points filled up by recruitment as well as by promotion. In the opinion of the Committee shortfall position of staff strength in NBCC needs review/revision and they would like the Corporation to take suitable steps in this direction in consultation with the Department of Personnel and Training/National Commission for Scheduled Castes and Scheduled Tribes.

3.13 Non-availability of SCs and STs which has been advanced as the reasons for shortfall in all the categories of services in NBCC is not convincing as will be seen from the results of special recruitment drives undertaken during 1989 to 1991 when as many as 41 SCs candidates could be selected against the vacancies of 68. The Committee, recommend that in order to wipe out the existing shortfall in all categories of posts especially of STs within a stipulated period, NBCC should immediately resort to further special recruitment drives through its regional offices. They also desire implementation of the suggestion made by the Commissioner for SCs and STs to work out special schemes to induct STs as trainees at different levels for their regularisation in due course. The Committee would like to be apprised of the steps taken to wipe out the shortfall for STs in the services of NBCC within six months.

D. Dereservation of Vacancies

3.14 Ban on dereservation of vacancies came into effect from 1.4.89 in respect of all direct recruitment to be made to fill up vacancies in Group 'A' 'B' 'C' and 'D' vide Department of Personnel and Training O.M. No. 36012/6/88-Estt (SCT), dated 25.4.1989. The order clarified that this ban would apply not only to vacancies which would arise after 1.4.1989 but also to the vacancies reserved for Scheduled Caste and Scheduled Tribe communities of earlier years which have not yet been filled up by other community candidates whether such vacancies have been dereserved or not.

3.15 The proposal for *ex-post-facto* approval of dereservation of vacancies reserved for Scheduled Caste and Scheduled Tribe during the year 1988 and 1989 were placed before the Board of Directors of National Buildings Construction Corporation at their 245th meeting held on 29.12.89 and 247th meeting held on 21.6.1990 respectively.

During the course of evidence, the Committee pointed out that Government Orders regarding ban of dereservation came into effect from 1.4.1989. As such accordance of the approval for dereservation of vacancies by the Board on 29.12.1989 and 21.6.1990 appeared to be irregular.

3.16 In a post-evidence reply the position regarding the vacancies dereserved during the year 1988 and 1989 and the *ex-post facto* approval

to which had been accorded by Board of Directors at its 245th & 247th meeting was given:

Sl. No.	Category of Posts	Date on which offer of appointment issued
245th Meeting		
1.	Deputy Project Manager (System)	29.09.88
2.	Assistant Engineer/Management Trainee	
3.	Assistant Engineer/Management Trainee	
4.	Assistant Engineer/Management Trainee	
5.	Assistant Engineer/Management Trainee	Between 18.3.88 to 26.10.88
6.	Assistant Engineer/Management Trainee	
7.	Assistant Engineer/Management Trainee	
8.	Assistant Engineer/Management Trainee	
9.	Assistant Engineer/Management Trainee	
10.	Structural Engineer	03.08.88
11.	Chief Engineer (Electrical & Mech.)	11.12.87
12.	Office Assistant Gr. III (G)	29.01.88
13.	Graduate Engineer (Civil)	Between 14.10.88 to 26.10.88
14.	Graduate Engineer (Civil)	
15.	Graduate Engineer (Civil)	
16.	Office Assistant Grade I (Hindi)	13.10.88
17.	Peon	26.08.88
247th Meeting		
18.	Deputy Manager (Finance)	09.02.89
19.	Assistant Manager (Finance)	08.03.89
20.	Superintendent (Accounts) Gr. I	20.04.89
21.	Accounts Officer	20.04.89
22.	Chief Project Manager (E&M)	26.04.89

It has been explained that in respect of posts at Sl. Nos. 1 to 19 of the previous paragraph, the offer of appointment was issued before 31.03.1989. With regard to remaining three posts, the order of Deptt. of Personnel & Training dated 25.4.1989 indicated that the ban on dereservation would apply to vacancies which had not been filled by other community candidates. Since the order of DPT was dated 25.4.1989, and was actually received in the National Buildings Construction Corporation through Bureau of Public Enterprises on 23.5.1989 and the Ministry of Urban Development on 24.5.1989, these posts were actually filled before the date of receipt by the Corporation of the orders banning dereservation. Therefore, it would be observed that sanction for dereservation accorded was in respect of posts which had actually been filled before the orders dated 25.4.1989 had been received in the National Buildings Construction Corporation. Since these, dereservations have been done as per orders, no review by the Board of Directors was called for.

3.17 The Committee find that the seeking of ex-post-facto approval for reservation of 17 and 5 vacancies respectively on 29.12.1989 and 21.6.1990

from NBCC Board of Directors is not in accordance with the BPE directives which provide that before any reserved vacancy is dereversed and filled up by a general candidate, the prior approval of the Board of Directors for Group 'A' and 'B' posts and that of the Managing Director for Group 'C' and 'D' posts should be obtained. They desire the management of NBCC to follow the government instructions in regard to dereversation of vacancies scrupulously in future.

3.18 The Committee further note that the ban on dereversation came into force with effect from 1.4.1989. However, the offers of appointment in respect of three posts, i.e. for posts at serial numbers 20 to 22, were issued on 20 and 26 April, 1989. The Committee are, therefore, not convinced with the explanation that the review of the decision taken by the Board in respect of these three vacancies, which were filled after 1.4.1989 and before the receipt of the orders was not called for and they desire the Board to review the decision afresh.

E. Promotions

3.19 The number of persons promoted during 1986-87 to 1991 in Groups 'A', 'B', 'C' and 'D' the Scheduled Castes and Scheduled Tribes among them are as under—

Year of DPC	Period Covered	Group	Total	SC		ST	
				SC	ST	%age of SC	ST
1989	9/89	A	82	13	1	15.85	1.22
		B	100	19	3	19.0	3.0
		C	89	18	5	20.22	5.62
		D	16	2	—	12.5	—
				287	52	9	18.12
1990	3/90	A	67	8	—	11.94	—
		B	74	12	2	16.22	2.70
		C	64	13	—	20.31	—
		D	21	4	—	19.05	—
				226	37	2	16.05
1991	3/91	A	64	7	—	10.94	—
		B	67	6	1	8.98	1.49
		C	47	7	2	14.89	4.26
		D	22	3	—	13.64	—
				200	23	3	11.50

The reasons for shortfalls in promotion of Scheduled Castes and Scheduled Tribes have been stated to be due to non-availability of adequate number of eligible Scheduled Caste and Scheduled Tribe employees in various categories of posts.

3.20 When asked about the steps taken by National Buildings Construction Corporation Ltd., to improve the percentage of Scheduled Castes and Scheduled Tribes in various categories of posts, it has been stated that every effort was being made to fill up the reserved points from the eligible Scheduled Castes and Scheduled Tribes Employees, if necessary by relaxing the standards. In the case of Scheduled Castes and Scheduled Tribes candidates, the zone of consideration is also being extended upto five times the number of vacancies.

Further it has been informed that separate rosters have been maintained for each category in case of promotion.

3.21 When asked about the exact nature of concessions given to Scheduled Caste and Scheduled Tribe candidates, the Committee were informed :

“So far as the concessions given to SC/ST candidates in the matter of promotion is concerned they are considered against the reserved posts even with lesser qualifying marks as compared to qualifying marks prescribed for general candidates. For Groups ‘B’ and ‘A’ posts, the general candidates are considered 3 times the number of vacancies whereas the SC/ST candidates are considered 5 times the number of vacancies.”

3.22 During evidence when the Committee desired to know whether the qualifying marks were reduced for Scheduled Caste and Scheduled Tribe candidates, at the time of promotion, the witness clarified :

“We have various parameters. When we draw the panel, if we are having the other people in the general category getting, say, 70 marks or if the lowest cut off is, say, 65 marks, here we are going by about 10 marks less.”

3.23 The Committee have been informed that prior to 1988 eligible employees were considered for promotion as per the eligibility periods prescribed in the National Buildings Construction Corporation Recruitment Rules by duly constituted Departmental Promotion Committees. Promotion in respect of posts in Group ‘C’ and ‘D’ was on the basis of seniority-cum-fitness subject to rejection of the unfit. Promotion in respect of Group ‘A’ and ‘B’ posts was on the basis of merit-cum-seniority.

It was further submitted that :

“In August, 1988, the Corporation introduced an objective and realistic promotion policy in which instead of relying entirely on the Annual Confidential Reports, the assessment of the candidates is done by the DPC allotting marks on the basis of qualifications, experience, performance, potential and team spirit etc.”

3.24 The Committee find from the statement of promotions given during the year 1989 to 1991 that in 1989 SC employees in all categories excepting

in Group 'D' got promotion as per their prescribed percentage or more; during 1990 percentage of SC employees got promotion in Group A came down to 11.94% and during 1991 SC employees got promotion less than their prescribed percentage i.e. 10.94 for Group 'A', 8.96 for Group 'B' and 13.64 for Group 'D'. As regards promotion of STs in all categories and during all these years the position is far from satisfactory. During 1989 in Group 'D', in Groups 'A', 'C' and 'D' during 1990; and in Groups 'A' and 'D' in 1991 no ST employees could be promoted. The Committee urge that immediate steps should be taken to promote required number of SCs and STs in different categories of posts in NBCC, if required by giving further relaxations or by resorting to direct recruitment wherever permissible.

CHAPTER IV
PROCEDURAL MATTERS

A. Recruitment Procedure

4.1 The Corporation has been recruiting staff on its regular establishment through

(i) Direct Recruitment

(ii) Regularisation of employees from Nominal muster Roll/Casual/ Work Establishment.

The direct recruitment is resorted to the posts which are not to be filled by promotion. In such cases, the posts are advertised in the leading newspapers in the country. Besides, vacancies are also notified in the local Employment Exchange, Central Employment Exchange, Ex-Servicemen Cell and recognised Scheduled Caste and Scheduled Tribe Associations, as per the approved list. Copies of the advertisements are also sent to All India Radio. On scrutiny of the applications, the eligible candidates are called for interview. In all the recruitment committee, a SC/ST representative is associated.

4.2 In pursuance to a settlement reached with recognised unions, the Corporation has been regularising the persons employed on Nominal Muster Roll and on casual basis with 8 years of experience as also persons working in Work Establishment on the basis of trade tests wherever required, followed by interview.

4.3 When asked during the evidence if the Corporation undertook any campus recruitment, the witness submitted :

“We are taking fresh engineering candidates as management trainees. We do campus recruitment which case we are taking them from the institute. We give them training in our company which will suit them to orient themselves to our method of working for a period of three months. So, they are exposed to different types of work in our company for 12 weeks. Initially, we have a faculty to take care of their training and then they are put on the job. For higher posts, we have to have some experience but we are giving them relaxation and try to take them by lesser qualification. We are also doing the same in postings. We are trying to accommodate them. If they belong to a particular area, they will not like to go to far-flung areas. So, we try to accommodate them depending upon the exigencies of work.”

According to the material supplied to the Committee, the last campus recruitment for Management Trainees was made in February/August, 1991.

4.4 As per the Department of Personnel instructions if any of the vacancies reserved for Scheduled Castes/Scheduled Tribes is not filled by a candidate of respective category sponsored by the Employment Exchange, specific reason for that should be communicated to the Employment Exchange. From the reply furnished, it is found that National Buildings Construction Corporation Ltd., has not been communicating the reasons for rejection of SC/ST candidates to the Employment Exchanges.

4.5 The Committee in their various reports have recommended from time to time that the specific reasons for rejection of SC/ST candidates sponsored by the Employment Exchange should be communicated to the concerned Exchanges as per Government directions on the subject so as to enable them to sponsor in subsequent recruitment right type of candidates from these communities.

4.6 When enquired about the reasons for not communicating to the Employment Exchanges the reasons for rejection of SC/ST candidates sponsored by the Employment Exchange, it was submitted:

“We are informing Employment Exchanges only the reasons like unsuitability for the job as decided by the Interview Committee. Further break up of performance records is not being communicated for reasons of confidentiality.”

In regard to filling up of reserved vacancies through Employment Exchange, it has been provided in the BPE Brochure that it is necessary that the concessions in regard to age-limit, qualifications or experience admissible to the Scheduled Castes and Scheduled Tribes candidates should be clearly stipulated in the requisition to the Employment Exchange. Also the reserved vacancies should be notified to the Director General of Employment Exchange, New Delhi who maintains a list of eligible candidates from among Scheduled Castes/Scheduled Tribes on all India basis.

Regarding the mention of exact nature of relaxation permissible to SC/ST candidates in the advertisement requisition to the Employment Exchanges, it was stated:

“Although nature of exact relaxation is not mentioned in the advertisement/requisition to the Employment Exchanges, a general mention is made/about the permissible relaxation as per the Government of India Orders.”

4.7 The Committee regret to note that NBCC is not mentioning in the advertisements given in the leading newspapers and the requisitions sent to the Employment Exchanges the exact nature of relaxations available to SC

& ST candidates in direct recruitment. The specific reasons for rejection of SC/ST candidates are also not communicated to the sponsoring Employment Exchanges which is in violation of the Government instructions. The Committee, recommend that henceforth the NBCC should follow the Government directives in this regard meticulously.

B. Regularisation of NMR/Casual/WE Workers

4.8 In regard to the regularisation of persons employed as NMR/Casual/WE, it was stated that for their initial induction at NMR/WE the units all over India mustered the workers on the day to day basis. However, the employed workers were continued further from project to project till their regularisation. The order on reservation could not be enforced. On a query as to how the Corporation would fill the backlog of vacancies when initially they have not made any reservations for Scheduled Castes / Scheduled Tribes while employing NMR / Casual / WE, the witness replied:

“Sir, when we signed the agreement with the Union, it was based on number of years which they had done in a particular category.”

4.9 In regard to allowing relaxation in experience to SC/ST WE workers at the time of their regularisation against reserved vacancies, the Committee were informed by the representative of the Ministry as under:—

“Presently, I am in full agreement, for it is possible in order to fulfil the reservation policy. For the purpose of regularisation, a distinction is made in order to fulfil this reservation policy. This is an issue on which our Ministry alone will not be able to take a decision.”

It was pointed out that the agreement with the union cannot override the reservation policy framed under the Constitution. At the same time the Committee desired to know as to how the Corporation proposed to wipe out the backlog in a time bound manner, the witness submitted:

“We are making concerted efforts to wipe out the backlog. We are also taking people according to the vacancies and there, we are giving full thrust to wipe out the backlog and that will continue.”

In this context the representative of National Buildings Construction Corporation Ltd. assured the Committee as under:

“I would like to reiterate that the directives that are there, are over-riding and they take precedence on all the other issues. So, in our regularisation, we will take that into view. We will try to wipe out the backlog in this process of regularisation. If there is any further generation of backlog, which we will come to know by the 15th of March, we will take action on that too.”

4.10 During the course of the evidence, the Committee were informed

that 1138 WE employees were regularised and out of these, records of 420 employees could be reviewed. Out of these 420 workers there were 60 Scheduled Castes/Scheduled Tribes employees.

4.11 The Committee desired to know the number of Scheduled Castes and Scheduled Tribes (separately) among 1130 persons and category of post in which they had been regularised. Subsequently the Committee have been informed that out of the 1138 employees regularise, in fact orders for regularisation of 1080 employees have so far been issued and the remaining persons have yet to submit their documents for regularisation which would of course, be done w.e.f. 2.4.91 after verifying their documents. About 850 WEs workers are proposed to be regularised in due course on completion of the required length of service, as per the agreement with the unions and the status of the SC/ST candidates would only be known on their furnishing documents at the time of their regularisation. Out of these 1080, it is seen from the records furnished by them that 171 persons are Scheduled Castes and 8 persons are Scheduled Tribes. However, Only 116 SC and 6 ST have furnished their requisite SC/ST certificates, which are also being verified from the original certificates. 55 SC and 2 ST candidates have not so far furnished the proof of their claiming SC/ST status and they have been asked to furnish the certificates from the concerned District Authorities for proper verification.

The category of posts in which these SC/ST Employees (Category-wise) regularised w.e.f. 2.4.90 & 2.4.91 is as under:—

Sl. No.	Category	SC	ST
Group 'C'			
1.	Works Supervisor Gr.I (C)	2	—
2.	—do— Gr.II(C)	8	—
3.	—do— Gr.III (C)	3	1
4.	Operator (Earth Moving) Gr.I	1	—
5.	General Clerk Gr.II	4	—
6.	Store Keeper Gr.II	1	—
7.	Mechanic Gr.I (Special)	1	—
8.	—do— Gr.I	1	—
9.	Driver Gr.I	1	—
10.	Driver Gr.II	4	—
11.	Electrician Gr.II	1	—
12.	Crane Operator Gr.I	1	—
13.	Static Plant Operator Gr. I	2	1
14.	—do— Gr.II	12	—
15.	—do— Gr.III	5	—
16.	Plumber	1	—
17.	Plumber Gr.II	1	—
18.	Mason Gr.II	9	—
19.	Carpenter Gr.II	3	—

Sl. No.	Category	SC	ST
Group 'C'			
20.	Welder Gr.II	1	—
21.	Fitter Gr.II	1	—
22.	Barrbender Gr.II	—	1
23.	—do— Gr. III	2	—
24.	Technician Gr.III	3	—
25.	Technician (Bandhani)	1	—
		69	3
GROUP 'D'			
1.	Security Guard	40	2
2.	Peon	16	—
3.	Helper (E & M)	4	1
4.	Helper	34	2
5.	Sweeper	8	—
		102	5
Grant total of Group 'C' and 'D'		71	8

4.12 The Committee note that in NBCC the second channel of recruitment other than the direct recruitment, is regularisation of persons from Nominal muster Roll / Casual / Work Establishment, after the completion of the prescribed years of continuous service as per the settlement reached with the unions. The Committee also find that out of a total of 1988 (1138 regularised and 850 to be regularised) casual labourers/WEs, 1138 persons have been regularised in which the number of SCs and STs are 171 and 8 respectively whereas as per prescribed quota their number should have been approximately 184 and 78 respectively. It has been further stated that 850 persons are yet to be regularised. The Committee recommend that at the time of regularising remaining 850 casual labourers efforts may be made to regularise the required percentage of Scheduled Castes/Scheduled Tribes. At the same time they would like the management to make effort while recruiting casual labourers to recruit persons from SCs/STs following the prescribed reservation percentage as far as practicable.

C. Recruitment Boards/Selection Committee/DPCs

4.13 From the material furnished to the Committee, it has been clarified that the composition of the Recruitment Board/DPCs differs for different posts carrying different scales of pay. Further as SC/ST member is generally associated with each of the Recruitment Board/DPCs.

When the Committee desired to know the status of the SC/ST member included in the Recruitment Boards/DPCs and whether he was at par with the other members of the Boards/Committees, it was stated that the status of the SC/ST members of the interview board depended on the grade of

the post to be filled up. Normally, SC/ST members should be at least one level higher than the post to be filled up.

As per BPE Brochure, the Departmental Promotion Committee, Selection Boards or Recruiting Authorities, are generally constituted with the departmental officers of appropriate status and background keeping in view the nature of the post/posts for which recruitment/promotion is to be made. It has been further stated that the Public Enterprises should include invariably a Scheduled Caste/Scheduled Tribe officer while constituting the Departmental promotion Selection Boards etc. for the recruitment/promotion to posts/services under them.

4.15 The Committee note that a member belonging to SC/ST one level higher than the post to be filled up is always included in all the Recruitment Boards/DPs. The Committee recommend that the status of SC/ST member should generally be comparable with other members of the Recruitment Boards/Selection Committees/DPCs.

D. Posting Abroad

4.16 The statement given below shows the number of officers posted abroad and number of Scheduled Castes and Scheduled Tribes among them:

Year	No. of officers posted abroad	No. of posted.	
		SC	ST
1987	15	1	-
1988	06	-	-
1989	24	3	1
	45	4	1

When asked about the posts for which posting is done abroad in National Buildings Construction Company Ltd., and for which reservation orders do not apply, it was clarified in the Material furnished to the Committee that although there is no reservations orders for Scheduled Caste/Scheduled Tribe candidates for overseas posting, but due weightage is given to SC / ST candidate if they fulfill the job-requirement.

The reasons for low representations of Scheduled Castes/Scheduled Tribes for their projects abroad is stated to be:—

“Lesser response of option from existing officers.”

It was further stated that in order to improve the representation of Scheduled Castes and Scheduled Tribes in NBCC for foreign postings specific options were also invited.

4.18 The Committee are unhappy to note that out of 45 officers who have been posted abroad during 1987 to 1989, there are only 4 (9.00%) SCs and 1 (2.22%) STs. They were informed that although there is no reservations for Scheduled Castes/Scheduled Tribes for overseas posting, due weightage was given by NBCC to SC/ST candidates if they fulfill the job requirements. The Committee desire that continuous efforts should be made to improve the representation of Scheduled Castes/Scheduled Tribes in the foreign postings.

CHAPTER V

MEASURES TO IMPROVE RESERVATIONS

A. *Relaxations/Concessions*

5.1 As regards the relaxation given to the Scheduled Castes & Scheduled Tribes in general for all classes of employment, the witness informed during evidence as follows:

"In advertisements, we are giving relaxation in terms of age. We are allowing them about five to seven years higher than the normal age required for a particular post. Then, when we do the shortlisting evaluation, we are taking their level of qualification at a lower level. Normally, for engineers, we take 60 per cent but for Scheduled Castes/Scheduled Tribes, we are taking at 50 per cent. i.e. ten per cent less than others. Again, during interview, we take their interviews in a relaxed manner; of course, by the same Board in which we have a little more accommodation for them. Now, in the Interview Board, we have always a member from SCs / STs who is one step higher than the post advertised or interviewed for. We take that member from within our Company-or from the sister concerns."

He added:

"We have minimum requirement of service. But for Scheduled Castes and Scheduled Tribes, we will take people with lesser experience."

5.2 During the course of the evidence, in order to make good the shortfall/backlog, the Committee desired to know the views of the management on the suggestion of completely dispensing with the requirement of experience for Scheduled Caste/Scheduled Tribe fresh graduate, engineers who could be selected, appointed and imparted in-service training. The representative of the Ministry stated as under:

"This should surely be done. But it will differ from post to post".

5.3 The Committee recommend that at the time of recruitment the pre-condition of experience should be dispensed with for SC/ST candidates as far as possible with a view to wipe out the backlog of SCs and STs and the SC/ST candidates so appointed should be imparted intensive training, as agreed to during evidence.

B. Institutional Training and Seminars

5.4 The number of officers *vis-a-vis* Scheduled Castes and Scheduled Tribes sponsored for institutional trainings and seminars during the year 1987-88 to 1991-92 (upto December 91) are as under:

Year	Total No. of Officers	SCs	STs
1987-88	538	66	1
1988-89	570	29	4
1989-90	589	39	2
1990-91	410	50	2
1991-92	271	35	1
(April 91 to Dec. 91)	2378	219	10
		9.21%	0.42%

5.5 During the evidence when the Committees desired to know whether there was any policy of giving in-service training to SC/ST incumbants and whether the Corporation is implementing that policy the witness replied:

"Sir, we are giving in-service training to our graduate engineers and management trainees for all the categories, including Scheduled Castes/Scheduled Tribes. Of course, we are not having a separate training policy only for Scheduled Castes/Scheduled Tribes we are having training programme for all the employees."

5.6 The Committee find that during 1987-88 to 1991-92 (upto December, 1991) as many as 2378 officers have been sponsored for institutional trainings / seminars but the representation of Scheduled Castes / Scheduled Tribes is only 219 (9.12%) and 10 (0.42%) respectively. The Committee also note that NBCC have no separate in-service training arrangement for SCs/STs. The Committee would like the management of NBCC to nominate more SC/ST employees for institutional training/seminars to enable them to come up to the standards of other candidates.

C. Pre-Promotion Training

5.7 When asked about the considerations given to Scheduled Castes/ Scheduled Tribes for in-service/pre-promotion training, it was stated:

"The instructions of Government with regard to services and promotion matters pertaining to Scheduled Caste/Scheduled Tribe employees are fully complied with. In all the training programmes including in house and organised by external institutions adequate number of SC/ST employees of the Corporation are included. Exclusive training programmes for Scheduled Castes/Scheduled Tribes employees are also being organised."

5.8 When the Committee suggested that with a view to improve their efficiency and to make them fit for promotion the Corporation should provide training to Scheduled Castes / Scheduled Tribes, the witness admitted:

“Well, that sort of training we have not given. We have given only general training.”

5.9 On the suggestions of the Committee regarding imparting of pre-promotion training to the SC/ST employees to improve their efficiency and to make them fit for promotion, the Chairman of the NBCC admitted that such type of training was not being imparted exclusively to SC/ST employees. The Committee, keeping in view of the huge shortfall both in promotion and recruitment, feel that the SC/ST employees specially STs need intensive training to bring them at par with the other candidates and recommend NBCC to organise pre-promotion training programmes for SC & ST employees accordingly.

D. Man power Planning itself

5.10 From the statement of year-wise recruitment/promotion and backlog vacancies of Scheduled Castes/Scheduled Tribes it is found that large number of vacancies remained unfilled due to non-availability of suitable SC/ST candidates.

5.11 In this context the Committee desired to know whether advance manpower, say for next 5 years or so, and giving necessary publicity about the manpower requirement at national/regional level, would improve the position. It was submitted:

“Our programme for induction of new hands is reviewed periodically at short periods, depending on fresh work loan and closing projects. Therefore, it is not possible to make long term manpower induction planning at a single point of time.”

5.12 The Committee note from the 29th and 30th Annual Report respectively for the years 1988-89 and 1989-90 of National Buildings Construction Corporation Limited that although the Construction Industry does not lend itself for a systematic manpower planning in view of its peculiar nature of working but all the same the Corporation has been successful in formulating annual manpower plan after taking into account the future uncertainties. The Committee desire the manpower plan should

also include the requirement of SCs / STs category-wise and trade-wise, and measures should be taken for their timely selection and recruitment.

K. PRADHANI
Chairman,

*Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.*

NEW DELHI:

April 24, 1992

Vaisakha 4, 1914 (S)

APPENDIX

(Vide para 4 of Introduction)

Summary of Conclusions / Recommendations contained in the Report

Sl. No.	Reference to para No. in the Report	Summary of Conclusions/Recommendations
1	2	3
1	1.10	<p>The Committee regret to note that inspite of their repeated recommendations for inclusion of atleast one SC/ST Director in the Board of Directors of all the public undertakings, none of the Directors in the Board of Directors of NBCC belongs to SC/ST. They also note that neither the Management of NBCC nor the Government ever suggested the name of any SC/ST candidate for inclusion in the Board of Directors. The Committee find that at present there is no non-official Director on the Board of NBCC. The Committee recommend that atleast one SC/ST person, official or non-official, should invariably be appointed as Director on the Board of Directors of NBCC to look after <i>inter alia</i> the interests of Scheduled Castes and Scheduled Tribes.</p>
2	2.6	<p>The Committee note that the Director (Administration and Coordination) who is incharge of the SC/ST Cell and is also responsible for looking after the reservation has never visited NBCC offices with a view to inspect rosters and other documents relating to implementation of reservation orders. The Committee recommend that the Director (Administration and Coordination) who is looking after the reservation work should regularly visit offices of NBCC and periodically check the rosters to ensure strict compliance of reservation orders. Further SC/ST cell may be put under the charge of one Officer exclusively for the purpose to look after properly to the functioning of the Cell.</p>

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- | 1 | 2 | 3 |
|---|---|---|
|---|---|---|
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3. 2.14 The Committee note that consequent upon the voluntary retirement of Chief Manager (Personnel) from the Head Office, the Director (Projects) in NBCC is temporarily functioning as Liaison Officer in the Corporate Office and no liaison officer has been appointed nor SC/ST Cell has been set up at the zonal offices probably on the ground that the recruitment and promotion of NBCC is centralised. Since one of the functions of the Liaison Officer SC/ST Cell is to look into the grievances of SC/ST employees and their prompt disposal, the Committee desire that some senior officers in the zonal offices may be appointed to function as Liaison Officers and they may be provided with one or two assistants to help them in the discharge of their duties. The officers so appointed/nominated may be given due training on reservation rules so as to enable them to observe reservation orders, as per Government directives.
4. 2.15 The Committee note with surprise that NBCC provide 16 $\frac{2}{3}$ % reservation for SCs and 7 $\frac{1}{2}$ % for STs for recruitment in all groups of its services and maintain 40 point roster. No recruitment even for groups C and D is made on regional basis nor regional percentage on reservation is provided for these groups. The Committee recommend that, even if the recruitment for group C and D posts is centralised, such recruitment for group C and D posts should be made from different regions following 100 point roster as provided in the reservation rules.
5. 2.17 The Committee find that a Central Grievance Committee, comprising senior officers (including one SC/ST representative) and Group General Manager as its Chairman, look into the grievances of all the employees including Scheduled Castes and Scheduled Tribes. The grievances of SCs and STs are also being looked into by SC/ST Cell attached to Personnel Division. However, no separate records are maintained in respect of grievances of SC/ST employees received in Personnel
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Division and these grievances are dealt with in the respective personal files and disposed of within 2 to 4 months. The Committee were informed that only 7 complaints from SC/ST employees had been received in the Grievances Cell during the last 3 years. The Committee get an impression that all the complaints from SCs/STs are not being taken note of for proper and speedy action and recommend that a separate grievance register showing the records of the complaints of SC/ST employees together with their disposal should be maintained. They also suggest that publicity be given about this arrangement amongst SC/ST employees through their Association.

6 3.11

The Committee note that BPE issued its first directives regarding reservation in posts/services for SCs/STs on 18.9.1969 whereas NBCC Board decided to comply with the instructions of the Government at its meeting on 31.12.1970 and started implementation of the reservation orders from 1.2.1971. Thus the Ministry of Urban Development had not ensured the implementation of reservation orders in NBCC promptly.

7 3.12

The Committee find from the staff strength of NBCC as on 1.1.92 that there is a shortfall in reservation for SCs/STs in almost all categories of posts viz. in Group 'A' 6.34% for SCs and 6.72% for STs, in Group 'B' 1.13% for SCs and 6.57% for STs, in Group 'C' 5.72% for STs and in Group 'D' 2.86% for SCs and 6.74% for STs. It also appears that the shortfall has been calculated following their recruitment percentage which may not give a correct picture of shortfall as the shortfall has to be obtained or calculated from the roster points filled up by recruitment as well as by promotion. In the opinion of the Committee shortfall position of staff strength in NBCC need review/revision and they would like the Corporation to take suitable steps in this direction in consultation with the Department of Personnel and Training/National Commission for Scheduled Castes and Scheduled Tribes.

Non-availability of SCs and STs which has been advanced as the reason for shortfall in all the categories of services in NBCC is not convincing as will be seen from the results of special recruitment drives

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undertaken during 1989 to 1991 when as may as 41 SCs candidates could be selected against the vacancies of 68. The Committee, recommend that in order to wipe out the existing shortfall in all categories of posts especially of STs within a stipulated period, NBCC should immediately resort to further special recruitment drives through its regional offices. They also desire implementation of the suggestion made by the Commissioner for SCs and STs to work out special schemes to induct STs as trainees at different levels for their regularisation in due course. The Committee would like to be apprised of the steps taken to wipe out the shortfall for STs in the services of NBCC within six months.

9 3.17

The Committee find that the seeking of ex-post-facto approval for dereservation of 17 and 5 vacancies respectively on 29.12.1989 and 21.6.1990 from NBCC Board of Directors is not in accordance with the BPE directives which provide that before any reserved vacancy is dereserved and filled up by a general candidate, the prior approval of the Board of Directors for Group 'A' and 'B' posts and that of the Managing Director for Group 'C' and 'D' posts should be obtained. They desire the management of NBCC to follow the government instructions in regard to dereservation of vacancies scrupulously in future.

10 3.18

The Committee further note that the ban on dereservation came into force with effect from 1.4.1989. However, the offers of appointment in respect of three posts, i.e. for posts at serial numbers 20 to 22, were issued on 20 and 26 April, 1989. The Committee are, therefore, not convinced with the explanation that the review of the decision taken by the Board in respect of these three vacancies, which were filled after 1.4.1989 and before the receipt of the orders was not called for and they desire the Board to review the decision afresh.

11 3.24

The Committee find from the statement of promotions given during the years 1989 to 1991 that in 1989 SC employees in all categories excepting in Group 'D' got promotion as per their prescribed percentage or more; during 1990 percentage of SC employees got promotion in Group A came down to 11.94% and during 1991 SC employees got promotion less than their

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prescribed percentage i.e. 10.94 for Group 'A', 8.96 for Group 'B' and 13.64 for Group 'D'. As regards promotion of STs in all categories and during all these years the position is far from satisfactory. During 1989 in Group 'D'; in Groups 'A', 'C' and 'D' during 1990; and in Groups 'A' and 'D' in 1991 no ST employees could be promoted. The Committee urge that immediate steps should be taken to promote required number of SCs and STs in different categories of posts in NBCC, if required by giving further relaxations or by resorting to direct recruitment wherever permissible.

12 4.7

The Committee regret to note that NBCC is not mentioning in the advertisements given in the leading newspapers and the requisitions sent to the Employment Exchanges the exact nature of relaxations available to SC & ST candidates in direct recruitment. The specific reasons for rejection of SC/ST candidates are also not communicated to the sponsoring Employment Exchanges which is in violation of the Government instructions. The Committee, recommend that henceforth the NBCC should follow the Government directives in this regard meticulously.

13 4.12

The Committee note that in NBCC the second channel of recruitment other than the direct recruitment, is regularisation of persons from Nominal muster Roll/Casual/Work Establishments, after the completion of the prescribed years of continuous service as per the settlement reached with the unions. The Committee also find that out of a total of 1988 (1138 regularised and 850 to be regularised) casual labourers/WEs, 1138 persons have been regularised in which the number of SCs and STs are 171 and 8 respectively whereas as per prescribed quota their number should have been approximately 184 and 78 respectively. It has been further stated that 850 persons are yet to be regularised. The Committee recommend that at the time of regularising remaining 850 casual labourers efforts may be made to regularise the required percentage of Scheduled Castes/Scheduled Tribes. At the same time they would like the management to make effort while recruiting casual labourers to recruit persons from SCs/STs following the prescribed reservation percentage as far as practicable.

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| 14 | 4.15 | <p>The Committee note that a member belonging to SC/ST one level higher than the post to be filled up is always included in all the Recruitment Boards/DPCs. The Committee recommend that the status of SC/ST member should generally be comparable with other members of the Recruitment Boards/Selection Committees/DPCs.</p> |
| 15 | 4.18 | <p>The Committee are unhappy to note that out of 45 officers who have been posted abroad during 1987 to 1989, there are only 4(9.00%) SCs and 1(2.22%) STs. They were informed that although there is no reservations for Scheduled Castes/Scheduled Tribes for overseas posting, due weightage was given by NBCC to SC/ST candidates if they fulfil the job requirements. The Committee desire that continuous efforts should be made to improve the representation of Scheduled Castes/Scheduled Tribes in the foreign postings.</p> |
| 16 | 5.3 | <p>The Committee recommend that at the time of recruitment the pre-condition of experience should be dispensed with for SC/ST candidates as far as possible with a view to wipe out the backlog of SCs and STs and the SC/ST candidates so appointed should be imparted intensive training, as agreed to during evidence.</p> |
| 17 | 5.6 | <p>The Committee find that during 1987-88 to 1991-92 (upto December, 1991) as many as 2378 officers have been sponsored for institutional trainings/seminars but the representation of Scheduled Castes/Scheduled Tribes is only 219 (9.12%) and 10(0.42%) respectively. The Committee also note that NBCC have no separate in-service training arrangement for SCs/STs. The Committee would like the management of NBCC to nominate more SC/ST employees for institutional training/seminars to enable them to come up to the standards of other candidates.</p> |
| 18 | 5.9 | <p>On the suggestions of the Committee regarding imparting of pre-promotion training to the SC/ST employees to improve their efficiency and to make them fit for promotion, the Chairman of the NBCC admitted that such type of training was not being imparted exclusively to SC / ST employees. The Committee keep-</p> |
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ing in view of the huge shortfall both in promotion and recruitment, feel that the SC/ST employees specially STs need intensive training to bring them at par with the other candidates and recommend NBCC to organise pre-promotion training programmes for SC & ST employees accordingly.

19 5.12

The Committee note from the 29th and 30th Annual Report respectively for the years 1988-89 and 1989-90 of National Buildings Construction Corporation Limited that although the Construction Industry does not lend itself for a systematic manpower planning in view of its peculiar nature of working but all the same the Corporation has been successful in formulating annual manpower plan after taking into account the future uncertainties. The Committee desire the manpower plan should also include the requirement of SC/STs category-wise and trade-wise, and measures should be taken for their timely selection and recruitment.
