

**COMMITTEE ON THE WELFARE
OF SCHEDULED CASTES AND
SCHEDULED TRIBES
(1988-89)**

(EIGHTH LOK SABHA)

FORTIETH REPORT

MINISTRY OF INDUSTRY

(DEPARTMENT OF PUBLIC ENTERPRISES)

Action taken by Government on the recommendations contained in the Fourth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Eighth Lok Sabha) on the Ministry of Industry (Department of Public Enterprises)—Reservations for and employment of Scheduled Castes and Scheduled Tribes in Bharat Heavy Electricals Limited (Hyderabad and Hardwar Units)



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 1988/Sravana, 1910 (Saka)

Price ; Rs. 18.00

CORRIGENDA
TO THE

40TH REPORT OF THE COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND SCHEDULED TRIBES (1988-89)
(EIGHTH LOK SABHA) ON RESERVATIONS FOR, AND
EMPLOYMENT OF SCHEDULED CASTES AND SCHEDULED
TRIBES IN BH RAT HEAVY ELECTRIC LS LIMITED
(HYDERABAD AND HARDWAR UNITS).

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COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES (1988-89)

Shri Arvind Netam—*Chairman*

MEMBERS

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3. Shri Bir Bal
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21. Shri Anand Prakash Gautam
22. Shri Ramnarayan Goswami
23. Shrimati Kailashpati
- *24. Prof. N. M. Kamble

*Ceased to be member of the Committee on his resignation from Rajya Sabha w.e.f. 9 August, 1988.

25. Shri Dhuleshwar Meena
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1. Shri R. D. Sharma—*Director-In-charge (B)*
2. Shri D. M. Chanan—*Deputy Secretary*
3. Shri R. K. Chatterjee—*Officer on Special Duty*

INTRODUCTION

1. 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 Fortieth Report (Eighth Lok Sabha) on Action Taken by Government on the recommendations contained in the Fourth Report (Eighth Lok Sabha) on the Ministry of Industry (Department of Public Enterprises)—Reservations for and employment of Scheduled Castes and Scheduled Tribes in Bharat Heavy Electricals Limited (Hyderabad and Hardwar Units).

2. The Draft Report was considered and adopted by the Committee on 10 August, 1988.

3. The Report has been divided into the following Chapters:—

I. Report

II. Recommendations|Observations which have been accepted by Government.

III. Recommendations|Observations which the Committee do not desire to pursue in view of Government's replies.

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

4. An analysis of the action taken by Government on the recommendations contained in the Fourth Report of the Committee is given in Annexure. It would be observed therefrom that out of 62 recommendations made in the Report, 50 recommendations i.e. 80.65 per cent have been accepted by Government; the Committee do not desire to pursue 9 recommendations i.e. 14.52 per cent of their recommendations in view of Government's replies; 3 recommendations i.e. 4.83 per cent, in respect of which replies of Government have not been accepted by the Committee, require reiteration.

NEW DELHI;
18 August, 1988

Sravana 27, 1910 (S)

ARVIND NETAM,
Chairman,
Committee on the Welfare of Scheduled
Castes and Scheduled Tribes.

CHAPTER I

REPORT

This Report of the Committee deals with the action taken by Government on the recommendations contained in the 4th Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Industry (Department of Public Enterprises)—Reservations for and employment of Scheduled Castes and Scheduled Tribes in Bharat Heavy Electricals Limited (Hyderabad and Hardwar Units).

1.2 In Para 1.15 of their 4th Report, the Committee had noted that the Board of Directors of the Bharat Heavy Electricals Limited consisted of five full-time functional Directors including the Chairman and Managing Director, five part time Directors and two Directors from the Ministry of Industry, Government of India and none of them belonged to Scheduled Castes and Scheduled Tribes. The Committee had further noted that the Appointments Committee of the Cabinet was the final authority for selection of functional Directors from a panel of names suggested by Public Enterprises Selection Board. The Committee had recommended that as a matter of policy at least one person belonging to Scheduled Castes/Scheduled Tribes should be appointed as a Director on the Board of Directors of BHEL.

1.3 In their reply dated 22 July, 1988, the Ministry of Industry (Department of Public Enterprises) after having explained various steps taken to protect and safeguard the interests and welfare of Scheduled Castes and Scheduled Tribes, have stated that Director (Personnel) of BHEL is on the Board of Management of the Company. "According to the standing instructions of Government as contained in the BPE's brochure on Reservations for Scheduled Castes and Scheduled Tribes in posts/services under the Public Enterprises, the Chief Personnel Officer/Personnel Director in the public sector enterprises will personally be responsible for ensuring the compliance of instructions regarding reservation for Scheduled Castes/Scheduled Tribes. In view of these clear instructions, the interests of Scheduled Castes/Scheduled Tribes employees of the Company are

adequately safeguarded by the Liaison Officer in the Units and Director (Personnel) in the Corporate Officer of BHEL and it may not be necessary to appoint a person belonging to Scheduled Castes/Scheduled Tribes as a Director on the Board of BHEL specifically for safeguarding the interests of Scheduled Castes/Scheduled Tribes employees. The Bureau of Public Enterprises have also been consulted by the Ministry of Industry in this regard. The Ministry have intimated that the recommendation has been examined earlier also. In the view of the Government, it is not desirable to lay down a policy that there shall be a Director belonging to SC or ST."

1.4. The Committee are not convinced with the plea taken by the Ministry in their reply and will like to reiterate their earlier recommendation that there should be a person belonging to SC/ST community as a Director on the Board of BHEL.

1.5 In paras 2.15 and 2.16 of their 4th Report, the Committee had noted that in the directive received in 1970, there was no provision for reservations in promotions made on the basis of seniority subject to fitness. The provision was made in the subsequent directive issued by the BPE in November, 1974. The Committee had also noted that reservations in promotions on the basis of seniority subject to fitness were made applicable to Ministries/Departments in November, 1972. On receipt of these orders the Department of Heavy Industry should have circulated them to BHEL and other public enterprises under their administrative control for necessary action, without delay and without waiting for any directive from BPE. The Committee felt strongly that as a result of delay of two years in enforcement of these orders, the SC/ST employees had been deprived of the opportunity for two years to get promotional quota under these orders without any fault on their part. The Committee had recommended that the Department of Heavy Industry should fix responsibility for the serious lapse in applying these orders to BHEL in 1972 itself.

1.6 In their reply dated 26 July, 1988, the Ministry of Industry (Department of Public Enterprises) have stated that it has not been possible to lay hands on files of 1973 in BPE as also in Department of Public Enterprises to ascertain whether BPE's O.M. dated 24-4-73 with Department of Personnel and Training's circular dated 27-11-72 was specifically marked to Ministry of Heavy Industry which was then a new Ministry having been created only a couple of months back.

1.7 The Committee are not satisfied with the reply of the Government and will like to reiterate their earlier recommendation that the Department of Heavy Industry should fix responsibility for the serious lapse in not applying these orders to BHEL in 1972, itself. The Committee will also like to know the precise reasons for inordinate delay on part of the Bureau of Public Enterprises, in circulating the Government Directive on reservations in promotions to the Public Undertakings.

of Public Enterprises. A copy of the Order was also placed on the Notice Board of the Department.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE, XI, Vol. II dated 8-7-1988.]

Recommendation Sl. No. 13 (Para No.2.17)

The Committee fail to understand that while the Government directive on reservation in promotion on the basis of seniority subject to fitness was made applicable to Ministries|Departments in 1972, why the Bureau of Public Enterprises took two years to circulate it to the Public Undertakings. The Committee would like to know the precise reasons for this inordinate delay on the part of the Bureau of Public Enterprises.

The Committee, however, recommend that the orders|instructions issued to the Ministries|Departments by the Department of Personnel relating to reservations in services should be made applicable simultaneously to the public enterprises under their administrative control and no time should be lost in the observance of procedural formalities.

Reply of Government

As regards prompt circulation of orders|instructions issued by Department of Personnel & Training relating to reservations for Scheduled Castes and Scheduled Tribes in posts|services in public sector undertakings, it may be stated that BPE forwards such instructions to Ministries|Deptts. with their covering letter for application in P-SUs. For the convenience of public sector undertakings, BPE has also issued a Brochure on Reservations for Scheduled Castes and Scheduled Tribes in posts|services under the public enterprises. This is a priced publication available in the market. Nevertheless, Committee's recommendation has been brought to the notice of BPE for compliance.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE, XI, dated 26-7-1988.]

Recommendation Sl. Nos. 14 and 15 (Para Nos. 2.27 and 2.28)

The Committee note that Liaison Officers, for looking after the work relating to representation of Scheduled Castes and Scheduled Tribes have been nominated both at Hyderabad and Hardwar Units of BHEL. Scheduled Caste/Scheduled Tribe Cells have also been created to assist the Liaison Officers to discharge their duties.

The Committee recommend that the appointment of Liaison Officers the duties assigned to them and the creation of Scheduled Caste/Scheduled Tribe Cells should be widely made known to the employees by means of a circular. The Committee also recommend that the Department of Heavy Industry should issue necessary instructions in this regard to all the Public Enterprises under their control.

Reply of Government

The recommendation of the Committee that the appointment of Liaison Officers, the duties assigned to them and the creation of Scheduled Caste/Scheduled Tribe Cells in PSUs should be widely made known to the employees by means of a circular to be issued by the Department of Public Enterprises to all the Public Sector Enterprises under their control, has been accepted by Government and necessary instructions have been issued to all the public sector undertakings under the control of Department of Public Enterprises vide a copy of the circular enclosed. (Annexure I)

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)|84-PE. XI dated 8-7-88]

Recommendation Sl. No. 16 (Para No. 2.29)

During the course of their study tours, the Committee have observed that the Liaison Officers are not always funny conversant with the various instructions issued regarding reservations for Scheduled Castes/Scheduled Tribes. On account of lack of information and knowledge, they are not able to ensure due compliance of reservation orders by the appointing authority. The Committee, therefore, recommend that suitable training courses should be arranged for the Liaison Officers in various units of BHEL so as to enable them to get fully acquainted with the rules/instructions relating to reservation in services issued from time to time and their correct interpretation.

Reply of Government

Government have accepted the Recommendation of the Committee that suitable training courses should be arranged for the Liaison Officers in the various units of BHEL to enable them to get fully acquainted with the rules/instructions relating to reservation in services issued from time to time and their correct interpretation. In this connection it may be pointed out that since 1983 BHEL has been conducting training programmes on "Management of Reserva-

tion and Directives for Schedules Castes & Scheduled Tribes in Public Enterprises" at their Human Resources Development Institute. So far four such courses have been held, the last being March, 1986. In these programmes 43 officials of BHEL and 67 of other PSUs have been trained. The faculty for such programmes includes officers from the Office of the Commissioner for Scheduled Castes| Scheduled Tribes, Bureau of Public Enterprises and Ministry of Personal, Public Grievances and Pensions.

2. In pursuance of the Recommendations of the Committee, BHEL have issued instructions to all the Units on 5-7-86 to ensure that the Liaison Officers for Scheduled Castes|Scheduled Tribes of the Units are sponsored for the above training programme if not already done, to enable them to get fully acquainted with the rules/ instructions relating to reservation in services issued from time to time and their correct interpretation.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE. XI dated 8-7-1988.]

Recommendation Sl. No. 18 (Para No. 2.39)

The Committee note that grievance register common to all non-executive employees is maintained at Hyderabad Unit. The Committee recommend that a separate grievance register should be maintained for Scheduled Caste|Scheduled Tribe employees in the Unit and the action taken on each grievance should be indicated against the respective grievances in the register. This register should be an open document and available for inspection by an employee, if he so desires.

Reply of Government

Government have accepted the Recommendation of the Committee that a separate grievance register should be maintained for Scheduled Castes|Scheduled Tribes employees in the Hyderabad unit and the action taken on each grievance indicated against it in the Register and that this register should be an open document and available for inspection by an employee, if he so desires.

2. As a follow-up of the discussions held during the Meeting of the officials of the then Department of Heavy Industry (now Deptt. of Public Enterprises) and BHEL on 29th, 30th & 31st October, 1984 with the Committee on the Welfare of SC|STs, BHEL had issued instructions on 5-12-84 to the Units that a separate complaint register should be maintained in each unit where in all complaints/

representations of SCs/STs employees should be entered and action taken in each case for redressal of grievance indicated therein.

3. In pursuance of the recommendations of the Committee, BHEL have issued a fresh circular on 5-7-86 not only reiterating their instructions of 5-12-84 but also advising the Units that the grievance register should be an open document and available for inspection to an employee, if he so desires. The Units have also been advised to inform the employees of this procedure.

4. Thus, BHEL have laid down the procedure for the maintenance of grievances register for SC/ST employees not only in Hyderabad Unit of BHEL as recommended by the Committee, but in all the Units of the Company.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84 PE. XI dated 8-7-1988].

Recommendation Sl. No. 19 (Para No. 2.40)

The Committee have been informed that there is a mutually agreed grievance procedure at Hyderabad under which an aggrieved employee has to submit his evidence to the Foreman/shop manager/ chief Personnel Manager/General Manager etc. under various stages mentioned in the procedure. In the opinion of the Committee this appears to be a cumbersome procedure. The Committee desire that the Procedure should be appropriately amended to make it clear that Scheduled Caste/Scheduled Tribe employees are free to make their complaints direct to the Liaison Officers.

Reply of Government

Government have accepted the Recommendation of the Committee that Scheduled Caste/Scheduled Tribe employees of BHEL should be free to make their complaints direct to the Liaison Officers. In pursuance of this Recommendation, BHEL have issued instructions to all the Units on 5-7-86 that SC/ST employees are free to make their complaints directly to the Liaison Officers and the employees should be informed of this procedure.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE. XI dated 8-7-1988.]

Recommendation Sl. Nos. 20 and 21 (Para Nos. 3.24 and 3.25)

The Committee note that recruitment of Engineer Trainees is made on all India basis by the Corporate Office through a Written test and Interview.

The Committee further note that recruitment of Engineer Trainees in BHEL, till 1982 all Scheduled Caste & Scheduled Tribe candidates who appeared in the written test were called for interview irrespective of their marks in the written test. By this method the Company was able to clear the backlog in the category of Scheduled Castes. The Committee feel that this method should not have been discontinued as it is helpful for filling the current reserved quota and also for clearing the previous backlog. The Committee, therefore, recommend that the practice of calling all Scheduled Caste/Scheduled Tribe candidates who have appeared in the Written test for interview should be continued till the backlog is wiped out completely.

Reply of Government

Till 1982 the practice in BHEL was that all Scheduled Caste/Scheduled Tribe Candidates, who had appeared in the written test for recruitment of Engineer Trainees, were called for interview irrespective of their marks in the written test, with a view to clearing the backlog. Consequently, in 1982 112 Scheduled Caste Candidates were recruited as Engineer Trainees and the backlog of posts for Scheduled Tribes continued.

2. From 1983 onwards, their being no backlog of posts for Scheduled Castes, the number of Scheduled Caste candidates called for interview by relaxing the general standard of assessment was based on the number of vacancies reserved for them (in the ratio of 1.4). For example, in 1985 the minimum pass marks for general candidates was 90 whereas for Scheduled Caste candidates who had scored 40 marks in the written test in Mechanical Engineering were called for interview. In the category of Scheduled Tribes, there was a backlog of 47 posts. As such, all Scheduled Tribe candidates who had appeared in the written test for the recruitment of Engineer Trainees, were called for interview irrespective of the marks obtained in the written test. BHEL will continue this practice till the backlog of posts for Scheduled Tribes is wiped out.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84 PE. XI dated 8-7-1988].

Recommendation Sl. No. 22 (Para No. 3.26)

It has been stated that candidates selected on the basis of written test and interview are put on one year training on successful completion of which they are absorbed as Engineers. The Committee recommend that Scheduled Caste/Scheduled Tribe candidates

who are not successful at the end of one year training period should not be rejected outright. They should be put on training for a further period of one year so that they get a second chance to make up the deficiency and may be ultimately absorbed in the organisation as far as possible.

Reply of Government

According to the existing procedure obtaining in BHEL, candidates selected as Engineer Trainees on the basis of Written test and interview are put on one year training and after successful training they are absorbed as Engineers. Those trainees, who are not found suitable after one year's training, are given a further training for 3 months and are then considered for absorption.

2. Govt. have accepted the Recommendation of the Committee. In pursuance of the Recommendation, BHEL have liberalised the procedure and issued instructions to all units on 5-7-86 according to which such of the SC/ST trainees who are not found suitable for absorption even after extension of training for 3 months, should not be rejected outright but be given further training for a period upto one year so that they get a second chance to make up the deficiency and are absorbed as far as possible. The procedure further provides that cases in which even after extra training, a person is not found suitable for absorption, should be submitted to the Head of the Division in BHEL for his orders.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84 PE, XI dated 8-7-1988].

Recommendation Sl. No. 23 (Para No. 3.27)

The Committee also recommend that an officer belonging to Scheduled Caste/Scheduled Tribe community should be included in all Selection Boards irrespective of the fact whether the selection is for general candidates or for Scheduled Caste/Scheduled Tribe candidates or for both.

Reply of Government

Government have accepted the Recommendation of the Committee. On 5-12-84 BHEL had issued instructions to all the Units that a member of SC/STs should be associated with all the Selection Committees/Boards irrespective of whether the candidates to be interviewed by the Committee include Scheduled Castes and Scheduled Tribes candidates or not. In pursuance of the Recommendation of

the Committee, BHEL, have reiterated their earlier instructions to all the Units in the Circular issued on 5-7-86.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84 PE. XI dated 8-7-1988].

Recommendation Sl. No. 24 (Para No. 3.29)

The Committee further note that copies of advertisements and notifications are brought to the notice of local MLAs, Commissioner for Scheduled Castes and Scheduled Tribes and other authorities. The vacancies are also brought to the notice of recognised Associations/Organisations at local, State and National level. During evidence the representative of the Ministry, stated that it would be better if a consolidated list of such organisations was circulated to the Undertakings. In this connection the Committee would like to point out that a list of associations recognised a representative of Scheduled Castes and Scheduled Tribes to whom the reserved vacancies should be notified is given in Appendix II of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in services (6th Edition) brought out by the Deptt. of Personnel & Administrative Reforms, Ministry of Home Affairs. The Committee recommend that the Ministry of Industry (Deptt. of Heavy Industry) should supply a copy of this brochure to all Public Undertakings under their administrative control who should be instructed to send employment notices to these associations regularly.

Reply of Government

The Recommendation of the Committee that the Employment Exchanges should not take more than two weeks for issuing 'Non-availability Certificate' in the event of their inability to sponsor candidates for posts reserved for Scheduled Castes/Scheduled Tribes was taken up with the Ministry of Labour (Directorate General of Employment & Training (DGE&T)). The Recommendation has been considered in the Ministry of Labour in consultation with the State Director of Employment, Andhra Pradesh. They have stated that the procedure is that immediately on receipt of a vacancy, the Employment Officer is expected to sponsor suitable candidates from his own Exchange, failing which he is to circulate the vacancy to such exchange from where availability of such candidates is possible. In case there is no positive response, efforts are required to be made to advertise the vacancies in the newspapers at the State or All India level, as the case may be.

2. The DGE&T have observed that since the vacancies reserved for Scheduled Castes and Scheduled Tribes, more so for the latter

category, are generally difficult to fill for want of suitable candidates in many Employment Exchanges, circulation of vacancies, followed by advertisement, if necessary, becomes inevitable in most cases. The time, therefore, taken by the Employment Service to sponsor suitable candidates against such vacancies is naturally much more than the time required to fill up normal vacancies. Even if the employer wants to advertise the vacancy himself after obtaining "Non-availability Certificate", it will be uneconomical and much more time-consuming".

3. DGE&T have stated that the procedures followed by the State Director of Employment, Andhra Pradesh in regard to the reserved vacancies fall within the standard procedures prescribed in the National Employment Service Manual with the sole objective of serving the employer best. However, DGE&T are separately advising the Director of Employment & Training, Andhra Pradesh, to take immediate note of the Recommendation of the Committee and issue necessary instructions to the Employment Exchanges in Hyderabad to ensure submission of candidates in the minimum possible time. A copy of Deptt. of Labour (Directorate General of Employment & Training) D.O. letter No. DGE&T-U-11011(14)/86—EE-I dt. 23-9-86 received in this connection is enclosed. (Annexure II)

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84 PE. XI dated 8-7-1988].

Recommendation Sl. Nos. 25-26 (Para Nos. 3.29 and 3.30)

The Committee further note that copies of advertisements and notifications are brought to the notice of local MLAs, Commissioner for Scheduled Castes and Scheduled Tribes and other authorities. The vacancies are also brought to the notice of recognised Associations/Organisations at local, State and National level. During evidence the representative of the Ministry stated that it would be better if a consolidated list of such organisations was circulated to the Undertakings. In this connection the Committee would like to point out that a list of associations recognised as representative of Scheduled Castes and Scheduled Tribes to whom the reserved vacancies should be notified is given in Appendix II of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in services (6th Edition) brought out by the Deptt. of Personnel & Administrative Reforms, Ministry of Home Affairs. The Committee recommend that the Ministry of Industry (Deptt. of Heavy Industry) should supply a copy of this Brochure to all Public Undertakings under their administrative control who should be

instructed to send employment notices to these associations regularly.

The Committee further recommended that copies of advertisements and notifications for reserved vacancies should also be sent to the Members of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

Reply of Government

Government have accepted the recommendations of the Committee that a copy of the brochure on reservation for Scheduled Castes and Scheduled Tribes in services brought out by the Department of Personnel & Training should be supplied to all the Public Undertakings under the administrative control of Department of Public Enterprises who should be instructed to send employment notices to the associations recognised as representative of Scheduled Castes and Scheduled Tribes as mentioned in the brochure. Government have also accepted the recommendation of the Committee that copies of advertisements and notifications for reserved vacancies should also be sent to the Members of Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

2. In pursuance of the above recommendations, Department of Public Enterprises have supplied copies of the aforesaid Brochure to the Chief Executive of all the Public Undertakings under the administrative control of the Department. The Chief Executives have also been advised to send employment notices to the recognised associations of SCs/STs. They have also been advised to send advertisements and notifications for reserved vacancies to the Members of the Parliamentary Committee on the welfare of Scheduled Castes and Scheduled Tribes.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84 PE. XI dated 8-7-1988].

Recommendation Sl. Nos. 27 and 28 (Para Nos. 3.31 and 3.32)

The Committee note that several types of jobs in BHEL, such as cleanliness etc. are not done through contract labour. This is done under Regulations framed by the Undertaking for this purpose. The contractor's employees are not the employees of the Undertakings and as such they do not get the benefit of permanent employment in BHEL against the reserved posts. The re-

representative of the Undertaking stated during evidence that the question of contract labour would be examined and wherever it was possible to abolish the contract system it would be done and the employees would be given full time job.

The Committee feel surprised that a big organisation like BHEL are unable to employ Sweepers on a regular basis and they are still encouraging the system of contract labour. The Committee recommend that BHEL should employ Sweeper on a regular basis and the practice of employing them through contractors should be stopped forthwith.

Reply of Government

The Recommendation of the Committee has been considered in consultation with BHEL. BHEL have informed that the workmen employed on job contracts in the area of sanitation etc. are paid wages higher than the minimum wage notified under the Minimum Wages Act plus other facilities.

2. BHEL has undertaken a review of the job contracts for cleaning scavenging etc. on the shop floor to identify full time jobs that could be departmentalised by appointing the persons presently working on Job Contracts basis. For this purpose, the existing persons will be screened and those meeting the requirements of the recruitment rules will be assessed by a Committee to determine their fitness for BHEL jobs, and those found suitable, will be appointed in BHEL, subject to Company's rules. Under this procedure, 25 persons from amongst the contract labour have been given employment on full time basis in BHEL's ASIAD Office.

3. For workmen who are engaged on job contract basis but do not meet the requirements of recruitment laid down by the Company, the labour has been advised to form labour cooperative which will eliminate the contractor system and ensure better service conditions for them.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84 PE. XI dated 8-7-1988].

Comments of the Committee

The Committee would like to know the latest position in regard to departmentalisation of the contract labourers by appointing the persons presently working there on job contract basis.

Recommendation S. No. 30 (Para No. 3.36)

It has been stated that at Hardwar Unit all the eligible Scheduled Caste/Scheduled Tribe employees in the zone of consideration for promotion are promoted unless they are unfit on the ground of misconduct or poor work performance while in regard to the Hyderabad Unit it has been stated that 5 marks are added to the aggregate marks obtained by Scheduled Caste/Scheduled Tribe employees. The Committee are surprised to note that relaxations/concessions given to Scheduled Caste/Scheduled Tribe candidates are different in the two Units of BHEL. The Committee recommend that there should be a uniform pattern of giving relaxations/concessions to Scheduled Caste/Scheduled Tribe employees in promotion in the various units of the Undertaking.

Reply of Government

The recommendation of the Committee that there should be a uniform pattern for giving relaxations/concessions to Scheduled Caste and Scheduled Tribe employees in promotions in various units of BHEL, has been accepted by the Company. In pursuance of this recommendation of the Committee, BHEL have issued instructions to all the Units that the uniform practice of giving 5 extra marks by way of concession to all the SC/ST employees who come in the consideration zone for promotion may be followed. Further, if any Scheduled Caste/Scheduled Tribe employee does not come upto the qualifying level even after the grant of above concession and at the same time he has not been found unsuitable for promotion due to poor performance/habitual absenteeism/misconduct etc. such cases should be referred for a review by the Corporate personnel department before the orders are issued. This will bring uniformity in the relaxations/concessions given to SC/ST employees in the matter of promotion in the various units of BHEL.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84 PE. XI dated 8-7-1988].

Recommendation Sl. No. 34 (Para No. 3.62)

The Committee have been informed during evidence by the representative of the Undertaking that among Scheduled Castes and Scheduled Tribes only those were not promoted against whom there were cases of indiscipline or misconduct or were unsuitable for the post. The Committee, however, find that a large number

of eligible Scheduled Caste/Scheduled Tribe employees were not promoted at Hyderabad Unit and HEEP of Hardwar Unit during the years 1982, 1983 and 1984. These constitute 25 per cent to 30 per cent of total number of eligible Scheduled Caste/Scheduled Tribe employees at Hyderabad unit and 15 per cent to 20 per cent at HEEP of Hardwar Unit. The Committee recommend that cases of Scheduled Caste/Scheduled Tribe employees who were not promoted at the two units during 1984 should be reviewed at the highest level and the Committee be apprised of the result of the review.

Reply of Government

As recommended by the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, BHEL have reviewed the cases of Scheduled Caste and Scheduled Tribe employees who were not promoted at Hardwar and Hyderabad Units in 1984 and the present position is as under:—

- (i) At Hardwar Unit, of the 45 Scheduled Caste/Scheduled Tribe employees who were not promoted in 1984, 30 have been promoted in 1985 and 1986. The remaining 15 have not been found suitable for promotion because of various defaults against Company Rules.
- (ii) At Hyderabad Unit of the 52 Scheduled Caste/Scheduled Tribe employees who were not promoted in 1984, 24 have been promoted in 1985 and 1986. Of the remaining 28, 4 have already retired, resigned or were dismissed due to misconduct. The remaining 24 employees have not been found suitable for promotion due to habitual absenteeism.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84 PE. XI dated 8-7-1988]

Recommendation Sl. No. 35 (Para No. 3.63)

With a view to allay, the feeling of injustice or discrimination amongst Scheduled Caste/Scheduled Tribe Employees the Committee also recommend that in future, all cases of SC/ST employees who are dropped out at the time of promotion should be placed for approval of Chief Executive of the unit before the results are announced.

Reply of Government

Government have accepted Recommendation No. 35 of the Committee and in pursuance thereof BHEL have issued instructions to all the Units on 5-7-86 that all cases of Scheduled Caste/Scheduled Tribe employees who are dropped out at the time of promotion should be placed for the approval of Chief Executive of the Unit before the results are announced so that the feeling of injustice or discrimination is allayed in such cases.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84-PE XI dated 8-7-1988.]

Recommendation Sl. No. 36 (Para No. 3.04)

According to the promotion policy, an attempt is always made by the Divisional Head to explain to an employee the reasons for his non-selection so that the employee has an opportunity to make up his deficiency in the relevant areas. There is also provision in the policy for an employee to submit a representation against his non-selection. The Committee note that there is no fixed or regular procedure in the Company to intimate to employees about the reasons for non-selection for promotion. The Committee recommend that reasons for the non-selection for promotion should be intimated to the employees to enable them to make representations in an effective manner or make efforts to improve their performance.

.... .. Reply of Government

Government have accepted the Recommendation of the Committee. According to the instructions issued by BHEL on 5-12-1984 to all the Units in the matter of implementation of orders for promotion of Scheduled Castes/Scheduled Tribes employees, the Units were advised that in all cases of non-promotion, the individual employees may be apprised of the reasons so as to afford them an opportunity to improve in the relevant areas.

2. In pursuance of Recommendation No. 36 of the Committee, BHEL have issued fresh instructions to all the Units on 5-7-1986 reiterating the instructions of 5-12-1984 and advising them that reasons for non-selection for promotion should be intimated to the employees concerned to enable them to make representations in an effective manner or make efforts to improve.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE. XI dated 8-7-1988.]

Recommendation Sl. Nos. 37 and 38 (Para Nos. 3.71 and 3.72)

The Committee note that a member belonging to Scheduled Caste/Scheduled Tribe is invariably associated with Selection Boards/Departmental Promotion Committee as per Government directive.

The Committee have been informed during evidence that Scheduled Caste candidates are interviewed separately only in case of special recruitment, otherwise they are interviewed alongwith others. In this connection the Committee would like to draw attention to the Ministry of Home Affairs O.M. No. 1/1/770-Est (SCT), dated 31-1-70 according to which interview of Scheduled Castes and Scheduled Tribes candidates should be held on a day or sitting of the Selection Committee other than the day or sitting on which general candidates are to be interviewed so that Scheduled Caste and Scheduled Tribe candidates are not judged in comparison with general candidates and the interviewing authority/Board is prominently aware of the need for judging the Scheduled Caste/Scheduled Tribe candidates by relaxed standards. The Committee recommend that this directive should be followed scrupulously by BHEL. Suitable instructions in this regard should also be circulated to all the units of BHEL.

Reply of Government

Government have accepted the Recommendations of the Committee. In pursuance of the recommendations of the Committee, BHEL have already issued a circular to all the Units on 5.7.1986 drawing their attention to the instructions contained in Ministry of Home Affairs O.M. No. 1/170-Est (SCT) dt. 31.7.1970. In the circular it has been specifically emphasised that while making recruitment, the interviews of Scheduled Caste and Scheduled Tribe candidates should be held on a day other than the day or sitting on which general candidates are to be interviewed so that SC/ST candidates are not judged in comparison with general candidates and the interviewing Authority/Board is/are prominently aware of the need for judging the SC/ST candidates by relaxed standards.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84-PE. XI DT: 8-7-1988.]

Recommendation Sl. Nos. 39 and 40 (Para Nos. 3.77 and 3.78)

The Committee attach great importance in the proper maintenance of rosters, as in their view, rosters are the only mechanism

through which the representation of Scheduled Castes and Scheduled Tribes in services can be ensured.

The Committee note that rosters are being maintained in BHEL for each category of posts. The Committee recommend that separate rosters should also be maintained for posts filled by direct recruitment and by promotion.

Reply of Government

The recommendations of the Committee on the Welfare of Scheduled Castes & Scheduled Tribes that separate rosters for posts filled by direct recruitment and for these filled by promotion should be maintained, have been accepted by the Company/Government. BHEL have issued instructions to all the Units that separate rosters should be maintained for posts filled by direct recruitment and by promotion.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE. XI dated 8-7-1988.]

Recommendation Sl. No. 41 (Para No. 3.79)

The Committee further recommend that rosters in respect of all posts to which recruitment is made on all India basis should be kept in the corporate office provided there is common seniority and persons can be transferred from one unit to the other.

Reply of Government

The recommendation of the Committee that rosters in respect of all posts to which recruitment is made on all-India basis should be kept in the Corporate Office of BHEL provided there is common seniority and they carry the liability of transfer from one unit to the other, has been accepted by Government. In pursuance of this Recommendation, rosters in respect of the following posts recruitment to which is made by the Corporate Office on all-India basis with common seniority and liability of transfer from one unit to the other, are now being maintained at the Corporate Office of BHEL:—

1. Engineer Trainees
2. Executive Trainees (Finance & Accounts)
3. Executive Trainees (Personnel)

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE. XI dated 8-7-1988.]

Recommendation Sl. No. 42 (Para No. 380)

During evidence the representative of the Undertaking had stand that a circular would be issued to the employees that rosters were open for inspection by them. The Committee desire that a copy of the circular should be sent to the Committee for their information.

Reply of Government

Government have accepted the Recommendation of the Committee that Circular should be issued to the employees that rosters were open for inspection by them. In pursuance of the Recommendation of the Committee, the Hardwar & Hyderabad Units of BHEL issued Circulars No. PWX|LC|SC & ST|86 dt. 13-5-86 and No. PA/W-5|0118|86 dt. 10-6-86 respectively (Copies enclosed) (Annexure III) to the effect that reservation rosters are open for inspection by the employees. In this connection it may be pointed out that earlier also BHEL had issued a Circular to all the Units on 5-12-84 that the rosters should not be treated as confidential documents and that these may be made available if any employee wishes to see the same.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)|84 PE. XI dated 8.7.1988.]

Recommendation Sl. Nos. 43-45 (Para Nos. 390—392)

The Committee are concerned to note that 28 Scheduled Caste and 48 Scheduled Tribe reserved vacancies in Hyderabad Unit could not be filled up during the years 1981, 1982 and 1983 and were carried forward. The number of posts which lapsed during these years is 13 Scheduled Castes and 14 Scheduled Tribes.

The Committee feel unhappy that even in Group 'C' a large number of posts including those of Stenographer, draftsmen telephone operator and Accountant Trainee have lapsed. The Committee are of the view that if serious efforts had been made it should not have been difficult to fill up these posts by reserved category candidates during the 3 year period of carry forward.

The Committee are surprised to note that in Hardwar Unit (HEEP), as many as 291 Scheduled Caste and 141 Scheduled Tribe reserved posts upto 1980 were dereserved/lapsed. These includes 55 Scheduled Caste and 12 Scheduled Tribe posts in Group 'B' and 205 Scheduled Caste and 111 Scheduled Tribe posts in Group 'C'. The Committee feel that dereservation or lapsing of a large number of

vacancies is indicative of the fact that sincere efforts have not been made to recruit Scheduled Caste/Scheduled Tribe candidates before the expiry of carry forward period of 3 years. The Committee are, as a principle, opposed to dereservation, or lapsing of reserved vacancies. The Committee recommend that dereservation should be resorted to only when it is absolutely necessary and all efforts including special recruitment for Scheduled Caste/Scheduled Tribe candidates have failed.

Reply of Government

Government of India have accepted the Recommendations of the Committee that dereservation of vacancies reserved for Scheduled Castes and Scheduled Tribes in BHEL should be resorted to only when it is absolutely necessary and all efforts including special recruitment for SC/ST candidates have failed.

2. In pursuance of the Recommendations of the Committee, BHEL have issued instructions to all the units on 5.7.86 that the observations of the Committee should be noted for compliance in future recruitment and wherever backlog exists and recruitment is held, 50 per cent of the vacancies of the total recruitment should be reserved for SCs|STs.

3. Further, in order to fill the reserved posts, the units were advised to take the prescribed steps e.g.:-

(a) Where the direct recruitment is otherwise than through examination.

(i) An exclusive advertisement may be issued inviting applications only from Scheduled Caste and Scheduled Tribe candidates.

(ii) If after advertisement as (i) above the reserved vacancies remain unfilled, these may be re-advertised but this time general candidates shall also be eligible to apply who can be considered only if no Scheduled Caste and Scheduled Tribe candidates are available.

(b) Where the direct recruitment is through examination, only one advertisement is to be issued indicating clearly the number of vacancies reserved for SCs|STs.

(c) In all the above cases, copies of the advertisement should be sent to:-

(i) Employment Exchange|Regional Employment Exchange.

- (ii) Director of SC & ST Welfare or Director of Social Welfare in the State|Union Territory concerned.
 - (iii) All local MPs and MLAs.
 - (iv) Members of Parliamentary Committee on Welfare of Scheduled Caste and Scheduled Tribe through the Lok Sabha Secretariat.
 - (v) All Scheduled Castes and Scheduled Tribes Associations recognised by the Ministry of Home Affairs.
- (d) *Announcement of Reserved vacancies on All India Radio.*

At the time when vacancies are notified to the Employment Exchange for sponsoring the names against reserved vacancies and simultaneously with the advertisement of the reserved vacancies, these should be notified to one or more stations of All India Radio for being announced.

- (e) No post reserved for Scheduled Castes|Scheduled Tribes should be filled up by general candidates without approval of Chairman & Managing Director for groups C & D posts and that of Board of Directors for Groups A & B posts.
- (f) The de-reservation of reserved posts may be resorted to only when it is absolutely necessary and despite the efforts made to fill up the reserved vacancies.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84 PE. XI dated 8-7-1988].

Recommendation S. No. 46 and 47. (Para No. 4.20 and 4.21)

The Committee note that the total number of Scheduled Caste|Scheduled Tribe employees in BHEL which was 3142 (9.12 per cent) and 202 (6 per cent) respectively in July, 1970 when reservation rules were made applicable, has increased to 9721 Scheduled Castes (13.72 per cent) and 1098 Scheduled Tribes (1.55 per cent) as on 1-4-84. The Committee regret to point out that even the overall percentage of Scheduled Castes|Scheduled Tribes employees of BHEL at present is less than the prescribed percentage for them, namely 15 per cent for Scheduled Caste and 7½ per cent for Scheduled Tribe.

The Committee are unhappy to note that Groupwise, the percentage of Scheduled Caste|Scheduled Tribe in Group A is 5.76 and 0.72 in Group B 4.62 and 0.88 and in Group C it is 11.79 and 1.63.

These percentages are far below the prescribed percentages for Scheduled Caste|Scheduled Tribe employees. Even in Group D the percentage of Scheduled Tribe is only 2.48 as against the prescribed percentage of 7.5. The Committee recommend that BHEL should make concerted efforts to increase the intake of Scheduled Castes in Groups A, B & C and of Scheduled Tribes in all the four Groups by resorting to special recruitment and by relaxing the standards.

Reply of Government

From 28.7.1970 to 31.3.1986 the percentage of Scheduled Castes to the total number of employees in BHEL has increased from 9.12 per cent to 14.40 per cent which is very close to the prescribed All-India percentage of 15 per cent. In the case of Scheduled Tribes, the percentage increased from 0.60 per cent to 1.63 per cent. The low level of ST representation has been due to non-availability of Scheduled Tribe candidates. Group-wise the percentage of Scheduled Castes|Scheduled Tribes in Groups A, B, C & D as on 31.3.1986 is as under:—

	Scheduled Castes	Scheduled Tribes
Group 'A'	7.08	1.38
Group 'B'	3.93	0.58
Group 'C'	13.81	1.72
Group 'D'	27.63	2.59

2. In pursuance of the Recommendations of the Committee, BHEL have issued instructions to all the Units to make concerted efforts to increase the intake of Scheduled Castes in Groups A, B & C and Scheduled Tribes in all the four groups by resorting to exclusive recruitment and by relaxing the standards.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)|84-PE. XI dated 8-7-1988.]

Recommendation Sl. No. 48 (Para No. 4.22)

The date relating to staff strength in Hyderabad Unit and two Plants of Hardwar Unit of BHEL in 1983 as given in VI, VII & VIII indicates that apart from shortfalls in Groups 'A' and 'B' there are considerable shortfalls in Groups 'C' and 'D' also. The Committee need hardly stress that earnest and vigorous efforts should be made to wipe out the shortfalls in these two Groups for which high technical qualifications are not necessary. Scheduled Castes|Scheduled Tribes possessing the minimum educational qualification should

be selected and given intensive Training in order to equip them for specific jobs. The Committee refuse to believe that Scheduled Caste|Scheduled Tribe candidates are not available for the posts of Clerks, Daftry, Record Keeper, Mali and Attendants for which no technical skills are needed.

Reply of Government

Government have accepted the Recommendation of the Committee that in order to wipe out the shortfall in Group C & D posts. Persons belonging to Scheduled Castes|Scheduled Tribes possessing the minimum educational qualification should be selected and given intensive training in order to equip them for specific jobs. In pursuance of this Recommendation, BHEL have issued instruction to all the units on 5.7.86 that non-technical and quasi-technical posts under groups C & D where requisite number of Scheduled Caste|Scheduled Tribe candidates are not available even after relaxing the standards of selection, SC|ST candidates possessing the minimum qualification may be selected as trainees to the extent of reserved vacancies and given intensive training to equip them for the specific job.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE. XI dated 8-7-1988.]

Recommendations Sl. No. 49 and 50 (Paras No. 4.23 and 4.24)

The Committee regret to note that except for Scheduled Castes in Group D, there is shortfall of Scheduled Castes and Scheduled Tribes in all the Groups in both the Plants of the Hardwar Units. In spite of this shortfall exclusive advertisement for Scheduled Castes and Scheduled Tribes was issued by Hardwar Unit only once in 1975 when backlog was reduced to some extent. The Committee fail to understand the reasons for not issuing exclusive advertisements subsequently. The Committee need hardly emphasise that special recruitment exclusively for Scheduled Castes and Scheduled Tribes is the only way to clear the backlog of reserved vacancies and recommend that special recruitment should be resorted to as often as it is felt necessary|possible.

The Committee have been told at the time of official evidence that a special scheme to tackle the problem of shortfall in Scheduled Tribe category is not yet finalised. The Committee recommend that the scheme should be finalised without any further delay and implemented in all earnestness to reduce the backlog of Scheduled Tribes in the Services of BHEL. The Committee would like

to be apprised of the scheme and the results achieved after its implementation. The Committee suggest that special recruitment should be resorted to for this purpose.

Reply of Government

Government have accepted Recommendations of the Committee on the Welfare of Scheduled Castes & Scheduled Tribes and in pursuance of the Recommendations, BHEL have issued instructions to all the Units on 5.7.1986 that special recruitment exclusively for Scheduled Castes and Scheduled Tribes should be resorted to as often as it is felt necessary.

2. BHEL have also since finalised a scholarship scheme for Scheduled Tribe candidates studying in the final year of engineering and circulated it in May, 1985 to the engineering colleges located near BHEL units all over the country, but the response was not encouraging and most of the engineering Colleges had informed that no student had opted for the scheme. A copy of BHEL letter No. AA:PER:R:09 dated 6-5-85 circulating the scheme is enclosed. (Annexure IV) BHEL made another effort and issued an advertisement in November, 1985 on all-India basis but most of the candidates who had responded against the advertisement were already in receipt of scholarships. In 1986 BHEL have again circulated the scheme to all the engineering colleges for sending names of students interested in being considered for BHEL scholarship. After the names are received, the same will be considered for grant of scholarships and the result will be intimated by BHEL.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE. XI dated 8-7-1988.]

Recommendation Sl. No. 51 (Para No. 4.37)

The Committee note that during the years 1981 to 1983, 91 employees from Hyderabad Unit were sent abroad for training, out of which 9 employees belonged to Scheduled Castes and none to Scheduled Tribe. From Hardwar Unit, out of 80 Executives trained abroad, only two were Scheduled Castes/Scheduled Tribes during the same period. The Committee have been informed during evidence that information regarding availability of suitable Scheduled Caste/Scheduled Tribe employees is now being furnished while putting up any training proposal to the Chairman & Managing Director for approval. The Committee recommend that preference should be given to Scheduled Caste/Scheduled Tribe officers for various training programmes

held in India and abroad so as to familiarise them with the modern methods of management & technology and thereby equip them to occupy higher executive posts in Bharat Heavy Electricals Limited.

Reply of Government

Government have accepted the Recommendation of the Committee on the Welfare of Scheduled Castes & Scheduled Tribes and in pursuance thereof, BHEL have issued instructions to all the Units on 5.7.1986 that preference should be given to Scheduled Caste| Scheduled Tribe Officers for various training programmes held in India and abroad so as to familiarise them with the modern methods of management and technology and equip them for being considered for higher posts in the Company.

[Ministry of Industry. (Deptt. of Public Enterprises)
O.M. No. 4/2/84-PE. XI dated 8-7-1988.]

Comments of the Committee

The Committee will like to be apprised of the number of SCs|STs officers separately, sent for training in India and abroad as against the general category officers.

Recommendation Sl. No. 52 (Para No. 4.38)

The Committee have also been informed during evidence that instructions have been issued to the various Units of Bharat Heavy Electricals Ltd. to organise special training for Scheduled Caste|Scheduled Tribe engineering trainees selected with relaxed standards to improve their efficiency and provide technical knowledge. The Committee recommend that the training programme should not be confined to the category of Engineers only but other categories of employees belonging to Scheduled Caste|Scheduled Tribe who are recruited with relaxed standards should also be given extra training to enable them to come up to the standard of other employees. The Committee further recommend that details of extra training to be given to Scheduled Caste|Scheduled Tribe employees in various categories of posts should be drawn up by the Corporate office for the sake of uniformity and instructions should be issued to all the units. The Committee desire that a copy of the instructions issued in this regard should be furnished to them for information.

Reply of Government

BHEL have full-fledged training schools in all the major units where training programmes for skill updation for Artisans and supervisory Development Programmes and Development Programmes for

Junior and middle level officers are held. All employees including those belonging to Scheduled Castes/Scheduled Tribes are deputed for such programmes.

2. In December, 1984 BHEL issued instructions to all the Units that the immediate superiors of the Scheduled Caste/Scheduled Tribe employees should take special case to identify the training needs of such employees and ensure that they are sponsored for suitable training programmes.

3. In pursuance of the Recommendation of the Committee, BHEL have issued further instructions to all the Units on 5-7-1986 (copy enclosed) (Annexure V) reiterating their earlier instructions of December 1984 and advising the Units to ensure that Scheduled Caste and Scheduled Tribe employees are sponsored for training programmes referred to in para 1 above. The Units have also been advised that it would be useful to earmark 25 per cent of the seats for Scheduled Caste/Scheduled Tribe employees.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84-PE. XI dated 8-7-1988]

Recommendation Sl. No. 53 (Para No. 4.53)

The Committee regret to note that no apprentice belonging to Scheduled Tribe was recruited for training in Hardwar Unit (HEEP) of Bharat Heavy Electricals Ltd. during the years 1981 to 1983. The Committee recommend that with a view to attracting more and more candidates belonging to Scheduled Castes/Scheduled Tribes, the Company should advertise their training programmes in leading newspaper in regional languages and also through broadcasts over All India Radio.

Reply of Government

Government have accepted the Recommendation of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. In pursuance of the Recommendation, BHEL have issued instructions on 5-7-86 to all the Units to ensure that sufficient number of Scheduled Caste/Scheduled Tribe candidates are recruited as apprentices for training under the Apprentice Act so that reserved posts could be filled up by absorption of these trained SC/ST candidates. The Units have also been advised that if, for the purpose of such recruitment, sufficient number of Scheduled Caste/Scheduled Tribe candidates are not available through the Employment Exchange, the training programmes may be advertised in leading

newspapers in regional languages and also broadcast on All India Radio with a view to attracting more and more Scheduled Caste/Scheduled Tribe candidates.

[Ministry of Industry (Deptt. of Public Enterprises)

O.M. No. 4/2/84-PE. XI dt. 8-7-88.]

Recommendations Sl. Nos. 54—56 (Para Nos. 54—4.56)

According to the information furnished to the Committee, it is seen that total number of trained apprentices absorbed in Hardwar Unit (HEEP) was 203 in 1981, 182 in 1982 and 72 in 1983 out of which those belonging to Scheduled Castes numbered 30 in 1981, 21 in 1982 and 7 in 1983 while none belonged to Scheduled Tribes. According to instructions issued by the Ministry of Labour *vide* their O.M. No. DEGT: 2(6), dated 28-5-1980, 50 per cent of the direct recruitment vacancies should be filled up by trained apprentices. The Committee recommend that in order to make up backlog in reserved vacancies, all trained apprentices belonging to Scheduled Castes/Scheduled Tribes should be absorbed in services of Bharat Heavy Electricals Ltd.

In regard to their policy of absorbing trained apprentices, the Committee have been informed that after completion of their training, apprentices are relieved with advice to get their names registered with local Employment Exchange. As and when vacancies arise, Bharat Heavy Electricals Ltd. contacted the local Employment Exchange to nominate the apprentices trained at Bharat Heavy Electricals Ltd. The representative of Bharat Heavy Electricals Ltd. also stated during evidence that under Apprentices Act, it was not their responsibility to give service to apprentices.

The Committee feel that the entire burden of nominating the trained apprentices should not be placed on the Employment Exchange. Even though the names are required to be sponsored by the Employment Exchange, Bharat Heavy Electricals Ltd. should also keep a close watch that their trained apprentices particularly those belonging to Scheduled Caste and Scheduled Tribe communities are nominated by the Employment Exchange.

Reply of Government

In pursuance of the Recommendation of the Committee that all BHEL trained Scheduled Caste/Scheduled Tribe apprentices should be absorbed in services of BHEL to make up the backlog in reserved vacancies, the Company have issued instructions to all the

Units on 5-7-1986 to ensure that while filling up vacancies by absorption of Act Apprentices, the reserved quota including the backlog, if any, is filled by absorption of the Act Apprentices subject to 5 per cent of the total number of posts filled as provided in Government Directives. For this purpose the Scheduled Caste/Scheduled Tribe candidates in junior batches may also be considered if sufficient number of candidates belonging to these communities are not available in senior batches.

2. The aforesaid instructions enjoin all the Units to further ensure that whenever recruitment from trained Apprentices under the Act is to be made, candidates belonging to Scheduled Caste/Scheduled Tribes are informed of it at their last known address to get their names sponsored from the Employment Exchange/recognised Associations/Institutes.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84-PE, XI dated 8-7-1988.]

Recommendations Sl. Nos. 57—59 (Para Nos. 5.7—5.9)

The Committee note that there is reservation for allotment of residential quarters to Scheduled Caste/Scheduled Tribe employees of BHEL to the extent of 10 per cent in respect of type A quarters and 5 per cent in allotment of type B and C quarters.

The Committee note that in Hardwar Unit out of a total of 4770 employees who have been provided housing accommodation 229 belong to Scheduled Caste/Scheduled Tribe Communities. Break-up of these figures according to the type of quarters has not been given. The Committee desire that the Undertaking must ensure that accommodation of types A, B and C is allotted to Scheduled Caste/Scheduled Tribe employees at least to the extent of reservation to which they are entitled.

The Committee regret to point out that in Hyderabad Unit the number of quarters allotted to Scheduled Caste/Scheduled Tribe in types B and C is less than 5 per cent. The Committee recommend that 5 per cent reservation in Types B and C quarters must be followed strictly and in future allotments this shortfall should be made up.

Reply of Government

The Committee have recommended that in the case of Hardwar Unit of BHEL, allotment of Type A, B and C quarters to Scheduled

Caste and Scheduled Tribe employees at least to the extent of their entitlement as per reservation should be ensured, and in the case of Hyderabad unit, 5 per cent reservation in Types B and C quarters must be followed strictly and in future allotments the shortfall should be made up.

2. Acting upon the above recommendations, BHEL have gone a step further and have issued instructions to all the units on 5-7-86 that reservation for allotment to the extent of 10 per cent of Type A quarters and 5 per cent of Type B and C quarters to Scheduled Caste and Scheduled Tribe employees should be followed strictly and efforts made to make good the shortfall in the future allotments.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No.4:2:84-PE. XI dated 8-7-1988.]

Recommendations Sl. Nos. 60—62 (Para Nos. 5.20—5.22)

The Committee note that both the Hyderabad and Hardwar Units of Bharat Heavy Electricals Ltd. are operating a number of Welfare Schemes for the benefit of their employees and their families. The Committee further note that for socio economic development of weaker sections including Scheduled Caste/Scheduled Tribes. Hyderabad Unit has started certain activities like establishment of fodder farms, opening of Community Centre etc. in a neighbouring village while Hardwar Unit has adopted two neighbouring villages for welfare activities. The Committee recommend that instead of piece-meal activities here and there, the Bharat Heavy Electricals Ltd. units should make a survey of the villages in peripheral areas and adopt villages with concentration of Scheduled Castes Scheduled Tribes for their all-round development.

The Committee also recommend that a scheme should be devised for giving scholarships to the children of poor Scheduled Castes and Scheduled Tribes living in peripheral villages so that more and more Scheduled Caste/Scheduled Tribe children are able to get education.

The Committee further recommend that village Development Programmes should be implemented in coordination with other Developmental agencies of the State Government to avoid duplication. Wide publicity should be given to the various Welfare Schemes so that maximum number of Scheduled Caste/Scheduled Tribe persons can take advantage of the Welfare Schemes.

Reply of Government

So far BHEL have adopted 35 villages in the peripheral areas of its units in U.P., M.P., Punjab, A.P., Tamil Nadu and Karnataka. They include Toshahbad, Hetampur and Anneicki villages in U.P. with a population of Scheduled Castes to total population as 33 per cent, 92 per cent and 69 per cent respectively, and three villages adopted by Hyderabad Unit with a population of Scheduled Castes/Scheduled Tribes to total population as 23.78 per cent.

2. In the villages adopted by BHEL, with a view to assisting all the school-going children in general and Scheduled Caste/Scheduled Tribe children in particular, uniforms, woolen clothes, education and books are distributed regularly.

3. In pursuance of the Recommendations of the Committee, BHEL have issued instruction to all the units on 5-7-86 as under:—

- (a) The Units should make a survey of the villages in peripheral areas and adopt villages with concentration of Scheduled Caste/Scheduled Tribe population for their all-round development.
- (b) A scheme may be devised for giving scholarships to the children of poor Scheduled Castes/Scheduled Tribes living in peripheral villages so that more and more Scheduled Caste/Scheduled Tribe children are able to get education.
- (c) Village development programmes should be implemented in coordination with other developmental agencies of the state Government to avoid duplication.

Wide publicity should be given to the various Welfare Schemes so that maximum number of Scheduled Caste/Scheduled Tribe persons can take advantage of the Welfare schemes.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE. XI dated 8-7-1988.]

CHAPTER III

RECOMMENDATIONS|OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT REPLIES

Recommendation Sl. Nos. 7—10 (Para Nos. 2.11—2.14)

The Committee note that the orders issued by the Department of Personnel and Administrative Reforms regarding reservations in services are circulated simultaneously by the Department of Heavy Industry to the Public Undertakings under their administrative control for necessary action. Unless the orders are such that action is required to be taken by the Bureau of Public Enterprises, the Department of Heavy Industry do not wait for the advice of the Bureau.

The Committee further note that the reservations in direct resettlement have been enforced in BHEL w.e.f. 28-7-1970 while the first directive by the Bureau of Public Enterprises was issued to the administrative Ministries on 18-9-1969. The Committee have been informed during evidence that delay in extending reservation orders to BHEL occurred as there was no clause in Articles of Association of the Company, as originally drafted, which could enable the Government to issue Directive to BHEL on reservation. The Articles of Association had consequently to be amended.

The Committee regret to note that it took almost a year to amend the Articles of Association of the Company and as a result the Scheduled Caste/Scheduled Tribe candidates were denied the benefit of reservation during that period. The Committee are of the firm opinion that the reservation orders should have been made applicable from the date of issue of the orders by the Bureau of Public Enterprises and not from any future date.

The Committee are not convinced with the plea of the Ministry that the Government Directive could not be enforced in the absence of any enabling provision in the Articles of Association of the company. They would like to stress that the Government Directive regarding reservations would superimpose on any Article of Association of the Company. The Committee also note that Article 116 of the Articles of Association of the Company clearly provided that

the Directors shall give immediate effect to the Directive issued by the Government.

The Committee trust that the assurance given by the representative of the Department of Heavy Industry that efforts were being made to fill up the shortfall in reserved posts on the basis of total strength of the Company which would tantamount to the directive on reservation becoming applicable from the date of formation of the Company would be fulfilled in letter and spirit.

Reply of Government

The Committee on the Welfare of Scheduled Castes and Scheduled Tribes have observed that the reservation orders in respect of Scheduled Castes and Scheduled Tribes should have been made applicable in BHEL from the date of issue of the orders by BPE and not from any future date and that the Government directive relating to representation of Scheduled Castes and Scheduled Tribes in BHEL should have been implemented without resorting to the amendment of Article 116 of the Articles of Association of the Company.

2. The matter has been examined. Article 116 of the Articles of Association of BHEL before amendment made in June, 1970 read as under:—

116. Notwithstanding anything contained in any of these Articles, the President may, from time to time, issue such directive as he may consider necessary in regard to the conduct of the business of the Company or Directors thereof and in like manner may vary and annul any such directive. The Directors shall give immediate effect to directives so issued.

Law Ministry, who were consulted at that time, on the Question of amendment of Articles of Association of the Public Sector Undertakings had advised that the expression "affairs" used in relation to an enterprise would cover matters relating to its internal Administration, while the expression "business" would include matters pertaining to the activities of the particular enterprise. It was also indicated that a provision relating to the recruitment of staff would come more appropriately under the expression "affairs" and not under "business". It was, therefore, held that if the relevant provision in the Article confined the scope of directive to the conduct of the "business" of the enterprise only, it was not possible to issue directives on matters relating to recruitment etc.. It was

further held that in the case of Public Enterprises the relevant provision should be such as would not limit the President's powers to issue directives on some of the aspects of the working of the Enterprises, like reservation for SCs and STs etc. Accordingly, BPE advised various Ministries that the Articles of Association/Statutes of Public Enterprises under their Administrative Control should contain the provision for issue of directives on the "affairs" of the concerned enterprises. The Ministries were also advised, in the case of existing Enterprises, the Articles/Statutes should be reviewed from this angle and steps taken to carry out amendments that may be necessary.

3. In view of the above advice of Ministry of Law/BPE, BHEL were requested to amend Article 116 of the Articles of Association. Article 116 of the Articles of Association of BHEL as appeared after amendment is as under:—

116. Notwithstanding anything contained in any of these Articles, the President may, from time to time, issue such directives as he may consider necessary in regard to the Conduct of business and affairs of the Company or Directors thereof and in like manner may vary and annul any such directive. The Directors shall give immediate effect to directives so issued.

4. In regard to filling up of the shortfall in reserved posts on the basis of total strength of the Company, it may be stated that as on 26-7-70 representation of SCs and STs to the total number of employees on rolls of BHEL was 9.12 per cent and 0.60 per cent respectively. As a result of the implementation of the reservation orders, the percentage of SCs and STs to the total number of employees on rolls as on 1-1-84 increased from 9.12 to 13.72 per cent and from 0.60 per cent to 1.55 per cent respectively against the All India percentage of 15 per cent and 7-1/2 per cent as prescribed in the presidential Directive.

5. BHEL has taken the following steps for improving the representation of SCs and STs in the Company:—

- (i) Exclusive advertisements for SC/ST recruitment wherever required;
- (ii) 50 per cent of future recruitment to be from SC/ST, wherever backlog exists; and
- (iii) Deputing special recruitment teams to tribal areas.

6. The above steps taken by BHEL have further improved the position in as much as the percentage of Scheduled Castes has increased from 13.72 per cent to 14.40 per cent as on 31-3-86 which is very close to the percentage of 15 per cent prescribed in the presidential Directive.

7. In the case of Scheduled Tribes, the percentage increase has been marginal, that is, from 1.55 per cent to 1.63 per cent. This is because suitable Scheduled Tribe candidates even with relaxed standards are not available. Whenever the special teams were sent to the tribal areas and candidates belonging to Scheduled Tribe community were selected, they did not join mainly because they did not want to be far away from their native places. BHEL will continue to make efforts to further improve the representation of Scheduled Tribes in the Company. In pursuance of Recommendation No. 10 of the Committee, BHEL have also issued instructions in July, 1986 to all the Units to make all out efforts to increase the representation of SCs/STs.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4/2/84-PE. XI dated 8-7-1988].

Recommendation Sl. No. 17 (Para No. 2.30)

The Committee also suggest that Department of Heavy Industry should arrange similar training courses for the benefit of Liaison Officers in the various public enterprises under their control.

Reply of Government

The Committee have suggested that the Department of Public Enterprises should arrange training courses for the benefit of Liaison Officers in the various Public Enterprises under their control.

2. In this connection, it may be stated that the Instt. of Secretariat Training and Management under the Department of Personnel and Training conducts training courses for Liaison Officers in the Ministries/Departments of the Government of India. The Liaison Officers of the Public Undertakings can also participate in such training programmes. This position has been brought to the notice of the Chief Executives of all Public Sector Undertakings under the administrative control of Department of Public Enterprises and they have been advised to direct the Liaison Officers for Scheduled Castes and Scheduled Tribes in their undertakings to

contact the above institute for participation in their training programmes.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE. XI dated 8-7-1988.]

Recommendations Sl. No. 29 (Para No. 3.37)

The Committee note that relaxation in written tests qualifying marks is given to Scheduled Caste|Scheduled Tribe candidates in the case of recruitment of Engineer Trainee posts. The Committee recommend that the maximum number of marks given to Scheduled Caste|Scheduled Tribe candidates as relaxation in written test should be specifically stated in the Recruitment Rules. It should also be precisely mentioned in the advertisement for recruitment by a written test.

Reply of Government

BHEL gives relaxation|concessions to SC|ST candidates in the recruitment of Engineer trainees as under:—

- (a) All the ST candidates who appear in the written test are called for interview irrespective of their score in the written test because of the backlog in this category. In the case of SC candidates, the cut off point is decided depending upon the number of candidates to be called for interview for the number of posts reserved. This is done as there is no backlog of posts reserved for Scheduled Castes in the category of Engineer trainees.
- (b) SC|ST candidates are interviewed separately by a Committee which includes a representative of SC|ST Community. The Committee examines such candidates in the interview with standards lower than those adopted for general candidates.
- (c) It is, however, not possible for BHEL to specify a general standard of relaxation as it varies from faculty to faculty and year to year depending on the performance of candidates and the number of vacancies reserved for Scheduled Castes and Scheduled Tribes and the position of backlog, if any.

2. In view of the position explained above, it does not appear to be practicable to specify the general standards of relaxation in the Recruitment Rules|vacancy advertisements. It is, however,

assured that the comparative standards of relaxation adopted for SC/ST candidates in the interview are lower than those for the general candidates.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE. XI dated 8-7-1988.]

Recommendation Sl. No. 31—33 (Para Nos. 3.59—3.61)

The Committee note that in BHEL there is Career growth promotion policy unlike in Central Government offices which have vacancy oriented system of promotion. Under Career Growth policy promotion does not depend upon availability of vacancies and the employees including those belonging to Scheduled Caste/Scheduled Tribe who have completed a prescribed period of service in the lower grade are upgraded subject to their satisfactory performance. There is reservation in promotion to the extent of 15 per cent for Scheduled Castes and 7½ per cent for Scheduled Tribes which is effective from 4-11-1974. Scheduled Caste/Scheduled Tribe employees who come within the zone of consideration are given 5 marks concession and are adjudged separately by the Departmental Promotion Committee which assess their suitability.

The Committee feel that in Central Government offices, in promotions made on the basis of seniority subject to fitness there is no possibility of Scheduled Caste/Scheduled Tribe employees being dropped from promotion if the vacancies are available and are also reserved in accordance with the points in the roster, unless they are found unfit for promotion.

The Committee are of the view that in the absence of any roster system of promotion for Scheduled Castes/Scheduled Tribes in BHEL, the Scheduled Caste/Scheduled Tribe employees have not been placed in any advantageous position by the extension of the Scheme of reservation in promotion to that undertaking since 1974. The Committee would like the Department of Personnel and Bureau of Public Enterprises to examine to what extent the element of reservation in promotion is beneficial to Scheduled Caste/Scheduled Tribe employees in the undertaking which have career growth policy of promotion. The Committee desire that some procedure should be devised to ensure that the prescribed percentages under the Reservation Orders go to employees belonging to Scheduled Caste/Scheduled Tribe under this scheme.

Reply of Government

BHEL is following career growth promotion policy. Under this policy all SC/ST employees upto the lowest rung of Group 'A' posts who fulfil the eligibility period in terms of length of service in a grade are included in the consideration zone and promoted unless someone is found unsuitable for promotion on account of poor performance|habitual absenteeism|misconduct etc. Thus those who are in the consideration zone have even hundred per cent. chances of promotion unless they are found unsuitable for promotion on account of poor performance/habitual absenteeism/misconduct etc.

2. Nevertheless, as recommended by the Committee, the promotion policy of BHEL has been considered in consultation with Bureau of Public Enterprises (BPE). They have examined in depth such promotion policies in various public sector undertakings in consultation with the Department of Personnel & Trg. In respect of organisations where the promotion policy was not in conformity with the reservation policy of Govt., BPE have issued instructions vide their O.M. No. 6/27/85-BPE (SC/ST Cell) dated 29-6-87 (copy enclosed) (Annexure VI) BPE have advised that BHEL may be instructed to amend their career growth promotion policy to bring it in conformity with the conditions laid down in their O.M. dated 29-6-87. A copy of BPE's advice has been forwarded to CMD, BHEL for taking necessary action.

[Ministry of Industry (Deptt. of Public Enterprises)

• O.M. No. 4(2)/84-PE. XI dt. 22-7-88.]

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendation Sl. No. 1 (Para No. 1.15)

The Committee note that the Board of Directors of Bharat Heavy Electricals Limited consists of five full-time functional Directors including the Chairman and Managing Director, five part time Directors and two Directors from the Ministry of Industry, Government of India. None of the Directors belongs to Scheduled Castes or Scheduled Tribes. The Committee further note that the Appointments Committee of the Cabinet is the final authority for selection of functional Directors from a panel of names suggested by Public Enterprises Selection Board. The Committee recommend that as a matter of policy, on the lines of nationalised banks, at least one person belonging to Scheduled Castes/Scheduled Tribes should be appointed on the Board of Directors of BHEL with a view to safeguard the interests of Scheduled Caste/Scheduled Tribe employees. The Committee firmly believe that with sincere and concerted efforts it should not be difficult to find a person of 'merit and competence' from amongst Scheduled Castes/Scheduled Tribes for appointment on the Board of Directors.

The Committee would, therefore, like the Government to ensure that at least one Director is appointed on the Board from the Scheduled Castes/Scheduled Tribes at the earliest opportunity.

Reply of Government

At present there are 5 functional Directors on the Board of BHEL including Director (Finance) who is holding current charge of the duties of CMD, BHEL till the post is filled on a regular basis. In addition, there are 3 official part-time Directors on the Board of BHEL. None of these Directors belongs to Scheduled Castes/Scheduled Tribes.

2. Selection for appointment of functional Directors on the Board of BHEL is made by Public Enterprises Selection Board and with

the approval of Minister of Industry. The proposal for appointment of an officer as a Director on the Board of BHEL is submitted to Department of Personnel and Training for approvals of ACC who is the final authority for approving such appointments.

3. Director (Personnel) of BHEL is on the Board of Management of the Company. According to the standing instructions of Government as contained in BPE's brochure on Reservation for Scheduled Castes and Scheduled Tribes in posts/services under the Public Enterprises the Chief Personnel Officer/Personnel Director in the public sector enterprises will personally be responsible for ensuring the compliance of instructions regarding reservation for Scheduled Castes/Scheduled Tribes. In view of these clear instructions, the interests of Scheduled Castes/Scheduled Tribes employees of the Company are adequately safeguarded by the Liaison officers in the Units and Director (Personnel) in the Corporate Office of BHEL and, it may not be necessary to appoint a person belonging to Scheduled Castes/Scheduled Tribes as a Director on the Board of BHEL specifically for safeguarding the interests of Scheduled Castes/Scheduled Tribes employees.

4. The Bureau of Public Enterprises (BPE) have also been consulted in this regard. They have intimated that on a number of occasions in the past, similar recommendations have been made by the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes while examining various other undertakings of the Central Government. The recommendation has been examined earlier also. In the view of the Government it is not desirable to lay down a policy that there shall be a Director belonging to SC or ST. If suitable candidates belonging to SC or ST are available they will be appointed as Director in the normal course of selection.

[Ministry of Industry (Deptt. of Public Enterprises)

O.M. No. 4(2)/84-PE. XI dt. 22-7-88.]

Comments of the Committee

Please see Chapter 1, para 1.4.

Recommendation Sl. Nos. 11-12 (Para Nos. 2.15-2.16)

Reservations in promotion have been effected in BHEL w.e.f. 4-11-1974. The Committee have been informed during evidence that in the directive received in 1970, there was no provision for reservation in promotions made on the basis of seniority subject to

fitness. The provision was made in the subsequent directive issued by the Bureau of Public Enterprises in November, 1974.

The Committee note that reservations in promotions on the basis of seniority subject to fitness were made applicable to Ministries/Departments in November, 1972 *vide* Department of Personnel O.M. No. 27|2|71-Estt. (SCT) dated 27th November 1972. On receipt of these orders the Department of Heavy Industry should have circulated them to BHEL and other public enterprises under their administrative control for necessary action, without delay and without waiting for any directive from the Bureau of Public Enterprises. The Committee feel strongly that as a result of delay of two years in enforcement of these orders the Scheduled Caste/Scheduled Tribe employees have been deprived of the opportunity for two years to get promotional quota under these orders without any fault on their part. The Committee recommend that the Department of Heavy Industry should fix responsibility for the serious lapse in applying these orders to BHEL in 1972 itself. The Committee would like to be informed of the investigations made and action taken in the matter. The Committee would also like the Government to consider as to how the persons who have suffered on account of this delay should be compensated.

Reply of Government

The recommendations of the Committee have been examined in consultation with the Bureau of Public Enterprises (BPE). BPE have stated that they had circulated Department of Personnel's O.M. No. 27|2|71-Estt. (SCT) dated 27-11-72 to all Ministries/Departments of the Government of India with their O.M. No. 6(1)/72-BPE (IC) dated 24-4-73 with a request that PSUs under the administrative control may be asked to follow these instructions with immediate effect. It was also mentioned in BPE's O.M. dated 24-4-73 that a supplementary draft directive would be forwarded to all Ministries/Departments for issue to PSUs in this regard later.

2. The Ministry of Heavy Industry was created *vide* Presidential Notification No. S.O. dated 7-2-73. As the files are very old and due to limited period of preservation of records, it is regretted that it has not been possible to lay hands on files of 1973 in BPE as also in Department of Public Enterprises to ascertain whether BPE's O.M. dated 24-4-73 with Department of Personnel and Trg.'s circular dated 27-11-72 was specifically marked to Ministry of Heavy Industry which was then a new Ministry having been created only a couple of months back. In any case, BHEL have confirmed that both is

Hyderabad and Hardwar Units of BHEL all the SC/ST employees on their rolls as on 27-11-72 have since been promoted. BHEL have been following career growth promotion policy and under this policy, all SC/ST employees upto the lowest rung of Group 'A' posts who fulfil the eligibility period in terms of length of service in a grade are included in the consideration zone and promoted unless someone is found unsuitable for promotion on account of poor performance/habitual absenteeism/misconduct etc.

[Ministry of Industry (Deptt. of Public Enterprises)
O.M. No. 4(2)/84-PE. XI dt. 26-7-88.]

Comments of the Committee

Please see Chapter 1 para 1.7.

ANNEXURE I

RAKESH BEHARI,
DEPUTY SECRETARY (ADMN) AND
LIAISON OFFICER FOR SC|ST

D.O. No. A-14019(4)|86-Admn. (SC|ST Cell)
Government of India|Bharat Sarkar
Ministry of Industry|Udyog Mantralaya
Department of Public Enterprises
Sarkari Udyam Vibhag
Udyog Bhawan,
New Delhi, the 1-12-1986

My dear Shri

Please find endorsed relevant extracts of paras 2.18 to 2.28 of the 4th Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (85-86) on B.H.E.L. (Hyderabad and Hardwar Units) wherein the Committee has *inter-alia* recommended (Recommendation No. 15) that the appointment of Liaison Officers, the duties assigned to them and the creation of Scheduled Castes|Scheduled Tribes Cells in the Public Sector Undertakings should be widely made known to their employees by means of a circular by all public Sector Undertakings.

2. I shall be grateful if you intimate whether a Liaison Officer has been appointed and a SCs|STs Cell has been set up in your undertaking and if so, whether the duties, assigned to the Liaison Officer and establishment of that cell have been publicised among your employees. In case this has not been done earlier, I shall be grateful if necessary action in this regard is taken at your earliest, under intimation to this Department.

Yours sincerely,

sd|-

(Rakesh Behari)

LIAISON OFFICER CELL

2.18 It has been stated in a note furnished to the Committee that Liaison Officers have been nominated in all units of BHEL to watch

the implementation of reservation orders. Liaison Officer presently nominated in Hyderabad Unit is a Deputy Manager (Pers) in the pay scale of Rs. 1800—2480.

2.19 The duties of Liaison Officer are:—

- (1) Ensuring compliance by the concerned authorities and watching the implementation of the reservation directives in favour of Scheduled Caste|Scheduled Tribe candidates.
- (2) Scrutiny and inspection of the rosters being maintained.
- (3) Ensuring submission of periodical returns to the Corporate Office for submission to the concerned authorities, as required.
- (4) Extending necessary guidance to the concerned sections on various instructions|directives in the matter of reservations for Scheduled Caste|Scheduled Tribe Communities.
- (5) Assisting the visiting teams from the Commissioner's Office and study Group|Parliamentary Committee during their examination of the matters pertaining to reservations for Scheduled Caste|Scheduled Tribe Communities.

2.20 There is a Cell consisting of one Supervisor and Assistant under the direct control of the Liaison Officer.

2.21 In Hardwar unit of BHEL the Cell consists of a Liaison Officer of the rank of Manager (Personnel) assisted by an Assistant Gr.-I belonging to Scheduled Caste community.

2.22 The duties of the Liaison Officer are as under:—

- (1) To ensure compliance of the orders and instructions of Government pertaining to reservation of vacancies for Scheduled Caste|Scheduled Tribe candidates.
- (2) Collecting and consolidating the despatching of Annual Returns relating to representations, of Scheduled Caste|Scheduled Tribe.
- (3) To attend to grievances of Scheduled Caste|Scheduled Tribe employees.
- (4) To conduct inspection of rosters.

2.23 The representative of the Ministry stated during evidence that both at Hyderabad and Hardwar, there were Liaison Officers for Scheduled Caste|Scheduled Tribe work and there were sign boards to indicate the same.

2.24 When it was pointed out that the workers in Hyderabad unit did not know about the Liaison Officer, the representative of the undertakings said that a notice to that effect would be put up on the board for the information of the employees.

2.25 In reply to a question whether the Liaison Officer could be appointed to do exclusively the work relating to Scheduled Caste/Scheduled Tribe, the representative of the Ministry stated during evidence that it depended upon the work load. There was no rule that Liaison Officer should be appointed exclusively for Scheduled Caste/Scheduled Tribe work.

2.26 The Liaison Officer at Hardwar unit mainly looked after the work relating to Scheduled Castes and Scheduled Tribes.

2.27 The Committee note that Liaison Officers for looking after the work relating to representation of Scheduled Castes and Scheduled Tribes have been nominated both at Hyderabad and Hardwar unit of BHEL. Scheduled Caste/Scheduled Tribe Cell have also been created to assist the Liaison Officers to discharge their duties.

2.28 The Committee recommended that the appointment of Liaison Officer, the duties assigned to them and the creation of Scheduled Caste/Scheduled Tribes Cell should be widely made known to the employees by means of a circular. The Committee also recommend that the Department of Heavy Industry should issue necessary instructions in this regard to all the Public Enterprises under their control.

ANNEXURE II

A copy of D.O. letter No. DGE&T-U-11011 (14)/86—EE. I dt. 23-9-86 from Shri R. Omakant Rao, Director of Employment Exchanges, Deptt. of Labour, Shram Vibhag, New Delhi-110001 to Mrs. Lizzie Jacob, Director, Deptt. of Public Enterprises.

Please refer to your D.O. letter No. 14/2/84-IIEM Vol. II (R/24), dated the 5th June, 1986 forwarding therewith extract of Recommendation No. 24 of the 4th Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (85-86) on the BHEL (Hyderabad and Hardwar Units) for issue of necessary instructions in the light of the Recommendation, to the Employment Exchanges in Andhra Pradesh.

2. The matter was got examined first by the State Director of Employment, Andhra Pradesh and subsequently in the Ministry of Labour. There is an inbuilt mechanism of circulation of vacancies to other Exchanges in the country in the event a local Exchange finds it difficult to sponsor suitable candidates. The main objective of this mechanism is to facilitate location of suitable candidates in quickest possible time from different parts of the State/Country. Immediately on receipt of a vacancy, the Employment Officer is expected to sponsor suitable candidates from his own Exchange, failing which he should identify the Exchanges from where availability of such candidates is possible and then circulate the vacancy to such Exchanges. In the event circulation does not elicit positive response, efforts are required to be made to advertise the vacancies in the newspapers at the State or All India level, as the case may be. The entire exercise is undertaken at no cost to the employer with the single objective of making available to him suitable candidates wherever their location may be.

3. You would appreciate that the vacancies reserved for SC/ST, more so for the latter category, are generally difficult to fill for want of suitable candidates in many Employment Exchanges. Circulation of vacancies (followed by advertisement, if necessary) becomes inevitable in most cases. The time, therefore, taken by the Employment Service to sponsor suitable candidates against such vacancies is naturally much more than the time required to fill up normal vacancies. Even if employer wants to advertise the vacancy himself

after obtaining 'Non-Availability Certificate', it will be uneconomical and much more time consuming. The procedures followed by the State Director of Employment Andhra Pradesh in regard to reserved vacancies fall within the standard procedures prescribed in the National Employment Service Manual with the sole objective of serving the employer best. However, we are separately advising the Director of Employment & Training Andhra Pradesh, to take immediate note of the recommendation of the Committee on the Welfare of SC/ST and issue necessary instructions to the Employment Exchanges in Hyderabad to ensure submission of candidates in minimum possible time.

ANNEXURE III

**BHARAT HEAVY ELECTRICALS LIMITED.
(PERSONNEL DEPARTMENT)
LIAISON CELL-SC/ST
RANIPUR : HARDWAR**

No. PWX|LC|SCST|86

dated: 13-5-86

OFFICE ORDER

It is for information of all concerned that the rosters pertaining to reservation of SC/ST in HEEP & CFFP are available for inspection in the Liaison Cell-SC/ST, 4th floor (Room No. 419), Main Admn. Bldg./HEEP. The interested employees may contact the Liaison Officer-SC/ST Cell on every Saturday between 4 PM and 5 PM.

Sd/—

Dy. Liaison Officer-SC/ST

DISTRIBUTION:

1. PS to GGM
2. PS to GM (P&A)
3. PS to AGM (CFFP)
4. PS to DGM (P&A)
5. Sr. Managers/Managers/Dy. Managers (GEEP) & (CFFP)—
with the request to kindly give wide publicity.
6. Chief Medical Officer
7. Secretary, Educational Management Board (BHEL).

**BHARAT HEAVY ELECTRICALS LIMITED
RAMA HANDRAPURAM : HYDERABAD-32**

Personnel Department

No. PA|WS|0118|86

Dated : 10-6-86

Circular

Reservation Rosters are maintained and kept in Personnel Department. Those employees interested to see them can do so with

prior intimation to the Liaison Officer. This is for information of all concerned.

Sd/—

(T.D. Padma Rao)

Dy. General Manager (Per).

Distribution

Sr. Managers

Dy. General Manager

}

for circulation in respective
Departments.

All Notice Boards

CC : Addl. General Managers

CC: General Managers

CC: Group General Manager.

ANNEXURE IV

BHARAT HEAVY ELECTRICALS LTD.

No. AA:PER:R:09|2001

Dt. 6.5.85

Sir,

We propose to introduce a scheme for grant of scholarship to Scheduled Tribe students stuying in the Final year of B.Tech.[B.E. Degree Courses in any of the specified disciplines. The scheme, in brief is enclosed.

We would request you to kindly send us list of the final year students in the disciplines mentioned below with their academic record and family details as per the proforma enclosed. If selected by the BHEL for award of scholarship, the students will be required to give an undertaking that in the event of selection by BHEL for appointment after completion of the course he will serve the company for a period of three years after completion of training. The payment of the Scholarship amount will be remitted through the College authorities.

Disciplines:

Electrical	Electronics	Mechanical
Instrumentation	Metallurgy	Computer system
Industrial Engineering.		

We intend to introduce the scheme from next academic session i.e. 1985-86, and shall appreciate your furnishing the details as above well in time.

Thanking you.

Yours faithfully,

Sd|-

R. S. Katoch

Sr. Personnel Officer

**Bio-data to be submitted with Application for Scholarship
(Through Head of the institution)**

1. Name (in block letters)
2. Father Name
3. Date of Birth
4. Permanent Address
5. Mailing Address
6. State of Domicile
7. Tribe to which candidate belongs
8. Engineering discipline
9. % of marks of SGPA obtained in all semesters
10. Position obtained if any
11. Conduct

The above information is true and if at any time the company finds that information given by me is false or that I have concealed information, I agree to refund the amount paid to me as scholarship.

(Signature of applicant)

ANNEXURE I

Scheme for award of scholarship to scheduled tribe candidates

SALIENT FEATURES OF THE SCHEME

Eligibility and scope

1. The BHEL Scholarship will be awarded to Scheduled Tribe candidates studying in the final year of B.Tech./B.E. degree course in any of the following branches of Engineering:

1. Electrical
2. Electronics
3. Mechanical
4. Instrumentation
5. Metallurgy
6. Computer Systems
7. Industrial Engineering

2. Preference will be given to Scheduled Tribe candidates the income of whose parents does not exceed Rs. 12,000|- per annum.

Value & duration of the scholarship

3. The amount of scholarship payable will be Rs. 500|- per month. The scholarship will be for a period of one year i.e. the final year of the engineering course.

Criteria for selection

- (a) The scholarship will be awarded based on the performance of the candidates in the examination conducted by the University and also their performance in the interview by the BHEL Selection Committee.
- (b) The candidate in receipt of BHEL Scholarship shall not be entitled to draw any other financial aid/stipend from any other source.
- (c) A student in receipt of BHEL scholarship shall on successful completion of his degree be considered for appointment in BHEL and if selected will have to serve the company as Engineer Trainee as per the terms applicable to other Engineer Trainees.

4. Mode of Payment

The scholarship will be paid through the appropriate Authority of Engineering Institutions and the detailed procedure in this regard will be laid down mutually in consultation with the educational institute.

ANNEXURE V

BHARAT HEAVY ELECTRICALS LTD.

Sarup Singh

D.O. No. AA:PER:PC

Addl. General Manager

Dated 5.7.86

(Personnel)

Dear Shri

This is further to D(P)'s D.O. Letter No. AA: PER: SC: Imp dated 5.12.84 addressed to the Unit Heads regarding the points made by the Parliamentary Committee on the Welfare of SCs & STs after their visit to Hardwar and Hyderabad units and in the oral evidence before the Parliamentary Committee from 29th to 31st October, 1984. The Parliamentary Committee have since laid their report on the table of the House and a copy of the same is enclosed for your information (copy sent to Hardwar and Hyderabad units earlier vide my D.O. No. AA:PER:PC dated 16.5.86). We have examined these recommendations and a statement showing action to be taken on each of these recommendation is enclosed. In our replies to the Ministry on the action taken proposed to be taken on the recommendations made by the Committee, the Government is being informed of the proposed action as in the statement enclosed and therefore it is necessary that action on the lines proposed in the enclosed statement is taken/initiated immediately and a compliance report sent to us for further action in the Ministry. This may kindly be treated as urgent.

The receipt of this communication may please be acknowledged.

With regards.

Your_s sincerely,

Sd/-

(SARUP SINGH)

**ANNEXURES CONTAINING THE RECOMMENDATIONS OF THE PARLIAMENTARY COMMITTEE ON THE WELFARE OF
SCS AND STs ON WHICH ACTION IS TO BE TAKEN BY BHEL**

RECOMMENDATION OF THE COMMITTEE

- (1) 2. 14 The Committee trust that the assurance given by the representative of the Department of Heavy Industry that efforts were being made to fill up the short fall in reserved posts on the basis of total strength of the company which would tantamount to the directive on reservation becoming applicable from the date of formation of the Company would be fulfilled in the letter and spirit.
- (2) 2.28 The Committee recommend that the appointment of Liaison Officer the duties assigned to them and the creation of Scheduled Caste/Scheduled Tribe Cells should be widely made known to the employees by means of a circular. The Committee also recommended that the Department of Heavy Industry should issue necessary instructions in this regard to all Public Enterprises under their control.
- (3) 2. 29 During the course of their study tours, the Committee have observed that the Liaison Officers are not always fully conversant with the various instructions issued regarding reservations for Scheduled Castes/Scheduled Tribes. On account of lack of information and knowledge they are not able to ensure due compliance of reservation orders by the appointing authority. The Committee, therefore, recommend that suitable training courses should be arranged for the Liaison Officers in various units of BHEL so as to enable them to get fully acquainted with the rules /instructions relating to reservation in services issued from time to time and their correct interpretation.
- (4) 2. 39 The Committee note that grievance register common to all non-executive employees is maintained at Hyderabad Unit. The Committee recommend that a separate grievance register should be maintained for Scheduled Caste/Scheduled Tribe employees in the unit and the action taken on each grievance should be indicated against the respective grievances in the register. This register should be an open document and available for inspection by an employee, if he so desires.

ACTION TO BE TAKEN BY THE UNITS

All out efforts should be made by the Units/Divisions to increase the representation of SC/ST so that the assurance given to the Parliamentary Committee is fulfilled. In this context, the instructions already issued with regard to (i) exclusive advertisements for SC/ST recruitment wherever required (ii) 50% of future recruitment to be from SC/ST wherever backlog exists and (iii) deputing special recruitment team to tribal areas should be followed strictly.

A circular on the appointment of the Liaison Officer, the duties assigned to him and the creation of SC/ST cell should be widely made known to the employees by means of a circular. A sample draft circular is enclosed (Annexure I) which may be modified if considered necessary, to suit the local requirement. A copy of circular may be placed on all the notice boards and sent to Corporate Office for record and further reporting to the Ministry by way of compliance.

It may be ensured that the Liaison for SC/ST of your unit is sponsored for the training programme of "Management of Reservation and Directives for SC/ST in Public Enterprises" if not already done, so as to enable him to get fully acquainted with the rules/instructions relating to reservation in services issued from time to time and their correct interpretation. The above programme is conducted by HRDI periodically and the next programme would be held in last quarter of 1986-87.

As required vide para F of Annexure enclosed to D(P)'s D.O. No. AA:PER:SC:Imp dated 03-12-84 a separate complaint register should be maintained in each unit wherein all complaints/representations of SC/ST employees should be entered. The complaint register should indicate the nature of grievance action taken in each case for the redressal of the grievance and final disposal/settlement. The grievance register should be put up to the Divisional Head periodically for a review to ensure that these grievances are being properly attended

RECOMMENDATION OF THE COMMITTEE

ACTION TO BE TAKEN BY THE UNITS

to. Action taken may be confirmed to the Corporate Office. As recommended by the Parliamentary Committee the grievance register should be treated as open document and may be made available for inspection by the employees if so requested as mentioned in the draft circular.

(5) 2.40 The Committee have been informed that there is a mutually agreed grievance procedure at Hyderabad under which an aggrieved employee has to submit his grievance to the Foreman/Shop manager/Chief Personnel Manager/General Manager etc. under various stages mentioned in the procedure. In the opinion of the Committee this appears to be a cumbersome procedure. The Committee desire that the Procedure should be appropriately amended to make it clear that Scheduled Caste/Scheduled Tribe employees are free to make their complaints direct to the Liaison Officers.

(6) 3.26 It has been stated that candidates selected on the basis of written test and interview are put on one year training on successful completion of which they are absorbed as Engineers. The Committee recommend that Scheduled Caste/Scheduled Tribe candidates who are not successful at the end of one year training period should not be rejected outright. They should be put on training for a further period of one year so that they get a second chance to make up the deficiency and may be ultimately absorbed in the organisation as far as possible.

(7) 3.27 The Committee also recommend that an officer belonging to Scheduled Caste/Scheduled Tribe community should be included in all Selection Boards irrespective of the fact whether the selection is for general candidates or for Scheduled Caste/Scheduled Tribe candidates or for both.

(8) 3.30 The Committee further recommend that copies of advertisements and notifications for reserved vacancies should also be sent to the Members of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

As recommended by the Parliamentary Committee, the Grievance Procedure should be amended appropriately to make it clear that SC/ST employees are free to make their complaints direct to the Liaison Officer. For information of such employees this has been mentioned in the circular suggested to be issued by the Units (Annexure-I).

As recommended by the Parliamentary Committee, ETs belonging to SC/ST category who are not found suitable for absorption after normal training should not be rejected outright. They should be given extra training for a further period upto one year so that they get a second chance to make up the deficiency and are absorbed as far as possible. If there is any case where the individual is not found fit for absorption even after extra training such cases should be submitted to head of the Division for his orders.

Instructions issued vide para A(2) of Annexure to D(P)'s D.C. No. AA: PER:SC:Imp dated 25-12-84 that a member of SC/ST community should be associated in all the Selection Committee/Boards irrespective of whether the candidates to be interviewed by the Committee include SC/ST candidates or not, should be followed strictly.

Vacancies in Group C or D recruitment of which normally attracts candidates from a locality or region are notified to the local Employment Exchanges. If sufficient number of SC/ST candidates are not available through the Employment Exchange, these vacancies are advertised in the leading Newspapers including in regional languages. Copies of such advertisement should be sent to the Hon'ble Members of the Parliamentary Committee through the SCTC Branch of Lok Sabha Secretariat.

RECOMMENDATION OF THE COMMITTEE

(9.a) 3.31 The Committee note that several types of jobs in BHEL, such as cleanliness etc. are got done through contract labour. This is done under Regulations framed by the Undertaking for this purpose. The Contractor's employees are not the employees of the Undertaking and as such they do not get the benefit of permanent employment in BHEL against the reserved posts. The representative of the Undertaking stated during evidence that the question of contract labour would be examined and wherever it was possible to abolish the contract system it would be done and the employees would be given full time job.

(9.b) 3.32 The Committee feel surprised that a big organisation like BHEL are unable to employ Sweepers on a regular basis and they are still encouraging the system of contract labour. The Committee recommend that BHEL should employ Sweepers on a regular basis and the practice of employing them through contractors should be stopped forthwith.

(10) 3.36 It has been stated that at Hardwar Unit all the eligible Scheduled Caste/Scheduled Tribe employees in the zone of consideration for promotion are promoted unless they are unfit on the ground of misconduct or poor work performance while in regard to the Hyderabad Unit it has been stated that 5 marks are added to the aggregate marks obtained by Scheduled Caste/Scheduled Tribe employees. The Committee are surprised to note that relaxations/concessions given to Scheduled Caste/Scheduled Tribe candidates are different in the two Units of BHEL. The Committee recommend that there should be a uniform pattern for giving relaxations/concessions to Scheduled Caste/Scheduled Tribe employees in promotion in the various units of the Undertaking.

(11) 3.63 With a view to allay the feeling of injustice or discrimination amongst Scheduled Caste/Scheduled Tribe employees the Committee also recommend that in future, all cases of SC/ST employees who are dropped out at the time of promotion should be placed for approval of Chief Executive of the unit before the results are announced.

ACTION TO BE TAKEN BY THE UNITS

Recruitment to posts in Group A&B, is normally done on All India basis through advertisement in Newspapers and copies of all such advertisement should also be sent to Honble Members of the Parliamentary Committee through the SCTC Branch of the Lok Sabha Secretariat.

A review of the job contracts in area of cleaning/scavenging as also other activities in the shop floor should be done with a view to identify full time jobs by clubbing other activities of unskilled nature for purposes of departmentalisation, as already requested vide our D. O. No. AA: PER: 376 dated 6/6/86. The existing persons working on job contacts and meeting the standards of selection as per recruitment rules of the company should be considered against such requirements.

An action plan may be prepared and sent to Corporate Office for approval of D(P).

It may be ensured that all SC/ST employees are given 5 marks extra at the time of their consideration for promotion and are adjudged separately.

As already advised vide para B of D (P)'s D. O. No. AA: PER: SC:Imp dated 5/12/84 for posts which are covered under the reservation orders all eligible SC/ST employees may be considered on relaxed standards and promoted except those who are found unfit for promotion for reasons of poor performance/mis-conduct/absenteeism etc.

As recommended by the Parliamentary Committee all cases of SC/ST employees who are dropped out at the time of promotion should be placed for approval of Chief Executive of the Unit before the results are announced so that the feeling of injustices or discrimination is allayed in such cases.

RECOMMENDATION OF THE COMMITTEE

(12) 3.64 According to the promotion policy, an attempt is always made by the Divisional Head to explain to an employee the reasons for his non-selection so that the employee has an opportunity to make up his deficiency in the relevant areas. There is also provision in the policy for an employee to submit a representation against his non-selection. The Committee note that there is no fixed or regular procedure. In the Company to intimate to employees about the reasons for non-selection for promotion. The Committee recommend that reasons for non-selection for promotion should be intimated to the employees to enable them to make representations in an effective manner or make efforts to improve their performance.

(13) 3.71 The Committee note that a member belonging to Scheduled Caste/Scheduled Tribe is invariably associated with Selection Boards/Departmental Promotion Committees as per Government directive.

(14) 3.72 The Committee have been informed during evidence that Scheduled Caste candidates are interviewed separately only in case of special recruitment otherwise they are interviewed alongwith others. In this connection the Committee would like to draw attention to the Ministry of Home Affairs O. M. No. 1/1/70-Est. (SCT) dated 31-7-70 according to which interview of Scheduled Castes and Scheduled Tribes candidates should be held on a day or sitting of the Selection Committee other than the day or sitting on which general candidates are to be interviewed so that Scheduled Caste and Scheduled Tribe candidates are not judged in comparison with general candidates and the interviewing authority/Board is/are prominently aware of the need for judging the Scheduled Caste/Scheduled Tribe candidates by relaxed standards. The Committee recommend that this directive should be followed scrupulously by BHEL. Suitable instructions in this regard should also be circulated to all the Units of BHEL.

(15) 3.78 The Committee note that rosters are being maintained in BHEL for each category of posts. The Committee recommend that separate rosters should be maintained for posts filled by direct recruitment and by promotion.

ACTION TO BE TAKEN BY THE UNITS

As recommended by the Parliamentary Committee reasons for non-selection for promotion should be intimated to the employees to enable them to make representations in an effective manner or make efforts to improve.

This may continue to be followed strictly.

As recommended by the Parliamentary Committee while making recruitment the interview of SC/ST candidates should be held on a day or sitting of the Selection Committee other than the day or sitting on which general candidates are to be interviewed so that SC/ST candidates are not judged in comparison with general candidates and the interviewing Authority/Board is/are prominently aware of the need for judging the SC/ST candidates by relaxed standards. (For further details circular No. 1/1/70 Est (SCT) dated 31/7/70 may please be referred).

As recommended by the Parliamentary Committee, separate rosters should be maintained for posts filled by direct recruitment and by promotion.

RECOMMENDATION OF THE COMMITTEE

- (16) 3. 80 During evidence the representative of the Undertaking had stated that a circular would be issued to the employees that rosters were open for inspection by them. The Committee desire that a copy of the circular should be sent to the Committee for their information.
- (17) 3. 91 The Committee feel unhappy that even in Group "C" a large number of posts including those of stenographer, draftsman telephone operator and Accountant Trainee have lapsed. The Committee are of the view that if serious efforts had been made it should not have been difficult to fill up these posts by reserved category candidates during the 3 years period of carry forward.

ACTION TO BE TAKEN BY THE UNITS

The general instructions that rosters should not be treated as confidential documents and these may be made available if any employee wishes to see them have been issued *vide* para A (2) of annexure to D (P)'s D.O. No. AA: PER: SC: Imp p dated 5/12/84. For information of the employees this has been incorporated in the circular (copy enclosed).

The observations of the Parliamentary Committee should be noted for compliance in future recruitment.

As discussed in the Personnel Heads Conference held on 6th & 7th December, 1984 and emphasised in DP's DO No. AA:PER:SC:Imp dated 5-12-84 wherever recruitment is approved 50% of the vacancies of the total recruitment should be reserved for SC/ST, wherever backlog exists.

Prescribed steps to fill up the reserved posts as prescribed in paras 7, 7A and 7B of the Presidential Directives re-emphasised in para A sub- paras 1 to 8 of Annexure to D(P)'s DO No. AA:PER:SC:Imp dated 5-12-84 should be taken. The prominent amongst these are :—

- (i) Exclusive advertisements for SC/ST.
- (ii) Readvertisements
- (iii) Intimation of vacancies to various agencies/association/Parliamentary Committee members etc.
- (iv) Announcement of reserved vacancies on AIR.

As recommended by the Parliamentary Committee dereservation should be resorted to only when it is absolutely necessary and all efforts including special recruitment for SC/ST have failed. To ensure this no post reserved for SC/ST should be filled up by general candidates before approval of CMD for groups C and D posts and that of Board of Directors for Groups A and B posts is obtained.

- (18) 3. 92 The Committee are surprised to note that in Hardwar Unit (HEBP), as many as 291 Scheduled Caste and 141 Scheduled Tribe reserved posts upto 1980 were dereserved/lapsed. These include 55 scheduled Caste and 12 Scheduled Tribe posts in Group "B" and 205 Scheduled Caste and 111 scheduled Tribe posts in Group "C". The Committee felt that dereservation or lapsing of a large number of vacancies is indicative of the fact that sincere efforts have not been made to recruit Scheduled Caste/Scheduled Tribe candidates before the expiry of carry forward period of 3 years. The Committee are, as a principle, opposed to dereservation, or lapsing of reserved vacancies. The Committee recommend that dereservation should be resorted to only when it is absolutely necessary and all efforts including special recruitment for Scheduled Caste/Scheduled Tribe candidates have failed.

RECOMMENDATION OF THE COMMITTEE

(19) 4.21 The Committee are unhappy to note that Groupwise, the percentage of Scheduled Caste/Scheduled Tribe in Group A is 5.76 and 0.72 in Group B 4.62 and 0.88 and in Group C it is 11.79 and 1.63. These percentages are far below of the prescribed percentages for Scheduled Caste/Scheduled Tribe employees. Even if Group D, the percentage of Scheduled Tribe is only 2.48 as against the prescribed percentage of 7.5. The Committee recommend that BHEL should make concerted efforts to increase the intake of Scheduled Castes in Groups A, B & C and of Scheduled Tribes in all the four Groups by resorting to special recruitment and by relaxing the standards.

(20) 4.22 The data relating to staff strength in Hyderabad Unit and two Plants of Hardwar Unit of BHEL in 1983 as given in Appendices VI, VII & VIII indicates that apart from shortfalls in Groups A and B, there are considerable shortfalls in Groups C and D also. The Committee need hardly stress that earnest and vigorous efforts should be made to wipe out the shortfalls in these two Groups for which high technical qualifications are not necessary. Scheduled Castes/Scheduled Tribes possessing the minimum educational qualification should be selected and given intensive Training in order to equip them for specific jobs. The Committee refuse to believe the Scheduled Caste/Scheduled Tribe candidates are not available for the posts of Clerks, Daftry, Record Keeper, Mali and Attendants for which no technical skills are needed.

(21) 4.23 The Committee regret to note that except for Scheduled Castes in Group D, there is shortfall of Scheduled Castes and Scheduled Tribes in all the Groups in both the Plants of the Hardwar Units. In spite of this shortfall exclusive advertisement for Scheduled Castes and Scheduled Tribes was issued by Hardwar Unit only once in 1975 when backlog was reduced to some extent. The Committee fail to understand the reasons for not issuing exclusive advertisements subsequently. The Committee need hardly emphasise that special recruitment exclusively for Scheduled Castes and Scheduled Tribes is the only way to clear the backlog of reserved vacancies and recommend that special recruitment should be resorted to as often as it is felt necessary/possible.

ACTION TO BE TAKEN BY THE UNITS

As recommended by the Parliamentary Committee, concerted efforts should be made to increase the intake of SC in groups A, B and C and of ST in all the four groups by resorting to exclusive recruitment and by relaxing the standards.

As recommended by the Parliamentary Committee, vigorous efforts should be made to wipe out the backlog in groups C and D posts for which high technical qualifications are not necessary. In regard to non-technical and quasi-technical posts under groups C and D where requisite number of SC/ST candidates are not available even after relaxing the standards of Selection, the SC/ST candidates possessing the minimum educational qualification may be selected as trainees and given intensive training in order to equip them for specific jobs. The reserved posts falling in the categories of non-technical and quasi-technical should not be filled up by candidates of general category.

As recommended by the Parliamentary Committee, special recruitment exclusively for SC and ST should be resorted to as often as it is felt necessary.

RECOMMENDATION OF THE COMMITTEE

(22) 4.37 The Committee note that during the years 1981 to 1983, 91 employees from Hyderabad Unit were sent abroad for training, out of which 9 employees belonged to Scheduled Castes and none to Scheduled Tribe. From Hardwar Unit, out of 80 Executives trained abroad, only two were Scheduled Caste/Scheduled Tribe during the same period. The Committee have been informed during evidence that information regarding availability of suitable Scheduled Caste/Scheduled Tribe employees is now being furnished while putting up any training proposal to the Chairman & Managing Director for approval. The Committee recommend that preference should be given to scheduled caste/scheduled tribe officers for various training programme held in India and abroad so as to familiarise them with the modern methods of management and technology thereby equip them to occupy higher executive posts in Bharat Heavy Electricals Limited.

(23) 4.38 The Committee have also been informed during evidence that instructions have been issued to the various Units of Bharat Heavy Electricals Ltd. to organise special training for Scheduled Caste/Scheduled Tribe engineering trainees selected with related standards to improve their efficiency and provide technical knowledge. The Committee recommend that the training programme should not be confined to the category of Engineers only but other categories of employees belonging to Scheduled Caste/Scheduled Tribe who are recruited with the relaxed standards should also be given extra training to enable them to come up to the standard of other employees. The Committee further recommend that details of extra training to be given to Scheduled Caste/Scheduled Tribe employees in various categories of post should be drawn up by the Corporate Office for the sake of uniformity and instructions should be issued to all the units. The Committee desire that a copy of the instructions issued in this regard should be furnished to them for information.

(24) 4.53 The Committee regret to note that no apprentice belonging to Scheduled Tribe was recruited for training in Hardwar Unit (HEEP) of Bharat Heavy Electricals Ltd. during the years 1981 to 1983. The Committee recommend that with a view to attracting more and more candidates belonging to Scheduled Castes/Scheduled Tribes, the Company should advertise their training

ACTION TO BE TAKEN BY THE UNITS

As recommended by the Parliamentary Committee preference should be given to SC/ST officers for various training programmes held in India and abroad so as to familiarise them with the modern methods of management and technology and thereby equip them to be considered for higher posts in the company.

It may be ensured that SC/ST employees are sponsored for training programmes conducted by the units for skill updation for Artisans, Supervisory Development Programmes and Development programmes for Junior and Middle level executives. Besides, instructions issued vide para D of annexure to D(P)'s DO No. AA:PER:SC:Imp dated 5-12-84 that immediate superior of SC/ST employees should take special care to identify the training need of such employees and ensure that they are sponsored for suitable training programmes should also be followed. It would be useful to earmark 25% of the seats for SC/ST employees.

It may be ensured that sufficient number of SC/ST candidates are recruited as apprentices for training under the Apprentice Act so that reserved posts could be filled up without any difficulty by absorption of these trained SC/ST candidates. For purpose of such recruitment if sufficient number of SC/ST candidates are not available through the employment Exchange the training programmes may be advertised in leading newspapers in regional languages and also broadcasted on AIR with a

RECOMMENDATION OF THE COMMITTEE

Programmes in leading newspaper in regional languages and also through broadcasts over All India Radio.

4.54 According to the information furnished to the Committee, it is seen that total number of trained apprentices absorbed in Hardwar Unit (HEEP) was 203 in 1981, 182 in 1982 and 72 in 1983 out of which those belonging to Scheduled Castes numbered 30 in 1981, 21 in 1982 and 7 in 1983 while none belonged to Scheduled Tribe. According to instructions issued by the Ministry of Labour vide their O.M. No. DEGT-2(6) dated 28-5-1980 50 per cent of the direct recruitment vacancies should be filled up by trained apprentices. The Committee recommend that in order to make up the backlog in reserved vacancies, all trained apprentices belonging to Scheduled Caste/Scheduled Tribe should be absorbed in services of Bharat Heavy Electricals Ltd.

4.56 The Committee feel that the entire burden of nominating the trained apprentices should not be placed on the Employment Exchanges. Even though the names are required to be sponsored by the Employment Exchange, Bharat Heavy Electricals Ltd. should also keep a close watch that their trained apprentices particularly those belonging to Scheduled Caste and Scheduled Tribe communities are nominated by the Employment Exchange.

27(a) 5.7 The Committee note that there is reservation for allotment of residential quarters to Scheduled Caste/Scheduled Tribe employees of BHEL to the extent of 10 per cent in respect of type A quarters and 5 per cent in allotment of type B and C quarters.

27(b) 5.8 The Committee note that in Hrudwar Unit, out of a total of 4770 employees who have been provided housing accommodation, 229 belong to Scheduled Caste/Scheduled Tribe communities. Break-up of these figures according to the type of quarters has not been given. The Committee desire that the Undertaking must ensure that accommodation of types A, B & C is allotted to Scheduled Caste/Scheduled Tribe employees at least to the extent of reservation to which they are entitled.

ACTION TO BE TAKEN BY THE UNITS

view to attract more and more candidates belonging to SC/ST candidates as recommended by the Parliamentary Committee.

It may be ensured that while filling up vacancies by absorption of Act Apprentices, the reserved quota including the backlog, if any, is filled by absorption of the Act Apprentices, subject to 50% of the total number of posts filled as provided in Government Directives. For this purpose the SC/ST candidates in junior batches may also be considered if sufficient number of candidates belonging to these communities are not available in senior batches.

It may be ensured that whenever recruitment from trained Act Apprentices is to be made, candidates belonging to SC/ST are informed of the same at their last known address to get their names sponsored from the Employment Exchange/recognised Associations/Institutes.

Government instruction for reservation for allotment of quarters to SC/ST employees to the extent of 10% in respect of Type A quarter and 5% in respect of B and C quarters were issued by the Government on 10-4-74 and 20-12-78 respectively. Therefore, reservations may be worked out from these dates and shortfall if any, made up in future allotments. The status report in this regard may be sent to Corporate Office for the information of the Ministry.

ACTION TO BE TAKEN BY THE UNITS

RECOMMENDATION OF THE COMMITTEE

27(c) 5.9 The Committee regret to point out that in Hyderabad Unit the number of quarters allotted to Scheduled Caste/Scheduled Tribe in types B & C is less than 5 per cent. The Committee recommend that 5 per cent reservation in Type B and C quarters must be followed strictly and in future allotments this shortfall should be made up.

As recommended by the Parliamentary Committee, units should make survey of the villages in peripheral areas and adopt villages with concentration of SC/ST population for their all-round development.

(28) 5.20 The Committee note that both the Hyderabad and Hardwar Units of Bhart Heavy Electricals Limited are overstaffed and their Welfare schemes for the benefit of their employees and their families. The Committee further note that for socio-economic development of weaker sections including Scheduled Castes/Scheduled Tribes, Hyderabad Unit has started certain activities like establishment of fodder farms, opening of Community Centres etc., in neighbouring villages while Hardwar Unit has adopted two neighbouring villages for welfare activities. The Committee recommended that instead of piecemeal activities here and there, the Bhart Heavy Electricals Limited units should make a survey of the villages in peripheral areas and adopt villages with concentration of Scheduled Castes/Scheduled Tribes for their all-round development.

As recommended by the Parliamentary Committee a scheme may be devised for giving scholarships to the children of poor SC/ST living in peripheral villages so that more and more SC/ST children are able to get education.

(29) 5.21 The Committee also recommend that a scheme should be devised for giving scholarships to the children of poor Scheduled Castes and Scheduled Tribes living in peripheral villages so that more and more Scheduled Castes/Scheduled Tribes children are able to get education.

As recommended by the Committee, village development programmes should be implemented in coordination with other developmental agencies of the State Government to avoid duplication. Further wide publicity should be given to the various welfare schemes so that maximum number of SC/ST persons can take advantage of the welfare scheme.

(30) 5.22 The Committee further recommend that village development programmes should be implemented in coordination with other Development agencies of the State Government to avoid duplication. Wide publicity should be given to the various Welfare Schemes so that maximum number of Scheduled Caste/Scheduled Tribe persons can take advantage of the Welfare Schemes.

BHARAT HEAVY ELECTRICALS LIMITED

Circular

§ No.

Dt.

1. Shri _____

Staff No. _____

Designation _____ is appointed/working as Liaison Officer for SC/ST.

2. The duties of the Liaison Officer are:—

- (i) Ensuring due compliance with the order and instructions pertaining to the reservation of vacancies in favour of Scheduled Castes and Scheduled Tribes and other benefits admissible to them under the Directive;
- (ii) Collecting, consolidating and despatching the periodical returns relating to representation of Scheduled Castes and Scheduled Tribes;
- (iii) Acting as Liaison Officer between the unit and Corporate Office and Government agencies for supply of other information, answering question, and queries and clearing doubts in regard to matters relating to these orders;
- (iv) Conducting annual inspection of the rosters maintained in the unit with a view to ensuring proper implementation of the reservation orders. The proforma for inspection of the roster is given in Appendix XIII;
- (v) Ensuring that the normal administrative inspection which are carried out periodically, give assessment of the performance of the unit in the matter of strict observance of orders regarding the reservation of Scheduled Castes and Scheduled Tribes and in filling vacancies reserved for these communities. The form of administrative inspection prescribed, if any, may also include columns for giving assessment of the performance of the unit in the matter referred to above.
- (vi) Ensuring extension of necessary assistance to the Commissioner for Scheduled Castes and Scheduled Tribes and other Government agencies in the investigation of complaints received by them in regard to service matter etc.
- (vii) Assisting the visiting teams from the Commissioner's office and Study Group/Parliamentary Committees

during their examination of the matters pertaining to reservation for Scheduled Caste/Scheduled Tribe communities.

(viii) To maintain a separate register for the grievance of SC/ST employees and action taken on each grievance should be indicated against the respective grievance.

3. The Liaison Officer will be assisted in the above functions by a cell consisting of _____ and is located at _____

4. The grievance register and rosters are open documents and are available for inspection by an employee, if he so desires.

5. All SC/ST employees are free to approach the Liaison Officer directly in connection with their grievance, if any, between _____.

ANNEXURE VI

No. 6/27/85-BPE (SC/ST Cell)

Government of India

Ministry of Industry

Bureau of Public Enterprises

**Block No. 14, C.G.O. Complex
Lodhi Road, New Delhi-110003**

Dated the 29th June, 1987

Office Memorandum

SUBJECT: Time bound promotion schemes—conformity with the Reservation Policy of the Government.

The undersigned is directed to say that it has come to the notice of the Government that some of the Central Public Sector Undertakings, listed in the Annexure have introduced "time-bound promotion schemes" (TBPS) for their employees. The scheme generally implies that all employees in a particular grade or scale or at a particular hierarchical level in the organisation are to be promoted automatically to the next higher grade, scale or level, as the case may be, on completion of a specified length of service notwithstanding availability of vacancies in the higher grade, scale or level. In other words, promotions under the TBPS have been de-linked from vacancies and are available to all eligible employees, except those who are found unfit for promotion, on completion of the prescribed length of service.

2. While in certain undertakings TBPSs have been introduced right from their inception, in most of the undertakings listed in the Annexure TBPSs have been adopted in replacement of the earlier vacancy-based promotion schemes. Adoption of TBPS has led to elimination of communal rosters and reservation in promotions in favour of the employees belonging to Scheduled Castes and Scheduled Tribes. The question whether TBPS is in conformity with the reservation policy of the Government has been under government's consideration for some time. Having regard to the fact

that the intention behind reservation in promotion is to ensure that employees belonging to Scheduled Castes and Scheduled Tribes are not deprived of promotion along with others, and in as much as the TBPS ensures that all employees, including those belonging to SCs and STs, are promoted on completion of the prescribed length of service without linking the promotions to availability of vacancies in the higher grades or subjecting the promotions to a selection procedure, it has been found that the TBPS is not violative of the instructions of the Government on reservations provided the scheme fulfils the following conditions:—

- (i) All employees are promoted to the next higher grade, scale or level on completion of the prescribed length of service without linking the promotions to availability of vacancies in higher posts. In other words, the promotions under TBPS are not vacancy-based.
- (ii) There is no element of election or inter personal comparison of merit in promotions under this scheme. However, the scheme would not be vitiated if it permits rejection of unfit on well-defined criteria.

3. It has been observed from the time-bound promotion schemes introduced in some of the Public Sector undertakings that they have features not in conformity with the spirit of the scheme. Some of the more common incongruities that have been observed in the TBPSs already in existence are as follows:—

- (i) provision for communal rosters;
- (ii) provision for zone of consideration;
- (iii) provision for upgradation of AORs of Scheduled Castes/Tribes employees;
- (iv) provision for relaxation of eligibility in terms of the minimum length of service;
- (v) provision for adoption of relaxed standards for assessing the suitability of fitness of SC/ST employees; etc.

As there should be complete absence of vacancy-based promotions under TBPS and the promotions under the scheme should be without any specific screening of merit, provision for rosters or zone of consideration which are concomitants of vacancy-based promotions are irrelevant to TBPS. Similarly, provision for relaxation

of standards or upgradation of CRs of SC/ST employees, etc., which are necessarily elements of selection, vitiate the TBPS.

4. The Ministry of Commerce, etc. are requested to bring the above to the notice of the Undertakings under their administrative control and listed in the annexure, and advise them to amend the time-bound promotion schemes adopted by them so as to bring them in conformity with the principles outlined above.

5. The guidelines, issued vide this Bureau's O.Ms. of even number dated the 15th December, 1986 and 19th January, 1987 in terms of which such of the undertakings that have not yet adopted time-bound promotion schemes are not to introduce such schemes will, however, continue to be in force until further advice.

6. This issues with the concurrence of the Department of Personnel and Training.

Sd|-

(Yashwant Raj)

Deputy Secretary to the Government of India.

To

The Ministries|Deptt. of the Government of India concerned with the undertakings listed in the annexure.

Copy to:

Chief Executives of the public sector undertakings listed in the annexure.

Sd|-

(Yashwant Raj)

Deputy Secretary to the Government of India.

List of Central Public Sector Undertakings that have adopted time bound promotion schemes

1. Indian Telephone Industries Ltd.
2. Neyveli Lignite Corporation Ltd.
3. National Small Industries Corporation Ltd.
4. The Handicrafts and Handlooms Export Corporation of India
5. Central Cottage Industries Corporation of India Ltd.
6. State Trading Corporation of India.
7. Sponge Iron India Ltd.
8. Hindustan Shipyard Ltd.
9. Electronics Corporation of India Ltd.
10. Oil and Natural Gas Commission..
11. Madras Refineries Ltd.
12. Bharat Aluminium Company Ltd.
13. Heavy Engineering Corporation.
14. Semi-Conductor Complex Ltd.,
15. Bharat Electronics Ltd.
16. Hindustan Teleprinters Ltd.
17. The Minerals and Metals Trading Corporation Ltd.
18. Central Electronics Ltd.,

APPENDIX

(Vide Para 4 of the Introduction)

Analysis of the Action Taken by Government on the recommendations contained in the Fourth Report of the Committee.

1. Total Number of Recommendations	62
2. Recommendations which have been accepted by Government (<i>vide</i> recommendations at Sl. Nos. 2, 3, 4, 5, 6, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61 and 62)	
Number	50
Percentage of Total	80.65
3. Recommendations which the Committee do not desire to pursue in view of the Government's reply (<i>vide</i> recommendations at Sl. Nos. 7, 8, 9, 10, 17, 29, 31, 32, 33).	
Number	9
Percentage of Total	14.52
4. Recommendations in respect of which replies of Government have not been accepted by the Committee and which require reiteration (<i>vide</i> recommendations at Sl. Nos. 1, 11 and 12).	
Number	3
Percentage of Total	4.83