

**COMMITTEE ON WELFARE OF OTHER BACKWARD CLASSES  
(2018-19)**

**(SIXTEENTH LOK SABHA)**

**MINISTRY OF ROAD TRANSPORT AND HIGHWAYS**

**Action taken by the Government on the Observations/ Recommendations contained in their Twelfth Report (Sixteenth Lok Sabha) of the Committee on Welfare of Other Backward Classes on “Measures undertaken to secure representation of OBCs in employment and for their welfare in National Highways Authority of India”**

**EIGHTEENTH REPORT**



सत्यमेव जयते

**LOK SABHA SECRETARIAT  
NEW DELHI  
December, 2018/Pausha, 1940 (Saka)**

**EIGHTEENTH REPORT  
COMMITTEE ON WELFARE OF OTHER BACKWARD CLASSES  
(2018-19)**

**(SIXTEENTH LOK SABHA)**

**[Action taken by the Government on the Observations/Recommendations contained in their Twelfth Report (Sixteenth Lok Sabha) on “Measures undertaken to secure representation of OBCs in employment and for their welfare in National Highways Authority of India”]**

**MINISTRY OF ROAD TRANSPORT AND HIGHWAYS**

*Presented to Lok Sabha on 02.01.2019*

*Laid in Rajya Sabha on 02.01.2019*



सत्यमेव जयते

**LOK SABHA SECRETARIAT  
NEW DELHI  
*December, 2018/Pausha, 1940 (Saka)***

**C.O.OBC No. 27**

Price : Rs

@2014 BY LOK SABHA SECRETARIAT  
Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha  
(Fifteenth Edition)

## CONTENTS

	<b>PAGE</b>
<b>REPORT</b>	
COMPOSITION OF THE COMMITTEE (2018-19).....	(ii)
INTRODUCTION.....	(iii)
CHAPTER I Report.....	1
CHAPTER II Observations/Recommendations which have been accepted by the Government.....	8
CHAPTER III Observations/Recommendations which the Committee do not desire to pursue in the light of the replies received from the Government.....	14
CHAPTER IV Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.	15
CHAPTER V Observations/Recommendations in respect of which final replies of the Government are still awaited.....	19

## APPENDICES

I	Extracts of Minutes of the Sitting of the Committee on Welfare of Other Backward Classes (2018-19) held on 20.12.2018	20
II	Analysis of the Action Taken by the Government on the Observations/Recommendations of the Committee on Welfare of Other Backward Classes contained in their Twelfth Report (Sixteenth Lok Sabha).....	22

**COMPOSITION OF THE COMMITTEE ON WELFARE OF OBCs (2018-19)**

**SHRI GANESH SINGH- CHAIRPERSON**

**MEMBERS**  
**LOK SABHA**

2. Smt. Santosh Ahlawat
3. Shri A. Arunmozhithevan
4. Shri Santosh Kumar
5. Shri Shailesh Kumar
6. Shri Ravindra Kushawaha
7. Dr. Swami Sakshi ji Maharaj
8. Dr. Banshilal Mahato
9. Dr. Mriganka Mahato
10. Dr. (Smt.) Pritam Gopinath Munde
11. Shri Rodmal Nagar
12. Shri Ram Mohan Naidu Kinjarapu
13. Shri P. Karunakaran
14. Shri Kapil Moreshwar Patil
15. Shri Hari Narayan Rajbhar
16. Shri Mullappally Ramachandran
17. Shri Rajeev Satav
18. Shri Rajveer Singh (Raju Bhaiya)
19. Shri Ladu Kishore Swain
20. Shri Kanwar Singh Tanwar

**RAJYA SABHA**

21. Shri Husain Dalwai
22. Shri Ram Narain Dudi
23. Shri B.K. Hariprasad
24. Shri Ahamed Hassan
25. Dr. Vikas Mahatme
26. Shri Vishambhar Prasad Nishad
27. Shri K.K. Ragesh
28. Smt. Vijila Sathyananth
29. Shri Ram Nath Thakur
30. Smt. Chhaya Verma

**SECRETARIAT**

- |    |                         |   |                  |
|----|-------------------------|---|------------------|
| 1. | Shri T.G. Chandrasekhar | - | Joint Secretary  |
| 2. | Shri R.R. Kumar         | - | Director         |
| 3. | Shri A.S.K. Das         | - | Deputy Secretary |

## INTRODUCTION

I, the Chairperson, Committee on Welfare of Other Backward Classes (2018-19) having been authorized by the Committee to present the Report on their behalf, present this Eighteenth Report on Action taken by the Government on the Observations/Recommendations contained in their Twelfth Report (Sixteenth Lok Sabha) on “Measures undertaken to secure representation of OBCs in employment and for their welfare in National Highways Authority of India” pertaining to the Ministry of Road Transport and Highways.

2. The Twelfth Report was laid on the Table of Rajya Sabha on 06.04.2018. It was presented to the Hon’ble Speaker, Lok Sabha on 25.04.2018 under Direction 71 A of the Directions by the Speaker, Lok Sabha. The Report was subsequently presented to Lok Sabha on 01.08.2018. The replies of the Government to all the Observation/Recommendations contained in the Report were received on 12.11.2018.

3. The replies of the Government were examined and the draft Report was considered and adopted by the Committee at their sitting held on 20.12.2018

4. An analysis of the action taken by the Government on the Observation/Recommendations contained in the Twelfth Report (Sixteenth Lok Sabha) of the Committee is given in Appendix-II.

**NEW DELHI**  
**28<sup>th</sup> December, 2018**  
**7 Pausha, 1940 (Saka)**

**GANESH SINGH,**  
**Chairperson**  
**Committee on Welfare of OBCs**

## CHAPTER -1

### REPORT

This Report of the Committee on Welfare of Other Backward Classes deals with the action taken by the Government on the Observations/Recommendations contained in their Twelfth Report (Sixteenth Lok Sabha) on “Measures undertaken to secure representation of OBCs in employment and for their welfare in National Highways Authority of India” pertaining to the Ministry of Road Transport and Highways.

2. The Twelfth Report (Sixteenth Lok Sabha) of the Committee was laid on the Table of Rajya Sabha on 6<sup>th</sup> April, 2018. The Report was presented to the Speaker, Lok Sabha on 25<sup>th</sup> April, 2018 and was subsequently presented to Lok Sabha on 1<sup>st</sup> August, 2018. The Report contained 6 Observations/Recommendations. Action Taken Notes in respect of all the Observations/Recommendations contained in the Report have been received from the Government. These have been examined and categorized as follows:

- |       |   |                            |
|-------|---|----------------------------|
| (i)   | Observations/Recommendations which have been accepted by the Government:  |                            |
|       | Recommendation Sl. Nos. 2, 4, 5 and 6   | (Total-4)<br>Chapter-II    |
| (ii)  | Observations/Recommendations which the Committee do not desire to pursue in view of the Government’s replies:                                     |                            |
|       | NIL   | (Total-NIL)<br>Chapter-III |
| (iii) | Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration: |                            |
|       | Recommendation Sl. No. 1 and 3  | (Total-2)<br>Chapter-IV    |
| (iv)  | Observations/Recommendations in respect of which final replies of the Government are still awaited:   |                            |
|       | NIL   | (Total-NIL)<br>Chapter-V   |

**3. The Committee desire that Action Taken Notes on the Observations/Recommendations contained in Chapter-I of the Report should**

**be furnished to the Committee within three months of the presentation of this Report.**

4. The Committee will now deal with the action taken by the Government on some of the Observations/Recommendations which need reiteration or merit comment in the succeeding paragraphs.

### **Representation of OBCs in the Board of NHAI**

#### **Recommendations Sl. No.1**

5. The Committee in their Twelfth Report had recommended as under:

“The Ministry of Road Transport and Highways encompasses various activities which inter-alia include construction and maintenance of National Highways of more than a lakh of kms. in length, implementation of the National Highways Act, 1956, formulation of policies relating to road transport and environmental issues, etc. The National Highways Authority of India (NHAI), set up in 1988 through an Act of Parliament and made operational since 1995, is engaged in development, maintenance and management of National Highways. National Highway Development Programme (NHDP) being implemented by NHAI includes the Golden Quadrilateral, North-South and East-West Corridors and various other projects like Port connectivity, Ring Road and By Passes, etc.

According to NHAI Act, 1988, the NHAI Board is composed of a Chairman, not more than six full time Members and not more than six part time Members, who are appointed by the Central Government. Member (Administration), Member (Finance), Member (Projects), Member (Technical) and Member (PPP) are full time Members. Secretaries to the Ministry of Road Transport and Highways, Department of Expenditure, Department of Economic Affairs, DG (Road Development) and Special Secretary, Ministry of Road Transport and Highways are part time (Government) Members and the two part-time (Non-Government) Members are appointed from the professionals having knowledge or experience of financial management, transportation planning or any other relevant discipline. The Committee have been given to understand that the positions of Members are outside the scope of NHAI Service Regulations and the post of a Member is filled up by the Government in terms of the provisions contained in the NHAI Act and the Rules thereunder and with the approval of the Appointments Committee of Cabinet. The Committee have been told that no Member of the Board of NHAI belonged to OBC community.

The Committee feel that in order to get fulfilled the Government’s commitment to empower the socially and educationally backward classes, the weaker section people will have to be given participation at the top management level. They, therefore recommend the Ministry of Road Transport and Highways to take initiative to take up the matter at the appropriate level so as to ensure representation and participation of OBC people on the Board of NHAI. The Committee may be apprised of the action taken in this regard.”



6. The Ministry of Road Transport and Highways in their action taken reply have stated:

- (i) *The observations of the Committee have been noted. The National Highways Authority of India Act, 1988, last amended vide Ministry of Law and Justice notification no. 2B dated 10th September, 2013 provides for the composition of the Authority. The Authority comprises of [a] a Chairman, (b) not more than six fulltime Members; i.e, (i) Member (Administration), (ii) Member (Finance), (iii) Member (PPP), (iv) Member (Technical) one each, and (v) two Member (Projects) and (c) not more than six part -time members. The four part time members of the Authority are: (i) Secretary, Ministry of Road Transport and Highways; (ii) Secretary, Ministry of Finance, Department of Expenditure; (iii) Chief Executive Officer, NITI Aayog, and (iv) Director General (Road Development) and Special Secretary, Ministry of Road Transport and Highways. In addition to the four official part time members, two non- Government professionals having knowledge of experience of financial management, transportation planning or any other relevant discipline can be appointed as part time members of the Authority.*
- (ii) *The National Highways Authority of India (the term of office and other conditions of service of Members) Rules, 2003 last amended on 6th November,2017 contain procedure of appointment to the post of Chairman and other six full time Members of the Authority. The posts of Chairman, Member (Projects)& Member (Technical)are filled on the recommendation of search committee headed by the Cabinet Secretary. The posts of Member (Administration), Member (Finance), Member (PPP), come under the Central Staffing Scheme. However, in case of non-availability of suitable candidates, these posts are also filled up following the process of the search committee headed by the Cabinet Secretary. The recommendations of the Search Committee are finally subject to approval of the ACC.*
- (iii) *The National Highways Authority of India (the term of office and other conditions of service of Members) Rules, 2003 do not provide for reservation in selection to the posts of Chairman/Members of the Authority.*

**7. The Committee, in their Twelfth Report, had noted that the NHAI Board is composed of the Chairman, and a maximum of six full time Members and six part time Members, who are appointed by the Central Government. Of these, four part time Members and two part-time Members (Non-Government)are appointed from amongst professionals having knowledge or experience of financial management, transportation, planning or any other relevant discipline. The Committee had also noted that the post of a Member is filled up by the Government in terms of the provisions of the NHAI Act, 1988 and the**

**Rules there under. The selection is made with the approval of the Appointments Committee of Cabinet.**

**The Committee had found that no Member belonging to the OBC community was serving on the Board of NHAI. In view of this, the Committee had recommended that the Ministry of Road Transport and Highways to take initiative at the appropriate level with a view to ensuring representation and participation of persons from the OBC community on the Board of NHAI. It is mainly upon noting that there was no person of the Backward Classes on the Board of NHAI that the Committee had recommended that the Ministry of Road Transport and Highways to take initiative at the appropriate level so as to ensure representation and participation of the Backward Community at the Board level. The Committee, in their recommendation, have not raised the issue of reservation as such in Board level posts. It was mainly on account of the fact that representation of the Backward Class Community at the Board level would have the effect of empowering this section of the society that the Committee had emphasized on taking requisite measures towards enabling the representation of the Community at the Board level. The, Committee, therefore, reiterate their recommendation that the Ministry of Road Transport and Highways should take the right initiative by taking up the matter at the appropriate level so as to ensure representation and participation of the OBC community on the Board of NHAI.**

#### **Representation of OBCs in the total strength of NHAI**

8. The Committee in their Twelfth Report had recommended as under:

#### **Recommendation Sl. No. 2**

“The Committee note that the NHAI had decided way back in 2007 to raise the number of permanent employees upto the level of 50 per cent of the total workforce and 25 per cent to begin with. The Committee were informed that the permanent cadre is being created in NHAI in a phased manner enhancing the recruitment from 25 percent to 50 percent in the coming recruitment years. However, scrutiny of the data supplied by NHAI reveals that the strength of regular employees in NHAI has remained far behind the stipulated level of 50 percent of the total number of employees even after the lapse of a decade since the decision to raise the number of permanent employees upto the level of 50 percent was taken. The regular

employees were 21.57 percent in 2013-14, 27.25 percent in 2014-15, 33.5 percent in 2015-16 and 32.65 per cent of the total number of employees in 2016-17. The situation was pitiable especially in Group 'B' and 'C' categories, where there were only 21 and 11 regular employees in 2016-17 out of a total of 259 and 161 employees forming 8.10 percent and 6.83 percent of the employees respectively.

At the same time, the number of OBC employees in Group 'B' and 'C' has been shown to be 70 and 54 respectively which clearly shows that most of the OBC employees in Group 'B' and 'C' were employed on contract basis only. In the given scenario, the Committee infer that the number of regular employees, especially in Group C and D posts needs to be substantially enhanced in NHAI in order to honour their own decision of raising the number of permanent employees upto the level of 50 per cent of the total workforce. This will certainly lead to induction of more and more OBC employees also in regular quota. The Committee, therefore, recommend the Ministry to make all out efforts to ensure that the 50 percent quota of regular employees is fulfilled on priority basis without any further delay. They also desire that the recruitment of OBC in NHAI should gain momentum with much faster pace, particularly in Group 'A' services where the representation of OBCs has reached to the level of only 19.96 percent in the year 2016-17. This can be ensured only when the interest of OBCs in taken care of while inducting them not only on regular basis but also on deputation or contract basis."

### **Recommendation Sl. No. 3**

"The Committee note that as per the Service Regulations of NHAI applicable till May, 2016, direct recruitment of employees was permissible at both the levels of Deputy Manager and Manager. However, pursuant to amendment in Service Regulations in May, 2016, Direct Recruitment is permissible at the level of Deputy Managers only. The Committee do not find any suitable reason to acknowledge the rationale behind such a decision which is retrogressive for the prospective OBC candidates. The Committee, therefore, recommend that the decision should be reviewed and direct recruitment of employees at the levels of both Deputy Manager and Manager should be restored with immediate effect."

9. The Ministry of Road Transport and Highways in their action taken reply have stated as under:

*"The observations of the Committee have been noted. In recent years, NHAI has made recruitment through absorption at the level of Manager (Tech.), DGM (Tech.), GM (Tech.), Manager (F&A) [Group-A posts] and Personal Assistant (Group-B post) to increase the regular strength of officers. Recently,*

NHAI has also regularized the services of 373 Long Term Contract Employees in Group-B and C posts to increase the strength of regular employees.

In the year 2017, NHAI conducted direct recruitment to the grade of Dy. Manager (Tech.) [a Group-A post] on two occasions. A total of 80 posts were advertised and 69 officers have joined so far. Out of this, 20 posts were reserved for OBCs and 20 officers belonging to OBC communities have joined. Apart from this NHAI, has also made Direct Recruitment to the post of Manager (Tech.) in 2016. Out of 40 posts advertised, 11 candidates belonging to OBCs were selected. However, only 06 candidates from the OBCs have joined so far. Further, the amended RR of 2016 for the post of Manager (Tech.) do not provide for Direct Recruitment at the level of Manager (Tech.)

As a result of the position as stated above, the position of total number of regular employees and the strength of the OBCs in the NHAI during 2016-17 is as under:

Sr. No.	Group	Total Number of Employees	No. of Regular Employees/absorbed/promoted in NHAI	No. of Regular Employees from OBCs with ref. to col.4	% of Employees from OBCs
(1)	(2)	(3)	(4)	(5)	(6)
(i)	A	556	286	84	29.37
(ii)	B	259	21	07	33.33
(iii)	C	161	11	02	18.18
(iv)	D	01	01	0	0.0
	<b>Total</b>	<b>977</b>	<b>319</b>	<b>93</b>	<b>29.15</b>

(Ministry of Road Transport & Highways O.M. No. A-12025/30/2016-E.II(B)(Vol.-II) dated 09-11-2018)

10. The Committee, in their Twelfth Report had noted that the direct recruitment of employees in NHAI was permissible at both the levels of Deputy Manager and Manager till May, 2016. Thereafter, pursuant to an amendment in Service Regulations in May, 2016, direct recruitment is permissible at the level of Deputy Manager only. The Committee had, in this regard, observed that this was a regressive move, which goes against prospective OBC candidates, and therefore, recommended for a review and reversion of the decision with immediate effect. The Ministry, in their action taken reply, have simply informed that the amended Recruitment Rules of 2016 for the post of Manager (Technical) do not provide for direct recruitment at the level of Manager (Technical). It has further been stated that the last occasion when direct recruitment to the Post of Manager (Technical) was made was in 2016. As per the reply, of the 40 posts advertised for filling up, 11 candidates belonging to

**OBCs were selected and only 6 OBC candidates had joined. However, the reply is silent in regard to the rest of the vacant posts of OBCs of the post of Manager (Technical). Moreover, the Ministry has not even stated a single word on the core issue of the Committee's recommendation for reviewing the decision of the Government to stop direct recruitment to the post of Manager. The Committee are unhappy with this casual approach by the Ministry towards a serious recommendation and reiterate that the decision be reviewed and direct recruitment of employees at the levels of both Deputy Manager and Manager revived. The Committee would await the response of the Ministry of Road Transport and Highways on the issue.**

**\*\*\*\***

## CHAPTER – II

### OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

#### Recommendation (Sl. No.2)

##### Representation of OBCs in the total strength of NHA I

The Committee note that the NHA I had decided way back in 2007 to raise the number of permanent employees upto the level of 50 per cent of the total workforce and 25 per cent to begin with. The Committee were informed that the permanent cadre is being created in NHA I in a phased manner enhancing the recruitment from 25 percent to 50 percent in the coming recruitment years. However, scrutiny of the data supplied by NHA I reveals that the strength of regular employees in NHA I has remained far behind the stipulated level of 50 percent of the total number of employees even after the lapse of a decade since the decision to raise the number of permanent employees upto the level of 50 percent was taken. The regular employees were 21.57 percent in 2013-14, 27.25 percent in 2014-15, 33.5 percent in 2015-16 and 32.65 per cent of the total number of employees in 2016-17. The situation was pitiable especially in Group 'B' and 'C' categories, where there were only 21 and 11 regular employees in 2016-17 out of a total of 259 and 161 employees forming 8.10 percent and 6.83 percent of the employees respectively.

At the same time, the number of OBC employees in Group 'B' and 'C' has been shown to be 70 and 54 respectively which clearly shows that most of the OBC employees in Group 'B' and 'C' were employed on contract basis only. In the given scenario, the Committee infer that the number of regular employees, especially in Group C and D posts needs to be substantially enhanced in NHA I in order to honour their own decision of raising the number of permanent employees upto the level of 50 per cent of the total workforce. This will certainly lead to induction of more and more OBC employees also in regular quota. The Committee, therefore, recommend the Ministry to make all out efforts to ensure that the 50 percent quota of regular employees is fulfilled on priority basis without any further delay.

They also desire that the recruitment of OBC in NHAI should gain momentum with much faster pace, particularly in Group 'A' services where the representation of OBCs has reached to the level of only 19.96 percent in the year 2016-17. This can be ensured only when the interest of OBCs is taken care of while inducting them not only on regular basis but also on deputation or contract basis.

### **Reply of the Government**

#### **(Combined reply given for both Recommendation Nos. 2 and 3)**

The observations of the Committee have been noted. In recent years, NHAI has made recruitment through absorption at the level of Manager (Tech.), DGM (Tech.), GM (Tech.), Manager (F&A) [Group-A posts] and Personal Assistant (Group-B post) to increase the regular strength of officers. Recently, NHAI has also regularized the services of 373 Long Term Contract Employees in Group-B and C posts to increase the strength of regular employees.

In the year 2017, NHAI conducted direct recruitment to the grade of Dy. Manager (Tech.) [a Group-A post] on two occasions. A total of 80 posts were advertised and 69 officers have joined so far. Out of this, 20 posts were reserved for OBCs and 20 officers belonging to OBC communities have joined. Apart from this NHAI, has also made Direct Recruitment to the post of Manager (Tech.) in 2016. Out of 40 posts advertised, 11 candidates belonging to OBCs were selected. However, only 06 candidates from the OBCs have joined so far. Further, the amended RR of 2016 for the post of Manager (Tech.) do not provide for Direct Recruitment at the level of Manager (Tech.)

As a result of the position as stated above, the position of total number of regular employees and the strength of the OBCs in the NHAI during 2016-17 is as under:

Sr. No.	Group	Total Number of Employees	No. of Regular Employees/absorbed/promoted in NHAI	No. of Regular Employees from OBCs with ref. to col.4	% of Employees from OBCs
(1)	(2)	(3)	(4)	(5)	(6)
(i)	A	556	286	84	29.37
(ii)	B	259	21	07	33.33
(iii)	C	161	11	02	18.18
(iv)	D	01	01	0	0.0
	Total	977	319	93	29.15

*(Ministry of Road Transport & Highways O.M. No. A-12025/30/2016-E.II(B)(Vol.-II) dated 09-11-2018)*

## **Comments of the Committee**

**(Please seen para 10 of Chapter I of the Report)**

### **Recommendation (Sl. No.4)**

#### **Implementation of Reservation Policy for OBCs**

The Committee note that the NHAI is following the Government of India Reservation Policy stipulated for OBCs, at all feeder cadres i.e. Deputy Manager and below which include Deputy Manager (Technical), Deputy Manager (IT), Accountant, Assistant Manager (Legal), Assistant Manager (Admn.) and Stenographer. For the post of Manager (Technical), the recruitment against 11 OBC vacancies is pending since 2014 due to court - case. The Committee have been informed that the issue has now been settled and recruitment is under process. Recruitment against 9 OBC vacancies for the post of Deputy Manager (Technical) is also pending, for which advertisement has reportedly been issued. The posts of Deputy Manager (IT), Assistant Manager (Legal) and Accounts Officer, which were created in May, 2016, are yet to be filled under OBC category. Moreover, 20 posts of Accountant under OBC category are still vacant. The Committee desire that the recruitment process for all vacant posts at different levels under OBC quota should be accelerated and the pending OBC vacancies should be filled up without any further delay in a time bound manner and the Committee be kept abreast of the action taken in this regard.

### **Recommendation (Sl. No.5)**

With regard to contract employment, the Committee were given to understand that even though the policy of OBC reservations is not applicable in the case of contract employees, the NHAI was following the policy of reservation in the case of Long Term Contract Employees as these personnel were recruited following an open selection process against the sanctioned posts. The Committee



acknowledge the initiative taken by the NHAI to provide reservation facility to OBC candidates in the case of Long Term Contract Employment. However, they find that no OBC candidate has found place in Group A/B posts under Secretariat Cadre and Accounts Cadre out of 20 officials in position under the category of Long Term Contract Employees. The Committee hope that the deficiency in employment of OBC candidates in Group A/B posts under the category of Long Term Contract Employees would be appropriately addressed for the sake of ensuing justice to the deprived section of the society.

### **Reply of the Government**

#### **(Combined reply given for both Recommendation Nos. 4 and 5)**

- (i) The observations of the Committee have been noted. In the year 2017, NHAI conducted direct recruitment to the grade of Dy. Manager (Tech.) [a Group-A post] on two occasions. The 80 posts were advertised and 69 officers have joined so far. Out of this, 20 posts were reserved for OBC and 20 Officers belonging to OBCs community have joined.
- (ii) As per the present RRs, the post of Assistant Manager (Admn.) is filled only on promotion by selection, deputation/ direct recruitment basis. NHAI promoted one officer as Assistant Manager (Admn.) in Dec. 2017, who belonged to OBC. Further, the post of Assistant Manager (Admn.) has been circulated to be filled-up on promotion basis and in case any OBC candidate is found eligible and fit shall be considered for promotion.
- (iii) The post of Dy. Manager (IT) was advertised and recruitment process is underway. The post of assistant manager (Legal) shall be advertised after amendment to the RRs, as the earlier exercise to fill up the post has not been successful. The Proposal for filling up the post of Accounts Officer shall also be taken up after amendment to the RRs, as the earlier exercise to fill-up the post has not been very successful.
- (iv) Recently, NHAI has regularised the services of Long-Term Contract Employees and it has been decided not to make further recruitment of Long-Term Contract Employees, except in few

cases. However, wherever the recruitment under contract mode shall be made, it shall be made in compliance of reservation policy of the Central Government.

*(Ministry of Road Transport & Highways O.M. No. A-12025/30/2016-E.II(B)(Vol.-II) dated 09-11-2018)*

### **Recommendation (Sl. No.6)**

#### **Grievance Redressal Mechanism for OBCs**

The Committee find that a committee, i.e. the Reservation Cell, comprising of one member each from SC, ST and OBC along with member from Human Resources/Administration Division has been constituted in NHAI for the Welfare of and for redressal of the grievances of OBC employees. NHAI has claimed that as and when representation from any OBC employees is received, the matter is brought up for discussion in the committee and appropriate mitigation measures are taken to resolve the issue. At the same time, when the Committee desired to know about the grievances received from the OBC employees during the last three years and steps taken towards disposal thereof, the NHAI informed that no complaint has been received by them from any OBC employee during the said period. Though the Committee appreciate the move taken by NHAI to set up a Grievance Redressal Committee with a member from OBC community therein, yet they are apprehensive of the fact that OBC employees are not coming forward with their grievances, complaints, suggestion and representations etc. The Committee feel that the persons coming from the backward sections of the society usually do not feel comfortable in placing their complaints and grievances before the management for whatsoever reasons. Hence the management needs to play a proactive role with added responsibility of making the atmosphere congenial for the OBC employees so that they do not feel hesitant in raising their voice. Appointing the Liaison Officer for OBCs from their own community and facilitating formation of OBC Employees' Welfare Association as per Government norms can be some of the effective measures to serve the purpose leading ultimately towards the goal of overall development and growth of the socially and educationally backward classes.

#### **Reply of the Government**

The Observations of the Committee have been noted. NHAI has already nominated a Liaison officer from OBC Category to safeguard the interests and welfare of OBCs employees.

*(Ministry of Road Transport & Highways O.M. No. A-12025/30/2016-E.II(B)(Vol.-II) dated 09-11-2018)*

**CHAPTER – III**

**OBSERVATIONS/RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE  
TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLIES**

**-NIL-**

## CHAPTER – IV

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

#### Recommendation (Sl. No.1)

##### Representation of OBCs in the Board of NHAI

The Ministry of Road Transport and Highways encompasses various activities which *inter-alia* include construction and maintenance of National Highways of more than a lakh of kms. in length, implementation of the National Highways Act, 1956, formulation of policies relating to road transport and environmental issues, etc. The National Highways Authority of India (NHAI), set up in 1988 through an Act of Parliament and made operational since 1995, is engaged in development, maintenance and management of National Highways. National Highway Development Programme (NHDP) being implemented by NHAI includes the Golden Quadrilateral, North-South and East-West Corridors and various other projects like Port connectivity, Ring Road and By Passes, etc.

According to NHAI Act, 1988, the NHAI Board is composed of a Chairman, not more than six full time Members and not more than six part time Members, who are appointed by the Central Government. Member (Administration), Member (Finance), Member (Projects), Member (Technical) and Member (PPP) are full time Members. Secretaries to the Ministry of Road Transport and Highways, Department of Expenditure, Department of Economic Affairs, DG (Road Development) and Special Secretary, Ministry of Road Transport and Highways are part time (Government) Members and the two part-time (Non-Government) Members are appointed from the professionals having knowledge or experience of financial management, transportation planning or any other relevant discipline. The Committee have been given to understand that the positions of Members are outside the scope of NHAI Service Regulations and the post of a Member is filled up by the Government in terms of the provisions contained in the NHAI Act and the Rules thereunder and with the approval of the

Appointments Committee of Cabinet. The Committee have been told that no Member of the Board of NHAI belonged to OBC community.

The Committee feel that in order to get fulfilled the Government's commitment to empower the socially and educationally backward classes, the weaker section people will have to be given participation at the top management level. They, therefore recommend the Ministry of Road Transport and Highways to take initiative to take up the matter at the appropriate level so as to ensure representation and participation of OBC people on the Board of NHAI. The Committee may be apprised of the action taken in this regard.

### **Reply of the Government**

- (i) The observations of the Committee have been noted. The National Highways Authority of India Act, 1988, last amended vide Ministry of Law and Justice notification no. 28 dated 10<sup>th</sup> September, 2013 provides for the composition of the Authority. The Authority comprises of (a) a Chairman, (b) not more than six full- time Members; i.e, (i) Member (Administration), (ii)Member (Finance), (iii)Member (PPP), (iv) Member (Technical) one each, and (v) two Member (Projects) and (c) not more than six part -time members. The four part time members of the Authority are: (i) Secretary, Ministry of Road Transport and Highways; (ii) Secretary, Ministry of Finance, Department of Expenditure; (iii) Chief Executive Officer, NITI Aayog, and (iv) Director General (Road Development) and Special Secretary, Ministry of Road Transport and Highways. In addition to the four official part time members, two non- Government professionals having knowledge of experience of financial management, transportation planning or any other relevant discipline can be appointed as part time members of the Authority.
- (ii) The National Highways Authority of India (the term of office and other conditions of service of Members) Rules, 2003 last amended on 6<sup>th</sup> November, 2017 contain procedure of appointment to the post of Chairman and other six full time Members of the Authority. The posts of Chairman, Member (Projects) & Member (Technical) are filled on the recommendation of

search committee headed by the Cabinet Secretary. The posts of Member (Administration), Member (Finance), Member (PPP), come under the Central Staffing Scheme. However, in case of non-availability of suitable candidates, these posts are also filled up following the process of the search committee headed by the Cabinet Secretary. The recommendations of the Search Committee are finally subject to approval of the ACC.

- (iii) The National Highways Authority of India (the term of office and other conditions of service of Members) Rules, 2003 do not provide for reservation in selection to the posts of Chairman/Members of the Authority.

*(Ministry of Road Transport & Highways O.M. No. A-12025/30/2016-E.II(B)(Vol.-II) dated 09-11-2018)*

#### **Comments of the Committee**

(Please see Para 7 of Chapter I of the Report)

#### **Recommendation (Sl. No.3)**

##### **Representation of OBCs in the total strength of NHAI**

The Committee note that as per the Service Regulations of NHAI applicable till May, 2016, direct recruitment of employees was permissible at both the levels of Deputy Manager and Manager. However, pursuant to amendment in Service Regulations in May, 2016, Direct Recruitment is permissible at the level of Deputy Managers only. The Committee do not find any suitable reason to acknowledge the rationale behind such a decision which is retrogressive for the prospective OBC candidates. The Committee, therefore, recommend that the decision should be reviewed and direct recruitment of employees at the levels of both Deputy Manager and Manager should be restored with immediate effect.

#### **Reply of the Government**

##### **(Combined reply given for both Recommendation Nos. 2 and 3)**

The observations of the Committee have been noted. In recent years, NHAI has made recruitment through absorption at the level of Manager (Tech.), DGM (Tech.), GM (Tech.), Manager

(F&A) [Group-A posts] and Personal Assistant (Group-B post) to increase the regular strength of officers. Recently, NHAI has also regularized the services of 373 Long Term Contract Employees in Group-B and C posts to increase the strength of regular employees.

In the year 2017, NHAI conducted direct recruitment to the grade of Dy. Manager (Tech.) [a Group-A post] on two occasions. A total of 80 posts were advertised and 69 officers have joined so far. Out of this, 20 posts were reserved for OBCs and 20 officers belonging to OBC communities have joined. Apart from this NHAI, has also made Direct Recruitment to the post of Manager (Tech.) in 2016. Out of 40 posts advertised, 11 candidates belonging to OBCs were selected. However, only 06 candidates from the OBCs have joined so far. Further, the amended RR of 2016 for the post of Manager (Tech.) do not provide for Direct Recruitment at the level of Manager (Tech.)

As a result of the position as stated above, the position of total number of regular employees and the strength of the OBCs in the NHAI during 2016-17 is as under:

Sr. No.	Group	Total Number of Employees	No. of Regular Employees/absorbed/promoted in NHAI	No. of Regular Employees from OBCs with ref. to col.4	% of Employees from OBCs
(1)	(2)	(3)	(4)	(5)	(6)
(i)	A	556	286	84	29.37
(ii)	B	259	21	07	33.33
(iii)	C	161	11	02	18.18
(iv)	D	01	01	0	0.0
	Total	977	319	93	29.15

*(Ministry of Road Transport & Highways O.M. No. A-12025/30/2016-E.II(B)(Vol.-II) dated 09-11-2018)*

#### **Comments of the Committee**

(Please see Para 10 of Chapter I of the Report)



**CHAPTER – V**

**OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH FINAL  
REPLIES OF THE GOVERNMENT ARE STILL AWAITED**

**-NIL-**

**NEW DELHI**  
**28<sup>th</sup> December, 2018**  
**7 Pausha, 1940 (Saka)**

**GANESH SINGH,**  
**Chairperson**  
**Committee on Welfare of OBCs**

**COMMITTEE ON WELFARE OF OTHER BACKWARD CLASSES (2018-19)**

**MINUTES OF THE ELEVENTH SITTING OF THE COMMITTEE ON WELFARE OF OTHER  
BACKWARD CLASSES (2018-19) HELD ON 20<sup>TH</sup> DECEMBER, 2018 IN COMMITTEE  
ROOM No. 62, PARLIAMENT HOUSE, NEW DELHI**

The Committee sat from 1500 hrs. to 1630 hrs.

**PRESENT**

**SHRI GANESH SINGH- CHAIRPERSON**

**MEMBERS**

**LOK SABHA**

2. Smt. Santosh Ahlawat
3. Shri Santosh Kumar
4. Shri Ravindra Kushawaha
5. Dr. Swami Sakshi ji Maharaj
6. Dr. Banshilal Mahato
7. Shri Rodmal Nagar
8. Shri Kapil Moreshwar Patil
9. Shri Harinarayan Rajbhar
10. Shri Rajeev Satav
11. Shri Kanwar Singh Tanwar

**RAJYA SABHA**

12. Shri Husain Dalwai
13. Shri B.K. Hariprasad
14. Dr. Vikas Mahatme
15. Shri Vishambhar Prasad Nishad
16. Smt. Vijila Sathyananth
17. Smt. Chhaya Verma

**SECRETARIAT**

- |    |                         |   |                  |
|----|-------------------------|---|------------------|
| 1. | Shri T.G. Chandrasekhar | - | Joint Secretary  |
| 2. | Shri R.R. Kumar         | - | Director         |
| 3. | Shri A.S.K. Das         | - | Deputy Secretary |
| 4. | Shri Janmesh Singh      | - | Under Secretary  |

**WITNESSES**

XXXX	XXXX	XXXX
XXXX	XXXX	XXXX

2. At the outset, the Chairperson, welcomed the Members of the Committee to the sitting of the Committee. The Committee, thereafter, considered the following draft Reports for adoption:

- (i) Action Taken by the Government on the Observations/Recommendations contained in the Tenth Report of the Committee "Need for greater budgetary allocations for various welfare measures/schemes for OBCs" pertaining to the Ministry of Social Justice and Empowerment;
- (ii) Action Taken by the Government on the Observations/Recommendations contained in the Twelfth Report of the Committee "Measures undertaken to secure representation of OBCs in employment and for their welfare in National Highways Authority of India" pertaining to the Ministry of Road Transport and Highways;
- (iii) Action Taken by the Government on the Observations/Recommendations contained in the Sixteenth Report of the Committee "Measures undertaken to secure representation of OBCs in employment and for their welfare in NTPC Ltd." pertaining to the Ministry of Power.

3. The Committee adopted the aforesaid draft Reports after a brief discussion and authorized the Chairperson to present the Reports to Parliament.

4.	XXXX	XXXX	XXXX
	XXXX	XXXX	XXXX
	XXXX	XXXX	XXXX

*The Committee then adjourned.*

**ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE  
RECOMMENDATIONS / OBSERVATIONS OF THE COMMITTEE ON  
WELFARE OF OTHER BACKWARD CLASSES CONTAINED IN  
THEIR TWELFTH REPORT**

(Refer Para 4 of Introduction)

(i)	Total No. of Recommendations/Observations	6
(ii)	Recommendations/Observations of the Committee which have been accepted by the Government:	
	Recommendation Nos. 2, 4, 5 and 6	Total : 4 Percentage – 67%
(iii)	Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government:	
	- Nil -	Total : 0 Percentage- 0%
(iv)	Recommendations/Observations in respect of which the replies of the Government have not been accepted by the Committee and which require reiteration: Recommendation Nos. 1 and 3	Total : 2 Percentage – 33%
(v)	Recommendations/Observations in respect of which final replies of the Government are still awaited : - NIL -	Total : 0 Percentage – 0%