

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(2018-2019)**

(SIXTEENTH LOK SABHA)

TWENTY-THIRD REPORT

ON

**MINISTRY OF DEFENCE
(DEPARTMENT OF DEFENCE PRODUCTION)**

Action taken by the Government on the recommendations contained in the Thirty-first Report (Fifteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Ordnance Factory Board (OFB)".

Presented to Lok Sabha on -----

Laid in Rajya Sabha on -----



LOK SABHA SECRETARIAT

NEW DELHI

”

July, 2018/ Sravana, 1940 (Saka)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED
CASTES AND SCHEDULED TRIBES (2018-2019)**

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| 1. | Shri N.C. Gupta | - | Joint Secretary |
| 2. | Shri D.R. Shekhar | - | Director |
| 3. | Shri L. Singson | - | Committee Officer |

INTRODUCTION

I, the Chairperson, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the Report on their behalf, present this Twenty-third Report (Sixteenth Lok Sabha) on Action Taken by the Government on the recommendations/observations contained in the Thirty-first Report (Fifteenth Lok Sabha) on “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Ordnance Factory Board (OFB)” pertaining to the Ministry of Defence (Department of Defence Production).

2. The draft Report was considered and adopted by the Committee at their sitting held on 05.04.2018 (Appendix-I).

3. The Report has been divided into the following chapters:-

- I Report
- II Recommendations/Observations which have been accepted by the Government.
- III Recommendations/Observations which the Committee do not desire to pursue in view of replies of the Government.
- IV Recommendations /Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.
- V Recommendations / Observations in respect of which final replies of the Government have not been received.

4. An analysis of the Action Taken by the Government on the recommendations contained in the Thirty-first (Fifteenth Lok Sabha) of the Committee is given in Appendix-II.

**New Delhi;
July, 2018
Sravana, 1940(Saka)**

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

CHAPTER I

Report

This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the Action Taken by the Government on the recommendations contained in the Thirty-first Report (Fifteenth Lok Sabha) on the Ministry of Defence (Department of Defence Production) regarding "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Ordnance Factory Board (OFB)".

1.2 The Thirty-first Report was presented to Lok Sabha on 22nd August, 2013. It contained 22 recommendations/observations. Replies of the Government in respect of all these recommendations/observations have been examined and may be categorized as under:-

- (i) Recommendations/observations which have been accepted by the Government (SI Nos. 4,5,7,11,14,15 &21).
- (ii) Recommendations/observations which the Committee do not desire to pursue in the light of the replies received from the Government (SI Nos. 1,10,12,16,17 &19).
- (iii) Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (SI Nos. 2,3,6,8,9 &20).
- (iv) Recommendations/observations in respect of which final replies of the Government have not been received (SI. Nos. 13,18 & 22).

1.3 The Committee will now deal with the Action Taken by the Government on some of the recommendations/observations which need reiteration or comments.

(Recommendation Sl. No. 2, Para No. 1.21)

1.4 The Committee do not agree with the argument that SCs/STs join service by availing age relaxation because of which they could not rise to higher level posts in Ordnance Factory organization. The Committee are of the view that more than age relaxation and other concessions/relaxations provided to SCs/STs there are other plausible causes such as supersession of SC/ST employees in promotion because of bad ACRs, discrimination, bipartisan attitude, victimization, harassment, disciplinary proceedings, flouting of extant rules etc. that spoiled the career progression of SCs/STs. The Committee are given to understand that there are 8 SC/ST employees who have been superseded in promotion i.e. from lowest post of Group „A“ to the Board level posts during the last 10 years. The Committee would like to emphasize that at crucial stage of their career, if SCs/STs are superseded, then their prospect of attaining higher posts is very bleak. The Committee, therefore, recommended that OFB should have a fool proof mechanism to ensure that SC/ST officials ACR and other performance enabler for promotion must be reviewed by a Board consisting of 5 officers (Two SC, one ST and two from General side) as such one person may be biased towards SC/ST for any reason but not Board. The Committee also would like to know the reasons as to why these 8 officers were superseded and whether due process of law including guidelines of Cabinet and DOP&T was complied with before they have been superseded. The Committee would further like to know the present position of these superseded officers if they are still in the service of the OFB.

Reply of the Government

1.5 Review of ACRs at present is done as per policy guidelines framed by the Department of Personnel & Training (DOP&T). All the eight officers mentioned in the report were superseded due to adverse entries in their ACR/APAR. All the guidelines prescribed by the Government were followed before these officers were superseded. Out of the 08 officers mentioned in the Report as superseded, 5 officers (Shri P. L. Verma, Shri L. N. Hedao and Shri K. L. Sagar, Shri G. Halder and Shri V. Muthukrishnan) have already retired from service. Out of the remaining 03 Officers, 02 officers namely Shri Bhimasen Hantal and Shri Jiwan Lal have already been promoted to STS and 1 officer namely Shri O P Rawat has been promoted to the SAG.

1.6. Regarding the recommendation of the Hon'ble Committee to constitute a Board consisting of 5 officers (Two SC, one ST and two from General side) to review the ACR and other performance enabler of SC/ST officials for promotion, DOP&T was requested to consider the above recommendation of the Hon'ble Committee. DOP&T vide O.M. dated 23.01.2018 (**Annexure I**) has mentioned that Paragraph 2.7 and Paragraph 6.3.2(i) of their O.M. dated 10.04.1989, inter-alia, provides as under:

1.7 In Group A and Group B Services/posts, if none of the officers included in the DPC as per the composition given in the recruitment rules is a SC or ST officer, it would be in order to co-opt a member belonging to the SC or ST, if available within the Ministry/Department. If no such officer is available within the Ministry/Department, he may be taken from another Ministry/Department.

1.8 In promotion by selections to posts/services within Group A which carry an ultimate salary of (the then) Rs. 5700 p.m. in the revised scale, the SCs/STs officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would not withstanding the prescription of benchmark be included in that list provided they are not considered unfit for promotion.

1.9. DOP&T has further referred its OM No. 36028/8/2009-Estt.(Res.) dated 07.06.2013 on the subject „Concession to Scheduled Castes and Scheduled Tribes in posts filled by promotion by selection-posts within Group A (Class-I)“ which provides that in promotion by selection to posts within Group A (Class-I) carrying an ultimate salary of Rs. 18,300/- per month or less, the Scheduled Caste/Scheduled Tribe officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion. The scales of pay of Group A post have been revised on the basis of the recommendations of the 6th Central Pay Commission. Keeping that in view, it has been decided that the orders contained in the aforesaid OM would apply to promotion by selection to posts within Group „A“ carrying Grade pay of Rs. 8,700/- (pre-revised) or less.

1.10 Further, Paragraph 2 of OM No. 42011/2/2014-Estt.(Res.) dated 13.02.2014 on the subject, „Representation of SC, ST, OBC, Minorities and the Women on Selection Board/Committees“ provides that the matter has been reviewed and in partial modification of above instructions, it has now been decided that wherever a Selection Committee/Board exist or has to be constituted for making recruitment to 10 or more vacancies in any level of posts or services, it shall be mandatory to have one Member belonging to SC/ST, one Member belonging to OBC category and one Member belonging to Minority Community in such Committees/Boards. Further, one of the Members of the Selection Committee/Board, whether from the general category or from the minority community or from the SC/ST/OBC community should be a lady failing which a lady member should be co-opted on the Committee/Board. It is also to be ensured that where the number of vacancies against whom selection is to be made is less than ten, no effort should be spared in finding the SC/ST/OBC officer and the Minority Committee officer and a lady officer, in such Committees/Boards.

Comments of the Committee

1.11 The Committee regret to note that eight officers belonging to SC/ST category have been superseded due to adverse entries in their ACR/APAR and out of them 5 officers have already retired from service. The Committee during the course of examination of various Departments/PSUs/organisations etc. have come across many cases of SC/ST officers/employees not getting their promotion on time or being superseded due to adverse entries in their ACR/APAR. In this regard, the Committee would like to opine that since the grading given in ACR/APAR of an officer is an important determinant for future promotion and career prospect of the concerned officers, it would be in the best interest of all to record entries in the ACR/APAR of SC/ST officers with due care and proper application of DoPT guidelines and Supreme Court order in this regard. Therefore at the time of making entries in the ACR/APAR of SC/ST employees, special care be taken such as providing prior information on those areas where they are found wanting and lacking so that they have adequate opportunity and time to address that area. For the purpose, if necessary, they may be given special training to overcome the deficiency, if any noticed so that they may be promoted in due time. Therefore, the Committee recommend that before making any entries in the

ACR/APAR of SC/ST officers, reporting officer/reviewing officer should keep in their mind DoPT guidelines and Supreme Court order to promote the SC/ST officers in their respective cadre without supersession.

(Recommendation Sl. No. 3, Para No. 2.8)

1.12 The Committee are perturbed to note that the representation of STs in the overall staff strength of OFB is below the prescribed percentage. As on 01. 01. 2011, there was a huge shortfall of 9,143 and 492 in Group. A, B and C posts respectively, of ST category. It was also stated that the shortfall occurred due to non-availability of eligible reserved candidates from these categories. The Committee are not inclined to accept the reasons adduced by the Ordnance Factory Board that there is non- availability of SC/ST candidates. From the reply it seems that OFB is not serious enough to implement constitutional provisions on the reservation policy of the Government in letter and spirit. The Committee feel that present recruitment and promotion policy framed are faulty to deprive SCs/STs to get an opportunity to be recruited under reservation policy or to reach the highest level. Moreover, by not maintaining the requisite percentage of reservation, many SCs/STs are denied from reservation and its gainful employment. The Committee opine that in not maintaining the prescribed percentage of reservation, a grave injustice is perpetrated to SC/ST communities for which the OFB is to be held accountable. The Committee, therefore, recommend that OFB should explore all ways and means to maintain the prescribed percentage of reservation of SCs/STs in the staff strength and accordingly inform the latest position to Committee. The Committee also desire that data regarding post-wise shortfall and date from when these shortfall occurred should be supplied to this Committee.

Reply of the Government

1.13 In view of above recommendation of the Hon^{ble} Committee, it is stated that backlog vacancies/vacancies in respect of SC/ST employees exist due to the reason of non-availability of eligible candidates. In order to fill up the backlog vacancies, requisite instructions to factories/units have been issued by the DGOF/Chairman, OFB from time to time vide letters dated 20.07.2012, 12.10.2012 and 21.12.2012. Circulars dated 07.06.2013 and 30.07.2013 have also been issued by OFB to factories in this regard.

Copies of the aforesaid communication have already been provided to the Hon^{ble} Committee vide O.M dated 21.7.2014.

1.14. The shortfall of SC/ST officers at that point of time has already been provided to the Hon^{ble} Committee.

Comments of the Committee

1.15 The Committee are shocked by the callous reply of the Government. The Government instead of furnishing the requisite information sought by the Committee pertaining to post wise shortfall and date of occurrence of the shortfall have furnished annual statement showing representation of SCs, STs and OBCs as on 01.01.2014 and the number of appointments made during the calendar year 2013. The Committee take a serious note of the fact that instead of taking concrete steps to fill up backlog vacancies the DGOF/Chairman, OFB just issued letters one after another to factories/units without having compliance report from them. The Committee, therefore, are of the firm view that the effectiveness of these letters should not be in papers only but on ground reality, which found missing in the present case. The Committee, therefore, recommend that backlog/shortfall of SCs/STs in all categories of posts from the year 2014 upto 31.12.2017 alongwith details of backlog filled as on date may be furnished to the Committee within six months from date of the presentation of the report.

(Recommendation Sl. No. 5, Para 2.22)

1.16 The Committee note that during the recruitment year 2011, 09 and 40 ST vacancies in Group 'B' and 'C' posts were carried forward due to non-availability of suitable candidates even after taking into consideration all concessions and relaxations but the Committee do not understand the reason as to why these backlog vacancies have to be filled up against the Direct Recruitment vacancies sanctioned for 2012-13 which is also subject to availability of eligible SC/ST candidates. The Committee feel that since the time it was identified as backlog, effort should have been made to fill through initiation of Special Recruitment Drive without any wastage of time. The DOP&T guidelines also stipulate that if sufficient number of reserved candidates are not available to fill vacancies reserved for them in the first attempt of recruitment, a second attempt should be made for recruiting suitable candidates belonging to the concerned

category in the same recruitment year or as early as possible before the next recruitment year to fill the vacancies, which implies that backlog vacancies should not be left unfilled for long. Because the more is the delay in filling up the backlog, the more is that an employment opportunity is denied to deserving SCs/STs. The Committee, therefore, urge that whenever a backlog vacancy arises OFB should take immediate steps to fill them at the earliest. The Committee also would like to know the action taken after receipt of vacancies position from factories/units of OFB and the steps taken to fill these 09 and 40 ST backlog vacancies.

Reply of the Government

1.17 In order to fill up the backlog vacancies requisite instructions to the factories/units have been issued by the DGOF/Chairman, OFB from time to time vide letters dated 20.07.2012, 12.10.2012 and 21.12.2012. Circulars dated 07.06.2013 and 30.07.2013 have also been issued by OFB to factories. Copies of these communications have already been provided to the Hon^{ble} Committee.

1.18 Regarding action taken after receipt of vacancy position from factories/units of OFB and the steps taken by the OFB to fill these 09 and 40 ST backlog vacancies, it is stated that requisite instruction to factories/units have been issued by the Chairman/OFB from time to time vide no. 01/PC/A/REV (SCT) dated 20.07.2012 and No. 378/INST/A/REV (SCT) dated 12.10.12, 21.12.2012, 7.06.2013 and 30.07.2013. Copies of the same have already been provided to the Hon^{ble} Committee.

Comments of the Committee

1.19 The Committee may be apprised of the compliance by factories/units of these instructions/letters issued by DGOF/Chairman, OFB from time to time with full detailed data for information of the Committee.

(Recommendation Sl. No. 6, Para No. 2.23)

1.20 The committee are baffled to note that as per Special Recruitment Drive launched in November, 2008 and completed in March, 2012, in direct recruitment, out of 157 SC backlog only 123 vacancies have been filled. Similarly, out of 218 ST backlog vacancies only 160 vacancies have only been filled. Whereas, in promotion also, out of 1157 SC backlog vacancies, only 425 vacancies have been filled and out of 1886 ST

backlog vacancies, only 336 vacancies have been filled. The purpose of holding Special Recruitment Drive is to wipe out backlog vacancies but if all the backlog vacancies are not able to be filled in such an exercise then the objective of launching Special Recruitment Drive is not achieved. The Committee therefore strongly recommend that efficacious steps be taken by the Ordnance Factory Board to fill up all backlog vacancies of SCs and STs in order to nullify the incomplete effort of last Special Recruitment Drive. The Committee would like to know the latest position of backlog vacancies and the time by when these are likely to be filled.

Reply of the Government

1.21 DETAILS OF COMPILED BACKLOG VACANCIES (AS GATHERED FROM ALL ORDNANCE FACTORIES) AS ON DATE

Classification of Posts	Category of backlog vacancy			Remarks
	SC	ST	OB C	
Group – A	Nil	Nil	Nil	<p>The backlog vacancies of SC/ST/OBC in group C consists of various Non-Industrial and Industrial vacancies in factory/units which occurred on various dates. Attempts have already been made to fill up these backlogs. There are various reasons stated by the factories/units for not getting suitable candidates which are as under :-</p> <p>a) Non-availability of eligible candidates. b) Non receipt of application. c) Appointment order issued to selected candidates, who could not join due to non-receipt of documents. d) Not qualified in written test. e) Not appeared in examination.</p> <p>Filling up of vacancies reserved for SCs and STs is a continuous process, which is undertaken by OFB as per the instructions issued by the Government from time to time.</p>
Group – B	2	2	2	
Group – C	31	141	55	

Comments of the Committee

1.22 The Committee are not at all convinced with the reply of the Government as the details of backlog vacancies for group „C“ posts furnished in July, 2014 remain the same till date. The Committee are not inclined to accept implausible reasons cited by OFB for not filling up backlog vacancies as it is obvious that the OFB has not taken any concrete steps to wipe out this backlog. The Committee

take a strong exception of this lapse on the part of OFB for keeping these backlog vacancies unfilled for a long period and felt that had any sincere efforts been made by OFB, these backlog vacancies of SCs/STs in Group „C“posts would have been wiped out completely. The Committee, therefore, again recommend that OFB should launch special recruitment drive at the earliest to fill up these backlog vacancies and inform the Committee accordingly.

(Recommendation Sl. No. 8, Para No. 2.31)

1.23 The Committee are at pain to note that OFB has not taken any serious steps to rectify the causes of shortfall. The Committee are of the view that mere issuing of circulars to all establishments within OFB and soliciting the Willingness of SC/ST employees who wish to go on transfers and promotion to other establishments is not permanent solution to the shortfall caused by non-availability of suitable candidates. It is a deep rooted problem and will require massive amendment in the extant policies. The Committee, therefore, urge the OFB to give a serious thought to the problem which has been plaguing the OFB for long time and endeavour to address the core of the problem once and for all in a right direction.

Reply of the Government

1.24 The recommendation of the Hon^{ble} Committee calls for review of the extant policy relating to regional and all India level reservation in service, which is beyond the mandate of OFB/MOD. DOP&T, being the nodal Department for reservation in service, has to revisit the policies to address the issue raised by the Hon^{ble} Committee.

Comments of the Committee

1.25 The Committee regret to note that their observation and recommendations have been quoted out of context by the OFB. The Committee understand the predicament of OFB when it is not able to address the problem of shortfall of SCs/STs in its organisation. The Committee only desired that since shortfall and backlog are within the administrative control of the OFB, the extant rules in this regard may be reviewed and amended if possible for the larger interest of not only SCs/STs but for the organisation itself. The Committee, therefore, again recommend that the OFB in consultation with the Ministry of Defence

(Department of Defence Production) and DoPT should review the extant rules in this regard and come out with a clear solution to address the problem of SC/ST shortfall in all categories of posts.

(Recommendation SI. No. 9, Para No. 2.37)

1.26 The Committee note that one of the main causes of backlog is the non-availability of suitable SC/ST candidates. To fill backlog vacancies OFB has adopted certain measures such as notification of vacancies to sister factories, notification of vacancies to Associations/Organizations of SCs/STs and notification of vacancies in areas mostly domiciled by SCs/STs but even after adoption of these measures the backlog still remained. The Committee feel that even after adoption of these measures, if the backlog still remains unfilled, then the fault lies in the recruitment policies of the OFB. After more than 60 years of Independence, it is incredible to say that there is dearth of suitable or eligible SC/ST candidates to fill these backlogs. The Committee also feel that if backlog are not filled on time than over a period of time it would become endemic and difficult to wipe out. Therefore, it is imperative on the part of the OFB to review its recruitment policies and take drastic action to put an end to this endemic situation. The Committee also opine that one likely measure to overcome the backlog would be to select the best available SC/ST candidates in the panel at the time of recruitment proportionate to the number of backlog vacancies notified, irrespective of criteria prescribed for the test and to give such selected candidates in house training as per the trade/jobs for which they are appointed. Otherwise, in every recruitment exercise, the problem of backlog will always remain and in the long run many SC/ST people would be deprived of employment opportunities due to certain rigid policies of the OFB. The Committee, therefore, recommend the Ministry of Defence and the OFB to review and work out a new policies or strategy so as to address the problem of backlog and intimate the corrective measure taken to this Committee.

Reply of the Government

1.27 DOP&T, being the nodal Department for reservation in service, has to revisit the policies to address the issue raised by the Hon^{ble} Committee.

Comments of the Committee

1.28 The Committee feel that OFB is not serious enough to address this important problem being faced by the organisation. The Committee are aware that OFB has consistent problem of backlog which are mainly attributed to non-availability of suitable SC/ST candidates. The Committee, therefore, reiterate their earlier recommendation that the Ministry of Defence (Department of Defence Production) in consultation with DoPT and OFB work out a solution to address the problem of backlog faced by OFB time and again.

(Recommendation Sl. No.10, Para No. 2.41)

1.29 It was stated that backlog vacancies of 2011 would be taken into account for calculating the number of vacancies required to be filled up in 2012-2013. The Committee would like to know the status of 76 SCs and 38 STs backlog vacancies Group 'C' posts which could not be filled in the Special Recruitment Drive during the years 2008 to 2011.

Reply of the Government

1.30 As informed earlier, the backlog data from factories is being obtained on real time basis through OFB intranet. Continuous efforts are being made to liquidate the backlog vacancies.

Comments of the Committee

1.31 As assured the Committee may be apprised of the latest status of backlog of vacancies obtained on real time basis through OFB intranet, clearly stating the efforts made to liquidate the backlog of vacancies.

(Recommendation Sl. No. 13, Para No. 3.18)

1.32 ` Rosters are to be inspected regularly by the Liaison Officer and after every inspection, it should be signed and stamp as proof of having inspected and should bring any discrepancy noted in the rosters to the notice of higher officer for necessary action. However, the Committee are concerned to note that from the 2008 to 2011 the Ministry have deputed no representative to inspect the rosters maintained by the OFB as per

DOP&T instructions. The Committee therefore recommend that the Ministry of Defence (Department of Defence Production) should depute responsible officer to carry out inspection of rosters maintained by OFBHQs and Factories/Units at the earliest and apprise the Committee of the outcome of the inspection

Reply of the Government

1.33 In view of the recommendation of the Hon^{ble} Committee, officers from the Department of Defence Production are being deputed to carry out inspection of rosters maintained by OFB Hqrs. and Factories/Units. The outcome of the inspection will be submitted shortly for appraisal of the Hon^{ble} Committee.

Comments of the Committee

1.34 The outcome of the inspection report may be furnished to the Committee at the earliest for information and necessary action.

(Recommendation Sl. No. 14, Para No. 3.25)

1.35 The Committee are of the view that SC/ST Cell whose main function is to assist the Liaison Officer to discharge his duties effectively is a very important constituent of the Ministry/Departments/Organisations. The Committee note that A/REV (SCT) or the SC/ST cells at OFBHQ and at Factories/Units are manned by 4-5 staff including an officer in charge of the Cell. But in the post evidence replies, it has been informed that the officer in-charge of the SC/ST Cell at OFBHQ is Director rank officer, assisted by one Under Secretary and one Assistant belongs to SC category. It is sad to note that instead of providing adequate staff, there is a marked fall in the deployment of staff in the Cell which looks after the overall interest and welfare of SCs/STs. The deployment of meagre staff in the Cell clearly reflects the attitude of the Ministry and OFB towards the welfare of the SC/ST employees. By virtue of the nature of duties assigned, the Cell should be headed by a competent officer or impeccable integrity with adequate support staff drawn from SC/ST community. The Committee, therefore, recommend that SC/ST cells at OFBHQ as well as Factories should always be provided with adequate staff particularly belonging to SCs/STs to protect the interest and welfare of the SC/ST employees in Ordnance Factories.

Reply of the Government

1.36 All the Ordnance and Ordnance Equipment Factories have already been advised to strengthen the SC/ST Cell so as to protect the interest and welfare of the SC/ST employees in Ordnance Factories, as already conveyed vide O.M. of even number dated 21.07.2014.

Comments of the Committee

1.37 The Committee appreciate that on the basis of the recommendation of the Committee all the ordnance and ordnance equipment factories have been advised to strengthen the SC/ST cell so as to protect the interest and welfare of SC/ST employees in ordnance factories. The details of SC/ST cells in various factories/units of OFB strengthened as per the recommendations of the Committee may be furnished to the Committee.

(Recommendation Sl. No. 16, Para No. 4.4)

1.38 The Committee observe that in recent times, due to laxity of the concerned authorities, instances of non-reserved category people getting employment on the basis of false caste certificates has affected all Departments/organisations/undertakings/banks etc. In view of this, in one of its ruling of a bank employee case, the apex court has once commented that persons getting employment on the basis of false castes do not deserve the sympathy or indulgence of the court because a person who enters the post meant for SCs/STs/OBCs deprives a genuine candidate falling in either of the said categories of appointment to the post. The Apex Court further said that equity, sympathy or generosity have no place where the original appointment rests on a false caste certificate. The Committee are, therefore, of the firm view, that if the caste of the employee is not genuine and proved false then in such cases the guilty person should not only be removed from service immediately but also get registered FIR against him so that criminal proceedings can be initiated for providing punishment for offence committed against the SC/ST genuine candidates. Further, the Committee also earnestly recommend the Government to bring a suitable legislation in Parliament to provide exemplary punishment to those who are found guilty of false caste certificate.

Reply of the Government

1.39 All Ordnance and Ordnance Equipment Factories and OFB Hqrs have already been advised to take necessary action in terms of the recommendation, as already conveyed vide O.M. of even number dated 21.07.2014. Any legislation relating to reservation in Government comes within the mandate of DOP&T. OFB will follow the law of the land as far as reservation for SCs and STs are concerned.

Comments of the Committee

1.40 The Committee may be apprised of details of false caste certificates cases reported in various factories and units of OFB with their latest position/status pertaining to the last three years i.e. 2015, 2016 and 2017 for information of the Committee. The Committee do agree that OFB will follow the law of the land on this issue under consideration. As per latest judgement of the Supreme Court, the official whose caste certificate has been proved false by the District Magistrate office has been terminated by the Government with immediate effect. The Committee may be apprised of the action taken by the OFB in their 39 Ordnance factories in compliance of the Supreme Court order that is law of the land.

(Recommendation Sl. No. 18, Para No. 4.4)

1.41 The Committee are of the view that housing/accommodation requirement of SCs/STs is more acute than others as they cannot easily afford to have their own house because of abject poverty. The Committee, therefore urge that such employees, desirous of availing official accommodation should be facilitated to avail the same as per their entitlement and on time. The Committee would further urge that to alleviate the paucity of accommodation of the organisation as well as the housing needs of SCs/STs in general, the SC/ST employees should be encouraged to avail housing loan of the organisation so that they can construct their own house. The Committee also desire that loan to SC/ST employees should be given on concessional rate of interest.

Reply of the Government

1.42 All Ordnance and Ordnance Equipment Factories were advised to take necessary action through notification in factory order to encourage the SC/ST employees in availing housing loan of the organization. Recommendation of the Hon'ble

Committee regarding grant of loan on concessional rate of interest to the SC/ST employees of OFB/Ordnance Factories was taken up with the Ministry of Finance, Department of Financial Services. The Department of Financial Services vide its O.M dated 14.12.2017 (**Annexure. III**) is of the view that it has no comments to offer on the recommendation of the Committee. The matter has now been referred to Ministry of Housing and Urban Affairs for their comments vide this Department's O.M dated 02.01.2018 (**Annexure-IV**).

Comments of the Committee

1.43 The Committee may be apprised of the comments of the Ministry of Housing and Urban Affairs in the light of recommendations of the Committee for information at the earliest.

(Recommendation Sl. No. 20, Para No. 4.11)

1.44 The Committee are astonished to note that in such a big government organization like OFB wherein SC/ST constituted one third of the workforce, meeting with the SC/ST Employees Welfare Association are held only when asked for. Besides, it was casually stated that the concerned officers at all levels also interacted with them on regular basis to address their grievances /problems and the formal record of discussions are not maintained. It was also stated that effective steps are taken for redressal of grievances within the ambit of the relevant rules. The Committee feel that there is no proper mechanism to tackle and address the grievances of the SC/ST employees in OFB. The Committee, therefore recommend that the OFB should hold quarterly meeting with SC/ST Employees Welfare Association, irrespective of request being made, in the larger interest of the organization and SC/ST employees in particular. The Committee further recommend that all records/minutes of the meetings should be kept and copy provided to the Association.

Reply of the Government

1.45 As per the policy of the Government, association formed by the Government employees on the basis of Caste, tribe or religion is not recognised. Since the employees of the Ordnance Factory Board are Government employees, the SC/ST association formed by them cannot be recognised for any purpose as clarified by

DOP&T vide its D.O. letter dated 17.4.14, copy of which has already been provided vide O.M of even number dated 21..07.14.

Comments of the Committee

1.46 The Committee are not concerned with the reply of the Government as the crux of the Committee's recommendation is not about recognition of SC/ST Association. The Committee are mainly concerned about the welfare and redressal of grievances of SC/ST employees of the OFB who constitute one-third of the workforce of the company and ought to have a proper mechanism to redress their grievances. The SC/ST Employees Welfare Associations in all PSUs/Nationalised Banks etc. have also harmoniously worked together with their respective management in so far as redressal of their grievances are concerned. The Committee, therefore, reiterate their earlier recommendation that OFB should hold regular quarterly meeting with SC/ST Employees Welfare Association to redress their grievances and to prepare minutes of such meeting and provide copy of the same to the Association.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No. 4, Para No. 2.15)

2.1 The Committee note that all posts filled through Direct Recruitment other than by UPSC/SSC are advertised in Employment News/Newspapers through DAVP/Government of India. The copies of advertisements though not formally sent to registered and recognized Unions and Associations including SC/ST Employees Welfare Association of OFB, but put up on the notice board for wide publicity. The Committee would like to opine that many SCs/STs residing in rural/remote and backward areas do not have easy access to print media, social media, national dailies etc. Due to this handicap, many of SC/ST candidates have not been able to apply for vacancies notified in Employment News and Newspapers. In view of these, the Committee, urge the OFB to take more proactive steps and give wide publicity in rural/remote and backward areas, especially those inhabited by Tribal in far flung areas by disseminating the information pertaining to these recruitments through local All India Radio/Doordarshan programmes. The Committee also desire that copies Notifications should be made available to SC/ST Employees Welfare Association of OFB/ recognized SC/ST Welfare Associations in the country and also to local MPs/ MLAs /MLCs and also to this Committee for information and necessary action.

Reply of the Government

2.2 In view of recommendation stated above, all Ordnance and Ordnance Equipment Factories have been advised through a circular to refer to the list of associations/organizations recognized for purpose of notifying vacancies reserved for SCs/STs and list of stations of All India Radio in areas with concentration of SCs/STs population to which reserved vacancies are to be notified for announcement, as notified by the DOP&T and to take necessary action for notification of vacancies accordingly. Copies of the above lists have already been provided to the Hon^{ble} Committee.

(Recommendation SI. No. 5, Para 2.22)

2.3 The Committee note that during the recruitment year 2011, 09 and 40 ST vacancies in Group 'B' and 'C' posts were carried forward due to non-availability of suitable candidates even after taking into consideration all concessions and relaxations but the Committee do not understand the reason as to why these backlog vacancies have to be filled up against the Direct Recruitment vacancies sanctioned for 2012-13 which is also subject to availability of eligible SC/ST candidates. The Committee feel that since the time it was identified as backlog, effort should have been made to fill through initiation of Special Recruitment Drive without any wastage of time. The DOP&T guidelines also stipulate that if sufficient number of reserved candidates are not available to fill vacancies reserved for them in the first attempt of recruitment, a second attempt should be made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment year to fill the vacancies, which implies that backlog vacancies should not be left unfilled for long. Because the more is the delay in filling up the backlog, the more is that an employment opportunity is denied to deserving SCs/STs. The Committee, therefore, urge that whenever a backlog vacancy arises OFB should take immediate steps to fill them at the earliest. The Committee also would like to know the action taken after receipt of vacancies position from factories/units of OFB and the steps taken to fill these 09 and 40 ST backlog vacancies.

Reply of the Government

2.4 In order to fill up the backlog vacancies requisite instructions to the factories/units have been issued by the DGOF/Chairman, OFB from time to time vide letters dated 20.07.2012, 12.10.2012 and 21.12.2012. Circulars dated 07.06.2013 and 30.07.2013 have also been issued by OFB to factories. Copies of these communications have already been provided to the Hon^{ble} Committee.

2.5 Regarding action taken after receipt of vacancy position from factories/units of OFB and the steps taken by the OFB to fill these 09 and 40 ST backlog vacancies, it is stated that requisite instruction to factories/units have been issued by the Chairman/OFB from time to time vide no. 01/PC/A/REV (SCT) dated 20.07.2012 and

No. 378/INST/A/REV (SCT) dated 12.10.12, 21.12.2012, 7.06.2013 and 30.07.2013. Copies of the same have already been provided to the Hon^{ble} Committee.

Comments of the Committee

2.6 Please see Para No. 1.19 of Chapter I.

Recommendation (Sl. No. 7 , Para No. 2.30)

2.7 The Committee are unhappy by the casual reply of the OFB that post based rosters are maintained and roster points are earmarked to protect the interest of SC/ST employees in promotion. The Committee opine that what is more important than maintaining post based rosters and earmarking of rosters points is having the actual number of SC/ST candidates in the posts as per sanctioned strength. The Committee, therefore, recommend that OFB should review its promotion policy in order to ensure and maintain the prescribed percentage of SCs/STs in promotion posts.

Reply of the Government

2.8 As far as promotion of SC/ST employees is concerned, it is stated that the promotion policies as prescribed by the DOP&T are being followed by the Ordnance Factory Board without any deviation.

Recommendation (Sl. No.11, Para No. 3.9)

2.9 The Committee appreciate that during the period from 2008-09 to 2011-12, out of 34 employees sent for training abroad, 6 and 2 officials were from SC and ST category respectively. The Committee are of the view that professional training, especially training undertaken in reputed institutes in foreign countries will add feather in one's career cap and also be instrumental in furthering the career of official. The knowledge, expertise, experience etc. are acquired during such training and the exposure one gets in foreign institutes and environment will immensely boost their morale and at the same time enthuse them to work harder. Therefore, it is essential that SC/ST employees are regularly nominated for training abroad so that they can excel in their jobs. The Committee also opine that at times, due to bad ACR, language proficiency tests, vigilance cases etc. SC/ST officials might not be selected for foreign training but on humanitarian ground those who fulfil even the barest minimum criteria should be nominated so that they are not made to feel left out. Therefore, the Committee, urge that keeping in view the interest of SC/ST employee and also the overall interest of the

organisation, OFB should regularly nominated SC/ST officials for foreign training even if they possess the minimum criteria prescribed for the training.

Reply of the Government

2.10 The Department has approved a policy of Ordnance Factory Board for training programmes including Foreign Training Components inter alia for „In-Service Officers“ and „Assistant Works Managers Probationers“ of Indian Ordnance Factories Service with a view to develop a collective and integrated culture with global outlook. There is one week overseas component each in the Mid-Career training programme and Probationer Training Programme for entry level officers. All IOFS officers including those from SC & ST would be able to participate in these programmes.

2.11 SC/ST Officers from IOFS, who are on deputation under the Central Staffing Scheme, are also eligible for both long and Short Training Programme abroad under the Domestic Funding of Foreign Training (DFFT) Scheme of DOP&T subject to the conditions laid down in the scheme. Preference is given to suitable officers belonging to the SC/ST Categories.

2.12 For undergoing M.Sc. (Post Graduate) Course at Defence Academy College of Management and Technology, Cranfield University, U.K., the compulsory requirement of the University for attending the course/academic clearance is the score of 7.0 in IELTS or 95 of TOEFL (internet-based) for the Courses on Explosive Ordnance Engineering & Military Electronic Systems Engineering and 6.5 an or 90 of TOEFL (internet-based) for the courses on Military Vehicle Technology & Gun System Design. In this connection it is submitted that the officers would be sensitised to undergo suitable training/e-learning procedure/ on-line practice assessment offered by British Council so that they are groomed to take the IELTS and obtain requisite scores in IELTS/TOEFL. National Academy of Defence Production (NADP), Ambajhari would also be requested to facilitate such an exercise.

(Recommendation Sl. No. 14, Para 3.25)

2.13 The Committee are of the view that SC/ST Cell whose main function is to assist the Liaison Officer to discharge his duties effectively is a very important constituent of

the Ministry/Departments/Organisations. The Committee note that A/REV (SCT) or the SC/ST cells at OFBHQ and at Factories/Units are manned by 4-5 staff including an officer in charge of the Cell. But in the post evidence replies, it has been informed that the officer in-charge of the SC/ST Cell at OFBHQ is Director rank officer, assisted by one Under Secretary and one Assistant belongs to SC category. It is sad to note that instead of providing adequate staff, there is a marked fall in the deployment of staff in the Cell which looks after the overall interest and welfare of SCs/STs. The deployment of meagre staff in the Cell clearly reflects the attitude of the Ministry and OFB towards the welfare of the SC/ST employees. By virtue of the nature of duties assigned, the Cell should be headed by a competent officer or impeccable integrity with adequate support staff drawn from SC/ST community. The Committee, therefore, recommend that SC/ST cells at OFBHQ as well as Factories should always be provided with adequate staff particularly belonging to SCs/STs to protect the interest and welfare of the SC/ST employees in Ordnance Factories.

Reply of the Government

2.14 All the Ordnance and Ordnance Equipment Factories have already been advised to strengthen the SC/ST Cell so as to protect the interest and welfare of the SC/ST employees in Ordnance Factories, as already conveyed vide O.M. of even number dated 21.07.2014.

Comments of the Committee

2.15 Please see Para No. 1.37 of Chapter I.

Recommendation (Sl. No. 15, Para No. 3.26)

2.16 The role and function of a Liaison officer is of paramount importance because he is responsible for matters relating to the representation of Scheduled Castes and Scheduled Tribes in all establishments and services under the administrative control of the Ministry/Department. He is also responsible for ensuring due compliance by the subordinate appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of SCs/STs and other benefit admissible to them. In so far as the OFB is concerned, the Liaison officer is the link between Management /Board and the SC/ST employees of the OFB. He has to ensure that the Presidential

Directives are implemented in letter and spirit and to redress the grievances of SC/ST employees raised by from time to time. In view of the sensitive nature of his duties, the Committee desire that the Liaison officer should be given autonomy to take his own decision in a free and frank manner. The Liaison Officer and his support staff should be from SC/ST community. The Committee, therefore recommend that the Liaison officer should be sent on training pertaining to reservation, rosters, etc. so as to strengthen him in discharging his duties effectively. Further, he should not be allocated with additional works with a view to enable him to concentrate on work to protect the interest of SC/ST employees. The Committee also desire that the Liaison officer should be held accountable for any apparent lapse, omissions, negligence and dereliction of duties, if he fails to protect the interest of the SC/ST employees and accordingly appropriate action should be taken against him.

Reply of the Government

2.17 The recommendation in Para 3.26 has been appraised to the concerned Head of Departments for onward intimation to Liaison Officers through a circular, as already conveyed vide O.M. of even number dated 21.07.2014.

Recommendation (Sl. No. 21, Para No. 4.15)

2.18 The Committee appreciate that even though OFB is not a Public Sector Undertaking, it has taken up many welfare activities which are akin to CSR. In some of the units which are situated in socially, economically and educationally backward areas, schemes have been run for the socio-economic development of the areas. The Committee urge the OFB to continue with the good works and also to focus more on the SC and ST people residing in and around the factories.

Reply of the Government

2.19 All Ordnance and Ordnance Equipment Factories have been advised to go ahead with the various welfare activities with more focus on the SC and ST people residing in and around the factories, as conveyed earlier vide O.M. of even number dated 21.07.2014.

CHAPTER III

RECOMMENDATIONS/OBSERVATION WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT

Recommendation (Sl. No. 1, Para No. 1.20)

3.1 The Committee noted that Ordnance Factory organization has a long and cherished history of more than 210 years, but still there is no SC/ST Member on its Board as on date. Even though OFB is not a PSU, it is a Government Department managed by a Board comprising Director General Ordnance Factory (DGOF) as Chairman and 9 Members in the rank of Additional DGOF, which is equivalent to the post of Special Secretary to Government of India as per the Sixth Central Pay Commission. These Board Members are appointed in consultation with Appointments Committee of Cabinet (ACC) on the recommendation of UPSC. The Committee are aware that there is no reservation in promotion within Group „A“ posts but do not subscribe the view that reserved category people join service with age relaxation and as such by the time they become senior to be considered for appointment to Board level posts they retire from service. It is conjectural to say that all reserved category people joined service by availing age relaxation. The Committee note that non representation of SC/ST category in senior positions of various Ministries/departments and on the Boards of many PSUs/Banks/Organizations is a national phenomenon and that OFB is not an exception. The Committee are of the strong view that SC/ST officers are not represented in senior position of various Ministries/departments and PSUs/Nationalised Banks because of the Government policies pertaining to appointments to these posts. It is a challenging problem which needs to be seriously addressed by the Government because every Departments/PSUs/Banks so far examined by the Committee are facing the same problem and are furnishing the same reply that appointments to higher/senior position posts are made as per Government policies. In view of above, the Committee strongly recommend that to have adequate representation of SC/ST in all Government PSUs including Ordnance Factory Board, Government should take up the matter at the highest level of the Cabinet and if necessary, for the purpose Government should bring in suitable legislation in this regard. The Committee also opine that to watch over the

interest of a large number of SC/ST employees in Ordnance Factories/units spread all over the country, it is imperative to have a regular SC/ST member in the Board. The Committee, therefore, recommended that in tune with the Government policy of inclusive growth and larger integration of SC/ST officers in the decision making body and to protect the interests of the SC/ST employees, the Department of Defence Production should put a draft legislation on policies governing appointments to Board level posts so that adequate number of SC/ST category is represented in the Board of the OFB.

Reply of the Government

3.2 In view of the above recommendation of the Hon^{ble} Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, the matter was taken up with the Department of Personnel & Training (DOP&T) concerned with framing of policies relating to reservation of SCs/STs in the Government Ministries/Departments vide this Department's D.O. letter dated 19.06.2014.

3.3 DOP&T vide their O.M dated 23.01.2018 (**Annexure-I**) has opined that as per Recruitment Rules of Indian Ordnance Factories Services (Group-A), 2002, which are statutory in nature, appointment to the posts of Director General of Ordnance Factories (DGOF/Chairman, OFB) and Addl. DGOF/Member, OFB are to be made by promotion of IOFS Officers. The Departmental Promotion Committee for this purpose, as prescribed in the RRs, is headed by the Chairman/Member, UPSC. The Office of the Establishment Officer in the Department only processes proposals submitted by the administrative Department based on the recommendation of the DPC for promotion to the posts of Chairman and Members in OFB for consideration of the ACC, keeping in view the provisions stipulated in the RRs for these posts. As the recommendations of the Parliamentary Committee are for inclusion of provision in the RRs for reservation of SCs & STs in Group „A“ promotions in the IOFS and revision in the composition/functioning of DPC/Selection Committee for this purpose, it would require revision of the existing promotion policy of the Govt. of India relating to Group „A“ posts which currently does not provide for reservation in promotions within Group „A“.

3.4 With regard to Board level appointments in PSUs, DOP&T has stated that the extant guidelines do not provide for reservation to candidates belonging to the SCs and STs. The Public Enterprises Selection Board (PESB) is a high powered body

constituted by the Government of India Resolution dated 03.03.1987, amended from time to time. The PESB has been set up with the objective of evolving a sound managerial policy of the Central Public Sector Enterprises (CPSEs) and in particular, to advise the Government on appointment to top management posts. The PESB is headed by a full time Chairman and three Members. The recommendations of the PESB are submitted to the Appointments Committee of the Cabinet (ACC) for consideration.

3.5 DOP&T has further stated that they have not issued any separate instructions in respect of reservation in Board level appointments in CPSEs. PESB calls for applications from eligible candidates. The selection of the candidate is keeping in view the performance of candidates interviewed with special regard to their managerial capability, leadership, broad vision, track record, available ACRs and inputs given by the Secretary of the concerned Administrative Ministry and CMD of the concerned CPSE, wherever applicable.

3.6 With regard to the decision as to whether Board level posts in CPSEs are specialized posts (as different posts required different specialization, experience and qualification) or they are isolated posts or single post cadres are taken by the concerned PSU and Department of Public Enterprises. DOP&T has informed that a five judge Bench of the Hon^{ble} Supreme Court in its judgment dated 17.04.1998 in the case of Post Graduate Institute of Medical Education and Research Vs Faculty Association and Others has held that “there cannot be any reservation in single post cadres”. The Apex Court has further held that “unless there is plurality of posts in a cadre, the question of reservation will not arise even with the device of reservation by rotation”.

3.7 Department of Public Enterprises (DPE) had informed that Board of Directors of CPSEs comprises Functional, Government and non-Functional Directors and every Director position is a single post cadre. Government offices from concerned administrative Ministry or related Government agency are nominated as Government Directors on the Boards of CPSEs on ex-officio basis with no fixed tenure. Therefore, it may not be possible to have any provision for reservation for any caste/community to the posts of Government Directors on the Boards of CPSEs. Whereas, non-official Directors are generally not considered as “employees” of the Government. DPE had also informed that they are taking action to increase the representation of persons

belonging to Scheduled Castes, Scheduled Tribes, Minorities, OBC and Women as non-official Directors on the Boards of CPSEs.

3.8 DPE had further informed that the Department related Parliamentary Standing Committee on Industry in its 221st Report, on the issue of certain criteria laid down by the Government for appointment of non-official Directors on Boards of CPSEs, had recommended that SC, ST, OBC and Women should be given preference. The concern expressed by the Committee was communicated by DPE to all the administrative Ministries/Departments. DPE has also informed that they maintain data bank of persons who can be considered for appointment as non-official Directors on the Boards of CPSEs. In order to increase the number of persons belonging to categories of Scheduled Castes, Scheduled Tribes, Minorities, OBCs and women in the data bank, DPE had brought out advertisements in leading newspapers of all metros and state capitals inviting applications for inclusion in DPE data bank. In order to monitor the representation of persons belonging to categories of SCs, STs, Minorities, OBC and women being recommended/appointed as non-official Directors on the Boards of CPSEs, DPE proposed to prescribe a uniform format of bio-data for persons to be considered for appointment as non-official Directors on the Boards of CPSEs and the administrative Ministries would be requested to furnish the bio-data of persons in the prescribed format only.

3.9 DOP&T has further submitted that the position explained in preceding paragraphs was also submitted by them and also considered by the Hon^{ble} Parliamentary Committee on Welfare of SCs and STs in its 31st Report (16th Lok Sabha), tabled in the Parliament in April, 2015 on Ministry of Personnel, Public Grievances & Pensions. Under Para 3.16 to 3.24 of Chapter-II of the said Report, this issue has been discussed in detail and has been included as one of the items on which “the recommendations/observations are not proposed to be pursued in view of the replies of the Government”.

(Recommendation Sl. No.10, Para 2.41)

3.10 It was stated that backlog vacancies of 2011 would be taken into account for calculating the number of vacancies required to be filled up in 2012-2013. The Committee would like to know the status of 76 SCs and 38 STs backlog vacancies

Group 'C' posts which could not be filled in the Special Recruitment Drive during the years 2008 to 2011.

Reply of the Government

3.11 As informed earlier, the backlog data from factories is being obtained on real time basis through OFB intranet. Continuous efforts are being made to liquidate the backlog vacancies.

Comments of the Committee

3.12 Please see Para No. 1.31 of Chapter I.

Recommendation (Sl. No.12, Para No. 3.17)

3.13 The Committee would like to stress that roster is a very important document as far as the welfare and interest of SC/ST are concerned because it is the only mechanism through which a watch is kept on the proper placement of SC/ST employees in their respective cadres against the vacancies reserved for them. In fact the whole system of implementation of reservation orders rest on maintenance of rosters. Wrong interpretation and misplacement of roster points would be a setback to those SCs/STs who are searching for government jobs. The Committee, therefore urge that the onus of maintenance of rosters should be entrusted to a responsible officer who is well versed and acquainted with reservation rules and one who can strictly maintain them in accordance with the instructions laid down for the purpose.

Reply of the Government

3.14 In view of the recommendation stated above, all Ordnance and Ordnance Equipment Factories and OFB Hqrs were advised to take necessary action in terms of the recommendation. The Post Based Rosters were being maintained which have been prescribed by DOP&T O.M No. 36012/2/96-Estt.(Res.) dated 02.07.1997 and subsequent clarifications contained in DOP&T O.M No. 36028/17/2001-Estt.(Res.) dated 11.07.2002 and O.M. No. 36012/45/2005-Estt.(Res) dated 10.08.2010. However, now reliance on the aforesaid O.M. for maintenance of Reservation Roster is sub-Judice in the Hon^{ble} Supreme Court of India as per DOP&T O.M No. 36012/11/2016-

Estt(Res.) dated 30.09.2016. Copies of the same are enclosed for ready reference **(Annexure-II)**.

(Recommendation Sl. No. 16, Para No. 4.4)

3.15 The Committee observe that in recent times, due to laxity of the concerned authorities, instances of non-reserved category people getting employment on the basis of false caste certificates has affected all Departments/organisations /undertakings/banks etc. In view of this, in one of its ruling of a bank employee case, the apex court has once commented that persons getting employment on the basis of false castes do not deserve the sympathy or indulgence of the court because a person who enters the post meant for SCs/STs/OBCs deprives a genuine candidate falling in either of the said categories of appointment to the post. The Apex Court further said that equity, sympathy or generosity have no place where the original appointment rests on a false caste certificate. The Committee are, therefore, of the firm view, that if the caste of the employee is not genuine and proved false then in such cases the guilty person should not only be removed from service immediately but also get registered FIR against him so that criminal proceedings can be initiated for providing punishment for offence committed against the SC/ST genuine candidates. Further, the Committee also earnestly recommend the Government to bring a suitable legislation in Parliament to provide exemplary punishment to those who are found guilty of false caste certificate.

Reply of the Government

3.16 All Ordnance and Ordnance Equipment Factories and OFB Hqrs have already been advised to take necessary action in terms of the recommendation, as already conveyed vide O.M. of even number dated 21.07.2014. Any legislation relating to reservation in Government comes within the mandate of DOP&T. OFB will follow the law of the land as far as reservation for SCs and STs are concerned.

Comments of the Committee

3.17 Please see Para No. 1.40 of Chapter I.

Recommendation (Sl. No.17, Para No. 3.40)

3.18 The Committee observe that during the period from 2008 to 2011, out of 6284 apprentices taken for training, 1554 and 329 belong to SCs and STs respectively. Similarly during the same period, out of a total of 4129 apprentices given regular appointments, 1033 were SCs and 194 belong to STs. The Committee are dismay to note that the number of STs taken for apprentice training as well as their absorption in the organisation is very less. The Committee, therefore, recommend that OFB should take steps to increase the intake of STs for apprentice training and also enhance their absorption after undergoing the training. The Committee also would like to urge the OFB to chalk out the feasibility of picking up the best candidates from the pool of apprentices to fill the shortfall of SCs/STs in various grades of Group „C“ posts which could not be filled due to non-availability of suitable candidates.

Reply of the Government

3.19 All Ordnance & Ordnance Equipment Factories have already been instructed to follow laid down Reservation policy as given in relevant schedule of Apprentice Rules under Apprentice Act 1961 at the time of induction of Trade Apprentices, as already conveyed vide O.M. of even number dated 21.07.2014.

Recommendation (Sl. No. 19, Para No. 4.10)

3.20 The Committee aver that Banks/PSUs/other Departments give preference to Trade Unions and disdain SC/ST Association. It is a national phenomena. The Committee would like to stress that Trade union is different from SC/ST Employees Welfare Association because the aims and objectives of Trade union is different from that of SC/ST Association. The SC/ST Association is formed by the SC/ST employees to take care of their interest that is generally different from those of employees. The Committee are of the view that in so far as the welfare of the SC/ST employees are concerned SC/ ST Employees Welfare Association is the only Association through which the grievances/ complaints of SCs/STs can be institutionally addressed. Therefore, there has to be harmonious relation between the Board and the Association so that various problems of SC/ST employees can be brought to the Board through the Association for redressal. The Committee therefore, urge that the OFB should give

proper patronage to SC/ST Employees Welfare Association and provide necessary infrastructure and other facilities required for the upkeep of the SC/ST Association in the larger interest of the organization.

Reply of the Government

3.21 The proposal regarding recognition to All India Ordnance Factories SC/ST Welfare Association was taken up with the Department of Personnel & Training (DOP&T). A copy of the response of DOP&T has already been conveyed vide O.M. of even number dated 21.07.2014.

CHAPTER IV

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

(Recommendation Sl. No. 2, Para No. 1.21)

4.1 The Committee do not agree with the argument that SCs/STs join service by availing age relaxation because of which they could not rise to higher level posts in Ordnance Factory organization. The Committee are of the view that more than age relaxation and other concessions/relaxations provided to SCs/STs there are other plausible causes such as supersession of SC/ST employees in promotion because of bad ACRs, discrimination, bipartisan attitude, victimization, harassment, disciplinary proceedings, flouting of extant rules etc. that spoiled the career progression of SCs/STs. The Committee are given to understand that there are 8 SC/ST employees who have been superseded in promotion i.e. from lowest post of Group „A“ to the Board level posts during the last 10 years. The Committee would like to emphasize that at crucial stage of their career, if SCs/STs are superseded, then their prospect of attaining higher posts is very bleak. The Committee, therefore, recommended that OFB should have a fool proof mechanism to ensure that SC/ST officials ACR and other performance enabler for promotion must be reviewed by a Board consisting of 5 officers (Two SC, one ST and two from General side) as such one person may be biased towards SC/ST for any reason but not Board. The Committee also would like to know the reasons as to why these 8 officers were superseded and whether due process of law including guidelines of Cabinet and DOP&T was complied with before they have been superseded. The Committee would further like to know the present position of these superseded officers if they are still in the service of the OFB.

Reply of the Government

4.2 Review of ACRs at present is done as per policy guidelines framed by the Department of Personnel & Training (DOP&T). All the eight officers mentioned in the report were superseded due to adverse entries in their ACR/APAR. All the guidelines prescribed by the Government were followed before these officers were superseded. Out of the 08 officers mentioned in the Report as superseded, 5 officers (Shri P. L. Verma, Shri L. N. Hedao and Shri K. L. Sagar, Shri G. Halder and Shri V.

Muthukrishnan) have already retired from service. Out of the remaining 03 Officers, 02 officers namely Shri BhimasenHantal and Shri JiwanLal have already been promoted to STS and 1 officer namely Shri O P Rawat has been promoted to the SAG.

4.3 Regarding the recommendation of the Hon^{ble} Committee to constitute a Board consisting of 5 officers (Two SC, one ST and two from General side) to review the ACR and other performance enabler of SC/ST officials for promotion, DOP&T was requested to consider the above recommendation of the Hon^{ble} Committee. DOP&T vide O.M. dated 23.01.2018 (**Annexure I**) has mentioned that Paragraph 2.7 and Paragraph 6.3.2(i) of their O.M. dated 10.04.1989, inter-alia, provides as under:

4.4 In Group A and Group B Services/posts, if none of the officers included in the DPC as per the composition given in the recruitment rules is a SC or ST officer, it would be in order to co-opt a member belonging to the SC or ST, if available within the Ministry/Department. If no such officer is available within the Ministry/Department, he may be taken from another Ministry/Department.

4.5 In promotion by selections to posts/services within Group A which carry an ultimate salary of (the then) Rs. 5700 p.m. in the revised scale, the SCs/STs officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would not withstanding the prescription of benchmark be included in that list provided they are not considered unfit for promotion.

4.6 DOP&T has further referred its OM No. 36028/8/2009-Estt.(Res.) dated 07.06.2013 on the subject „Concession to Scheduled Castes and Scheduled Tribes in posts filled by promotion by selection-posts within Group A (Class-I)“ which provides that in promotion by selection to posts within Group A (Class-I) carrying an ultimate salary of Rs. 18,300/- per month or less, the Scheduled Caste/Scheduled Tribe officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion. The scales of pay of Group A post have been revised on the basis of the recommendations of the 6th Central

Pay Commission. Keeping that in view, it has been decided that the orders contained in the aforesaid OM would apply to promotion by selection to posts within Group „A“ carrying Grade pay of Rs. 8,700/- (pre-revised) or less.

4.7 Further, Paragraph 2 of OM No. 42011/2/2014-Estt.(Res.) dated 13.02.2014 on the subject, „Representation of SC, ST, OBC, Minorities and the Women on Selection Board/Committees“ provides that the matter has been reviewed and in partial modification of above instructions, it has now been decided that wherever a Selection Committee/Board exist or has to be constituted for making recruitment to 10 or more vacancies in any level of posts or services, it shall be mandatory to have one Member belonging to SC/ST, one Member belonging to OBC category and one Member belonging to Minority Community in such Committees/Boards. Further, one of the Members of the Selection Committee/Board, whether from the general category or from the minority community or from the SC/ST/OBC community should be a lady failing which a lady member should be co-opted on the Committee/Board. It is also to be ensured that where the number of vacancies against whom selection is to be made is less than ten, no effort should be spared in finding the SC/ST/OBC officer and the Minority Committee officer and a lady officer, in such Committees/Boards.

Comments of the Committee

4.8 Please see Para No. 1.11 of Chapter I.

(Recommendation Sl. No. 3, Para No. 2.8)

4.9 The Committee are perturbed to note that the representation of STs in the overall staff strength of OFB is below the prescribed percentage. As on 01. 01. 2011, there was a huge shortfall of 9,143 and 492 in Group. A, B and C posts respectively, of ST category. It was also stated that the shortfall occurred due to non-availability of eligible reserved candidates from these categories. The Committee are not inclined to accept the reasons adduced by the Ordnance Factory Board that there is non- availability of SC/ST candidates. From the reply it seems that OFB is not serious enough to implement constitutional provisions on the reservation policy of the Government in letter and spirit. The Committee feel that present recruitment and promotion policy framed are faulty to deprive SCs/STs to get an opportunity to be recruited under reservation policy

or to reach the highest level. Moreover, by not maintaining the requisite percentage of reservation, many SCs/STs are denied from reservation and its gainful employment. The Committee opine that in not maintaining the prescribed percentage of reservation, a grave injustice is perpetrated to SC/ST communities for which the OFB is to be held accountable. The Committee, therefore, recommend that OFB should explore all ways and means to maintain the prescribed percentage of reservation of SCs/STs in the staff strength and accordingly inform the latest position to Committee. The Committee also desire that data regarding post-wise shortfall and date from when these shortfall occurred should be supplied to this Committee.

Reply of the Government

4.10 In view of above recommendation of the Hon^{ble} Committee, it is stated that backlog vacancies/vacancies in respect of SC/ST employees exist due to the reason of non-availability of eligible candidates. In order to fill up the backlog vacancies, requisite instructions to factories/units have been issued by the DGOF/Chairman, OFB from time to time vide letters dated 20.07.2012, 12.10.2012 and 21.12.2012. Circulars dated 07.06.2013 and 30.07.2013 have also been issued by OFB to factories in this regard. Copies of the aforesaid communication have already been provided to the Hon^{ble} Committee vide O.M dated 21.7.2014.

4.11 The shortfall of SC/ST officers at that point of time has already been provided to the Hon^{ble} Committee.

Comments of the Committee

4.12 Please see Para No. 1.15 of Chapter I.

(Recommendation Sl. No. 6, Para No. 2.23)

4.13 The committee are baffled to note that as per Special Recruitment Drive launched in November, 2008 and completed in March, 2012, in direct recruitment, out of 157 SC backlog only 123 vacancies have been filled. Similarly, out of 218 ST backlog vacancies only 160 vacancies have only been filled. Whereas, in promotion also, out of

1157 SC backlog vacancies, only 425 vacancies have been filled and out of 1886 ST backlog vacancies, only 336 vacancies have been filled. The purpose of holding Special Recruitment Drive is to wipe out backlog vacancies but if all the backlog vacancies are not able to be filled in such an exercise then the objective of launching Special Recruitment Drive is not achieved. The Committee therefore strongly recommend that efficacious steps be taken by the Ordnance Factory Board to fill up all backlog vacancies of SCs and STs in order to nullify the incomplete effort of last Special Recruitment Drive. The Committee would like to know the latest position of backlog vacancies and the time by when these are likely to be filled.

Reply of the Government

4.14 DETAILS OF COMPILED BACKLOG VACANCIES (AS GATHERED FROM ALL ORDNANCE FACTORIES) AS ON DATE

Classification of Posts	Category of backlog vacancy			Remarks
	SC	ST	OB C	
Group – A	Nil	Nil	Nil	<p>The backlog vacancies of SC/ST/OBC in group C consists of various Non-Industrial and Industrial vacancies in factory/units which occurred on various dates. Attempts have already been made to fill up these backlogs. There are various reasons stated by the factories/units for not getting suitable candidates which are as under :-</p> <p>a) Non-availability of eligible candidates. b) Non receipt of application. c) Appointment order issued to selected candidates, who could not join due to non-receipt of documents. d) Not qualified in written test. e) Not appeared in examination.</p> <p>Filling up of vacancies reserved for SCs and STs is a continuous process, which is undertaken by OFB as per the instructions issued by the Government from time to time.</p>
Group – B	2	2	2	
Group – C	31	141	55	

Comments of the Committee

4.15 Please see Para No. 1.22 of Chapter I.

(Recommendation Sl. No. 8, Para No. 2.31)

4.16 The Committee are at pain to note that OFB has not taken any serious steps to rectify the causes of shortfall. The Committee are of the view that mere issuing of circulars to all establishments within OFB and soliciting the Willingness of SC/ST employees who wish to go on transfers and promotion to other establishments is not permanent solution to the shortfall caused by non-availability of suitable candidates. It is a deep rooted problem and will require massive amendment in the extant policies. The Committee, therefore, urge the OFB to give a serious thought to the problem which has been plaguing the OFB for long time and endeavour to address the core of the problem once and for all in a right direction.

Reply of the Government

4.17 The recommendation of the Hon^{ble} Committee calls for review of the extant policy relating to regional and all India level reservation in service, which is beyond the mandate of OFB/MOD. DOP&T, being the nodal Department for reservation in service, has to revisit the policies to address the issue raised by the Hon^{ble} Committee.

Comments of the Committee

4.18 Please see Para No. 1.25 of Chapter I.

(Recommendation Sl. No. 9, Para No. 2.37)

4.19 The Committee note that one of the main causes of backlog is the non-availability of suitable SC/ST candidates. To fill backlog vacancies OFB has adopted certain measures such as notification of vacancies to sister factories, notification of vacancies to Associations/Organizations of SCs/STs and notification of vacancies in areas mostly domiciled by SCs/STs but even after adoption of these measures the backlog still remained. The Committee feel that even after adoption of these measures, if the backlog still remains unfilled, then the fault lies in the recruitment policies of the OFB. After more than 60 years of Independence, it is incredible to say that there is dearth of suitable or eligible SC/ST candidates to fill these backlogs. The Committee also feel that if backlog are not filled on time than over a period of time it would become endemic and difficult to wipe out. Therefore, it is imperative on the part of the OFB to

review its recruitment policies and take drastic action to put an end to this endemic situation. The Committee also opine that one likely measure to overcome the backlog would be to select the best available SC/ST candidates in the panel at the time of recruitment proportionate to the number of backlog vacancies notified, irrespective of criteria prescribed for the test and to give such selected candidates in house training as per the trade/jobs for which they are appointed. Otherwise, in every recruitment exercise, the problem of backlog will always remain and in the long run many SC/ST people would be deprived of employment opportunities due to certain rigid policies of the OFB. The Committee, therefore, recommend the Ministry of Defence and the OFB to review and work out a new policies or strategy so as to address the problem of backlog and intimate the corrective measure taken to this Committee.

Reply of the Government

4.20 DOP&T, being the nodal Department for reservation in service, has to revisit the policies to address the issue raised by the Hon^{ble} Committee.

Comments of the Committee

4.21 Please see Para No. 1.28 of Chapter I.

(Recommendation Sl. No. 20, Para No. 4.11)

4.22 The Committee are astonished to note that in such a big government organization like OFB wherein SC/ST constituted one third of the workforce, meeting with the SC/ST Employees Welfare Association are held only when asked for. Besides, it was casually stated that the concerned officers at all levels also interacted with them on regular basis to address their grievances /problems and the formal record of discussions are not maintained. It was also stated that effective steps are taken for redressal of grievances within the ambit of the relevant rules. The Committee feel that there is no proper mechanism to tackle and address the grievances of the SC/ST employees in OFB. The Committee, therefore recommend that the OFB should hold quarterly meeting with SC/ST Employees Welfare Association, irrespective of request being made, in the larger interest of the organization and SC/ST employees in

particular. The Committee further recommend that all records/minutes of the meetings should be kept and copy provided to the Association.

Reply of the Government

4.23 As per the policy of the Government, association formed by the Government employees on the basis of Caste, tribe or religion is not recognised. Since the employees of the Ordnance Factory Board are Government employees, the SC/ST association formed by them cannot be recognised for any purpose as clarified by DOP&T vide its D.O. letter dated 17.4.14, copy of which has already been provided vide O.M of even number dated 21..07.14.

Comments of the Committee

4.24 Please see Para No. 1.46 of Chapter I.

CHAPTER – V

RECOMMENDATIONS/OBSERVATION IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT HAVE NOT BEEN RECEIVED.

(Recommendation Sl. No. 13, Para No. 3.18)

5.1 Rosters are to be inspected regularly by the Liaison Officer and after every inspection, it should be signed and stamp as proof of having inspected and should bring any discrepancy noted in the rosters to the notice of higher officer for necessary action. However, the Committee are concerned to note that from the 2008 to 2011 the Ministry have deputed no representative to inspect the rosters maintained by the OFB as per DOP&T instructions. The Committee therefore recommend that the Ministry of Defence (Department of Defence Production) should depute responsible officer to carry out inspection of rosters maintained by OFBHQs and Factories/Units at the earliest and apprise the Committee of the outcome of the inspection

Reply of the Government

5.2 In view of the recommendation of the Hon^{ble} Committee, officers from the Department of Defence Production are being deputed to carry out inspection of rosters maintained by OFB Hqrs. and Factories/Units. The outcome of the inspection will be submitted shortly for appraisal of the Hon^{ble} Committee.

Comments of the Committee

5.3 Please see Para No. 1.34 of Chapter I.

(Recommendation Sl. No. 18, Para No. 4.4)

5.4 The Committee are of the view that housing/accommodation requirement of SCs/STs is more acute than others as they cannot easily afford to have their own house because of abject poverty. The Committee, therefore urge that such employees, desirous of availing official accommodation should be facilitated to avail the same as per their entitlement and on time. The Committee would further urge that to alleviate the paucity of accommodation of the organisation as well as the housing needs of SCs/STs in general, the SC/ST employees should be encouraged to avail housing loan of the

organisation so that they can construct their own house. The Committee also desire that loan to SC/ST employees should be given on concessional rate of interest.

Reply of the Government

5.5 All Ordnance and Ordnance Equipment Factories were advised to take necessary action through notification in factory order to encourage the SC/ST employees in availing housing loan of the organization. Recommendation of the Hon'ble Committee regarding grant of loan on concessional rate of interest to the SC/ST employees of OFB/Ordnance Factories was taken up with the Ministry of Finance, Department of Financial Services. The Department of Financial Services vide its O.M dated 14.12.2017 (**Annexure. III**) is of the view that it has no comments to offer on the recommendation of the Committee. The matter has now been referred to Ministry of Housing and Urban Affairs for their comments vide this Department's O.M dated 02.01.2018 (**Annexure-IV**).

Comments of the Committee

5.6 Please see Para No. 1.43 of Chapter I.

Recommendation (Sl. No. 22, Para No. 4.17)

5.7 The Committee note that certain civil works relating to maintenance of existing infrastructure, extension of existing civil infrastructure, formation of new civil infrastructure etc. are executed through MES/DRDO as per Government sanction or Open Tender Enquiry (OTE) following the guidelines of CVC. Being a government organization, the Committee are surprised to note why OFB has no reservation for awarding of petty contracts/tenders to SC/ST contractors/ entrepreneurs for execution of the above mentioned works. The Committee would like to emphasize that socio-economic uplifting of SCs and STs should be the priority of Government companies/organization. The Committee are of the view that as a matter of social justice and socio-economic development of SCs/STs, certain percentage of petty civil contractual works in various factories/units of OFB should be earmarked for them. The Committee, therefore, recommend that OFB should consult CVC to formulate certain guideline to provide reservation to SCs/STs in awarding of petty civil contractual works in various factories/units of OFB.

Reply of the Government

5.8 The matter was taken up with Central Vigilance Commission as informed earlier vide O.M. dated 21.7.2014. CVC vide its letter dated 20.12.2017 read with their letter dated 1.10.2014 (**Annexure-V**) observed that this is the policy matter, which may have wider implication. This Department was, therefore, advised to consult the nodal Ministry/Department concerned with the issue. This Department vide O.M. dated 2.1.2018 referred the matter to Department of Expenditure for their comments. The Department of Expenditure vide its O.M. dated 15.01.2018 (**Annexure-VI**) informed that Ministry of Micro, Small and Medium Enterprises has issued Public Procurement Policy for Micro and Small Enterprises (MSEs) Order, 2012 for procurement of goods and services exercising the powers conferred in Section 11 of the Micro, Small and Medium Enterprises Development Act, 2006. As per para 4 of Order, there are special provisions for MSEs owned by SCs or STs. Out of 20% of the target of annual procurement from MSEs, a sub-target of 20% (i.e. 4% out of 20%) shall be earmarked for procurement from MSEs owned by SCs/STs entrepreneurs. It has further been advised that the nodal department for taking overall policy decision for reservation for SCs/STs is Ministry of Social Justice & Empowerment. Therefore, Department of Expenditure has advised to also obtain comments on the aforesaid recommendation of the Hon^{ble} Committee from M/o Social Justice and Empowerment and M/o Micro, Small and Medium Enterprises. Accordingly, M/o Social Justice and Empowerment and M/o Micro, Small and Medium Enterprises have been requested for their comments (**Annexure-VII**).

New Delhi;
July, 2018
Sravana, 1940(Saka)

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

APPENDIX II
(Vide Para 4 of Introduction)

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

1. Total number of recommendations.....22

2. Recommendations/observations which have been accepted by the Government (*vide* Recommendations at Sl. Nos. 4,5,7,11,14,15 & 21)

Total: 7
Percentage: 31.81%

3. Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government (*vide* Recommendations at Sl. Nos. 1,10,12,16,17 & 19)

Total: 6
Percentage: 27.77%

4. Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (*vide* Recommendations at Sl. Nos. 2,3,6,8,9 & 20)

Total: 6
Percentage: 27.77 %

5. Recommendations/Observations in respect of which final replies of the Government have not been received (13,18 & 12)

Total: 3
Percentage: 13.63%