



**COMMITTEE ON WELFARE OF OTHER  
BACKWARD CLASSES  
(2019-20)**

**(SEVENTEENTH LOK SABHA)**

**MINISTRY OF HOUSING AND URBAN AFFAIRS**

**Action Taken by the Government on the  
Observations/Recommendations contained in the Twentieth  
Report (Sixteenth Lok Sabha) on 'Measures undertaken to  
secure representation of OBCs in employment and for their  
welfare in Central Public Works Department (CPWD)'**

**SEVENTH REPORT**



सत्यमेव जयते

**LOK SABHA SECRETARIAT  
NEW DELHI  
*July, 2020/Ashadha, 1942 (Saka)***

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welfare in Central Public Works Department (CPWD)'**

*Presented to Hon'ble Speaker on 25.07.2020*

*Presented in Lok Sabha on .....*

*Laid in Rajya Sabha on .....*



सत्यमेव जयते

**LOK SABHA SECRETARIAT  
NEW DELHI**

*July, 2020/Ashadha, 1942 (Saka)*

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**COMPOSITION OF THE COMMITTEE ON WELFARE OF OBCs (2019-20)**

**SHRI GANESH SINGH- CHAIRPERSON**

**MEMBERS**  
**LOK SABHA**

2. Shri Ramesh Bidhuri
3. Shri S. Jagathrakshakan
4. Smt S. Jothimani
5. Shri Dileshwar Kamait
6. Smt. Raksha Nikhil Khadse
7. Shri Bandi Sanjay Kumar
8. Shri Sadashiv Kisan Lokhande
9. Dr. (Smt.) Pritam Gopinathrao Munde
10. Shri Balak Nath
11. Shri Ajay Nishad
12. Dr. Sanghamitra Maurya
13. Shri Parbatbhai Savabhai Patel
14. Shri Kapil Moreshwar Patil
15. Shri Mahesh Sahoo
16. Shri Sanjay Seth
17. Shri Ram Shiromani
18. Shri K. Sudhakaran
19. Shri Rajesh Verma
20. Shri Ashok Kumar Yadav

**RAJYA SABHA**

21. Shri T.K.S. Elangovan
22. Shri Vishambhar Prasad Nishad
23. Dr. Banda Prakash
24. Shri K.K Ragesh
25. Smt. Chhaya Verma
26. Shri Harnath Singh Yadav
27. Vacant\*
28. Vacant\*
29. Vacant\*
30. Vacant\*\*

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\* Vacancy arose *vide* expiry of the term of Smt. Vijila Sathyananth on 02.04.2020, and that of Shri Ram Narain Dudi and Shri Ram Nath Thakur on 09.04.2020.

\*\*Vacancy arose *vide* expiry of the term of Shri B.K. Hariparasd on 25.06.2020.

**Secretariat**

- |    |                     |   |                     |
|----|---------------------|---|---------------------|
| 1. | Smt. Anita B. Panda | - | Joint Secretary     |
| 2. | Shri Kusal Sarkar   | - | Director            |
| 3. | Shri Md. Aftab Alam | - | Additional Director |
| 4. | Shri Janmesh Singh  | - | Deputy Secretary    |
| 5. | Shri Deepak Kumar   | - | Committee Assistant |

## INTRODUCTION

I, the Chairperson, Committee on Welfare of Other Backward Classes having been authorised by the Committee to present the Report on their behalf, present this Seventh Report on Action Taken by the Government on the Observations/Recommendations contained in their Twentieth Report (Sixteenth Lok Sabha) on “Measures undertaken to secure representation of OBCs in employment and their welfare in Central Public Works Department (CPWD)” pertaining to the Ministry of Housing and Urban Affairs.

2. The Twentieth Report was presented to Lok Sabha on 13.02.2019 and laid on the Table of Rajya Sabha on the same day. The replies of the Government to all the recommendations contained in the Report were received on 17.10.2019.

3. The replies of the Government were examined and the Draft Report was considered and adopted by the Committee at their sitting held on 14.07.2020.

4. An analysis of the Action Taken by the Government on the Observations/Recommendations contained in the Twentieth Report (Sixteenth Lok Sabha) of the Committee is given in Appendix-II.

**NEW DELHI;**  
**14<sup>th</sup> July, 2020**  
**23 Ashadha, 1942 (Saka)**

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

## CHAPTER I

### 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 Twentieth Report (Sixteenth Lok Sabha) on “Measures undertaken to secure representation of OBCs in employment and their welfare in Central Public Works Department (CPWD)” pertaining to the Ministry of Housing and Urban Affairs.

2. The Twentieth Report (Sixteenth Lok Sabha) of the Committee was presented to Lok Sabha on 13<sup>th</sup> February, 2019 and was laid on the Table of Rajya Sabha on the same day. The Report contained 5 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. 1 and 3.....

(Total - 02)

Chapter II

ii. Observations/Recommendations which the Committee do not desire to pursue in view of the Government's replies:

-Nil-

(Total - 00)

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. Nos. 2, 4 and 5 .....

(Total - 03)

Chapter IV

iv. Observations/Recommendations in respect of which final replies of the Government are still awaited:

-Nil-

(Total - 00)

Chapter V



**3. The Committee desire that Final Action Taken Statement 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.

**Organisation and data management in recruitment.**

**Recommendation (Sl. No. 1)**

5. The Committee in their Twentieth Report (Sixteenth Lok Sabha) had recommended as under:

“CPWD has been serving as the premier construction agency of the Government of India for the last 162 years. Through the professional expertise in disciplines including Architecture, Engineering, Project Management coupled with comprehensive experience in building construction and maintenance, CPWD has now grown into a comprehensive construction management department which provides services from project concept to completion, consultancy and maintenance management. Central PWD is executing works across the length and breadth of the country with seven Regions, namely; New Delhi Region, Delhi Region, PWD Region, Northern Region, Southern Region, Eastern Region and Western Region which are headed by Additional Director General/Engineer-in-Chief apart from ADG(Border) looking after border fencing, road and lighting works along Indo- Pak and Indo-Bangladesh borders. ADG(Arch) assists the Director General (Works) at the Headquarters in Architectural Planning and Designing projects and ADG(Trg.) is in charge of Training activity in CPWD; Director General being the overall head of the Department. The Committee note that as on 1st January, 2018, there were 25,452 employees in CPWD. Of these, only 2,113 employees belonged to OBC category constituting just 8.3 per cent of the total number of employees. In Group ‘A’ service, the representation of OBCs was 12.54 per cent; in Group ‘B’, 11.93 per cent; while in Group ‘C’, the representation of OBCs is miserably low at 6.3 per cent. The Committee find this position to be unreasonable as the reservation

for OBCs was made effective way back in 1993 i.e. two and a half decades back. The reasons cited by CPWD for the inadequate or low representation of OBCs are routine in nature and lack substantive reasoning. Had there been regular, optimum and timely recruitment to fill up all the vacancies against the sanctioned posts since the policy of reservation came into effect in 1993 by following the stipulated norms of reservation, the representation of OBCs would have been much better now. Moreover, the Committee find that there is no data pertaining to recruitment available for the period from 1993 to 2010. In the opinion of the Committee, this is a substantial period of time for which no scrutiny or analysis is possible owing to the absence of any authentic data with regard to the number of sanctioned posts, number of vacancies available and recruitment made in OBC category, post-wise, Group-wise and year-wise. The Ministry of Housing and Urban Affairs have stated that the requisite information for the period 1993 to 2010 is not readily available as the same pertains to an old period. They have further informed that efforts are being made to trace the relevant files for compiling the requisite information. The Committee in this regard, expect that no effort would be spared for tracing and compiling the requisite information for the period. From the replies furnished by the Ministry, it is also evident that the data pertaining to recruitment and implementation of reservation has not been compiled in digital format by the CPWD. They, therefore recommend that the Ministry should reap the benefit of technology in this regard, as advancements in digital technology have made data compilation, analysis and maintenance very easy. The Committee trust that the requisite data will be compiled and made available to the Committee at the earliest.”

6. The Ministry of Housing and Urban Affairs in their action taken reply have stated as under:

“The required data have been collected from the respective offices in Eastern Region, Western Region, Southern Region and Northern Region under the Directorate and the compiled/consolidated data is at Annexure-I(a) to Annexure-I(q).”

**7. The Committee in their Original Report had expressed anguish at very low representation of OBCs across various levels and also to the non-availability of region-wise data. The Ministry reportedly had no readily available data for the period for the period 1993 to 2010, which has now, in Action Taken Notes, been furnished to the**

Committee. However, the Committee observe that at present there is substantial number of shortfall in OBC vacancies in the grade(s) of Lower Division Clerk in Northern Region, MTS in Eastern, Northern and Southern Region. For example there is shortfall of 29 OBC vacancies in the grade of Lower Division Clerk in Northern Region. Similarly, there is shortfall of 37, 224 and 32 OBC vacancies of MTS in Eastern, Northern and Southern Region respectively. The Committee are of the considered opinion that welfare of OBCs will be adversely affected if immediate and time-bound step is not taken to maintain the 27% quota earmarked for OBCs. The Committee, therefore, recommend that while filling up of vacancies in a year, CPWD need to put in efforts to make up the shortfall of reservation in OBC category. They also desire that, since data has been compiled, a central nodal officer should be appointed in the Office of D.G., CPWD for monitoring the compilation of data digitally in order to create transparency and synergies between regions for smooth implementation of OBC reservation policy. As recommended by the Committee earlier, this is the best possible way for the Ministry to use the advanced technology in digitization, maintenance, compilation and analysis of data for the advancement and better representation of OBCs in the organization.

**Ensuring proper representation of OBCs in total workforce**

**Recommendation SI. No. 2**

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

“While citing the reasons for low representation of OBCs in the organisation, especially in Group-‘C’ posts where representation of OBCs is only 6.3 per cent, CPWD have informed that in Group-‘C’ category, of the total strength of 16,544 employees, the number of work-charged employees is 11,480, which is a major constituent of Group- ‘C’. The Committee have been given to understand that no direct recruitment is being made for filling up work-charged vacancies as per the policy of the Government. They have also been informed that recruitment rules are in the process of being revised for work-charged category and that the recruitment process can be completed following the finalisation of Recruitment Rules. The Committee find that a major chunk of Group-‘C’ employees belong to work-charged category

and feel that keeping the recruitment of employees of this category beyond the ambit of reservation will go against the spirit of the reservation policy of the Government in favour of the socially and educationally backward classes. The Committee, therefore, expect that the Recruitment Rules for the work-charged category which are already under revision will be reframed in such a way so as to introduce direct recruitment therein and thereby pave the way for judicious inclusion of OBC candidates under the work-charged category in CPWD. The Committee desire to be kept apprised of the progress in regard to revision of the relevant Recruitment Rules.”

9. The Ministry of Housing and Urban Affairs in their action taken reply have stated as under:

“The guidelines issued by the DoPT are being strictly followed and all rosters are getting vetted from Liaison Officers.”

**10. The Committee had categorically asked the Ministry to keep them apprised about the changes being made in the recruitment rules related to work-charged employees and expected reframing in a way so as to introduce direct recruitment therein. The Committee had pointed out that exclusion of a major chunk of Group-C employees in the work- charged category from the ambit of OBC reservation was against the spirit of reservation policy and hence desired the same. Regrettably, the Ministry has given a vague one-line reply to the Committee citing their adherence to DoPT Guidelines on the matter. The Committee desire to know reasons for not accepting the suggestion. They also reiterate that regular recruitment in Group-C in work-charged category should be made with due representation provided to OBC category in future. The Committee would also like to be informed of the action on its recommendation regarding changes in the recruitment rules and introduction of direct recruitment in work-charged category of employees.**

**Grievance redressal and role of Liaison Officer for OBCs.**

**Recommendation Sl. No. 4**

11. The Committee in their Twentieth Report had recommended as under:

“The Committee note that CPWD had appointed their DDG(HQ) as Staff Grievance Officer on 14th July, 2016 and had advised all the CPWD officials to send their grievances in respect of service matters of CPWD to the Staff Grievance Officer by email in PDF format. It was informed that OBC employees can report their grievances to Liaison Officer for OBCs also. However, the Committee are astonished to find that this is not mentioned anywhere in the charter of duties attached to the appointment order of the Liaison Officer for OBCs. Besides, the Committee had during the course of examination of the subject raised the specific question as to whether the management holds periodic meetings with the OBC Employees’ Welfare Association/Union to sort out their problems/grievances. The Ministry, in their reply in this regard, had informed that no welfare association had approached the management with the problems/grievances. The Committee find this submission to be ambiguous and not clear about the existence of any such association in CPWD. Moreover, the Committee are also doubtful about the management being open for any periodic meetings with the OBC employees’ representative bodies, if at all they exist. In this scenario, the Committee are not surprised that no complaints from OBC employees have been received in the last two years. They are of the opinion that the employees belonging to OBC community generally do not come forward with their grievances, complaints and suggestions easily as they hail from the background of socially and educationally deprived section of the society. The Committee, therefore, recommend that the Liaison Officer for OBCs should be empowered to deal with the grievances and complaints of the OBC employees by categorically including a provision to this effect in the Charter of duties of the Liaison Officer for OBCs. This would enable the Liaison Officer to serve as a bridge between the OBC employees and the management. The Committee would also like to emphasise that the grievances sent in writing should also be taken into consideration as all the employees may not be well versed in sending the same through email in PDF format. They also recommend that the Ministry of Housing and Urban Affairs to develop a mechanism to hold periodic meetings with the representative bodies/OBC employees proactively so that the employees hailing from the downtrodden section of the society may find their say in the organisation and feel associated and connected, which will ultimately prove to be beneficial for the organisation itself.”

12. The Ministry of Housing and Urban Affairs in their action taken reply have stated as under:

“The Liaison Officer for OBCs discharges his duties as per Annexure DoPT’s O.M. No. 43011/153/2010-Estt.(Res.) dated 4<sup>th</sup> January, 2013.”

13. **The Committee had been informed that OBC employees could also report their grievances to Liaison Officer for OBCs, besides the Staff Grievance Officer. The Committee felt that it was imperative to strengthen the grievance redressal mechanism for OBCs and had accordingly recommended that the charter of duties for OBC Liaison Officer should specifically mention their grievance hearing powers. Now, the Ministry appears to have changed their earlier stand as they have now submitted that the Liaison Officer for OBCs is discharging his duties as per Annexure to DoPT OM No. 43011/153/2010-Estt(Res.) dated 4th January, 2013. The said O.M. specifically mentions the responsibilities and privileges of the Liaison Officer which *inter alia* states that "if Liaison Officers notice that there is flouting of reservation instructions by any officers or complaint against any officer of harassment or deliberate manipulating things to damage the interests of the weaker sections, they should feel free to report such lapses to the Secretary/Additional Secretary of the Ministry/Department concerned without fear and hesitation of hierarchical disobedience." The Committee emphasise that Liaison Officer needs to discharge his duties as enshrined in the aforesaid OM of DOPT. They also reiterate that the Ministry of Housing and Urban Affairs should hold periodic meetings with the representative bodies/OBC employees proactively and hear/redress the grievances of OBC employees promptly.**

### **Outsourcing/Engaging Contractual Employees**

#### **Recommendation Sl. No. 5**

14. The Committee in their Twentieth Report had recommended as under:

The Committee note that contract agencies have been engaged by CPWD for construction and maintenance services on consideration of economy and speed, efficiency and more effective delivery of public services. However, the Ministry have failed to provide any details of such agencies and number of contractual employees engaged for different services during the last three years. The Committee have been informed that CPWD does not employ contracted labourers and contracts are drawn with contract agencies for execution of construction and maintenance works. The Ministry have admitted that the details of the contract labourers and agencies engaged in construction and maintenance works are not being centrally maintained by the department. As such, on the issue of representation of backward classes among the contractual employees, they have stated that in the CPWD Works Manual and CPWD Standard Contract Agreement Forms, there is no provision for issuing recommendations/directions to the contractor for engaging labourers of any specific category. While not putting any question mark on the Government policy decision to engage contract employees for certain services and works under the department, the Committee feel that such appointments through contract agencies adversely affect the opportunities that are otherwise available to the reserved classes in regular appointments. They, therefore, desire that there should be some initiative on the part of the Government to explore the way to give representation to the backward classes in such contractual employment so as to honour the spirit of the Constitution of India towards ensuring equal opportunity and inclusive growth for socially and educationally backward classes. The Committee also suggest that the payment of minimum wages as per the Minimum Wages Act and provision of other facilities, pertaining to healthcare, PPF, insurance and social security benefits should also be ensured for such contractual workers by establishing a proper monitoring mechanism in the department in this regard.

### **REPLY OF THE GOVERNMENT**

15. The Ministry of Housing and Urban Affairs in their action taken reply have stated as under:

"There are policy issues as contractual employees are appointed by contractors themselves and there are no guidelines for enforcing such requirements in the contract.

Whenever such policy directives will be issued by the Government, these will be implemented in CPWD."

**16. The Committee in their original Report had recommended that details of contractual employees engaged for efficient services be maintained and the provision of OBC reservation be extended therein also. The Committee had further suggested that the payment of minimum wages as per Minimum Wages Act and provision of other facilities pertaining to health care, PPF, insurance and social security benefits should also be ensured for such contractual workers by establishing a proper monitoring mechanism in this regard. The Committee are disappointed to note that a free hand has been given to contractors for engaging the workers by themselves by CPWD as the Ministry views such issues to be policy issues and absence of any guidelines for enforcing such requirements in the contract. In this connection, the Committee would like the Ministry to refer to DOPT O.M. No.36036/3/2018 - ESTT. (Res.) dated 15.05.2018, which states that there shall be reservation for SC/ST/OBC class candidates in all temporary appointments, which are to last for 45 days or more. The Committee therefore emphasise that instructions of Government of India on the subject are clear in the said OM and, therefore, should be scrupulously followed by the Ministry.**



## CHAPTER II

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

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

##### **Organisation and Data Management in Recruitment**

2.1 The Committee in their Twentieth Report (Sixteenth Lok Sabha) had recommended as under:

CPWD has been serving as the premier construction agency of the Government of India for the last 162 years. Through the professional expertise in disciplines including Architecture, Engineering, Project Management coupled with comprehensive experience in building construction and maintenance, CPWD has now grown into a comprehensive construction management department which provides services from project concept to completion, consultancy and maintenance management. Central PWD is executing works across the length and breadth of the country with seven Regions, namely; New Delhi Region, Delhi Region, PWD Region, Northern Region, Southern Region, Eastern Region and Western Region which are headed by Additional Director General/Engineer-in-Chief apart from ADG(Border) looking after border fencing, road and lighting works along Indo- Pak and Indo-Bangladesh borders. ADG(Arch) assists the Director General (Works) at the Headquarters in Architectural Planning and Designing projects and ADG(Trg.) is in charge of Training activity in CPWD; Director General being the overall head of the Department.

The Committee note that as on 1st January, 2018, there were 25,452 employees in CPWD. Of these, only 2,113 employees belonged to OBC category constituting just 8.3 per cent of the total number of employees. In Group 'A' service, the representation of OBCs was 12.54 per cent; in Group 'B', 11.93 per cent; while in Group 'C', the representation of OBCs is miserably low at 6.3 per cent. The Committee find this position to be unreasonable as the reservation for OBCs was made effective way back in 1993 i.e. two and a half decades back. The reasons cited by CPWD for the inadequate or low representation of OBCs are routine in

nature and lack substantive reasoning. Had there been regular, optimum and timely recruitment to fill up all the vacancies against the sanctioned posts since the policy of reservation came into effect in 1993 by following the stipulated norms of reservation, the representation of OBCs would have been much better now. Moreover, the Committee find that there is no data pertaining to recruitment available for the period from 1993 to 2010. In the opinion of the Committee, this is a substantial period of time for which no scrutiny or analysis is possible owing to the absence of any authentic data with regard to the number of sanctioned posts, number of vacancies available and recruitment made in OBC category, post-wise, Group-wise and year-wise. The Ministry of Housing and Urban Affairs have stated that the requisite information for the period 1993 to 2010 is not readily available as the same pertains to an old period. They have further informed that efforts are being made to trace the relevant files for compiling the requisite information. The Committee in this regard, expect that no effort would be spared for tracing and compiling the requisite information for the period. From the replies furnished by the Ministry, it is also evident that the data pertaining to recruitment and implementation of reservation has not been compiled in digital format by the CPWD. They, therefore recommend that the Ministry should reap the benefit of technology in this regard, as advancements in digital technology have made data compilation, analysis and maintenance very easy. The Committee trust that the requisite data will be compiled and made available to the Committee at the earliest.

### **REPLY OF THE GOVERNMENT**

2.2 The Ministry of Housing and Urban Affairs in their action taken reply have stated:

The required data have been collected from the respective offices in Eastern Region, Western Region, Southern Region and Northern Region under the Directorate and the compiled/consolidated data is at Annexure-I(a) to Annexure-I(q).

(Ministry of Housing and Urban Affairs O.M. No. H-11013/6/2018-W3 dated 04.09.2019)

### **Comment of the Committee**

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

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

**Implementation of Reservation Policy for OBCs in Recruitment**

2.3 The Committee in their Twentieth Report had recommended as under:

The scrutiny of the year-wise and post-wise data of recruitment in CPWD reveals that in the Group- 'B' post of Assistant (AD), no recruitment has been executed since the year 2014-15. The Committee were informed that requisition for filling up vacancies that arose during the year 2014-15 and 2015-16 has been sent to the SSC, Allahabad and Chennai and the proposal for filling up vacancies that arose during the year 2016-17 and 2017-18 was under process. Besides, for the post of Junior Engineer (C), only 87 OBC candidates had joined out of the total of 204 OBC vacancies in 2015. The dossiers of the successful candidates of the year 2016 were received only during March, 2018. For the Group 'C' post of Lower Division Clerk, dossiers of only 22 OBC candidates were received from SSC against 135 OBC vacancies for the year 2016. Further, the Committee find that the recruitment against a total of 456 OBC vacancies for Multi Tasking Staff was pending for the recruitment year of 2017. Explaining the reasons, the Ministry has informed that SSC has not conducted recruitment for the post of MTS preceding to the year 2016 and the OBC vacancies for the year 2014-15 were reported to SSC in the year 2016. Against this backdrop, the Committee observe that there has always been substantial period of delays that are avoidable in the whole recruitment process in CPWD, which would not only be a matter of deep concern not only for the candidates, but also go against the overall interest of the organisation itself. The Committee, therefore, recommend that the Ministry of Housing and Urban Affairs expedite the whole process of recruitment in coordination with SSC and make all out efforts to fill up all the pending OBC vacancies in various categories of posts without any further delay.

**REPLY OF THE GOVERNMENT**

2.4 The Ministry of Housing and Urban Affairs in their action taken reply have stated as under:

Assistant (AD): The vacancies which aroused during the year 2014-15 have been filled. For year 2015-16 SSC, Chennai has conducted the Exam. For the years 2016-17 and 2017-18 the process is under consideration but is held up due to restructuring of organisation.

LDC: Against the requisition of 1135 OBC vacancies for the post of CHSLE, 2016 all the 135 dossiers have been received and subsequently allocated to different regions of CPWD.

Junior Engineer(C): For the year 2015, 132 candidates have joined out of total 204 OBC vacancies as on 17<sup>th</sup> August, 2018. The rest of the candidates have also joined.

MTS: The recruitment process of Multi-Tasking Staff is being done by SSC. Indents for different categories of recruitments against vacancies as per roster points are being sent.

(Ministry of Housing and Urban Affairs O.M. No. H-11013/6/2018-W3 dated 04.09.2019)

### **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. 2**

##### **Ensuring proper representation of OBCs in total workforce**

4.1 The Committee in their Twentieth Report had recommended as under:

While citing the reasons for low representation of OBCs in the organisation, especially in Group-‘C’ posts where representation of OBCs is only 6.3 per cent, CPWD have informed that in Group-‘C’ category, of the total strength of 16,544 employees, the number of work-charged employees is 11,480, which is a major constituent of Group- ‘C’. The Committee have been given to understand that no direct recruitment is being made for filling up work-charged vacancies as per the policy of the Government. They have also been informed that recruitment rules are in the process of being revised for work-charged category and that the recruitment process can be completed following the finalisation of Recruitment Rules. The Committee find that a major chunk of Group-‘C’ employees belong to work-charged category and feel that keeping the recruitment of employees of this category beyond the ambit of reservation will go against the spirit of the reservation policy of the Government in favour of the socially and educationally backward classes. The Committee, therefore, expect that the Recruitment Rules for the work-charged category which are already under revision will be reframed in such a way so as to introduce direct recruitment therein and thereby pave the way for judicious inclusion of OBC candidates under the work-charged category in CPWD. The Committee desire to be kept apprised of the progress in regard to revision of the relevant Recruitment Rules

#### **REPLY OF THE GOVERNMENT**

4.2 The Ministry of Housing and Urban Affairs in their action taken reply have stated as under:

The guidelines issued by the DoPT are being strictly followed and all rosters are getting vetted from Liaison Officers.

(Ministry of Housing and Urban Affairs O.M. No. H-11013/6/2018-W3 dated 04.09.2019)

### **Comment of the Committee**

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

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

#### **Grievance Redressal and Role of Liaison Officer for OBCs**

4.3 The Committee in their Twentieth Report had recommended as under:

The Committee note that CPWD had appointed their DDG(HQ) as Staff Grievance Officer on 14th July, 2016 and had advised all the CPWD officials to send their grievances in respect of service matters of CPWD to the Staff Grievance Officer by email in PDF format. It was informed that OBC employees can report their grievances to Liaison Officer for OBCs also. However, the Committee are astonished to find that this is not mentioned anywhere in the charter of duties attached to the appointment order of the Liaison Officer for OBCs. Besides, the Committee had during the course of examination of the subject raised the specific question as to whether the management holds periodic meetings with the OBC Employees' Welfare Association/Union to sort out their problems/grievances. The Ministry, in their reply in this regard, had informed that no welfare association had approached the management with the problems/grievances. The Committee find this submission to be ambiguous and not clear about the existence of any such association in CPWD. Moreover, the Committee are also doubtful about the management being open for any periodic meetings with the OBC employees' representative bodies, if at all they exist. In this scenario, the Committee are not surprised that no complaints from OBC employees have been received in the last two years. They are of the opinion that the employees belonging to OBC community generally do not come forward with their grievances, complaints and suggestions easily as they hail from the background of socially and educationally deprived section of the society. The Committee, therefore, recommend that the Liaison Officer for OBCs should be empowered to deal with the grievances and complaints of the OBC employees by

categorically including a provision to this effect in the Charter of duties of the Liaison Officer for OBCs. This would enable the Liaison Officer to serve as a bridge between the OBC employees and the management. The Committee would also like to emphasise that the grievances sent in writing should also be taken into consideration as all the employees may not be well versed in sending the same through email in PDF format. They also recommend that the Ministry of Housing and Urban Affairs to develop a mechanism to hold periodic meetings with the representative bodies/OBC employees proactively so that the employees hailing from the downtrodden section of the society may find their say in the organisation and feel associated and connected, which will ultimately prove to be beneficial for the organisation itself.

### **REPLY OF THE GOVERNMENT**

4.4 The Ministry of Housing and Urban Affairs in their action taken reply have stated as under:

The Liaison Officer for OBCs discharges his duties as per Annexure DoPT's O.M. No. 43011/153/2010-Estt.(Res.) dated 4<sup>th</sup> January, 2013.

(Ministry of Housing and Urban Affairs O.M. No. H-11013/6/2018-W3 dated 04.09.2019)

### **Recommendation Sl. No. 5**

#### **Outsourcing/Engaging Contractual Employees**

4.5 The Committee in their Twentieth Report had recommended as under:

The Committee note that contract agencies have been engaged by CPWD for construction and maintenance services on consideration of economy and speed, efficiency and more effective delivery of public services. However, the Ministry have failed to provide any details of such agencies and number of contractual employees engaged for different services during the last three years. The Committee have been informed that CPWD does not employ contracted labourers and contracts are drawn with contract agencies for execution of construction and maintenance works. The Ministry have admitted that the details of the contract labourers and agencies engaged in construction and maintenance works are



not being centrally maintained by the department. As such, on the issue of representation of backward classes among the contractual employees, they have stated that in the CPWD Works Manual and CPWD Standard Contract Agreement Forms, there is no provision for issuing recommendations/directions to the contractor for engaging labourers of any specific category. While not putting any question mark on the Government policy decision to engage contract employees for certain services and works under the department, the Committee feel that such appointments through contract agencies adversely affect the opportunities that are otherwise available to the reserved classes in regular appointments. They, therefore, desire that there should be some initiative on the part of the Government to explore the way to give representation to the backward classes in such contractual employment so as to honour the spirit of the Constitution of India towards ensuring equal opportunity and inclusive growth for socially and educationally backward classes. The Committee also suggest that the payment of minimum wages as per the Minimum Wages Act and provision of other facilities, pertaining to healthcare, PPF, insurance and social security benefits should also be ensured for such contractual workers by establishing a proper monitoring mechanism in the department in this regard.

#### **REPLY OF THE GOVERNMENT**

4.6 The Ministry of Housing and Urban Affairs in their action taken reply have stated as under:

There are policy issues as contractual employees are appointed by contractors themselves and there are no guidelines for enforcing such requirements in the contract. Whenever such policy directives will be issued by the Government, these will be implemented in CPWD.

The Committee in their original Report had recommended that details of contractual employees engaged for efficient services be maintained and the provision of OBC reservation be extended therein also. The Committee had further suggested that the payment of minimum wages as per Minimum Wages Act and provision of other facilities pertaining to health care, PPF, insurance and social security benefits should also be ensured for such contractual workers by establishing a proper monitoring mechanism in this regard. The Committee are disappointed to note that a free hand has been given to contractors for engaging the workers by themselves and not many provision are there in place for protecting

the workers from exploitation. The Committee, therefore, reiterate their desire there showed be some initiative on the part of the Government to explore the way to give representation to the backward classes in such contractual employment so as to honor the spirit of our constitution ensuring equal opportunity and inclusive growth for socially and educationally backward classes.

(Ministry of Housing and Urban Affairs O.M. No. H-11013/6/2018-W3 dated 04.09.2019)

### **Comment of the Committee**

(Please see para 13 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;  
14 July, 2020  
23 Ashadha, 1942 (Saka)**

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

**COMMITTEE ON WELFARE OF OTHER BACKWARD CLASSES  
(2019-20)**

**MINUTES OF THE TWENTY SIXTH SITTING OF THE COMMITTEE ON WELFARE OF  
OTHER BACKWARD CLASSES (2019-20) HELD ON 14<sup>TH</sup> JULY, 2020 IN COMMITTEE  
ROOM B, PARLIAMENT HOUSE ANNEXE, NEW DELHI**

The Committee sat from 1100 hrs. to 1110 hrs.

PRESENT

**SHRI GANESH SINGH - CHAIRPERSON**

MEMBERS

LOK SABHA

2. Shri Ramesh Bidhuri
3. Smt S. Jothimani
4. Dr. (Smt.) Pritam Gopinathrao Munde
5. Shri Balak Nath
6. Shri Ajay Nishad
7. Dr. Sanghamitra Maurya
8. Shri Ram Shiromani
9. Shri Rajesh Verma

RAJYA SABHA

10. Shri T.K.S. Elangovan
11. Smt. Chhaya Verma
12. Shri Harnath Singh Yadav

SECRETARIAT

- |                        |   |                     |
|------------------------|---|---------------------|
| 1. Smt. Anita B. Panda | — | Joint Secretary     |
| 2. Shri Kusal Sarkar   | — | Director            |
| 3. Md. Aftab Alam      | — | Additional Director |
| 4. Shri Janmesh Singh  | — | Deputy Secretary    |

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

- i “Measures undertaken to secure representation of OBCs in employment and for their welfare in Rashtriya Chemicals & Fertilizers Limited” pertaining to the Ministry of Chemical and Fertilizers.
- ii “Measures undertaken to secure representation of OBCs in employment and for their welfare in National Fertilizers Limited” pertaining to the Ministry of Chemical and Fertilizers.
- iii “Measures undertaken to secure representation of OBCs in admissions in Ph.D. and appointment of teachers in Delhi University” pertaining to the Ministry of Human Resource Development (Department of Higher Education).
- iv Action Taken on the Twentieth Report (Sixteenth Lok Sabha) of the Committee on the subject “Measures undertaken to secure representation of OBCs in employment and for their welfare in Central Public Works Department (CPWD)” pertaining to the Ministry of Housing and Urban Affairs.
- v Action Taken on the Twenty First Report (Sixteenth Lok Sabha) of the Committee on the subject “Rationalisation of Creamy Layer in Employment for OBCs in Services and Posts under the control of Government of India including Union Territories, PSUs etc” pertaining to the Ministry of Social Justice and Empowerment.

3. The Committee adopted the aforesaid draft Reports after a brief discussion and authorized the Chairperson to present the Reports to Parliament or to the Hon’ble Speaker, Lok Sabha.

*The Committee then adjourned.*

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## APPENDIX II

### ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE TWENTIETH REPORT OF THE COMMITTEE ON WELFARE OF OBCs (SIXTEENTH LOK SABHA)

(Refer Para 4 of Introduction)

(i)	Total No. of Observations/Recommendations:	5
(ii)	Observation/Recommendations of the Committee which have been accepted by the Government:	
	Recommendation Sl. Nos. 1 and 3	
		Total : 2 Percentage-40%
(iii)	Observations/Recommendations which the Committee do not desire to pursue in view of the replies received from the Government	
	-Nil-	
		Total : Nil Percentage-0%
(iv)	Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration:	
	Recommendation Sl. Nos. 2, 4 and 5	
		Total : 3 Percentage-60%
(v)	Observations/Recommendations in respect of which final replies of the Government are still awaited:	
	-Nil-	
		Total : Nil Percentage-0%