



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

File No. Review/25/ITPO/2023-SSW

Dated: 03/11/2023

To,

Shri Pradeep Singh Kharola,
Chairman-Cum-Managing Director,
India Trade Promotion Organization (ITPO),
Pragati Maidan, New Delhi -110001
(Ph No. 011- 23371100)
(Email: cmditpo@itpo.gov.in)

Sub: Review of Constitutional Safeguards for Scheduled Tribes of ITPO.

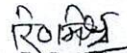
महोदय,

I am directed to refer to the subject cited above and to enclose copy of minutes of Review Meeting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 11.10.2023 at BHEL, New Delhi.

It is requested that the report on action taken/ to be taken on the recommendations may be sent within 30 days from receipt of the letter, for placing it before the Hon'ble Member.

Encl: As above.

Yours faithfully,


आर.एस.मिश्र / R.S. Misra)
अनुसंधानअधिकारी / Research Officer
Ph No. 011-24641640

Copy for information to:

1. PS to Hon'ble Member, NCST
2. PS to Secretary, NCST
3. O/o JS, NCST
4. NIC, NCST for uploading on the website of the Commission

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

REPORT AND RECOMMENDATIONS UNDER ARTICLE 338A(5)(e) OF THE CONSTITUTION OF INDIA ON THE MEASURES TO BE TAKEN BY THE INDIA TRADE PROMOTION ORGANIZATION, (ITPO), NEW DELHI FOR EFFECTIVE IMPLEMENTATION OF CONSTITUTIONAL SAFEGUARDS AND REVIEW AND MONITORING OF SCHEMES FOR THE PROTECTION, WELFARE AND SOCIAL ECONOMIC DEVELOPMENT OF THE SCHEDULED TRIBES BY THE NATIONAL COMMISSION FOR SCHEDULED TRIBES.

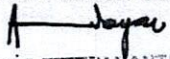
[File No. Review/25/ITPO/2023-SSW]
Date of Review: 11.10.2023 at ITPO, New Delhi

The National Commission for Scheduled Tribes (NCST) is a Constitutional Body set up under Article 338A of the Constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of Scheduled Tribes in the Country. As per constitutional provisions, the Union and every State Govt. shall consult the Commission on all major policy decisions affecting Scheduled Tribes. The Commission presents its Reports to the Hon'ble President of India and all such reports are to be laid before each House of Parliament along with Memorandum explaining the Action Taken or proposed to be taken on the recommendations relating to the Union and the reasons for non- acceptance, if any, of any of such recommendations by the Ministry of Tribal Affairs, Government of India.

2. In pursuance of the above Constitutional mandate, Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes, in the presence of Smt. Alka Tiwari, Secretary, NCST and other Senior Officers of the Commission took a Review Meeting with the Chairman & Managing Director (CMD) and other Senior Officers, ITPO (under the Ministry of Commerce & Industry, Deptt. of Commerce) on 11.10.2023 to evaluate the implementation of Constitutional Safeguards available to the Scheduled Tribes Employees in the ITPO and review implementation of various service safeguards and other developmental schemes/programmes for the welfare and development of Scheduled Tribes Employees of ITPO and Scheduled Tribes Population of the Country.

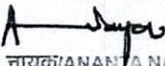
3. This is the first Review of ITPO undertaken by NCST. The List of Officers of ITPO, who were present in the Review Meeting at 04:00 PM on 11.10.2023 and Office bearers of SC/ST Employees Welfare Association, ITPO and ST Employees of ITPO, who attended the meeting at 03:00 PM on 11.10.2023 is Annexed.

4. The Hon'ble Member, NCST in the presence of Secretary, NCST and other officials of the Commission had interaction and discussion with Office bearers of SC/ST Employees Welfare Association of ITPO, ST employees of ITPO and Liaison Officer, ITPO on the problems and

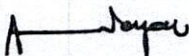

अनंत नायक/ANANTA NAYAK
सदस्य/Member
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difficulties faced by ST employees in the organization. At the outset, the office bearers of SC/ST Employees Welfare Association welcomed and felicitated the Commission and its Team and expressed their gratitude that, due to the kind intervention of the Commission, the Management of ITPO provided Office Space for the SC/ST Association in ITPO Complex in Pragati Maidan, New Delhi on 11.10.2023. The SC/ST Employees Welfare Association, ITPO further drew the attention of the Commission to the following points pertaining to ST Employees of ITPO:-

- a. The DPCs for the promotion to various Posts for ST Employees are not held even though eligible officials are available in all Cadres. Especially promotions from Assistant Manager to Deputy Manager Cadres for STs are withheld/delayed without any reasons. Representatives of the Association pointed out the Supreme Court ruling in this regard that vacancies should be filled as and when vacancies arise as well as DOPT's OM No. 28034/4/86-Estt(d) dated 17.11.1986 are being violated in ITPO. Example of inordinate delay of Promotion in the case of ST Employee, Shri Harpal Meena who got his promotion after 20 years was cited;
- b. As on date, there is no policy in ITPO for providing compensation and job to next of kin for ST Officials except financial compensation that too only for Employees in Group C & D for death during service tenure. The extant policy may be extended to Group A & B ST Officers;
- c. A large number of DR Reserved Posts are lying unfilled in ITPO viz 81/166 in Group A; 22/52 in Group B; and 89/193 in Group C. The vacant posts reserved for STs may be filled up on priority basis;
- d. The DoPT OM No. 36036/3/2018-Estt (Res) dated 15.05.2018 regarding reservation in temporary appointments made for more than 45 days is not followed by the ITPO. No vacancies were earmarked for reserved category for engagement of Young Professionals, Interns, Consultants on contractual basis when the tenure was of one year period;
- e. The result of Election of office Bearers of SC/ST Employees Welfare Association, ITPO has not been declared by the Management since 4.4.2022;
- f. Separate Internal Grievance Redressal Committee for ST Employees is not available in ITPO;
- g. ST Officer namely Shri Pankaj Meena has been superseded by a General Category Officer, who is the most Junior to him. The Management has not resolved the Grievance but changed the Recruitment Rule to disfavor the aggrieved ST Officer;
- h. Ms. Nirupa Tirkey, Jr. Stenographer has not got her Promotion. Her case was taken up by the SC/ST Association with the ITPO Management but no response has been received in the matter till date;


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- i. There is no Reservation Cell in ITPO to resolve the grievances of SC/ST employees. A Reservation Cell may be setup at the earliest in ITPO;
 - j. Transfer/Posting Policy in ITPO is not transparent leading to discrimination and harassment of ST Employees. Transfer/Posting Policy may be made and a copy thereof uploaded in the website along with all Transfer/Posting Orders for more transparency;
 - k. The representation of ST Employees are very low in the nominations for participation for Events of ITPO organized abroad.
 - l. The SC/ST Employees are not deputed for Training/Skill Development Programmes. The Management may take adequate steps to ensure the participation/nomination of ST Employees for all types of training/skill development programmes;
 - m. There are no post retirement medical facilities to Employees of ITPO;
 - n. There is no provision for awarding/giving bonus to Employees working beyond office hours, holidays and during the exigency of mega events organized by ITPO.
 - o. There is also no provision for leave encashment to Employees of ITPO.
5. After interaction with SC/ST Employees Welfare Associations, ITPO, Hon'ble Member, Secretary and Senior Officers of NCST met the CMD and Senior Officers, ITPO for discussion on the problems faced by Scheduled Tribes Employees of ITPO. Joint Secretary, NCST initiated the Meeting and introduced the Hon'ble Member and Secretary, NCST. At the outset, Hon'ble Member, NCST conveyed congratulatory message to CMD, ITPO and his Team for the successful conduct of the prestigious G-20 Summit in Bharat Mandapam. Secretary, NCST thereafter gave a brief about the functions and duties of NCST. The CMD, ITPO thereafter apprised the Commission about ITPO activities for protection of Scheduled Tribes Employees of the ITPO.
6. A Power Point Presentation (PPT) was given on the background, objectives; manpower; reservation in service, roster; recruitment and other activities of ITPO. The PPT *inter-alia* highlighted the following points:-
- i. ITPO, initially formed in 1976 as Trade fair Authority of India (TFAI), came into existence in 1992 after merger with Trade Development of India (TDI) and is now a Schedule 'B' Miniratna Category-I CPSE under the administrative control of Department of Commerce with 100% shareholding by the Government of India;
 - ii. It has three Regional Offices at Chennai; Mumbai and Kolkata;
 - iii. Recently, the prestigious G-20 Summit was held in Bharat Mandapam, which will be the venue for various National and International Events in future;
 - iv. As on 01.10.2023, a total of only 8 ST Employees are present viz Group A - 03 out of total 80 amounting to 3.75%; Group-B -01 out of 42 amounting to 2.38% and Group C- 04 out of total 98 amounting to 4.08 %;


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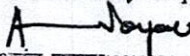
- v. Reservations and relaxations for STs in Recruitment include 5 years age limit relaxation; Relaxation in experience and standards in case of non-availability of ST candidates; No Application Fee; Reimbursement for 2nd Class train fare for outstation ST candidates appearing for Interview/test for recruitment in ITPO;
- vi. Reservations in promotions for STs; relaxations in qualifying standards of typing and shorthand tests for Jr. Assistant and Sr. Steno; extended size of zone of consideration of five times the number of vacancies;
- vii. Promotion data of ST employees of ITPO viz 05 STs out of 125 Promotions in 2017; 02 STs out of 67 Promotions in 2018 and 04 STs out of 91 Promotions in 2023 (Till date);
- viii. Benefits of ITPO Activities to STs include provision of space in ITPO Domestic Events to display and promote products of ST exhibitors/entrepreneurs under various Schemes of Government of India;
- ix. CMD/ED/OSD meet ST Employees to sort out their grievances as and when sought; ITPO has initiated the process of online Grievance Management System; and a separate General Manager Rank Officer is the Liaison officer for SC/ST/PwD; Designated Reservation Cell in ITPO has been put in place to assist Liaison Officer in terms of DOPT OM dated 18.12.2022;
- x. Under CSR Activity, ITPO has allocated Rs 20 Lakhs in FY-2022-23 for construction of rooms and toilets for ST Students in Panchmahal, Gujarat.

7. Observation and clarification:-

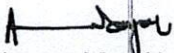
As on 01.09.2023, there are two Members of Board of Directors of ITPO belonging to ST Category. The issue of non-declaration of election results for the posts of Office Bearers of SC/ST Employees Welfare Association, ITPO by the Management of ITPO was brought to the notice of CMD, ITPO during the review meeting. The CMD, ITPO was of the view that there should be no role of Management of ITPO for declaration of election result of SC/ST Employees Welfare Association, ITPO & other activities of the association. He suggested that this should be the responsibility of Office Bearers of the Association and Registrar of the Society. CMD assured that the matter will be examined by the ITPO Administration and action taken/to be taken thereon will be communicated to Office Bearers of Association very soon.

8. Recommendations of the Commission:-

- a. Keeping in view the Advisory of NCST communicated in August, 2021 to all Ministries/Departments/PSUs to set up a separate Internal Grievance Committee for redressal of problems of ST Employees and also the fact that ITPO do not have such a Cell, the Commission recommends that the same may be put in place;


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- b. Keeping in view that the Management of ITPO has not convened Meetings with the SC/ST Employees Welfare Association, ITPO in the previous years, the Commission recommends that periodic structured Meetings may be held with the ST Association with proper records of Minutes of such Meetings and Action Taken thereon;
- c. The reasons for existence of Group -D Posts in ITPO despite the abolition of Group D posts by DOPT may be furnished;
- d. Details of sanctioned strength of Group-wise Posts in ITPO alongwith ST reserved percentages in ITPO HQ as well as in three Regional Offices may be furnished;
- e. Delay in promotion in cases of ST Employees viz Shri Pankaj Meena and Ms. Nirupa Tirkey may be examined by the Management, as per rule, at the earliest;
- f. The details of shortfall vacancies for STs and steps taken to fill up those vacancies may be furnished;
- g. The ST reservation may be ensured in contractual/outsourced jobs to be advertised by the ITPO in terms of extant DOPT Guidelines;
- h. Transfer/Posting Policy being adopted by ITPO may be made available online and all Transfer/Posting Orders of employees may also be uploaded in the ITPO Intranet for greater transparency;
- i. Structured periodical meetings with SC/ST Employees Welfare Association may be convened and records of Minutes of such Meetings as well as action taken thereon may be maintained;
- j. Adequate representations of STs may be ensured in all types of training/courses organized by ITPO both in India and abroad;
- k. The Composition of SC/ST Cell of ITPO may be furnished;
- l. Feasibility of giving relaxations in qualifying marks in Departmental Competitive examinations in ITPO for promotions of ST Employees may be considered;
- m. Issues highlighted by the SC/ST Employees Association pertaining to Post-retirement medical facilities, bonus and leave encashment for Employees of ITPO (including ST Employees) may be examined by the ITPO Management;



(Ananta Nayak)

Member, National Commission for Scheduled Tribes
New Delhi

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Annexure

List of participants of the Review Meeting held on 11.10.2023 at ITPO, New Delhi under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi.

I	<u>National Commission for Scheduled Tribes</u>	
1.	Smt. Alka Tiwari, Secretary	
2.	Shri K. Touthang, Joint Secretary	
2.	Smt. Miranda Ingudam, Director	
3.	Shri R.K. Dubey, Dy. Director	
4.	Shri R. S Misra, Research Officer	
5.	Shri R.K Tripathy, Spl. Rapporteur	
II.	<u>ITPO, Management</u>	
1.	Shri P.S. Kharola, CMD	
2.	Shri Rajat Aggarwal, ED	
3.	Shri Vimal Kumar Dubey (GM) IT	
4.	Shri S.R. Sahoo, CS/GM	
5.	Shri Brij Lal, GM & LO for SC/ST/PWD.	
6.	Shri V.K. Singh, GM, Security	
7.	Shri Suresh Kumar Sinha, GM Works	
8.	Shri Rajkumar Thakur, FA & CAO	
9.	Shri Devendar Pal, (GM) BDD	
III.	<u>SC/ST Employees Welfare Association ITPO</u>	
1	Shri Shokinder Singh, Acting vice President	
2	Shri Sanjay Kumar, Acting Secretary	
3	Shri P.K. Basak, Acting Treasure	
4	Shri Ashok Kumar, DGM, Executive Member	
5	Shri Ashok Kumar, Manager, Executive Member	
6	Smt. Nirupa Tirkey, Executive Member	
7	Shri Brij Lal, GM & LO	
8	Shri Harpal Singh, Sr. Manager	
9	Shri Deo Nath Gamit	

10	Shri Binod Kumar
11	Shri Arun Gautam
12	Shri Rohit Sonkar
13	Shri S.P. Bokade