

**REPORT ON THE VISIT OF THE COMMISSION IN FEBRUARY 2009 TO REVIEW THE SAFEGUARDS AVAILABLE TO STs IN OIL & NATURAL GAS COMMISSION (ONGC), INDIAN COUNCIL OF FORESTRY RESEARCH AND EDUCATION (ICFRE) AND IN THE STATE OF UTTRAKHAND**

Hon'ble Chairperson and Vice-Chairperson visited Dehradun/Haridwar from 4<sup>th</sup> to 6<sup>th</sup> February 09 to review the safeguards available to STs in ONGC, ICFRE and in the State of Uttarakhand and held deliberations as under:

**2.0 Review of ONGC : 4th February (1400 hrs- 1600 hrs)**

**2.1 Meeting with the Reps of the SC & ST Association of ONGC**

The reps. of the Association, raised following issues:

a	At ONGC Hqrs, representation of the STs in Gp. 'C' & 'D' category is considerably much less than the prescribed limit of 7.5%
b	In a recent advertisement for filling up of 24 posts in Gp 'C' category, a reference has been made to the Distt. Employment Exchange, who don't refer the requirement to the Kalsi Employment Exchange which has STs in majority. Thus, STs are being deprived of the opportunity for employment. Management, should, therefore, refer such requirement to the Kalsi Employment Exchange
c.	There is a need to consider expeditious employment against die-in-harness cases. Management is also according priority for employment in such cases to the persons having technical background. This is also adversely affecting prospects of other persons, including STs. Further, in lieu of cash compensation, in respect of STs, employment should be provided considering their socio-economic conditions.

Reps of the Association were assured that the above issues will be suitably taken up with the Management for their consideration.

**2.2 Meeting with the Management**

2.2.1 ONGC was represented by DR. A.K. Balyan Director (HR) and Shri. Sushant Vats, Executive Director.

2.2.2 Welcoming the Commission, it was mentioned by Dr. Balyan that Shri. R.S. Sharma, Chairman, ONGC couldn't be present in the meeting due to his prior engagement with the Hon'ble Minister (P&NG) in connection with an official function in their Joint Venture site of Barmer.

2.2.3 The Corporate Division of ONGC made a brief audio-visual presentation on its administrative set-up, functioning, performance and achievements.

2.2.4 While reviewing service safeguards available to ST employees, it was noted that there was significant improvement in representation of STs on an overall basis in 2008 (actual representation 8.33% against 3.91% in 1991). The percentage representation is more than 7.5% in all categories, except Gp'A', where ST representation is 6.25%. About 14,000 employees have been reduced in Class- III category and 2000 in category-IV in 2008 compared to their existing strength in 1991. On a query, it was clarified by the Management that these reductions have resulted consequent to the promotion of the employees to higher categories and outsourcing of various activities. In this Connection, the Commission desired to know as to how the interest of STs were being protected in engagement of personnel against contracts. It was intimated by the Management that Govt. guidelines on reservations were also being incorporated in the contracts. A copy of such contracts will be forwarded to the Commission also.

Action: ONGC

2.2.5 It was noted that as per the post based roster, there was no shortfall and backlog for STs. Dr. Balyan, Director, HR intimated that in the year 2002, 2003 and 2005, special recruitment drives were launched and total 23 STs were recruited (2002:49, 2003: 39, 2005: 35). Though, at present, there is no shortfall and backlog for STs, the Management of ONGC has decided to proceed with the recruitment of STs against special drive as a commitment to the welfare of the STs. Action is in hand to recruit 53 ST posts against this drive. The Commission appreciated the initiative taken by the Management in this regard and desired that special drive should be completed at the earliest.

Action: ONGC

2.2.6 It was noted that in ONGC, all the promotions upto E-4 level (Pay-scale) were time bound. Therefore, need to apply protection clause in respect of ST employees had not arisen at Gp 'A' Level. In the quantification scheme applicable within Gp'A, (E-2 to E-4), individual is

assessed based on the qualification, experience and assessment as reflected in the Performance Appraisal System and all those securing minimum specified marks are promoted irrespective of number of vacancies. For all Corporate level i.e. E-5 and above, promotions are considered on 'Merit' basis

2.2.7 The Commission was informed that separate SC/ST Cell was existing at Hqrs, Dehradun under Chief Liaison Officer and similar Cells were existing at different workcentres

2.2.8 It was informed to the Commission that ONGC had a well established grievance redressal system at various levels. Generally, the complaints related to transfer, posting and promotion of employees. Post based rosters have also been periodically inspected by the officials of Ministry of Petroleum and Natural Gas. It was also confirmed that ONGC had never resorted to de-reservation. Regarding, verification of caste certificates, it was informed that services of 24 SC/ST employees have been terminated on account of false community certificate.

2.2.9 While reviewing roster management system, the Commission desired that ONGC should urgently establish computerized roster management system. ED, ONGC assured that ONGC would consider the suggestion of the Commission in this regard.

Action: ONGC

2.2.10 On a query from the Joint secretary, NCST, it was explained by the Management that the ONGC was in the process of amending their guidelines on the rehabilitation scheme in respect of the displaced persons as a result of setting up of their projects in line with the provisions of the draft National Rehabilitation Policy. The sharing of long term gains with the displaced is also being deliberated upon. The Commission desired that ONGC should urgently finalise their policy in this regard, inter-alia, taking into account long-term sharing of gains by the displaced persons.

Action: ONGC

2.2.1.1 The Commission noted that TSP component for welfare of SCs and STs have been increased from Rs Cr. to Rs. 2 Cr. It covers education and training, community development, medical and health care etc. Further, scholarships to SC/ST students had been increased from 25 Nos to 100 Nos, which includes 35 St students in the area of engineering (20),

Geology/Geophysics (10) and MBA (5). The Commission desired that ONGC should give wide publicity of such schemes in tribal areas.

Action: ONGC

2.2.1.2 The Commission noted that in the year 2005, 2006 and 2007 out of total 167, 380 and 480 participant sent abroad for training, only 6, 11 and 16 ST executives respectively were included for training abroad. The Commission desired that ONGC should send more ST executives for training abroad to xpand their profile for acquiring higher positions.

Action: ONGC

### 3.0 **Discussion on the points raised by the SC/ST Association**

3.1 Regarding lesser representation of STs at Hqrs, ONGC assured that the matter would be looked into. Regarding approaching Kalsi Employment Exchange which has appreciable level of STs, it was clarified by the ED, ONGC that Distt. Employment Exchange was being approached as per the existing instructions. Any deviation therein may not find acceptance in other areas. Therefore, the matter requires careful consideration, especially in the context of the need to follow a uniform policy in this regard across the whole organization. He, however, assured to look into the matter. It was also assured that action for expeditious settlement of die-in-harness cases would be taken, taking into account the request for employment, wherever found feasible.

Action: ONGC

### 4.0 **Review of ICFRE: 4th February (1630 hrs- 1830 hrs)**

#### 4.1 **Meeting with the Reps of the SC & ST Association of ICFRE**

Reps of the Association raised the issue pertaining to abnormal delay in promotion of certain categories. In this connection, case of Shri. Pratap Singh , Proof Reader was also quoted. It was emphasized that the matter was required to be looked into urgently as this was adversely affecting motivational level of the ST employees.

## 4.2 Meeting with the Officials

4.2.1 ICFRE was represented by the Dy. Director General, ICFRE. It was informed that Director General, ICFRE had to proceed on duty as per the pre-scheduled programme.

4.2.2 An audio-visual presentation as made by the Secretary ICFRE, on its administrative set-up, functioning and on the matters pertaining to implementation of service safeguards in ICFRE.

4.2.3 It was noted that there had been an increase in the level of representation of STs in respect of all categories since 1991. As on 01.07.2008, the overall representation of STs was 6.8 %. (Gr. 'A'-4.66%, Gr.'B'-7.2%, Gr.'C'-7.5%, Gr.'D'-6.79%). ICFRE also informed that no post in any category had been dereserved since 2005. There is no backlog onwards 200 in Gp 'A' and 'B' posts. There was ban on direct recruitment, hence, there was no backlog existed in Gr.'C' and Gr. 'D' posts.

4.2.4 The Commission was informed that grievance management system in the ICFRE was well established. The roster is also being audited periodically. The Commission, however, noted that only 3 complaints were received from SC/ST employees during last 3 years, which were related to promotion matters. It was also reported that no case of harassment or discrimination against ST employees on the grounds of social origin has come across.

4.2.5 On a query from the Commission regarding reservation of STs in the courses being run by the ICFRE, it was clarified that as per the existing guidelines, 7.5% reservation was provided to ST candidates in all the courses run by the Institute. One scholarship in each course to the meritorious students of ST category is provided. However, in spite of such incentives, in certain courses, no ST candidate was available. The Commission desired, that ICFRE should give wide publicity of such courses in the ST dominated areas.

Action: ICFRE

4.2.6 The Commission suggested that in respect of the posts, where no of posts were less than 14, grouping of posts could be considered so that any point of time reservation for STs was available. It was proposed to the ICFRE that rationalization of scattered posts should also be considered to improve promotional prospects of STs In this connection, the discussion

held with the Association was also quoted. ICFRE informed that a proposal on the similar lines was being mooted and would be expeditiously processed.

Action: ICFRE

5.0 **Review of the State of Uttrakhand : 5th February (1100 hrs-1300 hrs)**

5.1 The State Govt. was represented by the Additional Chief Secretary and other senior officials, as the Chief Secretary couldn't attend the meeting due to certain other engagements.

5.2 A audio visual presentation was made by the Secretary, Social Welfare Deptt., Govt. of Uttrakhand on the various issues pertaining to the STs. It was noted that total population of tribals in Uttrakhand is 25.56 Lakh as per 2001 census, which is about 3% of the total population of the State. A total of 552 villages and 8 wards in urban areas are identified as ST dominated habitations.

5.3 Initiating the discussion, Chairperson observed that education and health remain major areas of concern. The slippages in various programmes undertaken for socio-development of STs is also hampered progress of development of STs. Chairperson, therefore, desired that various programmes undertaken in this regard should be expeditiously completed.

Action: Govt. of Uttrakhand

5.4 Regarding education, it was noted that literacy in respect of ST females was considerably lower by 18.5% compared to the female literacy at the State level (State:59.6%, ST:41.1%), while in respect of males it was lower by about 20% (State: 83.3%, ST: 62.9%). The Commission, therefore, desired that educational upliftment of STs should be specially focused by targeting those areas where literacy level was lower by taking initiatives like opening of new schools, with residential facilities wherever required, within the shortest time-frame. The assistance of NGOs may also be obtained in this regard, if considered necessary. The Commission emphasized that there was a need to measure achievement in terms of improvement in the level of literacy every year and to have a long- term plan to wipe off literacy within a time-bound time-frame. The Commission also noted that at present, there was no exclusive hostel for girls in the State and

desired that the construction of the hostel for girls, which was undergoing, should be completed urgently.

Action: Govt. of Uttarakhand

5.4.1 The Commission desired that the construction of Eklavya School at Kalsi in Dehradun should be urgently completed.

Action: Govt. of Uttarakhand

5.4.2 Regarding role of NGOs in education of STs, it was informed by the State Govt. that 5 NGOs were provided financial support for promotion of education among STs through primary schools and residential ashram type schools. Total 25 schools were being run by these NGOs. The Commission desired that the performance of the NGOs with regard to quality of their services should be closely monitored and their continuation be considered, inter-alia, taking into consideration their past performance.

Action: Govt. of Uttarakhand

5.4.3 The State Govt. informed that 2 IAS/PCS Coaching Centers were being run in the District Deharadun and Almora. The Commission desired that the numbers of successful candidates may be separately provided to the Commission.

Action: Govt. of Uttarakhand

5.5 While reviewing the progress of supply of safe drinking water in the scheduled areas, the Commission desired that the State Govt. should ensure provision of safe drinking water to all villages by the end of the year 2008-09, as targeted.

Action: Govt. of Uttarakhand

5.6 The State Govt. explained details of the medical facilities available in the tribal areas. On a query from the Commission, the State Govt. informed that Iodine deficiency and anemia were prevalent among the tribals. A Centrally sponsored scheme- Iodine deficiency disease control programme was being implemented in the scheduled tribe areas. ICDS is also providing supplementary nutrition in ST villages. Iron Iodine salt is also provided for the reduction of anemia and goiter.

5.7 While reviewing the position of atrocity cases pertaining to STs, the Commission noted that such cases were pending in Courts since 2004.

Further, the State Govt. had not provided latest figures in this regard, as pending cases upto 2006 only had been indicated. The State Govt. informed that two special courts had been set up in Distt. Haridwar and Nainital. Special public prosecutors have also been appointed. The Commission desired that the State Govt. should ensure urgent disposal of such cases in special Courts and provide latest position on pending cases.

Action: Govt. of Uttrakhand

5.8 The Commission reviewed implementation of TSP by various Deptts. of the State in detail. The State Govt. has made the provision of earmarking 3% of its total plan outlay for TSP. The Commission noted with concern that the State Govt. had incurred considerably lower expenditure under the TSP compared to the budgetary provisions (06-07:Rs 91.92 Cr against budgetary provision of Rs. 152.66 Cr, 07-08: Rs. 101.59 against budgetary provision of 167.22 Cr.). The Commission also noted that in the year 2008-09, only Rs 43.19 Cr had been spent upto Oct. 08 against the budgetary provision of Rs 153.60 Cr and released amount of Rs 81.79 Cr. The pace of expenditure in some Deptts. viz, Agriculture, Horticulture, Rural Development, Irrigation was very low. Chairperson, NCST desired that the State Govt. should ensure progress and completion of the programmes within the stipulated time-frame to ensure fuller utilization of the budget.

Action: Govt. of Uttrakhand

5.9 On a query from the Commission regarding income generating schemes, the State Govt. informed that two income generating schemes were being implemented under SCA to TSP. These include a scheme under a project costing 1.11 Cr for improving quality breed of sheep among Bhotias and a 3 year project costing Rs 1.25 Cr. to promote bamboo based handicrafts among Tharus.

5.10 The Commission emphasized the need to provide basic infrastructural facilities for the PTGs. The State Govt. informed that house construction on the pattern of Indira Awas Yojna, installation of handpumps, assistance for construction of private toilets, community centre and link roads in PTG settlements had been undertaken. The Commission desired that the quality and effectiveness of all schemes being implemented in respect of PTGs should be closely monitored at a higher level.

Action: Govt. of Uttrakhand

5.11 The representation of STs in various Deptts. of the State as per the Annexure was discussed in detail. The Commission noted with concern that the representation of STs in some Deptts. like Horticulture, Technical Education, R.E.S, Education, Homeguard, Agriculture, Energy & U.R.E.D.A Deptt. was considerably lower. The Commission, therefore, desired that the State Govt. should urgently formulate a Plan to meet the targeted representation of STs in all Deptts. Further, in respect of the Deptts. listed from Sr. No. 28 to 39, the missing details in respect of various categories of employees, including ST employees should also be compiled.

Action: Govt. of Uttrakhand

5.12 A case relating to wrong interpretation of roster reservation in respect of the post of Assistant Commissioner (Sales Tax) and in the post of Trade Tax Officer (WP No 292 of 2008; Pratap Singh vs State of Uttrakhand in the High Court of Uttrakhand) was also pointed out. Secretary, Social Welfare Deptt. assured to look into the matter.

Action: Govt. of Uttrakhand

## **6.0 Meeting with the Chief Minister**

The meeting with the Chief Minister couldn't be held as scheduled as it was informed by the state Govt. that the Chief Minister couldn't arrive at Dehradun, as planned earlier, from his official visit to Mussorie.