Government of India
National Commission for Scheduled Tribes
(A Constitutional Body under Article 338A of the Constitution of India)

File No. Review/16/Ministry of Railway (IRCON)/2019/RU-I

Dated: 03/06/2019

To,

The Chairman-cum-Managing Director,
IRCON,
C-4, District Centre, Saket,
New Delhi- 110017
(Tel: 29565628, 26530450)
(Fax: 26522000, 26854000)
(E-mail: cmdsectt@irccon.org)

Sub: Review of Constitutional Safeguards for Scheduled Tribes.

Sir,

I am directed to refer to NCST’s letter of even No. dated 15.04.2019 and to enclose report and recommendations of the NCST on the Review Meeting held on 01.05.2019 at 1600 Hrs at IRCON International Ltd, Saket, New Delhi under the Chairmanship of Dr. Nand Kumar Sai, Hon’ble Chairperson, National Commission for Scheduled Tribes, New Delhi for furnishing the action taken report within one month.

It is requested that action taken/ proposed to be taken on the suggestions/ recommendations of the Review Meeting may please be sent to the Commission.

Yours faithfully,

(Rajeshwar Kumar)
Assistant Director
Tel: 011-24641640

Copy to:

1. PS to Hon’ble Chairperson, NCST
2. PS to Hon’ble Member (HCV), NCST
3. NIC (for hosting on the website of the Commission).
REPORT AND RECOMMENDATIONS UNDER ARTICLE 338A (5) (e) OF THE CONSTITUTION OF INDIA ON THE MEASURES TO BE TAKEN BY THE IRCON INTERNATIONAL LIMITED, NEW DELHI FOR THE EFFECTIVE IMPLEMENTATION OF CONSTITUTIONAL SAFEGUARDS AND OTHER MEASURES FOR THE PROTECTION, WELFARE AND SOCIO-ECONOMIC DEVELOPMENT OF THE SCHEDULED TRIBES.

(File No: Review/16/Ministry of Railway (IRCON)/2019/RI-I
Date of Review: 01.05.2019)

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 the Scheduled Tribes in the country. As per constitutional provision, the Union and every State Government shall consult the Commission on all major policy/decisions affecting Scheduled Tribes. The Commission is required to present to the Hon'ble President of India reports upon working of those safeguards and all such reports are to be laid before each House of the 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.

2. In pursuance of the above constitutional mandate, a review meeting was held under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on 01st May, 2019 at IRCON INTERNATIONAL, Saket, New Delhi on evaluation and monitoring implementation of reservation policy (service safeguards) for Scheduled Tribes and schemes for their socio-economic development with the officers of IRCON at District Centre, Saket, New Delhi.

3. The list of participants is annexed.
4. Hon'ble Chairperson, NCST in his inaugural address mentioned about the role and responsibilities of the NCST and requested IRCON officers to give clarification on some issues which emerged from the information furnished by the IRCON in the questionnaire and the meeting held with the ST Employees Welfare Association, IRCON, New Delhi on 01.05.2019 at 03.30 PM at Headquarter of IRCON International Ltd, Saket, New Delhi.
5. Chairman-cum-Managing Director (CMD) IRCON informed that the IRCON was incorporated as Indian Railway Construction Company Private Ltd on 28th April, 1976 in Delhi, as a private Ltd company under the Companies Act, 1976. Later on company became a Public Ltd Company with effect from 20th November, 1976. Subsequently, the name of company was changed to its present name, “IRCON International Ltd”, on 17th October, 1995. The IRCON International Ltd functions as PSE of Ministry of Railways, Government of India. CMD asked IRCON officers to explain the activities of the IRCON. Officers of IRCON gave brief presentation about the IRCON activities, which includes historical background, objectives, nature and scope of business activities of the IRCON, since its establishment. It was informed that:

The company’s core operation is (i) construction and (ii) infrastructure development. The IRCON is an Integrated Indian Engineering & construction company, specialized in major infrastructure projects, including, railways, highways, bridges, flyovers, tunnels, aircraft maintenance hangars, runways, EHV sub-stations, electrical and mechanical works, commercial and residential properties, development of industrial areas and other infrastructure activities. The company provides EPC services on a fixed-sum turnkey basis as well as on an item-rate basis for various infrastructure projects. Company also execute on build, operate and transfer mode in various projects in order to meet the requirements of our bids. In 2018, the company ranked number 229 in the list of top 250 international contractors by Engineering News Record (ENR) of the United States.

Company works through the business development, project management, identification of business partners, contact management, procurement and execution, operations and maintenance and toll management, advanced technology and quality management etc.

The company specialized in engineering and construction of major infrastructure projects, therefore, the scope and area of operations extends pan-India and abroad. The business operation can be spread over areas with tribal footprints, but company have not acquired any land in these areas and subsequently no tribal village have been acquired at any point of time for the purpose of setting up of any plant or activities of permanent nature. Therefore, no Scheduled Tribes family have been affected and
displaced at any point of time by IRCON. The acquisition of land for infrastructure projects that have been developed by the company was undertaken by or on behalf of respective Govt. department i.e. railways, NHAI, PWD, State Governments etc.

IRCON undertaken various activities under Corporate Social Responsibility (CSR) initiative in all the regions where it has its operations, which includes a number of locations with significant Scheduled Tribes footprints. Such areas of operations include States of Chhattisgarh, Jharkhand, Odisha, North-East, Andhra Pradesh, Rajasthan, Maharashtra, Madhya Pradesh, Bihar etc.

6. Presentation reveals that the percentage of ST employees to total employees of company in the year 2014 was 3.1% which was increased 3.8% in the year 2018, but less than 7.5% as expected. There was backlog for post reserved for ST in the recruitment conducted by the company during financial year 2015-16, 2016-17 and 2017-18. No recruitment drive was initiated to fill up the backlog during last three years. The percentage of promoted ST employees was less than to total employees promoted by the company. No reserved vacancy of ST exchanged with the other categories during last three years. No case of fake/ false ST certificate claim has been reported. Online grievance redressal system has been implemented by IRCON. None of the complaints were pending for disposal. No case of sexual harassment of ST category women employees was informed by IRCON.

   It was also informed that the suitable candidate from ST category was not available, therefor, vacancies reserved for STs could not filled. Most of the projects of the company are in the remote areas

Under CSR initiatives, IRCON focused on skilled development, education and cleanliness. During previous three financial years 2016-17, 2017-18 and 2018-19 an amount of Rs. 521.67 lakhs sanctioned for the welfare of SCs, STs and OBCs.

7. Prior to Review Meeting of officers of IRCON, the ST employees (one female and five Male) along with Liaison Officer for SCs and STs met the Commission on 01.05.2019 at 03.30 PM. ST employees informed that they have no complaints from management of the company. The ST employees and Liaison officer informed that ST employees welfare association not established in the IRCON. It was informed that the issue of reservation for SCs and STs needs to be mentioned in the MoU of the company, for implementation of reservation policy.

\[Signature\]

\[Name\]

Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Goa Government
8. Commission observed that there was shortfall in backlog of ST vacancies. Similarly, Scheduled Tribes employees had not been sponsored for training to foreign during last three years. The exclusively amounts required to be allocated for welfare of Scheduled Tribes under CSR activities to be taken by IRCON.

9. Observations of the Commission are:
   i. No grievance of Scheduled Tribes pending in the IRCON was appreciable. No cases of sexual harassment of ST woman employees reported in IRCON was also appreciable. No case of false/ fake ST certificate claim was reported.
   ii. Roster register was not maintained by the company. However, category wise details maintained in the computerised form and periodical backlog category vacancies calculated and time to time Special Recruitment Drive conducted to fill the backlog vacancies by the company.

10. The recommendations of the Commission are as under:
   i. No ST Member in Board of company was reported. Commission desired to know, at what time ST Member was in Board of company. Therefore, Commission suggested that the representation of ST should also be in the Board of company.
   ii. ST incumbent should also be designated/ nominated as a Liaison Officer for the welfare of SCs and STs, in rotation basis. Since, present Liaison Officer belongs to SC category.
   iii. The issue for not maintaining Roster by the company should be taken up by the IRCON with the DoPT for opinion/ comments, by following due procedure.
   iv. The percentage of reservation for SCs and STs as per DoPT guidelines should be included in the MoU of the company, in consultation with the concerned Ministry i.e. Ministry of Railways.
   v. The matter should be taken up by the company with UPSC through Ministry of Railway or DoPT for selecting the incumbent from ST category from the empanelled ST candidates in Engineering Services Examination, conducted by UPSC, to meet the requirement.
   vi. The funds allocated in CSR for development of STs needs to be increased and workout plan to improve skills of the STs people residing in remote areas. The list of ST beneficiaries should be segregated in future under the CSR activities of the company.
List of participants in the Review meeting held on 01.05.2019 at 04.00 PM under the Chairmanship of Dr. Nand Kumar Sai, Hon’ble Chairperson, NCST, New Delhi with the officers of IRCON, Saket, New Delhi.

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National Commission for Scheduled Tribes

1. Dr. Nand Kumar Sai, Hon’ble Chairperson
   --- In Chair
2. Miss. Anusuiya Uikey, Hon’ble Vice-Chairperson
3. Shri Hari Krishna Damor, Hon’ble Member
4. Shri H.C. Vasava, Hon’ble Member
5. Shri A.K. Singh, Secretary
6. Shri S.K. Ratho, Joint Secretary
7. Shri P.T. Jameskutty, Deputy Secretary
8. Shri Rajeshwar Kumar, Assistant Director,
9. Shri R.S. Misra, Senior Investigator

IRCON INTERNATIONAL LIMITED, NEW DELHI

1. Shri S.K. Chaudhary, Chairman-cum-Managing Director
2. Shri Deepak Sabhlok, Director (Projects)
3. Shri M.K. Singh, Director (Finance)
4. Shri Yogesh Kumar Misra, Director (Works)
5. Shri Subhash Chand, ED/ Electrician (Liaison Officer for SCs/STs)
6. Ms Anupam Ban, CGM (HRM)
7. Shri R.S. Yadav, ED/Highway (PD/Vadodara)
8. Shri Rajeev Kumar Singh, GM (HRM)
9. Shri Tejram Hari Hedao, AM (HRM)