

CHAPTER II **PERSONNEL POLICIES**

(c) Service Matters

2.

DPE/Guidelines/II(c)/2

Appointment of non-Indian personnel to posts in Public Enterprises

In their 17th Report on "Personnel Policies and Labour-Management Relations in Public Undertakings", the Committee on Public Undertakings (5th Lok Sabha) have made some important recommendations regarding the engagement of foreign personnel in Public Enterprises. The main thrust of the Committee's recommendations is on the necessity of ensuring that such personnel are engaged only for essential purposes and for only the minimum necessary periods. At the same time, efforts should be made to train up Indian personnel in priority areas such as drawing, designing and priority work so that they achieve self-reliance in these respects. Recommendations of the Committee have been considered. The following instructions need to be complied with by the administrative Ministries and Public Enterprises in this regard:

(i) The committee have desired that the instructions issued by the Government vide Ministry of Home Affairs O.M. No.12/9/65-Ests(B), dated 23.2.1966 (Annexure) should be observed not merely in letter but also in spirit. This may be ensured. In particular, attention is invited to the following points included in the aforesaid instructions:

(a) Appointment of non-Indians should be made only in very exceptional circumstances, and then also only on contract for the minimum period necessary.

(b) Simultaneously, suitable steps should be taken to train Indians to fill such posts on regular basis.

(c) Prior approval of the Minister in-charge or the Deputy Minister of the Ministry/Department, which is in administrative control of the concerned Public Enterprise, is required in cases of appointments of non-Indians.

(ii) Before according the approval to the engagement of foreign personnel, the administrative Ministry in charge will explore the possibility of obtaining the requisite expertise from another Public Enterprise engaged in the same, similar or related line of manufacture. They may also make attempts to obtain services of Indians who have been working abroad in similar fields and have acquired expertise in the concerned field.

(iii) Vigilance will be exercised to see that the Indian personnel attached to the non-Indians are enabled to pick up during the contract period the intricacies of the work especially in priority areas such as drawing, designs and operational work and achieve self-reliance. To obviate the extension of the contract periods in respect of foreign personnel as far as possible, periodical reviews should be regularly conducted both at the enterprises and administrative Ministries/Departments level, to evaluate the progress made in training Indian personnel. Such reviews may be conducted at least once in six months. The reviews at the administrative Ministry level may be conducted on the basis of information obtained from the undertaking on a proforma prescribed by the Ministry in consultation with the undertaking.

2. Ministry of Industrial Development, etc. are requested to advise the Public Enterprises under their administrative control on the above lines.

(BPE No. 9(100)/71-BPE(GM-I) dated 23rd October,1972)

ANNEXURE

Copy of Ministry of Home Affairs O.M. No.12/9/65-Ests(B) dated 23rd February, 1966 to all Ministries etc. regarding instructions relating to appointment of non-Indians to civil posts under the Government of India and to posts in Corporations, Public Undertakings etc. under the administrative control of the Government of India.

The undersigned is directed to refer to this Ministry's Office Memorandum No.20/106/46-Ests(S) dated the 4th November, 1946 containing instructions governing the appointment of non-Indians to civil posts under the Government of India. According to the general policy laid down therein, appointment of non-Indians should be made only in very exceptional circumstances and then also, only on contract for the minimum period necessary, and simultaneously suitable steps should be taken to train Indians to fill such posts on a regular basis. Further, vide this Ministry's O.M. of even number dated the 16th December, 1946, it was decided that the instructions contained in the Office Memorandum dated the 4th November, 1946 should apply also to appointments in any corporation or organization statutory or otherwise, in which Government of India have a controlling interest. If appointment to any post in such organizations was governed by Special provisions either in the statute setting up the organization or in the rules framed thereunder which rendered it impossible to follow the instructions referred to above, the administrative Ministries/Departments concerned were requested to examine amending those provisions suitably to ensure that proposal for appointment of non-Indians were referred to Government for approval before making the appointments. Concurrence of this

Ministry was required to be obtained in respect of all proposals for appointment of non-Indians till 14th July, 1955 when the powers in this regard were delegated to the Administrative Ministries vide this Ministry's Office Memorandum No.1/55 CS(C), dated the 14th July, 1955. According to this Office Memorandum Administrative Ministries are competent to decide cases of appointment of non-Indians to posts under their administrative control keeping in view the general policy laid down in this Ministry's Office Memorandum dated the 4th November 1946 after obtaining the order of the Minister in-charge or the Deputy Minister.

2. It has been brought to the notice of this Ministry that certain corporations, public undertakings have appointed non-Indians against posts under them in contravention of the instructions referred to above. The Ministry of Finance, etc. are, therefore, requested to bring these instructions to the notice of the various corporations, public undertakings, etc., under their administrative control and take necessary steps to ensure that the appointment of non-Indians in these organizations are made in accordance with these instructions. The Action taken in the matter may please be intimated to this Ministry in due course.