

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(2022-2023)**

**(SEVENTEENTH LOK SABHA)
TWENTY FIRST REPORT**

ON

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PENSIONS AND PENSIONERS WELFARE)**

Action taken by the Government on the recommendations contained in the Ninth Report (Seventeenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Study of atrocity cases against Scheduled Castes and Scheduled Tribes with respect to implementation of the Prevention of Atrocities Act, 1989 with special reference to cases related to withholding of pensions and retirement benefits of SC/ST Employees"

Presented to Lok Sabha on 20.12.2022

Laid in Rajya Sabha on 20.12.2022



**LOK SABHA SECRETARIAT
NEW DELHI**

20 December, 2022/ Agrahayana 1944 (Saka)

CONTENTS

		Page
COMPOSITION OF THE COMMITTEE.....		(iii)
INTRODUCTION.....		(v)
CHAPTER I	Report.....	
CHAPTER II	Recommendations/Observations which have been accepted by the Government.....	
CHAPTER III	Recommendations/Observations which the Committee do not desire to pursue in view of replies of the Government.....	
CHAPTER IV	Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.....	
CHAPTER V	Recommendations/Observations in respect of which final replies of the Government have not been received.....	

ANNEXURES

- I. Minutes of the sitting of the Committee held on 15.12.2022.
- II. Analysis of the Action Taken by the Government on the recommendations contained in the Ninth Report (17th Lok Sabha).

**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED
CASTES AND SCHEDULED TRIBES (2022-23)**

Dr.(Prof.) Kirit Premjibhai Solanki - Chairperson

MEMBERS - LOK SABHA

2. Shri Girish Chandra
3. Shri Santokh Singh Chaudhary
4. Shri Guman Singh Damor
5. Shri Anil Firojiya
6. Shri Tapir Gao
7. Shri Rattan Lal Kataria
8. Smt. Goddeti Madhavi
9. Smt. Pratima Mondal
10. Shri Ashok Mahadeorao Nete
11. Shri Vincent H. Pala
12. Shri Chhedi Paswan
13. Shri Prince Raj
14. Shri A. Raja
15. Shri Upendra Singh Rawat
16. Smt. Sandhya Ray
17. Shri Jagannath Sarkar
18. Shri Ajay Tamta
19. Shri Rehati Tripura
20. Shri Krupal Balaji Tumane

MEMBERS - RAJYA SABHA

21. Shri Abir Ranjan Biswas
22. Shri Neeraj Dangi
23. Smt. Kanta Kardam
24. Shri Samir Oraon
25. Shri Nabam Rebia
26. Shri Anthiyur P. Selvarasu
27. Shri Ram Shakal
28. Dr. V.Sivadasan
29. Dr. Sumer Singh Solanki
30. Shri Kamakhya Prasad Tasa

SECRETARIAT

- | | | |
|----------------------|---|-------------------|
| 1. Shri D.R. Shekhar | - | Joint Secretary |
| 2. Shri P.C. Choulda | - | Director |
| 3. Shri V.K. Shailon | - | Deputy Secretary |
| 4. Smt. Kusum Lata | - | Committee Officer |

INTRODUCTION

I, the Chairperson, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the Report on their behalf, present this Twenty First Report (Seventeenth Lok Sabha) on Action Taken by the Government on the recommendations/observations contained in the Ninth Report (Seventeenth Lok Sabha) on "Study of atrocity cases against Scheduled Castes and Scheduled Tribes with respect to implementation of the Prevention of Atrocities Act, 1989 with special reference to cases related to withholding of pensions and retirement benefits of SC/ST Employees" pertaining to the Ministry of Personnel, Public Grievances and Pensions (Department of Pensions and Pensioners Welfare).

2. The draft Report was considered and adopted by the Committee at their sitting held on 15.12.2022 (Appendix-II).

3. The Report has been divided into the following chapters:-

I Report

II Recommendations/Observations which have been accepted by the Government.

III Recommendations/Observations which the Committee do not desire to pursue in view of replies of the Government.

IV Recommendations /Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.

V Recommendations / Observations in respect of which final replies of the Government have not been received.

4. An analysis of the Action Taken by the Government on the recommendations contained in the Ninth Report (Seventeenth Lok Sabha) of the Committee is given in Appendix-II.

New Delhi;
20 December, 2022
Agrahayana 1944(Saka)

DR. KIRIT P. SOLANKI
Chairperson
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.

CHAPTER – I

REPORT

This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the Observations/Recommendations contained in their **Ninth Report (Seventeenth Lok Sabha)** on "Action Taken report on the subject – **"Study of Atrocity Cases against Scheduled Castes and Scheduled Tribes with respect to implementation of the Prevention of Atrocities Act, 1989 - with special reference to cases related to withholding of pensions and retirement benefits of SC/ST employees"**

1.2. The **Ninth Report (Seventeenth Lok Sabha)** of the Committee was presented to Lok Sabha and laid in Rajya Sabha on 13th December, 2021. The Report contained 3 Observations/Recommendations and third recommendation divided into nine sub-headings. Action Taken Replies in respect all the Observations/Recommendations contained in the Report have been received from the Government. The replies have been examined and are categorised as follow:

- I. Recommendations/Observations which have been accepted by the Government (Sl. No.2 & 3)
- II. Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government (NIL)
- III. Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (Sl. No.1)
- IV. Recommendations/Observations in respect of which final replies of the Government have not been received (NIL).

1.3 The Committee will now deal with the Action Taken by the Government on those Observations/Recommendations which need reiteration or comments. The Committee trust that utmost importance will be given to the implementation of the recommendations accepted by the Government. In case, where it is not possible for any reason to implement the recommendations in letter and spirit, the matter should be reported to the Committee with reasons for non-implementation. The Committee desires that Action Taken Notes on the recommendations/observations contained in Chapter-I and Final Action Taken Notes in respect of the recommendations contained in Chapter-V of this Report be furnished to it urgently and in no case later than six months of the presentation of the Report.

Recommendation S.No.1

1.4 The Committee take a very serious view of the allegations levelled by Akhil Bhartiya Adivasi Vikas Parishad, New Delhi, in its representation to the Committee. An employee who works for major part of his life for an organisation is denied his rights to pension for a reason which is not his/her fault. The Committee believes that when a person is employed in an organisation, it is the duty of the organisation to get all his/her credentials verified at the time of joining. This includes verification of his/her caste certificate on the basis of which he/she has obtained employment. If the organisation carries out the verification process immediately on joining of a person, then no person can gain employment on the basis of false caste certificate. The Committee has observed that presently verification of caste certificate is started at the far end of the career of the employee. Withholding pension benefits for these persons is gross harassment of the employee both mental, financial and also physical because a person nearing retirement is almost a senior citizen with numerous health and family responsibilities. The Committee believes that the organisation of an employee should be held responsible for not getting an employee's caste certificate verified at the time of joining and keeping it pending for years together. The onus lies with the organisation and not the employee for this lapse and so in no ways should pension and other retirement benefits of the employee be withheld for no fault on his/her part. The Committee strongly feels that this is a modus-operandi employed by the concerned organisations/PSUs to harass SC/ST employees.

Hence, the Committee strongly recommend that DoP&T should issue guidelines whereby caste certificate of an employee is verified within six months of his joining the service failing which his certificate should be treated authentic unless otherwise proved before his/her confirmation. The Committee recommend that DoPT in coordination with the State Government should make verification of caste certificate a time bound exercise so that its not used as a tool to harass gullible SC and ST employees at the time of retirement by any organisations/department/PSUs/autonomous bodies etc.

The Ministry of Personnel, Public Grievances and Pensions (Department of Pensions and Pensioners Welfare) should issue clear guidelines to all

PSUs/organisations/ Public Sector Banks etc. that caste certificate of a person be verified within six months of joining of a person. The State Level Scrutiny Committee who has issued the certificate be asked to verify the authenticity of the certificate in a minimum time of six months or before confirmation of the employees whichever is later at any cost in case of any reason on state level scrutiny committee is not able to do it, it must take extension in writing by recording the reasons thereof but not more than six months at any cost.

Reply of the Government

1.5 As per the Government of India (Allocation of Business) Rules, formulation of policy and co-ordination of matters relating to retirement benefits to Central Government employees and administration of Central Civil Services (Pension) Rules, 1972, the Central Civil Services (Commutation of Pension) Rules, 1981, the Central Civil Services (Extraordinary Pension) Rules, 1939; the All India Services (Death-cum-retirement benefits) Rules, 1958, and any other scheme relating to Central Government pensioners, is entrusted to the D/o Pension and Pensioners' Welfare (DoP&PW). In pursuance of directions of the Parliamentary Committee on the Welfare of SCs and STs conveyed during the meeting held on 18.12.2020 for releasing the pensioners benefits of the retired ST employees, DoPT, vide its OM dated 12.1.2021 (copy at **Annexure I**) had requested DoP&PW to take necessary action in the matter. Further, a copy of these recommendations has again been forwarded to that Department for necessary action (copy at **Annexure II**)

As regards the verification of caste of a candidate, it is stated that the responsibility for issue and verification of caste certificate lies with the concerned State/UT Government. The Hon'ble Supreme Court, vide its Order dated 2.9.1994 in the matter of *Kumari Madhuri Patil vs Addl. Commissioner*, has laid down the detailed guidelines for effective verification of the Caste Certificates of the employees by the State Government.

DoPT, from time to time, has issued various instructions to the States/UTs and the Central Government Ministries/Departments for timely verification of the caste certificate. DoPT instructions dated 31.10.1975 provides that where a candidate belonging to a SC and ST is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever prima facie proof he is able to produce in support of his claim subject to his furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his obtaining a certificate, the appointing authority should itself verify his claims through the District Magistrate concerned. DoPT, vide letter dated 20.3.2007, have requested the State/UT Governments to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority **within one month** of receipt of request from such authority. The State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status. In pursuance of the directions given during the sitting of the Parliamentary Committee on the Welfare of SC and ST on 18.12.2020, DoPT has again issued a letter to all the State/UT Governments, with endorsement to all the Central Government Departments/ Ministries, on 19.3.2021 reiterating the instructions

on timely verification of the caste certificate of the employees (copy enclosed as Annexure III).

Comments of the Committee

1.6 The Committee note that DoPT in their reply has stated that the responsibility for issue and verification of caste certificate lies with the concerned State/UT Government. However, the Committee feel that reiterating the instructions only on timely verification of the caste certificate of the employees is not enough. Pension of employees who were appointed before 1995 should not be withheld even if their caste certificates have not been verified or there is delay in verification of caste certificate. In each and every delayed cases, responsibility may be fixed and it may be treated as an offense. The main focus of the Committee was on the need for issuing guidelines to verify caste certificate of an employee within six months of joining the service which has not been addressed yet to get the desired results. The Committee are of the view that DoPT should issue instructions/advisory to all Chief Secretaries of the States and Union Territories to get verified all caste certificates of employees within six months from date of joining of service and there should be zero tolerance where retired employee is made victim to deny pension in the name of non-verification of caste certificate.

Recommendation Sl. No.2

1.7 Many a times it is seen that verification process takes a long time because old records are not accessible. This especially is the case if verification is being done after 30-35 years of joining of a person. Records who are very old are difficult to access. Most employees in offices are retired or transferred by then and they are unable to verify the authenticity of a certificate issued by their predecessors a long time ago . In this context the Committee would like to quote the following OMs of DoPT

- DoP&T OM No. 230/08/2005-AVD II dated 25.05.2005 &DoP&T OM no. 36011/3/2005-Estt(Res) dated 09-09-2005.----copy placed at Annexure A
- CVC Circular No. 98/DSP/9(Part-2) dated 07-03-2016, "Action on Anonymous /Pseudonymous Complaint copy placed at Annexure B

The above-mentioned OMs and CVC circular clearly stipulate that the verification of only those employees with ST caste certificates should be done who were appointed after 1995 under various Ministries/Departments including CPSUs or on initial appointment /Promotion. Moreover, as per CVC guidelines, no action should be taken on Anonymous/Pseudonymous Complaints. The Committee in view of number of complaints/representations received desire that DoP&T, being the nodal agency in this

regard may reiterate its circular to all Ministries/Departments and PSUs that pension benefits and emoluments of SC/ST persons who were appointed before 1995 should not be withheld in case their caste certificates have not been verified. Also, for those employees who have been appointed after 1995, the process of verification should be completed within three months from date of presentation of report of the Committee. The Committee reiterate that under no circumstances, pension be withheld by any organization/Department/PSU.

Reply of the Government

1.8 As stated in the reply given against point 1 above, DoPT policy instructions provides for timely verification of the caste certificate. In fact, DoPT, vide letter No. 36022/1/2007-Estt (Res) dated 20.3.2007, has requested the State/UT Governments to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status. These instructions have been reiterated vide OM dated 19.3.2021 (**Annexure III**).

Insofar as the OM No. 230/08/2005-AVD II, dated 25.05.2005, regarding verification of caste certificate of the employees, belonging to ST category, who were appointed after 1995, is concerned, it is stated that this OM was issued by DoPT in pursuance of the Hon'ble Delhi High Court Order dated 12.1.2005 in the CWP No. 5976/2003, in which the Hon'ble Court had directed to verify the ST certificates of those employees, who had secured employment between 1995 and 2000, and thereafter take appropriate action in accordance with law. In pursuance thereto, DoPT, vide OM dated 25.5.2005, had set up a coordinating mechanism under the chairmanship of Additional Director, CBI, to conduct verification of caste of the employees who had secured employment on the basis of ST certificate. Thus, the OM dated 25.5.2005 was only issued to comply with specific directions of Hon'ble Delhi High Court and it did not frame any policy regarding verification of caste certificate of the employees. The policy in this regard provides that timely and effective verification of caste status is necessary so that the benefit of reservation and other schemes of concessions etc. go only to the rightful claimants. It also provides that a caste/community of a person may get descheduled after initial appointment and hence, verification of caste status at every important upturn of employee's career is also necessary.

The OM No. 36011/3/2005-Estt(Res), dated 09-09-2005, (as referred), while reiterating DoPT's instructions that verification of caste status is necessary at every important upturn of employee's career, also reiterates DoPT's earlier instructions that the appointing authorities should include a clause in the offer of appointment of the SC/ST candidates that their appointment is provisional subject to verification of their caste/community and that if the verification reveals that the claim to belong to SC/ST is false, their services will be terminated forthwith without assigning any further reasons and action may be taken under the provisions of the Indian Panel Code for production of false certificates. Thus, the OM dated 9.9.2005 is nothing but reiteration

of DoPT instructions regarding verification of caste certificates of the employees. These instructions have been reiterated vide letter dated 19.3.2021, as mentioned above. However, D/o Pensions and Pensioners' Welfare is the nodal Department insofar as pensionary matters are concerned and a copy of these recommendations has been forwarded to the DoP&PW (copy at Annexure II).

Comments of the Committee

1.9 The Committee note that DoPT in their reply stated that the OM dated 9.9.2005 is nothing but reiteration of DoPT instructions and reply of Delhi High Court Order dated 12.01.2005 regarding verification of caste certificates of employees. The Committee was of the view that pension benefits and emoluments of SC/ST employees who have retired on superannuation should not be subject matter of harassment/victimization. The Committee are of the clear view that on initial appointment proper and in-depth verification/inquiry be made within six months of appointment. It may not be lingered up till superannuation unless and until there is prime facie cogent reason to verify caste certificate and in any case the pensionary and other benefits should not be withheld. For this purpose suitable guidelines should be issued to all States and Union Territories again.

Recommendation S.No.3

1.10 The verification process for caste certificates is usually initiated upon receiving complaints against a person. Unless the complaint so received prima facie appears to be genuine, the Committee feel that it should not be entertained. Pseudonymous/anonymous complaints should not be entertained at all because the same may be due to malafide intentions. The Committee hence recommend that the process of verification should be streamlined so that it does not become a tool for harassing innocent people. While going through the deliberations of the witnesses called for the sitting of the in September, 2020, December, 2020 and March, 2021, the Committee observed that most cases of verification of caste certificates are referred to State Level Scrutiny Committees which are the focal organisation to carry out the verification process. It has been observed that the State level scrutiny Committees usually cause inadvertent delay in processing the cases causing extreme mental harassment and financial difficulties to the retired employees. The Committee therefore strongly recommend that working of State level Scrutiny Committees be streamlined. The Ministry of Personnel, Public Grievances and Pensions (Department of Pensions and Pensioners Welfare) should bring out clear guidelines which should be adhered to by all the State Governments/State Level Scrutiny Committees. The verification process should be completed within six months and responsibility should be fixed for any inordinate delay during the process of the verification of caste certificate.

Since such cases are steadily on the rise in almost all organizations and DoPT being the nodal agency in this regard the Committee recommend that clear guidelines should be issued in covering the following points:-

- (i) Initial Verification of caste certificate must be completed at the time of Interview and joining.
- (ii) It should be completed by the concerned Department/Ministry/PSUs/Banks/Autonomous body within six months of joining the candidate.
- (iii) The Committee are of the firm view that at any cost, verification of caste certificate must be certified at least before completion of probation period of the employees i.e. 02 years of the joining. In case verification of caste certificate is completed in to do at the time of interview, joining or before atleast probation period or before than the accountability be fixed on the person responsible for undue delay caused by the employees concerned.
- (iv) As per Limitation Act, limit for verification of caste certificate must be given otherwise purpose of caste certificate would be defeated and there is every apprehension that power to verify caste certificate would be grossly misutilized by the officer/staff concerned as is being done presently by the number of authorities in the State by taking inordinate delay in verification of caste certificate.
- (v) The Limitation Act must also be made applicable to State Caste Scrutiny Committee in every State to contain them to take unlimited period to verify caste certificate and caused relentless stress or to live in fear and experience traumatic events that may occur after retirement.
- (vi) The Committee feel that it is ironic that almost all the Ministries, Department, PSUs, Banks and Autonomous Bodies, SCs and STs are facing same problem of verification of caste certificate during the joining, promotion, probation before and after retirement and still nothing concrete have been done by the DoPT, Ministry of Social Justice and Empowerment and Department of Tribal Affairs, NCSC and NCST to resolve their vital issue of livelihood and life. The Committee express its deep sentiments and dissatisfaction over the working of the concerned Ministries/Departments etc. to keep their eyes and ear close on this vital matter. The Committee, therefore, strongly recommend DoPT to sensitize all the Ministries/Departments/PSUs/Banks and other autonomous bodies to work speedily by taking in view of the above guidelines received from the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes and unless and until formal guidelines to this effect is issued by the DoPT in consultation of Ministry of Social Justice and Empowerment, Ministry of Tribal Affairs and State Government.

- : 2.-
- (vii) The Committee in view of the foregoing paragraphs and observation have strongly recommended that Ministry of Social Justice and Empowerment in consultation with DoPT, Ministry of Law and Justice (Legislative Department) and State Government must draft a suitable legislation keeping in view the observation made by the Parliamentary Committee and after approval of Cabinet, introduce it in the next Budget Session of Parliament 2022 to get it passed. The Committee are of the firm view that after passing of Prevention of false caste certificate Bill by incorporating suitable provision to protect the interest of the SCs and STs community, most of the issue of inordinate delay in verification of caste certificate at the Centre and State level to verify caste certificate and accountability of the erroneous officer/staff will be fixed automatically.
- (viii) Pension guidelines to release pension may also be issued for those whose caste certificates have not been verified till the time of retirement. SC/ST persons whose parents, grandparents had already got caste certificate from Competent Authority must allow to get caste certificate in order to facilitate their wards to take admission in school and get job and other benefits unless until prima facie case of false certificate declared by the Revenue Department of the State Government. The Supreme Court judgement for not verifying the ST caste certificates made before 1995 must be followed in letter and spirit.
- (ix) For those nearing retirement or retired, if a certificate has been issued by a competent authority that has not been verified till his retirement due to the absence of records or any other reasons then verification of caste certificate at the far end of retirement would lead to mental, physical and financial harassment of the retiring person. Moreover, at that stage, it is not possible to retrieve salary allowances, LTC and medical facilities etc. extended to them by the Government during their service period of 30-40 years. In such a scenario, the Committee feel that it's a grave injustice and atrocity on SC or ST to stress on verification of their caste certificate and denial of retirement benefits after working all his prime young life for an organisation. The last resort in such cases is for the employee to move court which too is a tedious long lasting process. The Committee therefore recommend that the DoPT should frame suitable guidelines in consultation with the State Government, Ministry of Law and Justice to resolve these issues and protecting the interests of these retiring/retired employees.

Reply of the Government

1.11 It is reiterated that DoPT instructions provide for timely verification of the caste/community certificate. As already stated above, instructions have been issued to the States/UTs and the Central Government Ministries/Departments, from time to time that where a candidate, belonging to SC and ST, is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis

of whatever prima facie proof he is able to produce in support of his claim subject to his furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his obtaining a certificate, the appointing authority should itself verify his claims through the District Magistrate concerned. DoPT, vide letter dated 20.3.2007, have requested the State/UT Governments to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status.

1.12 It is reiterated that the responsibility for issue and verification of caste certificate lies with the concerned State/UT Government. Hon'ble Supreme Court, vide its Order dated 2.9.1994 in the matter of *Kumari Madhuri Patil vs Addl. Commissioner*, has laid down the detailed guidelines for effective verification of the Caste Certificates by the State Governments. As stated above, DoPT has already requested the States/UTs to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate, referred to the district authorities, is verified and reported to the appointing authority **within one month** of receipt of request from such authority. The State/UT Governments have also been requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status.

1.13 DoPT, from time to time, has issued policy instructions regarding timely verification of caste/community certificate to all the Ministries/Departments of the Government of India. However, in pursuance of the directions given by the Parliamentary Committee on the Welfare of SC and ST during its sittings on 18.12.2020, DoPT has again issued a letter to all the State/UT Governments on 19.3.2021, with endorsement to all the Central Government Departments/Ministries, including D/o Public Enterprises, D/o Financial Services and M/o Railways, requesting all the Central Government Ministries/Departments to ensure strict compliance of the existing instructions on timely verification of Caste/ Community Certificate.

1.14 Since, the Committee has requested M/o Social Justice and Empowerment to draft a suitable legislation for streamlining the process of verification, a copy of the same has been forwarded to M/o Social Justice and Empowerment (copy enclosed as **Annexure IV**).

1.15 D/o Pensions and Pensioners' Welfare is the nodal Department in respect of pensionary matters and hence, a copy of the same has been sent to DoP&PW (**Annexure I**). Insofar as the verification of caste certificate is concerned, the replies given above are reiterated.

1.16 Pensionary matters are the concern of the D/o Pensions and Pensioners' Welfare and a copy of the recommendations has been sent to DoP&PW (**Annexure II**). As regards timely verification of caste certificate, policy instructions in this regard have been conveyed to all the State/UT Governments and the Ministries/Departments of the Central Government from time to time and have been reiterated vide letter No. 41034/4/2020-Estt (Res- I) dated 19.3.2021 (**Annexure III**).

Comments of the Committee

1.17 The Committee observe that there have been increasing number of cases of victimization of SCs and STs in the name of verification of caste certificate and undue delay in verification of caste certificate. The Committee, therefore, are of the view that DoPT must sensitize State Government machinery in way to streamline the process of verification of caste certificate in order to get efficacious outcome of caste certificate. For the purpose DoPT must reiterate its earlier letter dated 23.03.2007 requesting the State/UT Governments to issue strict instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to ensure that the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request. The Committee also reiterate that the Limitation Act must also be made applicable to State Caste Scrutiny Committee in every State to contain long period to verify caste certificate and avoid relentless stress or to live in fear and experience of traumatic events that may occur after retirement of the concerned employee.

The Committee also reiterate that the M/o Social Justice & Empowerment in consultation with DoPT, Ministry of Law & State Governments must prepare and bring suitable legislation for introduction and passing in Parliament to curb menace of false caste certificates. The Committee would like to know outcome of this exercise.

CHAPTER II

Recommendations/Observations which have been accepted by the Government

Recommendation Sl. No.2

2.1 Many a times it is seen that verification process takes a long time because old records are not accessible. This especially is the case if verification is being done after 30-35 years of joining of a person. Records who are very old are difficult to access. Most employees in offices are retired or transferred by then and they are unable to verify the authenticity of a certificate issued by their predecessors a long time ago . In this context the Committee would like to quote the following OMs of DoPT

- DoP&T OM No. 230/08/2005-AVD II dated 25.05.2005 & DoP&T OM no. 36011/3/2005-Estt(Res) dated 09-09-2005.----copy placed at Annexure A
- CVC Circular No. 98/DSP/9(Part-2) dated 07-03-2016, "Action on Anonymous /Pseudonymous Complaint copy placed at Annexure B

The above-mentioned OMs and CVC circular clearly stipulate that the verification of only those employees with ST caste certificates should be done who were appointed after 1995 under various Ministries/Departments including CPSUs or on initial appointment /Promotion. Moreover, as per CVC guidelines, no action should be taken on Anonymous/Pseudonymous Complaints. The Committee in view of number of complaints/representations received desire that DoP&T, being the nodal agency in this regard may reiterate its circular to all Ministries/Departments and PSUs that pension benefits and emoluments of SC/ST persons who were appointed before 1995 should not be withheld in case their caste certificates have not been verified. Also, for those employees who have been appointed after 1995, the process of verification should be completed within three months from date of presentation of report of the Committee. The Committee reiterate that under no circumstances, pension be withheld by any organization/Department/PSU.

Reply of the Government

2.2 As stated in the reply given against point 1 above, DoPT policy instructions provides for timely verification of the caste certificate. In fact, DoPT, vide letter No. 36022/1/2007-Estt (Res) dated 20.3.2007, has requested the State/UT Governments to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status. These instructions have been reiterated vide OM dated 19.3.2021 (**Annexure III**).

Insofar as the OM No. 230/08/2005-AVD II, dated 25.05.2005, regarding

verification of caste certificate of the employees, belonging to ST category, who were appointed after 1995, is concerned, it is stated that this OM was issued by DoPT in pursuance of the Hon'ble Delhi High Court Order dated 12.1.2005 in the CWP No. 5976/2003, in which the Hon'ble Court had directed to verify the ST certificates of those employees, who had secured employment between 1995 and 2000, and thereafter take appropriate action in accordance with law. In pursuance thereto, DoPT, vide OM dated 25.5.2005, had set up a coordinating mechanism under the chairmanship of Additional Director, CBI, to conduct verification of caste of the employees who had secured employment on the basis of ST certificate. Thus, the OM dated 25.5.2005 was only issued to comply with specific directions of Hon'ble Delhi High Court and it did not frame any policy regarding verification of caste certificate of the employees. The policy in this regard provides that timely and effective verification of caste status is necessary so that the benefit of reservation and other schemes of concessions etc. go only to the rightful claimants. It also provides that a caste/community of a person may get descheduled after initial appointment and hence, verification of caste status at every important upturn of employee's career is also necessary.

The OM No. 36011/3/2005-Estt(Res), dated 09-09-2005, (as referred), while reiterating DoPT's instructions that verification of caste status is necessary at every important upturn of employee's career, also reiterates DoPT's earlier instructions that the appointing authorities should include a clause in the offer of appointment of the SC/ST candidates that their appointment is provisional subject to verification of their caste/community and that if the verification reveals that the claim to belong to SC/ST is false, their services will be terminated forthwith without assigning any further reasons and action may be taken under the provisions of the Indian Panel Code for production of false certificates. Thus, the OM dated 9.9.2005 is nothing but reiteration of DoPT instructions regarding verification of caste certificates of the employees. These instructions have been reiterated vide letter dated 19.3.2021, as mentioned above. However, D/o Pensions and Pensioners' Welfare is the nodal Department insofar as pensionary matters are concerned and a copy of these recommendations has been forwarded to the DoP&PW (copy at **Annexure II**).

Comments of the Committee

2.3 Please See Para 1.9 of Chapter I.

Recommendation S.No.3

2.4 The verification process for caste certificates is usually initiated upon receiving complaints against a person. Unless the complaint so received prima facie appears to be genuine, the Committee feel that it should not be entertained. Pseudonymous/anonymous complaints should not be entertained at all because the same may be due to malafide intentions. The Committee hence recommend that the process of verification should be streamlined so that it does not become a tool for harassing innocent people. While going through the deliberations of the witnesses called for the sitting of the in September, 2020, December, 2020 and March, 2021, the Committee observed that most cases of verification of caste certificates are referred to State Level Scrutiny Committees which are the focal organisation to carry out the verification process. It has been observed that the State level scrutiny Committees usually cause inadvertent delay in processing the cases causing extreme mental harassment and financial difficulties to the retired employees. The Committee

therefore strongly recommend that working of State level Scrutiny Committees be streamlined. The Ministry of Personnel, Public Grievances and Pensions (Department of Pensions and Pensioners Welfare) should bring out clear guidelines which should be adhered to by all the State Governments/State Level Scrutiny Committees. The verification process should be completed within six months and responsibility should be fixed for any inordinate delay during the process of the verification of caste certificate.

Since such cases are steadily on the rise in almost all organizations and DoPT being the nodal agency in this regard the Committee recommend that clear guidelines should be issued in covering the following points:-

- (i) Initial Verification of caste certificate must be completed at the time of Interview and joining.
- (ii) It should be completed by the concerned Department/Ministry/PSUs/Banks/Autonomous body within six months of joining the candidate.
- (iii) The Committee are of the firm view that at any cost, verification of caste certificate must be certified at least before completion of probation period of the employees i.e. 02 years of the joining. In case verification of caste certificate is completed in to do at the time of interview, joining or before at least probation period or before than the accountability be fixed on the person responsible for undue delay caused by the employees concerned.
- (iv) As per Limitation Act, limit for verification of caste certificate must be given otherwise purpose of caste certificate would be defeated and there is every apprehension that power to verify caste certificate would be grossly mis utilized by the officer/staff concerned as is being done presently by the number of authorities in the State by taking inordinate delay in verification of caste certificate.
- (v) The Limitation Act must also be made applicable to State Caste Scrutiny Committee in every State to contain them to take unlimited period to verify caste certificate and caused relentless stress or to live in fear and experience traumatic events that may occur after retirement.
- (vi) The Committee feel that it is ironic that almost all the Ministries, Department, PSUs, Banks and Autonomous Bodies, SCs and STs are facing same problem of verification of caste certificate during the joining, promotion, probation before and after retirement and still nothing concrete have been done by the DoPT, Ministry of Social Justice and Empowerment and Department of Tribal Affairs, NCSC and NCST to resolve their vital issue of livelihood and life. The Committee express its deep sentiments and dissatisfaction over the working of the concerned Ministries/Departments etc. to keep their eyes and ear close on this vital matter. The Committee, therefore, strongly recommend DoPT to sensitize all the Ministries/Departments/PSUs/Banks and other autonomous bodies to work speedily by taking in view of the above guidelines received from the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes and unless and until formal guidelines to this effect is issued by the DoPT in consultation of Ministry of Social Justice and

Empowerment, Ministry of Tribal Affairs and State Government.

- (vii) The Committee in view of the foregoing paragraphs and observation have strongly recommended that Ministry of Social Justice and Empowerment in consultation with DoPT, Ministry of Law and Justice (Legislative Department) and State Government must draft a suitable legislation keeping in view the observation made by the Parliamentary Committee and after approval of Cabinet, introduce it in the next Budget Session of Parliament 2022 to get it passed. The Committee are of the firm view that after passing of Prevention of false caste certificate Bill by incorporating suitable provision to protect the interest of the SCs and STs community, most of the issue of inordinate delay in verification of caste certificate at the Centre and State level to verify caste certificate and accountability of the erroneous officer/staff will be fixed automatically.
- (viii) Pension guidelines to release pension may also be issued for those whose caste certificates have not been verified till the time of retirement. SC/ST persons whose parents, grandparents had already got caste certificate from Competent Authority must allow to get caste certificate in order to facilitate their wards to take admission in school and get job and other benefits unless until prima facie case of false certificate declared by the Revenue Department of the State Government. The Supreme Court judgment for not verifying the ST caste certificates made before 1995 must be followed in letter and spirit.
- (ix) For those nearing retirement or retired, if a certificate has been issued by a competent authority that has not been verified till his retirement due to the absence of records or any other reasons then verification of caste certificate at the fag end of retirement would lead to mental, physical and financial harassment of the retiring person. Moreover, at that stage, it is not possible to retrieve salary allowances, LTC and medical facilities etc. extended to them by the Government during their service period of 30-40 years. In such a scenario, the Committee feel that it's a grave injustice and atrocity on SC or ST to stress on verification of their caste certificate and denial of retirement benefits after working all his prime young life for an organisation. The last resort in such cases is for the employee to move court which too is a tedious long lasting process. The Committee therefore recommend that the DoPT should frame suitable guidelines in consultation with the State Government, Ministry of Law and Justice to resolve these issues and protecting the interests of these retiring/retired employees.

Reply of the Government

2.5 It is reiterated that DoPT instructions provide for timely verification of the caste/community certificate. As already stated above, instructions have been issued to the States/UTs and the Central Government Ministries/Departments, from time to time that where a candidate, belonging to SC and ST, is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever prima facie proof he is able to produce in support of his claim subject to his furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his obtaining a certificate, the appointing authority should itself verify his

claims through the District Magistrate concerned. DoPT, vide letter dated 20.3.2007, have requested the State/UT Governments to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status.

2.6 It is reiterated that the responsibility for issue and verification of caste certificate lies with the concerned State/UT Government. Hon'ble Supreme Court, vide its Order dated 2.9.1994 in the matter of *Kumari Madhuri Patil vs Addl. Commissioner*, has laid down the detailed guidelines for effective verification of the Caste Certificates by the State Governments. As stated above, DoPT has already requested the States/UTs to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate, referred to the district authorities, is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments have also been requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status.

2.7 DoPT, from time to time, has issued policy instructions regarding timely verification of caste/community certificate to all the Ministries/Departments of the Government of India. However, in pursuance of the directions given by the Parliamentary Committee on the Welfare of SC and ST during its sittings on 18.12.2020, DoPT has again issued a letter to all the State/UT Governments on 19.3.2021, with endorsement to all the Central Government Departments/Ministries, including D/o Public Enterprises, D/o Financial Services and M/o Railways, requesting all the Central Government Ministries/Departments to ensure strict compliance of the existing instructions on timely verification of Caste/ Community Certificate.

2.8 Since, the Committee has requested M/o Social Justice and Empowerment to draft a suitable legislation for streamlining the process of verification, a copy of the same has been forwarded to M/o Social Justice and Empowerment (copy enclosed as **Annexure IV**).

2.9 D/o Pensions and Pensioners' Welfare is the nodal Department in respect of pensionary matters and hence, a copy of the same has been sent to DoP&PW (**Annexure I**). Insofar as the verification of caste certificate is concerned, the replies given above are reiterated.

2.10 Pensionary matters are the concern of the D/o Pensions and Pensioners' Welfare and a copy of the recommendations has been sent to DoP&PW (**Annexure II**). As regards timely verification of caste certificate, policy instructions in this regard have been conveyed to all the State/UT Governments and the ministries/Departments of the Central Government from time to time and have been reiterated vide letter No. 41034/4/2020-Estt (Res-I) dated 19.3.2021 (**Annexure III**).

Comments of the Committee

2.11 Please see Para No. 1.17 of Chapter I.

CHAPTER III

Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government.

--NIL--

CHAPTER IV

Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration

Recommendation S.No.1

4.1 The Committee take a very serious view of the allegations levelled by Akhil Bhartiya Adivasi Vikas Parishad, New Delhi, in its representation to the Committee. An employee who works for major part of his life for an organisation is denied his rights to pension for a reason which is not his/her fault. The Committee believes that when a person is employed in an organisation, it is the duty of the organisation to get all his/her credentials verified at the time of joining. This includes verification of his/her caste certificate on the basis of which he/she has obtained employment. If the organisation carries out the verification process immediately on joining of a person, then no person can gain employment on the basis of false caste certificate. The Committee has observed that presently verification of caste certificate is started at the fag end of the career of the employee. Withholding pension benefits for these persons is gross harassment of the employee both mental, financial and also physical because a person nearing retirement is almost a senior citizen with numerous health and family responsibilities. The Committee believes that the organisation of an employee should be held responsible for not getting an employee's caste certificate verified at the time of joining and keeping it pending for years together. The onus lies with the organisation and not the employee for this lapse and so in no ways should pension and other retirement benefits of the employee be withheld for no fault on his/her part. The Committee strongly feels that this is a modus-operandi employed by the concerned organisations/PSUs to harass SC/ST employees.

Hence, the Committee strongly recommend that DoP&T should issue guidelines whereby caste certificate of an employee is verified within six months of his joining the service failing which his certificate should be treated authentic unless otherwise proved before his/her confirmation. The Committee recommend that DoPT in coordination with the State Government should make verification of caste certificate a time bound exercise so that its not used as a tool to harass gullible SC and ST employees at the time of retirement by any organisations/department/PSUs/autonomous bodies etc.

The Ministry of Personnel, Public Grievances and Pensions (Department of Pensions and Pensioners Welfare) should issue clear guidelines to all PSUs/organisations/Public Sector Banks etc. that caste certificate of a person be verified within six months of joining of a person. The State Level Scrutiny Committee who has issued the certificate be asked to verify the authenticity of the certificate in a minimum time of six months or before confirmation of the employees whichever is later at any cost in case of any reason on state level scrutiny committee is not able to do it, it must take extension in writing by recording the reasons thereof but nor more than six months at any cost.

Reply of the Government

4.2 As per the Government of India (Allocation of Business) Rules, formulation of policy and co-ordination of matters relating to retirement benefits to Central Government employees and administration of Central Civil Services (Pension) Rules, 1972, the Central Civil Services (Commutation of Pension) Rules, 1981, the Central Civil Services (Extraordinary Pension) Rules, 1939; the All India Services (Death-cum-retirement benefits) Rules, 1958, and any other scheme relating to Central Government pensioners, is entrusted to the D/o Pension and Pensioners' Welfare (DoP&PW). In pursuance of directions of the Parliamentary Committee on the Welfare of SCs and STs conveyed during the meeting held on 18.12.2020 for releasing the pensioners benefits of the retired ST employees, DoPT, vide its OM dated 12.1.2021 (copy at **Annexure I**) had requested DoP&PW to take necessary action in the matter. Further, a copy of these recommendations has again been forwarded to that Department for necessary action (copy at **Annexure II**)

As regards the verification of caste of a candidate, it is stated that the responsibility for issue and verification of caste certificate lies with the concerned State/UT Government. The Hon'ble Supreme Court, vide its Order dated 2.9.1994 in the matter of *Kumari Madhuri Patil vs Addl. Commissioner*, has laid down the detailed guidelines for effective verification of the Caste Certificates of the employees by the State Government.

DoPT, from time to time, has issued various instructions to the States/UTs and the Central Government Ministries/Departments for timely verification of the caste certificate. DoPT instructions dated 31.10.1975 provides that where a candidate belonging to a SC and ST is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever prima facie proof he is able to produce in support of his claim subject to his furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his obtaining a certificate, the appointing authority should itself verify his claims through the District Magistrate concerned. DoPT, vide letter dated 20.3.2007, have requested the State/UT Governments to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority **within one month** of receipt of request from such authority. The State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status. In pursuance of the directions given during the sitting of the Parliamentary Committee on the Welfare of SC and ST on 18.12.2020, DoPT has again issued a letter to all the State/UT Governments, with endorsement to all the Central Government Departments/ Ministries, on 19.3.2021 reiterating the instructions on timely verification of the caste certificate of the employees (copy enclosed as **Annexure III**).

Comments of the Committee

4.3 Please see Para No. 1.6 of Chapter I.

CHAPTER V

Recommendations/Observations in respect of which final replies of the Government have not been received

--NIL--

**New Delhi;
20 December, 2022
Agrahayana, 1944(Saka)**

**DR. KIRIT P. SOLANKI
Chairperson
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.**

APPENDIX –II

(Vide Para 4 of Introduction)

Analysis of action taken by the Government on the recommendations contained in the Ninth Report (Seventeenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1. Total number of recommendations.....3
2. Recommendations/observations which have been accepted by the Government (*vide* recommendations at Sl. No. 2 and 3).....2
Number Percentage to the total 67%
3. Recommendations/observation which the Committee do not desire to pursue in view of the Government repliesNIL
Number Percentage to the total.....0%
4. Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (*vide* recommendations at Sl. Nos. 1).....1
Number Percentage to the total.....33%
5. Recommendations/observations in respect of which final replies of the Government have not been received.....NIL

File.No.41034/4/2020-Estt.(Res-I)

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & TrainingNorth Block, New Delhi-1
Dated the 12th February, 2021OFFICE MEMORANDUM

Sub:-Parliamentary Committee for Welfare of Scheduled Castes and Scheduled Tribes- Study of Atrocity cases against Schedule Caste and Scheduled Tribes with respect to implementation of the Prevention of Atrocity Act, 1989' - regarding release of retirement benefits to those ST employees whose caste certificate is pending verification.

The undersigned is directed to refer to Lok Sabha Secretariat OM No.57/1/1/SCST/2019, dated 11th January, 2021 and the OM No. 38/09(02)/2020 - P&PW(A) (6721) dated 14.1.2021 received from D/o Pension and Pensioners' Welfare on the above subject. It is stated that the Lok Sabha Secretariat, vide its above mentioned OM dated 11.1.2021, has informed that the Parliamentary Committee on the Welfare of SCs and STs has desired that keeping in view DoPT OM No.230/08/2005-ADV.II dated 25.05.2005 and CVC circular dated 7.3.2016, instructions may be issued to the Government authorities that the pensionary benefits and emoluments of SC/ST employees who were appointed before 1995 should not be withheld in case their caste certificates have not been verified and in case of delay, accountability may be fixed. It is stated that the copy of the above communication from Lok Sabha Secretariat has already been forwarded to the concerned Division of DoPT. However, insofar as the issue of pensionary benefits is concerned, Department of Pension and Pensioners Welfare is the nodal Department. Hence, D/o Pension and Pensioners Welfare may take necessary action in the matter.

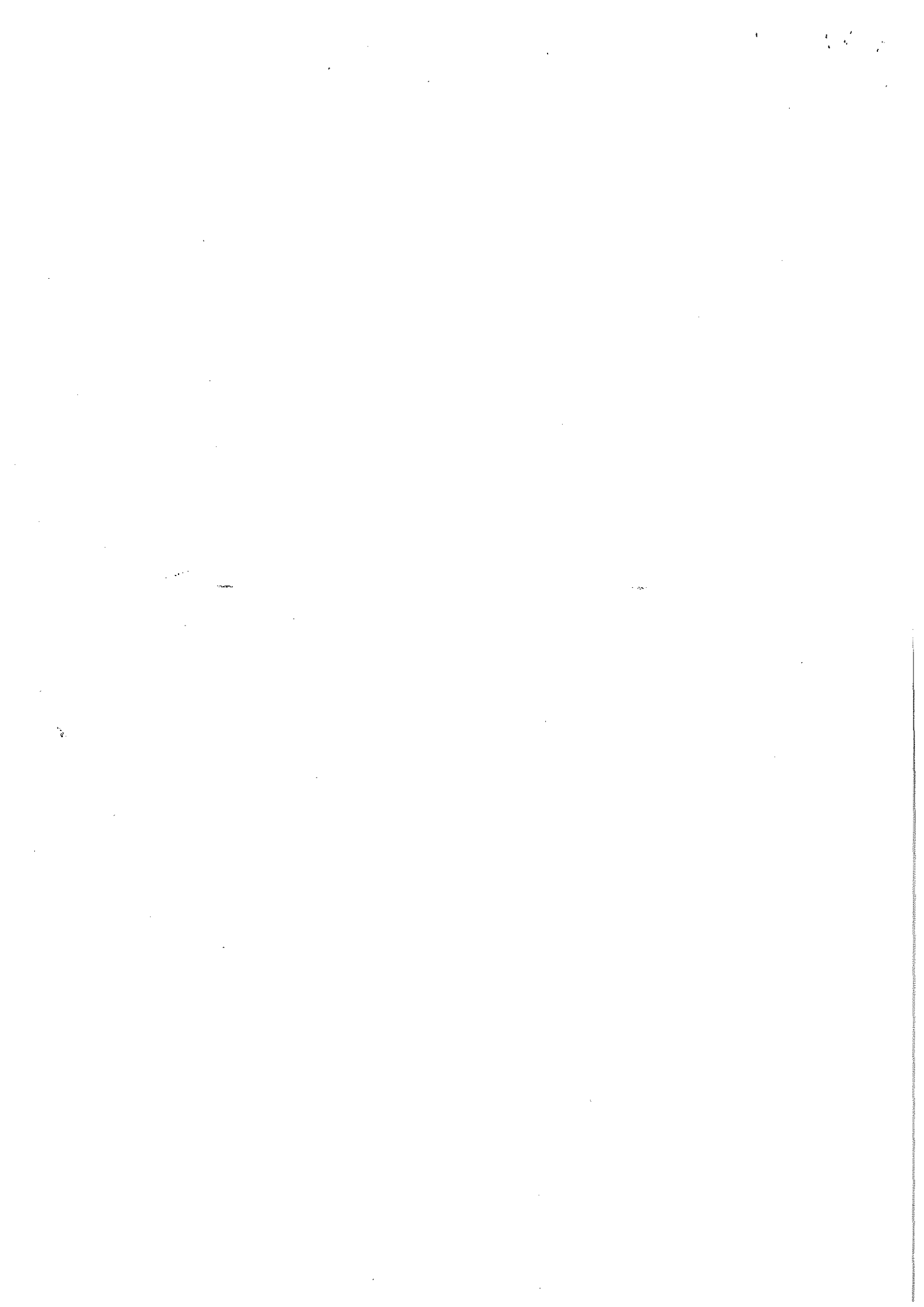
2. This issues with the approval of Addl. Secretary (Estt.).



(Sandeep Saxena)

Deputy Secretary to the Government of India

Department of Pension and Pensioners' Welfare,
(Kind Attn: Shri R.C. Sethi, Under Secretary)
Lok Nayak Bhawan, Khan Market, New Delhi-110003.Copy to: Lok Sabha Secretariat (Kind Attn.: Shri D.R. Shekhar, Joint Secretary),
10(G/F), Parliament House Annexe, New Delhi - 110001.



F.No. 41034/1/2022-Estt (Res)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training


New Delhi, dated the June 3, 2022

OFFICE MEMORANDUM

Subject: **Action Taken Note (ATN) on the recommendations of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "study of atrocity cases against SC and ST with respect to implementation of the Prevention of Atrocities act, 1989 - with special reference to cases related to withholding of pensions and retirement benefits of SC/ST employees**

The undersigned is directed to refer to the above cited subject and to say that Lok Sabha Secretariat vide its OM No. 57/2/1/SCTC/2019 dated 17.12.2021 (**copy enclosed**) has forwarded the recommendations of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes. The Committee has recommended for release of the pension of the employees belonging to ST category, whose pension has been withheld due to pendency of their caste verification. Since, the D/o Pension and Pensioners Welfare (DoP&PW) is the nodal Department in respect of pensionary matters, the copy of the recommendations is forwarded herewith to DoP&PW for necessary action. Reply on the other points pertaining to DoPT is being forwarded to the Lok Sabha Secretariat.

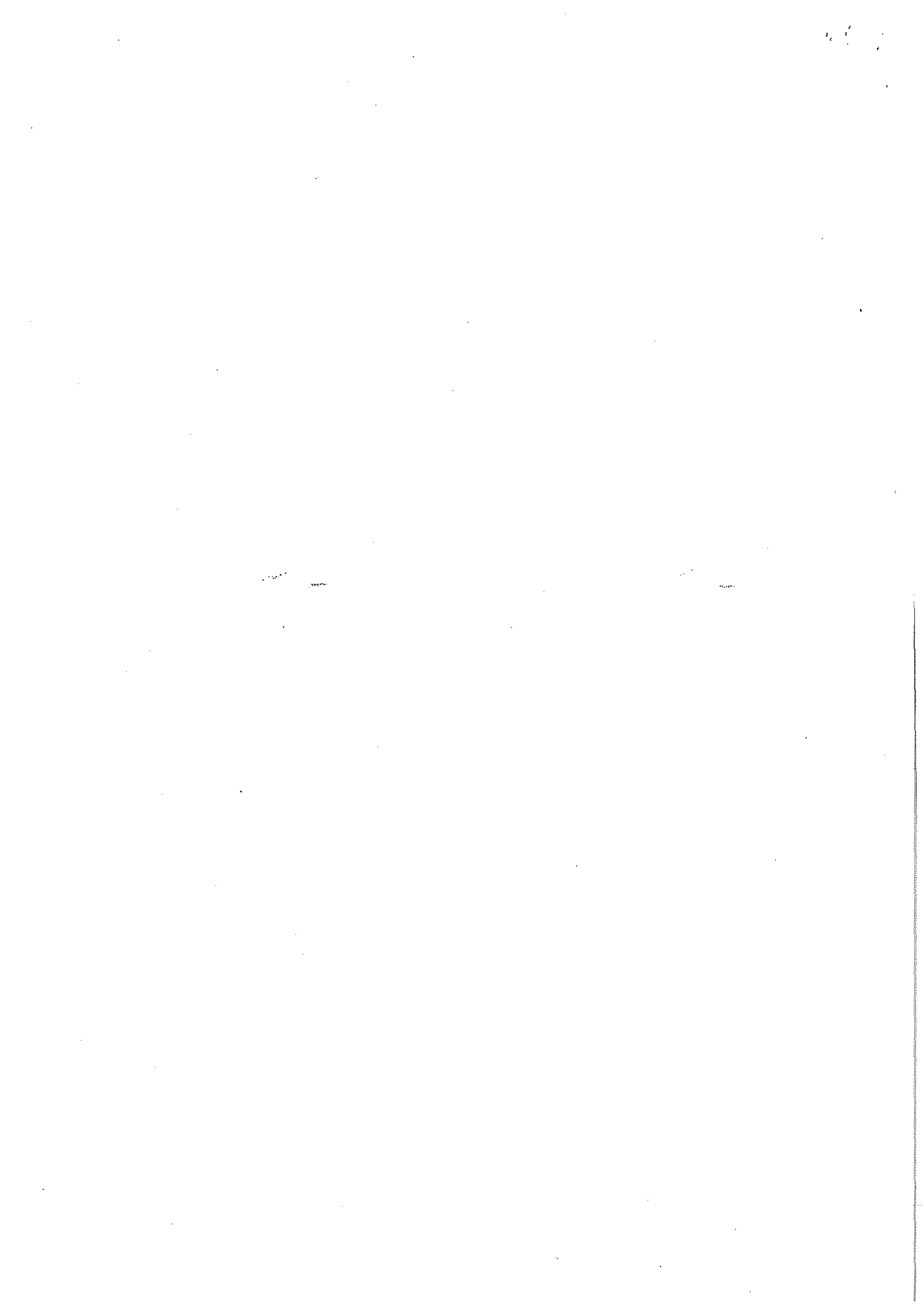
Encl.: As above.


(Abhay Kumar)

Under Secretary to the Government of India

To

The D/o Pension and Pensioners Welfare
[Kind Attention : Shri Sh. Sanjiv Narain Mathur, Joint Secretary (Pension)]
R.No. 310, 3rd Floor, A Wing,
Lok Nayak Bhawan, New Delhi.



No. 41034/4/2020-Estt (Res-I)
Government of India
Ministry of Personnel, Public Grievance & Pensions
Department of Personnel and Training

North Block, New Delhi
Dated the 19th March, 2021

To

The Chief Secretaries of all States & Union Territories

Subject: Timely verification of Caste/Community Certificates - regarding.

Sir,

I am directed to say that instances have come to the notice where the pensionary benefits of employees belonging to ST category, who were working in various offices and organizations under Central Government in the State of Tamil Nadu, have been withheld on the ground that their caste verification is pending from the State Government. The Parliamentary Standing Committee on the Welfare of the Scheduled Castes & Scheduled Tribes (SC&ST) have taken a serious view of this, and has directed this Department to issue necessary guidelines to all the concerned for ensuring timely verification of the Caste Certificate of the employees belonging to the reserved category.

2. It is stated that the responsibility for the issue and verification of Caste Certificate lies with the concerned State/UT Government. The Hon'ble Supreme Court, vide its Order dated 2.9.1994 in the matter of in the matter of *Kumari Madhuri Patil vs Adl. Commissioner*, has laid down the detailed guidelines for effective verification of the Caste Certificates of the employees, so that no person, on the basis of fake caste certificate, may secure employment wrongfully in the Government.

3. DoP&T has issued various guidelines from time to time for streamlining the process of verification of Caste Certificate of the employees, and has requested the State/UT Governments for timely verification of the same. However, as mentioned above, instances have come to notice that the appointing authority has taken an unduly long time in getting the caste status of an employee verified through the concerned State authorities which is totally in contravention of the existing instructions. In this regard, attention is invited towards the following instructions of DoPT in the matter:

- (i) DoPT OM No. 36019/7/1975-Estt (SCT) dated 31.10.1975 (copy at Annexure-I) provides that the candidates belonging to the SC/ST category have to produce a Certificate in the prescribed form issued by

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- 27 -

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one of the prescribed authorities in support of their claim of belonging to a SC/ST. Where such a candidate is unable to produce a Certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever prima facie proof he is able to produce in support of his claim subject to his furnishing the prescribed Certificate within a reasonable time, and if there is genuine difficulty in his obtaining a Certificate, the appointing authority should itself verify his claims through the District Magistrate concerned.

- (ii) DoPT OM No. 36011/16/80-Estt (SCT) dated 27.2.1981 (copy at Annexure-II) provides that the verification of caste status at every important upturn of employee's career is necessary, as an SC candidate may lose his status of SC if he embraces a religion other than Hinduism and Sikhism (DoPT OM No. 36011/3/2005-Estt (Res) dated 9.9.2005 provides that an SC candidate loses his SC status if he embraces a religion other than Hinduism, Sikhism or Buddhism).
- (iii) DoPT, vide letter No. 36022/1/2007 - Estt (Res) dated 20.3.2007 (copy at Annexure-III), have requested the State/UT Governments to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments were also requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status.
- (iv) DoPT, vide letter No. 41034/3/2012 - Estt (Res) dated 11.4.2012 (copy at Annexure-IV), have reiterated the above instructions dated 20.3.2007 requesting the State/UT Governments to issue instructions to the concerned district authorities to ensure veracity of the Caste/Community Certificate referred to them and report the same to the appointing authority within one month of receipt of request from such authority. This letter also conveys the directions of the Parliamentary Committee at that time on the Welfare of SCs and STs that the State/UT Governments may constitute a District-Level Committee in each District which may hold regular meetings to ensure timely verification of Caste Certificates.
- (v) DoPT OM No. 36011/1/2012-Estt (SCT) dated 8.10.2015 (copy at Annexure-V) reiterates the earlier instructions on timely and effective verification of the Caste Certificate so that the benefit of reservation and other scheme of concessions etc. go only to the rightful claimants.
- (vi) DoPT letter No. 36011/1/2012-Estt (SCT) dated 14.3.2016 (copy at Annexure-VI) addressed to all State/UT Government again reiterates the earlier instructions on verification of Caste Certificate within a reasonable time.

4. In view of the above, all State/UT Governments are again requested that the above-mentioned instructions may be brought to the notice of all

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- 28 -

....3/-

the concerned officers, and it may be ensured that the process of caste verification is completed within a reasonable time, and the concerned appointing authorities are informed about the veracity of the Caste Certificate of the candidates/employees within one month of the receipt of such request from the concerned appointing authority.

5. This issues with the approval of Secretary (P).

Yours faithfully,

Sd/- 19/2/2021

(Sandeep Saxena)
Deputy Secretary

To

1. The Secretaries of all the Ministries/Departments of the Govt. of India for ensuring strict compliance of the existing instructions on timely verification of Caste/Community Certificate.
2. Department of Financial Services, New Delhi.
3. Department of Public Enterprises, New Delhi.
4. Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
5. The Secretary, National Commission For Scheduled Castes, 5th Floor, Lok Nayak Bhawan, Khan Market, New Delhi-110003.
6. The Secretary, National Commission for Scheduled Tribes, 6th Floor, B-Wing, Lok Nayak Bhawan, Khan Market, New Delhi-110003.
7. The Secretary, National Commission for Backward Classes, Trikoot - 1, Bhikaji Cama Place New Delhi - 110 066.
8. Office of Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi.
9. NIC, DoPT with the request to upload the same on the website of the Department.

Department of Personnel & Administrative Reforms O.M. No. 36019/7/75-Estt. (SCT)
dated 31st October, 1975 to all Ministries etc.

Subject :— Verification of claims of candidates belonging to Scheduled Castes and Scheduled Tribes for purpose of appointment to posts/services.

The undersigned is directed to say that candidates belonging to Scheduled Castes and Scheduled Tribes have to produce a certificate in the prescribed form issued by one of the prescribed authorities in support of their claim of belonging to a Scheduled Caste/Scheduled Tribe vide Appendix 14 and 15 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in services, 4th edition. In this connection attention of the Ministry of Finance etc. is also invited to the content of the Ministry of Home Affairs Office Memorandum No. 13/2/57-SCT(D), dated the 25th May, 1960 and No. 13/2/61-SCT(I), dated the 18th November, 1961 which provide that where a candidate belonging to a Scheduled Caste and Scheduled Tribe is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever prima facie proof he is able to produce in support of his claim subject to his furnishing the prescribed certificate within a reasonable time, and if there is genuine difficulty in his obtaining a certificate, the appointing authority should itself verify his claims through the District Magistrate concerned. The instructions contained in the aforementioned Office Memorandum are again brought to the notice of the Ministries, Department etc.

30

Department of Personnel & A.R. No. 36011/16/80-Estt. (SCT) dated 27-2-81

Subject :—Descheduling of caste of Scheduled Caste person after his initial appointment—Question of verification of caste at the time of making subsequent promotions.

With reference to the above subject, the undersigned is directed to say that instances have come to the notice of the Government where a Scheduled Caste person whose caste has been de-scheduled long ago was promoted against a reserved vacancy though he no longer was a member of the Scheduled Caste. Instances have also come to the notice of the Government where a person professing a religion other than the Hindus and Sikhs, was appointed against a Scheduled Castes vacancy though the fact of his belonging to any other religion other than the Hindus and Sikhs did not entitle him to claim the benefits of being Scheduled Castes. Obviously, these have occurred due to the appointing authorities not scrutinising the caste certificate of the person to be appointed or promoted.

It has now been decided that the appointing authorities should verify the caste status of a Scheduled Castes/Tribes officer at the time of initial appointment and promotion against a vacancy reserved for Scheduled Caste/Tribe. For this purpose, the caste and the community to which a SC/ST person belongs, his place of residence and the name of the State, should be pasted on the top of the service book, personal file or any other relevant document covering its employee to facilitate such verification. It may be mentioned that a Scheduled Caste person, whose caste been descheduled after his initial appointment as Scheduled Caste, is no longer entitled to enjoy the benefit of reservation in promotions. This verification of caste status at every important turn of employee's career is necessary so that the benefit of reservation and other scheme of concessions etc meant for SC/ST should go only to the rightful claimants and not those who become dis-entitled to them.

3. M/O, Finance etc. are requested to bring the above position to the notice of all attached and subordinate places under them.

No.36022/1/2007-Estt.(Res)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, dated: the 28th March, 2007

To

The Chief Secretaries of all
States/Union Territories

Subject: Verification of claims of candidates to belong to
Scheduled Castes, Scheduled Tribes and Other
Backward Classes.

Sir,

It has been brought to the notice of this Department that some candidates manage to secure employment under the Government against the vacancies reserved for SCs/STs/OBCs on the basis of false/forged caste/ community certificates. It is a serious matter which can only be tackled with the cooperation of the State Governments.

2. Instructions issued by this Department require the appointing authorities to verify the caste status of SC/ST/OBC candidates at the time of initial appointment. Accordingly, the concerned appointing authorities, at the time of initial appointment of SC/ST/OBC candidates against vacancies reserved for them, make a request to the concerned district authorities to certify the veracity of caste/community certificate produced by the candidate. Many a time, the district authorities take unduly long time to respond. Where verification is not completed in time, the candidates are given appointment on provisional basis pending verification of their caste status. Some candidates continue to hold the post on the basis of false/forged certificates in the absence of proper response from district authorities. Chances of collusion of the candidate with some unscrupulous employee(s) at the district level cannot also be ruled out.

3. I am directed to request you to streamline the system so that the unscrupulous non-SC/ST/OBC persons are prevented from securing jobs meant for SCs/STs/OBCs by producing false certificates. It would be appreciated if you could issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the districts to the effect that they should ensure at their own level that veracity of the caste/community certificate referred to the district authorities, as stated above, is verified and reported to the appointing authority within one month of receipt of request from such authority. In order to rule out collusion between candidates holding false/forged certificate and employees at the district level or sub-district level, disciplinary proceedings may be initiated against officers who default in timely verification of caste status in such cases or issue false certificates.

Yours faithfully



(R. Ramantjam)
Joint Secretary

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No. AJ 034.3/2012-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi-110001
Dated the 11th April, 2012

To

The Chief Secretaries of all the States
Union Territories.

Subject: - Verification of caste certificates by District authorities.

Sir,

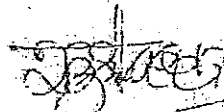
Attention is drawn to Department of Personnel and Training's letter No.36022/1/2007-Estt. (Res.) dated 20th March, 2007 whereby the Chief Secretaries of all States/ Union Territories were requested to streamline the system of verification of caste certificates so that unscrupulous non-SC/ST/OBC persons are prevented from securing jobs meant for SCs/STs/OBCs by producing false certificate. They were also advised to issue instructions in this regard to the concerned District Magistrates/ District Collectors/ Deputy Commissioners of the districts to ensure at their own level that veracity of the caste/ community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. They were further requested that disciplinary proceedings may be initiated against officers who default in timely verification of caste status in such cases or issue false certificates to rule out collusion between candidates holding false/ forged certificate and employees at the district level or sub-district level.

2. Recently the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Railway in its 28th Report (14th Lok Sabha) on the subject of false caste certificates had, inter-alia, observed as under:-

"The Ministry of Railways to take up the matter of pending false caste certificate cases lying with District Collectors with the Ministry of Personnel, Public Grievances and Pensions who are the cadre controlling Ministry over the Collectors and to ensure that all the State Governments constitute appropriate District Level Committee (DLC) in every district urgently and to instruct them to hold regular meetings so that cases of investigation of false caste certificates are not held up for want of proper DLC or non holding of meetings by such Committee."

3. Keeping in view of the direction given by the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Railways it is requested that instructions may be issued to the concerned District Magistrates/ District Collectors/ Deputy Commissioners of the districts etc. to verify the details of the candidate (s) before issuing the caste certificates so that the benefits of reservation and other schemes of concessions, etc. meant for SCs/STs/OBCs go only to the rightful claimants. As desired by the Parliamentary Committee a District Level Committee may also be constituted in each District. The Committee be instructed to hold regular meetings to ensure timely verification of caste certificates.

Yours faithfully,



(Sharad Kumar Srivastava)

Under Secretary to the Government of India

Tele. No. 23092110

Copy to: -

1. All Ministries/Departments of Government of India.
2. Department of Financial Services, Jeevan Deep Building, Parliament Street, New Delhi-110001.
3. Department of Economic Affairs, Ministry of Finance, New Delhi.

No.36011/1/2012-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment Reservation - I Section

North Block, New Delhi-110 001
Dated the 8th October, 2015.

OFFICE MEMORANDUM

Subject: Reiteration of the instructions on verification of claims of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes for purpose of appointment to posts/services.

The undersigned is directed to say that as per extant instructions where a candidate belonging to a Scheduled Caste (SC), Scheduled Tribe (ST) and Other Backward Classes (OBC) is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim subject to his/her furnishing the prescribed certificate within a reasonable time. Instructions have been issued vide DoPT's letter No.36022/1/2007-Estt.(Res.) dated 20.3.2007 to the Chief Secretaries of all States/UTs for streamlining the system of verification of caste certificates so that unscrupulous non-SC/ST/OBC persons are prevented from securing jobs meant for SCs/STs/OBCs by producing false certificates. Timely and effective verification of caste status is necessary so that the benefit of reservation and other scheme of concessions etc. go only to the rightful claimants.

2. In this regard, attention is invited to the instructions contained in the following Office Memoranda/Orders issued by this Department from time to time. A copy each of the Office Memoranda is enclosed:-

- (i) OM No. 36019/7/75-Estt. (SCT) dated 31.10.1975
- (ii) OM No. 36011/16/80 - Estt. (SCT) dated 27.02.1981
- (iii) OM No. 36011/3/2005-Estt. (Res.) dated 09.09.2005
- (iv) OM No. 36012/6/88-Estt.(SCT) dated 24.4.1990

3. Instances have been brought to the notice of this Department that despite the aforesaid instructions, the appointments of the candidates belonging to SC/ST/OBC communities are with-held/delayed due to pending caste certificates verification.

contd/-

4. It is, therefore, reiterated that in the situation where a candidate belonging to a Scheduled Caste, Scheduled Tribe and Other Backward Classes is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim subject to his/her furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his/her obtaining a certificate, the appointing authority should itself verify his/her claim through the District Magistrate concerned.

5. All Ministries/ Departments are requested to bring the contents of this O.M. to the notice of all concerned.

G. Srinivasan

(G. Srinivasan)

Deputy Secretary to the Government of India

To:

1. The Secretaries of all Ministries/Departments of the Government of India.
2. Department of Financial Services, New Delhi
3. Department of Public Enterprises, New Delhi
4. Railway Board, Ministry of Railways, Rail Bhavan, New Delhi
5. Union Public Service Commission/ Supreme Court of India/Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Prime Minister's Office/ Planning Commission
6. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi
7. Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi
8. National Commission for SCs/National Commission for STs, Lok Nayak Bhawan, New Delhi
9. National Commission for Backward Classes, Trikot-1, Bhikaji Cama Place, R.K. Puram, New Delhi
10. Office of the Comptroller and Auditor General of India, 10 Bahadur Shah Jafar Marg, New Delhi - 110 002
11. Information and Facilitation Center, DoPT, North Block, New Delhi.
12. Director, ISTM, Old JNU Campus, Olof Palme Marg, New Delhi 110067
13. NIC, DoPT - to upload the same on DoPT Website.

No. 36011/1/2012-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment Reservation - I Section

North Block, New Delhi-110 001
Dated March 14, 2016

To,

The Chief Secretaries of all States/UTs

Subject Reiteration of the instructions on streamlining the procedure for verification of claims of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes for purpose of appointment to posts/services - regarding

Madam/Sir,

I am directed to refer to this Department's letter no. 36022/1/2007-Estt. (Res.) dated 20.03.2007 addressed to Chief Secretaries of all States/UTs (copy enclosed) regarding streamlining of the process for verification of claims of candidates belonging to Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs). It was also requested to issue instructions to District Magistrates/District Collectors/ Deputy Commissioners to ensure at their own level the veracity of caste certificates so that unscrupulous non-SC/ST/OBC persons are prevented from securing jobs meant for SCs/STs/OBCs by producing false certificates.

2. Owing to difficulties faced by candidates belonging to these reserved communities in various states in securing employment due to delays in obtaining caste certificates, this Department, vide an Office Memorandum of even number dated 08.10.2015, has re-iterated the instructions on providing provisional appointment to such reserved category candidates who are unable to obtain an appropriate caste certificate in time. It has been reiterated therein that where a candidate belonging to a Scheduled Caste, Scheduled Tribe or Other Backward Class is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim, subject to his/her furnishing the prescribed certificate within a reasonable time. If there is genuine difficulty in his/her obtaining a certificate, the appointing authority should itself verify his/her claim through the District Magistrate concerned. A copy of the OM is enclosed for reference and perusal.

3. In order to ensure that the candidates belonging to reserved categories do not face unnecessary problems in obtaining caste certificates, it is requested that instructions issued to the concerned authorities in the light of the aforementioned letter dated 20.03.2007 may be reiterated for information/compliance of all concerned.

4. It is also advised that in order to discourage unscrupulous activities, State Governments/UTs may consider issue of appropriate instructions for initiating disciplinary proceedings against the errant officers who default in timely verification of caste certificates or who issue false certificates.

Encl: as above

Yours faithfully,

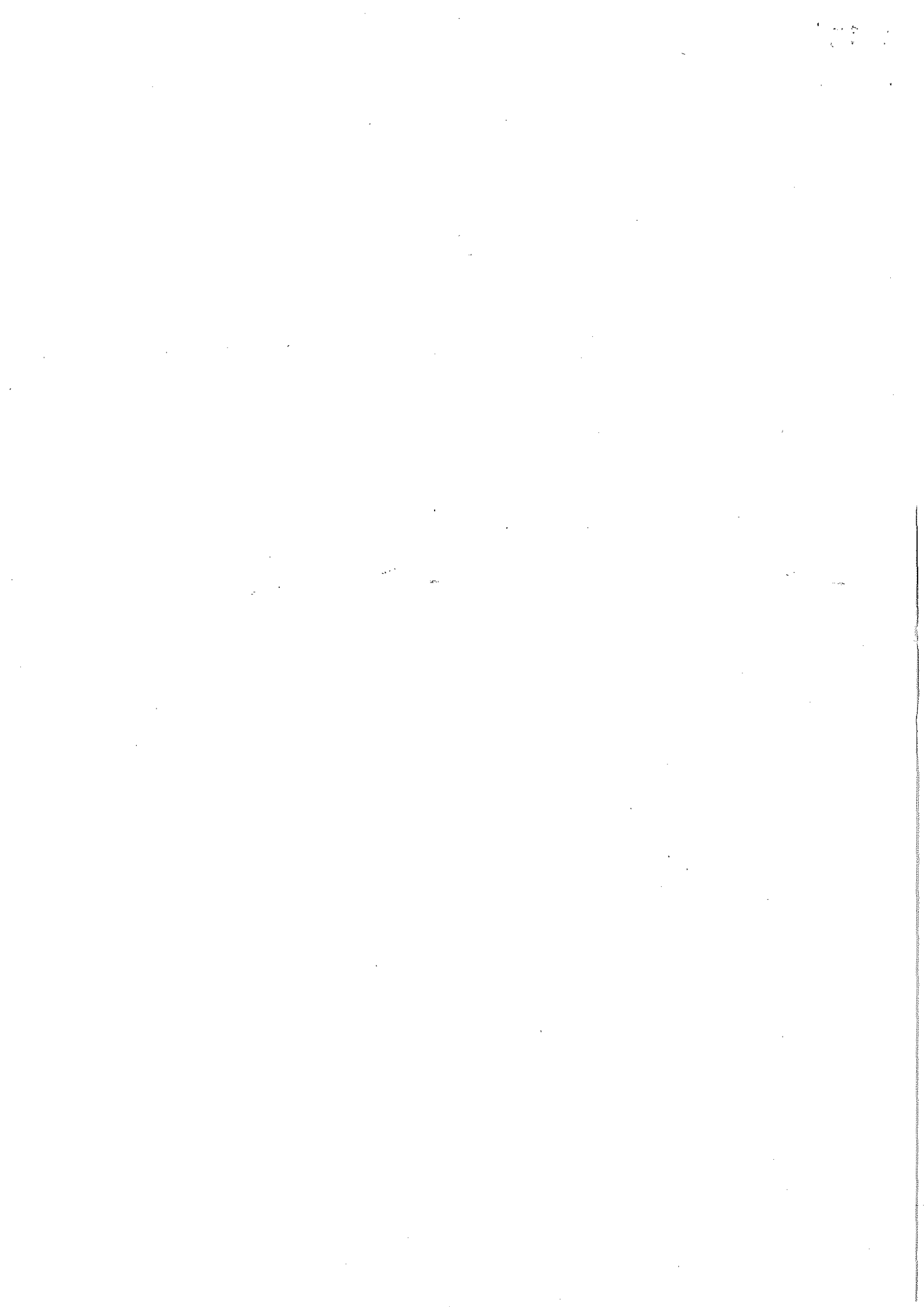


(G. Srinivasan)

Deputy Secretary to the Government of India

Copy to:

✓ Dir, NIC, DOPT - for placing it on the website of this Department for information of all concerned.



ANNEXURE - VII

F.No. 41034/1/2022-Estt (Res)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training

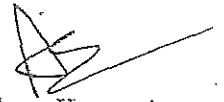
New Delhi, dated the June 3, 2022

OFFICE MEMORANDUM

Subject: Action Taken Note (ATN) on the recommendations of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "study of atrocity cases against SC and ST with respect to implementation of the Prevention of Atrocities act, 1989 - with special reference to cases related to withholding of pensions and retirement benefits of SC/ST employees

The undersigned is directed to say that Lok Sabha Secretariat vide its OM No. 57/2/1/SCTC/2019 dated 17.12.2021 (copy enclosed) has forwarded the recommendations of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes. The Committee has recommended for release of the pension of the employees belonging to ST category, whose pension has been withheld due to pendency of their caste verification. Point No. 3 (vii) of the recommendations contains directions for Ministry of Social Justice and Empowerment for framing of a suitable legislation for streamlining of the process of verification of caste certificate in consultation with DoPT, Ministry of Law and Justice (Legislative Department) and State Government. Accordingly, a copy of the recommendations is forwarded herewith to MSJE for necessary action. Reply on the other points pertaining to DoPT is being forwarded to the Lok Sabha Secretariat.

Encl.: As above.


(Abhay Kumar)

Under Secretary to the Government of India

To

The D/o Social Justice and Empowerment
[Kind Attention :Ms. Kalyani Chadha, JS (Scheduled Castes Division-B)]
R.No. 613, 6thFloor, A Wing,
Shastri Bhawan, New Delhi.

