

COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(2006-2007)

(FOURTEENTH LOK SABHA)

TWELFTH REPORT

ON

MINISTRY OF FINANCE  
(DEPARTMENT OF REVENUE)

“Reservation for and Employment of Scheduled Castes and Scheduled Tribes  
in Central Board of Excise and Customs (CBEC).”

Presented to Lok Sabha on 22<sup>nd</sup> August, 2006

Laid in Rajya Sabha on 21<sup>st</sup> August, 2006

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LOK SABHA SECRETARIAT  
NEW DELHI

22<sup>nd</sup> August, 2006 /Sravana 31, 1928 (Saka)

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED  
CASTES AND SCHEDULED TRIBES (2006-2007)**

Shri Ratilal Kalidas Varma - Chairman

**MEMBERS – LOK SABHA**

2. Shri Anandrao Vithoba Adsul
3. Shri S. Ajaya Kumar
4. Shri M. Appadurai
5. Shri Biren Singh Engti
6. Shri Eknath M. Gaikwad
7. Dr. P.P. Koya
8. Shri G.V. Harsha Kumar
9. Shri Rajesh Kumar Manjhi
10. Shri Kailash Meghwal
11. Shri Rupchand Murmu
12. Shri Jual Oram
13. Shri Ashok Kumar Pradhan
14. Shri Harikewal Prasad
15. Shri Ashok Kumar Rawat
16. Shri Baju Ban Riyan
17. Dr. (Col.) Dhani Ram Shandil
18. Shri Sugrib Singh
19. Shri Lalit Mohan Suklabaidya
20. Shri Vanlalzawma

**MEMBERS – RAJYA SABHA**

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22. Shri Robert Kharshiing
23. Shri Surendra Lath
24. Shri Lalhming Liana
25. Shri Harendra Singh Malik
26. Dr. Radhakant Nayak
27. Shri Nabam Rebia
28. Smt. Maya Singh
29. Shri Veer Singh
30. Shri Nandi Yellaiah

**SECRETARIAT**

1. Dr. (Smt.) P.K. Sandhu, Additional Secretary
2. Shri P.K. Bhandari, Joint Secretary
3. Shri Gopal Singh, Director
4. Ms. J.C. Namchyö

## INTRODUCTION

I, the Chairman, 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 Twelfth Report (Fourteenth Lok Sabha) on the Ministry of Finance (Department of Revenue) - "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Excise and Customs (CBEC)".

2. The Committee took evidence of the representatives of the Ministry of Finance (Department of Revenue) and Central Board of Excise and Customs (CBEC) on 28<sup>th</sup> March, 2003. The Committee wish to express their thanks to the officers of the Ministry of Finance (Department of Revenue) and CBEC for placing before the Committee, the material and information the Committee required in connection with the examination of the subject.

3. The Report was considered and adopted by the Committee on 10<sup>th</sup> August, 2006.

4. A summary of conclusions/recommendations contained in the Report is appended (Appendix).

New Delhi  
August, 2006  
Sravana, 1928(S)

(RATILAL KALIDAS VARMA)  
CHAIRMAN  
COMMITTEE ON THE WELFARE  
OF SCHEDULED CASTES AND  
SCHEDULED TRIBES

## **CHAPTER I**

### **INTRODUCTORY**

#### **A. Background Note**

1.1 The Department of Revenue functions under the overall direction and control of the Secretary (Revenue) in the Ministry of Finance. The Department exercises control vested in it in respect of revenue matters relating to all direct and indirect Union Taxes through two statutory Boards under it, viz., the Central Board of Direct Taxes (CBDT) and the Central Board of Excise and Customs (CBEC). The two statutory Boards were constituted under the Central Boards of Revenue Act, 1963. These Boards also function as the Direct Taxes Wing and the Indirect Taxes Wing respectively of the Department of Revenue.

1.2 The Central Board of Excise and Customs was created for formulation of policy concerning levy and collection of Customs and Central Excise duties, service taxes, prevention of smuggling and evasion of duties and all administrative matters relating to Customs, Central Excise, service taxes and narcotics under its purview.

#### **B. Organisational Set-up**

1.3 The Committee have been informed that the Central Board of Excise and Customs comprises of Chairman and 5 Members, namely, Member (Personnel and Vigilance), Member (Budget), Member (Central Excise), Member (Customs), and Member (Legal and Judicial/Anti-smuggling). The procedure of appointment of Chairman and Members of CBEC is laid down in Rule 3 of the CBEC (Regulation of Transaction of Business) Rules, 1964. As per the provisions therein, the Central Government may, by notification in the official Gazette, appoint one of the Members to be the Chairman. As regards criteria and

qualifications for the post of Member, CBEC, the post has consistently been filled from among the officers of the Indian Customs and Central Excise Service (IC&CES) of the rank of Chief Commissioner or equivalent in the pay scale of Rs.22,400-525-24,500.

1.4 Regarding the selection procedure followed in the appointment of Chairman and Members of the CBEC, it is stated that the Department of Revenue submits proposals containing details of the eligible IC&CES officers of the rank of Chief Commissioner (in order of seniority in their cadre) and Members of the CBEC for selection to the post of Member, CBEC and Chairman, CBEC respectively to the Cabinet Secretariat. The Special Committee of Secretaries, thereafter, meets to recommend the name(s) of those officers found suitable to be appointed as Chairman/Members of the CBEC, to the Appointments Committee of the Cabinet (ACC), which finally approves the appointment of the officer(s) as Chairman/Members of the CBEC.

1.5 The Committee were also informed in a post evidence reply that no SC/ST officer has ever been appointed as Member of the Board since its inception because in case of promotions being made by selection, reservation is available only up to the lowest rung of Group `A'. Since the Members of the CBEC, are of the rank of Additional Secretary to the Government of India and are appointed by selection, no reservation is followed in the matter of appointment as Members of the CBEC.

1.6 The Committee have been informed that there are 92 Central Excise Commissionerates, 35 Customs and Customs (Preventive) Commissionerates and 19 attached subordinate offices in CBEC.

1.7 The Committee were also informed in a post evidence reply that 10 Central Excise Commissionerates located in various parts of the country are headed by SC/ST officers.

**1.8 The Committee note that no SC/ST officer has ever been appointed as Chairman/member of the Board since its inception because reservation in promotion is available only up to the lowest rung of Group `A' post. The Committee are of the view that even though reservation is not available at present in the higher post, it is not difficult for the Government to give proper representation to SC/ST officers by suitably amending the procedure, criteria and eligibility for appointment to these posts. The Committee, therefore, recommend that the Government should amend the existing rules and regulations in the light of amendment in Article 16 (4A) of the Constitution so that the SC/ST officers could be given representation on the Central Board of Excise and Customs.**

## CHAPTER II

### RESERVATION IN SERVICES

#### A. Recruitment and Promotion Procedure

2.1 The Committee have been informed that the extent of reservation for SC and ST is based on the general orders of the Government issued by Department of Personnel and Training. The prescribed percentage of reservation for Group 'A', 'B', 'C' and 'D' posts in direct recruitment is 15% for SC and 7.5% for ST. Reservation in the recruitment otherwise than by open competition is 16 2/3% for Scheduled Caste and 7.5% for Scheduled Tribe.

2.2 As regards reservation in promotion, the prescribed percentage of reservation is 15% for SCs and 7.5 % for STs applicable to all posts in Group 'B', 'C' and 'D' and up to the lowest rung of post in Group 'A'.

2.3 In so far as direct recruitment is concerned, reservation orders of the Government are applicable to all categories of posts. However, as for posts to be filled by promotion, reservation orders of the Government are applicable to Group 'B', 'C' and 'D' posts except Group 'A' where the reservation for SC/ST is up to the lowest rung of Group 'A' post viz. Assistant Commissioner of Customs/ Central Excise. However, reservation orders of the Government do not apply for the posts to be filled up by promotion within group 'A' as these posts are filled up on the basis of selection-cum-merit.

2.4 The procedure for recruitment to various categories of post varies for different categories of posts in CBEC. 50% of the posts in the cadre of Assistant Commissioner of Customs & Central Excise (lowest rung of post in the Group 'A') are filled by direct recruitment through UPSC and the remaining 50% are filled by promotion from the Group 'B' feeder cadres of Superintendents of Customs



(Preventive) and Superintendent of Central Excise and Customs Appraisers. Apart from this, there are certain Group 'A' posts under CBEC such as Chief Accounts Officer, Chief Chemist, Deputy Chief Chemist, Joint Director of Communication etc. whose procedure of recruitment and promotion is at Appendix 'C'. The composition of the Recruitment Board in respect of Group 'A' posts is decided by the Union Public Service Commission.

2.5 As regards Group 'B' posts, there are different grades and different scales of pay attached with each post. The Group B posts are filled by promotion as well as direct recruitment whose detailed procedures for recruitment and promotion are given at Appendix 'D'. However, there is no Recruitment Board as such for Group 'B' posts as most of the Group 'B' posts, except for few technical posts are filled by promotion made on the basis of the recommendations of Departmental Promotion Committee (DPC) as per the provisions of respective Recruitment Rules. The DPCs are chaired by officers at different levels normally by Chief Commissioners/Commissioners of Central Excise and Customs with other officials at next lower levels as members of DPC.

2.6 The composition of the Recruitment Board in respect of Group 'C' post is decided by Staff Selection Commission. For Group 'D' posts, applications are invited from the local Employment Exchanges.

2.7 As and when recruitment/promotions/confirmations in the service are made, it is ensured that at least one Group 'A' officer from SC/ST category is nominated as a member of Departmental Promotion Committee/Selection Committee, etc. as per provisions of recruitment rules and instructions issued in paras 2.6 and 2.7 of DOPT's O.M. No. 22011/5/86-Estt(D) dated 10.4.1989.

2.8 The Recruitment Rules which lay down the composition of the DPC are framed in consultation with Department of Personnel and Training and Union Public Service Commission and are notified after vetting by the Ministry of Law.

2.9 The Committee have been informed that as per guidelines issued by the Department of Personnel and Training for conducting Departmental Promotion Committee (DPC) from time to time, the following procedure is adopted for promotion to various categories of posts in CBEC:-

- (a) Year-wise vacancies to be filled on promotion are calculated as accurately as possible;
- (b) Eligible officers likely to fall in normal zone of consideration as well as extended zone of consideration for SCs/STs are identified in accordance with the seniority lists of the feeder cadres;
- (c) The service particulars of the concerned officers including the results of physical tests, if any, conducted as per the Recruitment Rules, vigilance clearance, penalty statement for last 10 years, integrity certificates are collected and compiled;
- (d) Rosters are updated and roster points of SCs/STs category are identified;
- (e) The requisite information is further scrutinised and list of eligible officers from the consideration zone/extended consideration zone in case of SCs/STs and other relevant statements are prepared as per instructions issued by Department of Personnel and Training vide OM No. 22011/5/86-Estt.(D) dated 10.04.1989;

- (f) The DPC is constituted and the date of meeting is intimated to the concerned members of DPC and the prescribed documents are placed before the DPC for their assessment;
- (g) The DPC assesses the suitability of the eligible officers included in the normal/extended consideration zone for SCs/STs as per count;
- (h) The DPC prepares a combined select list of the officers of general as well as of reserved category for promotion.

2.10 The Committee have received representations from various units of Customs & Excise SC/ST Employees' Welfare Association wherein it has been alleged that reservation rules in promotions especially in Group B posts were flouted and misinterpreted by the Department. In one of the representations dated 24.8.2004 submitted to the Committee, it was stated that in the grade of Superintendent backlog of SCs/STs has arisen due to non-implementation of reservation policies by the administration during the cadre review. In this connection, the Ministry have stated that since the posts earmarked for SC employees have been filled by ST employees by exchange of reserved vacancies, in terms of the then existing instructions, there is no backlog of unfilled SC vacancies in the grade of Superintendent in the zone. According to that instructions past cases of such exchange of vacancies need not be reopened and any such excess representation may be adjusted in future recruitment. In another representation dated 22.2.2006 it has been alleged that promotion orders for SCs/STs in the grade of Superintendent were not issued. In their reply, the Ministry have stated that all the 12 SC candidates on the

re-validated panel have been promoted and there is no officer on the panel now who remains to be promoted. It has also been stated that DPC was held for 15 vacancies in the grade of Superintendent including 3 SC backlog vacancies and 2 ST backlog vacancies for the year 2005-06. There was no SC officer available for consideration for promotion in the normal zone as well as in the extended zone of consideration. The DPC also found 1 ST candidate unfit and findings in respect of 2 ST category candidates were put in sealed cover due to pending disciplinary case against them. Hence, it has been reported that the backlog reserved vacancies for the year 2005-06 could not be filled up by promotion due to non-availability of suitable candidates. In the representation dated 25.8.2005 submitted it has been stated that an Inspector of Central Excise, Raipur was denied promotion on the basis of ACR but this fact was not communicated to the employee concerned in complete violation of principle of natural justice. In this connection, the Ministry have stated that the DOP&T have advised that in accordance with the existing instructions, only adverse entries/remarks recorded in the ACRs of the officer have to be communicated to him and there is no provision to communicate the grading below bench mark.

**2.11 The Committee note that CBEC has a well defined set of procedures based on the guidelines issued by DOP&T for constitution of Departmental Promotion Committee for consideration for promotion of its employees. In spite of this, the Committee have still received representations from SC/ST Employees' Welfare Associations and individual officer in which they have cited instances of denial of promotion due to non-implementation of reservation policies by the administration during**

cadre review, non-availability of SC/ST candidates for promotion in the normal zone as well as in the extended zone of consideration and due to pending disciplinary cases. The Committee note that one Inspector of Central Excise was denied promotion on the basis of adverse ACR, the fact of which was not communicated to him. The Committee would like to state that in accordance with the existing instructions, SC/ST candidates cannot be denied promotion even if he/she gets good ACR. Even for any case of adverse entries/remarks recorded in the ACR, it has to be communicated to him. The Committee, therefore, recommend that to fill up the SC/ST backlog vacancies, the zone of consideration for SC/ST candidates should further be relaxed and also the disciplinary proceedings against SC/ST officers who could not get promotion due to pending disciplinary cases against them may be expedited.

#### **B. Relaxations/Concessions in Recruitment and Promotion**

2.12 The Committee have been informed that at the time of Recruitment, concessions in terms of higher upper age limit and the relaxation in the physical norms/standards for recruitment to Group `C' Executive posts are admissible to the SC/ST candidates.

2.13 The following relaxations/concessions are given to SC/ST candidates in the matter of promotion in terms of instructions of the Government issued from time to time:-

- (a) Age relaxation:- The candidates belonging to SC/ST category are given the benefit of two additional years for promotion to the post of Inspector of Central Excise, Inspector (Preventive Officer) and Inspector (Examiner).
- (b) Relaxation in physical standards:- Relaxation of 5 cm in height for male ST candidates and 2.5 cm for female ST candidates is allowed in promotion to the post of Inspector of Central Excise and Sepoy. Besides this, the Scheduled Tribe female employees are also granted relaxation of 2 kg weight from the required standards for the aforesaid posts.
- (c) Treatment of the SC/ST candidates promoted on their own merits:- The field formations under CBEC have been instructed to strictly adhere to the instructions contained in the Department of Personnel and Training's O.M. No. 36028/17/2001 Estt. (Res.) dated 11 July, 2002 in letter and spirit while making promotions in the Commissionerate/Directorates under their jurisdiction.
- (d) Extended zone of consideration:- In view of the instructions issued by DOP&T's O.M. No. 22011/1/90-Estt(D) dated 22<sup>nd</sup> April, 1992, in case of promotions made by selection-cum-fitness, the zone of consideration is extended upto 5 times the number of vacancies arisen on a particular occasion in respect of SC/ST candidates.

## C. Recruitment and Promotion

2.14 In the preliminary material submitted to the Committee, data on year-wise recruitment made for various categories of posts in CBEC during the years 1999-2000 to 2001-02 are furnished as under:-

Year	Category	Total No. of vacancies occurred	Total No. of Vacancies actually filled	No. of vacancies Reserved for Scheduled Castes			No. of vacancies Reserved for Scheduled Tribes			No. of candidates appointed		No. of vacancies carried forward		No. of backlog Vacancies	
				C/F From Previous Year	Reserved during the year	Total	C/F from Previous Year	Reserved during the year	Total	SCs	STs	SCs	STs	SCs	STs
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1999-00	Group A	25	25	-	4	4	-	2	2	4	2	-	-	-	-
	Group B	-	5	-	-	-	-	-	-	-	-	-	-	-	-
	Group C	803	411	175	74	217	117	63	205	101	24	196	156	169	167
	Group D	330	255	19	24	34	4	28	15	66	7	13	7	34	32
2000-01	Group A	25	25	-	4	4	-	2	2	4	2	-	-	-	-
	Group B	11	11	-	1	2	-	3	3	-	4	1	-	1	-
	Group C	927	579	218	52	244	125	81	185	97	44	197	155	217	142
	Group D	141	79	9	3	11	3	26	4	44	1	8	4	35	40
2001-02	Group A	23	23	-	3	3	-	2	2	3	2	-	-	-	-
	Group B	3	4	1	-	2	-	-	-	-	1	1	-	1	-
	Group C	591	254	203	34	215	122	26	146	34	31	166	168	151	106
	Group D	171	95	15	8	27	5	80	9	91	5	55	7	112	89

2.15 The Ministry have furnished the details of recruitment made for various categories of posts by CBEC during the years 2002-03, 2003-04 and 2004-05 as under:-

Year	Category	Total No. of vacancies occurred	Total No. of Vacancies actually filled	No. of vacancies Reserved for Scheduled Castes			No. of vacancies Reserved for Scheduled Tribes			No. of candidates appointed		No. of vacancies carried forward		No. of backlog Vacancies	
				C/F From Previous Year	Reserved during the year	Total	C/F from Previous Year	Reserved during the year	Total	SCs	STs	SCs	STs	SCs	STs
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2002-03	Group A	23	23	-	3	3	-	2	2	3	2	-	-	-	-
	Group B	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Group C	1560	0	16	147	163	17	155	172	0	0	163	172	163	172
	Group D	1157	0	0	17	17	0	16	16	0	0	17	16	17	16
2003-04	Group A	50	48	-	7	7	-	4	4	7	4	-	-	-	-
	Group B	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Group C	1631	0	163	221	384	172	126	298	0	0	384	298	384	298
	Group D	697	0	17	42	59	16	76	92	0	0	59	92	59	92
2004-05	Group A	76	-	-	10	-	-	5	-	-	-	-	-	-	-
	Group B	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Group C	1373	0	384	15	399	298	10	308	0	0	399	308	399	308
	Group D	428	0	59	43	102	92	29	121	0	0	102	121	102	121

2.16 The Committee note from the statement above that there was no recruitment in Group 'B', 'C' and 'D' during the years 2002-03 to 2004-05. As a result backlog vacancies of SCs and STs for the recruitment year 2004-05 were 399 and 303 in Group 'C' and 102 and 121 in Group 'D' posts respectively.

2.17 The Ministry have furnished a statement showing the number of persons promoted during the years (1999-2000, 2000-2001, 2001-2002) in various categories of posts as given below:-

Year	Category of Post	Total No. of Employees Promoted	No. of posts filled		% of		No. of Backlog Vacancies/Shortfall	
			SC	ST	SC	ST	SC	ST
1999-00	Group A	22	-	-	-	-	-	-
	Group B	31	5	-	15.11	-	3	-
	Group C	280	44	20	15.7	7.14	1	-
	Group D	91	14	7	15.14	7.7	-	-
2000-01	Group A	241	41	20	17	8.5	-	-
	Group B	73	11	5	15.8	6.8	-	1
	Group C	167	26	12	15.5	7.18	-	-
	Group D	24	4	1	16.4	4.1	-	1
2001-02	Group A	68	8	3	12	4	-	-
	Group B	35	6	3	15.3	7.65	-	-
	Group C	205	31	16	15.6	8	-	-
	Group D	28	4	2	14.3	7.2	-	-

2.18 In the updated information submitted to the Committee on 29<sup>th</sup> September, 2005, the Ministry have furnished that the number of persons promoted during the years 2002-03, 2003-04 and 2004-05 in various categories of post as under:-

Year	Category of Post	Total No. of employees promoted	No. of posts filled		Percentage of *		No. of Backlog vacancies/shortfall	
			SC	ST	SC	ST	SC	ST
1	2	3	4	5	6	7	8	9
2002-03	Group A	1651	340	161	20.6	9.75	-	-
	Group B	5619	1057	488	18.8	8.7	99	129
	Group C	3337	469	204	14.1	6.1	203	177
	Group D	3055	594	247	19.4	8.1	84	29
2003-04	Group A	224	38	20	16.96	8.92	2	-
	Group B	627	122	40	19.5	6.4	127	143
	Group C	3324	546	280	16.4	8.4	278	229
	Group D	2416	535	174	22.1	7.2	62	75
2004-05	Group A	111	25	8	22.52	7.21	2	-
	Group B	371	76	18	20.5	4.9	133	154
	Group C	518	72	42	13.9	8.1	338	238
	Group D	241	35	19	14.5	7.9	102	85

\* Figure indicated in this column show only notional percentage, since actual percentage of SC & ST may vary cadre controlling authority.



2.19 The Committee also note that promotion had been carried out in the years 1999-00 to 2004-05 in all categories of posts and in the year 2001-02 there was no SC/ST backlog vacancies. However, from the year 2002-03 onwards, there is a gradual increase in backlog vacancies in all but Group 'A' posts. The Committee note that there were 2 SC backlog vacancies in Group 'A', 133 SC and 154 ST backlog vacancies in Group 'B', 338 SC and 238 ST backlog vacancies in Group 'C' and 102 SC and 85 ST backlog vacancies in Group 'D' posts in the year 2004-05 .

2.20 The Committee note that the information provided in the statement of recruitment made during 1999-2000 to 2001-02 does not give correct position as to the total of vacancies reserved for SCs and STs, number of vacancies carried forward and number of backlog vacancies. For example, in the recruitment year 1999-2000, the total number of vacancies reserved for SCs and STs for Group 'C' and 'D' posts as given in column nos. 7 and 9 are shown as 217 and 205 respectively whereas it should have been 249 and 180 respectively. Similarly, in case of Group 'D' posts, the total number of vacancies are shown as 34 for SC and 15 for ST categories whereas it should have been 43 for SC and 32 for ST categories. The same mistake has been repeated in the recruitment years 2000-01 and 2001-02 in Group 'B', 'C' and 'D' posts. As a result data furnished in regard to carried forward SC/ST vacancies in column nos. 13 and 14 and SC and ST backlog vacancies in column nos. 15 and 16 do not project correct picture. The Committee highly deplore the attitude of the Ministry for supplying the information to the Committee in causal manner. The Committee note that for 3 successive years i.e. 2002-03 to 2004-05 except in Group 'A' there were no

recruitments in other categories of posts. Meanwhile, the backlog vacancies shown in the year 2001-02 have also disappeared. The Committee take serious note of this fact.

**2.21 The Committee have been informed that the main reason for the shortfall in promotion is that ST candidates having completed requisite length of service are not available even in the extended zone of consideration which is five times of the number of vacancies to be filled up on a particular occasion. The Committee are of the view that the Department must liquidate/dispose of existing shortfall and also to immediately recruit SC/ST candidates in every feeder grades so as to avoid recurrence of backlog vacancies/shortfall year after year.**

#### **D. Staff Strength and Shortfall**

2.22 The total number of employees and the number of SC/ST amongst them in Group A, B, C and D posts in CBEC as on 31.12.2004 are as under: -

Group of posts	Total No. of employees	No. of		Percentage of		No. of shortfall		Percentage shortfall	
		SC	ST	SC	ST	SC	ST	SC	ST
1	2	3	4	5	6	7	8	9	10
Group 'A'	2120	407	187	18.9	8.9	Nil	Nil	Nil	Nil
Group 'B'	13801	2274	1015	16.477	7.35	Nil (137)	20 (236)	Nil	0.15
Group 'C'	28452	4642	1908	16.31	6.70	Nil (419)	226 (773)	Nil	0.8
Group 'D'	13893	3302	1211	23.76	8.71	Nil (87)	Nil (252)	Nil	Nil

\* Total No. of Shortfall shown in bracket in columns 7&8 has been calculated from zone, zone-wise/Cadre Controlling Authority wise shortfall. No. of excess occupancy over and above reservation quota taken as 'O' shortfall.

2.23 The Committee have been informed that the shortfall of SC/ST candidates in direct recruitment quota is mainly because the recruiting agencies have been nominating less number of candidates in the reserved quota of SC/ST against the indents placed to them. As regards promotion quota, the reason for the shortfall is due to the non-availability of particular category of employees in the extended zone of consideration, which is five times of number of vacancies on a particular occasion after applying the principle of exchange of ST candidate with that of SC candidate or vice-versa in the third recruiting year and the principle of carrying forward the vacancies of SC/ST for consecutive two years. The field formations are being instructed to take necessary steps to make up the shortfall of SC/ST category candidates.

**2.24 The Committee note that there are shortfall of SC and ST employees in Group 'B', 'C' and 'D' categories of posts according to the above statement. As on 31<sup>st</sup> December, 2004, the number of shortfall in SC and ST employees in Group 'B', 'C' and 'D' were 137 and 236 in Group 'B', 419 and 773 in Group 'C' and 87 and 252 in Group 'D' posts respectively.**

**2.25 The Committee note that the shortfall of SC/ST candidates in direct recruitment quota is stated to have occurred mainly because the recruiting agencies have been nominating less number of candidates in the reserved quota of SC/ST against the indent placed to them. As regards shortfall in promotion, the reason is stated to be due to non-availability of particular category of employees in the extended zone of consideration. The Committee are not happy with the reply of the Ministry that the shortfall in direct recruitment and promotion occurred due to the recruiting agencies nominating less number of reserved candidates against indent placed to them and non-availability of SC/ST candidates even in the extended zone of**

consideration respectively. The Committee also note that no recruitment in Group B, C, and D had been made in the years 2002-03 onwards vide para No.2.15. The Committee would like to know the reasons as to why no recruitments were made in those years when there were vacancies for the SCs/STs. The Committee would like to stress that so long as there is insufficient intake of SC/ST candidates in direct recruitment, the problem of backlog vacancies or the availability of SC/ST candidates in the feeder grade for promotion will always be dim. The Committee, therefore, would like to recommend that the CBEC should ensure that all SC/ST vacancies are filled up on time and the recruiting agencies should also be strictly advised about the urgency of filling up SC/ST vacancies on priority basis.

#### E. Backlog and Special Recruitment Drive.

2.26 The total number of backlog vacancies of SCs/STs in various posts during the years (1997-2002) were as under: -

YEAR	GROUP 'A'		GROUP 'B'		GROUP 'C'		GROUP 'D'	
	SC	ST	SC	ST	SC	ST	SC	ST
1997-98	-	-	8	10	118	98	10	13
1998-99	-	-	9	10	74	67	2	2
1999-00	-	-	9	10	119	81	12	4
2000-01	-	-	10	10	97	87	5	3
2001-02	-	-	10	10	138	168	23	30

2.27 The Committee have been informed that the reasons for existence of continuous backlog of vacancies in Group 'C' & Group 'D' vary from one Commissionerate to another. Some of the reasons are:

- (i) Non-availability of suitable candidate from Staff Selection Commission (SSC);
- (ii) Ban on direct recruitment;
- (iii) Difference in percentage of reservation in direct recruitment (which varies from State to State) and promotion;
- (iv) Non-availability of eligible officers in the feeder cadres.

2.28 The Committee have been informed that no Special Recruitment Drive could be carried out for filling up the existing vacancies in different group of posts due to the imposition of ban in filling up the vacancies in Direct Recruitment quota. This ban came into effect in the year 1999 as a result of the instructions issued by Ministry of Finance (Department of Expenditure) vide O.M. No. 7(3)E-Coord/99 dated 5.8.1999. Earlier, a special recruitment drive was launched in the Customs Commissionerate, Kolkata in the year 1989-90.

2.29 In the post evidence replies the Committee have been informed that there is only one field formation under CBEC viz. Directorate of Data Management which had approached the Staff Selection Commission for conducting a special recruitment drive for clearance of backlog of vacancies from time to time due to non-availability of suitable candidates.

2.30 The Ministry have furnished the detailed information relating to the backlog of vacancies reserved for SCs and STs in Direct Recruitment as well as Promotional Quotas for various posts during the last 3 years i.e. 2002-03, 2003-04 and 2004-05 as under:

Year	Group "A"		Group "B"		Group "C"		Group "D"	
	SC	ST	SC	ST	SC	ST	SC	ST
	1	2	3	4	5	6	7	8
2002-03	--	--	99	129	366	349	101	45
2003-04	--	--	127	143	658	527	120	167
2004-05	2	--	133	154	737	546	204	206

2.31 It was further stated that the field formations under CBEC shall be instructed to clear the backlogs of Group 'C' and 'D' posts as and when the approval of the Screening Committee is obtained for filling up Direct Recruitment posts.

2.32 In a post evidence reply to a query whether CBEC has launched any Special Recruitment Drive on the basis of DOP&T O.M. No. 36038/1/2004-Estt. (Res.) dated 5.8.2004, the Ministry have stated that 930 vacancies reserved for SCs and STs were identified as backlog vacancies in Direct Recruitment Quota and 1052 vacancies in Promotion Quota. The break up of 930 vacancies is as under:-

<b>Designation of post</b>	<b>SC</b>	<b>ST</b>
Inspector (C.Ex)	163	175
Inspector (PO)	68	37
Inspector (Examiner)	5	2
Tax Assistant	125	67
Stenographer, Grade-III	23	18
Driver, Grade-III	10	7
Hindi Typist	1	--
Junior Hindi Translator	2	1
O.T.C.	1	2
Sepoy	102	121
<b>Total</b>	<b>500</b>	<b>430</b>

2.33 A requisition had been sent to the Staff Selection Commission to fill up the under mentioned vacancies through the Graduate Level Examination-2004:-

<b>Sl. No.</b>	<b>Designation</b>	<b>SC</b>	<b>ST</b>
1.	Inspector (C.EX)	163	175
2.	Inspector (P.O.)	68	37
3.	Inspector (Examiner)	05	02

2.34 The final result of Graduate Level Examination-2004 has been declared but the formal intimation from SSC is still awaited. SSC has also been requested to conduct Special Recruitment Drive for filling up backlog of 125 SC posts and 67 ST posts of Tax Assistant. Directions had also been issued to cadre controlling authorities to complete recruitment process by 31<sup>st</sup> October, 2005 to fill up backlog vacancies of 41 Stenographer-III, 17 Driver Grade-III, 01 Hindi Typist, 03 Junior Hindi Translator, 03 O.T.C. and 223 Sepoy.

**2.35 The Committee have carefully analysed the position of backlog vacancies furnished for the period 1997-98 to 2001-02 and for the period 2002-03 to 2004-05 (as also statement at para 2.22). They are perturbed to point out that in both recruitment and promotion quotas the backlog vacancies of SCs and STs in various posts have been increasing year after year. The Committee are not convinced with the statement of the Ministry that no Special Recruitment Drive could be carried out for filling up the existing vacancies due to the imposition of ban in filling up the vacancies in direct recruitment quota by the Ministry of Finance (Department of Expenditure) vide their OM No.7(3)E-Coord/99 dated 5.8.1999. The Committee would like to stress that subsequent to the issuance of the controversial circulars regarding ban on direct recruitment and backlog, the Government had not only amended the circulars but also issued instructions to fill up these vacancies by holding Special Recruitment Drive. The DOP&T through their OM dated 20.7.2000 had clearly stipulated that backlog/carried forward reserved vacancies for SCs/STs of earlier years should be treated as a separate and distinct group and should not be subject to any ceiling. The CBEC should immediately review the position of backlog vacancies of SCs and STs in all categories of posts and should fill them up in the light of DOP&T instructions by holding Special Recruitment Drive.**

**2.36 The Committee note that in response to DOP&T O.M.No.36038/1/2004-Estt.(Res.) dated 5.8.2004, the Department have already identified 930 posts as backlog vacancies for SCs and STs in direct recruitment quota. They also note that they had already requested the Staff Selection Commission (SSC) to fill up 450 posts of Inspector in**

**the Graduate Level Examination – 2004 and to conduct Special Recruitment Drive to fill up 192 backlog vacancies of Tax Assistant reserved for Scheduled Castes and Scheduled Tribes. The Committee also note that the Department have already asked the cadre Controlling Authorities to fill all backlog vacancies of Stenographers, Drivers, Typists, Translators and Sepoys etc. by 31<sup>st</sup> December, 2005. The Committee, therefore, would like to be apprised of the latest position of the above recruitment process which was to be completed by 31<sup>st</sup> December, 2005.**



**CHAPTER III****MEASURES TO IMPROVE THE REPRESENTATION OF SCs/STs****A. De-reservation**

3.1 The Committee have been informed that there have been three instances of de-reservation of vacancies in CBEC the details of which are given below.

- (a) 10 posts reserved for SC category in the cadre of Superintendent of Central Excise in Central Excise Commissionerate, Lucknow were de-reserved by the Ministry after carrying forward these vacancies for consecutive three years for locating a suitable candidate from the reserved category and also after applying the principle of interchange of the vacancies of SC with that of ST in the third year.
- (b) In Pune Customs Commissionerate, there was a vacancy in the grade of Cipher Assistant which arose on 18.4.2000 and the same was to be filled by way of promotion only by a candidate belonging to the SC category from the feeder cadre. The Commissioner of Customs, Pune made a reference to the Ministry as to whether the vacancy could be filled up by a candidate from general category due to non-availability of an eligible SC candidate. The Ministry had replied that appropriate action may be taken in the matter in consultation with the Liaison Officer. The concerned Liaison Officer of Pune Customs Commissionerate opined that this vacancy may be filled up by way of promotion from general category. The Customs Commissionerate, Pune, therefore, filled up the vacancy from the general category.

- (c) One post of Stenographer (Group `C') of ST category in the Directorate of Revenue Intelligence, New Delhi has been de-reserved.

3.2 In the post evidence replies, the Committee have been informed that as per the prescribed procedure, the Ministries/Departments have been delegated the powers to de-reserve reserved vacancies and while de-reserving the vacancies, the Ministries/ Departments are required to wait for a period of at least two weeks after sending the proposal in the prescribed proforma to Department of Personnel and Training and National Commission for Scheduled Castes/ Scheduled Tribes for comments. The procedure prescribed by DOP&T as contained in their O.M. Nos. 36011/25/79-Est.(SCT) dated 16.11.1979; 36011/5/81-Est.(SCT), dated 7.4.1981 and 36013/2/83/-Est.(SCT), dated 15.3.1984, was followed for de-reserving 10 posts of Superintendent of Central Excise in the Customs & Central Excise Commissionerate, Patna and one post of Stenographer (Group `C') in the Directorate of Revenue Intelligence, New Delhi respectively. In both cases a reply was not received either from the Department of Personnel & Training and the National Commission for Scheduled Castes/Scheduled Tribes. As regards de-reservation of one vacancy to the post of Cipher Assistant in the Customs Commissionerate, Pune, it may be stated that the prescribed procedure of de-reservation was not followed. As per the report from the Customs Commissionerate, Pune, this was done on the basis of the advice of the Liaison Officer of the Commissionerate.

3.3 During the evidence, the Committee pointed out that no SC/ST post can be de-reserved without the permission of the Ministry and that in case of Pune, it was not done and asked whether the Liaison Officer was that senior enough to

take such a decision for de-reservation of post. In reply a representative from the Ministry stated that as per the existing instructions that could not be done.

3.4 Further, when the Committee wanted to know whether the post was de-reserved with the permission of the Ministry, the representative from the Ministry replied that as per their record, a reference was made to the Ministry and they had said that it may be done in consultation with the Liaison Officer.

3.5 In the updated information furnished to the Committee, it has been stated that there was no case of de-reservation of vacancies covering the period 2002-03, 2003-04 and 2004-05.

**3.6 The Committee note from the above statements that in Pune Customs Commissionerate, the de-reservation of posts reserved for SCs/STs had not been done strictly in accordance with the prescribed procedures. The Committee are dismayed by the fact that the officers in the Ministry had wrongly advised the Pune Commissionerate to de-reserve the post in consultation with the Liaison Officer, who had no authority to do so. It seems that the case had been handled by the Pune Commissionerate as also by the Ministry of Finance in a very casual manner. The Committee are distressed that the Liaison Officer at Pune Commissionerate as well as Administrative Ministry were either too casual or hopelessly ignorant about the rules to be followed to implement the reservation policy for SCs and STs. The Committee, therefore, desire that the officers dealing with the reservation policy in administrative Ministry and departments should be well versed and should be given some training in the matter before assigning this work to them. The Committee emphasise that the Ministry/Department might have been delegated with powers to de-reserve reserved vacancies but it should be done as per the prescribed procedures**

laid down by the DOP&T. The Committee strongly urge that before de-reservation of any reserved vacancies, all options should be explored to fill up the reserved vacancies and in no way, de-reservation should be resorted to unless absolutely necessary. The Committee further urge that the Board should strictly follow the latest OM of DOP&T dated 6.11.2003 which bans de-reservation of vacancies reserved for SCs/STs in direct recruitment.

## **B. Training**

3.7 The Committee have been informed that no pre-promotion training is given to SC/ST employees. However, regular training courses are conducted for all categories of officers including SC/ST in National Academy of Customs, Excise and Narcotics (NACEN). The National Academy of Customs, Excise and Narcotics (NACEN) has been set up to impart training to all groups of employees including SC/ST employees. The details of the total number of employees trained during each of the last three years (2002-03, 2003-04 and 2004-05) and the number of Scheduled Caste and Scheduled Tribe employees amongst them are as under :-

Sl.No.	Year	Total number of employees deputed for training	SC	ST
1	2002-03	5282	822	302
2	2003-04	7408	1244	471
3	2004-05	6441	1057	417

3.8 The details of officers/officials who have been deputed for foreign training during the years (1999-2001) are as under: -

<u>Year</u>	<u>Total No. of employees</u>	<u>SC</u>	<u>ST</u>
1999	6	--	--
2000	7	--	--
2001	8	--	--

3.9 During the evidence, when the Committee enquired about inadequate nomination of SC/ST employees for foreign training, the Chairman of CBEC replied:

“What has been happening ever since I became the Chairman is that on the last day some paper comes to us saying that such and such training programme is available and we have to depute somebody. Sometimes, this paper comes even after the last date for deputing a person. Irrespective of the caste, these people who are sent for training are from the Board Office. Our Department is a huge office. So, what I am planning to do is to ask for willingness of every officer and compile a list of persons who are willing to go for a training. Whenever any emergency comes for sending somebody, a person can be sent from that list. There is a large number of ladies in our office and we want to give representation to them also. So far their representation has been quite poor. It does not reflect the mosaic i.e., India. We would also try to send people from different communities and castes. I will work on this.”

3.10 The Ministry have also furnished the details of the total number of general employees vis-à-vis SC/ST employees sent on foreign training during each of the last three years as under:-

S.No.	Year	Total number of employees deputed for foreign training	General	SC	ST
1	2002-03	13	13	0	0
2	2003-04	14	12	1	1
3	2004-05	15	13	0	2

3.11 The Committee appreciate that the NACEN has been imparting training to all groups of employees including SC/ST employees. The Committee desire that more training programmes should be organised and more number of SC/ST employees should be encouraged for availing such training programmes as these programmes will enhance their working skill and aptitude. The Committee also recommend that the Board should make provision to give pre-promotion training to SC/ST candidates wherever written examinations are held for promotion to the next grade.

3.12 The Committee note that 1 Scheduled Caste and 3 Scheduled Tribe officers were sent on foreign training during the years 2002-03, 2003-04 and 2004-05. The Committee would like the Ministry to give fair opportunity to SC/ST officers while nominating candidates for foreign training which is essential for wholesome development of their personality.

### **C. Deputation**

3.13 The Committee were informed that the total number of CBEC employees including SC/ST employees who had been sent on deputation to other organisations during the last five years is as under: -

No. of employees	SC	ST
846	74	40

3.14 As per reports received from the various field formations under CBEC, deputationists are working only in the Directorate of Revenue Intelligence. The information relating to the employees of SC/ST category who have come on deputation to the Directorate of Revenue Intelligence, during the last five years, is as follows :-

No. of SC employees	No of ST employees
130	20

3.15 In post evidence reply, the Ministry have furnished the details of employees sent on deputation during the years 2002-03, 2003-04 and 2004-05 and the number of SC/ST employees amongst them is as under:-

S.No.	Year	Total number of employees	SC	ST
1	2002-03	237	23	11
2	2003-04	367	29	11
3	2004-05	267	31	12

**3.16 The Committee note that SC/ST employees are being sent on deputation to other organizations and that some SC/ST employees from other departments are also being taken on deputation in Directorate of Revenue Intelligence. To acquire new working experience of a different set up and to enhance their working skill and aptitude, more and more SC/ST employees should be encouraged to go on deputation as also to come on deputation to the departments under CBEC. The Committee, therefore, recommend that names of SC/ST employees should be included in the list of employees being nominated for deputation.**

#### **D. False Caste Certificate**

3.17 In the updated information supplied to the Committee, the Ministry have stated that 42 cases of appointment on false caste certificate were detected in the field formations under Central Board of Excise and Customs. The details of the action taken in such cases are as under:-

(a) Lucknow Central Excise Zone :

An Inspector appointed on the basis of false caste certificate was dismissed from service on 13.01.1999.

(b) Coimbatore Central Excise Zone :

(i) At Madurai Central Excise Commissionerate, 9 cases of false caste certificate were detected where final verification report/Order are pending with the District/State Level Scrutiny Committee/High Court, Madras. Counter affidavits (incorporating request for vacating the stay) are filed promptly in High Court.

(ii) At Trichy Central Excise Commissionerate, there are 4 cases out of which 2 cases are pending with the District Level Scrutiny Committee and 2 cases with State Level Scrutiny Committee. Further Departmental action will be initiated after receipt of orders from the competent authorities.

(iii) At Tirunelveli Commissionerate, one case is pending with State Level Scrutiny Committee.

(iv) At Salem Commissionerate, 2 cases are pending with High Court, Chennai and 1 case is pending with State Level Scrutiny Committee.



(c) Mumbai I Central Excise Zone :

One person was appointed as Inspector, Central Excise in 1980 by willfully producing a wrong caste certificate based on her own affidavit dated 24.11.1980 claiming that she belonged to ST community. The caste certificate produced by the official was subsequently held to be invalid by the Committee for Scrutiny & Verification of Tribunal Claims, Thane on 19.12.2001. After inquiry the Disciplinary Authority vide his order II/39(B) 30/95 dated 26.8.2003 imposed the penalty of compulsory Retirement.

(d) Mumbai II Central Excise Zone :

(i) At Mumbai III commissionerate one case was detected wherein the inquiry revealed that the incumbent did not belong to the said category and he was reverted to 'General Category' in 1980 by the department and all incidental benefits which could have accrued to him by virtue of the said certificate were withdrawn. The Mumbai Bench of the Central Administrative Tribunal (CAT) has disposed of the case OA No.545/04 in favour of the applicant thereby directing the Department to release his post retrial benefits within 6 months from the date of the Order (14.2.2005). The Department has solicited the advice of the Joint Secretary (Law Ministry) on the issue of filing an appeal against the order of CAT in the High Court. This opinion is awaited.

(ii) At Raigad Commissionerate, one complaint of false caste certificate against an officer is in a preliminary stage of investigation.

(e) Bhopal Central Excise Zone :

2 cases were detected where the officers concerned were found involved prima facie in getting Government job on the strength of false caste certificates. Both the cases are pending with the State Government agencies for further investigation.

(f) Chennai Central Excise Zone :

One case of false caste certificate has been received in respect of a Superintendent whose case was referred to the District Collector, Kanyakumari for inquiry. During the course of inquiry, the officer was asked to explain as to why the caste certificate issued to him should not be cancelled. The officer filed a suit in the Court of District Munsif, Nagercoil and obtained an interim injunction order which was later dismissed. The officer again filed an appeal with CJM Court, Nagercoil and the same has also been dismissed. In the meantime the officer has approached the High Court, Chennai and got an order restraining the District Collector from canceling the caste certificate. Now the officer has been promoted to the cadre of Assistant Commissioner and has been posted to Chandigarh Commissionerate and since been relieved.

(g) Hyderabad Central Excise Zone:

A case in respect of an Administrative Officer was detected on 31.12.2004. The Collector and District Magistrate, Ranga Reddy District, had cancelled the caste certificate of the father of the officer. On the basis of the same, disciplinary proceedings under Rule 14 of the CCS(CCA) Rules, 1965 were initiated against the officer on the charge that employment and further promotions were

secured in the Central Excise Department by producing false caste certificate. The Hon'ble High Court of Judicature with reference to the Writ Petition of the officer has suspended the proceedings of the District Collector, Ranga Reddy District, pending further orders on the petition filed by the officer. The District Collector of Ranga Reddy District, has been requested to take necessary steps to get the stay vacated and intimate the latest position of the case, for expediting the long pending disciplinary proceedings against the officer.

(h) Pune Central Excise Zone :

There are two cases of appointment on the basis of false caste certificate. Their status is as follows :

(i) One pseudonymous complaint against a UDC is being investigated by the Central Excise, Belapur Commissionerate.

(ii) One case against an Inspector is under investigation.

(i) Bhubaneshwar Central Excise Zone

There was one case as on 31.12.2004 wherein the employee has been charge sheeted under Rule 14 of the CSS(CCA) Rules, 1965 on 17.8.2004. A reply to charge sheet has been received from the concerned official and a legal opinion from the Sr. Standing Counsel (Central) has been called for in this regard for further action.

(j) Kolkata Central Excise:

The caste certificate of one official was found to be false. It was cancelled by the District Magistrate, Khammam. The official filed a Writ Petition in the High Court of Andhra Pradesh. Andhra Pradesh High Court vide its Order dated 16.7.2002 stayed the proceedings. The matter is in High Court of Andhra Pradesh for vacation of stay order.

(k) Bangalore Custom Zone:

One case was reported on the caste status by the Director, Kerala Institute for Research Training and Development Studies for Supreme Court /ST to the State Government. Further action stayed by the High Court of Kerala for want of relevant records. Since the Department is not a respondent in the subject case, the action for vacation of stay has to be initiated by the Government of Kerala.

(l) Chennai Custom (Prev) Zone:

8 cases of appointment on the basis of false caste certificate were received. Out of these, 5 cases are pending with High Court, 1 case is pending with District Collector, Nagapatinam, 1 case is pending with the District Collector, Nilgiris and 1 case is pending with District Level Authorities at Trichy.

(m) Mumbai I Customs Zone :

There were 4 complaints regarding appointment on the basis of false caste certificates on 31.12.2004. The services of three officials have since been terminated. Action initiated to terminate the service of the fourth official, who is Chemical Examiner Grade-I

filed an OA before CAT and got decision in his favour. However, the department has filed a Writ Petition in Mumbai High Court against the CAT order. In the Writ Petition, the Department has requested the Hon'ble High Court to stay the operation of the CAT's order and to quash the order of CAT and to permit the Department to cancel the appointment of the concerned officer.

**3.18 The Committee note that there were 42 cases of appointment on the basis of false caste certificates in different Directorates/Commissionerates under CBEC. The Committee note that out of 42 cases, 25 cases, i.e. 17 in Coimbatore Central Excise Zone and 8 in Chennai Customs (Prev. zone) are found to be still pending at various levels of inquiries/ investigations. The Committee feel that getting employment on the basis of false caste certificates is quite rampant in those areas compared to other parts of the country. The Committee are of the view that the Directorates/Commissionerates of CBEC were not vigilant enough at appointment stage. As a result, such a large number of people had secured employment at the expense of SC/ST people. The Committee recommend that all out efforts should be made to get the stay vacated in cases pending in Courts on priority basis and to advise the State authorities to complete the investigation within a stipulated period. The Committee strongly urge the Government to initiate prompt action against an employee if the information sought in his case is not received from the State Government authorities within the stipulated period. The Committee further recommend that extra care should be taken while examining the caste certificate at the time of offering appointment letter itself by insisting on production of original caste certificate issued by the competent**

authority and by resorting to compulsory verification of all caste certificates at entry level. The officials dealing with appointments of new recruits should be well versed in dealing with caste certificates. In case any complaint against the serving employee is received, the process to investigate the matter within a time frame should be initiated.

#### E. Compassionate Appointments

3.19 The Committee have been informed that the number of employees appointed by CBEC on compassionate grounds and the number of SCs/STs amongst them during the last three years were as under:-

Category	Number of employees	SC	ST
Group 'A'	-	-	-
Group 'B'	-	-	-
Group 'C'	54	4	4
Group 'D'	28	6	2

3.20 In the post evidence replies furnished to the Committee, it has been stated that 936 applications for appointment on compassionate grounds are pending as on 31.12.2002. The details of group-wise pending applications for compassionate appointments from SC/ST applicants are given below: -

Group	SC	ST
'C'	119	26
'D'	134	51
Total	253	77

3.21 The break-up of applications from SC/ST category for compassionate appointment which have been pending for more than 2 years, 5 years and 10 years as on 31.12.2002 is as under:-

	2 years	5 years	10 years
SC	116	56	7
ST	47	25	1
Total	163	81	8

3.22 The reasons stated for pendency of the applications are that the quota for compassionate appointment in group 'C' and 'D' is 5% of the total vacancies available in a year. The applications for appointments against compassionate quota are greatly in excess of the number of vacancies available for compassionate appointments. As a result there is a huge waiting list for appointment against the compassionate quota in the field formations under CBEC.

3.23 During the evidence, the Chairman CBEC elaborated:

“We are a very large Department. We have got a sanctioned strength of about 71,000 people who are spread throughout India, right from the Himalayas down to the sea. We have numerous varieties of staff in all categories. We have staff which is technical; we have communication staff; we have marine staff and so on. In such a large Department, unfortunately, quite a few people expire during service. In distressful circumstances, the Government orders are that we could in a particular year, fill up only five percent of the direct recruitment quota, and our direct recruitment points are LDCs, UDCs in the mainstream. Then, there are communication people I mean, Communication Assistants; there are marine people. We have been trying for a very long time requesting two things. One is, this should be increased; second, let it be a backlog system and not only in that year because a large number of people are involved and we would like to give everybody an opportunity. Unfortunately that has not been conceded because DOP&T have told us repeatedly that the Government of India order was applicable to everybody and that we would have to fall in line with that. We are never keeping any such position vacant.”

3.24 Further, when the Committee enquired whether there is a proposal to request the Government to switch over from providing compassionate appointments to providing substantial monetary assistance, the Chairman of CBEC replied:

“As I told you, we give just Rs.50,000/- out of our welfare fund immediately. It is irrespective of caste, religion or rank. The second is the Central Government people are already covered by a Group Insurance to which we subscribe. The Board has lately been considering through this welfare fund a proposal, whereby, we can insure all our officers. I was particularly very keen to cover the loans and liabilities of officers and staff. What has come to my notice is that there are some distressful circumstances where the officer had taken a loan and after his death his family members are forced to pay that loan amount back. So, I was wanting to do insurance so that in the event of such a person dying, all his outstanding loans will be covered by this insurance so that all the assets like house or conveyance or whatever is there, or any other advance he has taken will not fall on the dependants. This is what I am trying to do.”

3.25 In the updated information submitted on 29<sup>th</sup> September, 2005, the Ministry have stated that as on 31.12.2004, there were a total of 696 applications pending for compassionate appointment. Out of these 63 cases of Scheduled Castes and 13 cases of Scheduled Tribes are in Group ‘C’ and 111 cases of Scheduled Castes and 42 cases of Scheduled Tribes are in Group ‘D’ posts.

**3.26 It has been observed that in CBEC, applications for appointments against compassionate quota are greatly in excess of the number of vacancies available for compassionate appointments. As on 31.12.2002 CBEC had 936 applications pending for compassionate appointment out of**



which 81 cases were pending for more than 5 years and 8 cases were pending for more than 10 years. As per the updated information furnished by the Ministry, there are a total of 696 applications pending for compassionate appointment as on 31.12.2004, which clearly indicate that the task of filling up vacancies on compassionate ground takes a long time. This is more so, because the DOP&T instructions has fixed the quota for compassionate appointment in Group 'C' and 'D' to 5% of the total vacancies available in a year. The Committee are of the view that because of this restriction, it might not be possible to give compassionate appointment to all applicants in near future, even though the Department would like to act very compassionately to the bereaved families in distress. The Committee, therefore, urge the Department to introduce new measure such as giving monetary assistance scheme in lieu of compassionate appointment, if offering a job is not feasible due to some constraints like VRS, downsizing etc. The Committee would also like the Department to make all out efforts to insure all employees particularly who have taken Government loans etc. as suggested by the Chairman of CBEC during evidence so that in the event of death of an employee all his outstanding liabilities could be taken care of.

**CHAPTER IV****MISCELLANEOUS****A. Grievances/Complaint Cell and Liaison Officer**

4.1 The Committee have been informed that the mechanism for the redressal of grievances of SC/ST employees in CBEC is that as soon as the complaints of SC/ST employees are received in the Board, the concerned sections call for the comments from the concerned field formations. After studying the comments, instructions are issued to them for taking necessary action on the same under intimation to the Board. The Customs & Central Excise Commissionerates have appointed Liaison Officers as per the existing instructions of Department of Personnel & Training for redressing the grievances of SC/ST employees. The Liaison Officers in the field formations under CBEC take up the grievances of SC/ST employees with the Heads of the Department concerned who in turn are expected to give due consideration to the grievances of SC/ST employees and take suitable remedial measures in compliance with the relevant instructions of the Government on the subject as issued from time to time.

4.2 In the post evidence replies to the Committee, it has been stated that the Liaison Office of CBEC is headed by an officer of the rank of Deputy Secretary to the Government of India.

4.3 There are no Liaison Officers in the Zonal Offices of the field formations under CBEC. However, Liaison Officers have been appointed in most of the Central Excise/Customs Commissionerates. Generally officers holding Group 'A' posts are appointed as Liaison Officers in the Central Excise/Customs Commissionerates and these Liaison Officers in general belong to SC/ST category.

4.4 The Committee have been informed that periodic meetings are held with the office-bearers of Associations of the employees of the Customs and Central Excise Commissionerates. Some of the office bearers belong to SC/ST category. No separate periodic meetings are held with SC/ST employees.

4.5 The Board has not received any instructions of the Government which prescribe holding of periodic meetings with the SC/ST Welfare Associations. The Liaison Officers usually hold meeting with SC/ST Employees Welfare Association, whenever in existence in Central Excise/Customs Commissionerates, as and when necessary.

4.6 In the post evidence replies, it was stated that in some Commissionerates, periodic meetings are held with the SC/ST Employees' Welfare Associations whereas in other Commissionerates, the Liaison Officer and Head of the Department remain in constant touch with the representatives of SC/ST Employees' Welfare Associations for redressal of their grievances. Besides this, all employees including SCs/STs have an access to the Liaison Officer/Head of the Department for redressal of their grievances.

4.7 According to the reports collected from the field formations during the last 3 years a total number of five meetings were held in 2000-01 and the same number of meetings were held in 2001-02. As per these reports, the minutes of the meetings were not prepared and as such, the same were not given to the representatives of the Welfare Associations of SC/ST. It has also been informed that the SC/ST Welfare Associations are generally provided with one room for holding meetings in the precincts of the official buildings. The SC/ST employees are given access to the Head of the Department for seeking redressal of their grievances and all the complaints received from SC/ST employees are given due

attention by the Heads of the Department as well as Liaison Officers in the field formations under CBEC.

**4.8 The Committee note that Liaison Officers have been appointed in most of the Central Excise/Customs Commissionerates and most of these Liaison Officers hold group 'A' posts and belong to SC/ST category. The Committee are of the view that liaison work entail the overall welfare of SC/ST employees besides overseeing the proper implementation of reservation rules. The Committee, therefore, recommend that SC/ST officer who is well versed with the reservation rules should only be appointed as Liaison Officer in each Commissionerate of Central Excise/Customs. The Committee also recommend that all Liaison Officers appointed at Head Quarters and all Central Excise/Custom Commissionerates should be provided with sufficient staff and all the Liaison Officers of commissionerates should work in close coordination with the Liaison Officer at Head Office.**

**4.9 The Committee note that in some Commissionerates periodic meetings are held with the SC/ST Employees Welfare Associations whereas in other Commissionerates, the Liaison Officer and Head of Department remain in touch with the representatives of SC/ST Employees Welfare Associations. The Committee note that even when the meetings were held, the minutes were not being prepared and circulated to the representatives of the welfare associations. The Committee, therefore, recommend that CBEC should hold separate periodic meetings with the representatives of the SC/ST Welfare Associations to sort out various problems/grievances relating to reservation policies. The Committee also recommend that the proceedings of the meetings should be recorded for**

**follow up action and a copy of the minutes of the meetings should be circulated to the representatives of the SC/ST Welfare Associations and to the Head Office/Ministry of Finance for information and record.**

**4.10 The Committee would like to stress that although SC/ST Employees Welfare Associations have received some encouragement from the Government for their activities they might not get the same rights as that of the general Trade Unions because their role is limited to the welfare of SC/ST employees only. The Committee, therefore, desire that the office bearers of the SC/ST Employees Welfare Associations should be given the maximum facilities so that they can work for the welfare of SCs/STs in a free manner.**

#### **B. Complaint Cases**

4.11 The Committee have been informed that the complaints/grievances received from SC/ST employees are recorded in the register being maintained for complaints/disciplinary proceedings in the Customs/Central Excise Commissionerates. No separate complaint register is being maintained for these complaints.

4.12 In the post evidence replies, it was stated that in some Commissionerates, a separate register for recording the complaints of SC/ST is maintained whereas in other Commissionerates, a common register for all categories of employees with an exclusive entry of SC/ST against the names of SC/ST candidates is being maintained. These complaint registers are being maintained in almost all Customs/Central Excise Commissionerates.

4.13 At the time of submission of the Preliminary Material, the Ministry had informed the Committee that the Central Excise and Customs Commissionerates/Directorates had received 63 complaints in five years from SC/ST employees. These complaints are largely related to service matters. Out of the 63 complaints, 49 complaints had been disposed of in the normal course of time and 14 cases were pending disposal. Of the 14 pending complaints, 12 complaints were more than one year old and 2 cases were less than one year old.

4.14 In the post evidence replies, it has been stated that out of the 15 pending complaints, 3 cases have since been disposed of. The break-up of the remaining 12 pending complaints as well as their present status are given below:-

Name of the Commissionerates/Directorates	No. of complaints	Nature of complaints	Present position
Custom House, Cochin	9	Seniority and promotion against backlog vacancies	All the 9 cases are still pending in the court.
Custom House, Goa	3	First complaint relates to counting of ad-hoc service in fixation of seniority	Writ petition has been filed by the Department in Mumbai High Court, Goa Bench
		Second complaint is on confirmation	The concerned department is holding D.P.C. for confirmation of the official in the grade of Preventive Officer
		The third complaint pertains to re-instatement in service	Since the matter relates to criminal charges, the Department is taking action on the basis of the advice of Central Government Standing Counsel.

4.15 The Ministry have submitted on 29<sup>th</sup> September, 2005, the updated information on the number of complaint cases received from SC/ST employees during the last three calendar years and action taken thereon as under:-

(a) Chennai Customs Zone

One case relating to practice of untouchability, non-allocation of work etc. was received vide complaint dated 14.10.2004. The case was disposed of in 2½ months from the date of receipt of

complaint from the Director, National Commission for Scheduled Castes and Scheduled Tribes, Chennai.

(b) Mumbai Customs (General) Zone:

- (i) One complaint was made to National Commission for Scheduled Castes and Scheduled Tribes regarding atrocities and harassment . The case was disposed of on 14.03.2005.
- (ii) One complaint dated 26.12.2000 relating to seniority was disposed of on 24.09.2002.
- (iii) One complaint dated 16.12.2002 for non-consideration of a name for promotion to IRS(C&CE) Group 'A' was disposed of on 1.2.2003.

(c) Mumbai I Central Excise Zone

- (i) Four cases pertaining to non-consideration for promotion were received. The first two complaints dated 26.12.2000 were disposed of on 24.9.2002. The other two cases dated 11.12.2002 were disposed of on 1.2.2003.
- (ii) One complaint for non-inclusion of name in ACP scheme received in 2002 was disposed of on 31.3.2003.
- (iii) In 2003, 3 complaints were received. Two complaints were for financial upgradation and were disposed of on 3.12.2003 and 30.12.2003. The other case related to non-consideration for promotion as Assistant Commissioner which is under consideration of the Board.

- (d) Mumbai II Central Excise Zone
- (i) A representation dated 29.03.2004 received against transfer to Mumbai II Commissionerate from Mumbai III Commissionerate was considered and the complainant was retained in Mumbai III Commissionerate as per her request.
  - (ii) A representation regarding non-consideration for promotion was received and the same was forwarded to Pune I Commissionerate which is the Cadre Controlling Authority and the same is pending.
  - (iii) One complaint regarding Caste Certificate was received and the same is still pending.
  - (iv) One complaint regarding injustice and harassment was disposed of on 26.6.2003.
  - (v) One case of non-consideration for ad-hoc promotion lodged by the Welfare Association of the Officer of SC/ST/OBC Central Excise Mumbai vide their letter dated 17.12.2002 was disposed of on 24.12.2002.
  - (vi) The SC/ST Welfare Association Mumbai made a representation regarding non-implementation of DOP&T O.M.No.36018/17/2001 Estt. dated 11.7.2002 which was disposed of on 21.03.2005.
  - (vii) A complaint dated 15.3.2002 for non-consideration of promotion to Joint Commissioner was disposed of on 24.9.2002.



- (e) Bangalore I Central Excise Zone:
- (i) A complaint regarding non-circulation of seniority list of Superintendents made by General Secretary, Central Excise & Customs Scheduled Castes and Scheduled Tribes Welfare Association was received on 15.1.2002. A copy of the seniority list was made available to the Association on 15.5.2002. Thereafter, the complainant made another complaint regarding delay in issuing seniority list as that had prevented the concerned official to make effective representation to be sent to the Board's office by 31.1.2002. This complaint was also disposed of in five months.
  - (ii) A Superintendent made a complaint that his office chamber was opened by using a duplicate key and was allotted to another officer. The complainant alleged that all other Superintendents had kept their chambers locked but only his chamber was broken open because of linguistic/regional bias and hatred. Necessary action was taken and the complaint was disposed of within six days.
- (f) Bhubaneswar Central Excise Zone:
- (i) A complaint regarding dispute between two families which was pending for the last twenty five years, was disposed of in 2002.
  - (ii) A complaint of ill treatment and misbehaviour is under process of Bhubaneswar Central Excise Commissionerate.

(g) Bhopal Central Excise Zone:

- (i) In 2002, 8 complaints regarding discrimination in promotion were disposed of in 2 months.
- (ii) In 2003, a case regarding discrimination in promotion was disposed of in 2 months.
- (iii) In 2004, a complaint was received from a member of SC/ST employees on 17.12.2004, wherein, the preliminary inquiry is in progress.

(h) Kolkata Central Excise Zone:

**2002-03**

- (i) An anonymous complaint was received against ST employees. This complaint was disposed of in 13 months.
- (ii) A SC employee made a complaint of demanding money. This complaint was disposed of in 9 months.

**2003-04**

A complaint was received in which the complainant levelled charges for demanding money. This complaint is still pending.

(i) Meerut Central Excise Zone:

- (i) In 2002, Deputy Commissioner of Saharanpur, made a complaint vide his letter dated 26.7.2002 relating to seniority. This complaint was disposed of vide letter dated 24.9.2002.
- (ii) In 2003, a complaint was received in which the complainant levelled charges for demand of bribe. This complaint was disposed of in 5 months.

- (j) Pune Central Excise Zone:
- (i) In 2004, there was a complaint of abusing and using bad language which was disposed of in 1 year and 8 months.
  - (ii) In 2003, there was a complaint of harassment by Dy. Commissioner and giving favour to other Sepoy which was disposed of in 1 month.
- (k) Vishakhapatnam Central Excise Zone:
- In 2004, there was one complaint of alleged harassment by superior officers and colleague which was, on inquiry found to be baseless and not supported by any evidence.
- (l) Chennai Central Excise Zone:
- During last 3 years, 23 complaints were received out of which 13 cases were disposed of and 10 cases are pending as on date.
- (m) Jaipur Central Excise Zone:
- A Superintendent of Central Excise, complained vide his letter dated 6.4.2004 against non consideration of his name for promotion to the grade of Assistant Commissioner (JTS). The complaint was disposed of vide letter dated 28.3.2005.
- (n) Patna Central Excise Zone:
- Joint Secretary of Central Excise and Customs Excise and Customs Ministerial Officers Association made a complaint to National Commission for Scheduled Castes/Scheduled Tribes regarding violation of reservation policy in promotion to the Grade of Inspector. The request was disposed of vide letter dated 14.3.2005.

(o) CBN, Gwalior:

A sepoy made a request through National Commission for SCs/STs for relaxation in Physical Standard i.e. height for promotion to the Grade of Sub-Inspector. The same was disposed of on 15.12.2003.

(p) Cochin Central Excise Zone:

Assistant Commissioner made a complaint dated 02.12.2002 in connection with discrimination in transfer/posting. This complaint was disposed of in April, 2003.

(q) Mumbai Inspection:

(i) The complaint of a Deputy Commissioner was received on 16.6.2004 regarding ad-hoc promotion to Joint Commissioner Grade and was disposed of on 28.3.2005.

(ii) Sixteen representations/complaints were received from Schedule Caste/Schedule Tribe employees regarding promotion to Group 'A'. These complaints were disposed of in stipulated time.

**4.16 The Committee regret to note that complaints/grievances received from SC/ST employees are not maintained separately but are recorded in the registers being maintained for complaints/disciplinary proceedings in the Customs/Central Excise Commissionerates. The Committee are of the view that, most of these complaints may relate to service matters like promotions, allotment of house or discourteous behaviour of some officers against them and thus need to be recorded properly clearly indicating the nature of each case and its disposal. The Committee desire that a separate register for recording complaints from SCs/STs should be maintained in all the Commissionerates as also at its Headquarters. The Committee also**

urge the Commissioner of the concerned Commissionerate to monitor these registers periodically to see that all complaints/grievances of SC/ST officers are addressed properly and there is no laxity on the part of Liaison officers.

4.17 The Committee note that the grievances and complaints on service matters such as discrimination in promotion or non-consideration for promotion, non-inclusion of name in ACP Scheme, financial upgradation, counting of ad-hoc promotion for promotion and confirmation, alleged employment on production of false caste certificate, violation of reservation policies etc., have far reaching consequences and may have an adverse effect in the career growth of SC/ST employees. The Committee, therefore, recommend the Department to prepare a schedule to dispose of all the grievances and complaints of SC/ST employees pertaining to service matters within a stipulated time frame. The Committee would like to know the reasons as to why 12 cases pertaining to Custom House, Cochin and Custom House, Goa are still pending. Besides, complaints on practice of untouchability, atrocities, harassment, ill-treatment, misbehaviour, bias and hatred towards SC/ST employees should also be redressed promptly so that their right to live a dignified life is not violated and the spirit of our constitution is upheld.

4.18 The Committee note that CBEC is reported to have taken action on complaints/grievances filed by SC/ST employees in various commissionerates of Central Board of Excise and Customs. The Committee however, cannot fathom what kind of action has been taken because irrespective of the nature of complaints it has simply been stated that the case was disposed of in all the cases. For example, the reply given

by CBEC for a complaint dated 6.4.2004 filed by a Superintendent of Jaipur Central Excise Zone is that the complaint was disposed of vide letter dated 28.3.2005. Therefore, it is not clear whether the action taken was to the satisfaction of the complainant or not. The Committee are of the view that action taken against complaints filed by SC/ST employees irrespective of the nature of cases should be furnished clearly indicating whether the action so taken was to the satisfaction of the complainant or otherwise. The Committee therefore desire that the details of action taken on complaints in case of all the following cases may be furnished to the Committee.

### **C. Discrimination and Harassment**

4.19 The Committee were informed that there was no instance of harassment and discrimination against SC/ST employees on the basis of community or social background in CBEC. But when the Committee pointed out one instance of pending case of discrimination on the basis of caste at Central Excise Commissionerate – Vadodara, they were informed in the post evidence replies that the Commissioner of Central Excise, Rajkot has inquired into the complaint, and the allegation was found to be baseless.

4.20 The Committee were further informed that necessary instructions have been issued to the Commissioners who were heading various field formations under CBEC to ensure that there is no discrimination and harassment on the basis of caste.

4.21 During the evidence, the Committee brought up a specific case of harassment/victimization of a Superintendent of Central Excise Mumbai who also happened to be the President of the Welfare Association of the Officers of the

SC/ST/OBC in the Central Excise Commissionerates, West Zone, Mumbai to the notice of the witnesses from the Ministry and CBEC since the officer put the grievances of SCs/STs officers before the Committee when it visited Mumbai. In this regard, the Chairman of the CBEC assured the Committee that he would speak to the Chief Commissioner concerned and also apologised to the Committee for what had happened. He said “the Chief Commissioner has to be like a father and act in that level. Everybody is his and he should take care of everybody.”

#### **D. Disciplinary Proceedings**

4.22 The Committee have been informed that as on 31.12.2002 a total number of 1729 disciplinary proceedings had been initiated against all categories of officials including those belonging to SC/ST category. On this date 788 disciplinary cases were pending.

4.23 The group-wise break-up of disciplinary proceedings pending against the officials of CBEC belonging to SC/ST categories as on 31.12.2002 is given below:-

Category of Posts	Scheduled Caste	Scheduled Tribe	General Group	Total
Group A	5	2	55	62
Group B	62	21	145	228
Group C	94	44	249	387
Group D	42	4	65	111
Total	203	71	514	788

4.24 The reasons for pendency of the disciplinary proceedings for a duration above two years, five years and ten years are because of the mandatory procedure prescribed for conducting a departmental inquiry, which inter-alia consumes time in obtaining original documents, availability of witnesses,

examination / cross-examination of witnesses, obtaining first stage and second stage advice from Centre Vigilance Commission, consultation with UPSC and officer proceeded against moving before CAT/High Court etc. Further, the Inquiry Officer and Presenting Officer have to carry out the inquiry in addition to their normal duties which also contribute to the time over runs in the completion of disciplinary proceedings.

4.25 In the updated information furnished by the Ministry, the total number of disciplinary proceedings initiated against both general candidates as well as SC/ST candidate as on 31.12.2004 is as under:-

Total	General Category	SCs	STs
1007	733	194	80

4.26 The group-wise break-up of the disciplinary proceedings pending against employees/officers belonging to Scheduled Castes and Scheduled Tribes as on 31.12.2004 is as under:-

SCs				STs			
A	B	C	D	A	B	C	D
22	49	54	21	10	20	23	8

**4.27 The Committee are sad to note that discrimination and harassment of SCs/STs still exist in CBEC even though it is a constitutional offence to discriminate somebody on grounds of caste, creed and religion. This fact is substantiated by a victimisation case against a superintendent of Central Excise, Mumbai, who was also the President of the Welfare Association of the Officers of the SC/ST/OBC in the Central Excise Commissionerates, West Zone, Mumbai. The Committee desire that whenever a**



vigilance/disciplinary case is instituted against a SC/ST officer, the investigation should be carried out on the basis of the merit of the charges/cases. The proceedings of the investigation should be conducted in a fair manner. The Committee also desire that whenever SC/ST officers are implicated in vigilance/disciplinary case, the Head Office should be informed immediately. Further, the Committee recommend that the proceedings should not be delayed but should be facilitated by the Department for speedy disposal of the case. The Committee may also be apprised of the present position of progress made in the case of the Superintendent of Central Excise, Mumbai.

4.28 The Committee note that as on 31.12.2002, a total of 788 disciplinary cases were pending out of which 274 cases belonged to SCs/STs. As on 31.12.2004, the number of disciplinary proceedings initiated against both general as well as SC/ST employees was 1007; and 207 cases pertaining to SC/ST employees are still pending. The Committee are not satisfied with the reasons cited for pendency of these cases like due to mandatory procedure prescribed for conducting a departmental inquiry. The Committee are of the view that delay in the disciplinary proceedings is nothing but a punishment without inquiry. The Committee, therefore, recommend that CBEC should facilitate and ensure prompt disposal of all

pending disciplinary cases without any further delay. The Committee, further recommend that the CBEC should impress upon all agencies involved in the enquiry about the urgency of the matter and to take necessary steps to expedite the proceedings.

New Delhi  
August, 2006  
Sravana, 1928(S)

(RATILAL KALIDAS VARMA)  
CHAIRMAN  
COMMITTEE ON THE WELFARE  
OF SCHEDULED CASTES AND  
SCHEDULED TRIBES

**MINUTES****COMMITTEE ON THE WELFARE OF SCHEDULED CASTES  
AND SCHEDULED TRIBES  
(2002-2003)****(THIRTEENTH LOK SABHA)****EIGHTH SITTING****(28.03.2003)**

The Committee sat from 1200 hrs. to 1300 hrs. in Committee Room No. 'E',  
Parliament House Annexe, New Delhi

**Present****Shri Ratilal Kalidas Varma - Chairman****MEMBERS****LOK SABHA**

2. Shri Kantilal Bhuria
3. Shri Shriram Chauhan
4. Shri Thawar Chand Gehlot
5. Shri Rajaiah Malyala
6. Shri Pravin Rashtrapal
7. Shri Bajju Ban Riyan

**RAJYA SABHA**

8. Shri R. Kamaraj
9. Shri Anil Kumar
10. Shri Raju Parmar
11. Dr. Faguni Ram
12. Shri Birabhadra Singh

**SECRETARIAT**

1. Shri Gopal Singh, Deputy Secretary
2. Shri K. Jena, Assistant Director

## WITNESSES

### **MINISTRY OF FINANCE AND COMPANY AFFAIRS (DEPARTMENT OF REVENUE)**

- (1) Shri Saurabh Chandra, Joint Secretary (Admn. / EC)
- (2) Shri R.S. Meena, Deputy Secretary (Admn.)

### **CENTRAL BOARD OF EXCISE AND CUSTOMS (CBEC)**

- (1) Shri M.K. Zutshi, Chairman, CBEC
- (2) Shri Siddarth Kak, Director General, Vigilance, CBEC

2. At the outset, the Chairman welcomed the representatives of the Ministry of Finance and Company Affairs (Department of Revenue) and those of Central Board of Excise and Customs (CBEC).

3. The Committee then took oral evidence of the representatives of the Ministry of Finance and Company Affairs (Department of Revenue) and CBEC on the subject "Reservation for and employment of Scheduled Castes and Scheduled Tribes in CBEC".

(The witnesses then withdrew)

4. A verbatim record of the proceedings was kept.

The Committee then adjourned.

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**APPENDIX 'B'****MINUTES****COMMITTEE ON THE WELFARE OF SCHEDULED CASTES  
AND SCHEDULED TRIBES  
(2006-2007)****(FOURTEENTH LOK SABHA)****FOURTH SITTING****(10.08.2006)**

The Committee sat from 1500 to 1600 hrs.

**PRESENT**

Shri Ratilal Kalidas Varma - Chairman

**MEMBERS****LOK SABHA**

2. Shri Anandrao Vithoba Adsul
3. Shri M. Appadurai
4. Shri Biren Singh Engti
5. Shri Eknath M. Gaikwad
6. Dr. P.P. Koya
7. Shri Rupchand Murmu
8. Shri Bajju Ban Riyan
9. Dr. (Col.) Dhani Ram Shandil
10. Shri Sugrib Singh
11. Shri Vanlalzawma

**RAJYA SABHA**

12. Shri Surendra Lath
13. Shri Lalhming Liana
14. Shri Nabam Rebia
15. Shri Nandi Yellaiah

## SECRETARIAT

1. Shri P.K. Bhandari, Joint Secretary
2. Shri Gopal Singh, Director
3. Ms. J.C. Namchyo, Under Secretary

At the outset, the Hon'ble Chairman welcomed the Hon'ble Members of the Committee. The Committee then considered the draft reports on (i) Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Excise and Customs (CBEC); (ii) Action taken by the Government on the recommendations contained in First Report (14<sup>th</sup> Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Dena Bank and credit facilities provided by the Bank to them"; and (iii) Action taken by the Government on the recommendations contained in Fourth Report (14<sup>th</sup> Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Atrocities on Scheduled Castes and Scheduled Tribes and pattern of social crimes towards them" and adopted the same. The Hon'ble Chairman also requested the Members to send their suggestions if any, to be incorporated in the three draft reports latest by 14<sup>th</sup> August, 2006.

2. The Committee also authorised the Chairman to finalise the reports in the light of consequential changes and present the same to both the Houses of Parliament.

The Committee then adjourned.

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**APPENDIX 'C'**

(Vide Para 2.4 of Report)

Statement Showing Recruitment, Reservation and Deputation policies of various Group 'A' posts.

Sl. No.	Designation of Posts	Recruitment Policy	Reservation Policy	Deputation Policy
1	2	3	4	5
Group 'A' Service				
1.	Chief Accounts Officer (Central Excise)	100% by promotion from a combined seniority of officers of the grade of AO/CAAO/EOA with three years regular service.	Reservation is followed in promotion as per the existing policy of the Government of India on the subject.	There is no deputation policy for sending the officers on deputation. However, as and when they are sent, instructions of DOP&T this regard are followed.
2.	Chief Accounts Officer (Customs)	100% by promotion from a combined seniority of AO/CAAO with three years regular service.	-do-	-do-
3.	Chief Chemist (CRCL)	100% by promotion.	There is no reservation for posts filled up by promotion at this level.	-do-
4.	Deputy Chief Chemist(CRCL)	100% by promotion failing which by transfer on deputation.	-do-	-do-
5.	Chemical Examiner Grade I (CRCL)	75% by promotion failing which by transfer on deputation. 25% by direct recruitment.	The existing reservation policy for SC/ST is being followed both in promotion and direct recruitment.	-do-



6.	Chemical Examiner (CRCL) Grade-II.	70% by promotion and 30% by direct recruitment.	-do-	-do-
Group 'A' Services (Telecommunication)				
7.	Joint Director(Com.)	By promotion failing which by transfer on deputation and failing both by re-employment.	The existing reservation policy for SC/ST is being followed.	-do-
8.	Deputy Director (Com.)	By promotion failing which by transfer on deputation or deputation or re-employment.	-do-	-do-
9.	Asstt. Director(Com.)	-do-	-do-	-do-
10.	Asstt. Director(Com.)	By direct recruitment or re-employment or transfer on deputation.	-do-	-do-

**APPENDIX 'D'**

(Vide Para 2.5 of Report)

Statement Showing Recruitment, Reservation and Deputation policies of various Group 'B' Posts.

Sl. No.	Designation of Posts	Recruitment Policy	Reservation Policy	Deputation Policy
1	2	3	4	5
Group 'B' Services				
1.	Customs Appraiser.	50%by direct recruitment, partly on the basic or Civil Service Examination and partly by recruitment through UPSC for Expert Appraisers. 50% by promotion from the following Grades – 75% Examiners with three years service. 20% - Preventive Officers with eight years service. 5% - Office Supdts. with two years service.	Reservation is made in Direct Recruitment and in promotion as per the existing policy of the Government of India on the subject.	There is no deputation policy for sending these officers on deputation. However, as and when they are sent, instructions of DOP&T in this regard are followed.
2.	Supdt. of Customs (Preventive)	100% by promotion from Preventive Officers with eight years service.	Reservation is made in promotion as per the existing policies of the Government on the subject.	-do-

3.	Asstt. Chemical Examiner Grade 'B' (CRCL)	66-2/3% by promotion 33-1/3% by direct recruitment.	The existing reservation policy for SC/ST is being followed in promotion and in direct recruitment.	-do-
Group 'B' Service (Telcom.)				
4.	Supdt. (Comm.)	100% by promotion	The existing reservation policy for SC/ST is being followed in promotion.	-do-
Group 'B' service (Central Excise)				
5.	Supdt. of Central Excise	100% by promotion.	The existing reservation policy for SC/ST is being followed in promotion	-do-
6.	Admn. Officer/Asstt. Chief Accounts Officer/Examiner of Accounts.	-do-	-do-	-do-
7.	Senior P.A.	-do-	-do-	-do-
8.	Distt. Opium Officer	-do-	-do-	-do-
9.	Asstt. Director(OL)	20% by promotion failing which by transfer on deputation and failing both by direct recruitment. 40% by transfer on deputation/transfer failing which by direct recruitment. 40% by direct recruitment failing which by transfer on deputation.	The existing reservation policy for SC/ST is being followed in promotion and direct recruitment.	-do-
Group 'B' service in the various Directorates under CBEC.				

10.	Sr. Intelligence Officer	10% by transfer 90% by deputation.	There is no reservation in filling up posts by deputation.	-do-
11.	Inspecting Officer	By transfer on deputation.	-do-	-do-
12.	Addl. Asstt. Director (C&M)	-do-	-do-	-do-
13.	Addl. Asstt. Director (S&I)	By promotion failing which by deputation.	The existing reservation policy for SC/ST is being followed in promotion.	-do-
14.	Senior Statistical Investigator	50% promotion 50% by deputation	-do-	-do-
15.	Asstt. Programmer	By promotion failing which by direct recruitment.	-do-	-do-
16.	Publication Officer	by transfer or deputation.	-do-	-do-
17.	Supdt. (Central Excise) NACEN	-do-	-do-	-do-

**SUMMARY OF CONCLUSIONS/RECOMMENDATIONS  
CONTAINED IN THE REPORT**

Sl. No.	Para. No.	Conclusions/Recommendations
1	2	3
1.	1.8	The Committee note that no SC/ST officer has ever been appointed as Chairman/member of the Board since its inception because reservation in promotion is available only up to the lowest rung of Group `A' post. The Committee are of the view that even though reservation is not available at present in the higher post, it is not difficult for the Government to give proper representation to SC/ST officers by suitably amending the procedure, criteria and eligibility for appointment to these posts. The Committee, therefore, recommend that the Government should amend the existing rules and regulations in the light of amendment in Article 16 (4A) of the Constitution so that the SC/ST officers could be given representation on the Central Board of Excise and Customs.
2.	2.11	The Committee note that CBEC has a well defined set of procedures based on the guidelines issued by DOP&T for constitution of Departmental Promotion Committee for consideration for promotion of its employees. In spite of this, the Committee have still received representations from SC/ST Employees' Welfare Associations and individual officer in which they have cited instances of denial of promotion due to non-implementation of reservation policies by the administration during cadre review, non-availability of SC/ST candidates for promotion in the normal zone as well as in the extended zone of consideration and due to pending disciplinary cases. The Committee note that one Inspector of Central Excise was denied promotion on the basis of adverse ACR, the fact of which was not communicated to him. The Committee would like to state that in accordance with the existing instructions, SC/ST candidates cannot be denied promotion even if he/she gets good ACR. Even for any case of adverse entries/remarks recorded in the ACR, it has to be communicated to him. The Committee, therefore,

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		<p>recommend that to fill up the SC/ST backlog vacancies, the zone of consideration for SC/ST candidates should further be relaxed and also the disciplinary proceedings against SC/ST officers who could not get promotion due to pending disciplinary cases against them may be expedited.</p>
3.	2.21	<p>The Committee have been informed that the main reason for the shortfall in promotion is that ST candidates having completed requisite length of service are not available even in the extended zone of consideration which is five times of the number of vacancies to be filled up on a particular occasion. The Committee are of the view that the Department must liquidate/dispose of existing shortfall and also to immediately recruit SC/ST candidates in every feeder grades so as to avoid recurrence of backlog vacancies/shortfall year after year.</p>
4.	2.24	<p>The Committee note that there are shortfall of SC and ST employees in Group 'B', 'C' and 'D' categories of posts according to the above statement. As on 31<sup>st</sup> December, 2004, the number of shortfall in SC and ST employees in Group 'B', 'C' and 'D' were 137 and 236 in Group 'B', 419 and 773 in Group 'C' and 87 and 252 in Group 'D' posts respectively.</p>
5.	2.25	<p>The Committee note that the shortfall of SC/ST candidates in direct recruitment quota is stated to have occurred mainly because the recruiting agencies have been nominating less number of candidates in the reserved quota of SC/ST against the indent placed to them. As regards shortfall in promotion, the reason is stated to be due to non-availability of particular category of employees in the extended zone of consideration. The Committee are not happy with the reply of the Ministry that the shortfall in direct recruitment and promotion occurred due to the recruiting agencies nominating less number of reserved candidates against indent placed to them and non-availability of SC/ST candidates even in the extended zone of consideration respectively. The Committee also note that no recruitment in Group B, C, and D had been made in the years 2002-03 onwards vide para No.2.15. The Committee would like to know the reasons as to why no recruitments were made in those years when there were vacancies for the SCs/STs.</p>

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		<p>The Committee would like to stress that so long as there is insufficient intake of SC/ST candidates in direct recruitment, the problem of backlog vacancies or the availability of SC/ST candidates in the feeder grade for promotion will always be dim. The Committee, therefore, would like to recommend that the CBEC should ensure that all SC/ST vacancies are filled up on time and the recruiting agencies should also be strictly advised about the urgency of filling up SC/ST vacancies on priority basis.</p>
6.	2.35	<p>The Committee have carefully analysed the position of backlog vacancies furnished for the period 1997-98 to 2001-02 and for the period 2002-03 to 2004-05 (as also statement at para 2.22). They are perturbed to point out that in both recruitment and promotion quotas the backlog vacancies of SCs and STs in various posts have been increasing year after year. The Committee are not convinced with the statement of the Ministry that no Special Recruitment Drive could be carried out for filling up the existing vacancies due to the imposition of ban in filling up the vacancies in direct recruitment quota by the Ministry of Finance (Department of Expenditure) vide their OM No.7(3)E-Coord/99 dated 5.8.1999. The Committee would like to stress that subsequent to the issuance of the controversial circulars regarding ban on direct recruitment and backlog, the Government had not only amended the circulars but also issued instructions to fill up these vacancies by holding Special Recruitment Drive. The DOP&amp;T through their OM dated 20.7.2000 had clearly stipulated that backlog/carried forward reserved vacancies for SCs/STs of earlier years should be treated as a separate and distinct group and should not be subject to any ceiling. The CBEC should immediately review the position of backlog vacancies of SCs and STs in all categories of posts and should fill them up in the light of DOP&amp;T instructions by holding Special Recruitment Drive.</p>
7.	2.36	<p>The Committee note that in response to DOP&amp;T O.M.No.36038/1/2004-Estt.(Res.) dated 5.8.2004, the Department have already identified 930 posts as backlog vacancies for SCs and STs in direct recruitment quota. They also note that they had already requested the Staff Selection Commission (SSC) to fill up 450 posts of Inspector in the Graduate Level Examination – 2004 and to conduct Special</p>

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		<p>Recruitment Drive to fill up 192 backlog vacancies of Tax Assistant reserved for Scheduled Castes and Scheduled Tribes. The Committee also note that the Department have already asked the cadre Controlling Authorities to fill all backlog vacancies of Stenographers, Drivers, Typists, Translators and Sepoys etc. by 31<sup>st</sup> December, 2005. The Committee, therefore, would like to be apprised of the latest position of the above recruitment process which was to be completed by 31<sup>st</sup> December, 2005.</p>
8.	3.6	<p>The Committee note from the above statements that in Pune Customs Commissionerate, the de-reservation of posts reserved for SCs/STs had not been done strictly in accordance with the prescribed procedures. The Committee are dismayed by the fact that the officers in the Ministry had wrongly advised the Pune Commissionerate to de-reserve the post in consultation with the Liaison Officer, who had no authority to do so. It seems that the case had been handled by the Pune Commissionerate as also by the Ministry of Finance in a very casual manner. The Committee are distressed that the Liaison Officer at Pune Commissionerate as well as Administrative Ministry were either too casual or hopelessly ignorant about the rules to be followed to implement the reservation policy for SCs and STs. The Committee, therefore, desire that the officers dealing with the reservation policy in administrative Ministry and departments should be well versed and should be given some training in the matter before assigning this work to them. The Committee emphasise that the Ministry/Department might have been delegated with powers to de-reserve reserved vacancies but it should be done as per the prescribed procedures laid down by the DOP&amp;T. The Committee strongly urge that before de-reservation of any reserved vacancies, all options should be explored to fill up the reserved vacancies and in no way, de-reservation should be resorted to unless absolutely necessary. The Committee further urge that the Board should strictly follow the latest OM of DOP&amp;T dated 6.11.2003 which bans de-reservation of vacancies reserved for SCs/STs in direct recruitment.</p>



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9.	3.11	The Committee appreciate that the NACEN has been imparting training to all groups of employees including SC/ST employees. The Committee desire that more training programmes should be organised and more number of SC/ST employees should be encouraged for availing such training programmes as these programmes will enhance their working skill and aptitude. The Committee also recommend that the Board should make provision to give pre-promotion training to SC/ST candidates wherever written examinations are held for promotion to the next grade.
10.	3.12	The Committee note that 1 Scheduled Caste and 3 Scheduled Tribe officers were sent on foreign training during the years 2002-03, 2003-04 and 2004-05. The Committee would like the Ministry to give fair opportunity to SC/ST officers while nominating candidates for foreign training which is essential for wholesome development of their personality.
11.	3.16	The Committee note that SC/ST employees are being sent on deputation to other organizations and that some SC/ST employees from other departments are also being taken on deputation in Directorate of Revenue Intelligence. To acquire new working experience of a different set up and to enhance their working skill and aptitude, more and more SC/ST employees should be encouraged to go on deputation as also to come on deputation to the departments under CBEC. The Committee, therefore, recommend that names of SC/ST employees should be included in the list of employees being nominated for deputation.
12.	3.18	The Committee note that there were 42 cases of appointment on the basis of false caste certificates in different Directorates/Commissionerates under CBEC. The Committee note that out of 42 cases, 25 cases, i.e. 17 in Coimbatore Central Excise Zone and 8 in Chennai Customs (Prev. zone) are found to be still pending at various levels of inquiries/ investigations. The Committee feel that getting employment on the basis of false caste certificates is quite rampant in those areas compared to other parts of the country. The Committee are of the view that the Directorates/Commissionerates of CBEC were not vigilant enough at appointment stage. As a result, such a large number of people had secured employment at the expense

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of SC/ST people. The Committee recommend that all out efforts should be made to get the stay vacated in cases pending in Courts on priority basis and to advise the State authorities to complete the investigation within a stipulated period. The Committee strongly urge the Government to initiate prompt action against an employee if the information sought in his case is not received from the State Government authorities within the stipulated period. The Committee further recommend that extra care should be taken while examining the caste certificate at the time of offering appointment letter itself by insisting on production of original caste certificate issued by the competent authority and by resorting to compulsory verification of all caste certificates at entry level. The officials dealing with appointments of new recruits should be well versed in dealing with caste certificates. In case any complaint against the serving employee is received, the process to investigate the matter within a time frame should be initiated.

13. 3.26

It has been observed that in CBEC, applications for appointments against compassionate quota are greatly in excess of the number of vacancies available for compassionate appointments. As on 31.12.2002 CBEC had 936 applications pending for compassionate appointment out of which 81 cases were pending for more than 5 years and 8 cases were pending for more than 10 years. As per the updated information furnished by the Ministry, there are a total of 696 applications pending for compassionate appointment as on 31.12.2004, which clearly indicate that the task of filling up vacancies on compassionate ground takes a long time. This is more so, because the DOP&T instructions has fixed the quota for compassionate appointment in Group 'C' and 'D' to 5% of the total vacancies available in a year. The Committee are of the view that because of this restriction, it might not be possible to give compassionate appointment to all applicants in near future, even though the Department would like to act very compassionately to the bereaved families in distress. The Committee, therefore, urge the Department to introduce new measure such as giving monetary assistance scheme in lieu of compassionate appointment, if offering a job is not feasible due to some constraints like VRS, downsizing etc. The Committee would also like the Department to make all out efforts to insure all employees particularly who have

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		taken Government loans etc. as suggested by the Chairman of CBEC during evidence so that in the event of death of an employee all his outstanding liabilities could be taken care of.
14.	4.8	The Committee note that Liaison Officers have been appointed in most of the Central Excise/Customs Commissionerates and most of these Liaison Officers hold group 'A' posts and belong to SC/ST category. The Committee are of the view that liaison work entail the overall welfare of SC/ST employees besides overseeing the proper implementation of reservation rules. The Committee, therefore, recommend that SC/ST officer who is well versed with the reservation rules should only be appointed as Liaison Officer in each Commissionerate of Central Excise/Customs. The Committee also recommend that all Liaison Officers appointed at Head Quarters and all Central Excise/Custom Commissionerates should be provided with sufficient staff and all the Liaison Officers of commissionerates should work in close coordination with the Liaison Officer at Head Office.
15.	4.9	The Committee note that in some Commissionerates periodic meetings are held with the SC/ST Employees Welfare Associations whereas in other Commissionerates, the Liaison Officer and Head of Department remain in touch with the representatives of SC/ST Employees Welfare Associations. The Committee note that even when the meetings were held, the minutes were not being prepared and circulated to the representatives of the welfare associations. The Committee, therefore, recommend that CBEC should hold separate periodic meetings with the representatives of the SC/ST Welfare Associations to sort out various problems/grievances relating to reservation policies. The Committee also recommend that the proceedings of the meetings should be recorded for follow up action and a copy of the minutes of the meetings should be circulated to the representatives of the SC/ST Welfare Associations and to the Head Office/Ministry of Finance for information and record.
16.	4.10	The Committee would like to stress that although SC/ST Employees Welfare Associations have received some encouragement from the Government for their activities they

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might not get the same rights as that of the general Trade Unions because their role is limited to the welfare of SC/ST employees only. The Committee, therefore, desire that the office bearers of the SC/ST Employees Welfare Associations should be given the maximum facilities so that they can work for the welfare of SCs/STs in a free manner.

17. 4.16

The Committee regret to note that complaints/grievances received from SC/ST employees are not maintained separately but are recorded in the registers being maintained for complaints/disciplinary proceedings in the Customs/Central Excise Commissionerates. The Committee are of the view that, most of these complaints may relate to service matters like promotions, allotment of house or discourteous behaviour of some officers against them and thus need to be recorded properly clearly indicating the nature of each case and its disposal. The Committee desire that a separate register for recording complaints from SCs/STs should be maintained in all the Commissionerates as also at its Headquarters. The Committee also urge the Commissioner of the concerned Commissionerate to monitor these registers periodically to see that all complaints/grievances of SC/ST officers are addressed properly and there is no laxity on the part of Liaison officers.

18. 4.17

The Committee note that the grievances and complaints on service matters such as discrimination in promotion or non-consideration for promotion, non-inclusion of name in ACP Scheme, financial upgradation, counting of ad-hoc promotion for promotion and confirmation, alleged employment on production of false caste certificate, violation of reservation policies etc., have far reaching consequences and may have an adverse effect in the career growth of SC/ST employees. The Committee, therefore, recommend the Department to prepare a schedule to dispose of all the grievances and complaints of SC/ST employees pertaining to service matters within a stipulated time frame. The Committee would like to know the reasons as to why 12 cases pertaining to Custom House, Cochin and Custom House, Goa are still pending. Besides, complaints on practice of untouchability, atrocities, harassment, ill-treatment, misbehaviour, bias and hatred towards SC/ST employees should also be redressed promptly so that their right to live a

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dignified life is not violated and the spirit of our constitution is upheld.

19. 4.18

The Committee note that CBEC is reported to have taken action on complaints/grievances filed by SC/ST employees in various commissionerates of Central Board of Excise and Customs. The Committee however, cannot fathom what kind of action has been taken because irrespective of the nature of complaints it has simply been stated that the case was disposed of in all the cases. For example, the reply given by CBEC for a complaint dated 6.4.2004 filed by a Superintendent of Jaipur Central Excise Zone is that the complaint was disposed of vide letter dated 28.3.2005. Therefore, it is not clear whether the action taken was to the satisfaction of the complainant or not. The Committee are of the view that action taken against complaints filed by SC/ST employees irrespective of the nature of cases should be furnished clearly indicating whether the action so taken was to the satisfaction of the complainant or otherwise. The Committee therefore desire that the details of action taken on complaints in case of all the following cases may be furnished to the Committee.

20. 4.27

The Committee are sad to note that discrimination and harassment of SCs/STs still exist in CBEC even though it is a constitutional offence to discriminate somebody on grounds of caste, creed and religion. This fact is substantiated by a victimisation case against a superintendent of Central Excise, Mumbai, who was also the President of the Welfare Association of the Officers of the SC/ST/OBC in the Central Excise Commissionerates, West Zone, Mumbai. The Committee desire that whenever a vigilance/disciplinary case is instituted against a SC/ST officer, the investigation should be carried out on the basis of the merit of the charges/cases. The proceedings of the investigation should be conducted in a fair manner. The Committee also desire that whenever SC/ST officers are implicated in vigilance/disciplinary case, the Head Office should be informed immediately. Further, the Committee recommend that the proceedings should not be delayed but should be facilitated by the Department for speedy disposal of the case. The Committee may also be apprised of the present position of progress made in the case of the Superintendent of Central Excise, Mumbai.

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21.	4.28	<p>The Committee note that as on 31.12.2002, a total of 788 disciplinary cases were pending out of which 274 cases belonged to SCs/STs. As on 31.12.2004, the number of disciplinary proceedings initiated against both general as well as SC/ST employees was 1007; and 207 cases pertaining to SC/ST employees are still pending. The Committee are not satisfied with the reasons cited for pendency of these cases like due to mandatory procedure prescribed for conducting a departmental inquiry. The Committee are of the view that delay in the disciplinary proceedings is nothing but a punishment without inquiry. The Committee, therefore, recommend that CBEC should facilitate and ensure prompt disposal of all pending disciplinary cases without any further delay. The Committee, further recommend that the CBEC should impress upon all agencies involved in the enquiry about the urgency of the matter and to take necessary steps to expedite the proceedings.</p>