

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND SCHEDULED TRIBES
(2007-2008)**

(FOURTEENTH LOK SABHA)

TWENTY-SIXTH REPORT

ON

**MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)**

Action taken by the Government on the recommendations contained in the Twelfth Report (Fourteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes – “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Excise and Customs (CBEC).”

Presented to Lok Sabha on 13/3/2008

Laid in Rajya Sabha on 13/3/2008

**LOK SABHA SECRETARIAT
NEW DELHI**

March, 2008/Phalguna, 1929 (Saka)

CONTENTS

	Page No.
COMPOSITION OF THE COMMITTEE	(iii)
INTRODUCTION	(v)
CHAPTER I Report	1
CHAPTER II Recommendations/Observations which have been accepted by the Government.	19
CHAPTER III Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government.....	35
CHAPTER IV Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.....	40
CHAPTER V Recommendations/Observations in respect of which final replies of the Government have not been received.....	43

APPENDICES

APPENDIX I	Minutes of the sitting of the Committee held on 28.12.2007 regarding adoption of the Report.	46
APPENDIX II	Analysis of the Action Taken by the Government on the Recommendations contained in the Twelfth Report (Fourteenth Lok Sabha)....	48

**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES (2007-2008)**

Shri Ratilal Kalidas Varma - Chairman

MEMBERS – LOK SABHA

2. Shri Anandrao Vithoba Adsul
3. Shri S. Ajaya Kumar
4. Shri Kailash Baitha
5. Shri S.K. Bwiswmuthiary
6. Dr. Tushar A. Chaudhary
7. Shri Eknath M. Gaikwad
8. Smt. Sushila Kerketta
9. Shri Kailash Meghwal
10. Shri Rupchand Murmu
11. Shri Jual Oram
12. Shri Virchandra Paswan
13. Shri E. Ponnuswamy
14. Shri Ashok Pradhan
15. Smt. K. Rani
16. Shri Bajju Ban Riyan
17. Shri Sarvey Sathyanarayana
18. Shri Sugrib Singh
19. Shri Chengara Surendran
20. Shri Vanlalzawma

MEMBERS – RAJYA SABHA

21. Shri Krishan Lal Balmiki
22. Shri Sharad Anantrao Joshi
23. Shri Robert Kharshiing
24. Shri Lalhming Liana
25. Dr. Radhakant Nayak
26. Shri Mahendra Sahnii
27. Shri Jesudas Seelam
28. Miss Anusuiya Uikey
29. Shri Veer Singh
30. Shri Nandi Yellaiah

SECRETARIAT

- | | | | |
|----|------------------------|---|----------------------------|
| 1. | Dr. (Smt.) P.K. Sandhu | - | Additional Secretary |
| 2. | Shri P.K. Misra | - | Joint Secretary |
| 3. | Shri Gopal Singh | - | Director |
| 4. | Ms. J.C. Namchyo | - | Deputy Secretary |
| 5. | Smt. Maya Lingi | - | Under Secretary |
| 6. | Shri L. Singson | - | Senior Committee Assistant |

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 Twenty-Sixth Report (Fourteenth Lok Sabha) on action taken by the Government on the recommendations contained in their Twelfth Report (Fourteenth Lok Sabha) on the Ministry of Finance (Department of Revenue) regarding "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Excise and Customs (CBEC)".

2. The draft Report was considered and adopted by the Committee on 28th December, 2007 (Appendix-I).

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

- I. Report
- II. Recommendations/observations, which have been accepted by the Government.
- III. Recommendations/observations which the Committee do not desire to pursue in view of replies of the Government.
- IV. Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.
- V. Recommendations/observations in respect of which final replies of the Government have not been received.

4. An analysis of the Action Taken by the Government on the recommendations contained in the Twelfth Report (Fourteenth Lok Sabha) of the Committee is given in Appendix-II. It would be observed therefrom that out of 21 recommendations made in the report, 13 recommendations i.e. 62 per cent have been accepted by the Government. The Committee do not desire to pursue 4 recommendations i.e. 19 per cent of the total recommendations in view of the replies of the Government. There are 2 recommendations i.e. 9.5 per cent in respect of which replies of the Government have not been accepted by the Committee and require further reiteration and in respect of 2 recommendations i.e. 9.5 per cent of total recommendations, final replies of the Government have not been received.

NEW DELHI
March, 2008
Phalguna, 1929 (Saka)

RATILAL KALIDAS VARMA
Chairman
Committee on the Welfare
of Scheduled Castes and
Scheduled Tribes

CHAPTER – I

REPORT

This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the recommendations contained in their Twelfth Report (Fourteenth Lok Sabha) on the Ministry of Finance (Department of Revenue) regarding “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Excise and Customs (CBEC)”.

1.2 The Twelfth Report was presented to Lok Sabha on 22nd August, 2006. It contained 21 recommendations/observations. Replies of the Government in respect of all these recommendations/observations have been examined and may be categorised as under:-

- (i) Recommendations/Observations which have been accepted by the Government (Sl. Nos. 3, 4, 5, 6, 8, 9, 12, 13, 14, 15, 16, 17 and 20).
- (ii) Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. Nos. 2, 10, 11 and 21).
- (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (Sl. Nos. 1 and 19).
- (iv) Recommendations/Observations in respect of which final replies of the Government have not been received (Sl. Nos. 7 & 18).

1.3 The Committee desire that final replies in respect of the recommendations for which only interim replies have been given ought to be furnished within three months of the presentation of the Report.

1.4 The Committee will now deal with the Action Taken by the Government on some of the recommendations which need reiteration or comments.

Recommendation (Sl. No. 1, Para No. 1.8)

1.5 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.

Reply of the Government

1.6 The post of Chairman and Member in CBEC/CBDT are filled up by selection process in accordance with the Recruitment Rules notified for these posts. Applications are invited from all eligible and willing Chief Commissioners level officers of Indian Customs and Central Excise Services for the posts of Members and from Members for the posts of Chairman in the Board. All officers, including those from SC/ST community, who fulfill the eligibility criteria prescribed in recruitment rules are considered for selection for the posts of Chairman and Members by the Selection Committee. The appointment as Chairman/Member of the Board are finalized on the basis of the recommendation of Selection Committee. These posts are filled by "Selection" method and not by promotion. There is reservation for SC/ST category in the lowest rank of Group 'A' post only.

Comments of the Committee

1.7 The Committee are well aware that appointments to the post of Chairman and the Members on the Board of CBEC are outside the purview of reservation and appointments are made on the basis of ‘selection’ amongst the eligible candidates recommended by the Selection Committee, which comprise of the Cabinet Secretary, Principal Secretary to the Prime Minister, Home Secretary, Secretary (DOP&T) and Secretary, Department of Revenue. The Committee also finds it pertinent to mention here that para No. 4 of the Central Board of Excise and Customs (Chairman and Members) Recruitment Rules, 2006 clearly states that “where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons”. The Selection Committee are also empowered to devise ways to assess candidates. It is, therefore, clear that the final authority to decide selection to the post of Chairman and Members on the Board rests on the “Selection Committee” which have hitherto failed to select representative of SCs/STs on the Board. The Committee opine that there is no dearth of eligible SC/ST candidates for appointment to these posts and therefore, it is the sole responsibility of the Government to ensure their representation in the apex body of the CBEC. It is also stated that even though CBEC is the apex body of the entire network of Excise and Customs in the country, SC/ST community have never been represented on the Board since its inception. The appointment of SC/ST representative on the Board is therefore, in the best interest of the SC/ST community. The Committee also view that inclusion of SC/ST representative on the Board will fulfill the objective of constitutional provision of securing social justice and equality to the SCs/STs. The

Committee, therefore, reiterate that based on these factual circumstances, the Government should take concrete steps to facilitate appointment of eligible SC/ST candidates on the Board of Central Excise and Customs by amending the rules governing appointment to the posts of Chairman/Members of the CBEC.

Recommendation (Sl. No. 2, Para No. 2.11)

1.8 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.

Reply of the Government

1.9 All Cadre Controlling Authorities under CBEC have reported that none of the SCs/STs officers have been deprived of promotion on account of disciplinary proceedings. Disciplinary cases against SC/ST officer are processed in fair and speedy manner.

Comments of the Committee

1.10 The Committee note that the reply of the Government did not mention anything about giving further relaxation over and above the normal zone of consideration as well as extended zone of consideration due to non-availability of SC/ST candidates in the feeder grades for promotion. The Committee, therefore, urge the Government that in the event of non-availability of SC/ST candidates in the feeder grade for promotion, the zone of consideration should be extended beyond the extended zone of consideration as a one-time measure to ease the backlog in promotion.

Recommendation (Sl. No. 4, Para No. 2.24)

1.11 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 31st 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.

Reply of the Government

1.12 In SC category staff is in excess in Group B, C and D viz. 137 , 419 and 87 . However, there is a shortfall in ST category in Group B , C and D viz. 236 , 773 and 252. Direction has already been issued to all cadre-controlling authorities to fill up all shortfall vacancies on priority basis.

Comments of the Committee

1.13 The Committee note that in contrast to earlier observation made on shortfall of SC/ST employees in Group B, C and D posts, it has now been stated that the shortfall pertains to ST category only for which a direction has already been issued to all cadre controlling authorities to fill up such vacancies on priority basis. The Committee desire that the progress made to fill up these shortfall vacancies should be appraised to them within three months of presentation of this report.

Recommendation (Sl. No. 5, Para No. 2.25)

1.14 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.

Reply of the Government

1.15 All the Cadre Controlling Authorities have been requested for strict compliance of the recommendations of the Committee.

Comments of the Committee

1.16 The Committee appreciate that the Government have noted the recommendation for strict compliance. However, the reasons for not undertaking any recruitment in the years 2002-03 to 2004-05, when there were vacancies for SCs and STs, have not been furnished. The Committee, therefore, desire that the reasons for not undertaking any recruitment for SCs and STs during those period may be furnished to the Committee.

Recommendation (Sl. No. 7, Para No. 2.36)

1.17 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 31st 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 31st December, 2005.

Reply of the Government

1.18 As on 1.7.2004 , 930 vacancies were identified as back log vacancies reserved for SCs/STs. Later on these vacancies were reduced to 818 as 112 vacancies were abolished while abolishing 2800 posts as directed by Screening Committee. The status report is as under:

Vacancies already filled		Vacancies yet to be filled	
Inspector	449	Inspector	1
Tax Assistant	192	Driver Gr.III	1
Post of Junior Hindi Translator, Driver Gr.III Steno Gr. III , O.T.C.	22	Steno Gr. III	28
Sepoy/Safaiwala	74	Sepoy/Safaiwala	51

Comments of the Committee

1.19 The Committee are not happy as the backlog vacancies as on 1.7.2004 have not been filled up. These vacancies were reported to have been filled up by 31st December 2005 but are still not filled up. The Committee urge the Government to fill up these vacancies and report given to them within three months of presentation of this report.

Recommendation (Sl. No. 12, Para No. 3.18)

1.20 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.

Reply of the Government

1.21 Status report of the pending false caste certificate as reported by cadre controlling authority is as under:

Sl. No.	Name/Designation of the Officer	Latest position of the case
1.	S. Sarojini, Adm. Officer	The case is pending with the District Vigilance Committee which was formed by the State Government for conducting necessary verification and report. Periodically they are being reminded to send their final report (Coimbatore).
2.	M.K. Selvarajan, Inspector	Enquiry is being conducted by the District Collector cum Chairman, District Vigilance Committee, Namakkal District, Final report is awaited from the District Collector cum Chairman (Coimbatore).
3.	A. Murugesan, Supdt.	Writ Petition filed by the individual is pending with High Court, Madras (Coimbatore).
4.	G. Suseela, Tax Asstt.	Stay obtained by the officer from High Court, Madras, against the proceedings by Distt. Collector Salem (Coimbatore)
5.	M. Karupannan, Inspector S. Srivivasan, Tax Asstt.	Matter remanded back to the multi member District Vigilance Committee by the State Level scrutiny committee. (Trichy Commissionerate)

6.	K. Kanagarajan, Inspector A. Srinivasan, Supdt. S. Elangovan, Supdt. S. Thirumalairaj, Supdt. P.Kalimuthu , JGO	Report from the concern District Collector awaited.
7.	S. Rajendran, Supdt S.N. Subburaj, Supdt. R. Rajendran, Supdt K. Subbulakshmi, Inspector	Under enquiry by the District Vigilance Committee Madurai/Trichy.
8.	V.Shanmugaraj, Supdt. R. Parasuraman, Havaldar J. Rajan Babu, Inspector M. Pandeasawaran, Sepoy T. Palpakkiam, DOS V. Narayanan, STA C. Balakrishnan, Havildar	The District Vigilance has found that the community certificates was false. A charge memo has been issued and a personal hearing was fixed on 8.3.2007 by the Additional Commissioner (P&V), Madurai.
9.	P.Dharmar, Havildar	Shri P Dharmar, was appointed as Sepoy as Scheduled Tribe candidate belonging to Kattunayakkan Community. In support his claim he has submitted a certificate issued from Nagapattinam Tahsildar. On enquiry District Collector, Nagapattinam has intimated that the individual does not belong to Kattunayakkan Community and a certificate issued to <u>him has since been cancelled</u> . A charge sheet was issued on 30.1.2004. The individual got the stay <u>vide</u> order dated 25.2.2004. The Commissionerate has now informed that three member committee will enquire the matter and will submit the report. Report is still awaited.
10.	V. Asokan , Supdt	Shri Asokan declared himself belonging to Kondareddy Tribe at the time to his appointment for the post of Inspector . An investigation was made in his case and he was found to belong to Hindu Reddys community and not of Kondareddy community. Before issue of the charge sheet the officer filed a WP. with High Court, Chennai and got stay order. The Court also directed that the Govt. should enquire afresh through State Caste Scrutiny Committee. At present the Secretary to the Government of Tamilnadu, Adi Dravida & Tribal is looking into the matter.
11.	N. Arumugam, Tax Asstt.	The Community Certificate sent for verification to District Collector, Tirunelveli during March 2001. RDO report dated 7.7.2001 addressed to District Collector, Tirunelveli recommended for cancellation of ST Certificate. District Vigilance Committee of Tirunelveli had sent two notices to the individual on 7.8.2001 and 31.12.2001 to appear before the Committee. As per the District Collector's report the individual has filed a Writ Petition in Madras High Court against the Show Cause Notice issued by the Committee. A letter from the District Committee, Tirunelveli served to the officer on 6.1.2006 directing to reply within 15 days. Further report from District Authority awaited.
12.	Thirumalraj, Supdt.	On 20.5.2002, District Authorities have intimated that the matter has been referred to RDO, Trichy for report. Reminder was sent to District Collector on 18.9.2003. Further report awaited from District Authority.
13.	S. Rajendran, Supdt.	Notice Na.Ka.6120/2000/D.9 dated 12.1.2006 received from the Chairman, District Level Vigilance Committee, Salem, directing the individual to appear before the District Authority on 20.1.2006. Outcome of the hearing still not received from the Committee. Accordingly a letter was addressed on 22.6.2006 and further reminder on 31.10.2006 sent to the District Level Vigilance Committee is sent requesting to report the outcome of the hearing.
14.	R. Murli , Inspector	Shri R. Murli was appointed as Inspector declaring himself as member of Hindu Kondareddy caste of scheduled tribe community. The verification of the community was initiated on 5.7.2000. The officer in person was appeared before the Chennai Collector on 12.12.2000. Later on he filed a WP No 1742/01 in the High Court at Chennai who referred the case to District Level Caste Scrutiny Committee. District Committee, Chennai has directed the individual to present his case in person on 20.10.2006. Report is still awaited.

15.	S. Ponnusamy, Supdt.	At the time of appointment as Inspector Shri Ponnusamy, declared that he belongs to Kurumans caste of scheduled tribe community. The verification of caste certificate was initiated on 20.2.1989 with District Collector Nilgiris. <u>Vide</u> order dated 4.2.1994 his caste certificate was cancelled and a charge Sheet was issued on 15.3.1994 imposing a major penalty under Rule 14 of CCS (CCA) Rules. The individual filed a WP in Chennai High Court who directed to proceed afresh by complying with the Supreme Court direction in the case of Madhuri Patil Vs Addl. Commissioner, Tribe Development (AIR 1995 SC 94). Verification report is still awaited. Chief Commissioner of Customs Preventive <u>vide</u> his D.O. letter dated 10.10.2006 has requested to Chief Secretary to Govt. of Tamilnadu to speed up the verification of community certificate.
16.	V. Annamalai, Supdt	At the time of appointment as Inspector Shri Annamalai declared himself that he belongs to Uraly caste of scheduled tribe community. The verification of the community certificate was conducted on 14.7.1983 and the certificate was cancelled by District Collector, Salem. A charge sheet was issued on 28.5.1999 proposing a major penalty under Rule 14 of CCS (CCA) Rules. The officer appealed before the High Court Chennai and obtained stay <u>vide</u> order dated 26.3.1999. Later on, two member bench of High Court of Chennai quashed the single bench order and directed to review the case by three member committee appointed by State Government. The committee directed the individual to present in person on 20.1.2006. The report is still awaited.
17.	Ashok Rani	At the time of appointment as Examiner in this Customs House, Smt. Ashok Rani had produced a caste certificate issued by the Tehsildar provisionally on the basis of direction of the Hon'ble High Court of Kerala in OPNo. 9590/92 and CMP No.6678/92.
18.	Smt. K.S. Kanthi	Smt. K.S. Kanthi a candidate sponsored by SSC was found eligible for appointment as LDC in this Customs House in the reservation quota available to the SCs. As she failed to furnish the caste certificate. She was not allowed to join duty. The caste certificate was not issued by the Tehasildar. Ottapalam on the grounds that she does not belong to SC. Against this, she filed an OP No. 4829/1996 before Hon'ble High Court of Kerala. As per the interim order of the Hon'ble High Court of Kerala, she was permitted to join duty without insisting for a caste certificate. Her SC claim was dismissed by all the Courts right from the Munisiff's Court to the Hon'ble Supreme Court of India and also by the Government of Kerala. Suppressing these facts, she filed an OP and got the interim order of the High Court of Kerala and obtained a provisional caste certificate from the Tehasildar. The Hon'ble High Court disposed of the above said OP directing this office to permit her to continue in service till appropriate orders are passed by the Competent Authority and also ruled that the interim order to admit and continue her in the Deptt. would hold good till a final decision taken by the appropriate authority regarding the community certificate. The matter is pending with the SC/ST Development Department, Government of India, Secretariat, Trivandrum who is the authority to take decision in the matter.

1.22 Direction have been issued to all cadre Controlling authorities under CBEC that the officer dealing with appointment of new recruit should be well conversant with caste certificate. In case any complaint against the serving employees received same should be settled in time frame scheduled.

Comments of the Committee

1.23 The Committee have noted the status report of pending cases of false caste certificates. However, nothing has been mentioned about the action having been taken in regard to getting the stay vacated in cases pending in Courts and fixing a period for completing investigation by the State Government authorities. The Committee may be apprised of the same. The Committee also suggest that compliance report should be solicited from the cadre controlling authorities regarding appointment of officer who is well conversant with caste certificates to look after new recruits.

Recommendation (Sl. No. 13, Para No. 3.26)

1.24 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.

Reply of the Government

1.25 Recommendation of the Committee were forwarded to Directorate of Logistic with a request to submit their view on the issue. Directorate of Logistic collected the view of the field formation and forwarded to the Board and Board is taking active action on the same.

The suggestion received are as under:-

- (i) Remuneration equal to the total salary receivable by the deceased officer/staff till the time of his attainment of superannuation should be considered as compensation amount for the officer.
- (ii) The officer should be covered under insurance scheme so as to cover the loan liabilities of the officer.
- (iii) Financial support for the education of their children and for vocational training/courses for wives of deceased male officers to enable them to become employable.
- (iv) A system of granting ex gratia payment of Rs. 1 lakh in all the cases; and where it is not possible to give compassionate employment an additional amount of Rs. 5 lakhs may be given to the family; these measures could be linked with appropriate insurance schemes.
- (v) An amount of Rs. 8,000/- is paid to the family of deceased Govt. Servant and subsequently recovered from the terminal benefits , instead it may be adjusted from the Welfare Fund.
- (vi) A proposal for insurance scheme form Life Insurance Corporation has also been obtained for giving a cover to the departmental employees under a group insurance scheme which may be funded by the Welfare Fund. LIC proposal involves annual premium of approximately Rs. 8 crores for providing insurance cover for Rs. 3 lacs to all categories of employees and insurance for housing loan up to Rs. 6 lac , Rs. 5 lac , Rs. 3 lac and Rs 2 lac in case of employees of Group A,B,C and D respectively. LIC proposal is being examined for its feasibility/viability as it will involve regular annual out go from the Welfare Fund and consistency of inflow into the Welfare Fund is not predictable.

Comments of the Committee

1.26 The Committee are happy to note that the Government have acted on the lines of recommendations it made and that suggestions received are being examined by the Board. The Committee, therefore, urge the Government to take an early decision in the matter so that the pending cases of compassionate appointments are dealt with accordingly. The Committee may be apprised of the action taken in the matter within three months of the presentation of this report.

Recommendation (Sl. No. 18, Para No. 4.17)

1.27 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.

Reply of the Government

1.28 The status position of 12 cases pending in Customs House, Cochin and Customs House, Goa are as under:

The Customs House Cochin have reported that every steps have been taken to settle all 9 cases which are of seniority/promotion in nature and are pending in different courts. As regards 3 complaints which are pending in Customs House, Goa, the case pertaining to Preventive Officer has since been settled and other 2 cases are still pending in Mumbai High Court/Criminal Court. Directions have been issued to both the Commissionerates to take every steps for early settlement of these cases and compliance report thereof may be apprised to the Board for onward transmission to the Committee.

Comments of the Committee

1.29 The Committee observe that the status of 9 cases in Customs House, Cochin and 2 cases of complaints of Customs House, Goa, are still pending in different Courts/Criminal Court. The Committee urge the Government that the outcome of these cases should be sent to the Committee. The Committee would also like to know the action taken in regard to time schedule fixed for disposing of grievances/complaints of SC/ST employees.

Recommendation (Sl. No. 19, Para No. 4.18)

1.30 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.

Reply of the Government

1.31 As per report received from Jaipur Commissionerate, the complainant Superintendent was quite satisfactory by the action taken on his complaint. All the Cadre Controlling Authority under CBEC have been directed that while taking action against the complaint filed by SC/ST, the complainant should be fully satisfied by the action taken in this regard and action taken report of the same should be furnished to the Board to see that any injustice have not been done to the SC/ST employees.

Comments of the Committee

1.32 The Committee are not satisfied with the reply of the Government. The Committee had specifically desired that the details of action taken on complaints in case of all the cases be furnished to them. Instead, they have reported about a case pertaining to the Jaipur Central Excise Zone. The Committee appreciate that the Board have issued direction to all the Cadre Controlling Authority under CBEC to comply with the recommendation. The Committee reiterate that the status report and the nature of the action taken in various other cases of complaints/grievances in various Commissionerates as furnished earlier, should be furnished to the Committee within three months of the presentation of this report.

Recommendation (SI. No. 20, Para No. 4.27)

1.33 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.

Reply of the Government

1.34 All the cadre-controlling authorities have been directed that the disciplinary/vigilance cases wherein SC/ST officers have been implicated, the investigation should be carried out on the basis of the merit of the charges and there should be no delay in finalization of the same. As desired by the committee there is no change in the status position as apprised by the Board before the Committee in the case of Superintendent of Central Excise , Mumbai.

Comments of the Committee

1.35 The Committee appreciate that the Government have directed all the Cadre Controlling Authorities to carry out investigation in all disciplinary/vigilance cases wherein SC/ST officers are implicated on the basis of merit and not to delay the investigation process. However, the Committee are distressed that there is no change in the status of the case of the Superintendent of Central Excise, Mumbai. The Committee desire that the case should be dealt with expeditiously.

CHAPTER – II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No. 3, Para No. 2.21)

2.1 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.

Reply of the Government

2.2 Vacancies are shorted out in terms of the DOP&T's instructions and are passed on to recruiting agency for filling up the same. However direction have been issued to all cadre controlling authorities for strictly compliance of the recommendation in regards to shorting out the vacancy and forwarding the same to recruiting agency.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C 30013/54/2005 Ad IV A dated the 21st May, 2007]

Recommendation (Sl. No. 4, Para No. 2.24)

2.3 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 31st 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.

Reply of the Government

2.4 In SC category staff is in excess in Group B , C and D viz. 137 , 419 and 87 . However, there is a shortfall in ST category in Group B , C and D viz. 236 , 773 and 252. Direction has already been issued to all cadre-controlling authorities to fill up all shortfall vacancies on priority basis.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C 30013/54/2005 Ad IV A dated the 21st May, 2007]

Comments of the Committee

2.5 Please see Para No. 1.13 of Chapter – I.

Recommendation (Sl. No. 5, Para No. 2.25)

2.6 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.

Reply of the Government

2.7 All the Cadre Controlling Authorities have been requested for strictly compliance of the recommendations of the Committee.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Comments of the Committee

2.8 Please see Para No. 1.16 of Chapter – I.

Recommendation (Sl. No. 6, Para No. 2.35)

2.9 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.

Reply of the Government

2.10 All the Cadre Controlling Authorities have been requested for strictly compliance of the recommendations of the Committee.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Recommendation (Sl. No. 8, Para No. 3.6)

2.11 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.

Reply of the Government

2.12 One General category Candidates was promoted on de-reservation of SC vacancy in the grade of Cipher Assistant in Pune Commissionerate. This was done in consultation with the Ministry and the Liaison Officer as no SC candidates was available in Cipher Operator Grade which is the feeder cadre of Cipher Assistant. However direction have been issued to all cadre controlling authorities for strictly compliance of DOP&T OM dated 6.11.2003.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Recommendation (Sl. No. 9, Para No. 3.11)

2.13 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.

Reply of the Government

2.14 The direct recruitment is done by UPSC/SSC. Hence no pre-recruitment training is done. As regards promotion, where written examination is conducted, NACEN, Faridabad has been requested to conduct training program to SCs/STs officers.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Recommendation (Sl. No. 12, Para No. 3.18)

2.15 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.

Reply of the Government

2.16 Status report of the pending false caste certificate as reported by cadre controlling authority is as under:

Sl. No.	Name/Designation of the Officer	Latest position of the case
1.	S. Sarojini, Adm. Officer	The case is pending with the District Vigilance Committee which was formed by the State Government for conducting necessary verification and report. Periodically they are being reminded to send their final report (Coimbatore).
2.	M.K. Selvarajan, Inspector	Enquiry is being conducted by the District Collector cum Chairman, District Vigilance Committee, Namakkal District, Final report is awaited from the District Collector cum Chairman (Coimbatore).
3.	A. Murugesan, Supdt.	Writ Petition filed by the individual is pending with High Court, Madras (Coimbatore).
4.	G. Suseela, Tax Asstt.	Stay obtained by the officer from High Court, Madras, against the proceedings by Distt. Collector Salem (Coimbatore)
5.	M. Karupannan, Inspector S. Srivivasan, Tax Asstt.	Matter remanded back to the multi member District Vigilance Committee by the State Level Scrutiny Committee (Trichy Commissionerate).
6.	K. Kanagarajan, Inspector A. Srinivasan, Supdt. S. Elangovan, Supdt. S. Thirumalairaj, Supdt. P.Kalimuthu , JGO	Report from the concern District Collector awaited.
7.	S. Rajendran, Supdt S.N. Subburaj, Supdt. R. Rajendran, Supdt K. Subbulakshmi, Inspector	Under enquiry by the District Vigilance Committee Madurai/Trichy
8.	V.Shanmugaraj, Supdt. R. Parasuraman, Havaldar J. Rajan Babu, Inspector M. Pandeasawaran, Sepoy T. Palpakkiam, DOS V. Narayanan, STA C. Balakrishnan, Havildar	The District Vigilance has found that the community certificates was false. A charge memo has been issued and a personal hearing was fixed on 8.3.2007 by the Additional Commissioner (P&V), Madurai.

9.	P.Dharmar, Havildar	Shri P Dharmar, was appointed as Sepoy as Scheduled Tribe candidate belonging to Kattunayakkan community. In support his claim he has submitted a certificate issued from Nagapattinam Tahsildar. On enquiry District Collector, Nagapattinam has intimated that the individual does not belong to Kattunayakkan community and a certificate issued to <u>him has since been cancelled</u> . A charge sheet was issued on 30.1.2004. The individual got the stay <u>vide</u> order dated 25.2.2004. The Commissionerate has now informed that three member committee will enquire the matter and will submit the report. Report is still awaited.
10.	V. Asokan , Supdt	Shri Asokan declared himself belonging to Kondareddy Tribe at the time to his appointment for the post of Inspector. An investigation was made in his case and he was found to belong to Hindu Reddys community and not of Kondareddy community. Before issue of the charge sheet the officer filed a W.P. with High Court, Chennai and got stay order. The Court also directed that the Government should enquire afresh through State Caste Scrutiny Committee. At present the Secretary to the Government of Tamilnadu, Adi Dravida & Tribal is looking into the matter.
11.	N. Arumugam, Tax Asstt.	The Community Certificate sent for verification to District Collector, Tirunelveli during March 2001. RDO report dated 7.7.2001 addressed to District Collector, Tirunelveli recommended for cancellation of ST Certificate. District Vigilance Committee of Tirunelveli had sent two notices to the individual on 7.8.2001 and 31.12.2001 to appear before the Committee. As per the District Collector's report the individual has filed a Writ Petition in Madras High Court against the Show Cause Notice issued by the Committee. A letter from the District Committee, Tirunelveli served to the officer on 6.1.2006 directing to reply within 15 days. Further report from District Authority awaited.
12.	Thirumalraj, Supdt.	On 20.5.2002, District Authorities have intimated that the matter has been referred to RDO, Trichy for report. Reminder was sent to District Collector on 18.9.2003. Further report awaited from District Authority.
13.	S. Rajendran, Supdt.	Notice Na.Ka.6120/2000/D.9 dated 12.1.2006 received from the Chairman, District Level Vigilance Committee, Salem, directing the individual to appear before the District Authority on 20.1.2006. Outcome of the hearing still not received from the Committee. Accordingly a letter was addressed on 22.6.2006 and further reminder on 31.10.2006 sent to the District Level Vigilance Committee is sent requesting to report the outcome of the hearing.
14.	R. Murli , Inspector	Shri R. Murli was appointed as Inspector declaring himself as member of Hindu Kondareddy caste of scheduled tribe community. The verification of the community was initiated on 5.7.2000. The officer in person was appeared before the Chennai Collector on 12.12.2000. Later on he filed a WP No 1742/01 in the High Court at Chennai who referred the case to District Level Caste Scrutiny Committee. District Committee, Chennai has directed the individual to present his case in person on 20.10.2006. Report is still awaited.
15.	S. Ponnusamy, Supdt.	At the time of appointment as Inspector Shri Ponnusamy, declared that he belongs to Kurumans caste of scheduled tribe community. The verification of caste certificate was initiated on 20.2.1989 with District Collector Nilgiris. <u>Vide</u> order dated 4.2.1994 his caste certificate was cancelled and a charge Sheet was issued on 15.3.1994 imposing a major penalty under Rule 14 of CCS (CCA) Rules. The individual filed a WP in Chennai High Court who directed to proceed afresh by complying with the Supreme Court direction in the case of Madhuri Patil Vs Addl. Commissioner, Tribe Development (AIR 1995 SC 94). Verification report is still awaited. Chief Commissioner of Customs Preventive <u>vide</u> his D.O. letter dated 10.10.2006 has requested to Chief Secretary to Government of Tamilnadu to speed up the verification of community certificate.

16.	V. Annamalai, Supdt	At the time of appointment as Inspector Shri Annamalai declared himself that he belongs to Uraly caste of scheduled tribe community. The verification of the community certificate was conducted on 14.7.1983 and the certificate was cancelled by District Collector, Salem. A charge sheet was issued on 28.5.1999 proposing a major penalty under Rule 14 of CCS (CCA) Rules. The officer appealed before the High Court Chennai and obtained stay <u>vide</u> order dated 26.3.1999. Later on, two member bench of High Court of Chennai quashed the single bench order and directed to review the case by three member committee appointed by State Government. The committee directed the individual to present in person on 20.1.2006. The report is still awaited.
17.	Ashok Rani	At the time of appointment as Examiner in this Customs House, Smt. Ashok Rani had produced a caste certificate issued by the Tehasildar provisionally on the basis of direction of the Hon'ble High Court of Kerala in OPNo. 9590/92 and CMP No.6678/92.
18.	Smt. K.S. Kanthi	Smt. K.S. Kanthi a candidate sponsored by SSC was found eligible for appointment as LDC in this Customs House in the reservation quota available to the SCs. As she failed to furnish the caste certificate. She was not allowed to join duty. The caste certificate was not issued by the Tehasildar, Ottapalam on the grounds that she does not belong to SC. Against this, she filed an OP No. 4829/1996 before Hon'ble High Court of Kerala. As per the interim order of the Hon'ble High Court of Kerala, she was permitted to join duty without insisting for a caste certificate. Her SC claim was dismissed by all the Courts right from the Munisiff's Court to the Hon'ble Supreme Court of India and also by the Government of Kerala. Suppressing these facts, she filed an OP and got the interim order of the High Court of Kerala and obtained a provisional caste certificate from the Tehasildar. The Hon'ble High Court disposed of the above said OP directing this office to permit her to continue in service till appropriate orders are passed by the Competent Authority and also ruled that the interim order to admit and continue her in the Deptt. would hold good till a final decision taken by the appropriate authority regarding the community certificate. The matter is pending with the SC/ST Development Department, Government of India, Secretariat, Trivandrum who is the authority to take decision in the matter.

2.17 Direction have been issued to all cadre Controlling authorities under CBEC that the officer dealing with appointment of new recruit should be well conversant with caste certificate. In case any complaint against the serving employees received same should be settled in time frame scheduled.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Comments of the Committee

2.18 Please see Para No. 1.23 of Chapter – I.

Recommendation (Sl. No. 13, Para No. 3.26)

2.19 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.

Reply of the Government

2.20 Recommendation of the Committee were forwarded to Directorate of Logistic with a request to submit their view on the issue. Directorate of Logistic collected the view of the field formation and forwarded to the Board and Board is taking active action on the same.

The suggestion received are as under:-

- (i) Remuneration equal to the total salary receivable by the deceased officer/staff till the time of his attainment of superannuation should be considered as compensation amount for the officer.
- (ii) The officer should be covered under insurance scheme so as to cover the loan liabilities of the officer.
- (iii) Financial support for the education of their children and for vocational training/courses for wives of deceased male officers to enable them to become employable.
- (iv) A system of granting ex gratia payment of Rs. 1 lakh in all the cases; and where it is not possible to give compassionate employment an additional amount of Rs. 5 lakhs may be given to the family; these measures could be linked with appropriate insurance schemes.
- (v) An amount of Rs. 8,000/- is paid to the family of deceased Govt. Servant and subsequently recovered from the terminal benefits , instead it may be adjusted from the Welfare Fund.
- (vi) A proposal for insurance scheme form Life Insurance Corporation has also been obtained for giving a cover to the departmental employees under a group insurance scheme which may be funded by the Welfare Fund. LIC proposal involves annual premium of approximately Rs. 8 crores for providing insurance cover for Rs. 3 lacs to all categories of employees and insurance for housing loan up to Rs. 6 lac , Rs. 5 lac , Rs. 3 lac and Rs 2 lac in case of employees of Group A,B,C and D respectively. LIC proposal is being examined for its feasibility/viability as it will involve regular annual out go from the Welfare Fund and consistency of inflow into the Welfare Fund is not predictable.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Comments of the Committee

2.21 Please see Para No. 1.26 of Chapter – I.

Recommendation (Sl. No. 14, Para No. 4.8)

2.22 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.

Reply of the Government

2.23 Direction have been issued to all cadre controlling authorities that liaison officer appointed should be well versed with reservation rules and sufficient staff should be provided for assistance of the Liaison officer. All the Liaison Officers of Commissionerates should work in close coordination with the Liaison Officer at Head Office.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Recommendation (Sl. No. 15, Para No. 4.9)

2.24 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.

Reply of the Government

2.25 As per guidelines contained in Para 5 (f) of O.M.No 02/10/80-JCA (Vol iv) dated 5th November 1993 no service association can be recognized on the basis of Caste, Tribes or religion denomination , hence no such Association are recognized by DOP&T. However all cadre controlling authorities have been directed to hold periodic meeting with the SC/ST employees Welfare Association to sort out problem/ grievances relating to reservation policies and minutes of the meeting should be circulated to all concern including SC/ST Welfare Association.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Recommendation (Sl. No. 16, Para No. 4.10)

2.26 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.

Reply of the Government

2.27 As per guidelines contained in Para 5 (f) of O.M.No 02/10/80-JCA (Vol iv) dated 5th November 1993 no service Association can be recognized on the basis of Caste, Tribes or religion denomination , hence no such Association are recognized by DOP&T. However all cadre controlling authorities have been directed to give special attention to the grievances submitted either through Liaison Officer or through SC/ST Employees Welfare Association to sort out the same in time frame manner.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Recommendation (Sl. No. 17, Para No. 4.16)

2.28 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.

Reply of the Government

2.29 All cadre controlling authorities have been directed that a separate register for recording complaint from SCs/STs should be maintained and same should be monitored by a senior officer periodically to see that all complaints/grievances are addressed properly and there is no laxity on the part of Liaison Officers.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Recommendation (SI. No. 20, Para No. 4.27)

2.30 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.

Reply of the Government

2.31 All the cadre-controlling authorities have been directed that the disciplinary/vigilance cases wherein SC/ST officers have been implicated, the investigation should be carried out on the basis of the merit of the charges and there should be no delay in finalization of the same. As desired by the committee there is no change in the status position as apprise by the Board before the committee in the case of Superintendent of Central Excise, Mumbai.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Comments of the Committee

2.32 Please see Para No. 1.35 of Chapter – I.

CHAPTER – III**RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT****Recommendation (Sl. No. 2, Para No. 2.11)**

3.1 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.

Reply of the Government

3.2 All Cadre Controlling Authorities under CBEC have reported none of the SCs/STs officers have been deprived of promotion on account of disciplinary proceedings. Disciplinary cases against SC/ST officer are processed in fair and speedy manner.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C 30013/54/2005 Ad IV A dated the 21st May, 2007]

Comments of the Committee

3.3 Please see Para No. 1.10 of Chapter – I.

Recommendation (Sl. No. 10, Para No. 3.12)

3.4 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.

Reply of the Government

3.5 On receipt of the requisition, application are invited from all eligible and willing candidates of the field formation. On scrutinizing, name of the eligible candidates are submitted for the recommendation of Chairman (CBEC) and thereafter sponsored to the concern institution/department. Hence due opportunity are provided to SCs/STs officer. All cadre controlling authorities under CBEC have been directed for strictly compliance of recommendation of Committee.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Recommendation (Sl. No. 11, Para No. 3.16)

3.6 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.

Reply of the Government

3.7 On receipt of the requisition, application are invited from all eligible and willing candidates of the field formation. On scrutinizing, name of the eligible candidates are submitted for the recommendation of Competent Authority and thereafter sponsored to the concern institution/department. Hence due opportunity are provided to SCs/STs officer. All cadre controlling authorities under CBEC have been directed for strictly compliance of recommendation of Committee.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Recommendation (Sl. No. 21, Para No. 4.28)

3.8 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.

Reply of the Government

3.9 All cadre controlling authorities have been apprised by the recommendation of the Committee and have been directed that the cases in which SCs/STs employees have been implicated the proceeding of the same should be fair and speedy. As reported, the status report of such pending cases is as under:-

Sl. No.	Concern Commissionerate	Remarks
1.	CCC, Bangalore	<p>1) Shri K.H.Nayak, Supdt. was charged sheeted for not discharging the duty properly as Supdt. C. Excise, Mangalore. IO/PO has since been appointed.</p> <p>Shri Muni Narain, Sepoy was charged sheeted for unauthorized absent from duty. The matter has since been settled.</p> <p>Shri T.M. Gopinath, Appraiser was charged sheeted for not performing his duty properly. IO/PO has been appointed. The inquiry is in process.</p> <p>Shri S. Ganashanker, Havldar was charged sheeted for unauthorized absence from duty. IO/PO has been appointed. The matter is likely to be finalized shortly.</p>
2.	CCCE, Vacorara	1) Disciplinary proceeding against 2 SC officers are pending in Vadadora-I Comm'te. Directions have been issued to finalizing of the proceedings.
3.	CCCE, Nagpur Zone	<p>In Nagpur Comm'te Out of 11 disciplinary cases pending in the Comm'te, 1 SC and 1 ST officer are involved. Directions have been issued to Inquiry Officer to expedite the inquiry and submit the report.</p> <p>In Aurangabad Comm'te, 1 disciplinary case is pending who was due for promotion. The officer was initially suspended on 20.8.1996 The officer was again suspended subsequent to CBI trap in which he was caught re handed while accepting illegal gratification.</p>
4.	CCCE, Shillong	<p>Shri P.R. Doley, Inspector(ST) was suspended on 1.2002. Charge sheet was issued on 6/2003. The case is under process of decision.</p> <p>Shri D.P.Hoakip, T.A(ST) was suspended on 1.8.2000. Charges Sheet was issued on 9/2004. Report for inquiry officer is still awaited.</p> <p>Shri. D.C.Das, T.A(SC) was suspended on 11.5.94. Charge sheet was issued on 8.7.96. Police filed a criminal case against him. The case is pending for want of Hon'ble High Court Guwahati final judgement.</p>
5.	CCC, Ahmedabad	<p>In Jamnagar Comm'te, disciplinary case for major penalty against 1 SC & 1 ST officer is pending . Charge sheets were issued on 8.11.06 &13.6.06 respectively. The inquiry is still pending with Inquiry Officer. The case will be decided after following the due procedures.</p> <p>In Kandela Comm'te, a charge sheet has been issued against SC officer under rule 14 of CCS(CCA) 1965. IO/PO has been appointed. Inquiry report is awaited.</p>
6.	CCCE, Chandigarh	3 SC/ST officers involved in disciplinary cases. Directions have been issued for early settlement of the disciplinary cases.
7.	CCCE, Cochin	A proceeding for major penalty against Shri. K.Sasanken, LDC for unauthorized absence from duty from 16.5.02 onward is in progress. Exparte oral inquiry proceedings were conducted. Inquiry report have been received and the same was communicated to him. As Shri Sasankan claimed that he did not attend office due to illness; is has been decided to constitute a Medical Board and have him examined. Action in this regards is in progress.

8.	CCC, Cochin	Shri T.K.Haridass got appointment against ST category as P.O. On verification of ST certificate, the caste indicated in the certificate is covered under OBC. Accordingly, charge sheet was issued on 24.7.95. Shri. Haridass has filled as O.P 12046/95 dated 28.7.95 in the High Court of Kerala. The outcome of the O.P is awaited.
9.	CCCE, Mumbai-II	Shri. U.R Dabhol , Supdt. was suspended on 29.11.96 and was revoked on 18.3.97. He was charge sheeted on 19.2.2001. IO/PO were appointed and were changed twice either on account of retirement or other problem. As per latest position, document in original were forwarded to CBEC/D.G Vig for 2 nd stage advice as Gr. A officer was involved in the same case. The personal hearing was granted to Shri. Dabhol by I.O but were postponed due to ill health of Shri Dabhol or non-availability of Legal Assistant.
10.	CCCE, Meerut	1SC Inspector has not been promoted to the grade of Supdt. because he was facing a prosecution case in the Court of Law, initiated by Economic Offences Wing of U.P Police. Recommendation for his ad hoc promotion were not found acceptable. EOW of the State Police or the Cadre Controlling Authority.
11.	CCCE, Coimbatore Zone	At present , 3 cases with reference to employment on the basis of false caste certificate are pending disposal at this Commissionerate. All these three cases are pending with the respective District Collectors cum chairman , State Level Vigilance committee for conducting necessary verification. The final report on the verification conducted is yet to be received from them. Periodical reminders have been sent for expediting the verification/inquiry. Presently, no case is pending with Courts relating to the above certificates.
12.	CCCE, Bangalore Zone	As on date, disciplinary cases are pending against 2 SC officers. These cases are pending for more than 6 months but less than one Year and are likely to be settled shortly.
13.	CCCE , Mumbai-II	There is only one disciplinary case pending against one Superintendent belonging to SC Category in this Commissionerate for conducting motivated raids during the year 1996 without proper authorization of appropriate authority. The Hon'ble CAT , Mumbai vide order dated 3.11.2006 has set aside the Charge Sheet dated 19.9.2001 . However, this Commissionerate in consultation with the Ministry of Law, Branch Secretariat, Mumbai is examining the possibility of filing appeal against the said order before Hon'ble High Court, Mumbai. It may be mentioned that the Charged Officers had deliberately avoided the personal hearing fixed by the Inquiry Officer under some pretext or other.
14.	Dir. Of Date Management, Customs and Central Excise	There is only one case pending from September 2006, which is likely to be settled shortly.
15.	CCCE, Ahmedabad	7 cases are pending against SC/ST employees. Efforts are being made to ensure that the cases are disposed off at the earliest.
16.	CCX , Patna	Disciplinary cases are being taken up for disposal as per relevant Rules/ Regulations in this regard. There 15 cases of disciplinary cases against SC/ST officers are pending for disposal. Out of which 2 cases are pending with Ministry.
17.	CCCX, Bhopal Zone	(i) At present only one disciplinary case is pending. As soon as reply from the Charged Officer is received the case will be finalized. (Indore Commissionerate) . (ii) Three disciplinary cases in respect of officers belonging to SC/ST category are pending which are under process of finalization (Bhopal Commissionerate). (iii) Only one disciplinary case in respect of officers belonging to SC/ST category is pending which is under process of finalization (Raipur Commissionerate.)

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

CHAPTER – IV**RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION****Recommendation (Sl. No. 1, Para No. 1.8)**

4.1 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.

Reply of the Government

4.2 The post of Chairman and Member in CBEC/CBDT are filled up by selection process in accordance with the Recruitment Rules notified for these posts (Annexure-I). Applications are invited from all eligible and willing Chief Commissioners level officers of Indian Customs and Central Excise Services for the posts of Members and from Members for the posts of Chairman in the Board. All officers, including those from SC/ST community, who fulfill the eligibility criteria prescribed in recruitment rules are considered for selection for the posts of Chairman and Members by the Selection Committee. The appointment as Chairman/Member of the Board are finalized on the basis of the

recommendation of Selection Committee. These posts are filled by “Selection” method and not by promotion. There is reservation for SC/ST category in the lowest rank of Group ‘A’ post only.

[Vide Ministry of Finance, Department of Revenue’s O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Comments of the Committee

4.3 Please see Para No. 1.7 of Chapter – I.

Recommendation (Sl. No. 19, Para No. 4.18)

4.4. 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.

Reply of the Government

4.5 As per report received from Jaipur Commissionerate, the complainant Superintendent was quite satisfactory by the action taken on his complaint. All the Cadre Controlling Authority under CBEC have been directed that while taking action against the

complaint filed by SC/ST, the complainant should be fully satisfied by the action taken in this regards and action taken report of the same should be furnished to the Board to see that any injustice have not been done to the SC/ST employees.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Comments of the Committee

4.6 Please see Para No. 1.32 of Chapter – I.

CHAPTER – V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT HAVE NOT BEEN RECEIVED

Recommendation (Sl. No. 7, Para No. 2.36)

5.1 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 31st 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 31st December, 2005.

Reply of the Government

5.2 As on 1.7.2004 , 930 vacancies were identified as back log vacancies reserved for SCs/STs. Later on these vacancies were reduced to 818 as 112 vacancies were abolished while abolishing 2800 posts as directed by Screening Committee. The status report is as under:

Vacancies already field		Vacancies yet to be filled	
Inspector	449	Inspector	1
Tax Assistant	192	Driver Gr.III	1
Post of Junior Hindi Translator, Driver Gr.III Steno Gr. III , O.T.C.	22	Steno Gr. III	28
Sepoy/Safaiwala	74	Sepoy/Safaiwala	51

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Comments of the Committee

5.3 Please see Para No. 1.19 of Chapter – I.

Recommendation (Sl. No. 18, Para No. 4.17)

5.4 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.

Reply of the Government

5.5 The status position of 12 cases pending in Customs House, Cochin and Customs House , GOA are as under:

The Customs House Cochin have reported that every steps have been taken to settle all 9 cases which are of seniority/promotion in nature and are pending in different courts. As regards 3 complaints which are pending in Customs House, GOA, the case pertaining to Preventive Officer have since been settled and other 2 cases are still pending in Mumbai High Court/Criminal Court. Direction have been

issued to both the Commissionerates to take every steps for early settlement of these cases and compliance report thereof may be apprised to the Board for onward transmission to the Committee.

[Vide Ministry of Finance, Department of Revenue's O.M. F.No.C30013/54/2005 Ad IV A dated the 21st May, 2007]

Comments of the Committee

5.6 Please see Para No. 1.29 of Chapter – I.

**New Delhi;
March, 2008**

Phalguna, 1929 (Saka)

**RATILAL KALIDAS VARMA
Chairman
Committee on the Welfare
of Scheduled Castes and
Scheduled Tribes**

APPENDIX – I

MINUTES

**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2007-2008)**

(FOURTEENTH LOK SABHA)

NINTH SITTING

(28.12.2007)

The Committee sat from 1100 to 1200 hrs.

PRESENT

Shri Ratilal Kalidas Varma - Chairman

MEMBERS – LOK SABHA

2. Shri S. Ajaya Kumar
3. Shri Kailash Baitha
4. Dr. Tushar A. Chaudhary
5. Shri Kailash Meghwal
6. Shri Jual Oram
7. Shri Virchandra Paswan
8. Shri Chengara Surendran
9. Shri Vanlalawma

MEMBERS – RAJYA SABHA

10. Shri Krishan Lal Balmiki
11. Shri Sharad Anantrao Joshi
12. Shri Mahendra Sahn
13. Shri Jesudas Seelam
14. Miss Anusuiya Uikey
15. Shri Nandi Yellaiah

SECRETARIAT

1. Shri P.K. Misra, Joint Secretary
2. Shri Gopal Singh, Director
3. Smt. Maya Lingi, Under Secretary

At the outset, the Hon'ble Chairman welcomed the Hon'ble Members of the Committee. The Committee then considered the draft report on Action taken by the Government on the recommendations contained in the Twelfth Report (14th Lok Sabha) of the Committee on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Excise and Customs (CBEC)" and adopted the same. The Hon'ble Chairman also desired that Members could send their suggestions if any, to be incorporated in the draft report.

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

3. The Committee also discussed the matter in regard to assurances given by the Management of certain Public Sector Undertakings/Banks/State Governments/UTs during their on-the-spot study tours to various places from time to time. The Committee expressed their displeasure that such assurances are generally not fulfilled by them. The Committee, therefore, unanimously decided that, in future, if the assurances given by these organisations are not fulfilled their representatives be called before the Committee for explanation.

The Committee then adjourned.

APPENDIX II
(Vide Para 4 of Introduction)

Analysis of Action Taken by the Government on the recommendations contained in the Twelfth Report (Fourteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.	
1.	Total number of recommendations.....21
2.	Recommendations/observations which have been accepted by the Government (vide recommendations Sl. Nos. 3, 4, 5, 6, 8, 9, 12, 13, 14, 15, 16, 17 and 20)
	Number.....13
	Percentage to the total.....62%
3.	Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government (vide recommendations Sl. Nos. 2, 10, 11 and 21)
	Number.....4
	Percentage to the total.....19%
4.	Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (vide recommendations Sl. Nos. 1 and 19)
	Number2
	Percentage to the total.....9.5%
5.	Recommendations/Observations in respect of which final replies of the Government have not been received (vide recommendations Sl. Nos. 7 and 18)
	Number.....2
	Percentage to the total.....9.5%

