

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

**(FOURTEENTH LOK SABHA)
TWENTY-NINTH REPORT**

ON

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)**

**“Situation arising out of the employment secured
on the basis of false caste certificates”**

Presented to Lok Sabha on 19.3.2008

Laid in Rajya Sabha on 19.3.2008

**LOK SABHA SECRETARIAT
NEW DELHI**

March, 2008 /Phalguna, 1929 (Saka)

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

Shri Ratilal Kalidas Varma - Chairman

MEMBERS – LOK SABHA

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2. Shri P.K. Misra - Joint Secretary
3. Shri Gopal Singh - Director
4. Ms. J.C. Namchyo - Deputy Secretary
5. Shri Joginder Singh - Committee Officer

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-ninth Report (Fourteenth Lok Sabha) on the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel and Training) - "Situation arising out of the employment secured on the basis of false caste certificates".

2. The Committee took evidence of the representatives of the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel and Training) on 12th February, 2007. The Committee wish to express their thanks to the officers of the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel and Training) for placing before the Committee the material and information the Committee required in connection with the examination of the subject.

3. The Report was considered and adopted by the Committee on 13th March, 2008.

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

**New Delhi;
March, 2008**
Phalguna, 1929 (Saka)

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

CHAPTER – I
CONSTITUTIONAL PROVISIONS

A. Safeguards for Scheduled Castes and Scheduled Tribes

1.1 The Constitution of India has provided several safeguards for social, economic and educational development of Scheduled Castes and Scheduled Tribes. The following are the provisions of the Constitution which safeguard the interests of the Scheduled Castes and Scheduled Tribes:-

Article 15(4): Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

Article 16(4): Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

Article 16(4A): Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which in the opinion of the State, are not adequately represented in the services under the State.

Article 16(4B): Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.

Article 17: Abolition of untouchability - “Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.

Article 25(2)(b): Nothing in this article shall affect the operation of any existing law or prevent the State from making any law – providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Article 46: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections - The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Article 243(D)(1): Reservation of seats – Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

Article 330 (1): Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People - Seats shall be reserved in the House of the people for the Scheduled Castes, the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam and the Scheduled Tribes in the autonomous districts of Assam.

Article 332(1): Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States - Seats shall be reserved for the Scheduled

Castes and the Scheduled Tribes, except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State.

Article 332(3): The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

Article 335: Claims of Scheduled Castes and Scheduled Tribes to services and posts - The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State:

Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matter of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.

1.2 When enquired whether the above provisions of the Constitution are adequate to safeguard the interest of SCs and STs and whether there is further need to include more provisions in the Constitution, the Ministry of Personnel, Public Grievances and Pensions [Department of Personnel and Training (DOP&T)] in their post-evidence notes have stated that provisions contained in the Constitution regarding welfare of the Scheduled Castes and Scheduled Tribes have effectively been used by the Government to improve the lot of SCs and STs. In case of any difficulty in meeting the needs of weaker sections, the Constitution can be amended, as has been done in the past from time to time. As and when need is felt

for inclusion of more provisions in the Constitution for the safeguard of interests of SCs and STs, necessary steps are taken by the Government. It is, however, felt that the existing provisions of the Constitution are sufficient to safeguard the interests of the SCs and STs.

1.3 In reply to a question whether the Government have succeeded in their aim to uplift the SCs and STs in the light of these provisions, the Ministry have informed through their post-evidence reply that the provisions of the Constitution have enabled the State to bring the SCs and STs into mainstream of the country. In pursuance of these provisions, the SCs and STs are getting reservation in services, educational institutions, Parliament, Legislative Assemblies, Panchayats; special programmes are prepared for their welfare; untouchability has been abolished, etc.

B. Representation of SCs/STs in Services

1.4 The Committee have been informed that as a result of reservation in services of the Government of India, representation in Groups A, B, C and D posts of SCs as on 1.1.2005 has increased approximately to 11.9%, 13.7%, 16.4% and 18.3%, respectively and the representation of STs has increased approximately to 4.3%, 4.5%, 6.5% and 6.9%, respectively. Efforts of the Government are to ensure that representation of SCs and STs in any cadre should be at least equal to the quantum of reservation prescribed for them in that cadre.

1.5 The Committee have also been informed that as per information received from the Ministries/Departments, group-wise representation of SCs and STs as on 1.1.2005 in the

services under the Central Government is given as under:

GROUP	TOTAL	SCs	%	STs	%
A	80589	9551	11.9	3448	4.3
B	139958	19194	13.7	6230	4.5
C	2036103	333708	16.4	131678	6.5
D (Excluding Sweepers)	767224	140469	18.3	53032	6.9
Sweepers	81174	48067	59.2	4012	4.9
Total (Excluding Sweepers)	3023874	502922	16.63	194388	6.43
Total (Including Sweepers)	3105048	550989	17.74	198400	6.39

Note: It does not include information in respect of two Ministries.

The Committee have further been informed that each State/UT has its own reservation policy. As such, data in respect of States/UTs is not maintained centrally.

1.6 In regard to non-fulfilment of prescribed percentage of reservation and reasons thereof, the Ministry have explained that some posts reserved for SCs and STs remain vacant for reasons like non-availability of suitable candidates belonging to these categories. Sometimes SC/ST candidates appointed to a post, leave the post when they get better opportunities elsewhere. There is also generally a time gap between occurrence of vacancies and filling up thereof. In order to ensure that posts reserved for SCs/STs are filled by candidates belonging to these categories only, various relaxations/concessions are given to them like relaxation of 5 years in upper age limit in case of direct recruitment, exemption from payment of examination fee, relaxation in the qualification relating to experience in case of direct recruitment, assessment of SC and ST candidates by relaxed standards, etc. There is a ban on dereservation of reserved vacancies in case of direct recruitment. Scheduled Caste/Scheduled Tribe candidates are also given pre-examination training to increase their employment potentialities in posts filled through various competitive examinations. There is no restriction on employment of SCs and STs beyond the reservation prescribed for them. In

fact the SC/ST candidates selected on their own merit are not counted against reserved vacancies and are adjusted against unreserved vacancies. The Government also conducts Special Recruitment Drives to fill up the backlog reserved vacancies of SCs and STs. The last such Drive was launched in the year 2004. More than 53,000 vacancies have been filled during that Drive.

1.7 The Committee note that numerous provisions have been made in the Constitution of India for safeguarding the interest of Scheduled Castes and Scheduled Tribes. In pursuance of these provisions, the Scheduled Castes and Scheduled Tribes are getting reservation in services, Educational Institutes, Parliament, Legislative Assemblies, Panchayats and several special programmes are prepared for their welfare. According to the Government, the existing provisions of the Constitution are sufficient to safeguard the interest of the Scheduled Castes and Scheduled Tribes and these provisions have enabled the State to bring them into the mainstream of the country. The Committee agree that the provisions contained in the Constitution have enabled the state to bring the SC/ST people to the mainstream. While it is true that the representation of SC/ST people is found in services, Educational Institutes, Parliament, Legislative Assemblies and Panchayats, it is also true that the representation of SC/ST people in services and educational institutes has not been adequate and in proportion to their population. According to the information submitted to the Committee, as on 01.01.2005, representation in Group A, B, C and D posts of Scheduled Castes was approximately 11.9%, 13.7%, 16.4% and 18.3%, respectively whereas the representation of Scheduled Tribes was 4.3%, 4.5%, 6.5% and 6.9% respectively of the total population. If these figures include people who could get appointed on the basis of 'false caste certificates', the percentage of representation of SC/ST would be lesser than what is claimed by the Government. The Committee regret to point out that even after lapse of more than 57 years since the

Constitution came into existence, the Government have not been able to fully achieve the prescribed percentage of reservation for Scheduled Castes and Scheduled Tribes in services of the Government of India except for Scheduled Castes in Group C and D posts. The Committee also regret to note that the above information is as on 1.1.2005 and that it does not include the information in respect of two Ministries. The Committee would definitely like to know the names of the two Ministries and the reasons why they could not furnish the information.

1.8 The argument of the Ministry that the posts reserved for SCs/STs remain vacant due to non availability of suitable candidates is not at all convincing. The Committee are of the firm view that there is no dearth of qualified SC/ST candidates who are still jobless for want of opportunities. The main hindrance the Committee feel is the lack of zeal on the part of implementing authorities who are not able to give adequate publicity to such posts in SC/ST inhabited areas. The Committee further observe that although the Government have launched Special Recruitment Drives yet they have not been able to achieve the desired results to the optimum satisfaction of these communities. The Committee, therefore, strongly recommend that concerted efforts should be made by the Government to work towards fulfilling the prescribed percentage of reservation for Scheduled Castes and Scheduled Tribes in all categories of posts in Central Ministries/Departments/ PSUs within a time frame.

1.9 The Committee are not happy with the reply of DOP&T in regard to information sought of the States/UTs. It has been stated by them that the States/UTs have their own reservation policy and data in this respect is not maintained centrally. The Committee feel that if they had any inclination, the information could have been obtained from States/UTs and provided to the Committee. The Committee feel that if there is no mechanism at the central level to monitor/get information with regard to States/UTs, how could it be known as to what extent the benefits enshrined in the

Constitution have reached the SC/ST population of the country. The Parliament is a representative body of the country and Members of Parliament serving in the Committee are representatives of the people and are expected by the people to watch the interest of the Scheduled Castes and Scheduled Tribes. Therefore, the Committee are of the firm view that it is the bounden duty of the Union Government to see that reservation provisions and welfare measures for SCs/STs are implemented throughout the country in letter and spirit. The Committee, therefore, recommend that to have an overall view of representation of SCs/STs in the services under the State not only at the central level but also at State/UT level, the DOP&T should collect information regularly and maintain data in this regard.

CHAPTER – II

OBJECTIVE AND PROCEDURE FOR ISSUE OF CASTE CERTIFICATES

A. Issuance of Caste Certificates

2.1 The Committee have been informed that the main objective of issuance of caste certificate is to facilitate access of bonafide candidates belonging to SCs and STs to the reserved posts and services under the State and other facilities provided by the State to them. It has also been informed that on the basis of caste certificates, large number of Scheduled Caste and Scheduled Tribe candidates have been able to secure employment in Government establishments, PSUs, Banks, autonomous bodies, etc.; secure admissions to educational institutions; and get other facilities provided by the Government to the members of Scheduled Castes and Scheduled Tribes.

2.2 The Committee have also been informed that the Caste certificates are issued by the agencies of the concerned State Governments. Each State Government/UT Administration has laid down its own procedure for issuance of certificates. However, the Central Government accepts the certificates issued only by the following authorities:

- (a) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/Ist Class stipendiary Magistrate/Sub Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner;
- (b) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate;
- (c) Revenue Officer not below the rank of Tehsildar; and
- (d) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

2.3 In reply to a question regarding points/factors taken into account while issuing caste certificates, the Committee have been informed that the certificate issuing authority should verify and ensure that:

- (i) the caste or the tribe to which the candidate claims to belong to is included in the Presidential Orders issued from time to time under Articles 341 and 342 of the Constitution;
- (ii) the candidate belongs to the said caste/tribe; and
- (iii) the candidate ordinarily resides in the concerned State or part of that State etc.

(The term 'ordinarily resides' has the same meaning as in section 20 of the Representation of Peoples Act, 1950).

2.4 The Committee have also been informed that language of the certificate is decided by the concerned State Government. In regard to the procedure adopted for verification of antecedents and claims of the applicants, it has been stated that States/UTs have their own procedure for verification of antecedents and claims of the applicants to belong to a Scheduled Caste/Scheduled Tribe including ascertainment of the permanent abode of the candidates.

2.5 While deposing before the Committee, the Secretary, DOP&T stated on the issue as under:

"We have given here a list which shows which officer is competent to issue caste certificates. When appointments are made by the different Departments of the Government, certificates issued by these officers are treated as valid. We have directed that the certificates should be scrutinized carefully. Despite this, if any complaint or information through some other sources is received that an employee has entered into the service on the basis of false caste certificate, then the Ministry/Department concerned is requested to take action against him.... If a person is appointed on the basis of false caste certificate then the responsibility to take action lies on the Ministry/Department/State Government concerned. Besides, if a caste certificate is issued by a District Magistrate or Tehsildar, Deputy Collector or SDO under the State Government then for taking action against him is the responsibility of the State Government".

2.6 When asked whether a uniform procedure should not be followed for issue of caste certificate by all State Governments/UTs, the Ministry in their post-evidence reply stated that each State Government/UT administration is competent to decide the procedure for issue of caste certificate. It is for the State Governments to ensure that the persons not belonging to SCs and STs are not able to procure certificates.

2.7 In reply to a query as to whether the language of caste certificate should not be in national language only, the Ministry informed that the certificates are issued either in Hindi or

English or the official language of the concerned State. It may, therefore, not be advisable to insist that the certificate should be in any particular language(s) only. It has further been stated that the caste certificates issued by a State Government in its official language may be accepted and wherever needed, the appointing authority may get the certificate translated into English or Hindi.

2.8 The Committee appreciate that a large number of SC/ST candidates have been able to obtain employment in Government establishments, Banks, PSUs and autonomous bodies, secure admissions in educational institutions against the seats reserved for them on the basis of caste certificates issued to them. The SC/ST people in possession of caste certificates are also availing themselves of other facilities provided by the State.

2.9 The Committee also note that the responsibility of issuing caste certificate is of the agencies of the State Governments and as such, each State has laid down its own procedure for issuance of caste certificates. The language of the certificate is also decided by the State Governments/UTs and certificates are issued either in Hindi or English or the official language of the concerned State. While deposing before the Committee, the Secretary, DOP&T had also stated that the responsibility of issuing and verifying of caste certificate vests with concerned State Government and the appointing authority (Central Government) and absolved his Ministry from any responsibility in this regard. It is, therefore, concluded that the issue and verification of caste certificates are the concern of the State Governments and the appointing authorities have to satisfy themselves that the caste certificates submitted are duly verified and issued by some designated officers of the State Governments. The role of the DOP&T is limited to issuance of guidelines on the subject

2.10 The Committee, however, are not satisfied with the present arrangement as some unscrupulous people have been effortlessly taking advantage of some lacunae

in the existing system of issuance and verification of caste certificates. These people, though not belong to SC/ST category, have been able to get into reserved seats in jobs, educational institutions and to have access to different schemes meant for SCs and STs on the basis of false certificates. This makes a mockery of the existing system as genuine SC/ST people are deprived of their rightful claim in employment, educational institutions, schemes, etc. This act is nothing short of a criminal offence. The Committee are distressed to observe that the Central and the State Governments have not been able to stop the malpractice either due to their limited resources or because of a casual approach towards the problem. In such a situation, the role of the nodal Ministry becomes all the more important as it needs to find ways and means to tackle the problem and to take effective steps to strengthen the system. The Committee, therefore, recommend that DOP&T should examine the matter afresh in consultation with concerned Ministries/Departments as also the State Governments so as to strengthen and make the system foolproof. After examining the matter, detailed uniform guidelines clearly specifying the precise role and responsibilities of Central Ministries/Departments as also that of States in the matter of issue and verification of caste certificates should be issued. The Committee also recommend that DOP&T should ensure that there is uniformity in the wording of the certificate and that caste certificate is issued, besides the official language, if any, of the States either in English or Hindi.

B. Scrutiny and verification of caste certificate

2.11 Asked when was it decided that issue of caste certificates would be necessary for SCs and STs to obtain services and other facilities provided to them by the State, the Ministry in their post-evidence note have stated that the instructions contained in the Ministry of Home Affairs' O.M. No.42/21/49-NGS, dated 28th January, 1952 (Appendix-I) inter-alia

provided that the claims of candidates to belong to the Scheduled Caste or Scheduled Tribe will ordinarily be verified by the appointing authority through the District Magistrate of the place where such persons and/or their families ordinarily reside. At the discretion of the Selecting/Appointing authority, the following were also accepted as sufficient proof of the claims:

- (a) Matriculation or School Leaving Certificate or birth certificate giving the caste or community of the candidate and place of residence in original or a copy thereof duly attested by a Gazetted Officer of the Central or State Government.
- (b) Certificate issued by a Gazetted Officer of the Central or of a State Government countersigned by the District Magistrate of the District to which the candidate belongs.

Further, the O.M. dated 28.1.1952 also provided for a format of the certificate.

2.12 The Committee have also been informed that guidelines/instructions regarding issue of caste/community certificates were revised subsequently. According to the revised guidelines, certificates issued by the authorities as mentioned in para 2.2 above are only acceptable.

2.13 When the Committee asked whether the guidelines provide for the appointing authorities to refer the caste certificates to the issuing authorities for verification and if so, the prescribed time limit for completion of verification of all SC/ST candidates, it has been stated that the instructions contained in Department of Personnel & Administrative Reforms O.M. No.36011/16/80-Estt.(SCT), dated 27-2-1981 provide that the appointing authorities should verify the caste status of a Scheduled Castes/Tribes officer at the time of initial appointment and promotion against a vacancy reserved for Scheduled Caste/Tribe. No time limit has been prescribed for the purpose.

2.14 It has been stated that DOP&T reiterated the instructions vide O.M. No.36011/3/2005-Estt.(Res.), dated the 9th September, 2005 (Appendix-II) and that if these instructions are followed scrupulously, the guidelines would ensure that the benefit of reservation goes to

genuine SC/ST candidates only and reserved vacancies are not grabbed by unscrupulous non SC/ST candidates.

2.15 During the evidence, when the Committee asked for the time limit to be prescribed for completion of verification of certificate so that such cases are finalised within three to six months period, the Secretary, DOP&T replied:

“..... As of now, no time limit has been prescribed. We will give directions to all concerned that on receipt of complaints it should be examined and reported to us within such and such days and months.”

2.16 During the course of evidence, when asked whether any circular/letter to the Chief Secretaries of all States/UTs has been issued mentioning therein that caste certificate be issued only after conducting detailed verification in the matter and that not only the certificate issuing officer but alongwith him, District Magistrate, Deputy Commissioner, etc. should also be held responsible for issue of false caste certificate, the Secretary, DOP&T submitted:

“I am grateful that Hon’ble Members have given practical suggestions. Based on the circular which we have issued to the Ministries of Government of India, we can write to the Chief Secretary of the States also requesting them to prescribe a time limit for issuing caste certificates by all District Authorities under him and if any complaint for false caste certificate is received it should also be decided within a time frame. In this connection, after taking the approval of Minister of my Department, action will be taken.”

2.17 Earlier the Lok Sabha Secretariat, in pursuance of direction by the Committee, had sent Office Memorandum No. 8(367)/SCTC/2003, dated the 16th September 2003 (Appendix-III) to the Ministries of Social Justice & Empowerment, Tribal Affairs and Personnel, Public Grievances and Pension (DOP&T) asking them to issue instructions/directions to Collectors to take speedy action in cases of false caste certificates referred to them for verification. Copies of this O.M. were also endorsed to all the Ministries of Government of India requesting them to issue necessary instructions to the Undertakings/Organisations/Autonomous Bodies under them with reference to contents of para 2 of the O.M.

2.18 The Committee enquired from DOP&T about the action taken by them in this regard especially pertaining to directions/instructions to Collectors/DMs that if any case for verification of caste certificate is referred to them and reply thereto is not sent by them to the institutions concerned within a period of one month, it should be treated that the caste certificate issued by them is a false certificate. It was also enquired whether the feasibility of prescribing time limit has also been examined by the DOP&T. The Ministry in their post-evidence reply have stated that it is not practicable to treat a caste certificate as false if the concerned authorities do not verify its veracity within a specified period. However, the Department of Personnel and Training has sent letters dated the 20th March, 2007 (Appendix-IV) to the Chief Secretaries of all the States/UTs requesting them to streamline the system of verification of caste certificates so that unscrupulous non-SC/ST/OBC persons are prevented from securing jobs meant for SCs/STs/OBCs by producing false certificate. They have also been advised to issue instructions in this regard to the concerned District Magistrates/District Collectors/Deputy Commissioners of the districts to ensure at their own level that veracity of the caste/community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. They have further been requested that disciplinary proceedings may be initiated against officers who default in timely verification of caste status in such cases or issue false certificates to rule out collusion between candidates holding false/forged certificate and employees at the district level or sub-district level.

2.19 In reply to a query whether the police officer while doing verification of character and antecedents of the candidates at the time of initial appointments are required to verify the caste of the candidates, the Ministry in their post-evidence reply have stated that the character and antecedents verification of any candidate and verification of caste certificate are two separate issues. Verification of caste status of SCs/STs is basically the responsibility of Civil/District authorities. If need be, they seek the help of police in this regard.

2.20 The Committee note that according to instructions issued in 1952, the claims of candidates to belong to the SC & ST were to be verified through the District Magistrate of the place where such persons and/or their families reside. The instructions issued subsequently had mentioned the designated officers who were given the authority to issue the caste certificates. The Committee also note that as per instructions issued by DOP&T, the appointing authorities have to verify the caste status of a SC/ST officer at the time of initial appointment and promotion for which no time limit has been prescribed. In 2003, the Committee had requested DOP&T to issue instructions/directives to Collectors/District Magistrates for disposal of cases pertaining to verification of caste certificates within one month. The Committee had been assured during the evidence held on 12th February 2007 that DOP&T would issue direction to all concerned in regard to completion of verification of caste certificate within a prescribed time. The Committee, are happy that as assured by the Secretary, DOP&T during the evidence, letters have been sent to the Chief Secretaries for verifying caste certificate and reporting the matter to the appointing authorities within one month from the receipt of request. It is also heartening to note that the Chief Secretaries have been requested to initiate disciplinary proceedings against those officers who default in timely verification of caste status or issue false caste certificates. The Committee hope that the DOP&T would always endeavour to take quick timely action for safeguarding the interest of the SCs and STs.

2.21 The Committee also note that the verification of caste status of SC/ST is the responsibility of Civil/District authorities whereas characters and antecedents of candidates are verified by police authorities. The Committee, however, desire that while requesting the police authorities for verification of character and antecedents they should also be advised to verify the caste status of the candidates. The Committee also desire that the period between verification of character and

antecedents and issue of offer of appointment should be utilized for verification of caste certificates from district authorities. The Committee further desire that action should also be taken against the police officials who verify the caste status of an individual, in case the certificate is proved to be fake/false at a later stage. Necessary instructions in this regard may be issued by the Government.

C. Revision of guidelines on the basis of Supreme Court judgement

2.22 The erstwhile National Commission for Scheduled Castes and Scheduled Tribes in Chapter VII (para 7.20) of their third Report (1994-95 and 1995-96) had referred to procedure and guidelines laid down by the Supreme Court while considering a case relating to false caste certificate in Civil Appeal No. 5854 in case of Kumari Madhuri Patil Vs. Government of Maharashtra, 1994. When asked whether the Government have examined the same, the Committee were informed that the Supreme Court in the case of *Director of Tribunal Welfare, Government of Andhra Pradesh Vs. Laveti Giri (AIR 1995 SC 1506)* had suggested elaborate procedure to be followed for issuance of social status certificates, their scrutiny and approval. The DOP&T had requested the Ministry of Social Justice and Empowerment to examine the issue of issuing instructions in this regard vide their O.M. No. 36028/28/2001-Estt.(Res.) (Appendix-V) on 30.7.2001 which inter alia includes streamlining the procedure for issuance of social status certificates, their scrutiny and approval, etc. and to bring out necessary legislation/issuance guidelines.

2.23 When asked to explain the reasons for referring the matter to the Ministry of Social Justice and Empowerment whereas DOP&T is the nodal Ministry for issue of instructions/guidelines regarding implementation of reservation policy of the Government, the Ministry in their post-evidence note have explained that the Department of Personnel & Training is the nodal Ministry for framing policy of reservation for SCs/STs/OBCs in services under the Central Government whereas the Ministry of Social Justice and Empowerment is

the nodal Ministry for welfare of the SCs, STs and OBCs. The SC/ST/OBC status of any candidate, however, is relevant not only with reference to reservation in services but also with reference to various facilities provided to the persons belonging to SCs/STs/OBCs including admission to educational institutions, grant of loans, reservation in the Parliament and the State Legislative Assemblies, conduct of special coaching classes, etc. The policy matters like notifying or de-notifying of any caste/community as Scheduled Caste/Scheduled Tribe/OBC, determination of SC/ST/OBC status of persons, method of verification of social status of SCs/STs/OBCs, etc. are the concern of the Ministry of Social Justice and Empowerment. Therefore, the Ministry of Social Justice and Empowerment were requested to examine the matter and issue necessary instructions in this regard.

2.24 The Committee note that based on a case of Director of Tribunal Welfare, Government of Andhra Pradesh Vs. Laveti Giri, the Supreme Court had given direction to lay down certain procedure and guidelines for issuance of caste certificates and their scrutiny. DOP&T had, therefore, requested the Ministry of Social Justice and Empowerment on 30.07.2001 to examine the issue as the Ministry of Social Justice & Empowerment was responsible for being the nodal Ministry for welfare of SCs/STs and for policy matters like notifying or de-notifying of any caste/community, determination of SC/ST status of persons, method of verification of social status, etc. whereas DOP&T is the nodal Ministry for framing policies of reservations for SCs/STs in services under the Central Government. The Committee are deeply constrained to find that no decision seems to have been taken. The Committee would, therefore, like to know the follow up action taken by the DOP&T to pursue the matter with the Ministry of Social Justice & Empowerment in this regard and strongly recommend that immediate action should be taken to expedite decision on the matter, if not taken already. If any action has been taken, the Committee should be apprised of the same within three months of the presentation of the report.

CHAPTER – III
MONITORING SYSTEM

A. Cases of false caste certificate detected by CBI

3.1 The Committee have been informed that on the basis of the direction of the Hon'ble High Court of Delhi in CWP No. 5976/2003 regarding re-verification of cases of persons who have secured employment in Government of India and Government of NCT of Delhi and its agencies on the strength of forged/fake ST certificate, DOP&T had issued instructions to all Civil Vigilance Officers of the Ministries/Departments and Director, CBI vide O.M.No.230/08/2005-AVD-11, dated the 25th May 2005 (Appendix-VI) to collect information in respect of such employees who have been recruited from the year 1995 onwards in all the Ministries/Departments and its agencies including CPSUs, statutory and non-statutory bodies, etc. To complete the exercise in a time bound manner, the Government had set up a co-ordinating mechanism under the Chairmanship of Shri M.L. Sharma, Additional Director, CBI and the CVOs of all Ministries/Departments. When asked about the progress made in respect of collection of information pursuant to DOP&T's instruction on 25th May, 2005, the Committee were informed in post evidence note that CBI had received information from 128 Ministries/Departments/Subordinate Offices and other bodies about their having forwarded 16,548 ST certificates to District Authorities for verification. However, it is not exactly known how many certificates have been verified till now. Till December, 2006, CBI had received information regarding 189 employees, who had secured employment on the basis of false ST certificates.

3.2 Earlier, the Ministry in their preliminary material had informed that 163 cases of securing employment on the basis of false caste certificates are reported to have come to the notice of CBI. These cases relate to the Central Ministries/Departments and the Government of National Capital Territory of Delhi and included two cases relating to IAS

officers. In reply to action taken against those guilty officers/employees, it has been informed that the CBI have registered 29 cases (28 in Delhi and one at Shimla) against 50 employees of various Departments. They are registering another 8 cases against 8 employees. Further, the CBI have advised 11 Ministries/ Departments to lodge FIRs against 47 employees whose caste certificates were found false. The CBI have also suggested initiating Departmental proceedings against these officers for removal from service. In other 44 similar cases, the concerned Departments are being advised by the CBI to take appropriate legal action. In 14 cases, the concerned employees have secured stay order from the High Courts of Tamil Nadu, Andhra Pradesh and Uttaranchal and, therefore, registration of criminal cases in these cases has not been possible. To a query as to how many cases have been referred to or are otherwise pending with CBI for investigation, it has been stated that of the 29 criminal cases registered by the CBI, 15 cases have been finalized and 14 are presently at different stages of investigation. CBI has also reported that they have not received any instructions from the Supreme Court of India with regard to expeditious disposal of cases. However, they are taking following steps in this regard:

- (i) Close supervision and monitoring by the supervisory officers.
- (ii) Expeditious reference of the documents for expert opinion.

3.3 During the evidence on 12th February, 2007 when the Committee desired to know the number of cases of securing employment on the basis of false caste certificate detected during the last two years, the representative of Central Bureau of Investigation (CBI) stated:

“As per direction of the DOP&T, CBI had convened a meeting of Chief Vigilance Officers (CVO) of various departments of the Government of India and requested them to verify all the cases of appointment secured on the basis of caste certificates during the last five years (1995-2000) and to intimate CBI. If found guilty, they were asked to register cases with the police and intimate the details of such cases. According to the information given by various Ministries upto 31st December, 189 cases were detected where the employments had been secured on the basis of false caste certificates. After that we have got some more information and based on this, figure as on date is 268. It is a continuous process and there could be more names also...This information is available with us but so long as full information is not available, it is difficult to state that in how many cases the employment have been secured on the basis of false caste certificates.”

3.4 In their post evidence note, the Ministry have slated that out of 189 cases of fake caste certificates, 30 have been reported from PSUs/autonomous bodies of the Government of India as well as State Governments/UT administration. Remaining 159 cases were that of employees of various Ministries/Departments/NCT of Delhi (Appendix-VII). All these instances are stated to have been detected during verification continuing since 2004. When asked to state the present position in regard to 44 cases where CBI was supposed to advise Departments to take appropriate action, it was replied that Departments/Ministries were advised to lodge FIRs with the local police stations against 124 employees whose caste certificates were found to be false during verification. In addition, initiation of Departmental Proceedings for removal from service against these officials was also suggested. It has also been stated that present status of these matters is not available with the CBI. When asked about the present status in regard to 8 employees against whom CBI were registering case, it has been stated that out of 8 cases, 4 cases were registered by the CBI, SCB, Mumbai. Chargesheets have already been filed in the court after investigation. In one case, matter is under further verification by the concerned Department. In another case, further verification revealed that the employee was recruited on compassionate grounds and not on the basis of caste. Hence, the case was not taken up. In regard to cases of two IAS officers, it has been stated that after completion of investigation, CBI have filed charge-sheet in the Court against the two IAS officers. The case is under trial.

3.5 In reply to a question as to the number of cases detected during the years 2001-2006 in each Ministry/Department which is being examined departmentally by themselves without referring to CBI, the Committee have been informed that such information is not centrally maintained.

3.6 Asked as to what advice has been given by DOP&T to Ministries/Departments concerned to settle court cases expeditiously and action being taken to prevent guilty employee to seek stay order, it has been stated that court cases have to be settled by the

concerned courts on the merit of each case. It may not be practical to issue any instruction in this regard. Further that every citizen has a right to approach the court of law whereas the Government on its part places the facts before the court so that the allegedly guilty person may not be able to get stay, etc.

3.7 The Committee note that DOP&T had issued instructions on 25 May, 2005 to Chief Vigilance Officers (CVOs) of the Ministries and Director, CBI to collect information in respect of such employees who have been recruited from the year 1995 onwards in all the Ministries/Departments and its agencies including CPSUs, statutory and non-statutory bodies, etc. The Committee also note that the instructions had been issued pursuant to the direction by the High Court of Delhi regarding re-verification of cases of persons who had secured employment in Government of India, Government of NCT of Delhi and its agencies on the strength of forged/fake ST certificate.

3.8 The Committee note that several cases of seeking employment on the basis of false caste certificates had come to the notice of CBI and the number of employees who had secured employment on the basis of false ST certificate was reported to be 189 till December 2006. On the date of evidence i.e. 12th February, 2007, the representative of CBI had mentioned that the figure had reached 268 and that it being a continuous process, there could be more names. The Committee are of the view that this is only the tip of the iceberg as the cases detected pertained to the period 1995 to 2000 and that too only relating to ST certificates and there might be cases of forged/fake SC certificates too. As the problem is very grim, the Committee recommend that a similar exercise should be carried out for employment secured on the basis of both SC and ST certificates during the years 2001 to 2007 and such an exercise should be completed speedily so as to discourage such incidents in future. Action taken in this regard should also be apprised to the Committee.

3.9 The Committee also note that after an action is suggested by CBI to be taken by Ministries/Departments concerned, the status of cases are not being maintained by CBI. The Committee desire that the CBI should keep record of all such cases so that they can check the progress made in disposing of the cases.

3.10 The Committee are pained to note that the list of employees who obtained employment on the strength of false ST certificate ironically include 3 employees working in DOP&T. The Committee are also distressed to note that there are two IAS Officers who have allegedly entered the Civil Services on the strength of false caste certificates. The Committee take serious note of the matter and cannot absolve DOP&T of its responsibility for such lapse, being the appointing authority. The Committee, therefore, strongly recommend that suitable action should be taken against the officers of DOP&T who, as appointing authority, had failed in their duty to get the certificates of all these officers verified properly.

3.11 The Committee observe that out of 189 cases of employees who obtained employment against fake ST certificates, there are 14 cases where stay has been granted by various High Courts. The Committee desire that DOP&T should obtain the information from various Ministries/Departments in regard to efforts made/being made by them for early vacation of stay. The Committee desire that DOP&T should advise the concerned Ministries/Departments to take all necessary steps with a view to ensuring speedy disposal of all such pending cases so that justice is done to genuine SC/ST persons.

B. Present procedure in dealing with persons producing false caste certificates

3.12 In the matter of punishing the guilty of producing false caste certificate, the Committee have been informed that the instructions contained in the Department of Personnel & Training's O.M. No. 11012/7/91-Estt.(A), dated 19-5-1993 (Appendix-VIII) provide that wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules, etc. for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If he is a probationer or a temporary Government servant, he should be discharged or his services should be terminated. If he has become a permanent Government Servant, an inquiry as prescribed in Rule 14 of CCS (CCA) Rules, 1965 may be held and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any other penalty be imposed. Necessary action may also be taken under the provisions of the Indian Penal Code for production of false certificates.

3.13 Asked as to what action is taken by the Government when the guilty person takes the shelter of the Court, it has been stated that wherever it comes to the notice of the Government that a person has secured employment on the basis of false caste certificate, action is initiated against him as provided in DOP&T instructions. However, if the Court stays the action of the Government, the case is defended in the Court.

3.14 On this issue during the evidence, the representative of the DOP&T clarified:

“We have clearly mentioned in our order that taking action under Indian Penal Code is in addition to the action of imposing major penalty. If guilt is proved in a criminal case, it will be treated as summary proceedings and in that event imposing major penalty does not take much time because he has been convicted in a criminal case and proved guilty. Therefore, his services could be terminated immediately. However, there should not be any objection for holding Departmental enquiry simultaneously if the prosecution is taking time as in these enquiries, the level of evidence is little lower than as required in criminal case. On this basis we can remove the guilty from services before completion of prosecution. There is no need to wait till the completion of criminal case. We understand that the provision of enquiry is in the favour of Government and has been specifically kept to remove the guilty person at the earliest.”

3.15 When the Committee pointed out that recently the Supreme Court has given a ruling that those who submit false caste certificate should be dismissed from the services, the Secretary, DOP&T stated:

“Prima facie if the person is found guilty, the person can be suspended but cannot be dismissed till the person is convicted by criminal court and found guilty after an enquiry”.

The Secretary, DOP&T further stated:

“.....If we have not issued directions regarding suspension then, now considering this fact, action could be taken in this direction to issue instructions”.

Representative of CBI clarified:

“.... In our circular issued in 2005, we have given order that whenever a case of production of false caste certificate is detected, the Chief Vigilance Officer should lodge a complaint with the local Police Station immediately...”

3.16 The Committee note that as per instructions issued by DOP&T vide their O.M. 11012/7/91-Estt.(A), dated 19.5.1993, whenever it is found that a Government Servant, who was not qualified or eligible in terms of recruitment rules etc. for initial recruitment in service or had furnished false information or produced a false certificate in order to secure employment, he should not be retained in service and necessary action may also be taken under the provisions of the Indian Penal Code for production of false caste certificate. The Committee also note that if the person securing employment on the basis of false caste certificate takes the shelter of the court and the action of the Government is stayed by the Court, the case is defended in the court. The Committee are of the view that whenever a person is found to secure employment on the basis of false caste certificate, a swift action should be taken by the employer. The Committee recommend that the person found guilty of producing false caste certificate should be suspended immediately from the service and a case should be registered against him in police station. The Committee also recommend that Department of Personnel & Training should issue necessary instructions in this

regard, as assured by the Secretary, DOP&T during evidence before the Committee. The Committee would also like to know the number of cases in which FIRs have been lodged by the Ministries/Departments separately in pursuance of DOP&T O.M. No. 230/08/2005-AVD-II, dated the 25th May, 2005 as well as their present status.

C. Periodic collection of data

3.17 When asked whether any periodic information is sought by DOP&T from all Ministries/Departments/PSUs/educational and professional institutes/States/ UTs and other bodies under its control with regard to action taken on cases of employment secured on the basis of false caste certificates, the Committee have been informed that instructions to all Ministries/Departments have been issued to ensure that no SC/ST candidate gets employment against reserved vacancies on the basis of a false caste certificate. However, periodic information/status report is not maintained by the DOP&T with regard to action taken on cases of employment secured on the basis of false caste certificates.

3.18 During the evidence, the Secretary, DOP&T elaborated:

“...I would like to say that our Ministry is neither collecting any centralized information nor conducting such kind of monitoring. Since, every Ministry and Department are competent to make their own recruitments, therefore, to make correct recruitment on the basis of correct caste certificate is their responsibility. Hence, those Ministries are directly accountable. That is why this information is not available with us.”

3.19 In reply to a query that in the absence of periodic reports, how the progress in respect of false caste certificates is monitored, the Ministry in their post-evidence note have stated that each appointing authority is responsible to ensure that no person is able to get appointment on the basis of false caste certificate. However, if it is found that a Government servant has produced a false caste certificate in order to secure appointment, action against him is taken as per instructions issued vide DOP&T O.M. No.11012/7/91-Estt.(A), dated 19.5.1993 which provides that wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules, etc. for initial recruitment in service or

had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service.

3.20 When asked whether it is not the duty of DOP&T being the nodal Ministry to obtain information on all India basis, the Ministry informed that the Department of Personnel & Training is nodal Ministry for framing policy on reservation in services under the Central Government of India. Appointments to the posts are made by the concerned Ministries/Departments/Attached/Subordinate offices etc. and provision of reservation are implemented by these organisations. It is also for these organisations to ensure that no person is able to get appointment on the basis of false caste certificate. Centralization of the process is neither desirable nor feasible.

3.21 The Committee note that periodic information/status report is not maintained by DOP&T with regard to action taken on cases of employment secured on the basis of false caste certificates. The Committee have been informed that the DOP&T is the nodal Ministry for framing policy on reservation in services under the Government of India and appointment to the posts are made by concerned Ministries/Departments attached/ Subordinate offices, etc. and provisions for reservation are implemented by these organisations. The Committee fully agree that every Ministry and Department is competent to make its own recruitment and therefore to make proper recruitment on the basis of genuine caste certificate is the responsibility of every Ministry. The Committee also agree that it is the primary duty of each Ministry/Department to see that every recruitment made against the reserved seat is on the basis of genuine caste certificate. The Committee, however, are of the view that being the overall in charge of framing policy on reservation in services under the Government, it is the responsibility of DOP&T to see that the policy is implemented in letter and spirit. It is, therefore, desirable that to implement the policy successfully a centralized information gathering system should be in place so as to correct the situation as and

when required by bringing changes in policy matter. It will also help to have a clear picture as to the details of employment secured on the basis of false caste certificate and to devise a mechanism to prevent such cases in future. The Committee, therefore, strongly recommend that DOP&T should inter alia obtain information from all Ministries/Departments, PSUs, banks, autonomous bodies and States/UTs in regard to cases of false caste certificates regularly with a view to monitoring their progress and disposal, so that necessary plan of action could be taken to tackle the problem for good.

D. Bill introduced for effecting penalty for producing and issuing false caste certificate

3.22 The erstwhile National Commission for Scheduled Castes and Scheduled Tribes in their Third Report (1994-95 and 1995-96) vide recommendation No. 7.37(2) had recommended that steps should be taken to get a Bill in the Parliament enacted so that action could be taken against those who misuse the provision and obtain false caste certificates and those officers who abet offences could also be suitably brought to book. An effective legislation applicable to all States/UTs and offices of Central Government etc. would also facilitate the use of common procedure and action throughout the country. The National Commission for Scheduled Castes and Scheduled Tribes had again reiterated this recommendation in their Fourth Report (1996-97 and 1997-98) and Fifth Report (1998-99) regarding introduction of a bill on regulation and issuance of community certificates.

3.23 When asked about the action taken by DOP&T with regard to the above recommendations made by the National Commission, it has been informed that a Bill namely the Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation in Posts and Services) Bill, 2004 was introduced in the Rajya Sabha. A provision has been made in the aforesaid Bill regarding penalty on persons making a false claim as a member of the

Scheduled Caste or the Scheduled Tribe or Other Backward Class and also for officers who knowingly issue false certificates.

3.24 When asked to state the present status of the aforesaid bill, it has been stated that a group of Ministers constituted under the chairmanship of Shri Pranab Mukherjee, Minister of External Affairs, is examining the recommendations of the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law & Justice.

3.25 In reply to a query as to the contribution of the DOP&T in framing the Bill, it has been informed that the basic framework of the Bill was drafted by the Department of Personnel & Training. It was finalised after vetting by the Ministry of Law and Justice and in consultation with the National Commission for SCs, the National Commission for STs, the National Commission for Backward Classes, Ministry of Social Justice & Empowerment, Department of Public Enterprises, Ministry of Railways, Department of Communication, Department of Post, Ministry of Defence, Department of Economic Affairs, Department of Expenditure, Ministry of Home Affairs and Ministry of Tribal Affairs.

3.26 Asked whether production of false caste certificate could be included in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as a crime against SCs/STs, it has been stated that the Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation in Posts and Services) Bill, 2004 contain following provisions:

“Whoever knowingly makes a false claim that he is a member of the SC, ST or OBC, as the case may be, and whoever knowingly issues a false certificate to this effect, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees, or with both.”

In the light of the above, there may be no need to include similar provision in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.27 The Committee are happy to note that a Bill namely Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation in Posts and Services) Bill, 2004 has been introduced in Rajya Sabha and a provision has been made in the aforesaid Bill regarding penalty on persons making a false claim as a member of the SC, ST or OBC and also for officers who knowingly issue false certificate. The Committee strongly recommend that Government should take appropriate action to get the above Bill passed by the Parliament as early as possible so that caste certificates are not misused by non-SC/ST candidates in securing reserved jobs and facilities meant for SC/ST candidates.

**New Delhi;
March, 2008
Phalguna, 1929 (Saka)**

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

Appendix-A

**Ministry of Home Affairs O.M. No. 42/21/49-
NGS dated 28th January, 1952 to all
Ministries etc.**

Subject:— Supplementary instructions connected with the orders on communal representation in the services.

The undersigned is directed to refer to the Ministry of Home Affairs Resolution No. 42/21/49-NGS, dated the 13th September, 1950, and to say that the instructions given below will govern the application of the orders on communal representation in the services.

Recruitment by open competition :

2. (a) If the candidates of Scheduled Castes, Scheduled Tribes and the Anglo-Indian community obtain by competition less vacancies than are reserved for them, the difference will be made up by the nomination of duly qualified candidates of these castes, Tribes and communities i.e., candidates of these communities etc. *who have qualified in the test, selection etc.* held for the purpose, but have secured ranks lower than the candidates of other communities for whom no reservation have been made.

(b) A roster of 40 vacancies will be necessary to give effect properly to the reservations for Scheduled Castes and Scheduled Tribes and the roster given below should be adopted as a model roster for the services in which there are no reservations for Anglo-Indians:—

1	Scheduled Castes	21	Scheduled Tribes
2	Scheduled Castes		
3-8	Unreserved	22-24	Unreserved
9	Scheduled Tribes	25	Scheduled Castes
10-16	Unreserved		
17	Scheduled Castes	26-32	Unreserved
18-20	Unreserved		
		33	Scheduled Castes
		34-40	Unreserved

In the case of recruitment to services in which vacancies are reserved for members of the Anglo-Indian Community, rosters should be drawn up by the Ministries concerned in consultation with the Ministry of Home Affairs.

(c) Instructions for the maintenance of the rosters are given in Appendices A & B.

Recruitment otherwise than by open competition :

3. (i) The following roster should be followed for services to which recruitment is made on an all-India basis otherwise than by open competition:—

1	Scheduled Tribes	21	Scheduled Tribes
2	Scheduled Castes	22-24	Unreserved
3-6	Unreserved	25	Scheduled Castes
7	Scheduled Castes	26-30	Unreserved
8-12	Unreserved	31	Scheduled Castes
13	Scheduled Castes	31-36	Unreserved
14-18	Unreserved	37	Scheduled Castes
19	Scheduled Castes	38-40	Unreserved
20	Unreserved		

Nora:—In every third cycle of the above roster, the 37th point will be treated as unreserved. (ii) Instructions for the maintenance of the roster are given in Appendices A & B.

Local Recruitment :

4. (a) If the candidates of Scheduled Castes, Scheduled Tribes from the neighbouring areas are likely to be available, the percentages of reservations will be prescribed by the Ministries concerned in consultation with the Ministry of Home Affairs. Pending the results of the 1951 Census, the percentages of reservations will be based on the population figures given in the 1941 Census Report. Proposals in this regard should be sent to the Ministry of Home Affairs as soon as possible and pending, a decision on the percentages to be fixed, the reservations prescribed for recruitment on an all-India basis should be followed.

(b) the purely temporary establishments such as work charge staff including the daily rated and the monthly rated staff, shall be excluded from the scope of the orders regarding communal representation in services.

General :

5. (1) It has been decided as a rule not to grant any exemption from the scope of these orders in respect of posts and services, but exceptional cases should be referred to the Ministry of Home Affairs, for a decision.

(2) The communal representation orders are applicable separately:

(a) to permanent vacancies; and

(b) to temporary vacancies lasting three months or longer whether in permanent or in temporary posts.

(3) If a sufficient number of candidates of the communities for whom the reservation are made, who are eligible for appointment to the posts in question and are considered by the recruiting authorities as suitable in all respects for appointment to the reserved quota of vacancies, are not available, the vacancies that remain unfilled will be treated as unreserved and filled by the best available candidates; but a corresponding number of vacancies will be reserved in the following years for the communities whose vacancies are thus filled up in addition to such number as would ordinarily be reserved for them under the orders contained in the Resolution. (For further clarification please see rule III in Appendix 'A')

(4) If suitably qualified candidates of the communities for whom the reservations have been made are again not available to fill the vacancies carried forward from the previous year under clause (3) above the vacancies not filled by them will be treated as unreserved and the reservations made in those vacancies will lapse.

(5) A vacancy caused by the termination of the services of a probationer should not be treated as a fresh vacancy, but should be treated as (a) unreserved or (b) reserved for (i) Scheduled Castes or (ii) Scheduled Tribes or (iii) Anglo-Indians according as the vacancy was originally treated as unreserved or reserved.

(6) In order to justify a statement that a sufficient number of suitable candidates of a community are not available and the vacancy should, therefore, be treated as unreserved, it is essential that adequate Steps should be taken to bring the existence of the vacancies to the notice of candidates of those communities. For this purpose, it is necessary to advertise the vacancies in newspapers and also to consult the agencies which may be in a position to assist in the matter. The instructions in the succeeding sub-paragraphs should be carefully followed in this connection :—

(a) All vacancies in services and posts recruitment to which is made on an all-India basis should, until further orders, be advertised in the newspapers indicated below :—

1. Madras

The Mail, Madras.
The Hindu, Madras.
The Indian Express, Madras.

2. Bombay

The times of India, Bombay.
The Free Press Journal,
Bombay. The Bombay

	Chronicle, Bombay. The Bharat, Bombay.
3. West Bengal	The Hindustan Standard, Calcutta. The Statesman, Calcutta. The Amrit Bazar Patrika, Calcutta.
4. Uttar Pradesh	The Amrit Bazar Patrika, Allahabad. The Pioneer, Lucknow. The National Herald, Lucknow. The Frontier Mail, Dehra Dun.
5. Orissa	The New Orissa, Cuttack.
6. Assam	The Assam Tribune, Gauhati.
7. Bihar	The Indian Nation, Patna
8. Madhya Pradesh	The Hitevada , Nagpur. The Nagpur Times. Nagpur.
9. Punjab	The Tribune, Chandigarh.
10. Delhi	The Statesman, Delhi. The Hindustan Times, Delhi.

NOTE :—The above **list** is provisional and is subject to amendment

In the case of local recruitment [c.f. para 4(a)] the local Head of the Department may decide the newspapers in which advertisements regarding vacancies in his office should be published.

- (b) In all cases, where experience has shown that a sufficient number of suitably qualified candidates of a particular community will not be forthcoming by advertisement for vacancies reserved for them, the local Head of a Department should consult the organisations mentioned in Appendix 'C' and such other organisations as are recognised by the Government of India from time to time as representative of the communities for whom the reservations are made. Detailed instructions, giving the addresses of the branches of these organisations in the various States, will issue separately.

It should, however, be made clear to these organisations that their functions are limited :—

- (i) to bring to the notice of suitable candidates any examinations for recruitment to services for which they could usefully enter and any advertisements of appointments to be made by selection,
 - (ii) to advise the candidates about the examinations for recruitment to services for which they should apply, and
 - (iii) To advise candidates on any matter which might be of assistance to them in preparing for, or applying for admission to examinations held for recruitment to the services; and that it will not be for them to press the claim of any individual candidates, who should submit their applications direct to the appointing authorities.
- (c) Copies of the advertisements should be sent to the Regional or Local Employment Exchange. Where the Local Employment Exchange is unable to provide suitable candidates, a reference will be made by it to the Directorate General of Resettlement and Employment, which maintains an all-India list of members of the Scheduled Castes, who have registered themselves with the Employment Exchanges for appointment to posts under the Government of India. The candidates recommended by the Employment Exchange/Directorate General of Resettlement and Employment should be considered along with those who apply direct in response to the advertisement or at the instance of the organisations referred to in Appendix 'C'.

(7) The claims of candidates for employment to be treated as Scheduled Castes or Scheduled Tribes will ordinarily be verified by the appointing authorities through the District Magistrates of the place where such persons and/or their families ordinarily reside. At the discretion of the

Selecting/Appointing authorities the following may also be accepted as sufficient proof of the claims.

- (a) Matriculation or School Leaving Certificates or birth certificates giving the caste or community of the candidates and place of residence in original or copies thereof duly attested by a Gazetted Officer of the Central or State Government
- (b) Certificates issued by Gazetted Officers of the Central or of a State Government countersigned by the District Magistrate of the District to which, the candidates belong.

These certificates should be in the form given in Appendix 'D'.

(8) (a) For purpose of these orders an 'Anglo-Indian' means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only.

(b) The procedure to be followed in verifying the claims of persons as belonging to the Anglo-Indian community will be as follows: —

- (i) A candidate's own claim to be an Anglo-Indian, should be accepted unless there is any reason to doubt it.
- (ii) As regards doubtful cases a reference may be made to the nearest branch of the; All-India Anglo-Indian Association and the candidates may be asked to furnish documentary evidence such as birth certificates, school leaving certificates and certificate from persons of responsibility and repute who are themselves Anglo-Indians. On the basis of the evidence thus obtained the appointing authority will decide whether the claims should be accepted.

6. *Grouping of Posts:* When applied to individual posts or to cadres consisting of a few posts only, the orders regarding communal representation in the services take long to produce the results aimed at, since an isolated post can be held only by a member of one community at a time and, in the case of small cadres, vacancies may not occur with sufficient frequency to enable for the Scheduled Castes etc., to secure adequate representation. To overcome this difficulty, it is necessary to group posts of similar status and salary and to apply these orders to the groups so formed. Instructions relating to grouping of posts are given in Appendix 'E'

7. *Communal Returns:* The-reservations provided for in the Resolution are based on provisions, in the Constitution of India and it is therefore absolutely necessary that they should be strictly followed. In order to enable the Government of India to watch the observance **of these** orders, the Ministries should submit to the Ministry of Home Affairs 'Communal Returns' in the forms attached (Appendices G & H), Appendix 'F' contains the instructions which will govern in submission of these return.

8. The communal returns submitted by the Ministries will show only whether the percentages of reservations prescribed for the various castes, tribes, etc. were followed during the year to which the returns relate and there is **no** provision in these returns to indicate the point in the communal roster (of paragraphs 2 and .3 above) at which recruitment began during, the year in, each .grade,. service or group. For this purpose, the appointing **authorities** will maintain communal, registers in the form and according to instructions given in Appendices A and **B and maintain** a record of the appointments made annually.

9. **The instructions** apply *mutatis mutandis* to all Part C States as well. Such-States should, also therefore, observe these instructions and submit their returns to the Ministry of Home affairs.

10. The orders contained in the Resolution of the 13th September, 1950 and in the Office Memorandum **should be** deemed to have come into force on the 26th January, 1950, and further recruitment to grades and services in which vacancies had been filled on or after the 26th January and before the issue of these orders should, where necessary, be suitably readjusted, with a view to protecting the interests of Scheduled Castes, Scheduled Tribes and Anglo-Indian in the matter of appointment to posts under the Central Government.

No.36011/3/2005-Estt.(Res.)
 Government of India
 Ministry of Personnel, Public Grievances and Pensions
 Department of Personnel and Training

■ New Delhi, the 9th September, 2005.

OFFICE MEMORANDUM

Subject: Verification of caste status of Scheduled Caste, Scheduled Tribe and Other Backward Class candidates at the time of initial appointment/promotion.

Attention is invited to Department of Personnel and Administrative Reforms (now Department of Personnel & Training) O.M. No.36011/16/80-Estt(SCT) dated 27th February, 1981 which provides that the appointing authorities should verify the caste status of a Scheduled Caste/Tribe candidate at the time of initial appointment and promotion against a vacancy reserved for Scheduled Castes/Tribes. The O.M. clarifies that a candidate who entered into service as an SC/ST candidate may discontinue to be so if the caste/community to which he belongs is descheduled subsequently. A Scheduled Caste candidate also loses his status of Scheduled Caste if he embraces a religion other than Hinduism, Sikhism or Buddhism. Though such officers who lose the status of SC or ST after entering into service are required to inform the Government about it, many of them do not do so. In the absence of necessary vigil, there are possibilities of non-SC/ST candidates getting benefit of reservation and various concessions in the matter of promotion. Therefore, verification of caste status at every important upturn of employee's career is necessary so that the benefit of reservation and other schemes of concessions, etc. meant for SCs/STs go only to the rightful claimants and not those who become disintitiled to them. With a view to facilitating such verification, the caste/community to which the SC/ST person belongs, his place of residence and the name of the State should be pasted on the top of the Service Book, personal file and other relevant documents relating to the employee. Attention is also invited to this Department's O.M. . No.36033/4/97-Estt.(Res.) dated 25th July, 2003 which provides that caste/community status and creamy layer status of OBC candidates should be verified at the time of initial appointment.

2. This Department's O.M. No.36012/6/88-Estt.(SCT) dated 24th April, 1990 provides that the appointing authorities should, in the offer of appointment to the candidates claiming to be belonging to Scheduled Castes/Scheduled Tribes, include a clause as follows:

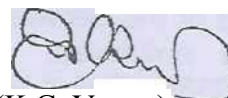
"The appointment is provisional and is subject to the caste/tribe certificate being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste/Scheduled Tribe, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Panel Code for production of false certificates".

Likewise this Department's O.M. No.36033/4/97-Estt(Res.) dated 25th July, 2003 provides that in case of the offer of appointment to the candidates claiming to belong to Other Backward Classes, a clause as follows should be included:

"The appointment is provisional and is subject to the community certificate being verified through the proper channels. If the verification reveals that the claim of the candidate to belong to Other Backward Classes or not to belong to creamy layer is false, his/her services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of Indian Panel Code for production of false certificates."

3. It has been brought to the notice of the Government that some candidates manage to secure employment under the Government against the vacancies reserved for SCs/STs/OBCs by producing false caste/community certificates and some candidates continue to get the benefits available to the Scheduled Castes/Scheduled Tribes even after losing the status of SC/ST. The undersigned is directed to say that instructions referred to above should be scrupulously followed so that, it may not be possible for any non-SC/ST/OBC candidate to secure employment or get benefit of promotion or concessions on the basis of a false claim to belong to these categories and if any person gets an appointment on the basis of such false claim, his services may be terminated as per conditions contained in the offer of appointment.

4. Contents of this O.M. may be brought to the notice of all concerned.



(K.G. Verma)

Deputy Secretary to the Government of India
Tele: 23092797

To

1. All Ministries/Departments of the Government of India.
2. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.
3. Department of Economic Affairs (Banking Division), New Delhi.
4. Department of Economic Affairs (Insurance Division), New Delhi.
5. Department of Public Enterprises, New Delhi.
6. Railway Board.
7. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.

8. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
9. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
10. National Commission for SCs, Lok Nayak Bhavan, New Delhi.
11. National Commission for STs, Lok Nayak Bhavan, New Delhi.
12. National Commission for Backward Classes, Trikoot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.
13. Office of the Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi - 110002.
14. CBI, LBSNAA, ISTM, PESB, Central Sectt. Library, MHA Library.
15. Information and Facilitation Centre, DOPT, North Block, New Delhi.
16. 200 spare copies for Estt.(Res.) Section.

LOK SABHA SECRETARIAT

Telegrams : LOKSABHA, NEW DELHI
 FAX : 3010756

No. 8(367)/SCTC/2003

PARLIAMENT HOUSE ANNEXE
 NEW DELHI-110G01

Dated : 16.09.2003

OFFICE MEMORANDUM

Subject: Issue of instructions/directions to Collectors to take speedy action in cases of false caste certificates referred to them for verification.

The undersigned is directed to state that during the course of examination of the subject "Reservation for, and employment of, Scheduled Castes and Scheduled Tribes in services" in various Banks/Undertakings etc. by the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, the Committee came to know that several candidates of non-SC/ST categories particularly from Tamil Nadu and Karnataka have got employment in these institutions by producing false caste certificates. The Committee were informed by the respective managements of those institutions that they have taken necessary actions against such employees but in some cases, actions are delayed/pending due to non-receipt of reply from the Collectors/District Magistrates concerned who had issued these caste certificates and to whom the cases of issuance of these false caste certificates were referred for verification. Such delay on the part of Collectors gives ample time to these defaulters who in the meantime obtain stay orders from Courts thereby resulting in further delay in taking action in these cases. In some instances, such cases are also referred to the District Scrutiny Committee for verification who takes long, time in process and the cases are not settled in time and thus the person who has committed the offence enjoys the benefit for years.

2. In view of the above position, the Committee decided to take up this matter with the Ministry of Social Justice and Empowerment etc., so that corrective steps could be taken up. Accordingly on 11th July, 2003 during evidence of the Ministry of Social Justice & Empowerment on the subject "National Commission for SCs and STs; its mandate and achievement- a review of its organisation and working", the Committee brought this matter to the notice of the representatives of the Ministry and suggested that corrective measures may be taken in this regard. The Committee also suggested that instructions should be issued to all Collectors/District Magistrates making them personally responsible for delay in these cases, The Committee have also desired that while issuing directions/instructions to Collectors/District Magistrates, it may be clearly indicated that if any case for verification of caste certificate is referred to them and reply thereto by the Collector/District Magistrate concerned is not sent to the Institution concerned within a specified period of one month, it should be treated that the caste certificate as issued (by them) is a false caste certificate.

3. The Ministries of Social Justice & Empowerment, Tribal Affairs and Personnel, Public Grievances & Pensions (Department of Personnel & Training (DOPT) are, therefore, requested kindly to take necessary action in the matter in view of the above observations of the Committee. The action taken in the matter may kindly be communicated to this

Secretariat within one month from, the date of issue of this communication for placing the same before the Committee.

4. Receipt of this communication may be acknowledged.

Sd/-
(GOPAL SINGH)
DEPUTY SECRETARY
TEL. : 23034412

To

1. **The Ministry of Social Justice and Empowerment,
(Shri B.S. Baswan, Secretary),
Government of India, New
Delhi.**
2. **The Ministry of Tribal Affairs,
(Dr. A.V.V. Reddy, Secretary),
Government of India,
New Delhi.**
3. **The Ministry of Personnel Public Grievances & Pension
(Department of Personnel and Training),
(Shri S.S. Dawra, Secretary)
Government of India, New
Delhi.**

No. 8(367)/SCTC/2003

Dated: 16.09.2003

Copy to all Ministries/Departments of Government of India with the may request that they issue necessary instructions to the Undertakings/ Organisations/ Autonomous Bodies under them with reference to contents of Para 2 of this O.M.

DEPUTY SECRETARY

The Secretary,
Ministry of Agriculture,
Government of India,
New Delhi

The Secretary,
Ministry of Chemical & Fertilizers,
Government of India,
New Delhi

The Secretary,
Ministry of Civil Aviation,
Government of India,
New Delhi

The Secretary, Ministry of Coal & Mines, Government
of India, New Delhi

The Secretary,
Ministry of Commerce and Industry,
Government of India,
New Delhi

The Secretary,
Ministry of Communications,
Government of India, New Delhi

The Secretary,
Ministry of Consumer Affairs, Food & Public Distribution,
Government of India,
New Delhi

The Secretary, Ministry of Defence,
Government of India, New Delhi

The Secretary,
Ministry of Environment and Forests,
Government of India,
New Delhi

The Secretary,
Ministry of Finance and Company Affairs (Banking Division),
Government of India,
New Delhi

The Secretary,
Ministry of Finance and Company Affairs (Insurance Division),
Government of India,
New Delhi

The Secretary,
Ministry of Finance and Company Affairs (Investment Division),
Government of India,
New Delhi

The Secretary,
Ministry of North-Eastern Region,
Vigyan Bhawan,
Government of India,
New Delhi

The Secretary,
Ministry of Health and Family Welfare,
Government of India,
New Delhi

The Secretary,
Ministry of Heavy Industry & Public Enterprises,
Government of India,
New Delhi

The Secretary, Ministry of Home Affairs,
Government of India, New Delhi

The Secretary,
Ministry of Human Resource Development,
Government of India,
New Delhi

The Secretary,
Ministry of Tourism,
Government of India,
New Delhi

The Secretary,
Ministry of Urban Development & Poverty Alleviation,
Government of India,
New Delhi

The Secretary, Ministry of Water Resources, Government of
India, New Delhi

The Secretary,
Ministry of Youth Affairs & Sports,
Government of India,
New Delhi

The Secretary,
Ministry of Information and Broadcasting,
Government of India,
New Delhi.

The Secretary,
Ministry of Information Technology,
Government of India,
New Delhi.

The Secretary, Ministry of Labour, Government of
India, New Delhi.

The Secretary,
Ministry of Non-Conventional Energy Sources,
Government of India,
New Delhi.

The Secretary,
Ministry of Petroleum and Natural Gas,
Government of India,
New Delhi.

The Secretary,
Ministry of Power,
Government of India, New Delhi.

The Secretary,
Ministry of Railways,
Government of India,
New Delhi.

The Secretary,
Ministry of Rural Development,
Government of India,
New Delhi.

The Secretary,
Ministry of Science and Technology,
Government of India,
New Delhi.

The Secretary,
Ministry of Road Transport & Highways,
Government of India,
New Delhi.

The Secretary,
Ministry of Small Scale Industries, Agro and Rural Industries,
Government of India,
New Delhi.

The Secretary,
Ministry of Statistics and Programme Implementation,
Government of India,
New Delhi.

The Secretary, Ministry of Steel,
Government of India, New Delhi.

The Secretary, Ministry of Snipping,
Government of India, New Delhi.

The Secretary,
Ministry of Textiles,
Government of India,
New Delhi.

Appendix-D

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

New Delhi, dated: the 20th March, 2007

To

The Chief Secretaries of all
States/Union Territories

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

Sir,

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

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

3. I am directed to request you to streamline the system so that the unscrupulous, non-SC/ST/OBC persons are prevented from securing jobs meant for SCs/STs/OBCs by producing false certificates. It would be appreciated if you could issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the districts

to the effect that they should ensure at their own level that veracity of the caste/community certificate referred to the district authorities as stated above, is verified and reported to the appointing authority within one month of receipt of request from such authority. In order to rule out collusion between candidates holding false/forged certificate and employees at the district level or sub-district level disciplinary proceedings may be initiated against officers who default in timely verification of caste status in such cases or issue false certificates.

Yours faithfully

A handwritten signature in black ink, appearing to be 'R. Ramanujam', written on a light blue background.

(R. Ramanujam)

Joint Secretary

Appendix-E

**GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
DEPARTMENT OF PERSONNEL &
TRAINING
NEW DELHI**

No.36028/28/2001-Estt.(Res)

dated: 30th July, 2001**OFFICE MEMORANDUM**

Subject: Streamlining the procedure for issuance of social status certificates, their scrutiny and approval etc.

—

The undersigned is directed to say that the Hon'ble Supreme Court in the case of Director' of Tribunal Welfare, Govt. of Andhra - Pradesh Vs. Laveti Giri^ (AIR 1995 SC 1506) has suggested following procedure to be followed for issuance social status certificates, their scrutiny and approval:

(1) The application for grant social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than by the officer like Taluk or Mandal Level.

(2) The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community,, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.

(3) Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.

(4) ■ All the State Governments shall constitute a Committee of three officers namely(I) an Additional or Joint Secretary or any Officer higher in rank of the Director of the Deptt. - concerned. (II) the Director, Social Welfare/Tribal Welfare/ Backward Class Welfare, as the case may be, and (III) in the case of Scheduled castes another officers who has intimate knowledge in the verification and issuance of social- status certificates. In case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

(5) Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of police inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian of the candidate in relation to their caste etc. \ or such other persons who have knowledge of the | social status of the candidate and then submit.. report to the Directorate together with all particular as envisaged in the proforma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethonological traits, deity, rituals, customs, mode of marriage, death ceremonies, methods of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.

(6) The Director concerned on receipt of the report from the vigilance officer if he found claims for social status to be "not genuine" or 'doubtful* or spurious or falsely or wrong-! y claimed the Director concerned should issue show cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through, the head of the educational institution concerned in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of receipt of the notice and in no,.....notice. In case, the candidate seeks for an opportunity of hearing and claims an enquiry to be made in that behalf, the Director on receipt of such representation/reply shall convene the committee and the Joint/Additional Secretary as Chairperson who shall give reasonable opportunity to the candidate/parent/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in persons or through counsel, the Committee may make such enquiry as it deems expedient and consider the claim vis-a-vis the objections raised by the candidate Or opponent and pass an appropriate order with brief reasons in support thereof.

(7) In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report of the particulars given are procured or found to be false or frauduently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.

(8) Notice concerned in para 6 should be issued to the parent/gurdians also in case candidate is minor to appear before the Committee with all evidence in his or their support of the claim for the social **status certificates**.

(9) The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant,

(10) In case of any delay in finalising, the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an officer post, is getting expired, the candidate be admitted by Principal or such other authority competent in that behalf or appointed on the basis of social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the scrutiny Committee,

(11) The order passed by the Committee should be final and conclusive only subject to the proceedings under Article 226 of the Constitution.

(12) No suit or other proceedings before any other authority should lie.

(13) The High Court would dispose of these cases as expeditiously as possible within a period of three months. In case as per its procedure, the writ/Petition/miscellaneous petition/matter is disposed of by a single Judge, then no further appeal would lie against that order to the Division Bench but subject to the special leave under Article 136.

(14) In case the certificate obtained or social status claimed is found to be false, the parent/guardian/ the candidate should be prosecuted for making claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or -offices under the State or the Union or elections to any local body, legislature or Parliament.

(15) As soon as the findings is recorded by the Scrutiny Committee holding that the certificate obtained 'was, false, on its cancellation and confiscation simultaneously, it should be communicated to the educational institution concerned or the appointing authority by registered post with acknowledgement due with a request to cancel the admission or the appointment. The Principal etc. of the educational institution responsible for making the admission or the appointing authority should cancel the admission/appointment without any further notice to the candidate and debar the candidate from further notice to the candidate and debar the candidate from further study or continue in office in a post.

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING
NEW DELHI

2. After having suggested the procedure as ■above the supreme court made the following observations:

“While reiterating the above guidelines to be workable principle, it is high time that the Government of India would have the matter examined in greater detail and bring about a uniform legislation with necessary guidelines and rules prescribing penal consequences on persons who flout the Constitution and corner the benefit reserved for the real tribals etc., so that the menace of fabricating the fake records and gain unconstitutional advantages by plain/spurious persons could be prevented. Lest they would defeat the Constitutional objective of rendering socio-economic justice envisaged under Article 46 in the preamble of the Constitution under Articles 14, 15, 16, 38 and 39”.

3. Subject matter concerns the Ministry of Social Justice and Empowerment. That Ministry is therefore, requested to examine the matter and bring out necessary legislation/issue guidelines in the matter. A copy of the judgement in Laviti Giri’s case is enclosed for ready reference.

(K.G. Verma)
Deputy Secretary to the Govt. of India

Ministry of Social Justice and Empowerment,
Shastri Bhavan,
New Delhi.

No. 230/08/2005-AVD II
Government of India Department of Personnel & Trg

New Delhi, dated May 25th 2005

OFFICE MEMORANDUM

Subject: **Implementation** of directions of the Hon'ble High Court of Delhi In CWP No. 5976/2003 regarding **re-verification** of cases of persons **who** have secured employment in Government of India and Government of NCT of Delhi and **its** agencies under *the* strength of forged/fake ST Certificates.

The undersigned is directed to say that in Civil Writ Petition No. 5976 of 2003 (filed in the High Court of Delhi, it has been alleged that a large number of people have secured employment in Government of India (**GOI**) and in Government of National Capital Territory of Delhi (GNCTD) and its agencies like DDA, NDMC, Schools and Colleges of Delhi under the reserved categories on the strength of forged/false Scheduled Tribes (ST) certificates.

2. CBI was directed by the Hon'ble High Court vide order dated 14th July, 2004 to verify **the** details of all those persons who had obtained employment under ST category. On preliminary verification, it appears that more than 30% of the ST certificates presented by candidates were either forged or false. Government has, therefore, decided that a detailed verification of all such certificates produced before various appointing authorities since 1995 be carried out.

3. In order to achieve this (ask in a time bound manner. Government has set up a coordinating mechanism under the Chairmanship of **Shri** ML. Sharma. Additional Director, CBI and the Chief Vigilance Officers (CVOs) of all

Ministries/Departments. The CVOs are requested to initiate this task by collecting the details of all those who had been appointed in **the** Ministries/Departments/or its agencies including CPSUs with which they are concerned, since 1995 on the strength of *ST* certificates. The original *ST* certificates produced at the time of appointment or **whenever** verified **last**, may be taken in personal custody by the **CVO**. **If these** certificates are found to be forged/false, these may have to be produced in the appropriate court for taking action according to the law.

4. After obtaining the *ST* certificates, these may be subjected to verification by sending them to the concerned district authorities viz. District Collectors, Deputy Commissioners and District Magistrates under intimation to the Chief Secretary of the State concerned for confirming the authenticity of the certificates or certifying that the government employee actually belongs to a Scheduled Tribe in those cases where records are not available for any reasons.

5. In case any certificate is found to be forged/false or any person who is found to be ineligible for not being member of Scheduled Tribe, legal action may be initiated against such persons by filing criminal case as **well** as **departmental** action for grave misconduct. The objective of this exercise is not to harass **the** government employees who have obtained employment on the strength of a genuine *ST* certificate but to identify all those employees who have used a fake/false certificate in obtaining employment thereby depriving genuine persons belonging to *ST* of their right.

6. Shri M.L. Sharma, Additional Director, CBI has been entrusted the responsibility of completing this task in a time bound manner so as to **implement** the directions of the **Hon'ble High** Court of Delhi. Since Government has to submit progress before the High Court

before next date of hearing, Shri Sharma has been authorized to take all necessary steps and **render** assistance to CVOs of the Ministry and CPSUs to collect **necessary** information in this regard so as to compile them and present the progress made on behalf of the Central Government before the Hon'ble High Court of Delhi.

7. In this regard all CVOs of the Ministries/Department are requested to collect information in **proforma** prescribed in Annexure I & Annexure 1] to this Office memorandum in respect of such employees who have been recruited from the year 1995 onwards in all the **Ministries/Departments** and its agencies including CPSUs, statutory and non statutory bodies etc. who are expected to implement the reservation policy in matter of employment under the State. To complete the exercise in a time bound manner the CVOs of the Ministries/Departments **will** co-ordinate with all the agencies of the Ministry/Department including CPSUs for implementing the reservation **policy** of the Government in matters of employment and cause an inquiry **into** the authenticity of the ST certificates and submit the same to Shri ML Sharma, Addl. Director, CB1 at the **earliest**.

8. **This** issues with approval of MOS (PP).

(P.K. Gera)

Director (Vigilance -2)

To

1. Chief Vigilance Officers {as per list attached)
2. Director, CBI
3. Shri **M.L. Sharma, Additional** Director, **CBI**

Annexure-I to the OM No. 230/08/2005-AVD-II dated 25-5-2005.

Details of appointing, authorities for DR posts

Name of the Ministry /Department/Attached/Subordinate Office/Organisation;

Appointing authority for direct recruitment posts:

Designations of
posts

Appointing
Authority

Group A or equivalent posts

Group B or equivalent posts

Group C or equivalent posts

Group D or equivalent posts

Notes:- Please list here all Group A to D posts (or equivalent) filled by various appointing authorities of each organization under the Ministry.

Annexure-II to the OMNo.230/08/2005-AVD-II dated25-5-2005Details of ST employeesrecruited since 1995

S.No.	Name and designation of the employee	Designation and Address of the Controlling Officer	Date of joining service	Reasons for leaving the job if currently not employed	Indicate if CVO has original/ photocopy of ST certificate	Whether the Controlling Officer/Appointing Authority conducted verification of the ST certificate from the issuing authority	Permanent address of the employee giving details of village, Tehsil, District and State
1.		j.	4.	5.	M 6:	7.	8.

Notes:-

1. Please provide here details of each employee who had obtained employment on strength of the ST certificate, which may be sent in original to CVO of the Ministry.
2. In column no.6, please fill 'Original'/ 'Photocopy' depending on the nature of copy of the ST certificate made available by the Controlling Officer. Inquiry may initiated on the basis of photocopies received but please insist on getting original ST certificate from the Controlling Officer of the employee. In case no certificate is available, please get necessary details from the Controlling Officer to cause an inquiry from the district authorities of his native place and call for a certificate from the relevant Government employee within 30 days.
3. Controlling Officers are advised to obtain receipt of delivery of original ST certificate.

Appendix-G

LIST OF EMPLOYEES WHO HAVE COME TO THE NOTICE OF CBI FOR OBTAINING EMPLOYMENT ON FALSE ST CERTIFICATES		
1	Murli Shah. RA.	Ministry of Labour
2	Shri Uma Nath. RA.	Ministry of Railways.
3	Shri Shambhu Prasad. UDC	Ministry of Finance
4	Shauqat Ali. Asstt.	Ministry of Home Affairs
5	Shri Vishwanath Mahto	Udya Bhawan. N. Delhi
6	Shri Raishwar Mahto. RA	Nirman Bhawan. N. Delhi
7	Smt. Sushma, LDC	Ministry of Defence.
8	Vakil Prasad, JGO	Staff Selection Commission (NWR) Chandigarh
9	Chandra Dev Prasad Mehto. LDC	Ministry of Urban Development.
10	Hira Lal Sah. UDC	Ministry of Steel.
11	Smt. Seema Kumari. Nursing	Ministry of Health.
12	Ritu Kaur, Dark room Assistant	Govt of India Press, New Delhi
13	Om Prakash Prasad, Driver	AIIMS, New Delhi
14	Uendra Kumar Prasad, Civil	NDMC, New Delhi
15	Jitender Kumar. D.R. Assistant	Ministry of Health.
16	Nand Kumar Prasad. D.R. Assistant	Ministry of Health.
17	Manager Sah. AO	National Archives of India, New Delhi
18	Raj Mahal Spl. Gr. Record Attendant	National Archives of India, New Delhi
19	Bhagirath Mahato, Spl. Gr. Record Attendant	National Archives of India, New Delhi
20	Bhadwan Mahto. Press Assistant	National Archives of India, New Delhi
21	Videsh Mahto. Record Asstt.	National Archives of India, New Delhi
22	Shiv Prasad Mahto, Record Asstt.	National Archives of India, New Delhi
23	Perveshwar Mahto, Photo Asstt.	National Archives of India, New Delhi
24	Chandreshwar Prasad. Supdt.	National Archives of India, New Delhi
25	Ram Naresh Mahto. Gest Operator	National Archives of India, New Delhi
26	Shiv Kumar Saha, Peon	National Archives of India, New Delhi
27	Om Prakash Saha, Peon	National Archives of India, New Delhi
28	Navrang Saha, Press Asstt.	National Archives of India, New Delhi
29	Sukhari Mahto, Peon	National Archives of India, New Delhi
30	Madhu Manihi	National Archives of India, New Delhi
31	S.K. Khatri, Archivist	National Archives of India, New Delhi
32	Adalat Sah, Asstt.	ICAR, Krishi Bhawan, New Delhi
33	Raghunath Meena, Computer	Ministry of Labour.
34	Raiender Mahto. Asstt.	CSIR, New Delhi
35	Harish Kerketa. Asstt.	CSIR, New Delhi
36	Sher Singh, Scientist	National Physical Laboratory, New Delhi
37	Rata Lagan Sah. UDC	Ministry of Commerce.
38	Bidu Prasad, UDC	Ministry of Commerce
39	Sikender Mandal, Chief Manager	Ministry of Chemical and Fertilizers.
40	Laxmi Narain Manihi, Dy. GM	MTNL, New Delhi.
41	Shanti Abbol Tiaga, Operator	Ministry of Labour

42	Suresh Prasad, Hd. Clerk	DOPT
43	Abenezer Pillai, Personal Secretary	DOPT
44	Smt. Sunita Devi, UDC	Government of NCT of Delhi
45	Shankar Kumar, Dv. Manager	Ministry of Heavy Industries
46	Vinod Kumar, Development Officer	The Oriental Insurance Company Ltd,
47	R.B. Patil, Assistant, Pune	Oriental Insurance Com. Ltd.
48	F.U. Shaikh, Asstt.	Oriental Insurance Com. Ltd.,
49	J.D. Borse, SCS, Pune	Oriental Insurance Com. Ltd.,
50	B.Y. Dharmik Development Officer	Oriental Insurance Company.
51	Mukesh Kumar, Constable	MHA
52	Deep C. Lakra S/o Ramphal Lakra Assistant Group-C	Ministry of Commerce & Industry.
53	Dharam Nath Saha S/o Ram Prasad Saha Record Sorter Group-C	Ministry of Consumer Affairs Food & Public Distribution
54	Saroj Bala D/o Omkarnath Meena	Ministry of Communication & Information Technology.
55	Ambika Saha s/o Yogeshwar Sah	Ministry of Agriculture
56	Kiran Sheela Karketa d/o Ebertus	AIIMS, New Delhi
57	Sanjay Prasad s/o Binda Ram, Peon	Rashtrapati Bhawan, New Delhi
58	Shashi Bala d/o Durga Bala (Steno)	Ministry of Railways
59	Manoj Kumar, s/o Tejpal	Ministry of Communication and Information Technology.
60	Lala s/o Hajari Lal	Ministry of Communication and Information Technology.
61	Brigunath Rai s/o Hira Lal Rai, Washer Man	Ministry of Finance.
62	Prakash Ekka s/o Bunfas Ekka	National Institute of Communicable Diseases, Shamnath
63	Baj Nath s/o Shrichand Prasad	AIIMS, New Delhi
64	Maheshwar Shah s/o Triloki Shah	AIIMS, New Delhi
65	Harish Karketa, Assistant	CSIR Rafi Marg, New Delhi
■66	Arjan Mehto	AIIMS, New Delhi
67	Brijnath Shah, Sr. Office Attendent	AIIMS, New Delhi
68	Ram Dayal Mahto	AIIMS, New Delhi
69	Prasuram Prasad s/o Late Shiv Shankar Prasad	AIIMS, New Delhi
70	Ram Pukhar Bhagat s/o Rameshwar Bhagat	AIIMS New Delhi.
71	Prabhunath Prasad s/o Chandrika	AIIMS, New Delhi
72	Om Prakash Prasad s/o Ramji Prasad	AIIMS, New Delhi.
73	Chandrika Mahto s/o Nand Lal Mahto	Ministry of Commerce and Industry,.
74	Ram shankar Rawat	Ministry of Finance
75	Kailash Ram s/o Pukhar Ram	Ministry of Human Resource
76	Laxman Prasad s/o Harihar Prasad	Ministry of Chemicals & Fertilizers
77	Ram Nath Shah s/o Munshi Shah	AIIMS, New Delhi
78	Om Prakash s/o Panchu Ram	NDMC, New Delhi
79	Ram Gopal Meena	NDMC, New Delhi
80	Ram Chander Meena	NDMC, New Delhi
81	Banwari Lal Meena	NDMC,-New Delhi

82	Sawlia Manjhi	Govt. Medical Store Depot Behind Qutub Hotel
83	Rameshwar Bhakta	Ministry of External Affairs
84	Suresh Mahto s/o Radha Mahto	Ministry of Commerce & Industry
85	Naiad s/o Ramchie Waterman	CSIR, Rafi Marg, New Delhi
86	Doodh Nath Mahto s/o Bigu Mahto	Ministry of Non-Conventional Energy Sources
87	Bali Ram Yadav s/o Suraj Yadav	Ministry of Human Research & Development.
88	Yogendra Mehto s/o Harinath Mahto	Ministry of Consumer Affairs, Foods & Purchase
89	Ganga Sagar Mahto s/o Bansi Mahto	Parsarbharti DG, A1R
90	Jag Lal Mahto d/o Deo Narain Mahto	Ministry of Finance.
91	Sharukhan Mahto s/o Nadan Lal Mahto,	Ministry of Finance
92	Ram Mahta, Peon	Central Road Research Institute, Mathura Road, New Delhi.
93	Manoj Kumar s/o Ramayan Mahto, Ward	Ministry of Health
94	Dev Raj Mahto s/o Bharosa Ram	Caste certificate issued by DM, Siwan
95	Bhagirathi Prasad s/o Kapil Dev	Ministry of Health
96	Rampathi Mehto s/o Bhagan Mahto	Ministry of Finance
97	Shiv Narain Prasad s/o Bewadhari	Ministry of Civil Aviation
98	Yogender Mahto s/o Sudama Mehto,	Ministry of Consumer Affairs, Food & Public
99	Bhirguntha Ram s/o Ramkalwan Ram,	Planning Commission, New Delhi
100	Indrajit Shah s/o Darshan Shah	Ministry of Information & Broadcasting
101	Krishna Kumar Prasad s/o Ramayan	Ministry of Agriculture
102	Dharmendra Kumar s/o Babu Lal Shah	Ministry of Agriculture
103	Shamu Shah s/o Ram Parvesh Shah	Ministry of Consumer Affairs, Food & Public
104	Gorkarh Nath Prasad s/o Ramayan	National Institute of Education, Planning,
105	Lalau Saha Vaid s/o Ram Dilwar Saha	Ministry of Information & Broadcasting
106	Vakil Prasad Gond s/o Roga Prasad	SSC, New Delhi
107	Jaiprakash s/o Bhiswanath Prasad	Ministry of Finance
108	Shri Bhagwan s/o Dukan Ram, Assistant	Ministry of finance
109	Kaidar Prasad s/o Nagina Saha	Caste certificate issued by BDO Sadar, Channra
110	Suresh Prasad s/o Machan Prasad, Head Clerk CRI New Delhi	DOPT
111	Laxmi Narayan Manjhi s/o Ram Podo Manihi ITO New Delhi	Mahanagar Telephone Nigam Ltd., N.D.
112	Chhote Lal s/o Mahangu Manjhi, Peon	Rural Electrification Corporation Ltd., N.D.
113	Ashok shantaram Khandelkar s/o Shantaam Khandelkar	Engineers India Ltd., Bhikaji Kama Place, New Delhi
114	Vijay Kumar s/o Suraj Prasad	Engineers India Ltd., Bhikaji Kama Place,

115	Ramashraya s/o Ram Narain	Ministry of Home Affairs
116	D. Vinod Kumar, Sr. Market	Ministry of Fertilizers & Chemivals
117	Hari Nandan s/o Narain Shah, Gas Fitter	Delhi Jal Board, New Delhi
118	Prakash A. Tawade	BEL, NAMU Unit
119	Anwar, Beldar	AIIMS, New Delhi
120	Bhanu Joardar	Ministry of Railways
121	Binod Kumar Thakur	Ministry of Railways
122	Rajesh Lakra	Ministry of Railways
123	Janardan Prasad Gond	Ministry of Railways
124	Rajendra Gond	Ministry of Railways
125	Raja Lal Shaw	Ministry of Railways
126	Leena Johnson Graig	NALCO
127	MR Reddy, Sr. PO	Satlujjal Vidyut Nigam, New Shimla
128	Santosh Kumar Meena	M/o Chemical & Fertilizers
129	Manoj Kumar Kosta	M/o Chemical & Fertilizers,.
130	Meghraj Meena	M/o Chemical & Fertilizers,.
131	Leeladhar Meena	M/o Chemical & Fertilizers.
132	Gyaneshwar Singh	M/o Chemical & Fertilizers.
133	Kumar Mongia	M/o Chemical & Fertilizers.
134	D.K. Bhagoria	EIL, New Delhi
135	G.D. Bokade, Officer Marketing	Ministry of Petroleum
136	Prakash Chander Manihi	Ministry of I* RM-wiVlhi.
137	Madan Prasad s/o Naresh Prasad	Caste certificate issued by SDM, Siwan
138	Victor Kujur	Krishak Bharti Cooperative Ltd, Noida
139	Goverdhan Mahto, Floor Asstt.	Ministiy of I & B , New Delhi
140	Rajendra Mahto, UDC	Ministry of External Affairs
141	Sadya Kumar Masram Technician Gr-I	Ministry of Chemical & Fertilizer
142	Manish Masrani, Technician Gr-I	Ministiy of Chemical & Fertilizer
143	Ms. P. Sri Laxmi, AAO	Oriental insurance Com. Ltd.,
144	Mahadev Shah s/o Ram Prakash Shah	Caste certificate issued by SDM, Chappra
145	Pradeep Morasia, Dy. Manager	National Mineral Development Coprn. Ltd.
146	Raghunath Sharma s/o Vindhychal	Ministry of Health & Family Welfare
147	Baijnath Prasad s/o Chandra Prasad Laboratory Technician	AIIMS, New Delhi
148	Rama Shankar Rawat s/o Chadradeep Rawat, LDC	Mministry of Finance.
149	Nathu Lal, Peon	Ministry of Home Affairs
150	K. Silvraj	Ministry of Railways
151	Kailash Sharma, ASM	Ministiy of Railways
152	Lahari Lal Meena	Ministiy of Railways
153	Ramai Mahato s/o Kedar Mahato	Caste certificate issued by Dist. Welfare Officer, Siwan
154	Dhva Charan Samal, Technician	Ministry of I &-B,
155	Vijay Pal Singh, Helper	Ministry of I&B
156	Ramadar Prasad, Peon	Ministry of I&B
157	Anand Kumar s/o Madan Lal	Ministry of Railways

158	Ajay Kumar	Ministry of Railways
159	Arun Kumar, Helper	Ministry of Civil Aviation
160	Manish Parate, JTO	MTNL, New Delhi
161	Rakesh Kumar Thakur, Technician	Ministry of Fertilizers & Chemicals
162	Kedar Prasad s/o Nagina Shah	Caste certificate issued by BDO, Sadar, Siwan.
163	Devender Khapekar, Investigator	Ministry of Small Scale Industries.
164	Naresh A. Koli, Sr. Mazdoor	Ministry of Fertilizers & Chemicals
165	Ashay J. Vaity, Technician (Elect.)	Ministry of Fertilizers & Chemicals
166	Yashwant H. Koli, Sr. Technician (Elect.)	Ministry of Fertilizers & Chemicals
167	Virendra I. Bhaye, Operator Gr-II	Ministry of Fertilizers & Chemicals
168	Dharmendra S. Koli, Sr. Mazdoor	Ministry of Fertilizers & Chemicals.
169	Prakash J. Koli, Mazddor Gr-I	Ministry of Fertilizers & Chemicals
170	Vikas H. Koli, Instructor Gr-I	Ministry of Fertilizers & Chemicals
171	Anand Kumar s/o Ajay Prasad, Tech/FTR	Ministry of Railways
172	Polo ram, Section Engineer	Ministry of Railways
173	Data Ram, Section Engineer	Ministry of Railways
174	B.N. Dharmik. Development Officer DO-3, Ahamadabad	Oriental Insurance Com. Ltd., Oriental
175	Smt. Asha Samuel, Performer	Ministry of Information and Broadcasting
STAY GRANTED BY VARIOUS HIGH COURTS -14 CASES		
176	S. Vennila, Messenger, FCI	Ministry of Agriculture
177	R. Kalyani, Messenger	Ministry of Agriculture
178	A. Saroja, AG-III	Ministry of Agriculture
179	K.v. Krishnaveni, AG-III(G)	Ministry of Agriculture
180	K. Sivagami, Messenger	Ministry of Agriculture
181	A. Amirthaligam, Messenger	Ministry -of Agriculture
182	s. Paneer Silver, Sr. Messenger	Ministry of Agriculture
183	P. Sakthivel, AG-III(D)	Ministry of Agriculture
184	Smt. Manjula, Massenger	Ministry of Agriculture
185	Samba Shiva Rao, AG(T)	Ministry of Agriculture
186	Sanjay Keshavrao Likhari	Ministry of Agriculture
187	Sahib Singh, Sr. Hindi Translator	Ministry of Civil Aviation
188	S. Laxman, Supdt.	Deptt. of* Secondary & Higher Education, New Delhi
189	Veerabathiran, Lab. Attendant	Deptt. of Secondary & Higher Education, New Delhi

**M1N1STRY--VWISE LIST OF NO. OF EMPLOYEES WHOSE ST CERTIFICATES
HAS BEEN FOUND TO BE FALSE DURING VERIFICATION**

Sl. No.	Ministry/Department	No. of Employees
1	Ministry of Railways	16
2	Ministry of Labour	3
3	Ministry of Finance	9
4	Ministry of Home Affairs	6
5	Ministry of Health	7
6	Ministry of Industrial Policy and Programme	1
7	Ministry of Defence	1
8	Ministry of Power	1
9	Ministry of Petroleum	1
10	Ministry of Mines	1
11	Ministry of Small Scales	1
12	Ministry of Urban Development	1
13	Ministry of Steel	1
14	Ministry of Commerce	3
15	Ministry of Chemical and Fertilizers	20
16	Ministry of Heavy Industries	5
17	Ministry of Shipping	1
18	Ministry of Consumer Affairs	7
19	Ministry of Communication and	5
20	Ministry of Information and	8
21	Ministry of Agriculture	2
22	Ministry of HRD	3
23	Ministry of External Affairs	2
24	Ministry of civil Aviation	2
25	Ministry of Surface Transport	1
26	Government of India Press	1
27	AIIMS	16
28	DOPT	2
29	National Archives	17
30	ICAR	1
31	CSIR	4
32	National Physical Lab.	1
33	Staff Selection Commission	2

34	Rashtrapati Bhawan	1
35	Non Conventional Energy	1
36	National Capital Territory of Delhi	3
37	Planning Commission	1
38	Department of Electronics	1
		159

NO. OF EMPLOYEES of psus/autonomous bodies of the government of India as well as state governments/ut administration whose st certificates has been found to be false during verification

S. No.	Ministry/Department	No. of Employees
1	NDMC	5
2	MTNL	3
3	Oriental Insurance Co.	5
4	Rural electrification Corporation	1
5	Prasar Bharti	1
6	Nalco	1
7	Food Corporation of India	14
		30

Appendix-H

No, 11012/7/91-Estt.(A)

Government of India
Ministry of Personnel, P.G. &
Pensions (Department of
Personnel and Training)

New Delhi, the 19-5-93

OFFICE MEMORANDUM

Subject: Action against Government servants to be taken if they are later found ineligible or unqualified for their initial recruitment.

Attention of the Ministries/ Departments is invited to Ministry of Home Affairs OM No. 39/1/67-Ests .(A) dated 21.2.1967 wherein it was clarified that departmental action can be taken against Government servant in respect of misconduct committed before his employment. Attention is also invited to the Ministry of Home Affairs. OM No.5/1/63-Estt.(D) dated 30.4.1965 wherein Ministries/ Departments were requested to make use of the provision of 'warning' inserted in the Attestation form for taking action against Government Servant furnishing false information at the time of appointment.

2. A question has now arisen as to whether a Government servant can be discharged from service where it is discovered later that the Government servant was not qualified or eligible for his initial recruitment in service. The Supreme Court in its judgement in the District Collector, Vizianagaram vs. M. Tripura Sundari Devi (1990 (4) SLR 237) went into this issue and observed as under:-

“It must further be realized by all concerned that when an advertisement mentions a particular qualification and an appointment is made in disregard of the same, it is not a matter only between the appointing authority and the appointee concerned. The aggrieved are all those who had

similar or better qualifications than the appointee or appointees but who had not applied for the post because they did not possess the qualifications mentioned in the advertisement. It amounts to a fraud on public to appoint a person with inferior qualifications in such circumstances unless it is clearly stated that the qualifications are relaxable. No court should be a party to the perpetuation of the fraudulent practice”.

The matter has been examined in consultation with the Ministry of Law and Justice and it has now been decided that wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules etc., for initial recruitment in service or had furnished false information or produced a false certificates in orders to secure appointment, he should not be retained in service. If he is a probationer or a temporary Govt. servant, he should be discharged or his services should be terminated. If he has become a permanent Govt. servant, an inquiry as prescribed in Rule 14 of CCS (CCA) Rules, 1965 may be held and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any other penalty be imposed.

3. Such discharge, termination, removal or dismissal from service would, however, be without prejudice to the right of the Government to prosecute such Government servants.

4. Ministries/Departments are requested to bring the above to the notice of all concerned for information and necessary action.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the comptroller and Auditor General of India.

(V. NATARAJAN)
DEPUTY SECRETARY TO THE GOVT. OF INDIA

To

1. All Ministries/Deptts.
2. Chief Secretaries of all States and Union Territories

3. Comptroller and Auditor General of India, New Delhi
4. Supreme Court of India, New Delhi
5. UPSC, New Delhi
6. CVC, New Delhi
7. Lok Sabha Secretariat/Rajya Sabha Secretariat
8. President's Secretariat/Vice President's Sectt.
9. Commissioner of Linguistic Minorities, Allahabad
10. Election Commission, New Delhi
11. All zonal councils
12. CAT, Principal Bench, Faridokat House, New Delhi
13. all attached and subordinate offices of the Ministry of Personnel Public Grievances and Pensions and Ministry of Home Affairs
14. All Sections of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs

Appendix-I**MINUTES****COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2006-2007)****(FOURTEENTH LOK SABHA)****ELEVENTH SITTING
(12.02.2007)****The Committee sat from 1500 to 1630 hrs.****PRESENT****Shri Ratilal Kalidas Varma - Chairman****MEMBERS- LOK SABHA**

2. Shri Anandrao Vithoba Adsul
3. Shri S. Ajaya Kumar
4. Shri M. Appadurai
5. Shri Biren Singh Engti
6. Shri Eknath M. Gaikwad
7. Dr. P.P. Koya
8. Shri Kailash Meghwal
9. Shri Ashok Kumar Pradhan
10. Shri Harikewal Prasad
11. Shri Bajju Ban Riyan
12. Dr. (Col.) Dhani Ram Shandil

MEMBERS - RAJYA SABHA

13. Shri Sharad Anantrao Joshi
14. Shri Harendra Singh Malik
15. Shri Nabam Rebia

SECRETARIAT

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

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

1. Shri S.N. Mishra, Secretary
2. Shri R. Ramanujam, Joint Secretary
3. Shri P.K. Tripathi, Director
4. Shri K.G. Verma, Director

CENTRAL BUREAU OF INVESTIGATION

1. Shri Y.C. Modi, DIG
 2. Shri Zaki Ahmad, SP
2. At the outset the Chairman welcomed the representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training).
3. The Committee then took oral evidence of the representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) on the subject "Situation arising out of the employment secured on the basis of false caste certificates".
4. The evidence was completed.
- (The witnesses then withdrew)
5. A verbatim record of the proceedings was kept.

The Committee then adjourned.

MINUTES**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2007-2008)****(FOURTEENTH LOK SABHA)****FIFTEENTH SITTING****(13.03.2008)**

The Committee sat from 1500 to 1530 hrs.

PRESENT

Shri Anandrao Vithoba Adsul - (In Chair)

MEMBERS - LOK SABHA

2. Shri S. Ajaya Kumar
3. Shri Kailash Baitha
4. Dr. Tushar A. Chaudhary
5. Shri Rupchand Murmu
6. Shri Virchandra Paswan
7. Shri E. Ponnuswamy
8. Shri Bajju Ban Riyan
9. Shri Chengara Surendran
10. Shri Vanlalawma

MEMBERS - RAJYA SABHA

11. Shri Krishan Lal Balmiki
12. Shri Sharad Anantrao Joshi
13. Shri Lalhming Liana
14. Shri Mahendra Sahni

SECRETARIAT

1. Shri Gopal Singh, Director
2. Ms. J.C. Namchyo, Deputy Secretary
3. Smt. Maya Lingi, Under Secretary

At the outset, the Committee were informed by the Director that due to some urgent work, Shri Ratilal Kalidas Varma, Chairman will not attend the sitting. As provided in Rule 258(3) of Rules of Procedure and Conduct of Business in Lok Sabha Shri Anandrao Vithoba Adsul, M.P. was chosen by the Committee to act as Chairman for the sitting.

2. The Committee then considered the draft report on "Situation arising out of the employment secured on the basis of false caste certificates" and adopted the same. The Hon'ble Chairman also requested the Members to send their suggestions if any, in writing to be incorporated in the draft report latest by 17th March, 2008.

3. 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.

The Committee then adjourned.

APPENDIX - K**(Vide para 4 of Introduction)****SUMMARY OF CONCLUSIONS/RECOMMENDATIONS
CONTAINED IN THE REPORT**

Sl. No.	Para No.	Conclusions/Recommendations
1.	2.	3.
1.	1.7	<p>The Committee note that numerous provisions have been made in the Constitution of India for safeguarding the interest of Scheduled Castes and Scheduled Tribes. In pursuance of these provisions, the Scheduled Castes and Scheduled Tribes are getting reservation in services, Educational Institutes, Parliament, Legislative Assemblies, Panchayats and several special programmes are prepared for their welfare. According to the Government, the existing provisions of the Constitution are sufficient to safeguard the interest of the Scheduled Castes and Scheduled Tribes and these provisions have enabled the State to bring them into the mainstream of the country. The Committee agree that the provisions contained in the Constitution have enabled the state to bring the SC/ST people to the mainstream. While it is true that the representation of SC/ST people is found in services, Educational Institutes, Parliament, Legislative Assemblies and Panchayats, it is also true that the representation of SC/ST people in services and educational institutes has not been adequate and in proportion to their population. According to the information submitted to the Committee, as on 01.01.2005, representation in Group A, B, C and D posts of Scheduled Castes was approximately 11.9%, 13.7%, 16.4% and 18.3%, respectively whereas the representation of Scheduled Tribes was 4.3%, 4.5%, 6.5% and 6.9% respectively of the total population. If these figures include people who could get appointed on the basis of 'false caste certificates', the percentage of representation of SC/ST would be lesser than what is claimed by the Government. The Committee regret to point out that even after lapse of more than 57 years since the Constitution came into existence, the Government have not been able to fully achieve the</p>

prescribed percentage of reservation for Scheduled Castes and Scheduled Tribes in services of the Government of India except for Scheduled Castes in Group C and D posts. The Committee also regret to note that the above information is as on 1.1.2005 and that it does not include the information in respect of two Ministries. The Committee would definitely like to know the names of the two Ministries and the reasons why they could not furnish the information.

2. 1.8

The argument of the Ministry that the posts reserved for SCs/STs remain vacant due to non availability of suitable candidates is not at all convincing. The Committee are of the firm view that there is no dearth of qualified SC/ST candidates who are still jobless for want of opportunities. The main hindrance the Committee feel is the lack of zeal on the part of implementing authorities who are not able to give adequate publicity to such posts in SC/ST inhabited areas. The Committee further observe that although the Government have launched Special Recruitment Drives yet they have not been able to achieve the desired results to the optimum satisfaction of these communities. The Committee, therefore, strongly recommend that concerted efforts should be made by the Government to work towards fulfilling the prescribed percentage of reservation for Scheduled Castes and Scheduled Tribes in all categories of posts in Central Ministries/Departments/ PSUs within a time frame.

3. 1.9

The Committee are not happy with the reply of DOP&T in regard to information sought of the States/UTs. It has been stated by them that the States/UTs have their own reservation policy and data in this respect is not maintained centrally. The Committee feel that if they had any inclination, the information could have been obtained from States/UTs and provided to the Committee. The Committee feel that if there is no mechanism at the central level to monitor/get information with regard to States/UTs, how could it be known as to what extent the benefits enshrined in the Constitution have reached the SC/ST population of the country. The Parliament is a representative body of the country and Members of Parliament serving in the Committee are representatives of the people and are expected by the people to watch the interest of the Scheduled Castes and Scheduled Tribes. Therefore, the Committee are of the firm view

that it is the bounden duty of the Union Government to see that reservation provisions and welfare measures for SCs/STs are implemented throughout the country in letter and spirit. The Committee, therefore, recommend that to have an overall view of representation of SCs/STs in the services under the State not only at the central level but also at State/UT level, the DOP&T should collect information regularly and maintain data in this regard.

4. 2.8 The Committee appreciate that a large number of SC/ST candidates have been able to obtain employment in Government establishments, Banks, PSUs and autonomous bodies, secure admissions in educational institutions against the seats reserved for them on the basis of caste certificates issued to them. The SC/ST people in possession of caste certificates are also availing themselves of other facilities provided by the State.

5. 2.9 The Committee also note that the responsibility of issuing caste certificate is of the agencies of the State Governments and as such, each State has laid down its own procedure for issuance of caste certificates. The language of the certificate is also decided by the State Governments/UTs and certificates are issued either in Hindi or English or the official language of the concerned State. While deposing before the Committee, the Secretary, DOP&T had also stated that the responsibility of issuing and verifying of caste certificate vests with concerned State Government and the appointing authority (Central Government) and absolved his Ministry from any responsibility in this regard. It is, therefore, concluded that the issue and verification of caste certificates are the concern of the State Governments and the appointing authorities have to satisfy themselves that the caste certificates submitted are duly verified and issued by some designated officers of the State Governments. The role of the DOP&T is limited to issuance of guidelines on the subject

6. 2.10 The Committee, however, are not satisfied with the present arrangement as some unscrupulous people have been effortlessly taking advantage of some lacunae in the existing system of issuance and verification of caste certificates. These people, though not belong to SC/ST

category, have been able to get into reserved seats in jobs, educational institutions and to have access to different schemes meant for SCs and STs on the basis of false certificates. This makes a mockery of the existing system as genuine SC/ST people are deprived of their rightful claim in employment, educational institutions, schemes, etc. This act is nothing short of a criminal offence. The Committee are distressed to observe that the Central and the State Governments have not been able to stop the malpractice either due to their limited resources or because of a casual approach towards the problem. In such a situation, the role of the nodal Ministry becomes all the more important as it needs to find ways and means to tackle the problem and to take effective steps to strengthen the system. The Committee, therefore, recommend that DOP&T should examine the matter afresh in consultation with concerned Ministries/Departments as also the State Governments so as to strengthen and make the system foolproof. After examining the matter, detailed uniform guidelines clearly specifying the precise role and responsibilities of Central Ministries/Departments as also that of States in the matter of issue and verification of caste certificates should be issued. The Committee also recommend that DOP&T should ensure that there is uniformity in the wording of the certificate and that caste certificate is issued, besides the official language, if any, of the States either in English or Hindi.

7. 2.20

The Committee note that according to instructions issued in 1952, the claims of candidates to belong to the SC & ST were to be verified through the District Magistrate of the place where such persons and/or their families reside. The instructions issued subsequently had mentioned the designated officers who were given the authority to issue the caste certificates. The Committee also note that as per instructions issued by DOP&T, the appointing authorities have to verify the caste status of a SC/ST officer at the time of initial appointment and promotion for which no time limit has been prescribed. In 2003, the Committee had requested DOP&T to issue instructions/directives to Collectors/District Magistrates for disposal of cases pertaining to verification of caste certificates within one month. The Committee had been assured during the evidence held on 12th February 2007 that DOP&T would issue direction to all concerned in

regard to completion of verification of caste certificate within a prescribed time. The Committee, are happy that as assured by the Secretary, DOP&T during the evidence, letters have been sent to the Chief Secretaries for verifying caste certificate and reporting the matter to the appointing authorities within one month from the receipt of request. It is also heartening to note that the Chief Secretaries have been requested to initiate disciplinary proceedings against those officers who default in timely verification of caste status or issue false caste certificates. The Committee hope that the DOP&T would always endeavour to take quick timely action for safeguarding the interest of the SCs and STs.

8. 2.21

The Committee also note that the verification of caste status of SC/ST is the responsibility of Civil/District authorities whereas characters and antecedents of candidates are verified by police authorities. The Committee, however, desire that while requesting the police authorities for verification of character and antecedents they should also be advised to verify the caste status of the candidates. The Committee also desire that the period between verification of character and antecedents and issue of offer of appointment should be utilized for verification of caste certificates from district authorities. The Committee further desire that action should also be taken against the police officials who verify the caste status of an individual, in case the certificate is proved to be fake/false at a later stage. Necessary instructions in this regard may be issued by the Government.

9. 2.24

The Committee note that based on a case of Director of Tribunal Welfare, Government of Andhra Pradesh Vs. Laveti Giri, the Supreme Court had given direction to lay down certain procedure and guidelines for issuance of caste certificates and their scrutiny. DOP&T had, therefore, requested the Ministry of Social Justice and Empowerment on 30.07.2001 to examine the issue as the Ministry of Social Justice & Empowerment was responsible for being the nodal Ministry for welfare of SCs/STs and for policy matters like notifying or de-notifying of any caste/community, determination of SC/ST status of persons, method of verification of social status, etc. whereas DOP&T is the nodal Ministry for framing policies of reservations for SCs/STs in services

under the Central Government. The Committee are deeply constrained to find that no decision seems to have been taken. The Committee would, therefore, like to know the follow up action taken by the DOP&T to pursue the matter with the Ministry of Social Justice & Empowerment in this regard and strongly recommend that immediate action should be taken to expedite decision on the matter, if not taken already. If any action has been taken, the Committee should be apprised of the same within three months of the presentation of the report.

10. 3.7 The Committee note that DOP&T had issued instructions on 25 May, 2005 to Chief Vigilance Officers (CVOs) of the Ministries and Director, CBI to collect information in respect of such employees who have been recruited from the year 1995 onwards in all the Ministries/Departments and its agencies including CPSUs, statutory and non-statutory bodies, etc. The Committee also note that the instructions had been issued pursuant to the direction by the High Court of Delhi regarding re-verification of cases of persons who had secured employment in Government of India, Government of NCT of Delhi and its agencies on the strength of forged/fake ST certificate.
11. 3.8 The Committee note that several cases of seeking employment on the basis of false caste certificates had come to the notice of CBI and the number of employees who had secured employment on the basis of false ST certificate was reported to be 189 till December 2006. On the date of evidence i.e. 12th February, 2007, the representative of CBI had mentioned that the figure had reached 268 and that it being a continuous process, there could be more names. The Committee are of the view that this is only the tip of the iceberg as the cases detected pertained to the period 1995 to 2000 and that too only relating to ST certificates and there might be cases of forged/fake SC certificates too. As the problem is very grim, the Committee recommend that a similar exercise should be carried out for employment secured on the basis of both SC and ST certificates during the years 2001 to 2007 and such an exercise should be completed speedily so as to discourage such incidents in future. Action taken in this regard should also be apprised to the Committee.

12. 3.9 The Committee also note that after an action is suggested by CBI to be taken by Ministries/Departments concerned, the status of cases are not being maintained by CBI. The Committee desire that the CBI should keep record of all such cases so that they can check the progress made in disposing of the cases.
13. 3.10 The Committee are pained to note that the list of employees who obtained employment on the strength of false ST certificate ironically include 3 employees working in DOP&T. The Committee are also distressed to note that there are two IAS Officers who have allegedly entered the Civil Services on the strength of false caste certificates. The Committee take serious note of the matter and cannot absolve DOP&T of its responsibility for such lapse, being the appointing authority. The Committee, therefore, strongly recommend that suitable action should be taken against the officers of DOP&T who, as appointing authority, had failed in their duty to get the certificates of all these officers verified properly.
14. 3.11 The Committee observe that out of 189 cases of employees who obtained employment against fake ST certificates, there are 14 cases where stay has been granted by various High Courts. The Committee desire that DOP&T should obtain the information from various Ministries/Departments in regard to efforts made/being made by them for early vacation of stay. The Committee desire that DOP&T should advise the concerned Ministries/Departments to take all necessary steps with a view to ensuring speedy disposal of all such pending cases so that justice is done to genuine SC/ST persons.
15. 3.16 The Committee note that as per instructions issued by DOP&T vide their O.M. 11012/7/91-Estt.(A), dated 19.5.1993, whenever it is found that a Government Servant, who was not qualified or eligible in terms of recruitment rules etc. for initial recruitment in service or had furnished false information or produced a false certificate in order to secure employment, he should not be retained in service and necessary action may also be taken under the provisions of the Indian Penal Code for production of false caste certificate. The Committee also note that if the person securing employment on the basis

of false caste certificate takes the shelter of the court and the action of the Government is stayed by the Court, the case is defended in the court. The Committee are of the view that whenever a person is found to secure employment on the basis of false caste certificate, a swift action should be taken by the employer. The Committee recommend that the person found guilty of producing false caste certificate should be suspended immediately from the service and a case should be registered against him in police station. The Committee also recommend that Department of Personnel & Training should issue necessary instructions in this regard, as assured by the Secretary, DOP&T during evidence before the Committee. The Committee would also like to know the number of cases in which FIRs have been lodged by the Ministries/Departments separately in pursuance of DOP&T O.M. No. 230/08/2005-AVD-II, dated the 25th May, 2005 as well as their present status.

16. 3.21

The Committee note that periodic information/status report is not maintained by DOP&T with regard to action taken on cases of employment secured on the basis of false caste certificates. The Committee have been informed that the DOP&T is the nodal Ministry for framing policy on reservation in services under the Government of India and appointment to the posts are made by concerned Ministries/Departments attached/ Subordinate offices, etc. and provisions for reservation are implemented by these organisations. The Committee fully agree that every Ministry and Department is competent to make its own recruitment and therefore to make proper recruitment on the basis of genuine caste certificate is the responsibility of every Ministry. The Committee also agree that it is the primary duty of each Ministry/Department to see that every recruitment made against the reserved seat is on the basis of genuine caste certificate. The Committee, however, are of the view that being the overall in charge of framing policy on reservation in services under the Government, it is the responsibility of DOP&T to see that the policy is implemented in letter and spirit. It is, therefore, desirable that to implement the policy successfully a centralized information gathering system should be in place so as to correct the situation as and when required by bringing changes in policy matter. It will also help to have a clear picture as to the details of employment secured on the

basis of false caste certificate and to devise a mechanism to prevent such cases in future. The Committee, therefore, strongly recommend that DOP&T should inter alia obtain information from all Ministries/Departments, PSUs, banks, autonomous bodies and States/UTs in regard to cases of false caste certificates regularly with a view to monitoring their progress and disposal, so that necessary plan of action could be taken to tackle the problem for good.

17. 3.27

The Committee are happy to note that a Bill namely Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation in Posts and Services) Bill, 2004 has been introduced in Rajya Sabha and a provision has been made in the aforesaid Bill regarding penalty on persons making a false claim as a member of the SC, ST or OBC and also for officers who knowingly issue false certificate. The Committee strongly recommend that Government should take appropriate action to get the above Bill passed by the Parliament as early as possible so that caste certificates are not misused by non-SC/ST candidates in securing reserved jobs and facilities meant for SC/ST candidates.