

SEVENTEENTH REPORT  
COMMITTEE ON PETITIONS  
(FIFTEENTH LOK SABHA)  
MINISTRY OF CIVIL AVIATION

*(Presented to Lok Sabha on 24.11.2011)*



LOK SABHA SECRETARIAT  
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COMPOSITION OF THE COMMITTEE ON PETITIONS  
(2010-11)

Shri Anant Gangaram Geete — *Chairman*

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## SEVENTEENTH REPORT OF THE COMMITTEE ON PETITIONS

(FIFTEENTH LOK SABHA)

### INTRODUCTION

I, the Chairman, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this Seventeenth Report of the Committee to the House on the representation from Shri R.Y. Bankar, General Secretary, Air Corporation's SC/ST Employees' Association, Mumbai regarding Uniform Cast Verification Policy in Air India and other related issues.

2. The Committee considered and adopted the draft Seventeenth Report at their sitting held on 21st October, 2011.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;  
21 October, 2011  

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29 Asvina, 1933 (Saka)

ANANT GANGARAM GEETE  
*Chairman,*  
*Committee on Petitions.*

## **REPORT**

### **REPORT ON THE REPRESENTATION OF SHRI R.Y. BANKAR, GENERAL SECRETARY, AIR CORPORATION'S SC/ST EMPLOYEES' ASSOCIATION, MUMBAI REGARDING UNIFORM CASTE VERIFICATION POLICY IN AIR INDIA AND RELATED ISSUES**

A representation dated 24 September, 2010 was submitted to the Committee on Petitions by Shri R.Y. Bankar, General Secretary, Air Corporation's SC/ST Employees' Association, Mumbai regarding Uniform Caste Verification Policy in Air India and other related issues.

2. The Petitioner has represented that Air India, being a Central Public Sector Undertaking (CPSU) follows Presidential Directives in respect of verification of caste claims of SC/ST employees. In the recent times, Air India has taken arbitrary decision in removing nine Scheduled Tribes permanent employees, who had put in 10 to 15 years of service on the pretext that the Issuing Authority had not confirmed the issuance of caste Certificates. However, as per the information sought under Right to Information Act, 2005, the said certificates were issued by the same Authority. The recent direction of the Air India Management to re-verify the certificates of 242 ST permanent employees by the State Caste Scrutiny Committee was slated to be an act of harassment against the judgment of Hon'ble High Court of Maharashtra. It was further stated by the petitioner that this matter was investigated in the year 2000 by the then Director-HRD, and after discussion with the Air Corporation's SC/ST Employees' Association, it was agreed that the reported cases shall be first verified by the SC/ST Cell.

The petitioner therefore, prayed for the following:—

- (i) Uniform caste verification policy in Air India based on Presidential Directives and Department of Personnel and Training Guidelines.
- (ii) All reservation matters pertaining to SC/ST should be dealt with by the Liaison Officer through the special Cell for SC/ST.
- (iii) Immediate dissolution of Task Force to re-verify the caste status of 242 employees of Air India.

3. The Committee on Petitions took up the matter for detailed examination under Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the representation was referred to the Ministry of Civil Aviation on 30.11.2010 for furnishing their comments.

4. On the question of following Uniform Caste Verification Policy based on the Presidential Directive, the Ministry in their written reply have stated:—

“The Ministry of Civil Aviation *vide* letter No. A. 14012/4/90-SCT dated 18.11.1991, issued revised Presidential Directives to Air India, based on the instructions on

the subject issued by the Department of Personnel & Training covering important aspects and the basic structure of the reservation scheme.

Air India is guided by these instructions in terms of implementation of various measures for reservation of SC/ST employees. As regards verification of the claims of Scheduled Castes and Scheduled Tribes the instruction contained in (Annexure-I) of the Presidential Directives is being followed uniformly at Headquarters and all the Regions. Further the instructions issued by the Department of Personnel & Training, Government of India from time to time are also being followed.

The caste certificate submitted by the employees concerned is sent to the Issuing Authority for authentication. The employees are confirmed in their services/ posts only after obtaining authentication from the Issuing Authority.”

5. On being asked as to whether the verification of caste status of the employees in Air India was being done on All India basis, the Ministry in their written reply submitted:—

“As per the O.M. dated 25 May, 2005, the CBI was directed by the Hon’ble High Court *vide* Order dated 14.07.2004 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 had therefore, decided that a detailed verification of all such certificates produced before various appointing Authorities since 1995 be carried out.

The CVOs of all Ministries/Departments were requested to initiate the task of verification by collecting the details of all those who had been appointed in Ministries/Departments, or its agencies including CPSUs since 1995 on the strength of ST certificates. All CVOs of the Ministries/Departments were requested to collect information in respect of all such employees who have been recruited from the year 1995 onwards and cause an inquiry into the authenticity of the ST certificates.

In erstwhile Air India, the verification of caste certificate of the candidates belonging to SC/ST is normally done by the Special Cell for SC/ST, at the time of employment on All India basis. However, the caste verification of ST Employees employed after 1995 is carried out by Vigilance Department of AI in accordance with O.M. No. 230/08/2005-AVD II dated 25 May, 2005 of the Department of Personnel and Training, Government of India for implementation of the directions of the Hon’ble High Court of Delhi in CWP No. 5976/2003 with regard to the re-verification of cases of persons who have secured employment since 1995.

With regard to the verification of the 242 cases (except those who have retired/ resigned), the same is done by Special Cell for SC/ST on the advice/instructions from the CVO and Liaison Officer for SC/ST.”

6. In response to a query by the Committee, as to what led the Management of Air India to verify the caste certificate of 242 Scheduled Tribe employees belonging to

a particular community in Maharashtra State only, the Ministry in their written reply stated:—

“Verification of caste certificates of the 242 ST employees of erstwhile Air India has been initiated by the Special Cell for SC/ST, based on the instructions of the Liaison Officer for SC/ST and the CVO.

Shri D.S. Ahire, Member of Parliament, had *vide* letter dated 6 January, 1999 complained Shri Ananth Kumar, the then Minister of Civil Aviation, about the recruitment of 242 ST employees (all belonging to Maharashtra State) in the erstwhile Air India based on forged caste certificate with a request to instruct Air India to have the caste certificates of these employees verified. Shri Ahire had also forwarded a list of these 242 employees. Accordingly, Shri Ananth Kumar instructed the then CMD-AI, to take necessary action in the matter.”

7. When the Committee desired to know as to whether all the reservation matters pertaining to SCs/STs are being dealt within Air India by Liaison Officer through the Special Cell for the SC/STs, the Ministry in their written reply have stated:—

“In the erstwhile Air India, all the reservation matters pertaining to SCs/STs are dealt by the Liaison Officer for SC/ST who is appointed by the Chairman & Managing Director. All the matters concerning SCs/STs are reported to the Liaison Officer for SC/ST. The Special Cell for SC/ST assists the Liaison Officer for taking various measures on reservation matter.

In the erstwhile Indian Airlines, the reservation matters pertaining to SCs/STs are being dealt with by the Liaison Officers appointed in all the Regions.”

8. While adducing to the fact that the Central Public Sector Undertakings (CPSUs) are supposed to follow Presidential Directives and Department of Personnel and Training (DoPT) Guidelines in respect of verification of caste claims of SC/ST employees, the Committee wanted to know as to why the practices laid down by the Government of India in the matter are not being followed by Air India. The Ministry in their written reply submitted:—

“The Presidential Directives and instructions of DoPT are being followed in the case of verification of caste certificates of the candidates belonging to SC/ST categories. A Special Cell for SC/ST has been formed by Air India for dealing with the matters concerning reservation of SCs/STs.

Currently the verifications are carried out by the Task Force chaired by CVO, as per the directions of the Delhi High Court.”

9. On being enquired about the detailed provisions enshrined in the Presidential Directives in the matter, the Ministry again in a written reply stated:—

“The Presidential Directives issued by the Ministry of Civil Aviation are based on the instructions on the subject issued by the Department of Personnel & Training covering important aspects and the basic structure of the reservation scheme. These Directives contain measures to be taken with regard to the reservation for Scheduled Castes and Scheduled Tribes in appointments to the various posts in the Company.”



10. When asked further about the Guidelines of DoPT in regard to verification of Caste certificates of employees for CPSUs, the Ministry in their written reply stated:—

“The Presidential Directives issued by the Ministry of Civil Aviation are based on the guidelines of the DoPT which contain the caste verification Clause.”

11. On an enquiry by the Committee about the extant guidelines being followed by Air India in regard to verification of Caste Certificates of their employees, the Ministry in a written reply submitted:—

“The Guidelines contained in the Presidential Directives regarding verification of caste certificates are being followed.

The caste certificate submitted by the employee concerned is sent to the Issuing Authority for authentication. The employees are confirmed in their services/ posts only after obtaining authentication from the Issuing Authority.

In case of negative reports, the matter is taken up with the respective State Scrutiny Committees for authenticity of the caste status.”

12. On being questioned about the procedure adopted by the Air India to verify the veracity of the caste certificates, the Ministry in their written reply submitted:—

“The Special Cell for SC/ST carries out the verification of the caste certificates of the SC/ST candidates at the time of employment by referring the caste certificates to the concerned State Issuing Authorities for confirmation. In case of negative reports received from the State Issuing Authorities, the matter is taken up with the respective State Scrutiny Committees for the authenticity of the caste status. There is no system of conducting verification of caste certificates of SC/ST candidates through an outside agency.”

13. When asked as to whether the re-verification of caste certificates of SC/ST employees after a given interval of time was a regular practice, the Ministry in their reply submitted:—

“No, it is not a regular practice to re-verify caste certificates of SC/ST employees after a given interval of time. This verification exercise is in accordance with the OM dated 25th May, 2005 from DoPT, Government of India for implementation of 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 since 1995.”

14. On being asked about the Administrative necessity of constituting a Task Force to verify caste certificate of employees who had rendered their services for more than two decades, the Ministry in their reply submitted:—

“The initiation of re-verification of ST caste certificate of the erstwhile Air India employees who joined/secured employment since 1995 is as per the OM dated 25th May, 2005 issued by the DoPT, Government of India for implementation of directions of the Hon’ble High Court of Delhi in CWP No. 5976/2003.

The vigilance Department had taken up the matter of authentication of ST caste certificates of Air India Employees with the Chief Secretary, Government of Maharashtra and various issuing authorities.

The Issuing Authorities while confirming the issuance of certificates to the employee from their office had emphasized the need to forward the caste certificate to the respective Scrutiny Committee for authentication of caste status. In view of the inadequate response and contradictory reports received from the Issuing Authorities the matter was taken up with the Principal Secretary, Tribal Development Department, Government of Maharashtra who in turn has confirmed the following:

- (i) The Act mentioned above enacted in the State of Maharashtra is made applicable with retrospective effect, therefore it survives and takes precedence over any administrative orders of the Central Government.
- (ii) As per this Act, the Caste Scrutiny Committees are authorized to issue the caste validity certificates after verifying the caste certificates issued by the District Magistrate or any other Executive Magistrate and Executive Magistrate does not have any power to validate the Caste Certificate.
- (iii) The original/certified copies of the caste certificates are to be forwarded to the respective caste Scrutiny Committees for verification.
- (iv) The onus of proving the caste status, rests on the candidate.
- (v) If the employee fails to produce the validation certificate within 03 months from the time given by the Employing Organization, his service may be terminated.”

15. On being enquired by the Committee about the composition, function, jurisdiction, and tenure of the Task Force in regard to verification of caste certificate and the legal sanctity of its Report, the Ministry in their written reply submitted:—

“The jurisdiction/Tenure of Task Force is as per the Office Order dated 15th April, 2010. The Task Force was constituted to carry out the re-verification of the ST caste certificates issued in the State of Maharashtra in accordance with the Act enacted by the Government of Maharashtra *i.e.* ‘Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jaties), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000’ and ‘Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules 2003’. The report of Task Force in respect of verification of the caste certificates of the Air India employees is based on the reports given by the Scrutiny Committee established by the Government of Maharashtra, which has legal sanctity as per the above Act.

The Composition of Task Force is as follows:

- (i) Mrs. Urmila Subbarao, IAS, CVO—Chairperson
- (ii) Mr. A.L. Mavalankar, Dy. Manager (Vigilance)—Member
- (iii) Mr. Y.B. Kurne, Dy. Manager (Personnel)—Member
- (iv) Mr. N.B. Parkhi, Asstt. Manager (Personnel)—Member”

16. On being pointed out that the matter was investigated in the year 2000 by the then Director (HRD) and that it was agreed between Director (HRD) and the Air Corporation's SC/ST Employees' Association that the reported cases of forgery would be first verified by the Cell and then should be sent to the Issuing Authority after checking it with the employees, and therefore, under no circumstances the case should be sent to State Caste Scrutiny Committee, the Ministry in a reply stated:—

“It was Administratively essential to constitute the Task Force in order to identify candidates having false ST caste certificates which eventually results in depriving genuine candidates.

The following facts are submitted for perusal of the Committee:—

- (i) *Vide* letter dated 6.1.99 addressed to the then Minister for Civil Aviation, Hon'ble Member of Parliament Shri D.S. Ahire had enclosed a list of 242 ST employees who allegedly submitted false/fake certificates at the time of employment in Air India with a request for verification of their caste status. The CMD of erstwhile Air India was advised to look into the matter.
- (ii) *Vide* letter dated August 10, 1999, Air India sent the list of the ST employees alongwith their caste certificates to the Divisional Commissioner, Konkan Bhawan, Belapur, New Mumbai for verification of the authenticity of the caste certificates.
- (iii) The matter came up for discussion in the Regional Meeting with the office bearers of the Air Corporation's SC/ST Employees' Association and the Director-HRD held in Kolkata in 2000 wherein, the then GM-HRD attended the meeting, in the capacity of President of the Air Corporation's SC/ST Employees' Association. GM-HRD, opined that under no circumstances the cases should be sent to the Scrutiny Committee which is for a different purpose.
- (iv) Four doubtful cases were checked by the Special Cell for SC/ST on verification by the Cell the certificates were confirmed to be in order.
- (v) Subsequently, the verification exercise conducted by HRD of Air India was stopped as per the instructions of the then Director-HRD.

In view of the position stated above, the position needed verification. Since the cases verified were in order, the decision to stop the exercise was taken by the airline at the time.”

17. The Committee asked about the reasons for referring the caste verification certificates to the State Caste Scrutiny Committee despite the agreement reached between the then Director (HRD) and Air Corporation's SC/ST Employees Association and also for appointment of a Task Force by Air India Management for the purpose, the Ministry in their written reply submitted:—

“The decision to take up the verification of caste certificates of these ST employees by constituting a Task Force was based on the recommendations of the CVO.

As per available records no agreement has been reached between the Air Corporation's SC/ST Employees' Association and the then Director—HRD of erstwhile Air India except mail dated 7.12.2000 from the then GM-HRD and the then President of Air Corporation's SC/ST Employees' Association to the then Director—HRD and Record Note dated 15th June, 2001 of the then Dy. Manager—Personnel, Special Cell for SC/ST wherein the directions of the then Director—HRD have been quoted by the then Sr. Manager-Personnel, Special Cell for SC/ST to not to carry out verification of Mahadeo Koli."

18. When the Committee questioned about the function and the rule under which State Caste Scrutiny Committee was set up, the Ministry in a written reply stated:—

"These Directives contain measures to be taken with regard to the reservation for Scheduled Castes and Scheduled Tribes in appointments to the various posts in the Company."

19. On being enquired by the Committee as to whether the verification of Caste Certificates by the Task Force and the State Caste Scrutiny Committee is not, duplication of effort, the Ministry in their written reply submitted:—

"There is no duplication in the verification exercise conducted by the Task Force as the Task Force has been assigned the work for collecting E&F forms duly filled in by the concerned ST employees for taking up with the respective Scrutiny Committees for authenticity of the Caste Certificates.

Since the duties are separate, the Ministry agree with the view of the Airline which is acting upon various orders of the Government concerned.

The Task Force is undertaking the verification of ST Caste Certificates in respect of Air India employees' who have joined since 1995 on the strength of ST caste certificates issued to them in the State of Maharashtra."

20. On being asked by the Committee to specify the ambit of the State Caste Scrutiny Committee in terms of verifying Caste Status of employees working under the Central Public Sector Undertaking (CPSUs), the Ministry in a written reply submitted:—

"The verification report received in negative from the Issuing Authorities are required to be sent to the respective State Scrutiny Committees for the purpose of authentication of the caste status. For this purpose, the Government has listed the various Scrutiny Committees in various States. However, as stated earlier the matter is referred to the Law Ministry for their advice."

21. On being questioned as to why Air India did not conduct a comprehensive verification of documents pertaining to the caste status of the employees at the time of appointment, the Ministry in a written reply stated:—

"In the erstwhile Air India, the caste certificates of the SC/ST candidates were sent to the Special Cell for SC/ST for verification. The Special Cell for SC/ST used to carry out *prima facie* verification to ascertain whether the caste certificate is as per the prescribed format and the caste included in the Central List issued by the Competent Authority. In cases of doubt, verification was done by sending the caste certificates to the concerned authorities."

22. When the Committee enquired about the total number of employees whose caste certificates are being verified along with the expected time by which this exercise would be completed, the Ministry in their reply submitted as under:—

“Caste verification of 118 ST employees (110 of erstwhile AI & 08 of erstwhile Indian Airlines) has been undertaken by the Task Force chaired by Chief Vigilance Officer.

Caste verification of 139 ST employees of erstwhile AI (out of 242) who are on payroll as on date is undertaken by the Special Cell for SC/ST as per the instructions of the Liaison Officer for SC/ST based on the advice of the CVO.

Expected date for completion of the verification exercise depends on the final reports received from respective Scrutiny Committees.”

23. The Committee also took oral evidence of the representatives of the Ministry of Civil Aviation on 11.01.2011.

24. During evidence the Committee desired in particular, to explain them the entire matter of re-verification of ST caste Certificates belonging to the Mahadev Koli Caste, the witness stated:—

“... Sir, in this way two types of cases have come. First are cases of verification of candidates under the specified procedure based on a Presidential Directives, prior to the recruitment of personnel of SC, ST and OBC category and the cases under CBI investigation after the recruitment on the basis of the 1995 order of Hon’ble Delhi High Court and in the second category are cases which came into existence because of denotification of this tribal community in particular by Government of Maharashtra. Proper legal action will be taken in cases of criminally forged or false certificates but we have to consider a fresh about the job loss that may occur to those who had obtained the certificate of scheduled tribes at the time of getting the job.”

25. Responding to a query regarding the implication of a decision taken by the State Government of Maharashtra in regard to denotification of Mahadev Koli community from the list of ST of Maharashtra on the list of 328 employees serving in Air India for the last two decades, the witness from the Ministry submitted:—

“We have a list of 242 people out of which 26 have retired, documents of 34 persons were not found and documents of only 182 were available..... As regards forged/fake cases and cases of denotified category, action will be taken as per DoPT order, referred to by you. We want to protect the 9 people terminated and I have withdrawn the competent Authority in respect of that and now CMD will be the competent authority. We will consider it in a positive way so that these personnel don’t suffer loss. We want to finish the action in this regard and present our report to the committee in next two months. In the cases of retired persons, I will restore their benefits within one week.”

26. On being enquired about the general conduct of the employees under reference during this service tenure, the CMD, AIR INDIA submitted:—

“We had asked for a list of 182 persons to check whether any vigilance case against them is there or any action has been taken by Air India against them. The list provided to us did not show any case. We don't have any reasons to terminate their services.”

27. When the Committee desired to know the mechanism to check the caste certificates of employees and provision as obtaining to verify the same before the end of the probation period of an employee, the witness from the Ministry stated:—

“Presidential Directive lays down the process of verification of claims of Scheduled Castes and Scheduled Tribes. Therefore, the Air India was supposed and is expected to follow this process. So, this is the process which they are supposed to follow and they are following this process. The question which the Hon'ble Member raised as to how thirty per cent of the Scheduled Caste/ Scheduled Tribe certificates are bogus and fraud, pertains to a larger issue. So, on our part, on the part of the Ministry of Civil Aviation and the Air India, I can only assure the Hon'ble Committee that para 22 of the Presidential Directive has to be followed in totality and we will again impress upon them that they must follow it.”

28. Responding to queries regarding reinstatement of nine employees already terminated on the pretext that Mahadeo Koli community has now been denotified by the State Government of Maharashtra and extending all pensionary benefits to those who had already retired, the CMD, NACIL submitted:—

“To avoid job loss in future, level of competent Authority is being given to CMD. I will get the certificates of the above mentioned. In regard to the 9 employees, as their normal appeals lie with CMD only. I will take the directions of the Committee..... I will try to remove the hurdles immediately. Their salary will be retained from the day it was stopped within one month. I will clear their cases of all 328 people. The 26 persons who have retired- their verification is not getting done. When it is genuinely denotified and as Hon'ble Chairman has asked to restore pension or retirement benefits as early as possible, so, I will do it and later I will submit the report in this regard .....

29. On being enquired about the likely time to be taken to review the entire affair of re-verification at the level of CMD, the CMD, AIR INDIA submitted as under:—

“It would not take much time. I would do it in a month's time.”

30. Responding to a query as regards reviewing the cases of only 9 terminated employees the CMD, NACIL categorically stated:—

“Sir, this is regarding 242 personnels, some of them had retired, pension papers etc. of these retired employees could not be processed due to lack of verification. Instructions were given that they should not be given retirement benefits till the documents are verified. When this notification is not false and has come by

genuine denotification, whatever hon'ble Chairman has told us in this regard and as per deliberations held all the pension or retirement benefits be given as early as possible, I will see to it, as 34 personnel we will have to check out their list. Alongwith these 34 employees 9 terminated employees are also there in both the cases action has to be taken at my level. I will take action when this case will referred to me. I will take the appropriate action and later on submit the report .....

#### **Observations/Recommendations**

**31. The Petitioner, Shri R.Y. Bankar represented before the Committee that the Air India has taken an arbitrary decision in removing 9 Scheduled Tribe permanent employees, who had rendered 10 to 15 years of unblemished service in the Organization on the pretext that the validity of their ST Certificates had not been confirmed by the Issuing Authority. The Petitioner has alleged that this decision of Air India Management to re-verify the Certificates of Scheduled Tribe permanent employees by the State Caste Scrutiny Committee is an act of harassment and is also in violation of the Judgement of the Honourable Mumbai High Court. The Petitioner has maintained that the Management in the process had also overlooked the Presidential Directive in respect of verification of caste Certificates of SC/ST employees. The Petitioner has, therefore, requested to get the justice delivered to them and other such ST employees— who in total number 242.**

**32. The Committee take serious note of the fact that the spectre of termination from service looms large on majority of 242 employees belonging to Mahadev Koli community — in the light of the decision taken by the State Government of Maharashtra to denotify their community from the list of ST Communities in the State.**

**33. The Committee are given to understand from the information furnished by the Ministry of Civil Aviation that in effect there were 328 personnel in Air India who had produced Mahadev Koli caste certificates. Thus there are two categories of ST Certificate cases which are being re-verified. In the first category the re-verification is being done as per the Presidential Directive *i.e.*, the verification of caste certificates of those employees who had produced criminally forged or false certificates after the recruitment made on the basis of 1995 Order of Honourable Delhi High Court. The cases of 242 ST candidates of Koli Community, however, fall in the second category; which came for re-verification because of denotification of this tribe from the State List of ST communities by the State Government of Maharashtra. The Ministry have opined clearly that these cases need to be viewed separately.**

**34. The Committee further note from the submissions made by the Ministry that a Special Cell for SC/ST has been formed by the Air India to deal with the matter concerning the re-verification of ST Certificates. It has been stated by the Air India that presently the verification is being carried out by the Task Force under the Chief Vigilance Officer of the Company as per the Directions of the Honourable Delhi High Court.**



35. In the matter of re-verification of Certificates of 242 ST employees, the Committee note in particular that the Air India has referred the matter to the Ministry of Civil Aviation at this stage and views of the Ministry of Law and Justice are also being sought in the matter. During the course of oral evidence held on 11 January, 2011 on the issue, the CMD of NACIL assured the Committee that he would take up the matter of reverification of caste certificates of those 242 employees belonging to the Mahadev Koli Community at his level only and would get it completed in a month's time after which the matter would be reported back to the Committee. This was also endorsed by the Secretary, Ministry of Civil Aviation who was also present during the evidence. The Committee, are however, pained to note that even after the elapse of more than 8 months and after being issued so many reminders in the matter to the Ministry nothing concrete has been heard from the Ministry. The Committee while taking strong note of this ineptness on the part of the Ministry as also of the Organization express their displeasure over not strictly adhering to the time frame assured to the Committee in the matter.

36. While deliberating on the issue, the Committee took cognizance of a similar case related to Halva Kosthi Tribe of Vidarbha region of Maharashtra wherein the Department of Personnel and Training *vide* their OM dated 10 August, 2010 had allowed the continuation of services of such ST employees whose tribe was denotified after the jobs were provided to them on the basis of ST Certificates produced by them. The Committee would, therefore, recommend that the Ministry should look into the case of reverification of certificates of Mahadev Koli Community in the light of this OM of DOPT and resolve it without any further delay to the satisfaction of all the 242 employees as assured to the Committee during evidence.

37. The Committee would also strongly recommend to the Ministry that the cases of ST employees whose services have been terminated, may be reviewed afresh. The pensionary and other benefits of employees of this Community who had already retired from service that had been kept on hold for want of reverification of their certificates should be released immediately. Reverification of Caste Certificates of the remaining ST employees of this Community must be completed without losing any precious time further and nobody should lose his or her job henceforth for no fault of theirs until or unless the Certificate produced by them is proved to be false or forged.

NEW DELHI;  
21 October, 2011  

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29 Asvina, 1933 (Saka)

ANANT GANGARAM GEETE  
Chairman,  
Committee on Petitions.



## ANNEXURE I

(Pl. refer Para 4)

### 22. Verification of the claims of Scheduled Castes and Scheduled Tribes.

The Caste/Tribe certificate issued by the following authorities in the prescribed form in Appendix-XIII will only be accepted by the Appointing Authority as sufficient proof in support of a candidates' claim as belonging to SC/ST:—

- (1) District Magistrate/Additional District Magistrate/Collector/Dy. Commissioner/Additional Dy. Commissioner/Dy. Collector/1st Class Stipendary Magistrate/Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner;
- (2) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate;
- (3) Revenue Officer not below the rank of Tehsildar;
- (4) Sub-Divisional Officer of the area where the candidate and/or his family normally resides; and
- (5) Administrator/Secretary to Administrator/Development Officer (Lakshdweep Islands).

Matriculation of School Leaving Certificate or Birth Certificate giving the caste/community of the candidate should not be accepted as proof of caste at the time of initial appointment in accordance with instructions contained in DOPT's O.M. No. 36012/6/88-Estt. (SCT)...D-III dated 24.4.90.

The appointment authorities should in the offer of appointment to the candidates claiming to 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 Castes/Scheduled Tribes, as the case may be, is false, the service 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 Penal Code for production of false certificate.”

An appointing Authority may, if it considers necessary for any reason, verify the claim of a candidate through the District Magistrate of the place where the candidate and/or his family ordinarily resides. If in any particular case the verification reveals that the candidate's claim was false. His services may be terminated. Persons belonging to Scheduled Castes/Scheduled Tribes who have migrated from one State to another

for the purpose of employment, education, etc., experience great difficulty in obtaining caste/tribe certificate from the State from which they have migrated. In order to remove this difficulty, it has been decided that the prescribed authority of a State Government/ Union Territory Administration may issue the Scheduled Caste/Tribe Certificate to a person who has migrated from another State, on the production of the genuine certificate issued to his father/mother by the prescribed authority of the State of the father's/ mother's origin except where the prescribed authority feels that detailed enquiry is necessary through the State of origin before issue of the certificate. The certificate will be issued irrespective of whether the Caste/Tribe in question is a Scheduled or not in relation to the State/Union Territory to which the person has migrated. This facility does not alter the Scheduled Castes/Tribes status of the person in relation to the one or the other State.

## ANNEXURE II

### MINUTES OF THE TWENTY-NINTH SITTING OF THE COMMITTEE ON PETITIONS (FIFTEENTH LOK SABHA)

The Committee on Petitions met on Tuesday, 11 January, 2011 from 1500 hrs. to 1630 hrs. in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

#### PRESENT

Shri Anant Gangaram Geete — *Chairman*

#### MEMBERS

2. Shri Rajendra Agrawal
3. Shri Khiladi Lal Bairwa
4. Shri E.T. Mohammed Basheer
5. Shri Devendra Nagpal
6. Shri Jagdambika Pal
7. Shri Sarvey Sathyanarayana

#### SECRETARIAT

1. Shri N.K. Sapra — *Additional Secretary*
2. Shri V.R. Ramesh — *Joint Secretary*
3. Shri Shiv Kumar — *Director*
4. Shri Hulasi Ram — *Deputy Secretary*

#### Ministry of Civil Aviation

1. Dr. Nasim Zaidi — *Secretary*
2. Shri Prashant Sukul — *Joint Secretary*
3. Dr. Balmiki Prasad — *Deputy Secretary*
4. Shri Arvind Jadhav — *CMD, AIL*
5. Shri M.L. Sharma — *Chief Manager, AIL*
6. Shri V. Srikrishnan — *ED, AIL*
7. Shri S.U. Shukla — *GM, AIL*
8. Shri R.J. Shinde — *DGM*

2. At the outset, the Chairman welcomed the representatives of the Ministry of Civil Aviation and NACIL and drew their attention towards Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings.

3. Thereafter, the Chairman referred to the representation of Shri R.Y. Bankar, General Secretary, Air Corporation's SC/ST Employees Association, Mumbai regarding following up of Uniform Caste Verification policy in Air India and other related issues. He stated that 328 employees belonging to Koli Community and Mahadev Koli Community in particular, working in Air India for over 25-30 years had been living in constant fear of losing their jobs due to an enquiry instituted by the Air India Authorities to verify their certificates by the Chief Vigilance Officer; after a decision taken by the Maharashtra Government, wherein, the State Government of Maharashtra has denotified in 1995 Koli Community from the list of Scheduled Tribes (ST) in Maharashtra.

4. The representatives of the Ministry of Civil Aviation stated that on the Directives of Ministry of Personnel, Public Grievances and Pensions, the Ministry of Civil Aviation had started verification of certificates of its employees who had got jobs on ST certificates. He further stated that the process of verification was still on and the Ministry/ Air India will find a way out for those employees, who have been working with Air India for a very long time and had been affected by the aforesaid notification.

5. The Chairman and Managing Director, Air India Limited assured the Committee that barring few candidates who had secured jobs by producing forged/false ST certificates, the interests of the employees, who had already been affected and retired from service or are likely to be affected thereby would be protected. He further assured the Committee that he would henceforth deal with this whole issue at his level and also categorically ensure that the benefits of the retired ST candidates from the community are released as soon as possible.

6. The Committee desired an action taken report in the matter from the Authorities concerned and the witnesses agreed to submit the same within a period of two months time.

7. A copy of the verbatim proceedings of the sitting of the Committee has been kept on record.

*The witnesses then withdrew.*

*The Committee then adjourned.*

### ANNEXURE III

#### MINUTES OF THE THIRTY-SEVENTH SITTING OF THE COMMITTEE ON PETITIONS (FIFTEENTH LOK SABHA)

The Committee on Petitions met on Friday, 21 October, 2011 from 1430 hrs. to 1500 hrs. in Committee Room 'B' Ground Floor, Parliament House Annexe, New Delhi.

#### PRESENT

Shri Anant Gangaram Geete — *Chairman*

#### MEMBERS

2. Shri Rajendra Agrawal
3. Shri Khiladi Lal Bairwa
4. Shri E.T. Mohammed Basheer
5. Shri N.S.V. Chitthan
6. Shri Gurudas Das Gupta
7. Prof. Ram Shanker
8. Shri Sarvey Sathyanarayana

#### SECRETARIAT

1. Shri P.K. Grover — *Additional Secretary*
2. Shri Shiv Kumar — *Director*
3. Shri Hulasi Ram — *Additional Director*
4. Smt. Jagriti Tewatia — *Under Secretary*

2. At the outset, the Chairman welcomed the Members of the Committee. The Committee then considered and adopted without any modifications the following two draft Reports of the Committee:—

- (i) Draft Sixteenth Report on Action taken by the Government on the recommendations of the Committee on Petitions (15th Lok Sabha) contained in their Tenth Report on the representation received from Dr. Laxmikant Vajpayee regarding ill effect of water and air pollution caused due to slaughter of animals in Slaughter House (Kamela) run by Meerut Nagar Nigam and related issues.
- (ii) Draft Seventeenth Report on the representation received from Shri R. Y. Bankar, Mumbai regarding Uniform Caste Verification policy in Air India and related issues.

3. The Committee authorized the Chairman to finalize and present the Reports to the Hon'ble Speaker/ House.

*The Committee then adjourned.*

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