

**COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND  
SCHEDULED TRIBES**

**(2023-2024)**

**(SEVENTEENTH LOK SABHA)**

**THIRTY-SECOND REPORT**

**ON**

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

**"IMPLEMENTATION OF RESERVATION POLICY IN THE MINISTRIES/ DEPARTMENTS OF  
GOVERNMENT OF INDIA WITH SPECIFIC REFERENCE TO MINISTRY OF PERSONNEL,  
PUBLIC GRIEVANCES AND PENSIONS (DEPARTMENT OF PERSONNEL AND TRAINING)  
IN RESPECT OF VERIFICATIONS OF CASTE CERTIFICATE IN A STIPULATED PERIOD OF  
TIME.**

**Presented to Lok Sabha on 06.02.2024**

**Laid in Rajya Sabha on 06.02.2024**



**LOK SABHA SECRETARIAT  
NEW DELHI**

**6 February, 2024 / Magha, 1945(Saka)**

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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED  
CASTES AND SCHEDULED TRIBES (2023-24)**

**Dr. (Prof.) Kirit Premjibhai Solanki– Chairperson**

**MEMBERS - LOK SABHA**

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

**MEMBERS - RAJYA SABHA**

21. Shri Abir Ranjan Biswas
22. Shri Niranjana Bishi
23. Smt. Kanta Kardam
24. Shri Samir Oraon
25. Shri Nabam Rebia
26. Shri Anthiyur P. Selvarasu
27. Smt. Phulo Devi Netam
28. Dr. V.Sivadasan
29. Dr. Sumer Singh Solanki
30. Shri Kamakhya Prasad Tasa

**SECRETARIAT**

- |    |                      |   |                     |
|----|----------------------|---|---------------------|
| 1. | Shri D.R. Shekhar    | - | Joint Secretary     |
| 2. | Shri Ram Lal Yadav   | - | Director            |
| 3. | Shri Rakesh Bhardwaj | - | Additional Director |
| 4. | Shri N.Touthang      | - | Under Secretary     |

## INTRODUCTION

I, the Chairperson, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the Report on their behalf, present this thirty-second Report (Seventeenth Lok Sabha) on the subject "Implementation of Reservation Policy in the Ministries/Departments of Government of India with specific reference to Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) in respect of verifications of caste certificate in a stipulated period of time.

2. The Committee took evidence of the representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) on 20.12.2023. The Committee wish to express their gratitude to the officers of the Ministry of Personnel, Public Grievances and 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 05.02.2024.

4. For facility of reference and convenience, the observations/recommendations of the Committee have been printed in bold letters in Chapter II of the Report.

**New Delhi;**  
**6 February, 2024**  
**Magha, 1945(Saka)**

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

## **CHAPTER 1**

### **REPORT**

#### **I. THE BACKGROUND ON VERIFICATION OF CASTE CERTIFICATE**

1. In view of the number of representations/complaints received, the Committee took suo moto cognizance in the matter that many Public Sector undertakings while offering the VRS to its employees, insist for the verification of caste certificate at the time of exit of SC/ST employees from their organizations. Further the onus of getting the caste certificate verified is placed on the retiring SC/ST employee, in case of denying the same the SC/ST employee is charge sheeted. In this regard the Committee sought clarifications from the Ministry/DoPT on the following points:

a) Whether any rule/policy has been framed by DOPT w.r.t to verification of caste certificates of SC/ST employees seeking voluntary retirement from services particularly whom PSUs vigilance department has given clearance?

The Ministry/DoPT in reply has informed that the responsibility for issue and verification of caste/community lies with the concerned State/UT Government. Hon'ble Supreme Court, vide its judgement, dated 2.9.1994, in the matter of '*Kumari Madhuri Patil vs Addl. Commissioner*', has also laid down detailed guidelines to be followed by the State Governments, for verification of the caste certificate.

b) Whether DOPT is aware of the policy followed by various PSUs at the time of retiring its employees under VRS on receiving complaints from individuals/NGOs etc.

*“DoPT, from time to time, has issued various instructions to the States/UTs and the Central Government Ministries/Departments for timely and effective verification of caste certificates. These instructions inter-alia provide that the verification of caste status of the employees is necessary so that the benefit of reservation should go only to the rightful claimants. The instructions inter-alia provide that where an SC/ST candidate is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever prima facie proof, he is able to produce in support of his claim subject to his furnishing the prescribed certificate within a reasonable time and if there is a genuine difficulty in obtaining a certificate, the appointing authority should itself verify his claim through the District Magistrate concerned. State/UT Governments have also been requested to verify the caste certificate and inform the concerned appointing authorities about the veracity of the caste certificate within one month of the receipt of the request from the appointing authorities. The State/UT Governments have also been requested from time to time to initiate disciplinary proceedings against the officers of the State, who default in timely verification of Caste Status”.*

c) Whether the practice of verification of caste certificate at the time of retirement under VRS scheme is being endorsed by DOPT? If so, please provide detail notification/orders to this effect.

*“The Ministry/DoPT in their written reply has stated that as per the existing instructions, the appointing authority is required to get the caste certificate verified through the State/UT Government within a reasonable time after the joining of the Government servant. In fact, keeping in view the directions of the Parliamentary Committee on the Welfare of SC and ST, DoPT vide OM, dated 29.3.2023, has again issued a communication requesting all the Ministries/Departments, including their attached, subordinate offices, PSUs, Autonomous Bodies etc., to ensure that process for verification of the caste certificate of the employee may be initiated immediately and a communication be issued to the concerned State/ UT Authorities within a week of joining of government service by the employee. The instructions also provided that if no report is received from the concerned State/UT Authorities within a period of one month, the matter may be taken up at the highest level and it may be ensured that the process for verification of the caste/tribe/community certificate of the employee gets completed within a period of six months of her/his joining the service”.*

d) On whom the onus of establishing the caste status of the retiring employee under VRS falls upon, the employer or the retiring employee?

*“Attention in this regard is invited to the judgment of Hon’ble Supreme Court in Madhuri Patil case, in which the Hon’ble Court held that admission wrongfully gained or appointment wrongfully obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates, as enjoined in the Constitution, of the benefits conferred on them. DoPT instructions provide that wherever, it is found that a Government servant, who was not qualified or eligible in terms of the Recruitment Rules (RRs) etc., for initial recruitment in service or had furnished false information or produced a false caste certificate to secure appointment, such a person should not be retained in service. Further, if he is probationer or a temporary Government servant, he should forthwith be discharged or his services 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”.*

e) The Committee are aware of instances of initial appointment of the said SC/ST employees being made against the reserved posts. When the Committee desired to know the rationale for verifying the same at the time of fag end of existing service or VRS or complaints and thereby withholding gratuity or commutations of pensions, the Ministry/DoPT in a written reply has stated as under:

*“Insofar as withholding of gratuity or pension due to pendency of the caste verification, it is stated that as per the Government of India (Allocation of Business) Rules, formulation of policy and co-ordination of matters relating to retirement benefits to Central Government employees is entrusted to the D/o Pension and Pensioners’ Welfare (DoP&PW). As per their OM No. 38/09(20)/2020-P&PW (A) (6721) dated 30.11.2021, the instructions issued by that Department, however, do not provide for*

*withholding of the retirement benefits under any other circumstances, including on account of pending verification of caste status of the employee”.*

2. The Committee in their 25<sup>th</sup> Report (17<sup>th</sup> LS) have also made observation in this regard stating that that presently verification of caste certificate is also carried at the fag end of the career of the employee. Many a times it is seen that retirement benefits of SC/ST employees are being withheld due to delay/non-verification of their caste certificate. The Committee in their observation had remarked that State level scrutiny Committees usually cause inadvertent delay in processing the cases causing extreme mental harassment and financial difficulties to the retired employees and therefor had recommended that the Ministry/DoPT should bring out clear guidelines for process of the verification of caste certificate which should be adhered to by all the State Governments/State Level Scrutiny Committees. The Committee are of the view that if Organization/Ministry/Department/PSU carries out the verification process immediately on joining of a person, no person can gain employment on the basis of false caste certificate.

## **II. Delay in verification of caste certificate**

3. The Committee while interacting with various PSUs/Banks/Railways/Autonomous bodies under the Government of India observed that pensions and terminal benefits of retired employees have been withheld by the managements of these PSUs/Bodies due to pendency of caste certificate verifications in the State Governments/UT Governments/State Scrutiny Committees. Further, there have been cases of retired employees or employees who are at the fag end of service being charge-sheeted for not applying for verification of their caste certificates. The Committee would like to quote an instance on the aforesaid cases, a self contained note on validation of caste certificates in respect of retired/VRS employees of BSNL which is given as under:

*“The facts in the matter of false / fake caste verification cases regarding how such cases were aroused in BSNL and thereafter action taken in this regard is given below for placing it before Hon’ble Chairperson , Parliamentary Committee on Welfare of SCs /STs for perusal and consideration of the matter:-*

(i) *A representation dated 7.4.2017 from Sh. Udesing K. Padavi, MLA, Maharashtra regarding action against bogus officials in BSNL who have availed SC/ST facility by producing fake caste certificate was forwarded to CMD, BSNL by National Commission for Schedule Tribes (NCST) vide letter dated 26.4.2017, directing to submit facts and information on action taken within 30 days. Another representation dated 10.12.2018 from Working President, Organization for Rights of Tribal (OFROT) was forwarded by Lok Sabha Secretariat vide its OM dated 18.04.2019 to Secretary, DoT and CMD, BSNL for taking appropriate action on priority. Similar complaint from Shri Rajesh Padvi, MLA, Maharashtra addressed to Hon’ble Minister of Communication was received in*

BSNL on 6.1.2021. The list attached with the complaints contained names of 1097 officials who had allegedly obtained employment in BSNL on the basis of fake/false ST Certificate. Accordingly, BSNL was required to process the verification of the caste certificates of these 1097 employees.

(ii) The general procedure with regard to verification of caste certificate is that the appointing authority places its request directly for verification of genuineness of caste certificates with State Authorities. However, in the case of Maharashtra all the concerned employees are required to apply directly online before Scrutiny Committee for verification of their caste certificate in accordance with section 6(3) of Maharashtra Act No. XXIII of 2001 and subsequent G.R. on it dated 30.04.2016. In this regard, BSNL has requested Chief Secretary, Maharashtra for making provision in prevailing system for applying online in such cases to BSNL directly as organization (CMD BSNL DO letter dated 20.07.2023, 02.02.2022 , 18.08.2023 , 26.12.2023 and Secretary, DoT D.O. letter dated 28.02.2022). But so far, no response has been received and there is no change in the process of verification of caste certificate in Maharashtra.

(iii) Pursuant to the above-mentioned complaints vis-à-vis the procedure of verification prevalent in Maharashtra, instructions were issued directing all the employees (comprising Halba/HalbaKoshti/Koshti caste/tribe) against whom complaint was received, for getting their caste certificate verified by following due procedure laid down by the Govt. of Maharashtra.

(iv) Out of total 1097 cases of alleged fake caste certificate brought out in the complaint, 766 employee's terminal benefits have been settled (they have either applied for verification or had completed more than 4 years since retirement or have expired). For remaining 341 cases who have either not applied for caste verification or their caste certificates have been invalidated, action has been initiated as per rules against them. The details of these 341 cases are as under:-

Sl. No.	Status of Employee	No. of employees		
		Charge-sheet Issued	Charge-sheet under process	Total
1.	Serving	91	7	98
2.	Retired	238	5	243
Total				341

These employees have not applied for Caste Certificate Verification in spite of being instructed several times or their caste certificate have been proved fake, and therefore, they are liable for disciplinary action. The proceedings initiated against these employees/retirees will be completed following the due process laid down in the rules. It is worth mentioning that caste verification certificate is issued within 1-3 month after applying, however, some of the employees have deliberately not applied for verification raising doubts about the veracity of their caste certificates.

(v) BSNL Corporate Office vide its letter dated 25.04.2022 has issued instructions for implementation of the DoP&PW OM dated 30.11.2021 wherein it has been provided that unless departmental or judicial proceedings are pending against a retiring employee, the pensionary/retirement benefits of the retiring employee should not be withheld or delayed on the ground of pendency of verification of caste certificate.



(vi) BSNL has paid Leave Encashment to all the ST retirees irrespective of caste certificate complaint. 100% Provisional/Regular Pension is being paid to such employees. Further, GPF has been paid to all ST retired employees.

(vii) Summary:

Out of 1097 employees, 766 employee's cases settled/terminal benefits paid.

Out of 341 cases (Not Applied/Invalidated)- 98 are Serving and 243 are retired.

Status of terminal Benefits of 242 retirees are as below:

Pension (regular/provisional) - Paid

Leave Encashment - Paid

General Provident Fund (GPF) - Paid

Gratuity & Commutation - Pending due to Provisional Pension

(viii) Vide BSNL DO Letter dated 18.08.2023 and 26.12 2023 , Secretary, Maharashtra was informed that in most other States, the Appointing Authority places the request for verification of genuineness of caste certificates directly to State Authorities. Accordingly, it was requested tht as a one-time measure, BSNL may be facilitated to forward all pending caste certificate cases for verifying to the concerned District Collectors for expeditious relief to affected ST employees".

4. The Committee are also aware of the harassment of employees of Scheduled Tribes community who have been appointed and joined the service prior to 1995 in the Ministry of Finance (Department of Revenue) presently working under the Cadre Controlling Authority of GST & Central Excise Mumbai Zone. The Ministry/Department have insisted them to submit case validity certification issued by the Caste Scrutiny Committee formed under the Maharashtra Act, XXIII of 2001, which is totally in contravention to the existing DoPT's instruction issued time to time for verification of caste status and also issued them charge memorandum/charge sheet under Rule 14 of CCS(CCA) Conduct Rule 1965, framing the charges of insubordination and unbecoming of a government servant for violation of the provisions of Rule 3(1)(iii) of the CCS (Conduct) Rules, 1964, which in the view of the Committee is a vindictive action and harassment against the officers of Halba community who have served more than 30 years to the Central Government. The Committee are of the opinion that issuance of charge sheet against the ST officers and placing them under the Vigilance Scrutiny goes against the various DoPT's order regarding timely verification of caste certificates.

## CHAPTER-II

### OBSERVATIONS/ RECOMMENDATIONS OF THE COMMITTEE

#### Verification of Caste Certificates

1. The Committee are of the considered view that the responsibility for issue and verification of caste/community lies with the State/UT Government concerned. However, some of the States have inordinately delayed the process of verification of caste certificates thereby adversely affecting the interests of SC/ST employees in services. The Committee appreciate that DoPT has issued various guidelines from time to time for streamlining the process of verification of Caste Certificate of the employees and has time and again requested the State/UT Governments for timely verification of the same. With regard to withholding of gratuity or pension due to pendency of caste verification the Ministry/DoPT has also quoted the instructions issued by Department of Pension and Pensioners' Welfare stating that the said instruction do not provide for withholding of the retirement benefits under any other circumstances, including on account of pending verification of caste status of the employee. However, many instances of cases of withholding of pensionary benefits of the employees of the Central Government including their attached, subordinate offices, PSUs, Autonomous Bodies etc. belonging to SC and ST category due to pendency of their caste verification process at the end of the concerned State/UT Governments have come to the notice of the Committee. The Committee are concerned to note that even after the detailed guidelines dated 02-09-1994 laid down by the Supreme Court for streamlining the procedure of the issuance of social status certificates, their scrutiny and their approval and also umpteenth instructions and reiterations from the Ministry/DoPT in this regard the process of verification of Caste Certificate is still yet to be thoroughly streamlined. The Committee are dismayed at the issuance of charge-sheet and initiation of actions against employees who have served for more than 30-40 years due to non-verification of their caste. The Committee, in view of the position stated above, recommended that Maharashtra Act XXIII, 2001 may be suitably amended in tune with the Constitution of India as per guidelines with DoPT's to this effect.

2. From the foregoing it seems that State/UT Governments/State Scrutiny Committee are not serious enough to verify the caste certificate timely in letter and spirit which has resulted in withholding retirement benefits of many SC/ST employees due to non-verification of their caste certificate or even resulting in death of the retired employee before completion of the verification processes. The Committee, therefore, strongly recommend that the matter may be taken up with the highest authority to set up a separate regulatory authority in the State/UTs under DoPT exclusively to dispose of verification of caste certificate

within a month of the retirement of the employee. Further, Committee strongly recommend that DoPT/Ministry of Social Justice should prepare a draft legislation to this effect so as to ensure timely verification of caste certificate thereby enabling meticulous streamlining of the process of verification of caste certificate speedily and in a time bound manner. The Committee are of the opinion that legislation to this effect is essential to assess and analyze the strict implementation of the various directions/instructions issued by the State Government & DoPT to avoid deprivation of pensionary benefits of the retired persons. The Committee are of the view that if Organization/Ministry/Department/PSU/Autonomous Bodies carry out the verification process immediately on joining of a person, no person can gain employment on the basis of false caste certificate. Further, Committee are of the view that there must be limitation period for verification of caste certificate of SCs and STs as verification at the fag end of the service or post- retirement amounts to mental and financial agony in the mind of the person who has served for more than 30 to 40 years in Government Service. Moreover, after retirement he/she has to bear lot of financial, social and personal responsibilities, which is not possible without availing pension and other terminal benefits. The Committee, therefore, as recommended in their earlier reports, impress the Government again to introduce a Bill to make the use of false caste certificate a punishable offence and to fix a time limit for verification of caste certificate. The Committee may be apprised about the progress made by the Government in this regard.

New Delhi;  
6 February, 2024  
Magha , 1945(Saka)

DR.(Prof.) KIRIT P. SOLANKI  
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