

COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES

(2021-2022)

(SEVENTEENTH LOK SABHA)

NINTH REPORT

ON

Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

"Study of atrocity cases against Scheduled Castes and Scheduled Tribes with respect to implementation of the Prevention of Atrocities Act, 1989 with special reference to cases related to withholding of pensions and retirement benefits of SC/ST Employees"

Presented to Lok Sabha on 18.12.2021

Laid in Rajya Sabha on 13.12.2021



LOK SABHA SECRETARIAT
NEW DELHI

DECEMBER, 2021 / AGRBHAYAN 1943 (Saka)

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COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (2021-22)

Dr.(Prof.) Kirit Premjibhai Solanki - Chairperson

MEMBERS - LOK SABHA

2. Shri Girish Chandra
3. Shri Santokh Singh Chaudhary
4. Shri Anil Firojya
5. Shri Tapir Gao
6. Ms. Goddeti Madhavi
7. Smt. Pratima Mondal
8. Shri Ashok Mahadeorao Nete
9. Shri Vincent H. Pala
10. Shri Chhedi Paswan
11. Shri Prince Raj
12. Shri Andimuthu Raja
13. Shri Upendra Singh Rawat
14. Smt. Sandhya Ray
15. Shri Ajay Tamta
16. Shri Rebatī Tripura
17. Shri Krupal Balaji Tumane
18. Shri Guman Singh Damor
19. Shri Rattan Lal Kataria
20. Shri Jagannath Sarkar

MEMBERS - RAJYA SABHA

21. Shri Abir Ranjan Biswas
22. Shri Shamsher Singh Dullo
23. Smt. Kanta Kardam
24. Shri Naranbhai J. Rathwa
25. Shri Ram Shakal
26. Dr. Sumer Singh Solanki
27. Shri K. Somaprasad
28. Shri Pradeep Tamta
29. Shri Kamakhya Prasad Tasa
30. Shri Ramkumar Verma

SECRETARIAT

- | | | |
|----------------------|---|-------------------|
| 1. Shri D.R. Shekhar | - | Joint Secretary |
| 2. Shri P.C. Choulda | - | Director |
| 3. Shri V.K. Shailon | - | Deputy Secretary |
| 4. Smt. Huma Iqbal | - | Committee Officer |

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 Ninth Report (Seventeenth Lok Sabha) on the subject "Study of atrocity cases against Scheduled Castes and Scheduled Tribes with respect to implementation of the Prevention of Atrocities Act, 1989 with special reference to cases related to withholding of pensions and retirement benefits of SC/ST Employees" pertaining to the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training).

2. The Committee took evidence of the representatives of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) on 24th September, 2020, 18th December, 2020 and 18th March, 2021. The Committee wish to express their gratitude to the officers of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & 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 16.12.2021.

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;
DECEMBER, 2021
AGRAHAYANA 1943(Saka)

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

Chapter-I

Genesis

The Committee on the Welfare of Scheduled Castes and Scheduled Tribes selected the subject "Study of atrocity cases against Scheduled Castes and Scheduled Tribes with respect to implementation of the Prevention of Atrocities Act, 1989" for detailed examination during the year 2020-2021 and continued with the subject in 2021-22. While examining the subject, the Committee came across representations received from various SC/ST organisations particularly from Akhil Bhartiya Adiwasi Vikas Parishad, New Delhi dated 27th July, 2020 wherein it is alleged that ST employees are being harassed in various Government organisation/Departments including Public Sector Undertakings at the time of their retirement. The retirement benefits/pensions of these employees are withheld at the time of their retirement citing the alibi that their caste certificate has not been verified.

2. The representation received from Akhil Bhartiya Adivasi Vikas Parishad, New Delhi dated 27th July, 2020 had submitted a list of cases in various organisations of Tamil Nadu and also in Public Sector Banks/undertakings wherein ST persons were being harassed by withholding of their pensions and retirement benefits because their caste certificates had not been verified.. The detailed list of pending cases is given below:

Sl No.	Description	Total no of Deprived Pensioners	Page No	
			From	To
1	Ministry of Railways Southern Railway	33 (04 Expired) (00 Settled)	03	05
2	Ministry of Shipping Chennai Port Trust	21 (06 Settled)	06	07
3	Ministry of Shipping V.O.Chidambaranar Port Trust - Thoothukudi	08 (00 Settled)	08	08
4	Ministry of Finance Indian Bank	19 (01 Settled)	09	10
5	Ministry of Finance Bank of Baroda	06 (00 Settled)	11	11
6	Ministry of Finance UCO Bank	09 (00 Settled)	12	12
7	Ministry of Finance United India Insurance Co Ltd	03 (01 Expired) (01 Settled)	13	13

8	Ministry of Finance Life Insurance Corporation of India	10 (02 Expired) (02 Settled)	14	14
9	Ministry of Finance Principal Chief Commissioner of Central Excise & Customs	05 (00 Settled)	15	15
10	Ministry of Communication Bharat Sanchar Nigam Ltd.	06 (00 Settled)	16	16
11	Ministry of Communication Department of Posts	05 (04 Settled)	17	17
12	Ministry of Finance Reserve Bank of India	03 (00 Settled)	18	18
13	Ministry of Finance Comptroller & Auditor General of India	01 (00 Settled)	19	19
14	Ministry of Finance Income Tax Department	04 (00 Settled)	20	20
15	Ministry of Labour & Employment Employees Provident Fund Organization	02 (00 Settled)	21	21
16	Education Department	01 (00 Settled)	22	22
Total no of Pensioners		136 (17 Provisional Pension Not Paid) (07 Expired - 03 Settled) (11 Settled)		

3. The Committee subsequently decided to examine the matter in detail and hence decided to take oral evidence of the following organisations on the subject on 24th September, 2020.

- Ministry of Social Justice and Empowerment
- Ministry of Tribal Affairs
- National Commission for Scheduled Castes
- National Commission for Scheduled Tribes
- Ministry of Finance(Department of Revenue)
- Ministry of Finance(Department of Financial Services)
- Ministry of Personnel, P.G. and Pensions(Department of Personnel and Training)
- Ministry of Personnel, P.G. and Pensions(Department of Pensions and Pensioners Welfare)
- Ministry of Law and Justice

- Ministry of Communications(Department of Telecommunication)
- Ministry of Communications(Department of Posts)
- Ministry of Shipping
- Ministry of Railways
- Reserve Bank of India
- Central Board of Indirect Taxes
- Bharat Sanchar Nigam Limited
- United India Insurance Company limited
- Indian Bank
- Bank of Baroda
- UCO Bank
- Punjab National Bank
- Chennai Port Trust
- New Mangalore Port Trust
- Vishakapatnam Port Trust

4 During the sitting of the Committee held in September, 2020, the Chairperson of the Committee highlighted the issue of the atrocity of withholding of retirement benefits of so many Scheduled Castes and Scheduled Tribes employees citing the alibi that there caste verification has not been done. The Chairperson was pained to see that several of these employees had even passed away while still awaiting justice in their lives. The Chairperson wanted to know the number of such cases received by the NCSC and NCST and also the steps taken by the Commissions to address these issues. The Additional Secretary, Department of Personnel and Training started the discussion and candidly stated that there was no point in verification of caste certificate of a person unless there was a genuine complaint against it from a authentic source. The Secretary was very clear that there was no provision under any circular of DoP&T whereby pension of an employee could be withheld for want of verification of his/her caste certificate. The Secretary , Pension and Pensioners Welfare agreed with Secretary (DoP&T) and categorically stated that unless there was administrative, legal proceedings of a department against an employee, his/her pension cannot be stopped and that too with the approval of the President. He stated that the department of Pension and pensioners welfare framed rules only for those departments which come under CCS rules, 1972. The autonomous bodies and PSUs and State Governments are free to have their own policies with regard to employment benefits and pension and that this was the reason for discrepancies which arise in implementation of pension rules across different PSUs, banks and state governments.

The Secretary Insisted that pensions of those persons which have been withheld should immediately be released along with arrears.

5. The Secretary , Ministry of Law and Justice stated that pension was included in the right to life and liberty of a person and cannot be ignored. He stated that keeping in mind that no fake person receives a job with false caste certificate, provisions should be made that no genuine Scheduled Castes and Scheduled Tribes persons are harassed for pensions. The Secretary, Department of Telecommunications observed that verification of caste certificate should be done immediately after joining of an employee. The Secretary was informed that they have instructed BSNL to verify certificates immediately upon joining of a candidate and that the same procedure of time bound verification should be followed by all state governments and other PSUs as well.

6. The Secretary, Ministry of Tribal Affairs raised a very valid point that until and unless the caste certificate of a person has been nullified by the competent authority, he or she belongs to that caste and should accrue all benefits thereon. Hences, unless nullifies, an SC or ST person remains so and in that case there was no reason to stop the pension of such a person. One member of the Committee expressed his anguish that so many persons were suffering because of administrative laxity and incompetence. He was very vocal that all such persons who did not finish the verification process of certificates on time should be booked under prevention of atrocities Act since what is happening amounts to atrocity on innocent persons. Another Member observed that most of these aggrieved persons have worked in their respective state organisations for more than 40 years. In the state of Tamil Nadu, caste certificate of a person was issued by tehsildar. Now the rules have been amended and higher authorities issue caste certificates. Does this mean that the certificates issued by tehsildar will be invalidated.

7. The Director General, Indian Railways informed the Committee that in the state of Kerala, as per an Act, the State Level scrutiny Committees and District level Vigilance Committees are given judicial powers due to which verification of caste certificate is very easy process . The committee Members unanimously agreed that there was no way that salaries and other benefits accrued by a person during his entire life in an organisation can neither be taken back nor reimbursed and hence withholding pension of these persons is amounting to atrocity on them. Hence all organisations, PSUs, where there were pending cases were asked by the Committee to submit a status report within two months so that work on this issue can be done expeditiously.

8. The Committee then decided to call a follow up meeting on the subject and decided to scrutinise the Action taken Reports presented by various Ministries and Organisations. The second

meeting on the subject was convened in December, 2020 in which only those organisations were called who were not able to provide a favourable outcome on the issue. During this sitting, the Committee observed that cases mentioned in the representation mostly belonged to the Tamil Nadu state and the Tamil Nadu State Level Scrutiny Committee was taking a lot of time in resolving the cases. The Committee therefore decided that with the permission of Hon'ble Speaker, the Chief Secretary of Tamil Nadu be requested to attend the sitting in December, 2020 to present a clear picture regarding the hurdles being faced by the organisations in resolving the issues.

9. The status report was received by the Committee from almost all organisations. PSUs like Bank of Baroda, UCO bank, Indian Bank, Reserve bank of India, United India insurance Company Limited and BSNL gave positive reports by releasing provisional pensions of all aggrieved persons in their respective organisations. But many organisations like Railways, Ministry of Ports, Shipping and Waterways were not able to resolve all cases of PSUs under them. During the deliberations with the Committee, the Additional Secretary, DoP&T informed the Committee that as per a DoP&T circular issued in the year 2007, district authorities who have received a caste certificate for verification have to do it within one month of receiving the request on the issue. The Chief Secretary, Tamil Nadu observed that till 1989 all caste certificates were issued by tehsildars. There were too many complaints regarding issue of false caste certificates and hence the power to issue was given to Revenue Divisional Officers. In 2012 a vigilance cell was formed to verify false caste certificates in 38 district units. The main issue of false caste certificates kept rising and subsequently State level Vigilance Committees were increased to tackle the cases. The Chief Secretary requested that the Committee give him two months time to look into the matter and resolve these cases expeditiously.

10. A third follow up meeting was convened in March, 2021 in which Central Ministries like DoP&T, Ministry of Finance, Ministry of Telecommunications, Ministry of Railways were asked to attend besides PSU like BSNL, Central Bank of India and CBIC. Even after clear recommendations by the Committee, the Committee was receiving complaints that these PSUs are not able to resolve pension issues of their employees in a satisfactory manner. Based on the deliberations held during the three meetings organised on the subject the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes has agreed upon the following observations /recommendations by the Committee which are given in succeeding paragraphs of the recommendations.

Chapter-II

OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE

1. The Committee take a very serious view of the allegations levelled by Akhil Bhartiya Adivasi Vikas Parishad, New Delhi, in its representation to the Committee. An employee who works for major part of his life for an organisation is denied his rights to pension for a reason which is not his/her fault. The Committee believes that when a person is employed in an organisation, it is the duty of the organisation to get all his/her credentials verified at the time of joining . This includes verification of his/her caste certificate on the basis of which he/she has obtained employment. . If the organisation carries out the verification process immediately on joining of a person, then no person can gain employment on the basis of false caste certificate. The Committee has observed that presently verification of caste certificate is started at the fag end of the career of the employee. Withholding pension benefits for these persons is gross harassment of the employee both mental, financial and also physical because a person nearing retirement is almost a senior citizen with numerous health and family responsibilities. The Committee believes that the organisation of an employee should be held responsible for not getting an employees caste certificate verified at the time of joining and keeping it pending for years together. The onus lies with the organisation and not the employee for this lapse and so in no ways should pension and other retirement benefits of the employee be withheld for no fault on his/her part. The Committee strongly feels that this is a modus-operandi employed by the concerned organisations/PSUs to harass SC/ST employees.

Hence, the Committee strongly recommend that DoP&T should issue guidelines whereby caste certificate of an employee is verified within six months of his joining the service failing which his certificate should be treated authentic unless otherwise proved before his/her confirmation. The Committee recommend that DoPT in coordination with the State Government should make verification of caste certificate a time bound exercise so that its not used as a tool to harass gullible SC and ST employees at the time of retirement by any organisations/department/ PSUs/autonomous bodies etc.

The Ministry of Personnel, Public Grievances and Pensions(Department of Pensions and Pensioners Welfare) should issue clear guidelines to all PSUs/organisations/ Public Sector Banks etc. that caste certificate of a person be verified within six months of joining of a person. The State Level Scrutiny Committee who has issued the certificate be asked to

verify the authenticity of the certificate in a minimum time of six months or before confirmation of the employees whichever is later at any cost in case of any reason on state level scrutiny committee is not able to do it, it must take extension in writing by recording the reasons thereof but not more than six months at any cost.

2. Many a times it is seen that verification process takes a long time because old records are not accessible. This especially is the case if verification is being done after 30-35 years of joining of a person. Records who are very old are difficult to access. Most employees in offices are retired or transferred by then and they are unable to verify the authenticity of a certificate issued by their predecessors a long time ago. In this context the Committee would like to quote the following OMs of DoPT

- DoP&T OM no. 230/08/2005-AVD II dated 25.05.2005 & DoP&T OM no. 36011/3/2005-Estt(Res) dated 09-09-2005.----copy placed at Annexure A
- CVC Circular No. 98/DSP/9(Part-2) dated 07-03-2016, "Action on Anonymous /Pseudonymous Complaint -----copy placed at Annexure B

The above mentioned OMs and CVC circular clearly stipulate that the verification of only those employees with ST caste certificates should be done who were appointed after 1995 under various Ministries/Departments including CPSUs or on initial appointment /Promotion. Moreover as per CVC guidelines, no action should be taken on Anonymous/Pseudonymous Complaints. The Committee in view of number of complaints/representations received desire that DoP&T, being the nodal agency in this regard may reiterate its circular to all Ministries/Departments and PSUs that pension benefits and emoluments of SC/ST persons who were appointed before 1995 should not be withheld in case their caste certificates have not been verified. Also, for those employees who have been appointed after 1995, the process of verification should be completed within three months from date of presentation of report of the Committee. The Committee reiterate that under no circumstances, pension be withheld by any organization/Department/PSU.

3. The verification process for caste certificates is usually initiated upon receiving complaints against a person. Unless the complaint so received prima facie appears to be genuine, the Committee feel that it should not be entertained. Pseudonymous/anonymous complaints should not be entertained at all because the same may be due to malafide intentions. The Committee hence recommend that the process of verification should be streamlined so that it does not become a tool for harassing innocent people. While going

through the deliberations of the witnesses called for the sitting of the in September, 2020, December, 2020 and March, 2021, the Committee observed that most cases of verification of caste certificates are referred to State Level Scrutiny Committees which are the focal organisation to carry out the verification process. It has been observed that the State level scrutiny Committees usually cause inadvertent delay in processing the cases causing extreme mental harassment and financial difficulties to the retired employees. The Committee therefore strongly recommend that working of State level Scrutiny Committees be streamlined. The Ministry of Personnel, Public Grievances and Pensions (Department of Pensions and Pensioners Welfare) should bring out clear guidelines which should be adhered to by all the State Governments/State Level Scrutiny Committees. The verification process should be completed within six months and responsibility should be fixed for any inordinate delay during the process of the verification of caste certificate.

Since such cases are steadily on the rise in almost all organizations and DoPT being the nodal agency in this regard the Committee recommend that clear guidelines should be issued in covering the following points:-

- (i) Initial Verification of caste certificate must be completed at the time of Interview and joining.
- (ii) It should be completed by the concerned Department/Ministry/PSUs/Banks/Autonomous body within six months of joining the candidate.
- (iii) The Committee are of the firm view that at any cost, verification of caste certificate must be certified at least before completion of probation period of the employees i.e. 02 years of the joining. In case verification of caste certificate is completed in to do at the time of interview, joining or before atleast probation period or before than the accountability be fixed on the person responsible for undue delay caused by the employees concerned.
- (iv) As per Limitation Act, limit for verification of caste certificate must be given otherwise purpose of caste certificate would be defeated and there is every apprehension that power to verify caste certificate would be grossly misutilized by the officer/staff concerned as is being done presently by the number of authority in the State by taking inordinate delay in verification of caste certificate.
- (v) The Limitation Act must also be made applicable to State Caste Scrutiny Committee in every State to contain them to take unlimited period to verify caste certificate and

caused relentless stress or to live in fear and experience traumatic events that may occur after retirement.

- (vi) The Committee feel that it is ironic that almost all the Ministries, Department, PSUs , Banks and Autonomous Bodies, SCs and STs are facing same problem of verification of caste certificate during the joining, promotion, probation before and after retirement and still nothing concrete have been done by the DoPT, Ministry of Social Justice and Empowerment and Department of Tribal Affairs, NCSC and NCST to resolve their vital issue of livelihood and life. The Committee express its deep sentiments and dissatisfaction over the working of the concerned Ministries/Departments etc to keep their eyes and ear close on this vital matter. The Committee, therefore, strongly recommend DoPT to sensitize all the Ministries/Departments/PSUs/Banks and other autonomous bodies to work speedily by taking in view of the above guidelines received from the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes and unless and until formal guidelines to this effect is issued by the DoPT in consultation of Ministry of Social Justice and Empowerment, Ministry of Tribal Affairs and State Government.
- (vii) The Committee in view of the foregoing paragraphs and observation have strongly recommended that Ministry of Social Justice and Empowerment in consultation with DoPT, Ministry of Law and Justice (Legislative Department) and State Government must draft a suitable legislation keeping in view the observation made by the Parliamentary Committee and after approval of Cabinet, introduce it in the next Budget Session of Parliament 2022 to get it passed. The Committee are of the firm view that after passing of Prevention of false caste certificate Bill by incorporating suitable provision to protect the interest of the SCs and STs community, most of the issue of inordinate delay in verification of caste certificate at the Centre and State level to verify caste certificate and accountability of the erroneous officer/staff will be fixed automatically.
- (viii) Pension guidelines to release pension may also be issued for those whose caste certificates have not been verified till the time of retirement. SC/ST persons whose parents, grandparents had already got caste certificate from Competent Authority must allow to get caste certificate in order to facilitate their wards to take admission in school and get job and other benefits unless until prima facie case of false certificate declared by the Revenue Department of the State Government. The Supreme Court

judgement for not verifying the ST caste certificates made before 1995 must be followed in letter and spirit.

- (ix) For those nearing retirement or retired, if a certificate has been issued by a competent authority that has not been verified till his retirement due to the absence of records or any other reasons then verification of caste certificate at the fag end of retirement would lead to mental, physical and financial harassment of the retiring person. Moreover at that stage, it is not possible to retrieve salary allowances, LTC and medical facilities etc. extended to them by the Government during their service period of 30-40 years. In such a scenario, the Committee feel that it's a grave injustice and atrocity on SC or ST to stress on verification of their caste certificate and denial of retirement benefits after working all his prime young life for an organisation. The last resort in such cases is for the employee to move court which too is a tedious long lasting process. The Committee therefore recommend that the DoPT should frame suitable guidelines in consultation with the State Government, Ministry of Law and Justice to resolve these issues and protecting the interests of these retiring/retired employees.

New Delhi;

DECEMBER, 2021

कार्यालय, 1943(Saka)

DR.(Prof.) KIRIT P. SOLANKI

Chairperson,

Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes

CONFIDENTIAL

**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2020-2021)
SEVENTEENTH LOK SABHA)**

**FOURTH SITTING
(24.09.2020)**

MINUTES

The Committee sat from 13.00 hrs. to 1500 hrs. in the Main Committee Room,
Ground Floor, Parliament House Annexe, New Delhi-110001

PRESENT

Shri Kirit Premjibhai Solanki - Chairperson

MEMBERS**LOK SABHA**

- 2.. Shri A. Narayanaswamy
- 3... Shri Girish Chandra
4. Shri Santokh Singh Chaudhary
- 5 Shri Tapir Gao
6. Shri Vincent H Pala
7. Shri Chhedi Paswan
8. Shri Upendra Singh Rawat
9. Smt. Sandhya Ray
10. Shri Ajay Tamta
11. Shri Rebati Tripura
- 12 Shri Bhanu Pratap Singh Verma

RAJYA SABHA

13. Shri Abir Ranjan Biswas
14. Shri N. Chandrasegharan
- 15 Smt. Kanta Kardam
16. Smt. Ram Shakal
17. Shri K. Somaprasad
18. Shri Kamakhya Prasad Tasa
19. Shri Ramkumar verma

SECRETARIAT

- 1 Shri D.R. Shekhar, Joint Secretary
- 2 Shri A.K. Srivastava, Director
- 3 Shri. V. K. Shailon, Deputy Secretary
- 4 Shri Mukesh Kumar, Deputy Secretary

LIST OF WITNESSES**Ministry of Finance(Department of Revenue)**

Shri Ritvik Pandey - Joint Secretary

Ministry of Finance(Department of Financial Services)

Shri Debashish Panda -Secretary

Ministry of Personnel, P.G. and Pensions(Department of Pension and Pensioners Welfare)

Shri Kshatrapati Shivaji -Secretary

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

Smt. Sujata Chaturvedi -Additional Secretary

Ministry of Law and Justice

Shri Anoop Kumar Mendiratta -Secretary

Ministry of Social Justice and Empowerment

Shri R. Subrahmanyam -Secretary

Ministry of Tribal Affairs

Shri Deepak Khandekar -Secretary

National Commission for Scheduled Castes(NCSC)

Shri Sushil Kumar -Secretary

National Commission for Scheduled Tribes(NCST)

Shri Saraswati Prasad -Secretary

Ministry of Communications(Department of Telecommunications)

Shri Anshu Prakash -Secretary

Ministry of Communications(Department of Posts)

Shri PK Bisoi -Secretary

Ministry of Shipping

Dr. Sanjeev Ranjan - Secretary

Central Board of Indirect Taxes

Shri M. Ajith Kumar - Chairman

Bharat Sanchar Nigam Limited

Shri P.K. Purwar -CMD

United India Insurance Company limited

Shri Girish Radhakrishnan -CMD

Indian Bank

Ms. Padmaja Chundru -MD and CEO

Bank of Baroda

Shri Sanjiv Chadha -MD and CEO

UCO Bank

Shri A.K. Goel -MD and CEO

Punjab National Bank

Shri Mallikarjuna Rao -MD and CEO

Chennai Port Trust

Shri P. Raveendran -Chairman

New Mangalore Port Trust

Shri A.V. Ramana -Chairman

Vishakapatnam Port Trust

Shri K. Rama Mohana Rao -Chairman

At the outset, the Chairperson welcomed the Members of the Committee and expressed condolence over the sad demise of Union Minister of state for Railways, Shri Suresh Angadi. The Committee observed one minute silence to pay homage to the departed soul. The Committee then listened to the grievances of representatives of Akhil Bhartiya Adavasi Vikas Parishad.

2. The Committee thereafter asked all the witnesses called for the sitting to take their seats. Hon,ble Chairperson welcomed them and outlined the basic issue for which the sitting of the Committee had been called for regarding stopping of pensions and other pensionary benefits of ST employees in various Departments/banks /PSUs citing the alibi that their caste certificate has not been verified. He requested all to please introduce themselves before speaking keeping in view the large number of witnesses present for the sitting. At the outset, Secretary DoP&T, informed the Committee that as per directions of DoPT there is no specific time limit prescribed for verification of caste certificate of a person. Also, she stressed on the issue that there are no directions given by DoPT whereby pension and other pensionary benefits of an employee can be stopped because of non verification of caste certificate. Thereafter Secretary, DoPT(Pensions and Pensioners Welfare), agreed on the point that had said and he added that pensions of all employees whose pensions have been withheld due to non-verification of caste certificate should be immediately released along with arrears. The Chairperson added that Pensions should be released along with arrears and also interest accrued on them.

3. Secretary Law, said that unless caste certificate of an employee is verified provisional pension should be given to him. Secretary, Ministry of Finance, emphasised that it was a very serious issue and that he has taken up the matter with the Additional Secretary(Tamil Nadu) for speeding up the issue and resolving all pending cases at the earliest.

4. Member of the Committee asked the witnesses that what was the need for verification of all caste certificates if there was no complaint against them and that this verification process should be done in a time bound manner. Secretary, Ministry of Communications agreed with the Members. Meanwhile, Secretary, Ministry of Tribal Affairs also suggested that pension should not be stopped unless caste certificate of a person has been nullified by the competent authority.

5. Another Member of the Committee underlined the point that so many employees in different organisations/PSUs/Banks/Departments are suffering for no fault of theirs. Their pension should immediately be released and all officers found responsible for this should be booked under Atrocities Act, 1989. One more, Member of the Committee asked the witnesses as to how will they recover salaries paid for so many years to an employee without verifying the caste certificate. Hence, there was no point in withholding pensions of employees. It was also pointed out by the Members that the Committee should ask the relevant Ministries to find out all such pending cases in other states and other organisations as well. At this the Secretary, DoPT,(Pensions and Pensioners Welfare) enunciated that the Bhavishya Portal of the Ministry was a Centralised framework wherein all pension and pension related issues of all employees working in Central/State Governments are listed and can be easily assessed.

6. The Chairman, CBIC pointed out that four cases were pending in CBIC whose caste certificates were found to be false. Hence, CBIC has issued charge sheets against them. Member of the Committee also stressed that since employees have worked all their life in an organisation pension was their right irrespective whether the caste certificate was true or false. The Hon'ble Chairperson emphasised the organisations/Banks/PSUs should take a lenient view with regard to employees who have given all their life to the organisation.

7. After taking into consideration the views of all witnesses, the Committee unanimously agreed that all pending cases with regard to withholding of pension and pensionary benefits be resolved within two months and an action taken report be submitted by all Organisations/Departments/PSUs by 24th November, 2020 to the Committee positively.

8. The Chairperson thanked all witnesses for their valuable suggestions and sparing their time during Covid times. The witnesses then withdrew.

The sitting of the Committee then adjourned.



CONFIDENTIAL

**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2020-2021)**

SEVENTEENTH LOK SABHA)

**7th SITTING
(18.12.2020)**

MINUTES

The Committee sat from 12.00 hrs. to 1600 hrs. in the Main Committee Room, Ground Floor, Parliament House Annexe, New Delhi-110001.

PRESENT

Shri Kirit Premjibhai Solanki - Chairperson

MEMBERS

LOK SABHA

2. Shri A. Narayanaswamy
3. Shri Girish Chandra
4. Shri Santokh Singh Chaudhary
5. Ms. Goddeti Madhavi
6. Smt. Pratima Mondal
7. Shri Chhedi Paswan
8. Shri Prince Raj
9. Smt. Sandhya Ray
10. Shri Ajay Tamta
11. Shri Rebati Tripura
12. Shri Krupal Balaji Tumane
13. Shri Bhanu Pratap Singh Verma

RAJYA SABHA

14. Shri N Chandrasegharan
15. Smt. Kanta Kardam
16. Shri K. Somaprasad
17. Shri Ramkumar Verma
18. Shri Pradeep Tamta
19. Shri Shamsheer Singh Dullo
20. Shri L. Hanumanthaiah

SECRETARIAT

- 1 Shri D.R. Shekhar, Joint Secretary
- 2 Shri Tirthankar Das, Director
- 3 Shri. V. K. Shailon, Deputy Secretary
- 4 Shri Mukesh Kumar, Deputy Secretary

LIST OF WITNESSES

Ministry of Finance(Department of Revenue)

Shri Anil Kumar Jha - Additional Secretary
Shri Ritwik Pandey -Joint Secretary

Ministry of Personnel, P.G. and Pensions(Department of Pension and Pensioners Welfare)

Shri Kshatrapati Shivaji - Secretary

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

Smt. Sujata Chaturvedi -Additional Secretary

Ministry of Law and Justice

Shri Anoop Kumar Mendiratta -Secretary

Ministry of Tribal Affairs

Shri Deepak Khandekar -Secretary

National Commission for Scheduled Tribes(NCST)

Shri Saraswati Prasad -Secretary

Ministry of Communications(Department of Posts)

Shri PK Bisoi -Secretary

Ministry of Shipping

Dr. Sanjeev Ranjan - Secretary

Central Board of Indirect Taxes

Shri M. Ajith Kumar - Chairman

Bharat Sanchar Nigam Limited

Shri P.K. Purwar -CMD

Chennai Port Trust

Shri P. Raveendran -Chairman

New Mangalore Port Trust

Shri K. G. Nath -Chairman

Vishakapatnam Port Trust

Shri K. Rama Mohana Rao -Chairman

Ministry of Railways(Railway Board)

Dr. Anand S. Khatri -DG/HR
 Ms. Aruna Nayar -PCPO/Southern Railway

Government of Tamil Nadu

Shri K. Shanmugam - Chief Secretary
 Shri Otem Dai -Additional Chief Secretary

Akhil Bharatiya Adiwasi Vikas Parishad

Shri Sanjeevi.C - State President
 Shri Kumar.E - General Secretary
 Shri Venkatesan.S - HQ Secretary

Thiruvalur Konda Reddis Munatra Sangam

Shri Alli Raju - HQ Secretary
 Shri Vijay Kumar - Member
 Shri Hemanth Raju.S - Member

At the outset, the Chairperson welcomed the Members of the Committee and the officials of the Ministries/Departments/PSUs and the Chief Secretary, Government of Tamil Nadu to the sitting of the Committee which was convened to deliberate upon the action taken report on the issues raised during the sitting held on 24th August, 2020 regarding withholding of pension benefits of ST persons for want of verification of their caste certificates. The Chairperson pointed out that Government organisations like Indian Bank, UCO bank have taken positive steps for resolving the issue whereas others like Ministry of Shipping and Ministry of Railways have not been able to resolve these issue so far. The Committee desired to know the constraints being faced by the Ministries/Departments, PSUs, who have not so far taken any action in this regard:

2. The Secretary, Ministry of Tribal Affairs clarified that a certificate obtained through legal means cannot be treated as null and void until it has been declared invalid by a State level Scrutiny Committee or a court. The Secretary, DOPT(Deptt of Personnel and Training) informed the Committee that as per DoP&T circular dated 20th March, 2007, if any caste certificate has been sent to State Government for verification they have to complete the process within one month. She referred the case of Madhuri Patil vs State Of Maharashtra which laid down clear guidelines for formation of a State Level Scrutiny Committee for verification of caste certificates within a time framework. Thereafter the Secretary, DoPT(Pensions and Pensioners Welfare), agreed on the point and clarified that DoPT has not given any directions

for withholding of pensions of persons if their caste certificates have not been verified.

3. The Secretary Law, said that it must be imperative that caste certificate of a person must be verified so that benefits of reservation may reach to the genuine beneficiaries. Thereafter, the Committee asked the Chief Secretary, Tamil Nadu to submit his comments on the issues since most of these cases are from the State of Tamil Nadu.

4. The Chief Secretary, Tamil Nadu observed that all such cases were pending before the State Level Scrutiny Committee and the issue of false caste certificate was the main problem. The Committee questioned as to why these cases cannot be resolved within the stipulated time of two months keeping in view the long pendency of cases. The Committee also observed that since these persons have worked for years in an organisation, is it feasible that their salary and other benefits, which they have accrued during the service period, be recovered from them?

5. Thereafter, the DG/HR Railways clarified that they have released provisional pension of all employees even though the process of verification is underway. The Chief Secretary, Tamil Nadu assured the Committee that all matters pending in Tamil Nadu will be resolved within two months.

6. The Chairperson then took up the issue of Konda Reddis of Tamil Nadu who were denied ST certificates even though their parents were given these certificates. The Committee directed the Chief Secretary, Tamil Nadu to examine the matter and do the needful at the earliest.

7. Thereafter, the Chairperson categorically stated that steps should be taken to complete the verification process within a given time-frame. Citing the content of relevant circulars of DoPT, the Chairperson stated that if anybody fails to the directives given in the circular, she/he should be liable for action as deem fit under the rules.

8. The Chairperson then thanked all the representatives of Ministries/Departments for the free and frank discussion. He also stated that the points on which the replies were not readily available, the replies to those points may be sent to the Secretariat within 15 days.

The sitting of the Committee then adjourned.

CONFIDENTIAL

**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(2020-2021)
SEVENTEENTH LOK SABHA)**

**TENTH SITTING
(18.3.2021)**

MINUTES

The Committee sat from 15.00 hrs. to 1645 hrs. in the Main Committee Room, Ground Floor, Parliament House Annexe , New Delhi-110001

PRESENT

Shri Kirit Premjibhai Solanki - Chairperson

**MEMBERS
LOK SABHA**

2. Shri Tapir Gao
3. Shri Ashok Mahadeorao Nete
4. Shri Chhedi Paswan
5. Shri Prince Raj
6. Shri Upendra Singh Rawat
7. Smt. Sandhya Ray
8. Shri Bhanu Pratap Singh Verma

RAJYA SABHA

9. Smt. Kanta Kardam
10. Shri Ramkumar Verma
11. Shri Pradeep Tamta
12. Shri Shamsheer Singh Dullo

SECRETARIAT

- 1 Shri D.R. Shekhar, Joint Secretary
- 2 Shri Tirthankar Das, Director
- 3 Shri. V. K. Shailon, Deputy Secretary

LIST OF WITNESSES**Ministry of Finance(Department of Financial Services)**

Shri Debashish Panda - Secretary

Ministry of Finance(Department of Revenue)

Shri Ritvik Pandey - Joint Secretary

Central Board of Indirect Taxes and Customs(CBIC)

Shri M. Ajit Kumar - Chairman

Department of Legal Affairs

Shri Anoop Kumar Mendiratta - Secretary

Department of Pension and Pensioners Welfare

Dr. Kshatrapati Sivaji - Secretary

Ministry of Communications(Department of Telecommunications)

Shri Anshu Prakash - Secretary

Ministry of Railways(Railway Board)

Shri Suneet Sharma - Chairman & CEO

Bharat Sanchar Nigam Limited(BSNL)

Shri P. K. Purwar - CMD

Central Bank of India

Shri M.V. Rao - MD & CEO

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee and thereafter recalled that meeting has been convened to deliberate upon the action taken report on the issues raised during the sitting held on 24th August, 2020 and 18th December, 2020 regarding withholding of retirement benefits of ST employees for want of verification of their caste certificates. The Chairperson pointed out that most of the organisations like Indian Bank, UCO bank have taken positive steps for resolving the issue whereas others like BSNL and Ministry of Railways have not been able to resolve these issue. The Chairperson observed that some of the Ministries/BSNL under Department of Telecommunications were furnishing misleading information to the Committee which are liable to attract breach of privilege of the Committee. The Chairperson requested all witnesses to be careful while furnishing information before the Committee.

3. The Committee made it clear that as per Supreme Court direction and DoPT guidelines those ST certificates should not be verified which were issued before 1995 and also that the verification process should be complete within six months of joining of a person. The guidelines /instructions issued by the DoPT on the subject may be complied earnestly by all the concerned Departments/organisations.

4. The Secretary, Ministry of Law (Department of Legal affairs) clarified that pension was a right to life which cannot be denied. The State level Scrutiny Committees should treat each matter as urgent and finish the process expeditiously. He insisted that in all cases provisional pension should be given. Also, verification of only those certificates should be carried out where there are complaints.

5. The Secretary, Department of Pensions and Pensioners Welfare observed that there are no guidelines directing withholding of pension benefits of a person unless there are judicial proceedings against the pensioner and he/she is found to be guilty of grave misconduct. He also shed light on the fact that jurisdiction of his department was limited to Central Government civil employees while PSUs, Banks, Ports, Defence services and other autonomous organisations do not come under its purview.

6. The Heads of Departments/CMDs of various Ministries were then requested to present their respective cases of pendency.

7. The CMD, BSNL clarified that there are 37 pending cases in BSNL out of which provisional pension is being given to 35. The CEO, Central Bank of India informed the Committee that there were 18 cases in Central Bank of India out of which 9 cases have been cleared while rest 9 are under various stages of verification. The Chairman, Railway Board also informed the Committee that there are 41 cases in Railways and that they are paying provisional pension to all of them. The Chairman, CBIC clarified that there are 4 cases in CBIC. All four are being given full pension and leave encashment and that only their gratuity is being withheld till the cases are finalised.

8. Thereafter, the Secretary, Department of legal affairs, by referring to the decision taken in 2017 in Food Corporation of India vs Jagdish Balram case, stated that, the Supreme Court observed that in case a benefit has been wrongfully obtained, then irrespective of the fact that it had taken place at the time of inception which could not come in notice, that benefit cannot be permitted to be utilised by the concerned person.

9. The representatives of the various Ministries/Departments present during the meeting responded to the various issues raised by the Committee. The Chairperson then thanked all witnesses for their valuable suggestions. The witnesses then withdrew.

10. The sitting of the Committee then adjourned.

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

