

REPORT NO.

135



**PARLIAMENT OF INDIA**  
**RAJYA SABHA**

**DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON  
PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE**

**ONE HUNDRED THIRTY FIFTH REPORT**

**ON**

**ACTION TAKEN ON ONE HUNDRED TWENTY SIXTH REPORT OF THE  
COMMITTEE  
ON "DEMANDS FOR GRANTS (2023-24)"**

**PERTAINING TO  
THE DEPARTMENT OF PERSONNEL & TRAINING  
(MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS)**

*(Presented to the Rajya Sabha on 11<sup>th</sup> December, 2023)*

*(Laid on the Table of the Lok Sabha on 11<sup>th</sup> December, 2023)*



**Rajya Sabha Secretariat, New Delhi**  
**December, 2023 / Agrahayana, 1944 (Saka)**

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**COMPOSITION OF THE COMMITTEE**  
**DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE ON**  
**PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE**

1. Shri Sushil Kumar Modi — *Chairman*

**RAJYA SABHA**

2. Shrimati Vandana Chavan  
3. Shri Mahesh Jethmalani  
4. Shri Kanakamedala Ravindra Kumar  
5. Shri Sanjay Raut  
6. Shri Sukhendu Sekhar Ray  
7. Shri K. R. Suresh Reddy  
8. Shrimati Darshana Singh  
9. Shri Vivek K. Tankha  
10. Shri P. Wilson

**LOK SABHA**

11. Shri Manickam Tagore B.  
12. Shri Kalyan Banerjee  
13. Shri Pradan Baruah  
14. Shri Venkatesh Netha Borlakunta  
15. \* *Vacant*  
16. Shri Vinod Chavda  
17. Shrimati Veena Devi  
18. Shri Jasbir Singh Gill  
19. Shri Choudhury Mohan Jatua  
20. Shri Raghu Rama Krishna Raju Kanumuru  
21. Shri Jyotirmay Singh Mahato  
22. Shri Malook Nagar  
23. Dr. Ramesh Pokhriyal "Nishank"  
24. Shri Suresh Kumar Pujari  
25. Shri A. Raja  
26. Shri Omprakash Bhupalsingh *alias* Pavan Rajenimbalkar  
27. Shri Upendra Singh Rawat  
28. Shrimati Sandhya Ray  
29. Shri Kuldeep Rai Sharma  
30. Shri Mahendra Singh Solanky  
31. Shri Rajan Baburao Vichare

**SECRETARIAT**

1. Shri M.C.Tiwari, Joint Secretary  
2. Shri P.Narayanan, Director  
3. Smt. Indira Chaturvedi, Deputy Secretary  
4. Shri Sunil Tripathi, Under Secretary  
5. Ms. Chinmayee Chakravarty, Assistant Committee Officer
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## **INTRODUCTION**

I, the Chairman of the Department related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorized by the Committee to present the Report on its behalf, do hereby present this One Hundred Thirty Fifth Report (135<sup>th</sup>) on Action Taken on One Hundred and Twenty Sixth (126<sup>th</sup>) Report of the Committee on "Demands for Grants (2023-24)" pertaining to the Ministry of Personnel, Public Grievances & Pensions.

2. The One Hundred and Twenty Sixth Report of the Department related Parliamentary Standing Committee on Personnel, Public Grievances and Pensions, Law and Justice was presented to Rajya Sabha on 15<sup>th</sup> March, 2023 and laid on the Table of Lok Sabha on the 20<sup>th</sup> March, 2023.

3. The Ministry of Personnel, Public Grievances & Pensions, furnished their Action Taken Replies on the One Hundred and Twenty Sixth Report of the Committee on 22<sup>nd</sup> June, 2023. The Committee considered the draft One Hundred Thirty Fifth Report and adopted the same in its meeting held on 07<sup>th</sup> December, 2023.

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

**New Delhi**  
**11<sup>th</sup> December, 2023**

**SUSHIL KUMAR MODI**  
Chairman,  
Department-related Parliamentary Standing  
Committee on Personnel, Public Grievances,  
Law and Justice

## ACRONYMS

ACC	Appointments Committee of the Cabinet
ACWG	Anti-Corruption Working Group
AGMUT	Arunachal Pradesh-Goa-Mizoram and Union Territory
ASIs	Assistant Sub-Inspectors
BE	Budget Estimates
CAT	Central Administrative Tribunal
CAPF	Central Armed Police Forces
CBC	Capacity Building Commission
CBI	Central Bureau of Investigation
CCA	Cadre Controlling Authority
CCS	Central Civil Services
CET	Common Eligibility Test
CIC	Central Information Commission
CISF	Central Industrial Security Force
CPGRAMS	Centralized Public Grievance Redress and Monitoring System
CPSE	Central Public Sector Enterprise
CRC	Cadre Review Committee
CSCS	Central Secretariat Clerical Service
CSE	Civil Services Examination
CSOI	Civil Services Officers' Institute
CSS	Central Staffing Scheme
CSSS	Central Secretariat Stenographers Service
CTV	Centralized Technology Vertical
CVC	Central Vigilance Commission
DARPG	Department of Administrative Reforms and Public Grievances
DFFT	Domestic Funding for Foreign Training
DJB	Delhi Jal Board
DoE	Department of Expenditure
DoFS	Department of Financial Services

DoP	Department of Posts
DoPPW	Department of Pension and Pensioners' Welfare
DoPT	Department of Personnel and Training
DPC	Departmental Promotion Committee
DR	Direct Recruitment
EO	Establishment Officer
EPF	Employees' Provident Fund
EPFO	Employees' Provident Fund Organization
ESIC	Employees' State Insurance Corporation
GoI	Government of India
GSL	Goa Shipyard Limited
HAL	Hindustan Aeronautics Limited
IAS	Indian Administrative Service
IBPS	Institute of Banking and Personnel Selection
IFS	Indian Forest Service
iGOT	Integrated Government Online Training
ICEFS	International Centre for Excellence in Forensic Sciences
ICEI	International Centre for Excellence in Investigation
IIPA	Indian Institute of Public Administration
IPS	Indian Police Service
IR	Information Right
ISTM	Institute of Secretariat Training & Management
JCM	Joint Consultative Machinery
LBSNAA	Lal Bahadur Shastri National Academy of Administration
MCD	Municipal Corporation of Delhi
MCTP	Mid-Career Training Programme
MDL	Mazagon Dock Shipbuilders
MH	Major Head
MIDHANI	Mishra Dhatu Nigam Limited
MoF	Minister of Finance
MoS	Minister of State

NCGG	National Centre for Good Governance
NDMC	New Delhi Municipal Committee
NeGP	National e-Governance Plan
NPCSCB	National Programme for Civil Services Capacity Building
NRA	National Recruitment Agency
O&M	Organisation and Method
OBCs	Other Backward Classes
PESB	Public Enterprises Selection Board
RE	Revised Estimates
RRB	Railway Recruitment Board
RRFAMS	Recruitment rules formulation, Amendment Monitoring System
RRs	Recruitment Rules
RTI	Right to Information
S&V	Services & Vigilance
SCS	State Civil Services
SCs	Scheduled Castes
SI	Sub-Inspectors
SSC	Staff Selection Commission
STs	Scheduled Tribes
UNCAC	United Nations Convention Against Corruption
UPSC	Union Public Service Commission
UTs	Union Territories



## REPORT

This Action Taken Report of the Committee deals with the action taken by the Ministry of Personnel, Public Grievances & Pensions on the recommendations / observations of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in its One Hundred and Twenty Sixth (126<sup>th</sup>) Report on "Demands for grant (2023-24)", which was presented to the Rajya Sabha on 15<sup>th</sup> March, 2023 and laid on the Table of the Lok Sabha on the 20<sup>th</sup> March, 2023.

2. The Committee had made 34 recommendations/observations in its 126<sup>th</sup> Report. Replies of the Department thereto have been categorized and scrutinized under three chapters on the basis of satisfaction of the Committee. These replies have been categorized as follows:

**Chapter – I:** Recommendations/observations (9) which have been accepted by the Department, i.e. in respect of paras 2.8, 2.14, 2.17, 2.50, 3.9, 4.16, 4.20, 6.4 and 6.10 of the Report. The Committee is pleased to note that the Department has accepted those recommendations.

**Chapter – II:** Recommendations/observations (22) which the Committee does not desire to pursue in view of the replies given by the Department, i.e. in respect of paras 2.53, 3.3, 3.4, 3.7, 3.11, 3.15, 4.4, 4.8, 4.11, 4.17, 5.7, 5.8, 6.7, 6.13, 6.20, 6.21, 6.25, 6.26, 6.31, 6.32, 6.37 and 6.38 of the Report. The Committee is satisfied with the explanations advanced by the Department and does not wish to pursue those as of now.

**Chapter – III:** Recommendations/observations (3) in respect of which Committee has not accepted the replies of the Department, i.e. with regard to paras 4.5, 4.10 and 6.17 of the Report. The Committee does not accept the reasons given by the Department and reiterates the same.

4. The details of the ATR have been discussed in the respective Chapters in the succeeding pages. For reference purpose, para numbers of the original report (i.e. of 126<sup>th</sup> Report) have been mentioned at the end of each recommendation/observation.

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## **CHAPTER I**

### **RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT**

#### **RECOMMENDATION/OBSERVATION**

1.0 The Ministry of Personnel, Public Grievances and Pensions apprised the Committee that it had projected an outlay of 2996.89 crore to the Ministry of Finance during the Pre-Budget Meeting under Demand no.74 for BE 2023-24. However, the Finance Ministry sanctioned an outlay of 2207.74 crore, i.e only 73.66% of the projected outlay. The Committee is of the opinion that the pattern and extent of utilization of funds by the Ministry during the current fiscal influences the allocation of funds during the next fiscal. A careful scrutiny of the expenditure pattern of the Ministry over the years makes it clear that the Ministry has not been able to fully utilize the outlay sanctioned to it. For instance, the Ministry was sanctioned an outlay of 2337.18 crore in BE 2022-23. The Ministry has been able to spend only 1753.15 crore till 31st January, 2023. This slow pace of expenditure contributed to the reduction in allocation made to the Ministry at RE stage. The Committee, therefore, urges the Ministry to take necessary measures to enhance the utilization rate to 100% in the upcoming fiscal so as to avoid any reduction in allocation. (Para 2.8)

#### **Action Taken**

1.1 Against the RE 2022-23 allocations of 2320.37 Cr., the actual expenditure incurred in FY 2022-23 was 2280.59 Cr. (98.30%).

A conscious effort is being made to fully utilise the allocated budget in FY 2023-24 and for this purpose, expenditure trends are being closely monitored regularly by Heads of various organisations as well as by the Senior Officers of the Department.

#### **RECOMMENDATION/OBSERVATION**

1.2 The Committee notes that the performance of the three Departments of the Ministry of Personnel, Public Grievances and Pensions on the fiscal front needs to be improved. While DoPT has been able to utilize only 75% of the funds allocated to it till 31st January 2023, the other two Departments performed no better. In view of the

Finance Ministry's instructions imposing a ceiling limit on the expenditure that can be incurred in the last quarter and last month, the Committee feels that the Departments will not be able to optimally utilize the remaining funds by the end of the ongoing fiscal year. The Committee, therefore, urges the Ministry to look into the reasons for slow pace of utilization of funds and corrective measures as per fixed timelines may be taken. (Para 2.14)

### **Action Taken**

1.3 Pace of expenditure during the initial part of the FY 2022-23 was on the slower side. However, against the RE 2022-23 allocations of 2320.37 Cr., the actual expenditure incurred in FY 2022-23 was 2280.59 Cr. (98.30%).

The suggestions by the Committee have been duly noted and measures to achieve higher pace and quality of expenditure are being implemented by various organizations of the Department to ensure an even pace of expenditure. The pace and quality of expenditure of all Departmental organizations is being closely monitored at senior levels in the organisations as well as in the Department, regularly.

### **RECOMMENDATION/OBSERVATION**

1.4 The Committee notes that SPV Karmayogi Bharat is the only institution under DoPT to have utilized 99% of the funds allocated to it. The Committee observes that Capacity Building Commission and ISTM have not been able to utilize the allocated funds optimally. The Committee recommends the Ministry of Personnel, Public Grievances and Pensions to keep a constant watch and monitor the spending pattern of the institutions under its administrative control on quarterly basis to ensure that the allocated funds are fully utilized. (Para 2.17)

### **Action Taken**

1.5 The recommendation regarding utilization of funds allocated to the organizations in an optimal manner in the FY 2023-24 has been noted for compliance.

Expenditure pattern of the organizations are being monitored at all levels on the regular basis to ensure compliance.

## **RECOMMENDATION/OBSERVATION**

1.6 The Committee observes that there is an inordinate delay in the disposal of vigilance cases inspite of timelines being stipulated for each and every stage, right from the stage of receipt of complaint to finalization of disciplinary action. On being asked about the causes of such delays, the Commission informed that delay is mainly at the stage of further processing of vigilance cases after the Commission has tendered its First Stage Advice (FSA). The Commission further said that there is delay on the part of the respective departments/organizations in initiating departmental action and taking further steps to bring the cases to logical conclusion. In view of the above, the Committee recommends the Central Vigilance Commission to create a Dashboard on its website reflecting the status of each case right from the stage of filing of complaint to its disposal. This will not only ensure transparency but will also facilitate real time tracking of the status of complaint. The Committee further recommends CVC to use data mining tools, time stamping and artificial intelligence methods to monitor delays in the processing of cases. Central Vigilance Commission may, accordingly, seek additional resources for the abovementioned purposes at RE stage, as per the requirement. (Para 2.50)

### **Action Taken**

1.7 The Central Vigilance Commission (CVC) has in place a Dashboard on its intranet to track progress of vigilance cases and implementation of advice tendered by the Commission to the respective organizations. Through the Dashboard, status of each individual case is monitored on real time basis. In case of any delay in disciplinary action by the respective authorities, the matter is taken up with them for bringing cases to logical conclusion expeditiously. In addition, the Commission also calls for online performance reports from CVOs on quarterly basis, which contains updated information about all complaints/cases initiated and finalized during that quarter. The reports are scrutinized in the Commission and clarification/explanation is sought from the organization concerned in case any delay is observed.

Insofar as complaints are concerned, the Commission launched an updated Complaint Management System (CMS) Portal on 03.11.2022, which enables the complainants to lodge complaints online and to track status of their complaints on real time basis. The complaints received in physical form are also uploaded and processed through CMS portal only. In respect of complaints forwarded by the Commission to the Chief Vigilance Officers (CVOs) concerned, they are required to update information about action taken on such complaints, on CMS portal.

The Commission agrees with the recommendation of the Committee for seeking additional resources for upgradation of the Dashboard.

## **RECOMMENDATION/OBSERVATION**

1.8 The Committee notes that a large number of IAS officers are not filing Annual Immovable Property Returns. The Committee also notes that India is a signatory to the United Nations Convention against Corruption which mandates the state parties to establish and promote effective practices aimed at the prevention of corruption. The Committee further notes that DoPT is the nodal Department for anti-corruption including the matters concerning UNCAC. Keeping the wider ramifications of corruption in public administration in mind, the Committee recommends the Central Government to constitute a Committee to examine the issue of Non-submission of Annual Immovable Property Returns by public servants in detail. The Committee also feels that DoPT should put a mechanism in place to check the veracity of the property return statement filed by public servants. (Para 3.9)

### **Action Taken**

1.9 As per extant rules and instructions, every member of the service is required to submit an annual immovable property return by 31<sup>st</sup> January of the next year. Failure on the part of the members of the Service to comply with the requirements of the aforesaid provisions constitutes good and sufficient reason for institution of disciplinary proceedings, among other things as provided in this Department's OM NO.104/33/2005-AVD-1 dated 29.10.2007 and 07.09.2011, against them.

Based on the recommendations of the 122<sup>nd</sup> Report, an Expert Committee consisting of 3 senior IAS officers of DoPT, of the level of Additional Secretary to Govt. of India, had been constituted. A meeting on the issue of non-filing of IPR by IAS officers was convened on 31<sup>st</sup> May, 2023 wherein the matter was discussed in detail. It was observed by this Expert Committee that the data available from the online IPR filing portal requires extensive purification, as names of many officers who are not currently in service due to retirement/VRS/dismissal etc. and those officers who are not in the country presently (due to Study Leave etc.) are appearing in the list of defaulting officers, thereby inflating the extent of non-compliance. Prima facie, it appears that there are around 35 such officers whose names are thus featuring as defaulters in filing IPR of 2022, erroneously. Hence, it was decided to get this data

corrected and purified with the help of a Sub Group of officers of the concerned Divisions dealing with the matter within DoPT.

1.9.2. It is further submitted that it was also noted by the Expert Committee that Vigilance Clearance is being denied to officers who have failed to ensure timely filing of IPRs for the relevant year. The following table illustrates the number of officers who have been denied Vigilance Clearance on this ground.

Year	2020	2021	2022
No. of cases where VC has been denied due to non-filing of IPR	11	14	14

1.9.3. Note was taken of the special drive undertaken by DoPT for updation of missing IPRs due to non-filing of the same in the previous years by officers, by opening a window of two months last year in 2022 from 15.07.2022 to 14.09.2022, wherein 404 officers updated their previously missing IPRs. A similar window is going to be provided this year from 15.06.2023 to 14.07.2023 in a similar manner. However, it was directed by the Expert Committee that the status of any such IPRs filed later as part of a special drive, shall continue to be considered as 'Delayed Filing', unless explicit relaxation is granted.

1.9.4. Finally, the Expert Committee made the following recommendations and decided to hold another meeting shortly to review the compliance with respect to its recommendations and make a further roadmap for a lasting resolution of the matter, as recommended by the DRPSC.

- Recommendations of Expert Committee for implementation by DoPT:

A. For officers who are not physically located in the country at the time of filing of the IPR, the EO (PR) division may notify a dedicated official email which may be duly publicized amongst officers, where such officers can email the scanned copies of their IPRs duly filled and the same may be reflected as on-time filing of IPR provided the same is received from the officer within the online IPR filing deadline.

B. SMS alerts and email reminders may be sent to all officers at least thrice before the due date (31 st January) for online submission of IPR in order to aid them in

ensuring timely compliance. The concerned EO(PR) division was directed to explore the technical aspects of introducing this feature and initiate the same after due approvals.

C. The GADs/Personnel Departments of the State Governments and the Admin. Divisions of various Central Government bodies/ Ministries/Departments may be sensitized to reach out to officers through concerned Nodal Officers notified for this purpose, to remind and encourage them to file their IPR online, on time, when the deadline for the same is nearing.

- Recommendations regarding Policy-level changes:

A. The possibility of shifting of the deadline of online submission of IPR from 1<sup>st</sup> - 31<sup>st</sup> January to 1<sup>st</sup> - 30<sup>th</sup> April may be explored in order to bring the IPR filing process in greater sync with the Income Tax and APAR filing cycles and promote easier compliance and greater accuracy of the information being provided by the officers.

B. It is recommended that the provision mandating the timely submission of IPR for being promoted to next higher grade applicable to the officers of the All India Services may be made applicable to officers of all Central Government services so as to ensure uniform standards of transparency, accountability and probity. Thus, all present and future (if any) mechanisms to promote greater compliance regarding timely filing of IPR should be applicable uniformly to all officers of the Central Civil Services.

The action on all the above observations/recommendations of the Expert Committee, formulated in compliance to the directions of the 122<sup>nd</sup> and 126<sup>th</sup> Report of the DRPSC, has already been initiated.

## **RECOMMENDATION/OBSERVATION**

1.10 The Chairman of National Recruitment Agency informed the Committee that NRA is undertaking a detailed study of examination practices so that the problems

encountered by other recruitment agencies are addressed ab initio. The Committee recommends NRA to hold consultations with stakeholders and weigh the pros and cons of existing system of multiple examinations and the proposed system of single examination and evolve a model that strikes a harmonious balance between the two. The Committee hopes that these fundamental issues are addressed at the earliest and the first common eligibility Test would be held soon. (Para 4.16)

### **Action Taken**

1.11 Noted for compliance. NRA will continue to conduct study of examinations practices in various States/ Organization including consultation with stakeholders.

### **RECOMMENDATION/OBSERVATION**

1.12 The Committee notes that there is a huge gender gap in top managerial posts in Public Sector Enterprises. The Committee was apprised that there are only 7% women in the eligible pool for Board level posts in CPSEs and that the percentage of women at Board level is barely 8%. The Committee is of the considered opinion that gender equality is paramount for an inclusive and accountable public administration and is in line with the Government's policy of Nari Shakti. Since DoPT is the nodal agency for matters relating to Personnel Management, the Committee recommends that the Department should hold consultations with stakeholders and look into the reasons for under representation of women in leadership and decision making positions and take appropriate steps to eliminate factors hindering their ascent.

(Para 4.20)

### **Action Taken**

1.13 Recommendation/ observations contained in 126<sup>th</sup> Report has been noted.

### **RECOMMENDATION/OBSERVATION**

1.14 The Committee while appreciating the Central Government for undertaking the much needed comprehensive cadre restructuring of the CBI, feels that vacancies in CBI are not being filled up at the required pace. The Committee is of the opinion that vacancies in the Cadres of Executive ranks, Law officers and technical officers will unquestionably increase pendency of cases, hamper the quality of investigation and ultimately impact the effectiveness and efficiency of the Agency. In view of the above, the Committee recommends that every effort should be made to fill up



vacancies at the earliest. The Committee impresses upon the Staff Selection Commission to avoid delays in furnishing dossiers/nominations to the CBI. The Committee further recommends that the Director of CBI should monitor the progress made in filling up of vacancies on quarterly basis and take necessary measures to ensure that the organization is sufficiently staffed. (Para 6.4)

### **Action Taken**

1.15 The vacancy position is being reviewed by the CBI regularly. The following steps have been taken to fill up vacancies in different quotas (Deputation / Direct/ Promotion) :

#### **( A ) Deputation :**

- JD/DIG/SP:- Vacancies in the rank of JD/DIG/SP under deputation quota are filled up with a regular follow up with the State Governments for nominations of SP, DIG and Joint Director for deputation. All branches of CBI are regularly tasked to identify officers for deputation.
- Dy.SP/Inspr./Ct.:- To fill up vacancies in various ranks under the Deputation Quota, Circulars/Advertisements were issued/published for inviting applications for filling up of various gazetted and non-gazetted posts.
- Induction of officials of CPOs/ State Police/Banks etc. in CBI on deputation basis is an ongoing process. Requisition is regularly sent to their parent departments for furnishing service particulars, ACR folders, etc. of willing personnel.
- Pool of selection of personnel has been expanded. Requests have been sent to Banks/MHA/NABARD/ SIDBI/IDBI/Additional Deputy Comptroller and Auditor General (Human Resources and Local bodies) for sponsoring names of Inspector for deputation in CBI.
- Requests have been sent to DGs of CPOs, CBIT & Customs, Commissioner of Police, Delhi and Cabinet Secretariat for sponsoring names of Inspectors for deputation in CBI.
- Personnel in the rank of Constable from various CPOs/State Police are being regularly inducted from the panel received.

- Proposals have been sent to UPSC for induction of suitable officers in various Technical ranks in CBI.
- Due to these efforts the following inductions in different ranks were made from 1.1.2022 to 31.12.2022:-

<b>Rank</b>	<b>Number</b>
Joint Director	01
Dy. Insp. Genl. of Police	04
Supdt. of Police	09
Dy. Supdt. of Police	11
Inspector of Police	55
Constable	228
<b>Total</b>	<b>308</b>

**( B ) Direct Recruitment:-**

- Requisitions were/are being made to Recruiting Agencies i.e. UPSC/SSC for filling up of the posts under the Direct Recruitment quota for Law Officer, Sub-Inspector, LDC & Stenographers.
- Due to these efforts, the following Direct Recruitment in different ranks were made from 1.1.2022 to 31.12.2022:-

<b>Rank</b>	<b>Number</b>
Public Prosecutor	38
Asstt. Public Prosecutor	26
Steno Grade-II	05
Jr. Hindi Translator	02
Sub-Inspector	47
Lower Division Clerk	36
MTS	20
Washboy	01
<b>Total</b>	<b>175</b>

**(C) Promotion:-**

- DPCs were held for promotion of officers/officials in various ranks.
- The following promotions in different ranks were made from 1.1.2022 to 31.12.2022:-

<b>Rank</b>	<b>Number</b>
Dy. Insp. Genl. Of Police	07
Sr. Supdt. of Police	12
Supdt. of Police	30
Addl. Supdt. of Police	67
Dy. Supdt. of Police	76
Inspector of Police	137
Sub-Inspector	28
Asstt. Sub-Inspector	91
Head Constable	78
Dy. Legal Adviser	16
Sr. Public Prosecutor	28
Public Prosecutor	02
Office Superintendent	14
Crime Assistant	26
Upper Division Clerk	52
Lower Division Clerk	04
Sr. Private Secretary	14
Private Secretary	10
Steno Grade-I	86
Sr. System Analyst	01
<b>TOTAL</b>	<b>779</b>

However, observations of the Committee regarding monitoring the progress made in filling up of vacancies on quarterly basis have been noted for compliance.

**As per Staff Selection Commission (SSC)**, the timeline for completion of all stages of recruitment process may vary from examination to examination. Sending of dossiers/ nominations to the user Departments/ organizations constitutes the last stage of the recruitment process.

In the mission mode of recruitment, SSC prioritized various activities related to recruitment with a view to complete the entire exercise within 9-12 months.

Since Document verification is now going to be done by the User Departments/ Agencies, the process of dossier nominations is going to be expedited.

As per the results declared during the last three years, of all the mandated examinations except MTS, CBI had reported 254 vacancies against which the Commission made 254 nominations.

## **RECOMMENDATION/OBSERVATION**

1.16 The Committee, in its previous Reports, had expressed its displeasure over the slow pace of utilization of funds by CBI. The Committee is of the considered opinion that underutilization of funds often contribute to reduction in the allocation made at the RE stage and consequently in the Budget Estimates of next fiscal year also. The Committee notes that state of the art Projects of CBI such as Centralized Technology Vertical, International Centre of Excellence in Investigation and International Centre of Excellence in Forensic Sciences are yet to take off. The Committee, therefore, strongly recommends that a robust monitoring mechanism should be set up in the CBI to monitor the pace of utilization of funds and implementation of pending schemes and projects. (Para 6.10)

## **Action Taken**

1.17 Noted for compliance.

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## CHAPTER II

### RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DOES NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES GIVEN BY THE GOVERNMENT

#### RECOMMENDATION/OBSERVATION

2.0 The Committee notes that Union Public Service Commission spends almost half of its sanctioned outlay only for the purpose of conduct of Examinations. The Committee was given to understand that, approximately, 32.39 lakh candidates applied for examinations conducted by UPSC in 2022-23. However, only 16.82 lakh candidates, (51.95 %) actually appeared for examinations. For instance, 11.35 lakh candidates applied for Civil Services Examination in 2022 but only 5.73 lakh Candidates (50.51%) actually appeared for the examination. UPSC also apprised the Committee that the increase in RE 2022-23 is mainly to meet additional expenditure on conduct of Examinations and Selections due to increase in number of candidates/Exam Venues, number of Exam functionaries. The Committee recommends UPSC to furnish the details of examination fee collected from the candidates during the last five years, year-wise. The Commission may also provide the details of expenditure incurred by it on the conduct of the examinations for the same period. The Committee also recommends UPSC to examine the reasons for low turnout of candidates and share the findings thereof with the Committee. (Para 2.53)

#### Action Taken

2.1 Details of fee collected & expenditure incurred by the Union Public Service Commission (UPSC) in conducting the Examinations is as under:

**Rs. in crore**

Year	Exam Fee	Expenditure on Exam's & Selections
2017-18	25.14	115.35
2018-19	25.41	146.56
2019-20	24.68	157.04
2020-21	19.73	146.82
2021-22	26.43	159.07
2022-23	21.53	197.98

Regarding absenteeism, an Expert Committee, chaired by Shri B S Baswan (IAS Retd.) former Secretary, Ministry of Education, was constituted in August, 2015 to comprehensively examine the various issues raised from time to time regarding Civil Services Examinations. One of the Terms of Reference of the Committee (Sub-Para vii) is as under:

*“To review the logistical requirements and constraints of conducting the Examination and suggest improvements, given that almost half the number of candidates who apply do not appear at the Preliminary Examination.”*

The recommendations of the Baswan Committee are under consideration.

## **RECOMMENDATION/OBSERVATION**

2.2 The Committee notes that there is a huge shortage of 1472 IAS officers in the country. The Committee infers from the data provided by DoPT that there are 850 vacancies in the Direct recruitment posts and 622 vacancies in the promotion posts. The Committee notes that in order to address the issue of shortage of IAS officers and to ensure their optimal intake, Central Government has been recruiting 180 IAS officers on annual basis through Civil Services Examination. The Committee recommends DoPT to consider increasing the annual intake of Direct recruit IAS officers further to bridge the deficit. The Committee further notes that the deficit of IAS officers stems partly from the fact that promotion quota IAS vacancies are not being filled up by states on time. This issue needs to be taken up by the Centre with the State Governments and the Centre should impress upon them to take immediate steps to fill up promotion quota IAS vacancies on time so that shortage of IAS officers at the state level can be meted out which will help in effective functioning of the Government. (Para 3.3)

### **Action Taken**

2.3 The annual intake of direct recruit IAS officers through the Civil Services Examination (CSE) is reviewed from time to time. As regards promotion quota, it is stated that the Central Government is already seriously seized of the above matter. A D.O. letter to all the State Governments, duly conveying the above observations of the Parliamentary Standing Committee and urging them to take immediate measures to ensure timely submission of proposals for determination of vacancies and expeditious forwarding of proposals to the UPSC thereafter so that the Selection Committee

Meeting can be convened well in time, was circulated on 03.05.2023. Thereafter Secretary, DOPT, reviewed the issue, individually with the Principal Secretary (Personnel / GAD) of all the State Governments through video conference on 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> May, 2023. The issue would again be monitored during the Annual Conference of Principal Secretaries (Personnel / GAD) of all the State Governments / UTs to be chaired by Hon'ble Minister of State in charge of DOPT to be held shortly.

## **RECOMMENDATION/OBSERVATION**

2.4 On being asked about the impact of IAS crunch on administration, DoPT stated that the total authorized strength comprises Senior Duty Posts and various reserves such as State Deputation Reserve, Junior Reserve, Leave Reserve, Training Reserve and Central Deputation Reserve. Of these reserves, except for the Central Deputation reserve, all other reserves are being utilized by the States. DoPT further said that out of the prescribed Central Deputation Reserve of 1469, only 442 officers are working at the centre. The Committee is of the considered opinion that IAS officers are a common and shared asset of the country and therefore, it is incumbent upon them to serve both the Centre and States. (Para 3.4)

### **Action Taken**

2.5 It is to state that the certain requisite elements viz. Application/ nomination of officers for deputation on yearly basis, forwarding of nomination by the concerned Cadre Controlling Authority, past experiences etc. have to be taken into account, while filling various central deputation posts.

This Department deals with the framing of Rules/Policies related to All India Service. Accordingly, as per IAS (Fixation of Cadre Strength) Regulations, 1955, Total Authorized Strength (TAS) comprises of Senior Duty Posts (SDP) and various Reserves viz. State Deputation Reserve (@ 25% of SDP), Junior Reserve & Leave Reserve (@16.5% of SDP), Training Reserve (@ 3.5% of SDP) and Central Deputation Reserve (40% of SDP).

With regard to the observations of the Committee, the IAS (Fixation of Cadre Strength) Regulations, 1955 issued by AIS-II Division already stipulates Central Deputation Reserve (CDR) to be 40% of SDP.

## **RECOMMENDATION/OBSERVATION**

2.6 The Committee reiterates its recommendation that the Central Government should designate DoPT as the nodal agency for monitoring backlog vacancies in all Ministries/Departments of the Central Government and hopes that the Department will soon create a Dashboard on its site reflecting the data of backlog reserved vacancies and the progress made in filling them up. The Committee recommends DoPT to impress upon Ministries/Departments to take steps to fill up backlog reserved vacancies at the earliest. (Para 3.7)

### **Action Taken**

2.7 Ministries/ Departments have been requested to create similar dashboard on backlog reserved vacancies. DoPT has also created a tab titled 'Backlog Reserved Vacancies' on the RRCPS portal of DoPT for uploading of data on backlog reserved vacancies for SC, ST and OBCs by all the Ministries and Departments of the Central Government including attached/ subordinate offices, CPSEs etc. In order to educate the Ministries/ Departments about the operation of this tab, as a first step, a Workshop was held on 12<sup>th</sup> April, 2023 in CSOI, KG Marg, New Delhi with 20 Ministries/ Departments of the Government of India, (including 10 major Ministries/ Departments having more than 90% of the employees of the Central Government) to demonstrate how to upload data on backlog reserved vacancies on the Dashboard. The Ministries/ Departments were requested to take effective steps to fill up backlog reserved vacancies at the earliest.

## **RECOMMENDATION/OBSERVATION**

2.8 The Committee notes that menstruation debilitates most women and affects their productivity and performance at workplace. The Committee notes that, at present, there is no policy in place to address this need. The Committee takes note of Article 42 of the Indian Constitution which directs the state to make provision for securing 'just and humane' conditions of work. The Committee further takes note of Article 7 of the International Covenant on Economic, Social and Cultural Rights which recognizes the right of everyone to 'just and favourable' working conditions. The Committee is of the view that the Government should create an inclusive and equitable work place for women. Keeping the physical and mental well being of women in mind and taking cognizance of their unique needs, the Committee, recommends the Department to hold consultations with stakeholders and frame a menstrual leave policy



allowing women who suffer from menstrual cramps, dysmenorrhea and similar conditions to take time off from their work. The Government may consider granting a certain number of 'Menstrual leaves' or 'sick leaves/Half Pay Leaves' per month/year for women without seeking any medical certificate or justification in return. The Committee feels that this measure will have a positive impact on the female labour force participation rate in the formal sector and will help unlock the gender dividend for inclusive and broad-based growth. (Para 3.11)

### **Action Taken**

2.9 The CCS (Leave) Rules 1972 provide for a variety of incentives in the form of various kinds of paid leave for welfare of female Central Government Servants such as Maternity Leave, Child Care Leave etc. A Government employee is also provided with 30 days Earned Leave and 8 days Casual leaves in a year to fulfill certain needs of personal necessities. Further, the matter with reference to the requirements for grant of a special menstrual leave to a female Government employee because of the pain occurring during menstrual period is a health related issue and can be best examined by MoHFW, being the nodal Ministry. However, the recommendation of the 126th Report on the Demands for Grants (2023-24) of the Ministry by Department related Parliamentary Standing Committee in this regard has been duly noted. If there is any change made in this regard, the same will be widely circulated to all Ministries / Departments.

### **RECOMMENDATION/OBSERVATION**

2.10 The Committee appreciates the Department of Personnel and Training for formulating guidelines for posting husband and wife who are in Government service at the same station. However, the Committee feels that there is a lacuna in the policy which needs to be addressed. It is observed that DoPT's guidelines do not provide any relief to spouses where one of the spouses belongs to an All India Service and the other spouse belongs to the Indian Foreign Service. The IFS does not have positions earmarked in the state Governments except for postings in Regional Passport Offices and Branch Secretariats. Moreover, these positions are restricted to certain pay levels. Secondly, the AIS officer can opt for deputation but the rules require him/her to go back to the cadre for 'cooling off' period or in case of other exigencies. Accordingly, the Committee recommends that appropriate guidelines to extend the relief envisioned in the above mentioned guidelines be framed for AIS-IFS couple also. The Department may further consider allocating the AIS officer to AGMUT cadre and

post him/her in Delhi or alternatively allocate him/her to the States contiguous to Delhi where the IFS officer remains posted for long periods to the extent possible so that the couple can remain posted at the same station. (Para 3.15)

### **Action Taken**

2.11 In so far as All India Services officers are concerned, as per Rule 7 of the IAS(Cadre) Rules, 1954 and analogous provisions in IPS (Cadre) Rules, 1954 and IFS (Cadre) Rules, 1966, all appointments to cadre posts in case of a State Cadre shall be made by the State Government concerned. Further, Rule 5 (2) of the IAS (Cadre) Rules, 1954 and analogous provisions in IPS (Cadre) Rules, 1954 and IFS (Cadre) Rules, 1966 provide the provisions for change of cadre of All India Service officers on marriage grounds.

Further, in so far as a particular situation regarding posting of spouse belonging to Indian Foreign Service Officers is concerned, they are either posted abroad or in India and, therefore, it would be difficult for their cadre controlling authority (MEA) in posting the officers to the station or the State where their spouse is posted.

### **RECOMMENDATION/OBSERVATION**

2.12 The Committee notes from the data provided by UPSC that the average time taken for civil services examination from the date of issue of Notification to the date of declaration of final result is nearly 15 months. The Committee is of the opinion that the duration of any recruitment examination should not ordinarily exceed six months as long and protracted recruitment cycles waste prime years of a candidates' life besides taking a heavy toll on their physical and mental health. The Committee, accordingly, recommends that UPSC should take steps to reduce the duration of the recruitment cycle significantly without compromising the quality. (Para 4.4)

### **Action Taken**

2.13 The Union Public Service Commission has been established as a Constitutional body to undertake various functions as mentioned in Article 320 of the Constitution, which also include conducting Examinations for appointments to the services of the Union. In pursuance of this Constitutional Mandate, at present, in addition to the various Recruitment Tests for appointment to posts in various

Ministries/Departments/UTs. etc., the Commission conducts 13 Structured Examinations annually including the Civil Services Examination in accordance with the Rules of the Examinations notified by the Government (DoP&T).

As stated in reply to Para 2.53 above an Expert Committee, chaired by Shri B S Baswan (IAS, Retd.) former Secretary, Ministry of Education, was constituted in August, 2015 to comprehensively examine the various issues raised from time to time regarding the Civil Services Examination. One of the Terms of Reference of the Committee is as under:

*“To examine the time frame in which the Examination is conducted and suggest suitable changes to reduce the time taken for selection of candidates by utilizing information and communication technologies, as well as by making changes to the various procedure mandated by the Examination Rules, including the methodology for operating reserve lists/waiting lists (if any).”*

The stand of the Commission in this aspect is detailed as under:

(a) Civil Services Examination is a flagship Examination of the Commission which is conducted once in a year only. This Examination comprises following three stages:

- i. An objective type Preliminary Examination for screening of candidates for the next stage. The candidature for this Examination has been continuously crossing a million mark in the last few years.
- ii. Main written Examination comprising 09 papers for the candidates, who cleared the Preliminary Examination; and
- iii. Interview/Personality Test of Main Examination qualified candidates.

A Statement showing the time taken at different stages of the examination during the period 2017-2021, right from the stage of advertisement (notification of the examination) to declaration of final result is attached as **Annexure-I**.

(b) As per the current trend, number of applications for the Civil Services (Preliminary) Examination comes over a million every year. In the year 2022, this Examination was held at 79 Centres (cities) across the country at 2,882 Venues to accommodate 11.53 lakh candidates. For ensuring smooth conduct of this Examination, numerous activities are required to be completed by the Commission

viz. (i) selection of Venues in each Centre; (ii) processing/ scrutiny of applications received in order to allow only eligible candidates; (iii) distribution of candidates (after availability of exact count on completion of application process) in these Venues; (iv) preparation and release of e-Admit Cards of the candidates; (v) preparation of Scannable Attendance Lists of candidates, printing and dispatch of the same to the Venue Supervisors; (vi) packing/dispatch of OMR sheets/ stationeries to the Venues; (vii) preparation/ despatch of sensitive material to the Centres; (viii) deployment of large number of examination functionaries at different levels; (ix) release of funds to the Centres and Venues; (x) conduct of meetings with various stake holders like police, postal authorities, railway authorities, Centre Supervisors, Inspecting Officers etc.; (xi) issue of number of letters from different levels to number of authorities etc.

(c) All these processes are to be executed with extreme care following various checks & counter-checks at different levels in coordination with the examination functionaries to rule out any possibility of any error at any stage. It would be seen from the attached statement (**Annexure-I**) that the time duration for such activities has been around 2.5 to 3 months. This much time is a must for successful conduct of Examination by the Commission and it may be appreciated that there is hardly any scope of further reduction in time cycle between the date of advertisement (notification) and date of holding the Civil Services (Preliminary) Examination owing to the reasons cited above.

(d) After taking due care and completing all the processes, result of the Preliminary Examination is declared within 20 days from the date of conduct of the Examination. Earlier, time taken to declare the result was somewhere between 40-50 days, which has now been considerable reduced. Again, for smooth conduct of the Main Examination, which is a 5 days' affair having 9 descriptive type papers, the drills of arrangement are almost the same as those of the Preliminary Examination except the level of scale involved. The average time gap between declaration of the result of the Preliminary Examination and conduct of the Main Examination is about 2-3 months. At this stage, the Candidates who qualify Preliminary Examination needed adequate time to prepare for the Main Examination because of the number of papers and their toughness level. Any attempt to reduce this gap may cause distress to the candidates. Therefore, there is hardly any possibility to further compress the time frame.

(e) The Civil Services (Main) Examination, being a 9 Papers-Examination of descriptive type takes more time for evaluation of answer scripts i.e. about more than two months as nearly 1.20 lakh scripts of different subjects are to be evaluated by different teams of experts. Therefore, at this stage also, there is little scope of reducing the time-line between the date of completion of the Main Examination and the declaration of its result.

(f) After declaration of result of the Main Examination, as per existing scheme, the successful candidates are required to fill up Detailed Application Form (DAF-II) for which time is given to them. Once these DAFs-II are received from them, the same are processed for generation of E-Summon Letter and scheduling of their Personality Tests. The Personality Tests are held at the UPSC, so the candidates are required to come to the UPSC for attending the same from their places of stay across the country. Therefore, a lead time is to be given to them for arranging their transport, necessary documents and stay in Delhi. As such, the Personality Tests cannot be scheduled immediately after the declaration of result of the Main Examination. Further, a maximum of 12 candidates are interviewed in a day by one Personality Test Board, which is the optimal number and ensures the quality of the Personality Test process to assess the candidates as per their aptitude, skills and capabilities. Besides, these Personality Test, Boards are chaired by the Hon'ble Members of the Commission. Hence, the number of such Boards depends on the availability of Hon'ble Members. Furthermore, the entire duration of the Personality Test process is dependent on this aspect as also on the number of candidates, which in turn depends on the number of vacancies to be filled up on the basis of the Examination. On completion of the Personality Tests, final result of the Civil Service Examination is declared within 4 days. As such, there is hardly any scope of reducing the time-line in completion of Personality Test process.

(g) It may be seen that the time cycle for the Civil Services Examination has been optimized to the extent possible despite increase in the number of candidates, Centres and Venues over the years after analyzing the time taken in the pre-examination and post examination activities in detail. One of the most vital factors that go into the determination of the time schedule of an Examination is the need to maintain the utmost confidentiality and the integrity of the examination process. Various checks and balances have been integrated in the examination system gained through years of experience to ensure the confidentiality, integrity and transparency.

Further, it may also be appreciated that the UPSC presently holds another 12 Structured Examinations and takes due care to also ensure the time cycle of these Examinations at the optimum level. Further, UPSC ensures that a judicious balance is maintained at all stages of all its Examinations including the Civil Services Examination.

Further reduction in the above time cycle (which is already optimized to the fullest) of the Civil Services Examination may not only impinge upon the integrity/quality of the Examinations but may also create resentment amongst the candidates due to getting lesser number of days for their preparation at each stage of the Examination.

## **RECOMMENDATION/OBSERVATION**

2.14 The Committee has recommended in its 104th, 106th, 108th and 112th Reports that an expert Committee must be constituted to assess the impact of the changes brought about by the Commission in the scheme of Civil Services examination since 2010 on administration and candidates. UPSC has time and again reiterated that the report of Baswan Committee is under consideration. The Committee is aware that Baswan Committee was constituted to make recommendations on the eligibility, Syllabus, Scheme and Pattern of Examination. However, what the Committee has been emphatic about in its recommendations is ‘Administrative Impact Assessment’, i.e. an assessment of the impact of administrative decisions. While UPSC has changed the pattern of Civil Services Examination from time to time on the basis of recommendations made by various Expert Committees, no study has been commissioned to assess how such changes impacted the aspirants, nature of recruitment and administration at large. The Committee reiterates its recommendation that an expert group or Committee should be appointed to assess the impact of changes made in the scheme, pattern and syllabus of Civil services examination in the last ten years on the quality of recruitment and administration at large. The expert group so constituted may assess if the present scheme of recruitment provides an equal opportunity to both English-medium educated urban candidates and non-English medium educated rural candidates. The expert group may also assess whether the existing pattern of preliminary and mains examination provides a level playing field for all candidates irrespective of their academic background. The Committee is of the considered opinion that DoPT/UPSC should consider making further changes in the scheme and syllabus of Civil Services Examination in the light of the findings of the Impact Assessment study. (Para 4.8)

### **Action Taken**

2.15 The report of Baswan Committee on the Civil services Examination is still under consideration of the Government. In order to have a comprehensive examination of the same, a Committee, comprising of two former Secretaries of the Department of Personnel & Training, has been constituted vide order dated 30.01.2023. This newly constituted committee is mandated to submit its report within a period of six months from the date of its constitution. It is felt that pending the report of the newly constituted committee and the decision of the Government thereupon, it would be premature to constitute another Committee.

### **RECOMMENDATION/OBSERVATION**

2.16 The Committee takes cognizance of the manpower constraints being faced by the Commission in the wake of transition to online mode of conduct of examinations and accordingly recommends DoPT to provide specialized personnel and adequate infrastructure to the meet the requirements of the Commission.

(Para 4.11)

### **Action Taken**

2.17 Few specialized posts borne on the strength of Staff Selection Commission (SSC) have been revived by Department of Expenditure and SSC is in process of filling up of those posts.

### **RECOMMENDATION/OBSERVATION**

2.18 Keeping in view the difficulties encountered by candidates especially differently-abled and women candidates, the Committee recommends Union Public Service Commission, Staff Selection Commission and National Recruitment agencies to take steps to ensure that candidates are allotted an examination centre within 5 kilometres from their home as far as practicable.

(Para 4.17)

### **Action Taken**

2.19 The examination centres would be decided by NRA considering various aspects such as security, integrity, logistic and likely number of candidates for an examination etc.

As a general practice, female candidates as well as PwD candidates are allotted the examination centers of their first choice, by the SSC. PwD candidates are allotted PwD friendly venues. Even when owing to logistics and capacity issues it is required to allot candidates to a centre other than the centre of their first choice, care is taken not to disturb the allotment of female and PwD candidates in the Centres of their first choice.

The Commission (UPSC) allots the venue(s) for differently abled candidates ensuring that:

- (i) The venue(s) are located at prime location and accessible in all aspects;
- (ii) Arrangement of wheel chair(s) and availability of ramp at the venue(s);

Seating of such candidates in rooms at ground floor preferably.

## **RECOMMENDATION/OBSERVATION**

2.20 As per the information provided to the Committee, LBSNAA has a sanctioned faculty strength of 37 out of which 20 posts are vacant whereas ISTM has a sanctioned faculty strength of 28 and 19 faculty are in position. The Committee has been informed that IIPA has 21 faculty in place but has no sanctioned strength approved by the Government. The Committee notes that faculty shortage in training institutions has become a permanent feature. The Committee further notes that these institutions are making generous use of adhoc/part time faculty and are barely meeting the requirements of teaching. The Committee may be apprised of the reasons for the shortage of faculty. The Committee recommends DoPT to take immediate steps to fill up the vacant posts in LBSNAA and ISTM as shortage of faculty impacts the effective functioning of these institutions. The Committee also recommends the Department to prescribe a sanctioned strength for IIPA. The Committee is of the



considered opinion that investment in human capital and physical capital should go hand-in-hand as both the elements are crucial in positioning India as a knowledge economy. (Para 5.7)

### **Action Taken**

2.21 In so far as vacancy position at Lal Bahadur Shastri National Academy of Administration, (LBSNAA), Mussoorie, it keeps on varying from time to time and is dynamic due to movement of officers who complete their tenure. However, the manpower shortage is not seen as a major impediment in the organizations training and its other activities because of wholesome measures which has been taken to overcome the deficiencies.

2. As regards ISTM also the vacancy position varies from time to time. Presently the incumbency position has improved substantially. All necessary steps are being taken to fill up the posts at the earliest.

3. In IIPA the training programmes are conducted on demand basis. As IIPA does not have regular programmes catering to specific target group, IIPA engages Subject Matter Specialists and Professional Consultants depending upon demand and need of Capacity Building Programmes. This ensures quality expertise and helps in sustainability.

### **RECOMMENDATION/OBSERVATION**

2.22 The Committee notes that the Training Division of the Department of Personnel and Training is the nodal agency for training of government functionaries and is primarily responsible for formulating policies concerning training. The Committee was given to understand that the Division itself sponsors a number of training programmes on a variety of subjects for different categories of Central and State Government employees. The Committee also learnt that LBSNAA, ISTM, IIPA and of late, Capacity Building Commission are also involved in training Central and State Government functionaries. The Committee is of the view that there is a significant jurisdictional overlap among these institutions and that there are a multiple training schemes. The Committee recommends DoPT to delineate the jurisdiction of the training institutions functioning under its administrative control and also to rationalize the training schemes as far as practicable. (Para 5.8)

## Action Taken

2.23 The Department of Personnel & Training is the nodal agency for training of government functionaries and is primarily responsible for formulating policies with regard to training. It also designs and implements training programmes on a variety of subjects for different categories of Central and State government employees. It also provides financial assistance to State/UT Administrative Training Institutes (ATIs) with the aim of developing (a) skill and functional knowledge of employees and (b) a cadre or professional trainers and resource persons from amongst the employees of Central and State/UT Governments.

2. There are 3 training institutions functioning under its administrative control namely:

**(i) Lal Bahadur Shastri National Academy of Administration, Mussoorie:** The LBSNAA has the mandate to train Civil Services in India, on foundational and fundamental subjects to all those who are recruited for senior grades of service; so that they might imbibe the true spirit and discharge their duties in a manner which will raise their efficiency and establish concord between them and the public completely. The LBSNAA focuses on building whole of civil service capacities through its foundational programmes and its operational programmes for the purpose of enhancing behavioural changes and for ushering in high standards of ethics.

The Academy also has the exclusive mandate to train the IAS at the level of the whole and at the individual level. In this regard, larger skill upgradation areas and skill building areas for the IAS, and developing this capacity through structured mid-career training programmes, and the Mission Karmayogiled Digital Learning are carried out.

**(ii) Institute of Secretariat Training and Management (ISTM), Delhi:** The mandate of the Institute is to impart training to officers of Central Secretariat Service (CSS), Central Secretariat Stenographers Service (CSSS) and officers of other organized/ subsidiary service functioning in the Central Secretariat. The Institute also provides training support to the State Governments, Union Territory Administrations, Central Public Sector Enterprises, Central Autonomous Bodies and other organisations in specialized and general areas.

**(iii) Indian Institute of Public Administration (IIPA):** The Institute has been set up to equip the public servants with domain knowledge, functional skills, and behavioural competencies required for managing the task of governance. The

Institute provides technical skills of management, human skills for coordination roles and conceptual skills for taking up leadership roles in public policy planning and execution. In its effort to enhance the leadership, managerial, and administrative capabilities of the executives in government and public sector enterprises, the Institute works in close collaboration with national and international organisations.

3. The Capacity Building Commission has been set up as a part of the institutional framework of Mission Karmayogi and has the responsibility of facilitating the preparation of Annual Capacity building Plans (ACBPs), monitor and evaluate the implementation of plans, functionally supervise the training institutions for the purpose of adherence to and achievement of ACBPs and creation of an ecosystem of shared learning resources, provide insights and analytics, coordinate with MDOs to evolve a harmonious de-siloed approach to improve capacity and build shared resources etc. It has been spearheading various initiatives for capacity building through various policy guidelines related to accreditation, competency framework, etc.

4. The jurisdiction of these Institutions is mutually exclusive in nature and not overlapping.

## **RECOMMENDATION/OBSERVATION**

2.24 On being asked about the reasons for delay in filling up of vacancies, CBI informed the Committee that it is not receiving sufficient nominations of officers from CAPFs and State Police which have traditionally been a major source of induction, particularly up to the rank of Inspector in the organization. CBI further said that CAPFs and State Police are under increasing pressure within their own jurisdictions and hence have expressed challenges in sparing officers and personnel to the same extent as in the past. The Committee, in its previous Reports, recommended CBI to reduce its dependence on deputationists and strive to recruit permanent staff in the ranks of Inspector of Police and Deputy Superintendent of Police. However, CBI showed unwillingness and justified its stand citing that deputationists bring in fresh ideas, novel strategies and varied skill sets with them and that direct recruitment at higher levels would affect career progression. The Committee fully agrees with the view of CBI that deputationists benefit the organization with their expertise and skill sets, however, it feels that an organization should keep the mode of recruitment through deputation to minimum. The Committee observes that the mode of

recruitment to the rank of Inspector of Police (1024 posts) is 50 % through deputation/absorption and 50% through promotion. Keeping in view the problems being faced by CBI in inducting officers through deputation, the Committee recommends that the percentage of officers inducted through deputation at the level of Inspector of Police be restricted to 10 percent and the remaining 40% officers may be recruited through Direct Recruitment/Limited Departmental Competitive Examination. (Para 6.7)

**Action Taken**

2.25 It is mentioned that after due deliberations and keeping in view the functional requirement, this Bureau has recently proposed suitable amendments in Recruitment Rules for the various posts of CBI including the post of Inspector.

The proposed amendments in mode of the Recruitment for the post of Inspector is as under:-

Post	Existing Mode of Recruitment	Proposed Mode of Recruitment
Inspr.	Filled by 50:50 Promotion: Deputation/Absorption	Filled by 60:40 Promotion: Deputation

The aforesaid proposal is already under consideration. However, the position will be reviewed in case the proposed amendment does not meet out the functional requirement.

**RECOMMENDATION/OBSERVATION**

2.26 The Committee notes that the details of cases registered with the CBI, the progress made in their investigation and the final outcome are not available in public domain. The Committee also observes that the Annual Report of CBI is also not accessible to the general public. The Committee is of the opinion that in this age of transparency, every Public Authority should strive to proactively disclose the data available with it or held by it in public domain to the extent possible. The Committee feels that providing access to information will not only empower the citizens but will also make the functioning of CBI more accountable, responsible, efficient and

transparent. The Committee, therefore, recommends CBI to publish case statistics and annual Report on its website. The Committee also reiterates its recommendation that CBI should maintain a case management system which would be a Centralized database containing details of cases registered with it and the progress made in their disposal. The case management system should also enable tracking of the progress of each individual case and should be, by and large, accessible to the general public.

(Para 6.13)

### **Action Taken**

2.27 Investigation is carried out as per provisions of law. Upon completion of the investigation, all the relevant documents pertaining to the case, filed along with the final report, are available in Courts. Besides, brief of important registration, searches, arrests, filing of charge-sheet, conviction etc., are available in Media column of CBI Website, which is accessible to all. So far as maintaining a case management system in CBI, it is to be intimated that the same under implementation. Sharing of progress to public may be pre-judicial to investigation. Regarding placing CBI Annual Report on its website, it is submitted that Annual Report, as of now, being submitted to CVC, MHA, DOPT, Parliamentary Standing Committee etc.

### **RECOMMENDATION/OBSERVATION**

2.28 The Committee underlines that grant of sanction for prosecution is a statutory requirement and therefore, the competent authority is bound to strictly adhere to the timeline stipulated for the grant or otherwise of the sanction for prosecution. The Committee is of the view that advice is tendered by the Central Vigilance Commission based on reasoned appreciation of all the facts, documents and records. Therefore, the Committee recommends that in vigilance cases, the Disciplinary authority should not deviate from the Commission's advice as far as possible. In case of difference of opinion between the Disciplinary authority and the Commission regarding the same, the prescribed consultation mechanism should be strictly adhered to.

(Para 6.20)

### **Action Taken**

2.29 The Commission agrees with the recommendation of the Committee that the Disciplinary Authority should not deviate from the Commission's advice as far as possible.

It is also stated that the Commission has an advisory role as per the provisions contained under Section 8(1)(g) of CVC Act, 2003. The competent authority generally agrees with the advice tendered by the Commission. However, there are some instances, when the competent authority takes a view which is different from the advice tendered by the Commission. In case of difference of opinion between the competent authority and the Commission regarding grant of prosecution sanction, the same is to be resolved in terms of DoPT's OM No. 372/6/2017-AVD-III dated 01.03.2019 (**Annexure-II**), which has been reiterated by DoPT vide their OM No. 372/6/2017-AVD-III 02.12.2020 (**Annexure-III**).

In respect of departmental action against officers for whom the appointing authority is the President, in case of difference of opinion between the Disciplinary Authority and the Commission, further action is to be taken as per DoPT's OM No. 372/3/2017-AVD-III dated 01.03.2017 (**Annexure-IV**) and OM No. 119/2/2019-AVD-III dated 02.09.2019(**Annexure-V**).The Commission, vide its Circular No. 10/06/21 dated 23.06.2021 (**Annexure-VI**) has also issued guidelines about the mechanism to be adopted for reporting of cases of deviation from Commission's advice in respect of those officers, whose cases are not covered under DoPT's OM dated 02.09.2019.

## **RECOMMENDATION/OBSERVATION**

2.30 The Committee recommends DoPT to issue instructions/guidelines impressing upon authorities concerned to strictly adhere to the prescribed consultation mechanism with the Commission. The Committee notes that there are significant irregularities and lapses ranging from delay in the grant or otherwise of sanction for prosecution, failure on the part of disciplinary authority to follow laid down procedures, delay in seeking advice, lack of awareness and ignorance of rules and regulations in conducting disciplinary proceedings among others. The Committee recommends DoPT and CVC to apprise it about the measures contemplated by them to deal with such irregularities and lapses as they could vitiate the vigilance process, shield the corrupt and breed a culture of impunity (Para 6.21)

## **Action Taken**

2.31 It may be noted that Section 8 (1)(f) of CVC Act, 2003 mandates the Commission to review progress of applications pending with the competent authorities for sanction for prosecution under PC Act, 1988 (as amended on 26.07.2018). In case of delay on the part of the competent authority to decide on

CBI's request for prosecution sanction, the Commission reviews and promptly takes up such cases with the Chief Executives of the organizations concerned, impressing upon them the need for taking a view without further delay.

The Commission has issued guidelines prescribing time limit for different stages of disciplinary action and has reiterated the same time and again. At the time of tendering First Stage Advice, the Commission specifies the time period within which actions including issuance of charge sheet and appointment of IO/PO etc. are to be completed. The progress of implementation of Commission's advice is reviewed at regular intervals through meetings with the CVOs concerned. Through the interaction with CVOs and other vigilance functionaries in zonal and sectoral review meetings undertaken by the Commission at various places, they are also sensitized about the importance of timely action in disciplinary matters. The Commission has also started a new initiative of conducting Management Audit of Vigilance Units of major Central Government organizations, during which the status of action taken on complaints and in disciplinary matters is reviewed with specific reference to the time line issued by the Commission.

In order to ensure that lack of awareness of rules and procedures does not become a factor for delay/non implementation of Commission's advice, as a capacity building measure, the Commission has undertaken regular training programmes for CVOs, other vigilance functionaries and potential IOs/POs. In addition, the Commission also shares training modules on preventive vigilance with Central Government organizations to institutionalise preventive vigilance training through online/offline mode.

### **Comments of DoPT:**

In order to ensure timely processing of the disciplinary proceedings, Central Civil Services (Control, Conduct and Appeal) Rules, 1965, timelines have been prescribed for various stages of the disciplinary proceedings. These timelines have been consolidated and are placed at **Annexure VII**. Further, in order to expedite the conclusion of disciplinary proceedings against officers of All India Services posted on Central deputation, an OM No. 142/6/2022-AVD-I/C-I dated 03.02.2023 was circulated to all Ministries/Departments (**Annexure VIII**).

Various instructions issued from time to time for handling of disciplinary proceedings have been consolidated as a single OM which is placed in the public

domain. A Flow chart has been issued vide OM No. 43020/14/2021-Estt.A-III dated 08.11.2021 indicating various steps involved in disciplinary cases for better understanding of Rules by Disciplinary Authorities, and is also available in the public domain (**Annexure IX**). Further, vide OM No. 11012/09/2016-Estt.A-III dated 08.12.2017, FAQs on timeline for completing Disciplinary proceedings in a time bound manner have been issued (**Annexure X**).

## **RECOMMENDATION/OBSERVATION**

2.32 The Committee was informed that as per the Central Administrative Tribunal (Procedure) Rules, 1987, every application should be heard and decided as far as possible, within six months from the date of its registration. However, the Committee notes that there are about 1350 cases pending for over ten years. The Committee also learnt that there are approximately 3716 cases related to pension pending in the Tribunal. The Committee recommends that CAT should dispose of cases related to pensions, matters related to senior citizens and cases which are more than 10 years old on priority basis and conduct special drives, if need be.

(Para 6.25)

## **Action Taken**

2.33 The pension related matter have been made as a Single Bench matter so that the matter may be disposed of speedily without the necessity of having presence of two Hon'ble Members. Furthermore, CAT, PB had issued directions that cases relating to the senior citizens may be taken up for disposal on priority by listing such cases in the daily cause list with a note "No adjournment will be allowed". Similar directions for disposal of cases pending for more than ten years are issued to the extent that hearing of cases more than 10 years old are to be taken up on day to day basis and if needed be by constituting special Benches by not permitting adjournments barring exceptions.

Regarding the conduction of special drive, it may be worth mentioning that for organization of iconic/ impactful events as part of Azadi ka Amrit Mahotsav, CAT, PB ordered for special drive for listing/ hearing of cases related to pension and those of senior citizen, which was conducted on 18.04.2022 and 19.04.2022 and a good number of cases related to pension and matters of Senior Citizen were decided on 18.04.2022 and 19.04.2022. The feasibility of conduction of such special drives in future will be assessed and will be organized accordingly.



## **RECOMMENDATION/OBSERVATION**

2.34 The Committee notes the mounting pendency of cases in CAT and feels that one of the major reasons for pendency is non-availability of sufficient number of Members. The Committee was informed that in some Benches of the Tribunal, some cases are pending for want of Division Bench as sufficient number of Division Benches are not available due to vacancy of Members. The Committee infers from the data provided by the Tribunal that Allahabad, Bangalore, Hyderabad, Jammu and Patna Benches are operating with 50% of the sanctioned strength. The Committee recommends that steps should be taken to ensure that these vacancies are filled up at the earliest. The Committee is happy to note that CAT is contemplating to implement an Advance Case Information system which facilitates hearing of cases through video conferencing and complete digitization of the functioning of the Tribunal and hopes that it is operationalized soon. (Para 6.26)

### **Action Taken**

2.35 Out of sanctioned strength of 70 (01 Chairman, 34-Judicial Member and 35 Administrative Member), presently 53 posts are in position in Central Administrative Tribunal (CAT). The process of filling up existing and anticipated vacancies of Members in CAT for the years 2022 and 2023 is under progress and the Government is taking expeditious action to complete the selection process at the earliest possible.

Furthermore, the matter of implementation of Advance Case Information system will be expedited and it will be operationalized in a time bound and phase wise manner.

## **RECOMMENDATION/OBSERVATION**

2.36 On being asked about the reasons for recruiting such a large number of outsourced staff, the Commission said that it had not been able to fill all the vacant posts due to non-availability of suitable candidates. The Committee is of the view that contractual staff can supplement the regular work force but cannot be a substitute for it and accordingly, recommends that, the Staff Selection Commission should look into the reasons hindering the filling up of Direct recruit vacancies in CIC and apprise the Committee about it. (Para 6.31)

## **Action Taken**

2.37 The Commission has 160 sanctioned posts, out of these only 52 posts (ASOs, Sr. Assistants, Stenographers & MTSs) are to be filled on direct recruitment quota through Staff Selection Commission. At present there are only 07 posts vacant in respect of Assistant Section Officers/ Senior Assistants/ Stenographers and requisition in this regard has already been sent to SSC. In addition to the above, 09 posts of MTSs will be requisitioned with SSC as soon as a circular in regard for filling these posts are issued by them.

Regarding filling up the posts on deputation basis the Commission has issued advertisements in the years [2012](#), [2013](#), [2014](#), [2015](#), 2017, 2018, 2020 & 2021 and no suitable candidates was found for appointment. Recently, the Commission had advertised the posts vide circular dated 24.03.2022 and 06.10.2022 seeking applications from the prospective candidates for consideration. The screening of application and preparation of other documents were under process but held up due to deemed abolition of these posts being vacant for more than two years. The process for appointment to these may be done on revival of such posts.

Further, out of 19 encadred posts, filling up of 08 vacant posts is also under consideration in the Department.

**As per Staff Selection Commission (SSC)**, The assessment of vacancies and their reporting to SSC for filling the same through its recruitment examinations falls within the exclusive domain of the user Departments/ Organizations. SSC publishes its calendar of examinations in advance and makes concerted efforts to ensure that the process is completed in a scheduled and time bound manner.

The Commission has also been squeezing the timelines for declaration of results and following the acceptance of the recommendations of the Expert Committee which had been constituted to review the scheme of various examinations, the timelines for declaration of results of various examinations including CGLE and CHSLE has been squeezed further and the results of most of the examinations are expected to be declared within a period of 6-9 month.

As per the results declared during the last three years, of all the mandated examinations conducted by SSC except MTS, CIC had not reported any vacancies.

## **RECOMMENDATION/OBSERVATION**

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### **RECOMMENDATION/OBSERVATION**

2.40 The Committee notes that as per Section 25 of the Right to Information Act, there is a statutory requirement for the Public Authorities to submit Quarterly Returns to CIC. However, it is observed that during 2021-22, only 95 percent of Public Authorities submitted all four Quarterly Returns during the reporting year. The Committee notes that Public Authorities are not fulfilling their statutory obligations and recommends CIC to impress upon all Ministries/Independent Departments to take steps to ensure 100% compliance. (Para 6.32)

### **Action Taken**

2.41 The exercise of submission of quarterly returns by Public Authorities has been started since 2005-06, since then the number of Public Authorities (PAs) who have not submitted their quarterly returns has come down to zero in year 2017-18 and 2018-19. However, COVID pandemic situation had affected adversely the compliance of filing the quarterly returns which resulted in not making full compliance in the consequent years. It is also worth mentioning that PAs which fail to submit their quarterly return even for a single quarter in a Financial Year are treated as non-compliant and counted as defaulters.

The Commission, throughout the year, encourages all PAs to submit the quarterly returns. However, the returns from some PAs are not received due to the following reasons:

- Contact details of Nodal CPIOs have not been updated by the Public Authorities.

- No response from the PAs after multiple reminders etc.

The Commission, in its annual report 2021-22, has also requested the Appropriate Government to advise/ instruct suitably the controlling Ministries/ Departments of 105 PAs who have not submitted their quarterly returns.

## **RECOMMENDATION/OBSERVATION**

2.42 The Committee notes that Section 5 of the Lokpal and Lokayuktas Act, 2013 lays down that the President shall take or cause to be taken all necessary steps for the appointment of a new Chairperson and Members atleast three months before the expiry of the term of the Chairperson or Member, as the case may be, in accordance with the procedure laid down in the Act. The Committee notes that Justice Pinaki Chandra Ghose demitted the office of Chairman of Lokpal in May 2022 on attaining the age of 70 years and since then Justice Pradip Kumar Mohanty has been acting as the Chairperson of Lokpal. The Committee further notes that vacancies of two Judicial Members have also not been filled up since the year 2020. The Committee desires to be apprised about the steps taken by the Government to fill up vacancies of Chairperson and Judicial Members of Lokpal. The Committee hopes that the Inquiry and Prosecution wings are constituted soon.. (Para 6.37)

## **Action Taken**

2.43 The appointment of the Chairperson and Members of the Lokpal is regulated in terms of section 4 of the Lokpal and Lokayuktas Act, 2013 and is undertaken by the Selection Committee composition of which is laid down under the said section.

In view of the composition of the Selection Committee being incomplete, a meeting of four Members - Hon'ble Prime Minister, Hon'ble Chief Justice of India, Hon'ble Speaker, Lok Sabha and Hon'ble Leader of largest party in Opposition (Special Invitee) was convened for recommending to the President the name of an eminent jurist for being nominated as a Member of the Selection Committee. Presidential approval to the said recommendation has since been received, thereby making the composition of the Selection Committee complete.

So as to ensure that the functioning of the Lokpal is not hampered, in the intervening period, Justice Pradip Kumar Mohanty, Judicial Member was authorised by the President to act as Chairperson, Lokpal in terms of section 9 of the Act,

pursuant to demitting of office by the incumbent Chairperson, Justice Pinaki Chandra Ghose on 27th May, 2022.

As regards vacancies of the Judicial Members, it may be stated that in terms of section 3 of the Lokpal and Lokayuktas Act, 2013, the total strength of Members in the Lokpal should not exceed eight. Thus, the strength of Members in the Lokpal can be a maximum of eight or less than eight.

The process for appointment of new Chairperson and Members will now be taken forward by the Selection Committee by constituting a Search Committee to provide a panel of names for consideration of the Selection Committee for being appointed as Chairperson and Members of the Lokpal.

Insofar as constitution of Inquiry Wing and Prosecution Wing is concerned, the Lokpal has informed that the process is already under way.

## **RECOMMENDATION/OBSERVATION**

2.44 The Committee infers from the data provided by Lokpal that a large number of complaints are being disposed of on the ground that the complaint is not in the prescribed format. Lokpal has submitted to the Committee that it has not prosecuted even a single person accused of graft till date. The Committee is of the considered opinion that Lokpal was set up to strengthen the legal and institutional mechanism to deal with corruption in public life. However, the performance of Lokpal seems to be far from satisfactory. The Committee is of the view that Lokpal was established in an effort to promote clean and responsive governance and therefore, it should act as an enabler rather than an inhibitor. The Committee recommends Lokpal not to reject genuine complaints merely on the technical ground that the complaint is not in the prescribed format. At this juncture when India is heading the G20 Anti Corruption Working group, Lokpal should rise to the occasion and make every effort to strengthen anti corruption landscape in the country.

(Para 6.38)

## **Action Taken**

2.45 In reply to the Questionnaire forwarded by the Hon'ble Committee, it has already been clarified that filing of the complaints in the prescribed format is a

statutory requirement in terms of section 2(1)(e) read with section 59(2)(a) of the Act. Accordingly, the form of complaint has been prescribed under the Lokpal (Complaint) Rules, 2020, which have also been laid on the Table of both the Houses of Parliament. Any departure from this statutory procedure may have legal implications.

It may, however, be pertinent to mention that to facilitate complainants in filing complaints in the prescribed format, Lokpal has taken a number of initiatives including provision of a dedicated complaint corner on its website giving detailed guidelines for the purpose, launching an online, interactive and user-friendly digital platform for filing complaints online, dedicated help-desk for guidance of the complainants etc.

As regards prosecution by the Lokpal, as already conveyed in reply to the Questionnaire forwarded by the Hon'ble Committee, section 20 of the Act provides for a detailed and well-defined statutory procedure for conducting preliminary inquiry and investigation into complaints received by the Lokpal.

The prosecution in a given case begins only upon completion of the preliminary inquiry and investigation for which the Act provides for clear timelines of maximum 180 days and 360 days respectively in terms of sub-section (4) and (5) of section 20 of the Act.

The investigation report, as submitted by the investigating agency, is then considered by a three-member bench of the Lokpal in terms of section 20(7) of the Act, and based on the investigation report, comments of the public servant complained against and the concerned competent authority, the three-member bench decides whether to grant sanction to launch prosecution or direct filing of a closure report before the Special Court or direct the competent authority to initiate departmental proceedings or any other action against the concerned public servant, as provided for under clauses (a) and (b) of section 20(7) of the Act.

Moreover, a case for prosecution is made out only when the Lokpal is satisfied that there is sufficient material, as collected during the course of investigation, which may be preceded by preliminary inquiry and the fact that the case is likely to stand the judicial scrutiny.

Lokpal, based on its experience, has also stated that although there are clear statutory timelines for completion of preliminary inquiry and investigation, there are delays on account of non-receipt of comments from the public servant complained against and the concerned competent authorities, as mandated under the Act. The process of investigation also takes much longer than anticipated and the Statute itself provides that the timeline for investigation may be extended for a period of six months at a time as per section 20(5) of the Act.

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## **CHAPTER III**

### **RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH THE COMMITTEE DOES NOT ACCEPT THE REASONS GIVEN BY THE GOVERNMENT AND REITERATES ITS RECOMMENDATION**

#### **RECOMMENDATION/OBSERVATION**

3.0 UPSC apprised the Committee that it releases the answer key of the preliminary test of the Civil services examination only after the completion of the entire process of the said examination. In other words, the Commission is depriving the candidates of an opportunity to contest the answer key before progressing to the next stage of the said examination. This practice not only demoralizes the candidates but also compromises the validity and fairness of the examination process.

(Para 4.5)

#### **Action Taken**

##### **3.1 Position in respect of Answer Keys:**

In respect of the release of the answer key, it is stated that the Commission releases the answer keys of the Civil Services (Preliminary) Examination (objective type) after completion of the entire process of the Civil Services Examination. This policy of the Commission is being followed in all Examinations of the Commission and it has been working smoothly. Further, after conduct of the Examination, the Commission opens a Representation Window in its web-portal for a week for the candidates to represent against any of the Questions of the Examination. The observations made by the candidates in their representations are carefully considered in the Commission through the subject experts and the remedial action is taken, if required.

Moreover, it may also be worth mentioning that the Commission is declaring the result of Preliminary Examination within a period of 15-20 days after conduct of the Examination. If the Answer Keys are declared before declaration of result, it may adversely impact the timely declaration of CSP result and thereby further activities such as conduct of CS Main Examination and Interviews will also be affected.

Furthermore, timing of release of Answer Key is applicable to all the candidates of the Examination uniformly and in the larger public interest.

In view of the above and the fact that this system has been working well since inception and serving the larger public interest, it may not be appropriate to revisit this system.

### **Position in respect of feedback:**

As intimated earlier, the Commission has an impeccable system of obtaining feedback from the candidates. This is a continuous and regular process. It may also be worthwhile to submit that the Commission with its vast experience and expertise, has evolved, a credible systems and procedures in carrying out its functions entrusted to it by the Constitution under Art 320 in a fair and impartial manner without any fear and favour. The feedbacks received occurring from time to time are examined in the Commission and appropriate action is taken, if necessary.

The number of references received as feedback by the Commission from different sources are of varied nature. The majority of those relate to change in eligibility conditions such as increasing age-limits, number of attempts, inclusion of a subject etc. which being matters of policy do not come under the purview of the Commission. Some relate to opening of Examination Centres at different locations of the country. In recent past, the Commission has increased the number of Centres for Civil Services (Preliminary) Examination, NDA & CDS Examinations and CAPF Examination keeping in view the number of applicants for these Examinations and certain other considerations towards maintaining the integrity and confidentiality of the Examinations at all the levels. It is also worth to point out that the Commission suo moto takes all necessary steps within its domain to make the entire system more candidate-friendly as much as possible without lowering its guard on integrity and confidentiality.

### **Further observation of the Committee**

**3.2 The Committee would like to state that though the procedure presently being followed by the Commission of releasing the answer keys of the Civil Services (Preliminary) Examination (objective type) after completion of the entire process of the Civil Services Examination may be working smoothly, but it is depriving the candidates an opportunity to contest the answer key before**

**progressing to the next stage of the said examination. The Commission, which is declaring the result of Preliminary Examination within a period of 15-20 days after conduct of the examination, may open a Representation Window in its web-portal for a week for the candidates to represent against any of the Questions and within the next week itself may solve the issues raised. This will also lead to reducing litigations and representations against the answer-keys at a later stage. Hence, there would be no loss of time overall. It would just prevent dissatisfaction and disgruntlement amongst the candidates appearing as all the queries would be resolved at the initial stage only before proceeding to next level of examination.**

## **RECOMMENDATION/OBSERVATION**

3.3 The Committee appreciates Staff Selection Commission for making efforts to squeeze the recruitment cycle to 6-9 months. The Commission informed the Committee that it has decided to do away with the descriptive examinations in an attempt to expedite the recruitment cycle. The Committee is of the considered opinion that the skills of the personnel should be in consonance with their job requirements. Candidates requiring to take up high management posts are required to have aptitude, in-depth knowledge, good writing skills and communication abilities. Therefore, the Committee recommends SSC to reconsider its decision to do away with the descriptive tests. (Para 4.10)

### **Action Taken**

3.4 Staff Selection Commission has been mandated with the task of making recruitment to all Group 'B' (Non-Gazetted) and Group 'C' (Non-Technical) posts in various Ministries/ Departments of the Government of India and their Attached and Subordinate Offices except those posts which are specifically exempted from the purview of the Commission. SSC does not make recruitment for high management posts or specialized posts.

The decision to do away with the descriptive paper is based on the recommendation of the Expert Committee constituted to review the scheme and syllabus of the examinations which was accepted by the Government.

### **Further observation of the Committee**

**3.5 The Committee is of the opinion that the staff which is recruited by SSC to some of the Group 'B' (Non-Gazetted) posts, at later stages of their career rise to higher levels by way of promotion wherein they take up high management posts requiring good aptitude, in-depth knowledge, good writing skills and communication abilities. Such Group 'B' (Non-Gazetted) posts should not be exempted from descriptive tests just to reduce the recruitment time cycle as this would lead to induction of candidates who may not be capable enough and possess the aptitude and expertise required to man the higher posts at later stages of their career. The Committee however, agrees that Group 'C' (Non-Technical) posts in various Ministries/ Departments of the Government of India and their Attached Offices do not rise to such high level management posts and thus no change in their pattern of examination is required.**

## **RECOMMENDATION/OBSERVATION**

3.6 The Committee notes that CBI was established in 1963 and is governed by the Delhi Special Police Establishment Act, which was enacted during the second world war to regulate the functioning of the Special Police Establishment which was set up in 1941 to investigate cases of bribery and corruption involving purchases and supplies during the World War II. The Committee further notes that as per the provisions of the Delhi Special Police Establishment Act, the consent of the state government is a pre-requisite for any investigation by the CBI. The Committee further notes that, as on date, nine States have withdrawn the general consent they had given to the CBI for investigating cases. The Committee feels that the Delhi Special Police Establishment Act has many limitations and therefore, recommends that there is a need to enact a new law and define the status, functions and powers of the CBI and also lay down safeguards to ensure objectivity and impartiality in its functioning. (Para 6.17)

### **Action Taken**

3.7 Power of CBI to investigate emanates from the Delhi Special Police Establishment (DSPE) Act, 1946.

As per Section 6 of the Delhi Special Police Establishment (DSPE) Act, 1946, Central Bureau of Investigation (CBI) needs the consent from the respective State

Government for conducting investigation in its jurisdiction. In terms of the provision of Section 6 of the DSPE Act, 1946, the State Governments have granted a general consent to CBI for the investigation of specified class of offences against specified categories of persons enabling CBI to register and investigate those specified matters.

For investigation of any matter in such State, which is not covered in the aforesaid consent, specific consent of State Government is required for the CBI to investigate in the State. CBI seeks such consent on case to case basis.

### **Further observation of the Committee**

**3.8** The Committee takes note of the reply that as per the provision of Section 6 of the DSPE Act, 1946, the State Governments have granted a general consent to CBI for the investigation of specified class of offences against specified categories of persons enabling CBI to register and investigate those specified matters. For investigation of any matter in such State, which is not covered in the aforesaid consent, specific consent of State Government is required for the CBI to investigate in the State and CBI seeks such consent on case to case basis. With reference to this only the Committee reiterates that as on date, nine States have withdrawn the general consent they had given to the CBI for investigating cases. This has led to severe limitations on powers of CBI to investigate crucial cases impartially and objectively which will give rise to corruption and organized crimes in states. Hence, as recommended earlier, apart from the DSPE Act, 1946, there is a dire need to enact a new law and define the status and functions and give wider powers to CBI to investigate such crucial cases without the need of State's consent and interference. At the same time, in the same Act, some safeguards should also be laid down to ensure objectivity and impartiality in the functioning of CBI so that the States also don't feel discriminated and absolutely powerless. '*State's consent clause*' should be removed only in such cases which are considered to be a threat to the nation's security and integrity and any delay in investigation of such cases by the CBI may lead to a general dissatisfaction among the citizens of the country.

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## MINUTES

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**DEPARTMENT RELATED PARLIAMENTARY STANDING COMMITTEE ON  
PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE**

**MINUTES OF THE MEETING**

**V**

**FIFTH MEETING**

The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 4.00 PM on Thursday, 07.12.2023, in Committee Room C, Parliament House Annexe Building, New Delhi.

**MEMBERS PRESENT**

**(i) Shri Sushil Kumar Modi - *Chairman***

**Rajya Sabha**

- (ii) Shrimati Vandana Chavan
- (iii) Shri Mahesh Jethmalani
- (iv) Shri Kanakamedala Ravindra Kumar
- (v) Shrimati Darshana Singh
- (vi) Shri P. Wilson

**Lok Sabha**

- (vii) Shri Malook Nagar
- (viii) Shri Kalyan Banerjee
- (ix) Shrimati Veena Devi
- (x) Shri Raghu Rama Krishna Raju Kanumuru
- (xi) Shri Suresh Kumar Pujari
- (xii) Shri Omprakash Bhupalsingh alias Pavan Rajenimbalkar
- (xiii) Shri Upendra Singh Rawat
- (xiv) Shrimati Sandhya Ray
- (xv) Shri Rajan Baburao Vichare

**SECRETARIAT**

1. Shri M.C. Tiwari, Joint Secretary
2. Shri P. Narayanan, Director
3. Shri Sunil Tripathi, Under Secretary

2. At the outset, the Chairman welcomed all the Members to the meeting of the Committee and apprised them about the agenda of the meeting i.e. consideration and adoption of the following draft reports of the Committee:

- (i) \* \* \*
- (ii) 135<sup>th</sup> Report on Action Taken on 126<sup>th</sup> Report of the Committee on Demands for Grants (2023-24) pertaining to Department of Personnel and Training ;
- (iii) \* \* \*
- (iv) \* \* \*
- (v) \* \* \*
- (vi) \* \* \*
- (vii) \* \* \*

3. The Committee unanimously adopted all the draft Reports and decided to present those Reports to both Houses of Parliament on 11<sup>th</sup> December, 2023. The Committee authorized the Chairman and in his absence Shri P. Wilson and Shri Kanakamedala Ravindra Kumar to present the Reports in Rajya Sabha and Shri Malook Nagar and in his absence Shri Raghu Rama Krishna Raju Kanumuru for laying the reports in Lok Sabha.

4. \* \* \*

5. The meeting adjourned at 4.30 PM.

**New Delhi**  
**7<sup>th</sup> December, 2023**

**P. NARAYANAN**  
**DIRECTOR**

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*\*pertains to other matter*