

JOINT COUNCIL OF ACTION OF INCOME TAX ASSOCIATIONS, WEST BENGAL

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Joint Convenors : Sayantan Banerjee, Sumit Kumar Bose & Manmohan Nayak

Date: 18.09.2016

To
The Chairperson,
Central Board of Direct Taxes,
Department of Revenue, Ministry of Finance,
North Block, New Delhi-110001.

[Through Proper Channel]

Madam,

Sub: Diversions of posts from West Bengal & Sikkim Region –matter regarding

Your kind attention is drawn towards the Notification No. 17 dated 01.09.2016 vide which one post each in the grades of CCIT, CIT & ACIT/DCIT were diverted from this region to Tax Policy Research Unit (TRPU), New Delhi.

From the PIB Notification dated 02.02.2016 on setting up of TPRU, it appears that TPRU will be a multi-disciplinary body, to be functionally headed by an officer in the rank of Chief Commissioner, **alternatively** from CBDT and CBEC (for a fixed tenure). It is highly intriguing why a permanent post of CCIT has to be diverted from West Bengal & Sikkim region to substitute a temporary post (alternate manning from CBDT & CBEC) created in New Delhi, in spite of availability of many CCIT posts (including those at the Directorates) in New Delhi.

We are aware of the attempt to divert 1633 posts from West Bengal & Sikkim region following Restructuring of the Income Tax Department, 2013 toeing the line of Revenue Collection and Revenue Potential. We apprehend the same tune will be repeated this time too, to justify the recent diversion of posts. We would only like to bring to your kind notice that the set of data recently released by the CBDT reveals lion's share of tax being paid by a handful of assesseees, mostly PSUs, filing their returns at places where they have headquarters, which is mostly a political decision.

This theory of allotment of post based on Revenue Collection was first floated at the time of determining the deployment of Manpower post CRC 2013, which finally resulted into the proposal of phasing out of 1633 posts from West Bengal. Since the final deployment of posts in March-April, 2014, almost two and half years have been elapsed and the developments so far have conclusively exposed the shortcomings of the so called Revenue Model.

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1. Contrary to the projection of uniform Promotional Prospects across the 18 regions, cited as the reason for reviewing total manpower, West Bengal region is facing severe stagnation in all grades; the current position here vis-à-vis other regions is a lag of **minimum 10 years** in promotion from TA to ITI promotion and **minimum 5 years** from ITI to ITO position.
2. West Bengal & Sikkim region climbed one notch above in Budget collection ladder post CRC in spite of being under the cloud of phasing out.
3. The performance of the other regions in the last 2 years, despite not getting their share of HAG and SAG level posts out of the posts proposed to be phased out from West Bengal & Sikkim region, indicates that those regions can do quite well without these posts.
4. Though posts are sought to be diverted from West Bengal & Sikkim Region, but the would-be-recipient regions are reeling under huge (**40-50%**) vacancy in the existing Group C posts.
5. Clear bias is established from the feedback received from various regions like: 1 post of PCIT (Central) charge had already been phased out (other than proposed 1633 posts) from here to Delhi in CRC, 2013, citing lack of workload here, but presently all **3 PCIT (Central) charges in Delhi have one Range each without a single assessee** (i.e. effectively 3 Central Ranges have no work).
6. So many posts were created for Special ranges (JCIT/Addl.CIT) but have never been made operational; now diversion of special range posts has started. Similarly posts of CIT(A), which were deployed just 2 ½ years back, are now started getting diverted. It questions the very rationale of creation and deployment of posts.
7. Finally the need of proposed phasing out is highly questionable. Out of all regions, irrespective of its Budget Collection or so called Budget Potential, which are supposed to get post out of proposed phasing out, **the highest beneficiary is the Central Pool.**

We are sure that there is no answer to all the issues raised above. Still there are some who want to watch West Bengal region shrunk. We noticed same prejudice in the Report of the last committee constituted to review the decision of phasing out proposal, though Central JCA rebutted the allegations point by point. We are very much aware that this particular section will always be active to downsize our region. We have seen diversion of 30+ posts at the grades of CCIT and CIT in between the period of CRC 2001 and CRC 2013. And just after 2 years of last CRC, the second version of diversions has started.

We fail to understand the need of diversion to the TPRU because the workload of TPL will henceforth be substantially shared by this newly created unit, even if it functions independently. Presently there are 2 JS Level, 4 Director Level and 4 US level officers are regularly posted in TPL division, besides several OSD level officers even up to the grade of Pr. CIT. Hence, the newly created posts in TPRU can easily be sourced from the TPL division itself. Moreover, so many posts at the grades of ACIT to CIT have been created exclusively for Directorates in Delhi including future projections.

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But at the time of actual need, all those posts have been spared for no apparent reason and posts have been diverted from a region, already reeling under the shock of **25% diversion**. Hence, we can't be blamed if we consider the move as a pre-conceived one to completely downsize the Department in Eastern Region.

Our apprehensions have been fuelled by the fact that even 17 days after the initial notification, none has been posted in the diverted posts, though the posts were diverted on war footing (*with immediate effect*). Similarly the Board has not yet issued the required hierarchical jurisdiction order of 6 Pr CIT charges and 4 CIT(A) charges, which were under the administrative control of the erstwhile CCIT-7, Kolkata Charge before diversion. Such a gap of functioning for those charges without under any CCIT may cost the Department dear in several judicial issues involving substantial revenue, if challenged.

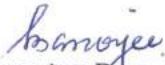
Moreover the diversion of such crucial post of a CCIT, having jurisdiction over 6 Pr. CsIT and 4 CsIT(A) took place without any prior notice in such a time, when IDS and Dispute Resolution Scheme are in full swing; senior officers are entrusted to look after Muffassil stations in additional capacity just for IDS mobilization and all employees are debarred from taking a single day leave. Even the CIT(A) charge under diversion is not identifiable, as appeal cases of Special Ranges are supposed to be bifurcated between Two CIT(A) charges. So, none bothers about Revenue or Administrative Convenience, when the turn of West Bengal comes. Only concern at the highest echelon appears to be downsizing of West Bengal & Sikkim region.


We strongly condemn and protest against such attempt. We demand that


1. The phasing out proposal shall immediately be scrapped and the PCCIT, WB & Sikkim be directed to hold DPCs immediately for those posts.
2. Additional posts as per the plan submitted by the Central JCA shall be deployed to this region to address the acute stagnation. Even some Directorates may be considered for diversion to this region, considering the perennial problem of manning those directorates out of the Officers and staff members of Delhi CCA region.
3. The biased approach against Eastern Zone shall immediately be stopped.
4. The required manpower for setting up of TPRU shall be sourced from Delhi or nearby CCA regions.
5. The repetition of the continuous diversion of posts (as done during the period between 2001 and 2013) shall be avoided.

We strongly believe that under your able leadership, we will not only outperform all expectations, but bring the perception based negative or detrimental action to an end.

Yours faithfully,


(Sayantan Banerjee)
General Secretary,
ITGOA, WB Unit


(Sumit Kumar Bose)
General Secretary,
ITEF, Bengal Circle


(Manmohan Nayek)
General Secretary
ITEF, West Bengal Circle Gr. D

JOINT CONVENORS

Copy forwarded for information to the Joint Convenors of Central JCA.

		Pr.CCI T	CCIT /CIT	Pr.CIT /CIT	CIT	Addl./ JCIT	DCIT/ ACIT	ITO	ITI	Sr. A.O. Gr.II	A.O., Gr.III	Sr. PS	PS	EA	TA/ Steno- III/ Driver	NS/ LDC/ Driver	MTS		
Mumbai	Temp	1	15	41	102	226	331	761	1,863	1	58	139	58	96	2,709	2,049	506	1,499	10,455
	Perm.	1	16	41	102	229	346	762	1,863	1	58	139	58	97	2,806	2,082	531	1,514	10,646
	Diff.	-	1	-	-	3	15	1	-	-	-	-	1	97	33	25	15	191	
Delhi	Temp	8	15	29	121	239	386	654	1,770	4	60	143	52	112	2,418	1,902	615	1,516	10,044
	Perm.	8	15	29	121	242	401	655	1,770	4	60	143	52	113	2,505	1,933	709	1,519	10,279
	Diff.	-	-	-	-	3	15	1	-	-	-	-	1	87	31	94	3	235	
Bangalore	Temp	1	5	17	41	99	156	346	835	1	24	59	24	41	1,215	932	226	672	4,694
	Perm.	1	6	17	41	100	156	347	835	1	24	59	24	41	1,261	948	254	675	4,790
	Diff.	-	1	-	-	1	-	1	-	-	-	-	-	46	16	28	3	96	
Chennai	Temp	1	9	22	47	115	169	478	1,058	1	34	71	31	43	1,494	1,158	276	872	5,879
	Perm.	1	9	24	49	122	178	482	1,058	1	34	71	34	46	1,580	1,177	309	875	6,050
	Diff.	-	-	2	2	7	9	4	-	-	-	-	3	3	86	19	33	3	171
Hyderabad	Temp	1	4	17	32	80	118	328	716	1	22	50	22	32	1,037	778	168	583	3,989
	Perm.	1	4	17	32	80	118	329	716	1	22	50	22	32	1,077	792	189	586	4,068
	Diff.	-	-	-	-	-	-	1	-	-	-	-	-	40	14	21	3	79	
Ahmedabad	Temp	1	7	24	42	111	159	485	1,032	1	34	71	32	42	1,471	1,127	283	855	5,777
	Perm.	1	7	26	44	117	167	488	1,032	1	34	71	34	44	1,557	1,146	291	858	5,918
	Diff.	-	-	2	2	6	8	3	-	-	-	-	2	2	86	19	8	3	141
Pune	Temp	1	4	17	32	84	110	348	738	1	22	50	22	32	1,074	805	175	600	4,115
	Perm.	1	4	17	32	85	110	349	738	1	22	50	22	32	1,115	818	197	603	4,196
	Diff.	-	-	-	-	1	-	1	-	-	-	-	-	41	13	22	3	81	
Kolkata	Temp	1	11	27	50	128	207	477	968	1	35	68	38	64	2,196	1,268	626	1,002	7,167
	Perm.	1	9	23	46	107	160	460	968	1	33	67	33	43	1,427	1,057	283	816	5,524
	Diff.	-	-2	-4	-4	-21	-47	-17	-	-	-2	-1	-5	-21	-769	-211	-343	-186	-1,633
Chandigarh	Temp	1	5	23	33	98	127	433	867	1	29	57	29	33	1,260	957	222	724	4,899
	Perm.	1	5	23	33	98	127	434	867	1	29	57	29	33	1,307	973	249	727	4,993
	Diff.	-	-	-	-	-	-	1	-	-	-	-	-	47	16	27	3	94	
Kanpur	Temp	1	3	11	19	51	66	220	434	1	15	31	15	19	632	480	113	373	2,484
	Perm.	1	3	11	19	51	66	221	434	1	15	31	15	19	658	488	128	376	2,537
	Diff.	-	-	-	-	-	-	1	-	-	-	-	-	26	8	15	3	53	
Bhopal	Temp	1	3	14	20	62	83	262	546	1	18	35	18	20	792	621	134	447	3,077
	Perm.	1	3	14	20	62	83	263	546	1	18	35	18	20	823	610	151	450	3,118
	Diff.	-	-	-	-	-	-	1	-	-	-	-	-	31	-11	17	3	41	
Jaipur	Temp	1	3	12	19	57	74	240	491	1	16	32	16	19	715	539	117	408	2,760
	Perm.	1	3	12	19	57	74	241	491	1	16	32	16	19	744	548	132	411	2,817

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**Press Information Bureau
Government of India
Ministry of Finance**

02-February-2016 17:32 IST

Government sets-up Tax Policy Research Unit and Tax Policy Council to bring consistency, multidisciplinary inputs, and coherence in Tax Policy

The Tax Administration Reform Commission (TARC) have in their First Report, identified handling of tax policy and related legislation as one of the areas which needs structural modifications. Observing that currently, this is handled in the two Boards i.e. CBDT and CBEC, independently in the Tax Research Unit (TRU) and Tax Policy and Legislation (TPL) wings, the proposals of the Boards reach the Finance Minister in separate channels. To bring consistency, multidisciplinary inputs, and coherence in policy making, TARC has recommended that a Tax Council supported by a common Tax Policy and Analysis (TPA) unit should be established to cater to needs of both direct and indirect taxes. Comprising tax administrators, economists, and other specialists such as statisticians, tax law experts, operation research specialists and social researchers should be set-up for both the Boards.

Considering the above, the Government has created a Tax Policy Research Unit (TPRU) and Tax Policy Council.

Details are given below.

TAX POLICY RESEARCH UNIT (TPRU)

The Tax Policy Research Unit (TPRU) will be a multi disciplinary body with the following objectives:-

- (i) Carry-out studies on various topics of fiscal and tax policies referred to it by CBDT and CBEC and will provide independent analysis on such topics;
- (ii) Will also prepare and disseminate policy papers and background papers on various tax policy issues;
- (iii) Will assist Tax Policy Council chaired by FM in taking appropriate tax policy decisions; and
- (iv) Liaise with State Commercial Tax Departments.

For this purpose the TPRU may also interact with various research institutions, wherever necessary. The TPRU will prepare for every tax proposal an analysis covering the following three points:-

The legislative intent behind the proposal, i.e., why this proposal is being framed and what is the policy objective.

Expected increase or decrease in tax collection through the proposal; and

The likely economic impact (positive or negative) through the proposal (other than the effect on tax collection)

Tax Policy Research Unit (TPRU) shall comprise of officers from both the Central Board of Direct Taxes (CBDT) and Central Board of Excise and Customs (CBEC) as well as economists, statisticians, operational researchers, legal experts. Member (L&V), CBDT and Member (Budget), CBEC will be the link officer between TPRU and CBDT and CBEC. The unit will be headed by an officer of the level of Chief Commissioner at functional level alternatively from CBDT and CBEC for a fixed tenure, who will directly report to Revenue Secretary.

TAX POLICY COUNCIL

With an aim to have a consistent and coherent approach to the issue of tax policy and having regard for need to have

TO BE PUBLISHED IN PART-1, SECTION-2 OF THE GAZETTE OF INDIA

Government of India
Ministry of Finance
Department of Revenue
(Central Board of Direct Taxes)

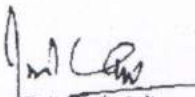
New Delhi, the 2nd September, 2016
11 Bhadrapada 1938 (SAKA)

NOTIFICATION

No.17: The following posts in the various grades of Income Tax are diverted into Tax Policy Research Unit (TPRU) with immediate effect and until further orders:

SL. NO.	POST DIVERTED INTO TPRU	NO. OF POSTS
1.	CCIT-7 Kolkata	1 (alternately)
2.	CIT (A), Special Range, Kolkata	1
3.	Addl. CIT, Special Range, Odisha charge	1
4.	1. DCIT (Hqrs) to CCIT-7, Kolkata 2. ACIT/DCIT(HQ) O/o CCIT, Bareilly 3. ACIT/DCIT(CO) O/o Pr.CCIT(CCA), Patna	3

2. This issues with the approval of Hon'ble Finance Minister.
3. Hindi Version of the Notification will follow.


(Brij Mohan)

Under Secretary to the Government of India

To

The Manager
Govt. of India Press,
Faridabad, Haryana.

Notification No.17 of 2016 F.No. A-35015/37/2016-Ad.VI dated 2nd September, 2016
11 Bhadrapada 1938 (SAKA)

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Provision of additional Manpower to Investigation, Central & I & CI:

Following decisions have been taken to relocate some DIT (Inv.) as well as (Central) offices for operational and strategic reasons.

- a. Transfer of control of DIT (Inv), Bhubaneswar from DGIT (Inv) Kolkata to DGIT (Inv), Hyderabad to rationalise the workload of DG (Inv) Kolkata.
- b. Increase in the number of Addl.DIT (Inv) units in Delhi to 9.
- c. Restriction of Number of Addl. DIT in Headquarters to one per DGIT, except in Delhi where one Addl DIT (Hqrs.) is required for the work of co-ordination.
- d. Increase in number of ITOs to be posted in the Investigation wing to handle STRs from the FIU.
- e. Redistribution of Investigation units according to operational requirements with additional units in Delhi (2), Bangalore, Kanpur(2) & Bhopal regions and reduction of one unit each in units in Kochi, Nagpur, and Kolkata regions. There would be a total of 76 units countrywide.
- f. Creation of a new Central Charge at Lucknow and Central Range at Varanasi. The central ranges would be distributed among Pr CIT (Central) Kanpur (2 Ranges) and Pr CIT (Central) Lucknow (2 ranges) corresponding to the territorial jurisdiction of the cadre controlling Pr CCITs.
- g. Creation of a post of Pr CIT (Central) at Vishakhapatnam by diversion of post of CIT (Central) III Kolkata with jurisdiction over the existing Range at Vishakhapatnam (presently under Pr CIT (Central) Hyderabad) and another Range created at Vijayawada. A Central Range created at Bhubaneswar will also report to CIT Central Vishakhapatnam.
- h. Diversion of two Central Ranges from Kolkata to Delhi in view of the high workload in Central Region Delhi.
- i. Diversion of one post of CIT (Central) from Chennai to Bangalore and diversion of one range from Chennai to Mangalore. Pr CIT (Central) II at Bangalore to have jurisdiction over Panaji and Mangalore besides one range of Bangalore.
- j. Creation of five more central Ranges at Surat, Panaji, Raipur, Indore, Bhubaneswar & Vijayawada.

However, it will not be possible to follow this principle in the grade of ACIT/DCIT where reduction in numbers in some Regions has arisen (as compared to existing sanctioned posts) due to operational requirements. This is because in the restructuring of 2001, distribution of assessment units was done on the basis of the number of existing assessee as reported by various Regions, whereas the norms adopted in the present restructuring exercise is far more broad-based, with the emphasis on scrutiny workload, revenue collection and revenue potential. Also, the number of posts sanctioned by Cabinet at the ACIT/DCIT grade is lesser than the numbers proposed resulting in reduction of the posts of ACIT/DCIT posts in non-Assessment functions. As a result, reduction at ACIT/DCIT level in some Regions has become unavoidable.

Similarly, some reductions in certain Regions have arisen in posts that are directly linked to strength of Officers in the Regions viz., Sr.PS/PS and MTS grades. However, it has been ensured that shortages are kept at the minimum and are not below the present working strength. Further, the Regions with such shortages have been compensated with increase of posts in other grades, so that there is no overall decrease in the posts previously sanctioned in the Region in the last restructuring.

Currently promotion in some grades is faster in some Pr. CCIT Regions due to skewed distribution of posts. The new sanctioned strength would ensure almost identical hierarchical structure across regions.

As far as possible, eligible Group 'C' officers should get promotion to the next higher grade after revised sanction.

The two posts of CCsIT, International Taxation for West Zone (Mumbai) and South Zone (Bangalore) proposed to be created by diversion of CCIT-grade posts from Kolkata Region would be for now created through internal diversion within the respective Regions, till diversion of posts as per the scheme is completed.

Based on the above principles, the sanctioned strength of Pr. CCIT Kolkata Region has been determined by adding 1633 additional posts on temporary basis. The scheme for phasing out of posts from West Bengal charge is given at **Annexure 'N'**.