

## **Executive summary**

### **Session 1: Monitoring of Prevention of Atrocities on Scheduled Caste Population:**

#### **Conclusions :**

During the course of discussions the following points emerged .

- All states need to constitute State Level Vigilance Committees headed by Chief Ministers, and hold regular meetings . Only Chattisgarh, Odisha and Karnataka have specified dates of the meetings.
- All States were advised to hold regular meetings of both State & District Level Vigilance Monitoring Committees.
- Large pendency at police level and court level exist, due to which justice is delayed. States need to vigourously monitor and reduce pendencies.
- Registration of large number cases under CrPC 156(3) indicate that there are are problems in free and fair registration of cases in Police Stations. The states are advised to monitor the registration of such cases , as is being done in UP and take steps to change the scenario.
- Except UP no other State Government has issued detailed orders regarding the implementation of POA Amended Act 2015 and Rules thereof , despite the Commission having written to all Chief Ministers for the same.
- State Governments were advised to issue the necessary orders as well as sensitize all concerned district and State level Officers regarding the same through workshops etc at the earliest.
- All other actions as per rules including setting up of exclusive Special Courts and appointment of Special Public Prosecutors should be expeditiously done. States can consider appointment of watch officers in police stations to monitor important cases and look into facilitation of investigation and speedy trial as done in Gujarat.

### **Session - 2 : Implementation of Prohibition of Employment on Manual Scavengers & Rehabilitation Act.**

#### **Conclusions :**

- i. Surveys on identification of sanitary latrines should be completed within December, 2016 in all respect.

- ii. Sanitary latrines should be built in consonance with number of toilets that are demolished.
- iii. The States like MP which have identified less number of Manual Scavengers but large number of sanitary latrines should cross check the data and resurvey for Manual Scavengers by December, 2016.
- iv. Identified Manual Scavengers should be properly rehabilitated and their details sent to MSJE for release of direct benefit through bank accounts.

### **Session 3 : Economic and Social Development of Scheduled Castes:**

#### **Conclusions :**

- i. States should ensure that allocation of funds under SCSP is equivalent to the percentage of Scheduled Castes in the State.
- ii. Schemes under SCSP should be finalized strictly for the activities as mandated in the instructions of the erstwhile Planning Commission and keeping in view the requirement of the Scheduled Caste Community.
- iii. Funds under SCSP should not be diverted to any other general schemes.
- iv. States should consider passing legislation on the lines of the State of Andhra Pradesh and Karnataka to streamline the utilisation of SCSP funds and fix accountability for misuse of these funds.
- v. The Government of India may also consider framing and adopting such Act with a direction to States to emulate such Act.

### **Session 4 : Reservation in State Government services and PSUs.**

#### **Conclusions:**

- i. Reservation in posts should be ensured as per norms.
- ii. To ensure proper implementation of safeguards as enumerated in Article 16 , data on sanctioned posts, vis a vis PIP of all and SC employees need to be up to date in all State Governments .
- iii. Reservation rosters (post wise) should be maintained and followed strictly which will ensure adequate representation of the SCs in services.
- iv. Backlog vacancies should be filled through Special Recruitment Drives and in such cases, reservation cap of 50% is not to be considered.
- v. Necessary infrastructure like appointment of Liaison Officers, setting up grievances cells for SCs etc. should be strictly followed.

**Minutes of the Meeting organized by NCSC on ‘Monitoring the Implementation of Constitutional Safeguards for Scheduled Castes’, on 21.07.2015 at Vigyan Bhawan, New Delhi.**

As per the Mandate to investigate and monitor all matters relating to the safeguards provided for Scheduled Castes, under the Constitution of India and to evaluate the working of such safeguards as stipulated in the Constitution, the National Commission for Scheduled Castes organized National level Meeting at Vigyan Bhawan, New Delhi on 21-07-2016 .

At 10:00 the meeting was inaugurated by Shri Thawar Chand Gahlot, Minister for Social Justice and Empowerment , Government of India. The occasion was also graced by Shri Vijay Sampla, MoS, MSJE, Shri Krishan Pal Gujjar, MoS, MSJE, Shri Ramdas Athwale, MoS, MSJE, Shri Rameswaha Oraon, Chairman, National Commission for Scheduled Tribes, Justice W.V. Eswaraiah, Chairman, National Commission for Backward Classes, Shri Naseem Ahmad, Chairman, National Commission for Minorities, Ms Stuti Narain Kakker, Chairperson, National Commission for Child Rights and Ms Anita Agnihotri , Secretary Ministry of Social Justice and Empowerment. Representatives of NHRC, NCSK and DoPT were also present.

The meeting was chaired by Dr. P.L. Punia, Honøble Chairman, National Commission for Scheduled Castes, Dr. Raj Kumar Verka, Vice Chairman, NCSC, Shri Raju Parmar, Shri Ishwar Singh, and Smt. P.M. Kamamma, Members, NCSC were also present. The Chief Secretaries, DGPs and Principal Secretaries (Home & Social Welfare) of 16 states namely Andhra Pradesh, Bihar, Chattisgarh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Telengana , UP and West Bengal participated. List of participants is appended at Appendix -1.

**Secretary, NCSC** welcomed all the gathering and in his inaugural address he narrated the constitutional obligation of the NCSC, its duties ,functions and achievements. He introduced the 4 agenda topics in brief and called upon the responses from the participating states on the agenda items.

**Shri PL Punia , Chairman, NCSC** in his opening address stated that the Commission chose 16 states where SC population is sizeable, for this meeting and stated that the Commission has identified 4 key areas namely atrocities on Scheduled Castes , SCSP allocation and expenditure , eradication of Manual Scavenging and reservation in Services as these have direct bearing on the lives of Scheduled Castes. The atrocities on Scheduled Castes are increasing each year despite the presence of laws and legislations for their prevention. He

also pointed out recent worrying trends of atrocities such as Campus related atrocities, denial of temple entry, hate speeches, discrimination in mid day meals etc. and emphasised the need for a change in mind sets. The Commission has observed that states do not hold regular meetings of the statutory Committees such as State Level & District Level Vigilance and Monitoring Committee meetings and urged the states to hold these meetings regularly. He further stated that the Commission has seen that SCSP allocations are on general schemes and not on SC specific schemes. Even from this allocation, the expenditure is very low and implementation is inefficient as a result of which benefits do not reach the SC beneficiaries. As an example he cited the cases of Scholarships wherein students especially of UP & Bihar are not getting the scholarships timely and are being forced to leave studies incomplete. Manual scavenging is a regressive practice and needs to be stopped and the persons engaged as Manual scavengers need rehabilitation and employment. During the review meetings of various states held by the Commission, it was seen that the representation of SCs & OBCs in services was below norms, and the rosters were not being correctly maintained. The proper implementation of reservation rules is necessary for participation of the SCs in governance. He requested the participating to freely share their views and reactions on the subjects set forth in the meeting.

**Shri Thawar Chand Gehlot, Hon'ble Minister for Social Justice and Empowerment** expressed his happiness that the Commission is conscious of its mandate and organizes this annual meeting. Such meetings are a meaningful forum for establishing dialogue of the officers directly responsible for ensuring the implementation of the safeguards of the Scheduled Castes at the ground level. He observed that Dr Ambedkar visualized bridging the gap between SCs and other communities, through safeguards but the progress is not as expected. He felt that while the laws exist, they are only as good as the implementors of those laws. Atrocities on Scheduled Castes continue to be committed and there are problems of registering FIRs, low rate of conviction etc which need to change. The POA Act has been amended and made more stringent and all states need to implement it properly so that it acts as a deterrent against atrocities. He quoted incidents of some recent types of atrocities like humiliating SC persons by cutting of hair / moustache, tearing of clothes, not permitting SCs to vote, preventing horse riding by SC bridegrooms etc which are now defined as crimes in the amended POA Act.

On manual scavenging, he quoted statistics of insanitary latrines being around 24 lakh in the country as per last census / survey but the number of manual scavengers being reported as

being around 12,200 only. This is a figure which is unrealistic as so many insanitary latrines will not clean themselves. States have reported very few numbers of manual scavengers , whereas it is his experience that unclean occupation is still continuing in many urban and rural areas of the country. The Ministry is very keen to rehabilitate the approximate 12,200 Manual Scavengers identified so far, but the states have not yet sent details such as bank account numbers and other particulars to his Ministry for direct transfer. He urged senior State government officers present to be active on this front.

He added that the socio economic development of SCs through proper implementation of the SCSP is the responsibility of the State Governments and they should ensure the funds are allocated to schemes which directly benefit the Scheduled Castes. On reservation in services he again urged the senior officers of states present for the meeting to take all steps to fill the backlog vacancies. States should take immediate action on the above line as the implementation is the responsibility of the states. He urged to the officers to take suggestions which emerge in this meeting for implementation to their respective states.

**Shri Vijay Sampla, Hon'ble Minister for State, Ministry of Social Justice and Empowerment,** in his address said that irrespective of the political party in power in the centre or states , it is the officers that are responsible for implementation at ground level. Failure of schemes is taken as failure of Government while often it is lacuna in implementation that is at fault. If officers are alert and take care of small issues they will not snowball into large problems. Officers are entrusted with these responsibilities as they are trained and considered competent to handle the same and they should live up to the expectations. Despite many Acts and Rules atrocities on SCs are continuing. He quoted the high number of cases lodged under section 156(3) which showed that the police stations do not lodge FIRs. He cited the fake cases of post matric scholarships in his home state and urged action against those colleges responsible. Such cases can be there in many states and exemplary action against those responsible is needed. He touched upon the need to eradicate manual scavenging which is a blot on our society and urged the officers to get the surveys of manual scavengers redone so that they are identified and rehabilitated . On SCSP, he emphasised need for development schemes for direct benefit of Scheduled Castes and not on general schemes like building of roads etc. The work of reservation cells needs to be inspected by social welfare department to ensure the benefits of reservation in services reach the Scheduled castes. He urged officers to work with the spirit of  $\text{sewa}$  and was confident

that the senior officers present will find methods to ensure the Acts and schemes are implemented in the spirit for which they have been made.

**Shri Ramdas Athwale, Hon'ble Minister for State, Ministry of Social Justice and Empowerment**, expressed happiness that the Commission has organised this meeting. He said that Babashaeb Ambedkar had envisaged a society based on –samajik samtaø or equality and while there are many changes with SC people progressing in all areas, the differences still persist. He urged the officers to work with utmost sincerity so that the benefits due to the scheduled castes reach the intended beneficiaries timely. While the Government has amended the POA Act but it is the mindset of the people responsible for the implementation needs to be changed. One reason for the increase in atrocities could be that the SCs are aware of their rights and do not accept the attempts to repress them. He hoped that the outcome of this meeting will be useful for the implementation of the schemes and programmes meant to benefit the scheduled castes. The persons who approach the NCSC often complain that the recommendations of the Commission are not implemented by the authorities. He felt that there is a need to make the recommendations binding. He urged the senior officers of all states present in the meeting to take steps that their states sincerely implement the Acts and statutes.

**Dr Rajkumar Verka, Vice Chairman, NCSC** gave the vote of thanks.

**Session 1: Monitoring of Prevention of Atrocities on Scheduled Caste Population:**

**The Session panelists were Shri P.L. Punia, Chairman, NCSC, Shri Raj Kumar Verka, Vice Chairman, NCSC, Smt P.M. Kamalamma, Member NCSC and Shri Arun Jha, Secretary, NCSC.**

Proceedings of the Session were initiated by a brief presentation by the Commission highlighting analysis of crime data, police investigation and disposal of cases by Courts on the basis of both NCRB data and data received by NCSC from the participating states. Following facts were highlighted in the NCSC presentation:

- There is sharp increase in number of incidences of atrocities on SCs (from 47064 in 2013 to 47064 in 2014 and tentative figures of 54355 cases as per data of 2015 from the MHA), rate of crime increased from 19.57% in 2013 to 23.40% in 2014).
- There is increase in crime rate 19.57% in 2013 to 23.40% in 2014.

- The number of cases pending for investigation with police decreased from 27.6% to 24.4% in 2014
- Pendency in courts increased Increase in pendency in courts 84.1% to 85.3% in 2014
- There is Increase in conviction rates 23.8% to 28.8% in 2014
- Meetings of State and District Level Vigilance Monitoring Committee meetings were not regular. Only Odisha( 08.06.2015) and Karnataka (13.01.2016) have given dates of meetings held during in 2015-16,.
- District Level Vigilance and Monitoring Committee meetings are stated to be held in some Districts by some States but details were not provided.
- Special courts are established only in 15 States
- Atrocity prone areas identified in : 7 states

The atrocity related individual cases received in the Commission have increased from 4799 in 2013-14 to 5843 in 2014-15 and 7089 in 2015-16

The highest number of individual complaint cases regarding atrocity received in Commission are from Uttar Pradesh ó 2024 cases, followed by Tamil Nadu.

- Among the session objectives was to find out the steps taken by State Governments to notify the Amended POA Act 2015 & POA Rules 2016 and to sensitize the Police and other district level officers regarding these Amended Act and Rules.

Thereafter, officers from four States, which were shortlisted for this session on basis of performance in this sector presented their views/comments the subject. The participating States agreed that the analysis made by Commission was correct. The state wise submissions are as follows:

## **Chhattisgarh**

- Addl Chief Secretary SC/ST informed that state level vigilance and monitoring committee is meeting regularly and gave dates and details of the meetings. Subdivisional committees are also meeting regularly.
- Toll free number (1036) has been established, in which 40 complaints has been registered so far.
- PCR cell set up in 14 Districts and in Police Headquarters and 8 exclusive special Courts set up.
- He gave the final figures of atrocities on Scheduled Castes as 216 in 2015 and stated that figures will be rectified and rechecked with NCRB. The reason for discrepancy is the new format adopted by NCRB from 2014.
- Conviction rate is 36.80% which is higher than National Average.
- Training of police and other officials at state and district level is organised.
- Reasons for low conviction are victims compromise, caste certificate delay, victims turn hostile during trial, absence of witnesses. etc.
- Proposed to appoint Special Public Prosecutors from regular cadre & that IO should be present during the trial.

## **GUJARAT**

- Secretary(Home) gave the final figures of atrocities on Scheduled Castes as 1053 in 2015 and stated that figures have been rechecked with NCRB. The reason for discrepancy is the new format adopted by NCRB from 2014.
- Atrocity incidents in the state have decreased as compared to 2014 and conviction rate has marginally increased from 2% to 5.7%.
- The state has appointed watch officers in 439 police stations. They monitor important cases and look into facilitation of investigation and speedy trial.
- Victims can hire advocate of their choice for Rs 50,000/- per case in cases of murder and Rs 20,000 in case of rape and these funds are sanctioned by Government.

- NCSC asked<sup>1</sup> whether whether any GO has been issued after the Amendment in POA Act 2015, officers assured that it will be done shortly.
- The recent Una (Gujarat) incident was also raised<sup>2</sup> and discussed in detail and state government was directed to ensure free and fair investigation in a time bound manner and arrest all accused, as well as take action under Section 4 of the POA Act , 2015 against police officials and provide financial compensation to the victims.
- State was advised to hold regular meetings of State & District Level Vigilance Monitoring Committees.

**Rajasthan:**

- ADGP (CR) informed that free and fair registration of cases is allowed in the state and so number of cases registered are high. 3468 cases were closed after investigation.
- 3014 cases were registered under 156 (3) of CrPC out of which 80% of cases turned out to be false cases. It was pointed out that this is a very high figure and appears that the police is reluctant to register cases.
- He gave the final figures of atrocities on Scheduled Castes as 5911 in 2015 and stated that figures will be rectified and rechecked with NCRB. The reason for discrepancy is the new format adopted by NCRB from 2014.
- ADGP agreed that State Level Vigilance & Monitoring Committee meeting was not held for 3 years and accepted the advice of NCSC to hold it regularly.
- Cases of land purchases by SCs from outside the state were referred<sup>3</sup> to and State Government officers asked to examine the issue.
- It was pointed out<sup>4</sup> that 3014 cases registered under 156(3) is a very high figure and appears that the police is reluctant to register cases. The high number of acquittal cases were also pointed out.

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<sup>1</sup> Shri Raju Parmar , Member NCSC

<sup>2</sup> By Shri Vijay Sampla , MOS, MSJE , Shri PL Punia, Chirman , NCSC & Shri Raju Parmar , Member NCSC

<sup>3</sup> by Shri Ishwar Singh , Member NCSC

<sup>4</sup> Shri Raju Parmar , Member NCSC

**Uttar Pradesh:**

- ADGP gave the final figures of atrocities on Scheduled Castes as 7923 in 2015 and stated that figures will be rechecked with NCRB. The reason for discrepancy is the new new format adopted by NCRB from 2014.
- In 63% cases charge sheets were filed, in 21% FR filed and 16% (1468) cases were pending for investigation in 2015.
- 49909 cases are pending in the court in 2015.
- After the NCSC State level Review in 2015 , cases registered u/s 156(3) of of CrPC are being reviewed by the State Government . 1686 cases were registered u/s 156(3) of of CrPC in 2015.
- There are no atrocity prone area notified so far .
- Action has been taken against 32 defaulting police officers under Section 4 of POA Act.
- State Level Vigilance & Monitoring Committee has been constituted but not met so far. He assured an early meeting of the Committee.
- All states stated that there was discrepancy in reported figures of Atrocities in 2015 due to the new new format adopted by NCRB from 2014 and that the figures are being reconciled.
- Officers from Tamil Nadu stated that the phrase "Honor killing" should not be used as there is no honor in killing.
- Recent Rohtak ( Haryana) gangrape case was also raised<sup>5</sup> and discussed in detail & State Government was directed to ensure free and fair investigation in a time bound manner and arrest all accused, as well as take action under Section 4 of the POA Act , 2015 against police officials found negligent and provide financial compensation to the victim. Secretary SCBC welfare, Haryana stated that SIT has been formed and compensation released today. Delay was due to non availability of budget.

**Conclusions :**

During the course of discussions the following points emerged .

- All states need to constitute State Level Vigilance Committees headed by Chief Ministers, and hold regular meetings . Only Chattisgarh, Odisha and Karnataka have specified dates of the meetings.

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<sup>5</sup> by Dr Rajkumar Verka VC- NCSC and Shri Ishwar Singh , Member , NCSC

- All States were advised to hold regular meetings of both State & District Level Vigilance Monitoring Committees.
- Large pendency at police level and court level exist, due to which justice is delayed. States need to vigorously monitor and reduce pendencies.
- Registration of large number cases under CrPC 156(3) indicate that there are problems in free and fair registration of cases in Police Stations. The states are advised to monitor the registration of such cases, as is being done in UP and take steps to change the scenario.
- Except UP no other State Government has issued detailed orders regarding the implementation of POA Amended Act 2015 and Rules thereof, despite the Commission having written to all Chief Ministers for the same.
- State Governments were advised to issue the necessary orders as well as sensitize all concerned district and State level Officers regarding the same through workshops etc at the earliest.
- All other actions as per rules including setting up of exclusive Special Courts and appointment of Special Public Prosecutors should be expeditiously done. States can consider appointment of watch officers in police stations to monitor important cases and look into facilitation of investigation and speedy trial as done in Gujarat.

**Session - 2 : Implementation of Prohibition of Employment on Manual Scavengers & Rehabilitation Act.**

**On the panel : Shri Raju Parmar, Smt. P.M, Kamamma, Members, NCSC and Shri Arun Jha, Secretary, NCSC.**

Presentation by the Commission:

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 was passed in 2013.

- **The objective of the present meeting is to see progress in :**
  - Identifying and eliminating the insanitary latrines
  - in survey of manual scavengers and
  - in their rehabilitation.

- **Time limits for implementation for**

- Survey of insanitary latrines ,demolishing the insanitary latrine ,survey of Manual Scavengers,to frame rules under the Act are over.

- **Action Taken so far by the States**

- Survey of insanitary latrines
- -States have been carrying out survey. Some of the States have reported large number of such Latrines.
- -Telangana-1,57,321, Karnataka-24,468, Uttar Pradesh-69,128, while Haryana & Punjab reported no Insanitary Latrines.

**Total reported : 3,02,76.**

- States are taking steps to convert insanitary latrines in sanitary latrines.
- Madhya Pradesh had 39,362 insanitarylatrines and as per report all of these are converted into sanitary latrines.
- Survey of manual scavengers
- States are still carrying out this survey.
- Telangana, Haryana & Himachal Pradesh have reported no Manual Scavengers. However, it is observed while Telangana has a large number of insanitary latrines, they have no Manual Scavengers. This needs clarification.
- Status of comprehensive rehabilitation of Manual Scavengers
- 12 States namely: Andhra Pradesh, Bihar, Chhattisgarh, Karnataka, Madhya Pradesh, Odisha, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhand & West Bengal have reported 12,226 Manual Scavengers in their State.
- Only of this 7364 Manual Scavengers have been provided one time cash assistance. Another number of 360 Manual Scavengers have received benefit of self employment projects.
- No action has been taken for rehabilitation of remaining Manual Scavengers.

Thereafter, officers from Andhra Pradesh , Madhya Pradesh and West Bengal which were shortlisted, gave their presentations on the subject.

**Andhra Pradesh :**

Director (Social Welfare department) AP , did not make a presentation and only read out notes.

The case of death of 2 SafaiKarmacharies at Srikalahasti was raised and discussed , where the State representative replied that they are not aware of this incident. The compensation of Rs 10 lakh has not yet been paid to the families.

**MADHYA PRADESH:**

The Secretary (Welfare) informed that notifications to prevent defecation in open ,to construct community latrines, to confer powers of 1<sup>st</sup> class Judicial Magistrate to Executive Magistrates, to empower District Magistrate with implementation of the Act , appoint health officer of local bodies and CEO Janpad Panchayat as Inspector under the Act have been issued.

- As per census data 2011, 39362 insanitary latrines were identified in urban areas.
- After revalidation of census data 12838 units of insanitary latrines were actually found and were converted into sanitary latrines.
- 414 insanitary latrines were found in rural areas and converted into sanitary latrines.
- Manual Scavengers identified were 36. The state has planned to do resurvey in 2016.

Measures Taken for identification of sanitary latrines

- community toilets sanctioned and completed ó 741 & 696 respectively
- To achieve target of OD free status in urban areas - household latrines sanctioned ó 4,23,600 and 1,97,223 latrines were completed.
- In Rural areas out of 1,10,12,253 households, 51,91,380 latrines have been constructed.
- Urban Administration Department procured 67 sewer suction machines in addition to 378 pre existing to prevent the manual cleaning.
- Time limit to prevent open defecation fixed as 6 December 2016.

Measures taken for rehabilitation

- Total no. of Manual Scavengers identified 636
- One time assistance of Rs. 40,000/- were provided to all.
- The concerned Nagar Palika has provided them alternate employment to all as daily workers.
- Training was provided to Identified families of Manual Scavengers in different trades.
- In compliance of the order of Honøble Supreme Court an assistance of Rs. 10 lakh were provided to the families of 4 workers who died while cleaning the septic tank/sewer.

#### **WEST BENGAL :**

The Secretary (BC welfare) stated that:

- Survey for identification of Manual Scavengers in 129 Urban Local Bodies (ULBs) was conducted by State Urban Development Agency (SUDA) under MA Department.
- All the statutory provisions of the Act were followed during survey which had involvement of NGOs , public representatives , associations and there was wide publicity.
- Altogether 104 Manual Scavengers were identified through survey in the 129 ULBs.
- 98 Manual Scavengers were finalized and records uploaded.

#### Measures taken for Rehabilitation of Manual Scavengers

- 98 individual Manual Scavengers were issued ID cards/ UID.
- One ótime cash assistance @Rs. 40,000/- provided
- Rehabilitation plan in alternative occupation was finalized with the consent of Identified Scavengers.NSKFDC provided Loan and Capital subsidy for Rehabilitation, to ensure quick and complete disbursement.
- Skill Training for Entrepreneurship development in chosen trade in their locality was arranged, Family members also attended skill training.
- Stipend @ Rs. 3000/- pm provided to them during skill Training.

Presence of sanitary latrines in rural areas:

- No insanitary latrines found ó major issue is of open defecation.
- As per base line survey of NBA ó 67.77 lakh households require sanitary latrines.
- Approximately 33 lakh sanitary latrines in rural households have been constructed in last three years and all house holds are likely to be covered by 2018.
- Nadia District declared as the first Open Defecation Free District.
- North 24 Parganas, South 24 Parganas, Hooghly & Purba Medinipur will achieve the ODF status shortly.
- no manual scavenger found in rural areas & is corroborated by last Socio-economic caste census.
- This is being further verified by Panchayat & RD Department

**Conclusions :**

- i. Surveys on identification of sanitary latrines should be completed within December, 2016 in all respect.
- ii. Sanitary latrines should be built in consonance with number of toilets that are demolished.
- iii. The States like MP which have identified less number of Manual Scavengers but large number of sanitary latrines should cross check the data and resurvey for Manual Scavengers by December, 2016.
- iv. Identified Manual Scavengers should be properly rehabilitated and their details sent to MSJE for release of direct benefit through bank accounts.

**Session 3 : Economic and Social Development of Scheduled Castes:**

**On the Panel :** Dr Rajkumar Verka VC , NCSC, Shri Raju Parmar , Shri Ishwar Singh & Smt PM Kamamma , Members , NCSC and Shri Srun Jha , Secretary, NCSC.

Presentation by the Commission:

**SC human development indices show that gap between SC and others remains wide as**

- Literacy rate of Scheduled Castes (66.1%) is lower than all India(73.0%)

- Poverty ratio (Rural) of Scheduled Castes (31.5%) is higher than all India(25.7%)
- Infant mortality rate of Scheduled Castes (50.7) is higher than all India (41.5) (NFHS,2005-06)
- Scheduled Castes Self-employed are 26.8% whereas all India are 35.3%.
- Scheduled Castes casual laborers ( 20.5%) as compared to other categories (11.8% )
- Poverty is higher in case of SCs (Urban-21.7, Rural-31.5 as compared to All India Urban-13.7%, Rural-25.7%)
- The early childhood mortality rate for SC (88.1/K) is higher than the All India Average of 59.21/K.

**General observations made by the NCSC on the performances of the States**

- State of Bihar, Rajasthan, Telengana, West Bengal & Chhattisgarh have allocated SCSP funds at par with the SC population of their. respective States.
- The actual expenditure however, under SCSP is between 2 to 8% of allocation in most States except West Bengal, Karnataka and Telengana as many of the expenditures are in general schemes where SCSP funds is being partly utilized for general population including (not entirely for SC population) which defeats the very purpose of SCSP.
- The unspent SCSP fund is often re-appropriated.

Officers from Odisha, Haryana, Tamil Nadu and Himachal Pradesh which were shortlisted for this session made the presentations as follows:

**ODISHA:**

- Stated that the actual expenditure on SCSP fund benefiting the Scheduled Castes during the year 2015-16 is 15.47% which is although 1.66% less than SC population in the State.
- The budgets given to the different departments where element of SCSP, TSP etc. are taken into consideration.
- The ST & SC ,Minorities and Other backward Classes Welfare Department , Odisha Government however, may become nodal department atleast for major infrastructure development schemes in ST, SC dominated areas.

- emphasised that instead of having separate schemes for development of SCs, it is better to integrate the community in other schemes and integrate the community with the mainstream growth.
- Anvesha scheme provides free education in reputed private schools to SC children.
- Ankansha scheme provides Hostels for SC students.

**HARYANA :**

- The State Government adopted two prong approach for development of Scheduled Castes : (a) hamlet(s) having Scheduled Caste population of more than 40% - Cluster development approach and (b) Making available direct benefits to individual Scheduled Castes through Scholarships, Hostels etc.
- The State has three Review Committees to review allocation vis-à-vis expenditure pattern of schemes headed by Chief Secretary, Secretary Planning & Finance Secretary respectively and the third at District level.
- Sector-wise expenditure is very high like in Agriculture, Rural Development, Special Area Development Programme, Energy, Social Services (including education sector) etc.
- The Plan size is commensurate with the SC population.
- Replying to a question raised by Member, NCSC<sup>6</sup> regarding pending disbursement of scholarships for students, it has been informed that 30% of claim for the year 2015-16 now has been released & in pending cases also scholarships will be disbursed by August, 2016.

**TAMIL NADU:**

- The State is improving literacy rate amongst Scheduled Castes when compared with general caste education status.
- Percentage of SCSP to State Plan outlay is 19% i.e. almost at par with State SC population.
- The State has made significant expenditure on SCSP in other sectoral departments namely, Agriculture, Horticulture, Animal Husbandry, Civil Supplies & Consumer Protection, RCS, Handlooms & Textile, Public Health & Preventing medicines etc.

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<sup>6</sup> by Shri Ishwar Singh, Member NCSC

- A Nodal Agency under the Social Welfare Minister plans and reviews the SCSP.
- No details of SC specific schemes were given & it was emphasised that all schemes are SC specific.

### **HIMACHAL PRADESH**

- Scheduled Caste Sub Plan (SCSP) separately forms part of the State Plan since the year 1979-80.
- The allocation is proportional to the SC population of the State:
- Allocation under the head are made through Single Consolidated Demand (Demand No.32) and separate budget code 789 under each Major Head to reflect budgetary provision under SCSP.

Telengana , Karnataka representatives emphasised on the special schemes for overseas scholarships for SC students in their States . In Telengana under Ambedkar Overseas Vidya Nidhi (AOVN) scheme 160 SC youths were sent abroad for pursuing higher degrees. Another batch of 63 students is in process with scholarship amount Rs 20.00 lakh per student .

In Karnataka full fees , travel expenses etc for SC students pursuing higher degrees abroad are met by State Government and the same has gone up to even Rs 1 crore per student.

On query<sup>7</sup> the Bihar representative clarified that verification of 80,000 students out of 85,000 and colleges prior to release of stipend / scholarships is complete and scholarships are being released after the verification. 2014-15 verification is almost complete and for 2015-16 is underway.

Some issues due to bifurcation of AP & Telengana were raised<sup>8</sup> :

In the GO no 123 issued by Telengana under the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement act. 2013 ( Act No. 30 of 2013 w.e.f. 1.1.2014) - only land owner are treated as Affected families and then is no compensation or rehabilitation for otherslike tenants , artisans , assignees etc and this is adversely affecting S.C.s. In Andhra Pradesh with respect to the capital formation at Amaravati , the

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<sup>7</sup> by Shri Ishwar Singh, Member NCSC

<sup>8</sup> by Smt PM Kamamma Member , NCSC

Government deviated from the prohibition of transfer 1977 Act and issued a G.o No.41 that while sanctioning the compensation half of the amount showed be paid to assignee and the half to be paid to the persons those who are in possession. The State Government officers were requested to look into issues raised by these two GOs as well as GO no 1 of 2014 under which compensation released for acquiring assigned lands is low when compared with the patta land.

Conclusions :

- i. States should ensure that allocation of funds under SCSP is equivalent to the percentage of Scheduled Castes in the State.
- ii. Schemes under SCSP should be finalized strictly for the activities as mandated in the instructions of the erstwhile Planning Commission and keeping in view the requirement of the Scheduled Caste Community.
- iii. Funds under SCSP should not be diverted to any other general schemes.
- iv. States should consider passing legislation on the lines of the State of Andhra Pradesh and Karnataka to streamline the utilisation of SCSP funds and fix accountability for misuse of these funds.
- v. The Government of India may also consider framing and adopting such Act with a direction to States to emulate such Act.

**Session 4 : Reservation in State Government services and PSUs.**

**On the Panel :** Dr Rajkumar Verka VC ó NCSC , Shri Raju Parmar , Shri Ishwar Singh & Smt PM Kamalamma , Members , NCSC and Shri Srun Jha , Secretary, NCSC.

Presentation by the Commission:

In the Commission's presentation the following issues were highlighted:

- The Commission in its review meetings with the State Governments and PSUs has observed:
  - inadequate representations of Scheduled Castes are there in services/posts
  - backlog of Scheduled Castes vacancies in various cadres/posts.
  - lack of vigorous efforts by authorities is found to clear the pending backlog of reserved vacancies.

- non / faulty maintenance of reservation rosters.
- dedicated mechanism for settling Scheduled Castes grievances is not established.

On analysis of data given by the 16 states it was seen that:

- Only 11 States have given requisite information.
- The Chhattisgarh State has maintained reservation in conformity of its SC population
- SC representations found below norms in State Government services in the States namely, Punjab, Orissa and West Bengal.
- In the States namely, Haryana, Karnataka, M.P., Rajasthan, H.P. and Telengana, the representation os SCs in some Group of services is not as per SC population of the State.
- The representation of SCs in State PSUs are far below the required percentage in participant States except Bihar and Karnataka.

Nature of complaints received in the National Commission for Scheduled Castes

- No. of complaints Increased from 2640 in 2013-14 to 4352 in 2015-16
- Non-maintenance of reservation rosters and not-filling up of reserved vacancies
- Discrimination in promotion/seniority/ MACP/ACP.
- Non appointment / non regularisation of services / non appointment on compassionate grounds.
- Downgrading of ACRs/APAR.
- Termination/dismissal from services.
- Disciplinary action, suspension and award of punishment.
- Discrimination in transfer/posting.
- Denial of pensionary benefits and non-disbursement of pay arrears.

Thereafter the officers from Bihar, Karnataka and Telengana made presentations.

### **BIHAR**

- Bihar Act-3/1992 for reservation is followed
- Candidates of reserved categories selected on the basis of merit are counted under the 50% of unreserved category. There is no cap of 50% reservation in case of filling of backlog vacancies.

- In case of non-availability of suitable candidates from SC/ST for vacancies reserved for them, the vacancies shall continue to be reserved for three recruitment years and if suitable candidates are not available even in the third year, the vacancies shall be exchanged between the Scheduled Castes and Scheduled Tribes.
- Vacancies of Scheduled Castes and Scheduled Tribes, if not filled up even after exchange of vacancies in the above manner, may be de-reserved by the order of the State Government but rarely happens.
- Examination fee for selection to posts has been reduced to ¼ th of the fee for SC/ STs
- The following steps have been taken for adequate representation of Scheduled Castes in the State services:-
- age relaxation to SC/ST Candidates to enable them to avail more chances to appear in the competitive exams.
- In competitive examinations for State services, minimum qualifying marks of 32% has been fixed for candidates of SC/ST as against 40% for U.R. unreserved candidates .
- Relaxation of age and marks are admissible as per norms.

#### KARNATAKA

- The presentation included the details of SC representation in State Government service. Representation of SCs is as per norms and state needs to work for this.
- The implementation of 85<sup>th</sup> amendment Act is sub-judice but needs to be defended in right manner before the Court.
- There are 771 cases of false caste certificate and action is underway in all . In 9 cases conviction has been done.
- Investigation of false caste cases is done by Police.

#### TELENGANA

- Orders were issued in G.O Ms. No 167 SW(P) Department Dated 15.7.1986 increasing the percentage of reservation to SCs and STs from 14% to 15% and 4% to 6% respectively.
- As per G.O.Ms.No.2, (SW-ROR-1) Dept., 09.01.2004, reservation in promotion in favour of Scheduled Castes and Scheduled Tribes shall be applicable to those candidates who are fully qualified and eligible to hold the posts as per the existing Rules and guidelines. If no qualified and eligible candidate available the vacancy shall be **carried forward**.

Enforcement of Reservation Rules is through a State Level Committee:

- Orders issued in G.O.Ms.No.106, Social Welfare (C1) Dept, dt.02-08-1997 constituting State Level Committee under the Chairmanship of the Commissioner/Director, SCDD.
- Orders issued in G.O.Ms.No.533, General Administration (Services-E) Department, dated.2-08-1975 establishing an Enforcement Machinery at State Level comprising three Inspecting Assistant Commissioners (Welfare of Weaker Sections).
- The Inspecting Assistant Commissioners of the rank of Assistant Secretary/Deputy Collector will function under the Principal Secretary to Government in the S.C. Development Department.

**District Level Committee:**

- Orders issued in G.O.Ms.No.105, Social Welfare(L1) Dept, Dt.02.08.1997 constituting District Level Committee under the Chairmanship of the District Collector.

The nativity issue between AP & Telengana was raised<sup>9</sup> and discussed and Principal Secretaries of both states emphasised that the matter is now settled and the Presidential order is clear on the issue.

**PUNJAB**

The State representatives did not give any presentation.

Many states like Bihar , Gujarat , Punjab , UP did not have complete data of both state and state PSU employees , AP , Telengana and WB did not have state PSU data.

Conclusion:

- vi. Reservation in posts should be ensured as per norms.
- vii. To ensure proper implementation of safeguards as enumerated in Article 16 , data on sanctioned posts, vis a vis PIP of all and SC employees need to be up to date in all State Governments .

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<sup>9</sup> by Smt PM Kamalamma Member , NCSC

- viii. Reservation rosters (post wise) should be maintained and followed strictly which will ensure adequate representation of the SCs in services.
- ix. Backlog vacancies should be filled through Special Recruitment Drives and in such cases, reservation cap of 50% is not to be considered.
- x. Necessary infrastructure like appointment of Liaison Officers, setting up grievances cells for SCs etc. should be strictly followed.

**Valedictory Session:**

**Secretary, NCSC** on his summing up stated that the incidence of atrocities on Scheduled Castes is a blot in the society and we have to remove this menace from the society. He said that such atrocities are happening because of essence of prejudice in the mind set of so called upper caste people. He expressed his hope that the issues that were discussed today will be pivotal and the takeaways will lead to a base for serious actions to eliminate all levels of discrimination . He hoped that the inhuman practice of Manual Scavenging will be dispensed with early. Taking a note on allocation and expenditure on SCSP, he said that the spotlight should be thrown to the schemes which are essentially benefitting the targeted community. Likewise, he said that reservation in jobs and education should be ensured so that the disadvantaged community can come at par and mingle with mainstream community.

**Dr Raj Kumar Verka , Vice Chairman, NCSC** in his valedictory address stated that in the meeting many useful points have come out . touching on atrocities , he said that it is the duty of all of us to change the mind set of people so that such cases do not occur. The police should register cases and investigate them promptly. Conviction rate under atrocity is very less, which is to be increased.

He reminded that manual scavenging is a terrible practice , the persons engaged in this task have been literally cleaning up our society and now they should be given their due share , rehabilitated in order to give them alternate source of earning their living and to raise their living standards. Under SCSP, 15% to 20% allocation is shown by various state Governemnts, but the actual spending is very less and many schemes are general.Efforts

should be to focus on the SC specific schemes which directly benefit the beneficiaries. Reservation in government jobs is a right as per the Constitution , however there are many backlog vacancies which need to be filled.



