

PROCEEDINGS OF THE STATE LEVEL REVIEW MEETING OF THE STATE OF KERALA CONDUCTED BY THE NATIONAL COMMISSION FOR SCHEDULED CASTES ON 30.10.2014

The State Level Review Meeting of the State of Kerala was conducted by the National Commission for Scheduled Castes (NCSC) on 29.10.2014 and 30.10.2014 at Thiruvananthapuram. On 29.10.2014 the Commission held discussion with sitting and ex-Members of Parliament, MLAs and representatives of service Associations and NGO associated with the welfare of Scheduled Castes to obtain their views/comments about the implementation of policies by the State Government for the welfare of the Scheduled Castes and their other concerns. A list of the participants is enclosed at Annexure-1 & 2.

2. On 30th October, 2014 Commission led by Hon'ble Chairman, Shri P.L. Punia participated in the meeting held in the Banquet Hall, Government Guest House, Thycaud, Thiruvananthapuram. A team of Senior Officers from the Government of Kerala led by Shri A. P. Anilkumar, Minister for Welfare of Scheduled Castes, Backward Classes and Tourism represented the State Government in the meeting. A list of the participants is enclosed at Annexure-3.

The proceedings in brief and the observations/recommendations of the NCSC are as follows:

Dr. Asha Thomas, Principal Secretary, Scheduled Castes Development Department welcomed the Commission and other officers and stated that the full Commission is visiting Kerala for its review after a gap of 5 years. She mentioned that while on 29.10.2014 the Commission met with the elected Representatives of the people and with the Associations of the Scheduled Castes to understand their concerns, the meeting on 30.10.2014 is to review the status and progress in the development of Scheduled Castes of the State.

Shri A. P. Anilkumar, Minister for Welfare of Scheduled Castes, Backward Classes and Tourism welcomed the Commission and officials from Government of Kerala and expressed his sincere gratitude to the National Commission for Scheduled Castes for convening a meeting in the State. While explaining in brief the activities of Scheduled Castes Development Department, he stated that as far as Kerala is concerned, the State is socially and educationally advanced, the literacy rate is high ie. 94% and the literacy rate of Scheduled Caste community is 82.66%. Government of Kerala is giving top priority to the educational sector. The Government of Kerala has already started a unique project in the country i.e. establishment of a Medical College under Scheduled Castes Development

Department, wherein 70% of the seats are reserved for Scheduled Castes students.. In addition to this, Government has introduced many welfare schemes for the socio-economic development of the community. He highlighted a few schemes, viz, houses to houseless, land to landless, self sufficient villages and employment generation programs. Government of Kerala is very keen to ensure the social safeguards provided under the Prevention of Atrocities Act. As a part of this, Government has already started two special courts (in Manjeri and Kalpetta) for speedy trials of offences. One more special court is proposed to start in Kollam District. Moreover, the State level as well as District Level Vigilance and Monitoring Committees are also convened promptly. By and large, the Government is putting its best efforts to uplift the community to go hand-in-hand with the rest. However, still there is a lot left to achieve. He assured that the Government would try to provide for the best interest of the Scheduled Castes community.

He also mentioned a few vital issues affecting the Scheduled Castes, especially in the development area, in the context of globalization, especially in the IT sector. There was a flow of youngsters to IT oriented employment, but educated youths from Scheduled Castes communities not received their due share from such opening. There is no reservation in private organizations.

Dr. P. L. Punia, Hon'ble Chairman, National Commission for Scheduled Castes (NCSC) conveyed grateful thanks to the Hon'ble Minister Shri A. P. Anilkumar and other senior officers for participating in the meeting. He agreed that the National Commission for Scheduled Castes is reviewing Kerala after a gap of 5 years but the current review and visit could materialize only after receipt of a green signal from the Government of Kerala after pursuance for 3 years by NCSC. He thanked the Honourable Minister Shri A. P. Anilkumar for making all necessary arrangements for the meeting and also complimented him for leading this Mission/Department and for the commendable work as mentioned in the Hon'ble Minister's address. Commission has also noticed that commendable work has been done in terms of literacy, education, facilities provided to the students belonging to Scheduled Castes and in the delivery of scholarships to the student beneficiaries.

However the Commission office has analysed the implementation of the Special Component Plan schemes and have observed some gaps in implementation. Hon'ble Chairman , NCSC further stated that he has gone through the schemes and that they are all good schemes which are directly going to benefit the community at large belonging to Scheduled Castes. In special component plan also, the State is doing a good job. The scale of financial assistance to the landless people for house sites and for the construction of houses

has been increased. E-grant for the disbursement of stipends for students are all good works done by the State. Implementation may not be so good and not too many house sites have been allotted and few houses have been constructed during the period of 5 years. NCSC had made similar observations during the last review. He further highlighted areas of concern to NCSC which are:

- the issuance of Caste Certificate to the migrant Scheduled Castes.
- Delay in action on the 244 detected fake caste certificate cases.
- the reservation that is being given to the members of Scheduled Castes is just 8%, which is 1% below the required and mandatory percent of 9% as per the SC population of the State.
- the non implementation of reservation in the Aided schools despite rulings of the Supreme Court that state that reservation is applicable in the aided schools. About 4.5 lakhs teachers are working in the aided institutions and the representation of Scheduled Castes is negligible.
- The Government run Hostels for Scheduled Castes boys and girls are in poor conditions and their mess entitlement for food in rupees has not been increased for a number of years. As a result, they are also not getting good quality food. This was an issue highlighted by the public representatives and service organisations which met the Commission on 29.10.2014.
- increase in atrocity cases , low conviction rate of 1.71% and high acquittal rate and the slow pace of investigation and trial in the courts of law . He urged that the investigation part needs high priority and the prosecution branch of the State Government should also ensure the speedy trial, so that there is higher percentage of conviction rate

The Chairman hoped that with the dynamism of the present Minister, State Government would be able to address these concerns. He added that these are some issues and all would be discussed in detail during the review. The Vice-Chairman and Members of the NCSC are all experienced people and they have worked for the welfare of this deprived section of the society. Hon'ble Chairman also explained the mandate of the NCSC as per the Article 338 of the Indian Constitution, wherein the Commissions carries out such reviews in the States, to ensure whether the rights and privileges are available to the weaker sections of the society as laid in the Constitution under different statutes are being safeguarded. He emphasized that it is not a fault finding exercise as during visits of NCSC to various States, information and best

practices from different states is collected, and the problems and deficiencies, if any are pointed out. Since the Commission has a pool of knowledge from different States, such benefit of knowledge should go to each and every State or wherever the Commission visits.

He complimented the State Government for starting a new Medical College exclusively for the members of the Scheduled Castes with 70% reservation for Scheduled Castes alone.

4. After the above opening remarks the following issues were taken up for discussion:

4.1 Atrocities

4.1.1: Low rate of conviction and disposal of cases by Courts: The Commission took note of the fact that registration of atrocity cases against Scheduled Castes has bit increased from 1388 in 2012 to 1589 in 2013, but the Conviction rate in such cases is merely 1.7 per cent. Most of the cases were settled out of the court due to shoddy prosecution and key witnesses turning hostile. As per the data provided in 2011, 2012, 2013 the total cases registered during these three years is 2944, the disposal and withdrawal is high being 2136 and only 46 cases resulted in conviction.

The Commission suggested that Special Courts to try cases involving scheduled castes (SCs) would ensure better implementation of the Act. As the acquittal rate is also very high, the State Government should go for a survey for analyzing the reasons and to minimize these acquittal.

Director General of Police, Kerala responded that one of the main reasons is that time constraint, hence some cases are sorted out outside the court also. Atrocities against SC/ST and other reserved communities are extremely low in the State. Minister for Welfare of Scheduled Castes, Backward Classes and Tourism informed the Commission that at present special courts are functioning at Mananthavady in Wayanad district and Manjeri in Malappuram district and a new one is planned in Kollam district.

State Government gave an assurance that delay in trial will be considerably reduced, and that Government will take necessary steps for speedy disposal. A report on the steps taken in this regard will be sent to the Commission in two months.

4.1.2: Meetings of the State level and District level Vigilance and Monitoring Committees: Commission noted that no meeting of the State level Vigilance Monitoring headed by the Chief Minister has been held during the current year and during the previous year only one meeting was held. It is mandatory under Act to hold the meetings of this Committee twice a year. No details have been provided about the mandatory quarterly

meetings held by the District level Vigilance and Monitoring Committees.

State Government assured that meeting of these Committees will be held as prescribed in the rules and a report sent to the Commission.

4.1.4: Details of posting of SC Police Officers and PPs: The Commission desired to know the number of SC Officers are SPs, PPs and Lawyers out of 14 districts. Further the Commission observed that Palakkad, Kasargod & Wayanad are very sensitive districts where atrocities against SCs are higher and enquired whether the State Government took this aspect in mind and considered posting District Police chiefs or a Station Officer from Scheduled Caste community in such sensitive areas .

State Government responded that this information is not readily available and assured to provide the details later.

4.2 Cases of False Caste Certificates:

There are 244 such reported cases in 2009 and during the last five years action has been taken against 7 cases only as current figure is 237. The Commission desired to know the exact status of those cases, how many cases have been finalised , how many persons with fake certificate have been discharged from the Service and what other action has been taken against those people who have presented false certificates and snatched the job related rights of Scheduled Castes. The Hon'ble Chairman stated that the Supreme Court is also concerned about the fake caste certificate issue and has ordered for formation of two Committees one at the State Level and another at the District Level who have to work in a time bound manner. Principal Secretary, Scheduled Castes Development Department informed the Commission that there are 52 cases pending before a Scrutiny Committee setup to enquire in these cases.

Government assured to submit a report on this to the Commission.

4.3 Manual Scavenging

The Commission asked about Safai Karmachari's in Municipal Board/Municipal Corporation. Shri Iswar Singh, Member stated that Affidavit was filed by Government of Kerala in the year 2005 and inquired about the present status. Commission further inquired if there are any insanitary latrines as the House Hold survey conducted in 2011 gave certain information about existence of insanitary latrines in Kerala, hence if insanitary latrines exist in the State, information regarding who service such insanitary latrines may be given,

Secretary, Local Self Government Department assured the Commission to look into this issue. It was informed that out of 978 Gram Panchayats only 19 Panchayats were yet to

declare open defecation free Panchayats (*ODFP*) *and that scrutiny is over* and State Government has completed all the toilet construction in these 19 Panchayats which will be rechecked. *A report on this will be sent to the Commission*

4.4: Engagement of Safai Karamcharis on Contract basis: Hon'ble Chairman inquired if the Municipal Karmacharies in the Municipal Corporation/Municipal Board are being engaged on contract or regular service and further if this includes the normal sweeping. He pointed out that in out sourcing there is a chance of exploitation of labourers and lack of job security as salaries and pay depends upon the contractor. A review is required to be conducted on cleaning of sewage and pattern of payment of salaries to contract workers.

Shri Raju Parmar, Member, inquired if there is any agreement or MOU with the contractor with regard to medical checkup and also if the contract workers have their Bank accounts for deposit of salaries/wages.

Secretary, Local Self Government Department informed that Local Bodies contract the Karamcharis through agencies and sub agencies. This practice exists in some Municipalities and Corporations.

State Government was requested to furnish the details regarding the exact amount of salary provided to the sweepers; the facilities provided by the contractor to the sweepers etc.

5. Service Safeguards

5.1 Representation for SCs in services: The Commission pointed out that reservation in services for SCs should be 9% instead of 8% i.e. equal to the population of SCs in the State.

Minister for Welfare of Scheduled Castes, Backward Classes and Tourism assured to look into this issue and send a compliance report to the Commission.

5.2 Reservation in Promotion: Commission noted that the State Government has kept no provision for reservation in promotion. Attention was drawn towards the provisions of the Constitution of India that there shall be a reservation in promotion. The State Government also does not maintain any rosters to monitor reservation in promotion. NCSC strongly recommended for making a provision for reservation in promotion and maintain two types of rosters for each cadre, one for direct recruitment and the second for promotion.

Joint Secretary, SC/ST Development Department stated that promotion is being given based on the seniority and other qualification tests conducted by the Public Service Commission. Reservation is maintained only at the entry cadre.

The State Government will comply with the recommendations and provide detailed information on representation of SCs in each cadre.

5.3 Filling up of backlog vacancies: The Chairman, asked to explain regarding the details mentioned in Table 62 where the number of backlog vacancies was 219 this year and the number of backlog vacancies filled is 19. Then the balance would be 200. But as per information given in the meeting the number of backlog vacancies remained unfilled is 352. Secretary, General Administration Department stated that they are updating the figure from time to time and vacancies have been added on the basis of the position emerging in the annual review every year. For the year 2014, analysis would be made in the month of March. The recruitment is still going on and this figure is likely to come down to around 100 to 150 by March. This figure is as on 30/6/2014, that is, 152 have been added to 200. *The Commission asked to provide the break up figure of these posts instead of giving lump sum figure. Government is to give post-wise or segregated figure of vacancies, gazetted, non-gazetted etc. instead of all backlogs together.*

5.4 Reservation in Aided Institutes:

The Commission pointed out that this issue was in the last Review Meeting also and it was recommended that if it needs a statutory amendment or requirement of a new law, then the State Government should be ready to go forthwith. It is fact that reservation is not applicable in the case of minority institutions but in other aided institutions, Supreme Court and other numerous High Courts have clearly ruled that reservation is applicable in aided institutions as these institutes are getting public funds or public money and by getting it, reservation must be applicable. The Commission recommended for consideration of this issue by the State Government.

6. Social and Educational Development issues:

6.1 Education: Commission observed that literacy rate in the State of Kerala, compared to all India level, is high. It is revealed from the figure that Indian literacy rate is 73%, and Kerala achieved 93.91%. ie 20% higher than the national literacy rate. So the Commission appreciate the efforts of the State Government. However, there is a small shortfall of Mahila literacy which the State Government should look into.

6.2 Maintenance of Girl Hostels: As per the inspection conducted by the State Office of the Commission there were no regular warden for Girls's Hostels and this is a very serious issue. The Minister briefed the Commission that there are 17 Post-metric hostels and 87 Pre-metric hostels functioning under Scheduled Caste Development Department. Out of these 17 post metric hostels 7 hostels are for girl students and the remaining 10 hostels belongs to boy students. In pre-metric hostels we have also created the post of warden. Now suitable recruiters are not available in PSC. So through Employment Exchange the wardens are

appointed on daily wages and the functions of these hostels have been done very well. In addition to this there are 90 Nursery schools functioning in the State.. The Commission noted that number of hostels allotted to SC/ST students is not enough. Therefore the Commission recommended to conduct surveys, identify the shortcomings bring out a Plan to complete those shortcomings.

6.3: Scholarship: As per the details provided the State Government has given the scholarship details from the year 2008 to 2014. It was seen that in the year 2010-11 number of students is 'nil' amount allocated is also 'nil' and in 2011-12 number of students is 'nil' amount allocated is 7.88 crores. Same is repeated in 2012-13 number of students is 'nil' but amount allocated is 7.13 crores. The Commission requested clarification as scholarships cannot be given unless there are eligible students. *Principal Secretary, Scheduled Castes Development Department admitted that it is an error in the table and promised to provide the correct data.*

6.4 Residential Schools: Chairman suggested that the State Government can increase the number of residential schools and especially for girls. 100 percent grant is available from the Central Govt. Presently there are only 9 residential schools out of which two for girls and six for boys and one is combined.

6.5 Coaching Classes: The Commission desired to know the success rate of candidates who obtain coaching for PSC/UPSC/UB examination from state run coaching center and the number of candidates who are selected for I.A.S/I.P.S through these institutions. Commission further inquired if the State Government runs Model Sports residential Schools and the number of candidates who got job after getting training from there. Secretary, General Administration Department informed that for I.A.S two persons have completed main examinations. Many are going to other services like I.E.S/I.R.S etc. The State Government promised to provide further details about this in 2 months.

6.6 Caste Certificates to migrant SCs: The Commission pointing out the difficulty being faced by the migrant Scheduled Castes to obtain Caste Certificate desired to know the steps taken by the State Government to resolve this problem. Secretary, Scheduled Castes Development Department stated that the interstate migrants and inter district migrants can claim the SC status if they have filled up a form..

6.7 Reservation in Devaswom Boards in Kerala:

The Commission pointed out that there are 5 Devaswom Boards in Kerala. It was brought to the notice of the Commission by the representatives of SCs that despite Government control, reservations are not implemented in the Devaswom Boards. Minister for Welfare of

Scheduled Castes, Backward Classes and Tourism informed the Commission that at present, Kerala Government has constituted a new body for recruitment of personnel in the Devaswom Boards and the said body would follow the instructions for the selection process.

7. Concluding Remarks by Chairman, NCSC:

In his concluding remarks the Chairman stated that a lot of areas of concern relating to the welfare of Scheduled Castes have been covered in the meeting. He requested that the Action Taken Report and other reports as assured are sent to NCSC within the promised 2 months. The Commission is happy to note that the information provided by the State Government is very elaborate and to the point and the Department of Scheduled Castes Development and the Honourable Minister for leading the team of Officers all need to be complimented for the same and helping to securing justice to the members of the Scheduled Castes. Under the able leadership of Honourable Minister A. P. Anilkumar, Kerala State will act as a pioneer in the issues pointed out by the Commission and would also achieve greater heights in the welfare of Scheduled Castes and Scheduled Tribes. He conveyed the grateful thanks on behalf of himself, Honourable Vice Chairman, Honourable Members to the Hon'ble Minister and to the State Government.

National Commission for SCs

1. Shri P.L. Punia, Chairman
2. Dr. Rajkumar Verka, Vice Chairman
3. Shri Raju Parmar, Member
4. Shri Iswar Singh, Member
5. Smt. P. M. Kamalamma, Member

Official for the NCSC:

1. Shri M. R. Bali, Consultant
2. Shri Jagjit Singh, Addl. Private Secretary to Hon'ble Chairman

Minister and Officers Present from State of Kerala:

1. Shri A. P. Anilkumar, Minister for Welfare of Scheduled Castes, Backward Classes and Tourism Shri P. K. Mohanty, Additional Chief Secretary
2. Shri K. S. Balasubramanian, Director General of Police
3. Dr. Asha Thomas, Principal Secretary, Scheduled Castes Development Department
4. Shri Tom Jose, Principal Secretary, Planning and Economic Affairs Department
5. Dr. Rajan Khobragade, Secretary, Local Self Government Department
6. Dr. K. Ellangovan, Secretary, Health and Family Welfare Department
7. Shri P. Marapandian, Principal Secretary, Taxes Department
8. Shri K. R. Jyothish, Secretary, General Administration Department

9. Smt. Sumana N. Menon, Secretary, Scheduled Castes Development Department
10. Shri K. N. Satheesh, Director, Higher Secondary Education Department
11. Shri M. Nandakumar, Director, Collegiate Education Department
12. Shri R. Kumar, Special Secretary, General Education Department
13. Shri A. K. Sinha, Additional Director General of Police
14. Shri Biju Prabhakar, District Collector, Thiruvananthapuram
15. Shri T. Bhaskaran, Director, Scheduled Castes Development
16. Shri E. Devadasan, Director, Urban Affairs
17. Smt. P. Marykutty, Secretary, Land Board/Controller, Legal Metrology and Director, KSREC
18. Shri V. N. Jithendran, Director, Social Justice Department
19. Dr. S. Bindu, Director, KIRTADS
20. Shri C. Bhuvanendran, Superintendent of Police, Special Cell
21. Shri K. V. Mohanakumar, Commissioner, Rural Development
22. Smt. K. P. Remadevi, Additional Secretary, Scheduled Castes Development Department
23. Shri M. Sherif, Additional Secretary, Higher Education Department
24. Shri K. J. Varghese, Additional Principal Chief Conservator of Forests
25. Smt. T. R. Renju, Managing Director, Scheduled Castes/Schedule Tribes Corporation
26. Shri B. Sreekumar, Additional Director, Directorate of Training
27. Shri C. R. Rajamohan, Deputy Director, Information & Public Relations Department
28. Dr. A. Kausigan, Mission Director, Mahatma Gandhi National Rural Employment Guarantee Scheme
29. Shri S. U. Rajeev, Joint Secretary, SC/ST Development Department

30. Shri Paul C. Mathew, Joint Secretary, Housing Department
31. Shri S. Thulaseedharan, Additional Labour Commissioner
32. Shri L. Rajan, Director (in-charge), Public Instructions
33. Smt. E. R. Sobhana, Additional Director of Survey and Land Records
34. Shri K. K. Kishore, Joint Director, Scheduled Castes Development Department
35. Shri M. N. Divakaran, Joint Director, Scheduled Castes Development Department
36. Shri C. N. Babu, Joint Director, Panchayats
37. Shri B. Sajith, Joint Development Commissioner, Mahatma Gandhi National Rural Employment Guarantee Scheme State Mission
38. Dr. P. Raghavan, Joint Registrar, University of Kerala
39. Shri Rajeev Kurian, Chief Engineer (in charge), Kerala State Housing Board
40. Shri L. A. Gregorian, Deputy Secretary, Social Justice Department
41. Shri K. M. Abdul Nazar, Deputy Registrar, University of Calicut
42. Dr. Thomas Kuruvilla, Deputy Director, Collegiate Education
43. Shri K. K. Rajappan, Deputy Director, Directorate of Employment
44. Shri Menekshy Prasad, Deputy Director, Industrial Training Department
45. Shri K. Sahadevan, Deputy Registrar, Kannur University
46. Smt. N. Prasanna Kumary, District Planning Officer, Thiruvananthapuram
47. Dr. O. Sareena, Under Secretary, SC/ST Development Department
48. Shri T. Vijayan, Under Secretary, Revenue Department
49. Shri Madhu Gangadhar, Assistant Commissioner, Commissionerate of

Land Revenue

50. Shri M. Prabhakaran, State Programme Manager, Kudumbasree
51. Shri N. Sundev, Employment Officer, Directorate of Employment
52. Shri V. Sasikumar, Project Officer, SC/ST Corporation, Trissur
53. Smt. K. Jaya, C.P.O., Scheduled Castes Development Department
54. Shri N. Sunil Kumar, Senior Administrative Officer, Higher Secondary Education Department
