

Minutes of the Meeting organized by NCSC on 'Monitoring the Implementation of Constitutional Safeguards for Scheduled Castes', on 24.06.2015 at Vigyan Bhawan, New Delhi.

The meeting commenced at 10:00 am with the inaugural remarks of Chairman, NCSC wherein he outlined the importance and relevance of this meeting , briefly touched upon the four agenda items and the highlights of the information received by the Commission on the same from the States.

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

The Session was chaired by Shri P.L. Punia, Chairman, NCSC ; Shri Raj Kumar Verka, Vice Chairman, NCSC and Smt. Anita Agnihotri, Secretary, Ministry of Social Justice and Empowerment.

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 33655 in 2012 to 39408 in 2013 and tentative figures of 51,672 cases as per data of 2014 from the 16 states), rate of crime from increased from 16.7% to 19.6% in 2013. Crime rate was found highest in Rajasthan (52.98%); Bihar (40.57%) and Odisha (36.06%).
- “ The number of cases pending for investigation with police also increased from 25.9% to 27.6% in 2013 with further increase in 2014 . Lowest pendency is in Chhattisgarh (26),Haryana(35) and HP (39). Highest pendency is in Bihar (3198), AP(2530) & Odisha (1782) .In 2014, Bihar (3856), Odisha (1904) and UP (1382) have reported highest pendency.
- “ Pendency in courts increased to 84.1% in 2013 from 80.4% in 2012. Maximum cases are in UP (22210 in 2013 & 49158 in 2014)) ,Bihar (14888 in 2013 & 11336 in 2014)) and Rajasthan (11678 in 2013) . Punjab (167), WB(208) & HP(291) have lower pendency.
- “ There is decrease in conviction rate (29.6% to 23.8%) during the same period. UP has the best conviction rate and WB , Gujarat and Maharashtra have very low conviction rates.
- “ Meetings of State and District Level Vigilance Monitoring Committee meetings were not regular. In TN and Rajasthan the State level meeting was not held for two years , in Gujarat it was not held for past one & half years

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- “ Special courts have been set up only in : MP, UP Maharashtra , Haryana , Bihar , Karnataka , TN & Chattisgarh.
- “ Atrocity prone areas were identified in only 9 states.
- “ The increase in number & rate of crime etc are reflected in the sharp increase in complaints filed with the Commission over the years .

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

Rajasthan:

- “ Emphasised the need for a special courts as delay often leads to acquittal.
- “ ADGP agreed that State Level Vigilance & Monitoring Committee meeting was not held for 2 years and accepted the advics of NCSC to hold it regularly.
- “ Informed that District Level Vigilance & Monitoring Committee meeting are regular in the districts and will provide dates .
- “ The investigation of the POA cases to be done by the Dy. S.P. level Officer.
- “ Sensitization of Police personnel is taken up at regular intervals.

Bihar:

- “ At State level a SC/ST protection Cell under IG (WS) has been set up .
- “ Cases under POA Act for the year 2014 were 6560, pending cases in court are 11326, and acquittal in the cases are as high as 99%.
- “ 33 districts are identified as atrocity prone areas.
- “ Regular sensitisation programme on POA Act were needed to be conducted.
- “ Details of the TA/DA, given to the victim and witness during the trial, and pension to next of kin is ensured and will be continued.

Andhra Pradesh:

- “ There are large numbers of stay orders regarding investigation by Police given by Courts, which are leading to increase in cases pending with police.
- “ Agreed that composition of the district monitoring committee is to be reconstituted once in 2 years.
- “ Delayed reports by the Forensic Labs contributes to the pendency of the cases.
- “ 13 district special courts are functioning and Special Public Prosecutors appointed.

Uttar Pradesh:

- “ While agreeing with analysis of the data presented by NCSC, stated that there is increase in number of incidences due large population.
- “ Monitoring atrocity cases under ADGP (PCR) as per the Act.
- “ 20 districts have been identified as atrocity prone area.
- “ Sensitization efforts are carried out in districts with highest SC population. and that there are GOs that 20% of the Police personnel should belong to SCs in those districts . The GOs are not implemented in practice.
- “ 06 Police personnel have been punished in 2014 for dereliction of duties.
- “ Pendency of the cases has been substantially reduced from 1382 in pending in December 2014. High pendency in courts is monitored.
- “ Compromise: Under IPC section, the cases may be compoundable, but POA Act cases, are not non-compoundable. Hence cases which are shown as compounded are to be examined.

Officers from the States of Gujarat and Tamilnadu also expressed their views :

Gujarat:

- “ Conviction rate is low & pendency in courts is high as there are no special courts for trial of POA cases.
- “ If 50 offences continuously reported in a year then the concerned district is declared as atrocity prone district. There are 11 such districts in Gujarat.
- “ That the improved economic conditions have widened the divide between the SCs and the other caste people and the SCs are localised in some geographical areas & in certain economic activities. This needs to be tackled at several levels.

Tamilnadu:

- Innovative methods adopted in Tamilnadu like the suspects of rape are booked under Goonda Act kept in detention to avoid intimidation of the victims.
- suggested focused strategy on investigation and trial of grievous cases .

Shri Raju Parmar, Member, NCSC suggested setting up of a National Level High Power Committee headed by Hon’ble Prime Minister to monitor atrocities on SCs.

Justice V. Eswaraian, Chairman National Commission for Backward Classes pointed out that in Andhra Pradesh the offences committed against SCs are not booked under POA Act but only under IPC, which help culprits getting bail from the High Court. Rape cases should include kidnaping and abduction charges. Per lakh calculation of crime is needed to be done.

Smt Anita Agnihotri, Secretary, Ministry of Social Justice and Empowerment, in her remarks stated that though there are systems & Acts in place for protection of SCs , these systems do not work at desired level of efficiency . There is need to sensitize the Police and Administration personnel and also analyze reasons for the high rate of compromises, high acquittal rates and high pendency in both police investigations and Courts so that proper corrective strategy can be adopted . There should be focus on setting up & manning special courts and best practices of one state need to be adopted by others. The reasons for marginalization of SCs and increased atrocity cases need to be analysed by all States.

NGOs, academicians etc can be involved in sensitization efforts and the sensitization process should begin in the training academies at National and State levels for both Police and administration inductees. She emphasised the upon states to submit the data required by NCSC .

Shri P.L. Punia, Chairman, NCSC in his summing up highlighted the following issues:

- There are delays in lodging FIRs by the SC victims and there are increasing number of cases where directions from the Courts under Section 156(3) of Cr. P.C. are sought to get FIRs registered.
- Cross FIRs are also lodged on POA cases against SCs to harass and compel them for compromise.
- The atrocity cases against SCs are increasing and there disturbing new trends in the crimes which have been outlined in the Agenda notes. There is need to sensitize the machinery to stop such cases from occurring and ensure speedy justice.
- Atrocities against OBCs are also heard by the NCSC as stipulated under Article 338(10).
- He urged the Ministry to expedite the passing of the Bill on amendment of POA Act.

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

The Session was Chaired by Shri Raj Kumar Verka, Vice Chairman, NCSC and Shri T.R. Meena, Secretary, National Commission for Safai Karamcharis.

Presentation by the Commission:

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

“ The objective of this Act is three fold i.e.:

“ To identify and eliminate the insanitary latrines

- “ To prohibit: (a) employment as manual scavengers and
(b) Hazardous manual cleaning of sewer and septic tanks
- “ To conduct survey of manual scavengers and their rehabilitation.
- Time limits for implementation of activities under the Act have expired in almost all actions:
 - “ survey of insanitary latrines - time period is over one year ago.
 - “ either get demolished the insanitary latrine or convert it into a sanitary latrine . time period over on 6.6.2014
 - “ construction of Community latrines - time period is over on 6.9.2014.
 - “ survey of Manual Scavengers - time period is over.
 - “ Municipalities, Cantonment Boards and Railways authorities were also required to construct adequate number of sanitary community latrines, within the period not exceeding three years.
 - “ States are required to frame rules under the Act - time period is over.

Only Chhatisgarh has notified own rules.

- Action taken:
 - “ **Survey of insanitary latrines**
Urban areas - 10 States have completed survey & 2 States - Uttar Pradesh & Dadra & Nagar Haveli reported no insanitary latrines.
Total reported : 3,44,603
Rural areas - 9 States/UTs, completed survey. Out of these 7 States/UTs have reported no insanitary latrine.
Total reported : 1,56,068
No action appears to have been taken to construct sanitary latrines.
 - “ **Survey of manual scavengers**
Urban Areas - 17 States have reported no Manual Scavenger and the remaining 13 States have identified only 5141
Rural areas - 7 States only Uttar Pradesh has reported 7612 Manual Scavengers
 - “ **Position of the 16 States in this meeting :**
 - “ **Survey of insanitary latrines**
 - “ 7 states: AP, Chhattisgarh, Karnataka, Odisha, TN, Telangana & UP - completed - Urban Area.
 - “ 6 states: Chhattisgarh, Karnataka, Odisha, Tamil Nadu, Uttar Pradesh and West Bengal - rural areas.
 - “ **Survey of manual scavengers**
 - “ 14 states: AP, Bihar, Chhattisgarh, Gujarat, Haryana, Karnataka, Maharashtra, Odisha, Punjab, Rajasthan, TN, Telangana, UP and WB- completed - Urban areas.

“ 4 states: Chhatisgarh, Karnataka, Odisha and Uttar Pradesh have completed - rural areas.

Thereafter Officers from Chattisgarh, Gujarat, Odisha and Tamilnadu, which were shortlisted for the Session, made presentations on the subject:

CHATTISGARH:

Surveys conducted by the state:

- For Local Urban Bodies – 169
- For Gram Panchayat – 10971

The state has made and implemented own Rules under the Act.

GUJARAT:

- 80 Lakh Safai Karmacharis are working in the state.Scavenging free from 1992 and no Manual Scavengers in state. 8, 01,731 individual toilets constructed during 2012-13.
- On 03.02.2014 the State Level Meeting held as per the Manual Scavenging Act. The State Level and District Level Committee constituted on 15.11.2014.
- The state participant requested that the Gujarat Safaikarmachari Nigam should work as Commission under State Government.
- District Magistrate is the Nodal Officer / Reviewing Officer and State Level awareness programmes are arranged.
- Gujarat Safai Kamdar Vikas Nigam provides soft loans to the safai karmacharis and since 2001, a large number of such loans (approx 92,000) have been given by the Nigam.
- If Person dies during cleaning of sewers , septic tanks etc, Rs.10 Lakhs compensation will be given as per direction of Supreme Court.

ODISHA

- State Level Monitoring Committee, State Level Survey Committee & District Level Survey Committee are constituted. Monitoring done by the Chief Secretary.
- 237 manual scavengers are identified and 25 Insanitary latrines have been identified.
- Departments have been urged to develop Schemes for manual scavengers and normal schemes like Indira Awaz Yojana, Old Age pension schemes etc are also available.
- For clearance of sewerage, mechanized machines have been provided.

TAMIL NADU

- State Level Committee is constituted.
- Survey completed in 664 urban local bodies & 9117 insanitary latrines demolished.
- There is Zero tolerance on manual scavenging and there is awareness generation through training.
- Mechanised cleaning systems have been introduced and special cleaning equipments like gum boots, gloves etc., have been given to workers.
- Nil death cases due to Sewer/septic tank cleaning..

West Bengal added:

98 manual scavengers are identified in the state and onetime assistance sanctioned.NCSKDC had approved their proposal for their rehabilitation . Surveys

for insanitary latrines has started .6 deaths have occurred under manual scavenging , compensation paid to 5 of the victims.

Shri T.R. Meena, Secretary, National Commission for Safai Karmacharis highlighted the following issues:

- The reports that are received by the NCSK and the Ministry from the States on the surveys and work done do not match . The NCSK has circulated a 19 points checklist to all states for compliance. Time bound action has to be taken.
- States may adopt Central Rules or can come out with new State Rules.
- Asked State Governments to give copies of the Act to the District Magistrates and the DMs should be asked to complete the activities laid down and conduct regular meetings of the District Vigilance Committees as per the Act. These Vigilance Committees are not Monitoring Committees.
- 2011 census estimated 26 lakhs manual scavengers are present in the Country. But the affidavit given to Supreme Court was wrong .
- Every manual scavenger is SC but not all safai karmacharis are manual scavengers. Identity cards should be issued to Safai Karmacharis.
- Death compensation since the year 1993 is to be provided. Rehabilitation package has to be identified and intimated to the Ministry.
- Derogatory words for the SCs in the State list should be substituted by 'Balmiki' etc.
- Organizations like Banks who who outsource the services of Safai Karamcharis, also need to be monitored in the District Vigilance and Monitoring Committees.
- The NCSK has been conducting meetings even at district levels to monitor the same.

Shri Raj Kumar Verka, Vice Chairman, NCSC in his summing up made the following observations:

- He defined the ground situation and felt that there is lack of awareness on this Act and there is a need for swift action to eliminate this practise.
- All surveys should be completed in a time bound manner and insanitary latrines demolished.
- Rehabilitation process needs to be accelerated to provide alternate livelihood to the Manual Scavengers.

Session -3 : Economic and Social Development of Scheduled Castes .

This Session was chaired by Mrs. P.M. Kamamma, Member, NCSC, Shri Raju Parmar, Member, NCSC and Shri J. Raymond Peter, Principal Secretary, Social Welfare, State of Telengana.

Presentation by the Commission:

- For Punjab and Chhattisgarh the SCSP allocation is less than the SC population. AP, TN, UP & Bihar - allocation proportionate.
- Allocation to SC specific schemes within SCSP is low overall for all states. Haryana has done maximum allocation (10.52%) under SC specific schemes.

- Expenditure of SC specific schemes from SCSP for states is maximum for Maharashtra (49.3%) & Haryana (47.55%)
- Low expenditure in SC specific Schemes from SCSP - CG (0.15%), Odisha (0.41%)
- WB has not furnished any information for SCSP expdt or of SC specific scheme, which is to be provided.

List of some General Schemes are booked under SCSP for the participating states were presented.

- **SC human development indices are as follows:-**
 - Rs 21,306 crores were allocated under SCSP by Department of Social Justice and Empowerment in the 12th Five Year Plan and State Governments were to allocate funds to SCSP in proportion to their SC population.
 - Gap between SC and others continues to remain wide despite the SCSP. For eg,
 - Literacy rate of SCs (66.1%) is lower than all India (73.0%)
 - Infant mortality rate of SCs (50.7) is higher than all India (41.5) (NFHS,2005-06)
 - SCs having access to toilet facility is 23.7% whereas for all India it is 42.3%
 - Electricity access for SCs is 66.4% whereas for all India it is 75%. Out of households who do not have electricity (1.96 lakh), SC households are 37.24% (73,293)
 - Employment status 2009-2010 of the SCs :-
 - SCs self employed are 26.2% whereas all India are 34.7%.
 - SCs casual laborers (52% in rural areas & 21% in urban areas) as compared to other categories (21.6% in rural areas & 5.9% in urban areas)
 - Poverty is higher in case of SCs (average 38.3% SC as compared to 16% of others)
 - Land holding of SCs is 1.37% as compared to the All India holdings.
 - 12.6% of SC population is deprived of drinking water facility.
 - SC population - 58% have pucca houses, others (78%) have pucca house.
 - SC population with kuccha houses : 18.7%, others with kuchha houses : 6.81%

Niti Ayog also gave a brief presentation on SCSP and the guidelines for implementation of SCSP by the States.

Officers from West Bengal, Punjab, & Karnataka which were shortlisted for this Session made the presentations as follows:

WEST BENGAL:

- Gave example of SC specific schemes : eg, Uttar Banga Sech Samabay (UBSSP) Scheme which has given good results. Schemes for self employment training by Central Institute for Plastic Technology have given 100% placement, it is a special six months course.
- For an ethnic beauty course state has tied with Ms Shanaz Hussain and this course has given better placements. Shikshyashree scheme is good and there is a Mahila Samridhi Yojana scheme with high recovery. In Education, loans are given at low rates ie, 3% for girls & 4% for boys.

- 44 hostels are sanctioned in the state. The scholarships are paid online.

PUNJAB:

- The Plan size is commensurate with the Census population.
- The SCSP implementation is monitored at State & District level regularly.

KARNATAKA:

- Passed the Karnataka Scheduled Caste Sub-Plan & Tribal Sub-Plan (Planning, Allocation & Utilisation of Financial Resources) Act, 2013 to make allocated funds non-divertible and spend the money directly benefiting SC/ST Population.
- There is a State Council for Development of SC/ST people headed by Chief Minister to approve the SCSP plan allocation.
- A Nodal Agency under the Social Welfare Minister plans and reviews the SCSP.

Shri J Raymond Peter stated that the states have to examine whether mere guidelines can ensure allocation and proper utilization under SCSP, without diversion. There are no problems implementing Tribal Sub Plan as it is area based, however SC population is scattered and targeting is difficult especially in times when State Governments are working on the saturation approach with schemes like mid day meal for all or health for all. Moreover when the overall plan size reduces due to resource crunch, the SCSP size automatically reduces. The SCSP if unutilized, cannot be carried over to next year as the budget lapses after 31 March each year.

Smt. P.M. Kamamma, Member, NCSC while concluding the session emphasised upon the state governments to spend the SCSP funds on the SC specific schemes for giving direct benefits to the SCs community. She also felt the need for strict monitoring of the expenditure under SCSP.

Special Session:

This Session was chaired by the Hon'ble Minister for Social Justice and Empowerment, Shri Thaawarchand Gehlot accompanied by Shri Vijay Sampla and Shri Krishan Pal Gurjar, Hon'ble Ministers of State. Justice Cyriac Joseph, Hon'ble Chairman National Human Rights Commission, Shri Narseem Ahmed, Hon'ble Chairman National Commission for Minorities, Smt. Anita Agnihotri, Secretary, Ministry of Social Justice and Empowerment were the other distinguished guests present apart from participants and officers from the Ministry of SJE and Planning Commission

Shri P.L. Punia, Chairman, NCSC welcomed the dignitaries and outlined the importance and relevance of this meeting which was being held in accordance with the Rules of the Procedure of the Commission, which state that Commission shall, once in a year, convene

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meeting of all the Chief Secretaries, DGPs, Secretaries (Home), Secretaries (Social Welfare), of the State Governments for monitoring the implementation of safeguards and development for the Scheduled Castes.

This meeting was called to monitor the action taken on on four main agenda points viz ,

- Monitoring of Prevention of Atrocities on Scheduled Caste Population
- Implementation of Prohibition of Employment on Manual Scavengers & Rehabilitation Act.
- Economic and Social Development of Scheduled Castes
- Representation of SCs in the Government Services.

The meeting was necessary as despite the safeguards of the Constitution , Acts for protection and dedicated machinery for the protection of SCs in all States, the crime against SCs were increasing and was at a rate higher than the SC population percentage. There are new trends in the atrocities on SCs and the Commission has also been receiving large number of complaints on inaction by State machinery in atrocity cases. Even FIRs are lodged either after intervention of the Commission or after orders of the Court under section 156(3) of the CrPC. Despite guidelines for development of Scheduled Castes and a number of welfare and development schemes , the human development indices of SCs were lower than that of rest of the population , SCSP allocations by states and expenditure was lower than norms . Manual scavenging still persists and all timeframes of action to be taken have expired without corresponding work by the State Governments. The representation of SCs in Government Services is below the norms. Persons give fake caste certificates and deprive SCs from the benefits meant for them. There should be exemplary action in such cases.He requested the Ministry to consider passing an Act on line of the Act passed by AP on SCSP and to expedite the passing of the Bill on amendment of POA Act.

Shri Vijay Sampla, Hon'ble Minister of State , SJE , expressed his concern on increasing atrocities on the Scheduled Castes despite there being 2 Acts namely the PCR and POA Acts to prevent such atrocities.He quoted Dr Babasahab Ambedkar - that Acts are as good or bad as the persons responsible for the implementation of the same . The fact that the number of atrocities & number of complaints are increasing show weak implementation. He urged the seniormost officers of the State Government present in the meeting to ensure proper and effective implementation of the Acts. He also pointed out that in implementing the SCSP schemes there are problems in every stage , there are diversion of funds allocated for SCSP.The Governments can give the funds but it is the duty of the state government officers to implement the schemes. The officers present today need to introspect and take steps to ensure that the benefits reach the weakest sections of society for whom they are intended. Referring to the Man ki Baat of the the Hon'ble Prime Minister he stated that the PM has emphasised that the eradication of manual scavenging is a priority. However the reports of

the States on the issue are incomplete and full details are not given by States . Hence effective action to improve the conditions of Manual Scavengers cannot be taken. There are large backlog of SC employees in State government services and taking jobs on fake certificates is a major problem. Commission's mandate is to monitor the implementation of Government policies to improve the conditions of the weakest sections and we all need to work together for the same.

Shri Krishan Lal Gurjar, Hon'ble Minister of State, SJE appreciated the efforts of the Commission in organising this meeting to monitor the implementation of the Constitutional Safeguards for the SCs. He stated that the meeting today is to monitor whether the atrocities on the weakest sections of the society are being reduced and stopped , that the economic development of SCs is ensured and the evil of manual scavenging is eradicated. The protection and development of SCs is joint administrative responsibility of both Central & State Governments and deserves highest priority.He appreciated the high level participation of the seniormost officers responsible for the implementation in states in the meeting. He expressed his concern that desired results in development of SCs are not being achieved despite the Government's priorities towards the same. This shows lack of commitment on the part of the authorities responsible for implementation of these tasks. While India has made progress ,the atrocities on SCs on basis of their birth are increasing and should be contained , manual scavenging needs to be eradicated in a time bound manner and development of SCs ensured. He thanked the Commission for organising this meeting.

Shri Thaawarchand Gehlot , Hon'able Minister, Social Justice and Empowerment in his address highlighted the following issues:

- Despite 68 years after Independence much remains to be done as regards the implementation of Constitutional Safeguards for the SCs. There are Constitutional Provisions , Acts ,Rules and duties laid down to prevent atrocities, however the crime against SCs has increased all over and incidents like stopping a SC bridegroom from riding a horse , objection to SC people wearing good clothes etc , show that in certain mind sets concept of untouchability remains, despite all Acts. This needs change so that everyone is treated as equals. Such incidents need to be prevented and sensitization done at all levels including the society at large. The state machinery needs to be geared up and sympathetic towards the grievances of the SCs.Today's meeting of seniormost officers in the State Government will yeild some results and the same will reach the Ministry through the Report of the Commission . The Chairman , NCSC has raised some vital matters of concern. On the POA , Act Amendment Bill, the recommendations of the Parliament Standing Committee have been received and the Bill with strict provisions is likely to be presented before the Parliament in the coming Monsoon Session.

- There are a large number of schemes for the development of the SCs both individually and for development of areas with high SC population, with funds to be allocated in the ratio of the SC population, but the intended benefits do not reach the beneficiaries as the schemes are not properly funded in the states. MSJE has provision of 15% allocation and is ensuring that all welfare scheme funds are released, however all other ministries are not utilizing the same. He gave the example of diversion of SCSP funds by Delhi Government for Commonwealth Games. States should work to ensure development like AP which has made an Act. MP too has made a provision for fixing of accountability of the officers concerned. The Ministry has written to all States to make similar Acts. The allocation by Central Government Ministries like Panchayati Raj etc to States has increased after the 14th Finance Commission and the States should allocate funds for SC development accordingly.
- There is need to eradicate the evil practise of manual scavenging from the country. There should be sincere and time bound survey to identify manual scavengers . The 2011 census report states that there are 26 lakh insanitary latrines which are serviced by manual scavengers but this data does not match with the reports sent by the 10-12 states regarding the surveys completed by them. The staes have given numbers of only 10,000 or so manual scavengers. It apperars that there remain many unaccounted for manual scavengers. The Swach Bharat initiative is an extension of the same Act. There is need for States to honestly identify the manual scavengers by involving ground level people and rehabilitate the scavengers including finding them alternative occupations.
- He expressed his satisfaction that the Commission is playing an effective role in monitoring the implementation the Constitutional Safeguards of SCs and that Ministry looks forward to the recommendations of the Commission. The Commission assists the Ministry by disposing of a large number of complaints of SCs with regard to denial of their rights, excesses committed by the Police and the other public authorities.

Shri Raj Kumar Verka, Vice Chairman, NCSC in his vote of thanks expressed gratitude to the Hon'ble Minister SJE, the Hon'ble Ministers of State, SJE and Secretary Ministry of SJE for gracing the meeting. He also thanked the Chairpersons of National Human Rights Commission , National Commission for Minorities, and National Commission for Backward Castes for their presence. He assured the Hon'ble Minister of the commitment of the NCSC for monitoring effective implementation of the Constitutional Safeguards meant for the Scheduled Castes. Drawing attention to the diversio of SCSP funds , he gave the example of like spending of SCSP funds on Common Wealth Games by Delhi Government. He impressed upon the Senior officers of the State Governments to be very sensitive to the issue of Social and Economic Development of SCs.

Session 4: Representation of SCs in the Government Services.

The Session was chaired by Shri Raju Parmar and Shri Ishwar Singh, Members, NCSC.

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:

- “ representation of SCs is at par with norms in Gujarat, Andhra Pradesh, Maharashtra and Karnataka.
- “ in all other States SC representation is less than norms
- “ The representation of SCs in state PSUs is below norms in almost all states.

Thereafter the officers from the four states, namely, Haryana, Himachal Pradesh, Telangana and Madhya Pradesh made their presentations on the subject.

MADHYA PRADESH

- The presentation included the details of SC representation in State Governments service. Representation of SCs in Group A is less than norms. Special drive is under way to fill up the backlog vacancies.

HARYANA

- The presentation included the details of SC representation in State Governments service. Representation of SCs is below norms and state needs to work for this.
- The implementation of 85th amendment Act is sub-judice but needs to be defended in right manner before the Court.

Rajasthan representative gave the example of his state which had successfully defended a similar case in Hon'ble Supreme Court.

HIMACHAL PRADESH

- The state has to increase representation as per the SC population of the state and same is currently below the norms.

TELANGANA

- The state cadre strength bifurcation has been done only in the last couple of months and the bifurcation of the government employees between AP & Telangana States is to be done. Once the same is done the actual strength of SC representation will be

known across Groups A , B,C & D. He mentioned that there is 33 % reservation for women in the State and roster points are decided accordingly. The data is to be compiled as per the population.

Shri Raju Parmar, Member, NCSC in his concluding remarks pointed out that the Commission is in receipt of large number of cases on discrimination with the SCs employees in the matter of promotion, writing of CRs, non-maintenance of Roster Registers and in the matter of posting. He asked the authorities to be more objective and cautious in handling the service matters of the SC employees.

Concluding session : While concluding the proceedings of the meeting for the day, the Chairman, NCSC re-capitulated on the issues discussed in the meeting and impressed upon the authorities to adopt the good practices of other states in improving their machinery for imparting the timely and quick justice to the SCs. Referring to the new trends in atrocity cases like preventing SC bridegrooms from riding on horse back, preventing entry of the SCs to temples, denying SCs access to fill water from common water sources, cases of burning of houses and violence after the inter-caste marriages and crime against women especially against the minor girls , he emphasised on the need to prevent such cases. Filing of FIRs should be streamlined and properly monitored by the senior officers. Meeting of the State Level and District Vigilance and Monitoring Committees should be held regularly as per the provision of the Act.

With regard to the Educational and Economic development of the Scheduled Castes, the Chairman emphasised that scholarship of the students, which is stated to made on-line is denied or rejected on very flimsy technical grounds like mistake of digit in the Account number, delay on the part of the Principals of the Colleges to submit the application in time etc. Number of applications for scholarship should not be restricted instead sufficient funds should be earmarked for the purpose. Admission to the professional courses should be done on Zero fee which is not being done now.

Utilisation of SCSP funds should be restricted to the SC specific schemes accruing direct benefit to the Scheduled Castes. The Schemes should be requirement based and not as per the will of the State Government. The analysis done by the Commission, which indicates that not more than 8% of the funds have been used on SC Specific Schemes, and in many states it is less than 1% . The analysis which was sent by NCSC to all states has not been contested by any State Government and thus vindicates that conclusions arrived by the Commission are correct. If so this is very serious matter and need to looked into urgently. The Ministry should also assess the performance of a State Governments for proper utilisation of SCSP funds on the parameters on human development of the SCs in respect of poverty, health, education and their economic status.

Conclusion:

Agenda 1 : . Monitoring of Prevention of Atrocities on Scheduled Castes

1. There is need for change the strategy in handling the cases of atrocities on Scheduled Castes. The rates of crimes against Scheduled Castes are increasing and stand at percentage which is higher than the SC population , these need to be controlled.
2. There are state wide set ups and mechanisms to handle atrocities , but there is need of sensitization of Police and district authorities especially on:
 - a. ensuring prompt registration of FIR, e-filing of FIRs etc.
 - b. invoking the correct & proper provisions of PoA Act to prevent the accused from getting bail.
 - c. timely and proper investigation by the designated Police Officers . POA Act cases are non compoundable hence the increasing trend of compromises needs monitoring.
 - d. charge sheets to be filed in prescribed time limit ,as delays result in weakening of the case.
 - e. there is need for finer analysis in respect of cases of compromise and acquittal.
 - f. swift action against negligent Police Officials .
3. There is urgent need of setting up of special Courts & special public prosecutors to deal exclusively with the Atrocity cases as there are large pendencies in courts . The Judicial Officers and the Public Prosecutors also need sensitization in handling of the atrocity cases in a time bound manner .
4. Disbursement of Financial Relief and Rehabilitation package should be prompt.
5. All measures prescribed in the PoA, Rules, 1995 needs to be strictly followed by the State Governments viz.:
 - a. Holding of meetings of the State and District level Vigilance and Monitoring Committees on the prescribed intervals attended by the designated officers.
 - b. Nodal Officers must be designated.
 - c. After assessment of frequenct and scale of crime, particular villages/Police Stations should be declared as Atrocity Prone Areas.
6. The sensitization process should begin in the training academies at National and State levels for police , administration and judicial inductees.

Agenda 2 : Implementation of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act :

1. Majority of the time limitations prescribed under the Act have already lapsed. Therefore the State Governments should take action as per the provisions of the Act without any further delay.

2. There is a mis-match between the number of insanitary latrines and the number of manual scavengers identified as per the surveys carried out. This needs to be analyzed since the number of dry latrines cannot logically be more than 10 -12 times higher than the number of manual scavengers identified as the identified latrines have to be cleaned .Therefore there is need for objective surveys instead of eye-wash. Demolition and construction of sanitary latrines by all the authorities needs to be taken up on a priority.
3. Rehabilitation measures are far from satisfactory. States should make sufficient fund provision and take effective steps to rehabilitate the identified Manual Scavengers to prevent them to going back to the same profession.
4. Adequate number of schools should be set up for the children of the persons involved in the unclean profession. Schemes of payment of scholarship to these children should be strictly followed.
5. The Progress of Action taken under this Act should be discussed at the District level in the Vigilance and Monitoring Committee set up under the Atrocity Act.
6. Appropriate sewage and septic tank management measures should be put in place & provision of adequate health care to sanitation workers need to be made.

Agenda 3 : Economic and Social Development of Scheduled Castes:

1. States should ensure that allocation of funds under SCSP is equivalent to the percentage of Scheduled Castes in the State.
2. 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.
3. Funds under SCSP should not be diverted to any other general schemes.
4. 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.
5. Ministry may also consider passing a Central legislation to regulate the utilisation of funds in order to ensure that the benefit of schemes under this funds directly reach the SCs.
6. Payment of Scholarship should not be restricted and rejected on technical grounds and for deficiency of funds.
7. Admission in profession courses should be done on Zero Fee basis and fee directly paid to the Institutes by the State Government.

Agenda 4 : Representation of SCs in the Government Services.

1. Reservation in posts should be equivalent to the percentage of SC population in the State.
2. Reservation roster should be maintained and followed strictly which will ensure adequate representation of the SCs in services.
3. Backlog vacancies should be filled through Special Recruitment Drives.
4. Necessary infrastructure like appointment of Liaison Officers, setting up grievances cells for SCs etc. should be strictly followed.
5. As the Governments are resorting to engagement of large number of Consultants, Research Associates, Young Professionals, Interns and Data Entry Operators, rule of reservation should be followed in such engagements also.