

Minutes of the 3rd Meeting of the National Commission for SCs

Third Meeting of the National Commission for Scheduled Castes (NCSC) was held at 3.00 PM on 13.12.2010 under the Chairmanship of Dr. P.L. Punia, Chairman in the Conference Hall of the Commission. The list of participants is as at Annexure-I.

2. At the outset, JS welcomed the Hon'ble Chairman and the Members. Then, the proceedings started as follows:

The Commission discussed the following agenda items:-

Agenda Item No.1: Confirmation of the minutes of the Second meeting of the Commission held on 06.12.2010.

The Commission confirmed the minutes of the Second meeting of the Commission held on 06.12.2010.

Agenda Item No.2: Action taken on the minutes of the Second meeting of the Commission held on 06.12.2010.

The action taken on decisions taken in the Second meeting of the Commission held on 06.12.2010 were noted and approved by the Commission.

Agenda Item No.3: Recommendations of Justice Usha Mehra Committee Report regarding sub-categorization of Scheduled Castes in Andhra Pradesh.

The matter was considered in the previous (Second) Commission's 16th meeting held on 21.10.2008 and the Commission referring the judgment of the Rajasthan High Court in the matter of Akhil Bhartiya Balmiki Mahasabha Vs. National Commission for Scheduled Castes and State of Rajasthan, D.B. Civil Writ Petition (PIL) No.11152/2008 recommended as following:

"The National Commission for Scheduled Castes after going through the facts on record was of the view that Article 16(4) of the Constitution of India is an enabling provision which enables the State to provide for making of the reservation in appointments and if the State decides to so provide the reservation, it also decides that proportion in which such reservation has to be provided. It is not in dispute that various castes are included in the Scheduled Castes in the presidential order providing for such reservation, which has also been adopted by the State of Andhra Pradesh. The Commission, therefore, recommends that the State Government of Andhra Pradesh may adopt provisions of aforesaid articles of the Constitution and as per the judgment of the Hon'ble High Court of Rajasthan and aforesaid provisions of the constitution, the Government of Andhra Pradesh is hereby advised that most educationally and socially backward castes of Andhra Pradesh listed under the Presidential Orders, viz. 'Madiga, Relli and Adi-Andhra' may be given proportionate share in the reservation in the State of Andhra Pradesh only."

The Commission reconsidered the issue of categorization of Scheduled Castes in Andhra Pradesh. It was observed that one Shri E.V. Chinnaiah had filed an appeal in the Supreme Court of India against the judgment of High Court of Andhra Pradesh in which the Andhra Pradesh Scheduled Castes (Rationalization of Reservation) Act, 2000 was upheld. The Supreme Court of India in its judgment dated 5.11.2004 set aside the Andhra Pradesh Scheduled Castes (Rationalization of Reservation) Act of 2000 mainly on following two grounds:-

- (i) Apportionment of reservation to SCs to sub-groups within the castes cannot be done by the State Legislature, only the Parliament is competent to do so.
- (ii) Even Parliament does not have the power to do so since Constitution has intended that Scs and STs are individual homogenous entities.

In view of the above the Commission after detailed discussion on the issue recommended that the recommendation of Justice Usha Mehra Commission regarding sub-categorization of SCs into A,B,C & D categories is not acceptable.

The Commission also recommended that instead of dividing them into the groups the State Government should devise proper mechanism to empowers the poorest of poor/SCs i.e. Safai Karamcharies through schemes like free-Education, residential school in every district, hostels for college boys and girls in every district, reimbursement of self financing courses and college fees, 100% residential colony for Safai Karamcharies with ownership, coaching centres for their children for UPSC, Railways, Banking and State Public Service Commission, Working Women Hostels, Financing the whole fee for CA/ICWA, Law, Medical and Engineering Courses, Pilot Courses, PHC, Land Purchase and distribution to every landless Rehabilitated Manual Scavengers families. Enhanced Scholarship etc. by gainfully utilizing the unspent SCP of last 31 years. Ensuring Human Rights protection under PCR Act, 1955 and POA Act, 1989 for the SC population. **(Action: SSW)**

Agenda Item No4: **The case of Shri Mahinder Singh S/O Shri Gangadas, Ex. Special Assistant, Union Bank of India, Hapur R/o 45, Suryodaya Colony, Hapur, Uttar Pradesh regarding compulsory retirement and harassment.**

The Commission considered the case of Shri Mahinder Singh S/o Shri Gangadas, Ex. Special Assistant, Union Bank of India and decided that a hearing be fixed with the CMD of the Bank on 27.12.2010 at 2.30 PM in the chamber of Hon'ble Chairman. **(Action: SSW)**

Agenda Item No5: **Any other items with the permission of the chair.**

The Hon'ble Chairman desired that a meeting of the Directors/Deputy Directors, State Offices may be convened for which the issues from their side as well as from the Commission's side will be discussed. Agenda from the Director/Deputy Director meeting may be prepared and put up for the approval of Hon'ble Chairman before fixing the date and time. **(Action: C. Cell)**

The meeting ended with vote of thanks to the chair.

THIRD MEETING OF THE NATIONAL COMMISSION FOR SCHEDULED CASTES
HELD AT 3.00 PM ON 13.12.2010 IN THE CONFERENCE ROOM OF THE
COMMISSION.

PRESENCE OF MEMBERS AND OFFICERS

S.NO. NAME & DESIGNATION

1. Dr. P.L. Punia, Chairman
2. Shri Raj Kumar Verka, Vice-Chairman
3. Shri Raju Parmar, Member
4. Shri M. Shivanna, Member
5. Smt. Latha Priyakumar, Member

Shri T.Theethan, Joint Secretary

Officers

1. Dr. V.K. Rathi, Director
2. Shri S.Kesava Iyer, Deputy Secretary
3. Shri S.N. Meena, Under Secretary
4. Shri Kaushal Kumar, Deputy Director