

Minutes of the Meeting of Directors/Deputy Director/In-charge of the State Offices of the NCSC

A meeting of the Directors/Deputy Directors/In-charge of the State Offices of the NCSC was held on **24.01.2011**. The following were present:-

Commission:

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

Officers (Hqrs.)

1. Shri T Theethan, Joint Secretary
2. Shri Dhruv Kumar, Director
3. Dr. V K Rathi, Director
4. Sh. S. Kesava Iyer, Deputy Secretary
5. Shri S.N. Meena, Under Secretary
6. Shri Lokhan Marandi, Under Secretary
7. Shri A.K. Singh, Section Officer

Officers (State Offices)

1. Smt. Chitra Arumugham, Director
2. Smt. Vibha Sood, Director
3. Shri R.D. Chandrahas, Director
4. Shri E. Dasarathan, Director
5. Shri M Shivakumar, Director
6. Dr. S K Naskar, Dy. Director
7. Dr. D Basak, Dy. Director
8. Shri P Ramasamy, Asstt. Director
9. Shri A K Sharma, Research Officer

At the outset the Commission welcomed the Directors/Deputy Directors and other officers of the State Offices of the Commission. The following issues were discussed in the meeting:-

1. **Proper Protocol, Security, Transport etc. during the official tour of the Chairman, Vice-Chairman and Members of the Commission to different States/UTs.**

The Hon'ble Chairman, Vice-Chairman & Members of the Commission made observations about the facilities during their visits to States/UTs. It was complained by all the Members that they are not provided proper transport, pilot vehicle etc. They desired that the State Offices should tie up with the State Governments, so that they are provided facilities befitting to their status of Constitutional authority as per Article 338 of the Constitution of India. In case of any difficulty faced by them, the Headquarters should be reported so that the matter may be taken up with the appropriate level with the State Government. JS directed that while addressing letter to the State Governments, Commission is a Constitutional body and members held constitutional posts should be mentioned. It was unanimous opinion that the programmes of the Members visit should be communicated to the State Offices atleast two/three days in advance. Similarly, atleast three weeks prior notice is required for conducting State Level Review.

2. Publicity of the visits of the Commission

The Commission was of the considered opinion that wide publicity should be given to their programmes to various States in the media by the State Officers, so that the public should know about the visit of the Commission to present their problems in person which could be taken up with the State Governments authorities thus making the meetings with the State Governments officials more fruitful. It was also suggested that the successful cases should be highlighted in the media. For this, they should be in constant touch with the Press Information Officers (PIOs) of Ministry of I & B.

3. Pendency of receipts/cases in the Commission and State Offices.

Hon'ble Chairman desired that the pendency in the State Offices should be cleared without any delay. He desired that a monthly progress report should be obtained instead of Quarterly Progress Report.

Hon'ble Vice-Chairman drew attention of the participants towards the heavy pendency and slow pace of work. Hon'ble Member Shri Raju Parmar pointed out that huge pendency has accommodated in last three years. He desired that there should be no back log in the State Offices as well as in the Hqrs. On this JS said that we should take stock of the complaints received and disposed off through a periodical review of performance by the individual person and Units as well.

Hon'ble Chairman was critical about disposal of cases, he said that when we send grievances to the State Offices, the progress does not take place. Early redressal of grievances should take place. Grievances about atrocities are more important than service matters. Sending of grievances to State Offices should be done within three working days. The heads of Wings at Hqrs. should review this on weekly basis and do take the corrective steps.

4. Shortage of Staff

Hon'ble Member Shri Raju Parmar pointed out that the Ahmedabad State Office is being run by an UDC. There is no Gazetted Officer posted there, although the Director (ESDW) has been given additional charge with the approval of the Competent Authority. The shortage of staff was reported by all State Directors/Deputy Directors. They suggested that the permission should be given by the Hqrs. for outsourcing of the lower staff as a temporary measure. Hon'ble Chairman wanted to know the rule position about approval of the Screening Committee to fill up the vacant posts of the Commission, as the Secretary, Ministry of SJ&E clarified him that no such approval of the Ministry of SJ&E is required. Chairman was shown the file relating to the subject where the Ministry of SJ&E asked the NCSC to report the vacancies for clearance of the Screening Committee. The Chairman desired that the Secretary, SJ&E may be informed with the correspondence made with the Ministry of SJ&E. The same has been confirmed through a note with all relevant circulars/orders.

5. Hearing of cases at State Offices

It was discussed and decided that maximum three notices should be issued in a case and if the concerned authority does not respond, a summon should be issued to appear before the Commission and the Member concerned will take hearing at the State Office to settle the individual matter/cases except the formal state reviews.

6. Creation of new State Offices

Hon'ble Chairman informed that he has discussed important pending issues of the Commission with the Hon'ble Minister SJ&E including the creation of 8 new State Offices and up gradation of 4 existing State Offices.

7. Proper Utilization of funds for the welfare of the SCs.

Hon'ble Chairman pointed out non-implementation of SCSP(SCP) by the States. He also desired that the State Offices of the Commission should minutely examine each of such schemes. He observed that the economic conditions of the deprived section of the society would not have been what it is today had the SCP been implemented properly since its inception. Hon'ble Vice-Chairman said that the funds allocated for the welfare of the SCs should be used for the purpose and are not diverted.

8. Atrocity and violation of Civil Rights in respect of SCs.

Hon'ble Chairman expressed his concern on atrocities being committed against Scheduled Castes and desired that such complaints should be dealt with on highest priority.

The issues were discussed at length and some of the important suggestions which emerged during the course of discussion are as follows:-

- (i) FIR against atrocity are not being filed in the Police Stations. Hence, Special Thanas (Police Stations) should be earmarked for dealing with complaints pertaining to atrocities. Such Special Police Stations have already been set up in Madhya Pradesh (MP), Bihar and Orissa and need to be replicated in other States.
- (ii) As there is very low conviction rate, analysis needs to be done as to in how many cases, the charge sheets have been filed and in how many cases compromises have been enforced on the Scheduled Castes. All such cases in the Courts should be disposed off within a period of two months and if necessary by establishing more Special Courts for this purpose, special training of State/District Prosecuting Officers should be organized.
- (iii) There are 22 crimes listed under the POA Act, where there is a provision for disbursement of relief amount but the relief amount is not given in all the cases. Speedily/expeditious action is required to be taken.
- (iv) There is also need to enhance the fees fixed for the Government Counsel as with the small amount being given today the counsel does not take much interest in the case.
- (v) Fees for the Legal aid should also be enhanced.
- (vi) There is a need to make provision for appointment of Scheduled Caste advocates as apprentices with all the public prosecutors. A lump sum payment (Rs.20,000/-) to such SC apprentices may be provided by the State.
- (vii) Under the POA Act, at present only non-Scheduled Caste officials/officers are proceeded against for committing acts of atrocities against Scheduled Castes. It is felt that Scheduled Caste/Scheduled Tribe officials/officers, if they also commit such atrocities, willfully ignore the cases of atrocities, they should also be brought under the purview of POA.

- (viii) This Commission should organize training workshops/Seminars for the Police personnel for giving training on the proper application of POA Act, 1989 and PCR Act, 1955.
- (ix) As per the provisions in the POA Act, an enquiry for investigation into the atrocities should be conducted by an officer of the rank of Deputy S.P. and above. At present such investigations are entrusted to Sub-Inspectors leading to miscarriage of justice. It is also proposed that in special cases Commission/State Offices may appoint any person who has legal knowledge to investigate the case.
- (x) Payment of relief under the POA Act should be given in the time bound manner. Cases relating to such relief should be scrutinized by the respected NCSC offices and reported to the Headquarter through a monthly report.

9. **Preparation of Annual Reports**

JS has stated that as per Article 338 (7), NCSC can also present separate reports to the State Legislatures in addition to a report to Parliament on Central Government Ministries after the full-fledged review. Hon'ble Chairman stated that the Annual Report should be prepared in two volumes-one volume in which matters relating to States are mentioned which could be placed in the State Legislature and another about the Ministries/Departments which are to be taken up with the Central Government.

Meeting ended with thanks to the chair.