

National Commission for Scheduled Castes

Minutes of the Full Commission Review Meeting undertaken by the National Commission for Scheduled Castes on 03.11.2023 at, Mumbai to monitor the implementation of Reservation policy for Scheduled Castes in State Government of Maharashtra.

The National Commission for Scheduled Castes held a Full Commission Review Meeting to assess the implementation of the reservation policy, as well as the incidents of atrocities on Scheduled Caste persons and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act were discussed. /Implementation of the rules was reviewed in Maharashtra State Government as per the mandate given under Article 338 of the Constitution of India. Prior to holding of the Review Meeting, the Commission sought the information/reply from the State Govt. Maharashtra on a detailed Questionnaire and after receipt of the information/reply, the Full Hon'ble Commission (NCSC) under the Chairmanship of Shri Arun Halder Hon'ble Vice- Chairman (Chairman In-Charge) along with Dr. Anju Bala and Shri Subhash Ramnath Pardhi, Hon'ble Members of NCSC conducted the Review Meeting on the above mentioned date. The Chief Secretary of the Government of Maharashtra, Director General of Police (DGP) and other senior officials from Government of Maharashtra attended the meeting. Details of attendance in the meeting of other officials is attached at Appendix-1.

Meeting with M.P, MLA, NGO's & Welfare Associations of SC Community:

The Commission held a meeting with M.P, MLA, NGO's & Welfare Associations who discussed regarding the problems related to the people of SC community in Maharashtra. They submitted a memorandum of grievances before the commission which are as follows: -

- ❖ Caste Certificate Validity Issue.
- ❖ Appointment of Special Public Prosecutor/ Exclusive Public Prosecutor at District Level
- ❖ Implementation of Scheduled Caste specific schemes of Central & State Government.
- ❖ Setting up of Special Courts/Exclusive Special Courts for atrocity cases.
- ❖ Implementation of reservation rule in promotions.
- ❖ Compensation in atrocity cases should be prompt.
- ❖ Hostel facility in every district for the students of SC Community.

The commission assured all the representatives that all their demands would be discussed with the Chief Secretary and Director General of Police (DGP) of Maharashtra and appropriate steps will be taken.

Meeting with Chief Secretary and Director General of Police (DGP) of Maharashtra:

The Chief Secretary of Government of Maharashtra informed about the schemes in place for Scheduled Castes in Maharashtra. The Chief Secretary, Maharashtra also informed that the government is sensitive towards the incidents of harassment towards the members of Scheduled Castes. He also assured that the state government will seriously consider the suggestions of the Commission.

The details of the discussion are as follows: -

LITERACY RATE

- The State government has informed the Commission that the overall literacy rate in Maharashtra is 82.12% (8,15,54,290) Male (4,22,57,584), Female (3,62,86,706) whereas, on analysis of data provided by the state government, it is observed that overall literacy rate in Maharashtra is 72.57% (8,15,54,290), among literate persons 51.81% (4,22,57,584) are Male and 44.49% (3,62,86,706) are Female. As per the data provided by the State government, the literacy rate among SC is 79.66% (92,85,668) Male (51,66,876) and Female (41,18,792) Whereas, on analysis of data provided by the state government, it is observed that overall literacy rate among SCs in Maharashtra is 69.94% (92,85,668), among literate persons 55.64% (51,66,876) are Male and 44.35% (41,18,792) are Female. The male literacy rate among SCs (55.64%) which is approximately 4% higher in comparison to male literacy rate in general (51.81%). Whereas, SC female literacy rate is at par with general female literacy rate.

Recommendation of NCSC:

Commission observed that the data of literacy rate is not correct, NCSC has advised the state government to re-examine the issue and submit the accurate data on literacy rate.

BELOW POVERTY LINE (BPL)

- The percentage of Scheduled Castes BPL families is 18.66%. Whereas, total number of General BPL families is only 04%. It appears that the BPL families among the SCs are on higher side and a large number of SC families are still below the poverty line.

Recommendation of NCSC:

The State Government may initiate time bound schemes/programmes to uplift the socio-economic conditions of Scheduled Castes in the State.

EDUCATION

- As per the data provided by the State Government, the SC students enrolled during the year 2017-18 in Primary level was 1271252; Male (662419), Female (608833), in Middle level was 778386; Male (403633), Female (374753) and in Secondary level it was 528162; male

(282738), female (245424). On analysis of above data, it is observed that the dropout rate of SC students from primary to middle level was 492,866 and the dropout rate from middle to secondary level was 250,224. In primary to secondary it was 743,090 i.e. 58.45%. The SC students enrolled during the year 2018-19 in Primary level was 1255557; Male (654927), Female (600630), in Middle level was 762910; Male (396038), Female (366872) and in Secondary level it was 512368; Male (271344), Female (241024). On analysis of above data, it is observed that the dropout rate of SC students from primary to middle level was 492,647 and the dropout rate from middle to secondary level was 250,542. In primary to secondary it was 743,189 i.e. 59.19%.

- The SC students enrolled during the year 2019-20 in Primary level was 1237768; Male (645463), Female (592305), in Middle level was 758322; Male (394255), Female (359448) and in Secondary level it was 506041; Male (267412), Female (238629). On analysis of above data, it is observed that the dropout rate of SC students from primary to middle level was 479,446 and the dropout rate from middle to secondary level was 252,281. In primary to secondary it was 731,727 i.e. 59.11%. The SC students enrolled during the year 2020-21 in Primary level was 1190753; Male (619231), Female (571522), in Middle level was 749342; Male (389894), Female (364067) and in Secondary level it was 499146; Male (263143), Female (236003). On analysis of above data, it is observed that the dropout rate of SC students from primary to middle level was 441,411 and the dropout rate from middle to secondary level was 250,196. In primary to secondary it was 691,607 i.e. 58.08%.
- On analysis of data provided by state government, it is observed that the education of SC Students at Graduate Level is in decreasing trend i.e. 13.24% in 2017-18, 11.33% in 2018-19, 11.17% in 2019-20 and 11.35% in 2020-21. It is also observed that the number of SC Students in Professional Graduate Education was 9.86% in 2017-18, 9.70% in 2018-19 and 9.14% in 2019-20 which is very less as compared to general category students.

Recommendation of NCSC:

- The State government may provide the reasons for high dropout rate among SC students (male & female) which is approximately 59% from year 2017-18 to year 2020-21. There appears to be decreasing trend in enrolment of SC student's year wise also. NCSC has also observed that the State Govt. has not provided data on total number of professional graduates for the year 2020-21.
- NCSC has advised to the state government to submit the accurate data and take appropriate steps for increasing the enrolment of SC student's in schools.

Housing Development Schemes Coverage for Rural and Urban Area

Pradhan Mantri Awas Yojana-(Rural): It is observed that the State Govt. has allotted/sanctioned houses under this scheme during the year 2017-18, 24.30%, 2018-19, 8.76%, 2019-20, 5.06% and 20-21. 0.61% which appears to be very low. It is also observed that in some of the districts no house was allotted to SCs families viz. Beed, Nandurbar,

Dhule, Nasik, Palghar, Raigarh, Ratnagiri, Kolhapur, Sindhudurg and Thane. There is decreasing trend in allotment of houses to SCs families it was 24.30% in the year 2017-18 which decreased to 0.61% in year 2020-21.

Rural Housing –Ramai Awaas Yojana: As per the data provided by the State Govt. it is observed that during the year 2017-18, 2018-19, 2019-20 and 2020-21, total number of houses allotted to the SCs were 94177, 95853, 89238 and 6515 respectively. However, as per the analysis of the District wise data, during the year 2020-21, no houses were allotted to the SCs under Rural Housing RAMAI AWAAS YOJANA in the districts of Ahmadnagar, Akola, Amravati, Aurangabad, Beed, Bhandara, Chandrapur, Dhule, Gadchiroli, Hingoli, Jalna, Latur, Nagpur, Nanded, Nandurbar, Nashik, Osmanabad, Palghar, Parbhani, Sindhudurg, Solapur, Thane, Wardha, Washim and Yavatmal (25 districts out of 34 districts).

Pradhan Mantri Awas Yojana-(Urban): The State Govt. in the year 2017-18, 2018-19, 2019-20 and 2020-21, has allotted 5.92%, 3.23%, 24.44% and 2.35% houses respectively.

Recommendation of NCSC:

- NCSC has advised to state government to justify the reason of no allotment of houses to SC families in some of the districts and take positive steps like proper advertisement of housing schemes for SC community, Single window policy for the SC applicants etc.

PRADHAN MANTRI MUDRA YOJNA (PMMY)

- As per the information provided it appears that the Bank has issued the requisite amount against all loan applications to the SC people. It is observed that the State Govt. has not provided complete information in respect of various schemes under PMMY like Shishu, the loan limit, Rs. 50 thousand, Kishore the loan limit, Rs 50 thousand to 5 lacs and Tarun loan limit, 5 lacs to 10 lacs. The details of loan sanctioned to the SCs under the Stand-up Scheme is also not provided.

Recommendation of NCSC:

- NCSC has advised that the reasons for such low percentage of facility coverage for SC areas to be furnished to NCSC.

Social Justice & Special Assistance Department- Hostels for SC Students

- As per the information provided by the State Govt., it is observed that during the year 2017-18, the sanctioned strength of the SC students in the hostel was 89816 and out of which the actual enrolment of SC Students was 87001. Similarly, in 2018-19, the sanctioned strength of SC students in hostel were 89074 and out of which the actual enrolment of SC students was 86671. Further, in the year 2019-20, the sanctioned strength of SC students in hostel

was 88954 and out of which the actual enrolment of SC students was 85588. In 2020-21, the sanctioned strength of SC students in hostel was 88404 and out of which the actual enrolment SC students was 53480. As per analysis of the data it appears to be the rate of enrolment is showing declining trend. However, in 2020-21 only 53480 (60.50%) SC students enrolled.

- It is also observed that in some of the districts namely Mumbai City, Mumbai Suburban and Gadchiroli, no hostels for SC students were constructed/sanctioned in the years of 2017-18 to 2020-21. In Sindhudurg District, the sanctioned strength of SC Girl students in hostel was 145 in each years of 2017-18 to 2019-20 and 95 in 2020-21. But, it appears that no SC girls were enrolled in any of the reported years.

Recommendation of NCSC:

NCSC has advised that the State Govt. take effective steps for enhancement of enrolment SC students in hostels and construct/sanction new hostels.

Residential Schools for SC Students under Social Justice & Special Assistance Department

As per the information provided by the State Govt., it is observed that during the year 2017-18, the sanctioned strength of the SC students in the hostel was 17300 and out of which the actual enrolment of SC Students was 11758. Similarly, in 2018-19, the sanctioned strength of SC students in hostel were 17300 and out of which the actual enrolment of SC students was 12947. Further, in the year 2019-20, the sanctioned strength of SC students in hostel was 17700 and out of which the actual enrolment of SC students was 13345. In 2020-21, the sanctioned strength of SC students in hostel was 17700 and out of which the actual enrolment SC students was 11056. As per analysis of the data it appears to be the rate of enrolment is showing declining trend and sanctioned seats were not filled up fully. No Govt. residential schools for the SCs were sanctioned/constructed in the Districts of Mumbai City, Mumbai Sub-Urban, Thane, Ratnagiri, Sindhudurg and Palghar. The enrolment of SC girl students in the residential schools are zero in the Districts of Raigad, Satara, Solapur, Kolhapur, Nashik, Jalgaon & Aurangabad. It appears that the enrolment of SC students are very less in comparison with sanctioned strength.

Recommendation of NCSC:

NCSC has advised that the State Govt. take effective steps for enhancement of enrolment SC girl students in hostels and construct/sanction new hostels.

Pre & Post-Matric Scholarship for SCs (2017-18 to 2020-21)

- It is observed from the information provided that the State Govt. has not fully utilized the allocated funds for 11 operational Pre & Post-matric scholarships for SCs during the reported years of 2017 to 2021. Thus, it appears that the State Govt. was having unspent allocated funds.

Recommendation of NCSC:

NCSC has advised to state government to justify the reasons of unspent allocated funds and clarification to be given to the commission within a month.

Pre-matric Scholarship Sanctions and Disbursements - District Wise Statistics for Pre-Matric Scholarship (All Schemes) for 2019-20

- It is observed that out of 2,04,403 SC students applied for scholarship, 1,98,450 students were distributed Pre-matric & Post Matric Scholarship. It appears that there was a balance of 5,953 cases wherein scholarship amounts could not be released.

Recommendation of NCSC:

NCSC has advised the state government to release all the pending scholarship amount of SC students within a month and inform the commission.

Land Schemes (Karmaveer Dadasaheb Gaikwad Sablikaran and Swabhiman Yojana)

- As per information provided by the State Govt., it is observed that during the years of 2017-18 to 2020-21, the allocation of land to the SCs was 2795.66 acres and number of SC beneficiaries were 749. However, the State Govt. has provided possession of the land to only 377 SC persons. It appears that more than 50% of SC applicants are still waiting for possession of land.

Recommendation of NCSC:

NCSC recommends to State Govt. to take effective steps and process to be expedited of land possession. NCSC has also advised that efforts should be made to benefit as many SC candidates as possible.

MNREGA Schemes

- It is observed that during the year 2017-18 total job cards issued were 8378966 and out of which 799022 (9.53%) job cards were issued to the SC persons. In the year 2018-19, total job cards issued were 8468483 and out of which 807001 (9.53%) job cards were issued to the SC persons. In the year 2019-2020, total job cards issued were 8757273 and out of which 837829 (9.57%) job cards were issued to the SC persons. In the year 2020-21, total job cards issued were 9323291 and out of which 870114 (9.33%) job cards were issued to the SC persons. It appears that the job cards issued to the SCs are very less keeping in view of objectives of the schemes.

Recommendation of NCSC:

NCSC observed that as per MNREGA Act, the maximum 100 days' job to be provided to the weaker section of society. It is not understood, how the scheduled caste person will survive on the employment for 37 to 47 days in a year with no other source of income and

with no agriculture land. The Commission has advised to state government that this matter should be investigated and appropriate action may be taken.

Scheduled Caste specific schemes being operated by State Government

- It is observed that during the year 2017-18, under SCSP outlay (Rs. 7231 lakhs) was less than the actual expenditure (8717), it has to be verified.
- It is also observed that the percentage of allocation of the funds under SC specific schemes to the total State Plan Allocation was 6.38% during the year 2017-18, whereas, in the same year, percentage of expenditure on SC specific schemes to the total plan allocation was 6.78%. In 2018-19, the percentage of Allocation of funds under SC specific schemes to the total State plan allocation and expenditure was 8.75% and 5.82% respectively. Similarly, in the year 2019-20, the percentage of Allocation of funds under SC specific schemes to the total State plan allocation and expenditure was 8.12% and 3.55% respectively and in the year 2020-21, the percentage of Allocation of funds under SC specific schemes to the total State plan allocation and expenditure was 7.39% and 6.41% respectively. It appears that the allocation of funds under SC specific schemes was made less than State Population (11.8%) and also the expenditure was also less and are on declining trend.
- In some schemes i.e Din Dayal Upadhyaya Gramin Kaushalya Yojana, Prampargat Krushi Vikas Yojana, Mahil Kisha Shashaktikaran Paryojana, no fund has been allocated.

Recommendation of NCSC:

- The Commission has advised the state government to take necessary steps for increasing the number of SC beneficiaries and fully utilize the allocated/unspent funds for SCs.

Manual Scavenging

- During 2016-17, three deaths occurred at CIDCO, and Rs. 10 lacs paid in only 1 death case. In other 2 cases the compensation has not been released due to dispute of legal heirs. During 2020-21, three death occurred at greater Mumbai, but compensation of Rs 10 lakhs has not been released to the family of victims as nominee are not traceable. The detail of the awareness campaign publicity through local newspaper have not been given for all the districts. The State Govt. has not provided any information about the implementation of MS Act, framing of rules, the constitution of the monitoring committee, the constitution of District Level Vigilance Committee and the Sub-Divisional Level Vigilance Committee & State Level Monitoring Committee and details of the meeting held.

Recommendation of NCSC:

The NCSC recommends that the State Govt. may provide the copy of minutes of meetings held at District Level Vigilance Committee Vigilance Committee and State Level Monitoring Committee, as per the provision of MS, ACT. As per Rule 7 (v) of the Prohibition of employment as Manual Scavengers and their Rehabilitation Rules, 2013 (PEMSR, Rules 2013), the employer shall ensure that the assigned person has life insurance policy of at least Rs. 10 lakhs and the premium of such shall be paid by the employer. Whereas as per Supreme Court of India in its judgment in contempt petition (c) No. 132/2012 in WP (Civil) No. 583/2003 given on 27.3.2014 the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to be included. Medical check-up and vaccination to the Safai Karamcharis should be made available. Sewer deaths-entering sewer lines without safety gears should be made a crime even in emergency situations. The State Govt. shall pay the Rs. 10 lakhs on the death of Safai Karamcharies and Rs. 10 lakhs from the insurance policy. The State Govt. may ensure medical treatment pension/job to the widow or dependent family of victim and free education of children upto the level of graduation and house etc.

Atrocity cases during last 04 years (2018, 2019, 2020 and 2021)

- The information supplied by the State Govt. is matching with the NCRB data in respect of murder, rape, arson and other criminal offences against SCs during the years 2018, 2019, 2020 & 2021. As per NCRB data, there is an increasing trend in murder and rape except in cases of rape in the year 2020. The crime rate is in increasing trend but around (70-75) % of the national average.

Recommendation of NCSC:

- NCSC has advised to state government that the performance of the police officials need to be reviewed by the concerned Inspector General of Police. Police officials are needed to be sensitized with a view to providing refresher training to them w.r.to SC/ST (POA) Act, 1989 (as amended).

Setting up of Special Courts/Exclusive Special Courts

- Out of 36 Districts (grouped into 6 divisions), 5 Exclusive Special Courts have become functional at Aurangabad, Amravati, Thane, Nagpur and Pune for trial of cases under SC/ST (POA) Act, 1989 (as amended Act, 2015). Work of establishment of remaining Exclusive Special Courts at Nashik is in progress. Govt. has issued notification regarding specifying Courts of Sessions in 17 other districts to be the designated Special Courts to try offences under SC/ST (POA) Act, 1989 (as amended Act, 2015).

Recommendation of NCSC:

- NCSC has advised that the State Govt. should set up Exclusive Special Courts in all the 36 Districts of the State of Maharashtra under SC/ST (POA) Act, 1989 (as amended).

Appointment of Special Public Prosecutor/ Exclusive Public Prosecutor

- A total of 108 Special Public Prosecutors have been appointed in 33 districts, in cases under SC/ST (POA) Act, 1989, with maximum of 10 in Amravati and Jalgaon and minimum of 1 in Chandrapur, Nagpur, Osmanabad, Raigad, Sindhudurg and Wardha districts of Maharashtra. However, no Exclusive Special/Special Public Prosecutors have been appointed in Ahmednagar, Beed, Gadchiroli, Jalna, Nandurbar, Parbhani, Ratnagiri, Washim & Yavatmal districts of Maharashtra.

Recommendation of NCSC:

- NCSC has advised that the District Collector has to periodically review the Court disposal of cases of atrocities against Scheduled Castes and performance of the Exclusive Special Public Prosecutor and Special Public Prosecutor.

State Level Vigilance and Monitoring Committee Meetings

- The State Govt. has informed the Commission, that the State Level Vigilance and Monitoring Committee has been constituted in 1996 with 23 members. However, date of only 01 meeting held in 2018 has been provided.

Recommendation of NCSC:

- NCSC has advised that the 2 Meetings in a year is mandatory as per Rules 16 (2) of the SC/ST (POA) Rules, 1995. The State Level Meetings should be held timely.

Status of the cases registered under SC/ST (POA) Act, 1989 (as amended) and compensation

- Compensation being paid to survivors of Gang rape/ Rape Case is not as per the norms, in almost every year-with minimum shortfall being 45.75% in 2018 & maximum being 65.54% in 2021. Additional relief has not been provided even in a single case of Gang rape/ Rape in the years 2019,2020 and 2021.
- NCSC has observed that the State Govt. has not taken any cognizance of the D.O. letter No. 3/2/2007-APCR dated 21.6.2016 of the Chairman, NCSC to the Chief Minister, Maharashtra and a subsequent letter dated 05.10.2016 of Secretary, NCSC to Chief Secretary, Govt. of Maharashtra to publish

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended) and Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (as amended) in their official Gazette and to sensitize the Police Personnel and District Officials about the provision of the Act & Rules. It is evident from the above information that the compensation paid to victim is less than the prescribed amount as per the SC/ST (POA) Rules, 1995 (as amended).

Recommendation of NCSC:

- State Govt. may ensure timely and complete payment of compensation to the victim/family of deceased victim.
- Officers to be sensitized and trained.
- SC and ST (POA) Act, 1989 (as amended) and SC and ST (POA) Rules, 1995 (as amended) be published in a form of Hand Book and uploaded on the website.
- Display the provisions of SC and ST (POA) Act, 1989 (as amended) and SC and ST (POA) Rules, 1995 (as amended) at prominent places like Police Stations and Collector's Office etc.
- Additional Assistance like pension, job, agriculture land, house, patta of land also be provided to the victim/family of the deceased victim as per SC and ST (POA) Rules, 1995 (as amended).

Machinery/Checks devised to ensure that the reservations made in favour of Scheduled Castes in Maharashtra

- NCSC has observed that the State Government has established Backward Classes Cell at the State level to implement the reservation policy on 13th June 1974. The State Government also established Backward Classes Cell at the Divisional level on 13th August 1986 to implement the reservation policy. Also, the Maharashtra State Scheduled Caste and Scheduled Tribes Commission, Mumbai has been established by the Social Justice, Cultural Affairs, and Special Assistance Department, vide Government Resolution dated 1st March 2005 to ensure the reservations made in favour of SCs.
- Detailed directions are also issued about keeping rosters and certifying the roster at various levels in the state by Circular dated 5th November, 2009.
- At the State level, the Backward Classes Cell is responsible for implementing a reservation policy, maintaining, and checking the roster of Group A and B cadres, and redressal of complaints of SC and ST employees of Group A and B cadres.

- At the Divisional level, the Backward Classes Cell is responsible for maintaining, and checking the roster of Group C and D cadres, and redressal of complaints of SC and ST employees of Group C and D cadres.

Backlog vacancies for Scheduled Castes

- As per the information provided by the General Administration Department, Govt. of Maharashtra there are 67 backlog vacancies from 2017 to 2021 and not filled due to ban on reservation.

Recommendation of NCSC:

- NCSC has advised that the effort should be made to fill the backlog posts of SC and State Govt. may ensure to launch Special Recruitment Drives for filling up backlog vacancies.

Strength of SC employees in the State

- The information provided by the State Govt. related to strength of SC employees in the Maharashtra state is not satisfactory. In Maharashtra State, 13% reservation is provided to all castes which are included in Scheduled Castes but NCSC has observed that the Maharashtra Government is not following 13% reservation for SC in most of its departments.

Recommendation of NCSC:

- Considering this as serious, the Commission advises the Maharashtra Government to soon implement the 13% reservation in all departments.

The Commission advised the State Govt. of Maharashtra to take positive action on the memorandum of grievances of M.P, MLA, NGO's & Welfare Associations of SC Community and Chief Secretary assured that the state government will seriously consider the suggestions of the Commission and positive action will be taken on grievances. The Chief Secretary agreed to rectify the errors and send an Action Taken Report (ATR) on the recommendation before the Commission within month.

The meeting ended with a vote of thanks to the Chair.