

# Annual Report 2017-18



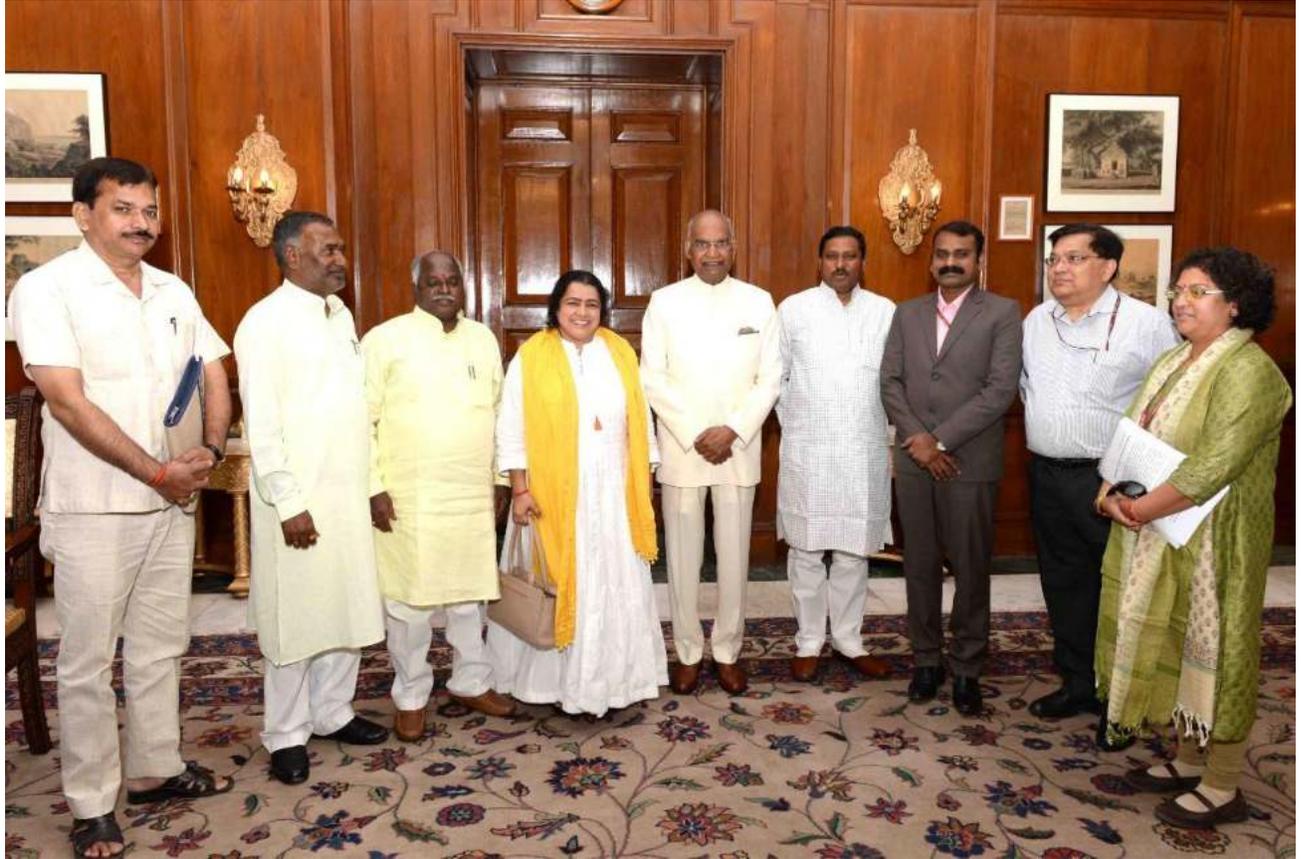
**GOVERNMENT OF INDIA**

**NATIONAL COMMISSION FOR SCHEDULED CASTES**

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**Dr. Ram Shankar Katheria, Chairman along with Shri L. Murugan, Vice Chairman and Members & officials of the National Commission for Scheduled Castes meeting the Hon'ble President of India, Shri Ram Nath Kovind, at Rashtrapati Bhavan on March 28, 2018.**



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प्रो. (डा.) राम शंकर कठेरिया, सांसद  
अध्यक्ष  
राष्ट्रीय अनुसूचित जाति आयोग  
भारत सरकार, नई दिल्ली-110003



सत्यमेव जयते



Prof. (Dr.) Ram Shankar Katheria, MP  
Chairman  
National Commission For Scheduled Castes  
Govt. of India, New Delhi-110003

No. 4/1/NCSC/2018-C.Cell

Respected *Rashtrapati Ji,*

I have the honour to present to you the Eleventh Annual Report of the National Commission for Scheduled Castes. The report the first by the present Commission, covers the period of April 2017 to March 2018. The major recommendations on important areas of jurisdiction of the Commission have been highlighted in the Chapter IX of the Report.

A large number instances of atrocities, deprivation of reservation rights in the service matters etc. were examined of by the Commission during the period of report. The Commission investigated these issues in its various meetings hearings and reviews. In addition, the Commission also visited places where atrocities were committed against Scheduled Castes. Separate chapters of this Report deal with the state of implementation and analysis of these issues and recommendations of the Commission on the same.

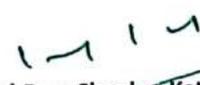
This year an area of special focus was on the systemic deficiencies that lead to the unfortunate death of safai karmacharis / labourers during manual cleaning of sewers/ septic tanks. Though the same is banned by "The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013," the non implementation has led to these unfortunate deaths. We have done an in depth analysis of 25 such cases wherein there were 70 unfortunate fatalities and have pinpointed the issues at hand as well as the corrective measures needed in a special section of this Report.

The major handicap in the proper functioning of this Commission remains the shortage of manpower. We urge the Government to take all steps needed to strengthen the NCSC in order that it is able to discharge its mandate effectively and safeguard the interests of the Scheduled Castes. We solicit your valuable concurrence and endorsement on all the recommendations.

We shall remain grateful if the Report is forwarded to the Government with direction to take further necessary action on the same.

With deep regards,

Yours sincerely,

  
(Prof. (Dr.) Ram Shankar Katheria)

Shri Ram Nath Kovind  
President of India,  
Rashtrapati Bhawan,  
New Delhi

## Overview of the activities of NCSC

During 2017-18 the Commission has:

- Reviewed and monitored the implementation of safeguards and development of Scheduled Castes in the states with the Chief Secretaries / DGPs and other officers of 4 State Governments.( **Paragraphs 3.4 to 3.7**)
- Dealt with **46985** individual cases<sup>1</sup> of deprivation of rights / other grievances and disposed off **6355** cases. (**Paragraph 4.3.1**)
- Conducted 54 spot visits in atrocity cases. ( **Paragraph 4.8**)
- Rendered advice on 6 policy matters ( **Paragraph 4.9**)
- Rendered advice on 23 de-reservation proposals (**Paragraphs 4.10**)

### Impact of direct intervention of the Commission in individual cases :

A part of the mandate of the Commission is to look into individual grievances of atrocity and of deprivation of safeguards extended to Scheduled Castes in the socio economic development sector and in services.

- As a result of the direct intervention of the Commission in 234 cases of atrocities against scheduled castes , 223 FIRs were registered , 376 accused were arrested and 120 charge sheets have been filed . ₹ 9.17 crore was paid to the victims as monetary relief . In addition 6 family pensions were got sanctioned ,7 family members got jobs , 6 houses / land patta / agricultural land patta were given to families of victims .
- In Uttar Pradesh , 8412 cases of atrocities relating to 2014-15, 2015-16,2016-17 and 2017-18, where monetary relief had not been paid were pursued by NCSC, including personal meetings of Chairman, Vice Chairman, NCSC with Chief Minister, Uttar Pradesh on 10.01.2018 and also with Chief Secretary, Uttar Pradesh.

As a result of these meetings and follow up , ₹ 80.22 crore was sanctioned and paid as monetary relief by Government of Uttar Pradesh between January 2018 and March 2018.

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<sup>1</sup> **33262** cases carried forward from previous year and **13723** cases received in 2017-18.

- Spot visits in atrocity matters were conducted in 54 cases. After the visits and intervention of the Commission, registration of 47 FIRs have been ensured under POA Act, 64 arrests made and 13 chargesheets filed. Total monetary relief of ₹ 2.72 crore was also released to the SC victims. In addition 4 family pensions were sanctioned , 4 family members were given jobs and 2 house/ land patta were sanctioned to families of victims.
- As a result of the intervention of NCSC in the 87 cases related to services , 20 persons were promoted, 15 persons received their pension and arrears of ₹ 89.82 lakh, 6 persons received appointment in services, 4 persons received compassionate appointment, 26 persons were reinstated after termination / suspension etc and received ₹ 6.41 lakh as miscellaneous payments, 16 persons were transferred or upgraded in posts and received ₹ 0.75 lakh as payment of arrears etc .
- In 80 cases of the economic and social sector wing , after the intervention the NCSC , 8 students got admission in courses of their choice , 16 students received due scholarship /tuition fee reimbursement , 9 students received their held back degree / certificates , 11 persons got possession of land / plots /flats , 19 persons received benefits under the various welfare schemes of the Central/ State Governments. One person received allotment of Petrol pump and 27 persons received miscellaneous benefits like loans etc matters like loans etc , leading to a total monetary benefit of ₹ 1.34 crore.
- During the year the Commission took suo-moto cognisance of 25 cases of deaths of safai karamcharis, labourers etc who tragically lost their lives in during manual cleaning of sewers/septic tanks. In 23 out of these 25 cases , after intervention of NCSC, ₹ 6.75 crore as compensation was paid to families of victims. In addition ₹ 0.63 crore was paid as exgratia etc , 4 family members have received jobs and 1 family pension has been sanctioned.

**Some major Recommendations in this report are:**

**Strengthening the effectiveness of NCSC** which include specific recommendations like:

- Provision for imposing monetary penalty on authorities violating the PoA Act. **(Paragraph 9.1.1)**
- Independence of NCSC- in functioning and budget **(Paragraph 9.1.2)**
- Increase of staff strength **(Paragraph 9.1.3)**
- Court cases against the Commission **(Paragraph 9.1.4)**
- Opening of new offices / up-gradation of existing offices **(Paragraph 9.1.5)**

**Recommendations on Service Safeguards** issues like:

- Recommendations on Reservation: **(Paragraph 9.2.1)**
- Reservation in Promotion **(Paragraph 9.2.2)**
- Reservation in outsourcing of work of and projects etc. **(Paragraph 9.2.3)**
- On use of false Caste Certificates **(Paragraph 9.2.4)**
- Action on recommendations of the Commission **(Paragraph 9.2.5)**

**Recommendations regarding Economic and Social Development** issues :

- Recommendations on Pradhan Mantri MUDRA Loan Yojana : ( **Paragraph 9.3.1**)
- Recommendations on Stand-up India Loan : ( **Paragraph 9.3.2** )
- Recommendations on SCSP/DAPSC : ( **Paragraph 9.3.3**)
- Recommendation on Central Legislation on SCSP:( **Paragraph 9.3.4**)
- Recommendations on extending the scope of reservation for increasing SC entrepreneurship etc ( **Paragraph 9.3.5**)
- Consultation with NCSC in the planning process **(Paragraph 9.3.6)**
- Recommendations on payment of scholarships to SC students. **(Paragraph 9.3.7)**
- Recommendations on preventing deaths due to Manual cleaning of sewers and help to victims : **(Paragraph 9.3.8)**

- Other recommendations in economic and social development sector (**Paragraph 9.3.9**)

**Specific recommendations regarding handling of Atrocity cases are :**

- Recommendations on Lodging of FIRs: (**Paragraph 9.4.1**)
- Recommendations on Incorporating correct sections of IPC , PoA Act etc in FIRs : (**Paragraph 9.4.2**)
- Recommendations on Training for Police and Social Welfare Officers : (**Paragraph 9.4.3**)
- Recommendations on Spot visits by DM/ SSPs : (**Paragraph 9.4.4**)
- Recommendations on Payment of monetary relief : (**Paragraph 9.4.6**)
- Developing online portals to monitor monetary relief payment : (**Paragraph 9.4.7**)
- Exclusive special courts and appointing of special public prosecutors : (**Paragraph 9.4.8**)
- Recommendations for Government of Delhi on handling of monetary relief in atrocity cases: (**Paragraph 9.4.9**)
- Recommendations on meetings of the SLVMC and DLVMC : (**Paragraph 9.4.10**)

## Foreword

The present National Commission for Scheduled Castes (the fifth) was constituted on 01.06.2017. Prof. (Dr.) Ram Shankar Katheria is the Chairman, Shri L. Murugan is the Vice Chairman, Shri K. Ramulu, Shri Yogendra Paswan and Dr. (Ms) Swaraj Vidwan are the Members.

The Commission interacted with Scheduled Castes persons, Government, Non-Governments Organisations and people's representatives at various levels and has come to the conclusion that in spite of specific provisions made in the Constitution, several legal and policy initiatives, institutional network and financial allocations, the socio economic conditions of Scheduled Castes remain below the national average as can be seen from the various surveys on socio economic parameters. One of the main instruments for achieving the objective of improving the socio-economic condition is the policy of reservations in employment, admission in education and professional courses as also in elected bodies. Protective legislations have also been framed to ensure to protection against atrocities, exploitation, discrimination and for enhanced and specific financial allocations for development.

During the period under report, a huge member of complaints/ petitions were handled by the Commission, spot investigations were also conducted on atrocity and land related matters. This report is based on the observations and conclusions drawn during the reviews and work done by the Commission and the hearings conducted on complaints received in the Commission.

The Commission took special note of the unfortunate deaths of at least 70 safai karamcharies / labourers due to manual cleaning of sewers in the country and the lapses that caused the same. Detailed recommendations have been made on this issue for implementation by States & UTs the Governments. In cases of atrocities on Scheduled Castes, we have noticed delay in registration of FIRs by the police and also in payment of compensation and additional assistance by District Administration/Welfare Department of State Governments. A large number of cases are not correctly registered under Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act 1989 (as amended) because of reluctance on the part of the police officers and also due lack of awareness among the members of these communities about the provisions of the Act. Delay in investigation, collusion with offenders and

manipulation of witnesses and evidence all contribute to reduce the effectiveness of the Act. As a result of lack of awareness among the police and the SC people, a large number of cases end up in filing of final reports and often the accused are acquitted. The Central and State Governments should initiate action to promote awareness about the above legislation through special training for police personnel and also display the pertinent material in local languages at all police stations to enhance the information level of general public, especially the SC people. The District Level Vigilance Monitoring Committee (DLVMC) and State Level Vigilance Monitoring Committee (SLVMC) must be set up in every State as per the provisions of Scheduled Caste /Scheduled Tribe (Prevention of Atrocities) Rules 1995 (as amended) and need to be effective and proactive.

To ensure equitable share to the SCs in governance, policy of reservations in appointments and educational institutions was provided in the Constitution. The reservation in appointments would lead to proportionate representation at various levels and would lead to cascading effect of incorporation of the concerns and development needs of these communities in the formulation and implementation of programmes for their socio-economic development. The Commission has noted that the representation of SCs in services continues to be much lower than the prescribed proportion in Group A and Group B services, both under the Government and the Public Sector Undertakings etc. The SCs who come from the rural areas do not have access to good quality of education and thus are unable to compete at the higher levels of posts and in particular requiring technical and professional qualifications. Central and State Governments need to take steps to tackle this situation.

The Commission has also noted that there is no improvement in filling up the posts arising out of backlog/shortfall in number of SCs in services. The Commission therefore, urges that the Central, State & UT Governments should calculate the backlog of the shortfall of SCs and launch special recruitment drives to cover backlog in a time bound manner.

The Commission has had interaction with several State Governments during the period of the report and observed that the States are not allocating funds out of their State Plans to the SCSP in the proportion required, the funds allocated under SCP are either not utilized or diverted to other sectors. This leads to adverse effect on the development of the people belonging to the Scheduled Castes. The Commission is of the view that the funds for SCSP

(now called DAPSC) should be released strictly in proportion to the population of SCs and in no case be allowed to lapse or diverted.

As part of its Constitutional obligations the Commission is to prepare Annual Report based on activities undertaken during the year. No report can be submitted for the period October 2017 to March 2018 as the Commission was not constituted in the interim. This first report of the present Commission covers the activities that were undertaken by the Commission during 2017-2018 and its recommendations. It is hoped that the Government will take action to implement the recommendations made by the Commission in this report so that intercuts of the Scheduled Castes are safeguarded.

Prof.(Dr.) Ram Shankar Katheria  
Chairman  
National Commission for Scheduled Castes



## CHAPTER – I

### The Commission, Functions and Duties

#### 1.1 Introduction

For effective implementation of various safeguards provided in the Constitution for the welfare of Scheduled Castes and Scheduled Tribes (SCs and STs) and in various other protective legislations, the Constitution provided for appointment of a Special Officer under Article 338 of the Constitution. The Special Officer who was designated as Commissioner for Scheduled Castes and Scheduled Tribes was assigned the duty to investigate all matters relating to the safeguards for SCs and STs, provided in various statutes, and to report to the President of India on the working of these safeguards. In order to facilitate effective functioning of the office of the Commissioner for Scheduled Castes and Scheduled Tribes, 17 regional offices of the Commissioner were also set up in different parts of the country.

On persistent demand of the Members of Parliament that the Office of the Commissioner for Scheduled Castes and Scheduled Tribes alone was not enough to monitor the implementation of Constitutional safeguards, a proposal was mooted for amendment of Article 338 of the Constitution (Forty-sixth Amendment) for replacing the arrangement of one Member system with a Multi-Member system. The Government thereafter through a resolution in 1987 decided to set up a Multi-Member Commission, which was named as National Commission for Scheduled Castes and Scheduled Tribes.

Consequent upon the Constitution (Eighty-Ninth Amendment) Act, 2003 coming into force on 19.02.2004, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes has been replaced by:

- (1) National Commission for Scheduled Castes (NCSC) and
- (2) National Commission for Scheduled Tribes (NCST).

The Rules of the National Commission for Scheduled Castes were framed by the NCSC and notified on 20 February, 2004 by the Ministry of Social Justice & Empowerment.

The First National Commission for Scheduled Castes (NCSC) was constituted on 24.02.2004 and was headed by Shri Suraj Bhan as Chairman, Shri Fakir Bhai

Vaghela as Vice Chairman , Shri Phool Chand, Shri V.Devendra and Smt. Surekha Lambature as Members.

The Second National Commission for Scheduled Castes (NCSC) was constituted on 25.05.2007 and was headed by Dr. Buta Singh as Chairperson, Shri Narendra M.Kamble as Vice-Chairman, Smt. Satya Bahin, Shri Mahendra Boudh and Shri Mrutyunjaya Nayak as Members.

The Third National Commission for Scheduled Castes (NCSC) was constituted on 15.10.2010 and was headed by Dr P.L Punia as Chairperson, Shri Raj Kumar Verka as Vice-Chairperson, Smt Latha Priyakumar, Shri Raju Parmar, Shri M. Shivanna as Members

The Fourth National Commission for Scheduled Castes (NCSC) was constituted on 22.10.2013 and was headed by Dr P.L Punia as Chairperson, Shri Raj Kumar Verka as Vice-Chairperson, Shri Raju Parmar, Shri Ishwar Singh and Smt. P. M. Kamamma as Members.

The present and the Fifth National Commission for Scheduled Castes (NCSC) was constituted on 01.06.2017 and is headed by Prof. (Dr.) Ram Shankar Katheria as Chairman, Shri L. Murugan as Vice Chairman and Shri Keshapagula Ramulu, Dr. Yogendra Paswan and Dr.(Ms.) Swaraj Vidwaan as Members.

## **1.2 Functions and duties:**

The functions, duties and powers of the Commission have been laid down in Clauses 4,5,8,9 and 10 of Article 338 of the Constitution.

Clause 4 of the Article 338 of the Constitution empowers the Commission to regulate its own procedure for meaningful performance. The Rules framed by the Commission under this provision have been notified on 25.03.2009. The Rules of Procedure of the Commission are available at the website of the Commission: [www.ncsc.nic.in](http://www.ncsc.nic.in).

**Clause 5 of the Article 338 of the Constitution** states that the Commission has the duty to investigate and monitor all matters relating to safeguards provided to the Scheduled Castes under the Constitution to inquire into specific complaints of violation / deprivations of such safeguards, to participate in the planning process of socio-economic development of the Scheduled Castes and to present Annual Reports on the working of the safeguards including recommendations thereon.

**Clause 5 (c) of Article 338 of the Constitution** states that, the Commission is required to participate and advise on the planning process of socio-economic development of SCs and evaluate the progress of their development under Union and States /UTs. The role of the Commission in these areas would involve interaction at various levels, i.e., with the Niti Ayog<sup>1</sup>, the Central Ministries and the State / UT Governments. The Commission should participate in formulation of policies and the developmental programs for Scheduled Castes, including Special Component Plan for Scheduled Castes.

**Clause 8 of the Article 338 of the Constitution** confers the power of a civil court to the Commission while investigating any matter as laid down under Clause 5.

**Clause 9 of the Article 338 of the Constitution** reads as follows:

“The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes.”

The Constitution has made it mandatory for the Union and every State Government to consult the Commission on all major Policy matters affecting SCs. This is very important function of the Commission, which is to keep track of all the major policy decisions, Legislative or Executive action taken by the Government of India or any State Government.

**Clause 10 of the Article 338 of the Constitution** reads as follows:

“In this article, references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other Backward Classes as the President may, on receipt of the report of a Commission appointed under clause (1) of Article 340, by order specify and also to the Anglo-Indian community.”

**This Annual Report 2017-18 (April 2017 to March 2018) covers the activities of the Commission from April 2017 to March 2018.**

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<sup>1</sup> Earlier called the Planning Commission



## CHAPTER – II

### Constitutional Safeguards

The Preamble to the Constitution of India provides securing for all citizens, social, economic and political justice and equality of status and opportunity. The Directive Principles as contained in Article 46 of the Constitution provide that “*the State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation*”.

The Constitution under Article 366(24) specifically defined the term Scheduled Castes. The various safeguards and protective measures are sought to ensure for their all-round development and freedom from exploitation and social injustice so that they could form part of the mainstream of the society.

These Constitutional safeguards can broadly be categorized as mentioned below:

#### 2.1 Safeguards to Scheduled Castes

**2.1.1 Article 366(24)** “Scheduled Castes” means such Castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purpose of this Constitution.

**2.1.2 Article 341(1)** The President may with respect to any State or Union territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within the castes, races or tribes which shall for the purpose of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

**2.1.3 Article 341(2)** Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a

notification issued under the said clause shall not be varied by any subsequent notification.

**2.1.4** The safeguards provided to Scheduled Castes are grouped in the following broad heads:

- Social Safeguards - **Article 17, 23, 24 and 25 (2) (b)**
- Economic Safeguards - **Article 23, 24 and 46**
- Educational & Cultural Safeguards - **Article 15 (4)**
- Political Safeguards - **Article 243, 330 and 332**
- Service Safeguards - **Articles 16(4), 16(4A) and 335**

## **2.2 Statutes and Legislations**

A number of legislations have been enacted for implementation of the Constitutional safeguards to the SCs and STs. Illustrative list of such legislations are given below:

- The Protection of Civil Rights Act, 1955.
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended)<sup>1</sup> and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995 (as amended)<sup>2</sup>.
- The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.
- Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and Rules thereof.
- Acts and regulations in force in different States to prevent alienation of land belonging to SCs/STs. In some States such provision exists in the Land Revenue Code.
- Acts in different States for restoration of alienated land to SCs & STs.
- Other Acts like Child Labour Act, Bonded Labour Act etc.

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<sup>1</sup> Vide Gazette notification no. 1 dated 01.01.2016 and Gazette notification no. 39 dated 17.08.2018

<sup>2</sup> Vide Gazette notification no. 268 dated 14.04.2016 and Gazette notification no. 430 dated 27.06.2018.

## CHAPTER III

### Meetings of the Commission

From the period starting from 01.04.2017 to 31.03.2018, the following meetings of the Commission were conducted:

Dates of Meetings	
<b>1<sup>st</sup> Meeting</b>	<b>13.07.2017</b>
<b>2nd Meeting</b>	<b>15.09.2017</b>
<b>3rd Meeting</b>	<b>22.03.2018</b>

#### State Level Review Meetings

Dates of Meetings	
<b>West Bengal<sup>1</sup></b>	<b>16.10.2017</b>
<b>Telangana</b>	<b>21.02.2018</b>
<b>Punjab</b>	<b>08.03.2018</b>
<b>Haryana</b>	<b>09.03.2018</b>

#### BRIEF SUMMARY OF MAJOR DECISIONS:

##### 3.1 Meeting dated 13.07.2017

**Minutes of the First meeting of Fifth National Commission for Scheduled Castes held on 13.07.2017 at 3.00 pm.**

First Meeting of the Fifth National Commission for Scheduled Castes (NCSC) was held on 13.07.2017 under the Chairmanship of Dr. (Prof.) Ram Shankar Katheria, Chairman,

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<sup>1</sup> Combined meeting held for State Government officials & state Police department. In the other three States separate meetings were held with Chief Secretary ,Home Secretary, Principle Secretaries of departments & with DGP, Addl. DGP, IG and other senior Police Officers.

NCSC. The following Agenda items were taken up for discussion and decisions were taken thereon:

**Agenda Item No. 5.1.1: Status of Cabinet Rank of Hon'ble Chairman and Hon'ble Vice-Chairman, NCSC.**

**Decision Taken:** It was informed to the Commission that the issue of conferring the status of Union Cabinet Minister to Prof. Ram Shankar Katheria, Chairman and Union Minister of State to Shri L. Murugan, Vice-Chairman, NCSC has been taken up with the Ministry of Social Justice and Empowerment vide letter dated 02.06.2017, Ministry has sent the same to MHA, who have raised some queries which are being answered by Ministry.

It was decided that this may be pursued with Ministry and after receiving the status, the matter relating to sanction of additional posts of staff to the Chairman and the Vice-Chairman may be taken up immediately with the Ministry of Social Justice and Ministry of Finance.

It was further desired that like in National Commission for Scheduled Tribes (NCST) where the status of the Chairperson shall have the rank of a Cabinet Minister and the Vice-Chairperson that of a Minister of State is ingrained in their The National Commission for Scheduled Tribes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules, 2004, NCSC may take up with Ministry that the Chairman and the Vice Chairman of NCSC can get the status of Cabinet & MOS rank respectively in an inherent manner at the time of assuming the charge of office i.e. the status is linked to post and is not personal to incumbents.

**Agenda Item No. 5.1.2: Purchase of 5 new Staff Cars for NCSC Hqrs. New Delhi & additional budget thereof.**

**Decision Taken:** Approved and proposal may be sent to Ministry of Social Justice & Empowerment.

**Agenda Item No. 5.1.3: Redressal of grievances of the Joint Cadre employees before bifurcation of Joint Cadre i.e. National Commission for Scheduled Castes and National Commission for Scheduled Tribes.**

**Decision Taken:** Approved a letter may be sent to Ministry of SJE.

**Agenda Item No. 5.1.4: Taking benefits of reservation in services on producing false caste certificate-action thereof.**

**Decision Taken:** It was desired that strict action against the district officials may be recommended by the Commission who issue the false caste certificates. Since District Magistrate (D.M.) is the nodal officer in the District for issuing and monitoring the issue of caste certificates, the D.M. should be held responsible for this in addition to the Tahsildar/equivalent officers who had actually issued the false caste certificate. It was also desired that the issue may also be examined in the pretext of the recent verdict of Hon'ble Supreme Court of India in this regard. Further, recoveries of salaries and emoluments or scholarship amount etc. received by the person during service/studying and found guilty of using a false Scheduled Castes certificate may be made. Action under Section 4 of the PoA Act 2015 may be taken against the defaulting authority who issued the fallacious caste certificate.

**Agenda Item No. 5.1.5: Engaging of Consultants, Data Entry Operators/manpower on outsourcing basis to cope with staff vacancies.**

**Decision Taken:** The Commission is facing acute shortage of staff in Hqrs. and its State Offices and its day to day work are affected, including pending grievances in the Hqrs. and State Offices. Work such as Research, Studies etc. are not being possible at all & only minimum work is possible especially due to vacancies in the joint cadre which is the actual backbone of NCSC. It was also brought out that there are huge work load on the existing staff strength and to cope with the work and smooth functioning of the Commission, some part of the vacant strength may be filled up through Consultant (retired officers) and DEOs/MTS on outsourcing basis till regular incumbents are posted

and the vacancies are filled up on regular basis. The proposal was approved and requirement of additional budget is to be sent to Ministry immediately.

In addition we may ask Ministry for additional budget for purchase of 5 cars, for conduction research studies, commissioning study reports, renovation of State Offices, the computerization including Digital India Project sent earlier (including video conferencing ) developing online CMIS, legal fees etc. A comprehensive proposal may be sent to Ministry for enhancing the annual budget.

**Agenda Item No. 5.1.6: Petition for Special Leave to Appeal (C) No.-28993 of 2012 in the case of Dinkar Vs. V.Krishnayya and others petition for Special Leave to Appeal (C) No.-33234 of 2012 in the case of Vigneshwar Vs. B. Krishnayya and others and Petition for Special Leave to Appeal (C) No.-36462 of 2011 in the case of Chief Secretary, State of Karnataka and others Vs. UKZ M.Sangha (R) Bhatkal and others filed before the Hon'ble Supreme Court of India.**

**Decision Taken: Following views of the Commission were approved:**

- (i) That Presidential order viz. The Constitution (Scheduled Castes) order, 1950 and the Scheduled Castes and Scheduled Tribes orders (Amendment) Act, 1976, the Moger Caste is notified as Scheduled Castes at Sl. No.78 in the list of Scheduled Caste of State of Karnataka be followed.
- (ii) That Hon'ble High Court of Karnataka's decision dated 29.06.2011 should be implemented.
- (iii) That the Government of Karnataka is advised that any deletion/addition in the Scheduled Caste list of States/UTs should follow the laid down procedure which is as under:-
  - The State Government concerned will refer the proposal about modification in the SC/ST list of the State to the Nodal Ministry (Social Justice & Empowerment in case of SCs and Ministry of Tribal Affairs – in case of STs) Govt. Of India for consideration.

- The cases favoured by both the State Government and the RGI (in their most recent reports) would be referred to the National Commission for Scheduled Castes and Scheduled Tribes for their opinion.
  - Some issues concern not one but several States e.g. the status of SC/ST migrants. These would also be referred to the National Commission if the RGI and majority of concerned States have supported modification.
  - Amending legislation would be proposed to the Cabinet in all cases in which the National Commission, RGI as well as the State Governments have favoured modification. Those cases with which the State Governments and the RGI are in agreement, but which the Commission have not supported would be rejected at the level of Minister for Social Justice & Empowerment.
- (iv) That responsibility of the issuance of caste certificate and verification thereof rests with State Government concerned. Hence, genuineness of caste certificate is to be ensured by the State Government.

**Agenda Item No. 5.1.7: Letter of MSJE dated 06.07.2017 thereof. Difficulties in obtaining caste certificate for the Children without name of father.**

**Decision Taken:** The draft statute, in the line with the judgment of Hon'ble Supreme Court dated 19.08.2003, is to be formulated by the Ministry of Social Justice & Empowerment and any comments can be offered by the Commission only after examination of the draft statute so formulated. The views of the Commission to be communicated to Ministry of SJ&E.

**Agenda Item No. 5.1.8: Any other item with the permission of the Chair.**

**Decision Taken:**

- (i) It was decided that: all the Directors/Incharges of State Offices who have been allocated additional charge of some other State Office shall be present at the other station at least 10 days in a month so that work of other State Office is also covered effectively. Administration shall prepare a roster of such Directors for their presence at the other State Office and submit it to the Chairman within one week.

(ii) Director, State Office, Patna may also be given the charge of Guwahati & Agartala and he will visit there at least once in a month. Director may be posted in Lucknow office in case our request for release of one Director retained by Ministry is agreed to.

(iii) The issue of deaths occurring due to manual cleaning of sewers/septic tanks was discussed.

It was decided that : details of deaths which have occurred since the Prohibition of Manual Scavenging Act 2013 have come into effect are to be collected from each State. National Commission for Safai Karamcharis (NCSK) may have some details and can be collected from them along with details of what compensation has been paid in these cases. It may be examined as to who is responsible for paying the compensation of Rs.10 lakh as per Hon'ble Supreme Court Judgment of 2014 on the same especially when private contractors/parties engage someone to clean the sewers/septic tanks.

The Secretary, National Commission for Safai Karamcharis (NCSK) may be requested to make a presentation on the issue as the NCSK may have all such details/data/studies on the same. The issue of manual cleaning of night soil from certain Railway Station/Tracks is to be taken up with Ministry of Railways/Railway Board.

(iv) Strengthening media outreach of National Commission for Scheduled Castes.

**Decision Taken:** A person from Ministry of Information & Broadcasting may be taken on loan or deputation on urgent need basis for looking after the work of media & publication etc. of the Commission, as in the past.

### **3.2 Meeting dated 15.09.2017**

**Minutes of the second meeting of Fifth National Commission for Scheduled Castes held on 15.09.2017 at 12.00 noon.**

The second meeting of the Fifth National Commission for Scheduled Castes (NCSC) was held on 15.09.2017 under the Chairmanship of Dr. (Prof.) Ram Shankar Katheria,

Chairman, NCSC. The following Agenda items were taken up for discussion & decisions were taken thereon:

**Agenda Item No. 5.2.1: Confirmation of minutes of the 1<sup>st</sup> meeting of the Commission held on 13.07.2017.**

**Decision Taken:** Minutes of the 1<sup>st</sup> meeting of the Commission were approved unanimously.

**Agenda Item No. 5.2.2: Action Taken Notes on the minutes of the 1<sup>st</sup> meeting of the Commission.**

**Decision Taken:** Action Taken on decisions of the 1<sup>st</sup> meeting held on 13.07.2017 was noted and approved. It was directed that decision taken in agenda item no.5.1.2 during the last meeting regarding purchase of 5 new Staff Cars for NCSC Hqrs. New Delhi & additional budget thereof may be followed up with the Ministry. Further it was also apprised that Taxi being provided to the Hon'ble Member (SV) by the GeM vendor is in very bad condition and also the vehicle is not of the category agreed in by the vendor under GeM. It was decided that for violating the contract and placing the Hon'ble Member (SV) in hardship and causing great inconvenience resulting in hampering of the work of the Commission, DCP (South) may be asked to lodge an FIR against the vendor. Further regarding agenda item no.5.1.4 taking benefits of reservation in services on producing false caste certificate, it was decided that letters may also be written to all Chief Ministers of the States/UTs.

**Agenda Item No.5.2.3: Implementation of the Scheme of Dr. Ambedkar Chair in the Central Universities.**

**Decision Taken:** The Commission approved the agenda item & decided that Commission may take up this issue with HRD Ministry to issue instructions to all the Central Universities/Institutions for constitution of Dr. Ambedkar Chair under the scheme as per its objective of research and learning of socio economic and cultural life of the marginalized groups and others weaker section of the society.

**Agenda Item No. 5.2.4: Difficulties in obtaining caste certificate for the children without name of father.**

**Decision Taken:** It was informed to the Commission that the issue was earlier considered in the NCSC meeting of fifth Commission held on 13.07.2017 under Agenda Item No. 5.1.7 and the Commission had decided that “the draft statute, in the line with the judgment of Hon’ble Supreme Court dated 19.08.2003 is to be formulated by the Ministry of Social Justice & Empowerment and any comments can be offered by the Commission only after examination of the draft statute so formulated”.

The Commission’s views were also intimated to the Ministry of Social Justice & Empowerment vide Commission’s letter No. 38/Misc-3/2017/SSW-I dated 03.08.2017.

The Ministry of Social Justice & Empowerment vide its letter no. 17020/27/2017-SCD (R.L. Cell) dated 08.08.2017 stated that “*the Ministry vide its letter dated 06.07.2017 had sought comments of the Commission on the issue raised by Smt. Manekaa Gandhi, Hon’ble Minister of Women Child Development (WCD) in her letter dated 11.04.2017 on the problems being faced by the children of women separated from their husband in getting caste certificates in the name of the mother. In paras 3 & 4 of the letter of this Ministry under reference legal position with regard, to issuance of caste certificate was enumerated, wherein observation of the Hon’ble Supreme Court in the case of PunitRaiVs. Dinesh Chaudhary was quoted. At present there is no proposal in the Ministry to formulate a draft statute in line with the judgment of Apex Court in the aforesaid case. It is requested that the Commission may examine the issue raised by Hon’ble Minister (WCD) in her letter dated 11.04.2017 and offer their considered comments, whether under the existing guidelines governing the issue of Scheduled Castes certificate, the caste certificate can be issued to the wards of separated Women in the name of mother*”.

Hence, on receipt of Ministry of Social Justice & Empowerment vide its letter no. 17020/27/2017-SCD (R.L. Cell) dated 08.08.2017, the issue was again discussed at length and considered.

**Decision Taken:**

The Commission decided that the Commission prima facie does not agree with the tentative proposal of the Ministry of Social Justice & Empowerment sent vide letter number 17020/27/2017-SCD (R.L. Cell) dated 06.07.2017 and again vide the letter number 17020/27/2017-SCD (R.L. Cell) dated 08.08.2017 as the same is not in the interest of the Scheduled Castes. However, the Commission reserves its right to offer detailed comments/views as and when the Ministry sends a complete draft statute/law on the subject as that would be the correct method to decide on the topic and would also be in the line of the judgment of the Hon'ble Supreme Court dated 19.08.2003.

The Ministry of Social Justice & Empowerment may be informed accordingly.

**Agenda Item No. 5.2.5: Hon'ble Chairman has desired that Hon'ble Members and Hon'ble VC should present details of their work done in last 3 months during Commission's meeting.**

**Decision Taken:** Work done was examined and decided that summary of work done (in approximately two pages each) with respect to the Hon'ble Chairman, Hon'ble Vice-Chairman & Hon'ble Members respectively may be obtained from the offices of Hon'ble Chairman, Hon'ble Vice-Chairman & Hon'ble Members respectively and circulated to all including State Officers.

**Agenda Item No. 5.2.6: (a) To list the section 377 IPC-Unnatural Offence in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016.**

**(b) Insertion of word “victim/dependant of victim” is needed to be inserted after the word “widow of the deceased “ at Sl.No.46 Annexure-I, Rule 12(4) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016.**

**(c) To include IPC 326A at Sl.No.24 of Annexure-I, Rule 12(4) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016.**

**Decision of the Commission:** The Commission approved the above proposal for writing to the Ministry of Social Justice & Empowerment for appropriate amendments to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 as required, on lines of the earlier D.O. letter No.3/2/2007-APCR dated 29.08.2017 for modification to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 2016 sent from Chairman, NCSC to Hon’ble Minister of SJE.

**Agenda Item No. 5.2.7: Ex-post-facto approval for the Draft Cabinet Note to introduce the Fugitive Economic Offenders Bill, 2017.**

**Agenda Item No. 5.2.8: Ex-post-facto approval for the comments of the National Commission for Scheduled Castes on the Memorandum for Standing Finance Committee (SFC) for the revision in the existing eligibility criteria and enhancing the scope of the beneficiaries under Credit Enhancement Guarantee Scheme for Scheduled Castes.**

**Agenda Item No. 5.2.9: Ex-post-facto approval of the proposal of Modifications in the operation guidelines in respect of Venture Capital Funds for Scheduled Castes.**

**Decisions Taken:(agenda item nos5.3.7, 5.2.8 & 5.2.9):** All three agenda notes were deliberated upon and approved. However it was decided that henceforth, Cabinet Notes or similar notes received from the Ministry of Social Justice & Empowerment or other Ministries/Departments of Govt. of India may be circulated to all Hon’ble Members, Hon’ble Vice-Chairman for information after approval is obtained from Hon’ble Chairman on file on the comments of Commission.

**Agenda Item No. 5.2.10: Ex-facto-approval on De-reservation proposals received from the office of Comptroller & Auditor General of India, New Delhi requesting for approval of the NCSC to de-reserve the Scheduled Caste posts filled on promotion in various subordinate offices of CAG.**

**Decision Taken:** The Commission was informed that the NCSC has received 19 de-reservation proposals from the office of Comptroller & Auditor General of India (CAG) for de-reservation of SC post filled on promotion by non SC employees and for approval of the Commission was requested.

These 19 proposals were examined in detail and the Commission has sent its opinion/recommendation that the Commission has not agreed to the de-reservation proposals and the office of Comptroller & Auditor General of India was advised to fill up the reserved Scheduled Caste posts either on deputation on temporary basis as per requirement or by the eligible Scheduled Caste employees as per eligibility. The Department concerned may also take necessary steps to fill up the reserved vacancies by relaxing the norms of the eligibility from the Scheduled Caste employees.

The Commission approved the same. Necessary action may be taken by communicating the Commission’s decision to the office of Comptroller & Auditor General of India accordingly.

**Agenda Item No. 5.2.11: Dhangar Caste of Uttar Pradesh.**

The Commission was informed that the NCSC has received representation from the Convenor, Bhartiya Anusuchit Jati Evam Janjati Mahasabha, Agra, U.P. & President, Rastriya Shoshit Parishad, New Delhi regarding re-consideration of the Commission's decision dated 03.12.2012 in the matter of Dhangar {English/Dhangad (धंगड़)} Caste as SC of U.P. and issuance of Caste Certificate to Dhangar caste of U.P. in English & धनगर caste in Hindi.

Similarly, the Commission has received a letter no. 12018/1/2011- SCD (R.L cell) dated 07.09.2017 from the Ministry of Social Justice & Empowerment forwarding there with representation of Shri Jai Bhagawan Jatav, President, Rashtriya Shoshit Parishad, New Delhi for the consideration of the Commission.

These issues raised in the representations have been re-examined in light of the representation and letter received from Ministry of Social Justice and Empowerment letter number 12018/1/2011-SCD (R.L. Cell) dated 07.09.2017 and it is seen that;

- The Commission's decision dated 03.12.2012 is challenged before the Hon'ble High Court of U.P. judicature at Allahabad and the opinion sought on the issue is under consideration of the Hon'ble Supreme Court of India.
- There is also another Court case vide Writ Petition (C) No. 34423 of 2013 in the matter of Indrajeet and 8 others Vs. NCSC and 10 others on Dhangar caste of U.P. The aforesaid case was heard by the Hon'ble High Court of U.P. on 08.07.2013 and directed to issue notice for submission of counter reply. However, the Commission's reply on the Court case is yet to be submitted before the Hon'ble High Court.
- The Commission had considered the matter in its meeting under Agenda Item No. 29.17 held on 03.12.2012 and decided that;

**“This is neither a case of deletion or addition to the list. This is rather a matter of clarification resulting into replacement of an entry (with no inhabitants) by clarifying another entry (which is in practice). Accordingly, it is decided that SC certificates can be given only to ‘Dhangar’ and not to ‘Dhangad’**

The Commission’s decision was intimated to the Hon’ble High Court and the Ministry of Social Justice & Empowerment accordingly vide letter number 6/Inclusion & Exclusion-12/2012/SSW-I dated 16.01.2013.

- The Ministry’s vide its letter number 12018/1/2011-SCD (R.L. Cell) dated 13.02.2013 had sent its comments and requested to the Commission to review its decision dated 03.12.2012. The same was put up to Commission in its meeting as per Agenda No.31.5 of the 31<sup>st</sup> meeting of NCSC held on 29.04.2013 where it was decided that NCSC has already given its views and the Ministry of Social Justice and Empowerment has to take a decision in the matter.

On receipt of the letter number 12018/1/2011-SCD (R.L. Cell) dated 07.09.2017 of the Ministry of Social Justice and Empowerment and representations received , the matter was re-examined by the Fifth National Commission for Scheduled Castes in its meeting dated 15.09.2017. The Commission observed that:

As per the English Version of Gazette Notification of the Constitution (Scheduled Castes) Order 1950, the Dhangar Caste is notified as Scheduled Caste at Sl.No.27 in the list of Uttar Pradesh. The Hindi Version of the Gazette Notification of 1950 is not available. However, in the Gazette Notification namely Scheduled Caste & Scheduled Tribes Orders, (Amendment), Act 1976, (English version) “Dhangar” caste is notified as Scheduled Caste at Sl.No.27 of the list of Uttar Pradesh and as per Hindi version of the Scheduled Caste & Scheduled Tribe Orders, (Amendment), Act 1976, the caste notified at Sl.No.27 is धंगड़ in the list of Uttar Pradesh. Thus, it is clear that धंगड़ caste is the Scheduled Caste in the State of Uttar Pradesh mentioned at the serial no. 27.

The English Spelling of धनगर & धंगड़ is same i.e “Dhangar” which has been cause of confusion. However it is clear from the Gazette Notification Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976 that the Scheduled Caste at Sl.No.27 of Uttar Pradesh is धंगड़ The Commission also observed that the the third National Commission for Scheduled Castes in its meeting dated 03.12.2012 had taken a decision namely “*this is neither case of deletion or addition to the list. This is rather a matter of clarification resulting into replacement of an entry (with no inhabitants) by clarifying another entry (which is in practice). Accordingly, it is decided that SC certificates can be given only to Dhangar धनगर and not to Dhangad धंगड़ .)*”, which essentially amounted to modifying the Presidential Order i.e. the Constitution (Scheduled Castes) Order 1950 and Scheduled Castes and Scheduled Tribes Orders (Amendment), Act, 1976 without examining the clause (2) of Article 341 of the Constitution of India.

The clause (2) of Article 341 of the Constitution of India states as follows:

**“Parliament may by-law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of a group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification”.**

On 15.09.2017, the Commission also observed that:

As per the modalities for deciding claims for inclusion in and exclusion from and other modification in the orders specifying Scheduled Castes list of States/UTs, the proposal should have come from Government of Uttar Pradesh, considered by Ministry of Social Justice & Empowerment, comments of Registrar General of India (RGI) taken and then the National Commission for Scheduled Castes would give its comments. Following which Ministry of Social Justice & Empowerment would prepare an amendment in the legislation i.e. Presidential Order the Constitution (Scheduled Castes) Order of 1950.

The above modalities were not carried out when decision of 03.12.2012 of the National Commission for Scheduled Castes was taken. Hence, neither the laid down process as per clause (2) of Article 341 of the Constitution of India was followed, nor were laid down modalities for deciding claims for inclusion in and exclusion from and other modification in the orders specifying Scheduled Castes list of States/UTs, followed to arrive at decision on 03.12.2012.

**Decision Taken:** Hence, the Commission decided on 15.09.2017 :

To treat the earlier decision of NCSC dated 03.12.2012 as superceeded by the following : “ that the Scheduled Caste mentioned at Sl.No.27 for Scheduled Castes of Uttar Pradesh as per the Scheduled Caste and Scheduled Tribes Order (Amendment) Act, 1976 is धंगड़ which is spelled as Dhangar in the english version of the Gazette Notification of Presidential Order, 1950 and Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976.

- The above decision of NCSC be also informed to the Ministry of Social Justice & Empowerment.
- The NCSC would need to file an affidavit of its revised stand of the above clarification in the Hon’ble High Court of Uttar Pradesh judicature at Allahabad in the W.P. No.34423 of 2013, The copy of the Gazette Notification of Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976 (Hindi) may also be enclosed with our communication.
- To advise the Government of Uttar Pradesh to follow the Government of India’s Order i.e. Presidential Order, 1950 and Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976 on Dhangar / धंगड़ caste at serial no. 27 as issued in Hindi & English version of the notification of Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976 .

- To advise the Government of Uttar Pradesh to circulate a copy of the Government of India's Gazette Notification, 1976 (Hindi & English Version) to all the Issuing Authorities of the Caste Certificate for issuance of the Caste Certificate to the genuine धंगड़ community members.
- To also advise the Government of Uttar Pradesh that since there was no action taken to amend the Presidential Order on Scheduled Castes and Scheduled Tribes, 1950 and Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976 regarding any change in the entry at Sl.No.27 of "Dhangar" of Uttar Pradesh which is written as धंगड़ at serial no. 27 in the Hindi version of the Gazette Notification, till date, hence any caste certificates issued merely on basis of the decision of the third National Commission for Scheduled Castes dated 03.12.2012 are not as per the Presidential Order, 1950 and Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976. Such certificates issued, if any, would need to be reviewed. The Government of Uttar Pradesh may take all necessary action to get such certificates reviewed as per rules.

Necessary action may be taken by communicating the Commission's decision to all concerned accordingly.

**Agenda Item No. 5.2.12:** Any other items with the permission of Chair.

**Decision Taken:** It was appraised by the Hon'ble Vice-Chairman and Hon'ble Members that files relating to their allotted States and departments are not coming to them for taking a decision on the cases and for disposing the pending cases. It was directed that an Office Order may be issued to all Directors/ Research Officers/ Section Officers for immediately putting up the files to the Hon'ble Vice-Chairman and Hon'ble Members in respect of their allotted States and Departments.

### 3.3 Meeting dated 22.03.2018

**Minutes of the third meeting of the Fifth National Commission for Scheduled Castes held on 22.03.2018 at 2.00 pm.**

**3.3.1** The third meeting of the Fifth National Commission for Scheduled Castes (NCSC) was called for on 22.03.2018 under the Chairmanship of Dr. (Prof.) Ram Shankar Katheria, Chairman, NCSC. List of participants is at **Annexure-I**. The following Agenda items were taken up for discussion & decisions were taken thereon:

**Agenda Item No. 5.3.1: 1(a) Recent judgment of Hon'ble Supreme Court viz. direction in the case of Dr. Subhash Kashinath Mahajan against the Bombay High Court Judgment on misuse of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended Act 2015) and 1(b) other decision dated 08.12.2017 regarding implementation of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended Act 2015).**

**Decision Taken:** The Commission approved the following action on the Hon'ble Supreme Court's recent judgments:

- (i) Commission may write a detailed letter to the Hon'ble President of India and Prime Minister detailing its views and concern on the above judgements. The Government is to be requested to file a revision petition against the judgements at the earliest so that the implementation of the Act is not diluted.
- (ii) Commission may also seek an appointment with Hon'ble President and Prime minister for personal briefing by the Commission on the issue.
- (iii) Original petitioner may be called in and discussed this issue in the ensuing hearing.

**Agenda Item No.5.3.2: Order issued on 5.3.2018 by UGC on changing the guidelines for reservation in Universities/Colleges despite out Commission letter on 1.11.2017 advising UGC/MHRD to not formulate any policy without consultation of NCSC.**

**Decision Taken:** The Commission approved that Ministry of HRD, UGC and DoPT may be advised to file a review petition in Hon'ble Supreme Court at the earliest, in the Special Appeal (c) no. 16515/2017. UGC may be asked to withdraw its order dated 05.03.2018. MSJE may also be requested for the same. Further, Ministry of HRD and UGC may be asked to inquire into the matter as to how the instructions/orders dated 05.03.2018 on preparation of reservation roster for Universities were issued without considering the Commission's letter dated 01.11.2017 and without consultation of NCSC under Article 338(9) of the Constitution of India.

**Agenda Item No. 5.3.3: Ministry of Social Justice & Empowerment's reference to Amendment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended Act 2015).**

**Decision Taken:** The Ministry of Social Justice & Empowerment has requested to offer the views of the Commission on the Amendment in Section 9 of the Scheduled Castes & Scheduled Tribes (Prevention of atrocities) Act, 1989 by 31.01.2018.

Section 9 of the POA Act relates to conferment of powers of arrest, investigation and prosecution, on any officer exercisable by a police officer under the Code, in regard to cases under the POA Act, by the State Government by notification in the Official Gazette; Rule 7(1) of the Scheduled Tribes (Prevention of Atrocities) (POA) Rules, 1995, made by the Central Government, in exercise of powers conferred by sub-section (1) of Section 23 of POA Act, specifies that an offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police.

In regard to validity of Rule 7 of the POA Rules, the crux of the judgment dated 23.3.2017 of the Supreme Court of India in SLP(C) No. 27524-27 of 2011, with Civil Appeal No. 4401 of 2017, is as under:-

- In regard to validity of Rule 7 of the POA Rules, keeping in view of the serious and harsh consequences emerging from any violation of the provisions of the POA Act, the Central Government was fully competent and justified, in requiring that the investigative process be conducted by an officer not below the rank of a Deputy Superintendent of Police. The Central Government had exercised its jurisdiction within the framework of the authority vested in it. Therefore, the validity of Rule 7 of the POA Rules is affirmed. (As stated in Para 12 of the judgment).
- As against the national character of the Rule making power vested with the Central Government under Section 23 of the POA Act, the delegated power contemplated under Section 9 of the POA Act, is State specific. The power exercised by a State, keeps in mind the circumstances prevailing in the concerned State. The legitimacy and validity of the exercise of the instant delegated power vested in a State Government, has therefore, to be determined, with reference to the peculiar facts and circumstances prevailing in an individual State. In case the State Government found it necessary and expedient, for an effective implementation of the provisions of the POA Act, it had the right and the responsibility, to vest the power of arrest, investigation and prosecution, in additional personnel. (As stated in Para 18 of the judgment)
- As regards, whether the State Government could in its discretion, in furtherance of the power vested with it under Section 9 of the POA Act, relax the provision made by Rule 7 of the POA Rules; each individual State Government in exercise of the power vested under Section 9 of the POA Act, had the authority to extend to any officer of the State Government, powers of arrest, investigation and prosecution. The provision made under a Rule of the POA Rules can not negate a right extended through the parent Legislation (POA Act). Thus, the power conferred on the State Government under section 9(1) (b) of the POA Act cannot be neutralized by any rule of the POA Rules framed under section 23 of the POA Act. By way of a notification published in the Official Gazette under section

9(1) (b) of the POA Act, the State Government was competent to relax Rule 7 of the POA Rules. (As stated in Para 17, 18 of the judgment)

The aforesaid judgment seemingly leads to an inference that existing provisions of Section 9 of the POA Act and Rule 7(1) of the POA Rules are not in harmony and rather incompatible, notwithstanding the emphasis stated in para 3 (i) above. It is, thus, considered essential that to establish in principle amongst all concerned State Governments/Union Territory Administrations, a uniform applicability of investigation of the POA Act related cases by an officer not below the rank of Deputy Superintendent, existing stipulation of Section 9 of the POA Act needs to be amended to distinctly specify therein that an offence committed under the POA Act shall be instigated by a police officer not below the rank of a Deputy Superintendent of Police (as presently provided under Rules 7(1) of the POA Rules) and to do away with the existing provisions wherein states by notification in their Official Gazettes can confer it to any officer holding the ranks below the rank of the Deputy Superintendent of Police.

**Existing provisions of Section 9 of the Scheduled Castes & Scheduled Tribes (Prevention of atrocities) Act, 1989:-**

**Section 9:** (1) Not with standing anything contained in the code or in any other provision of this Act, the State Government may, if it considers it necessary or expedient so to do-

- (a) for the prevention of and for coping with any offence under this Act, or
  
- (b) for any case or class or group of cases under this Act, in any district or part thereof, confer, by notification in the Official 50 Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

(2) All officers of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made there under.

(3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1)

**Proposed amendment in Section 9 of the Scheduled Castes & Scheduled Tribes (Prevention of atrocities) Act, 1989 are as under:-**

- The State Government/Union Territory Administration shall notify in the official Gazette that notwithstanding anything contained in the Code of Criminal Procedure or in any other provision of this Act, an offence committed under this Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police/Assistant Commissioner of Police. The investigating officer in the rank of the Deputy Superintendent of Police/Assistant Commissioner of Police, shall be appointed by the State Government/Union Territory Administration/Director General of Police/Commissioner of Police/Additional Director General of Police/Special Commissioner of Police/Inspector General of Police/Additional Commissioner of Police/Deputy Inspector General of Police/Senior Superintendent of Police/Deputy Commissioner of Police, after taking into account his/her past experience, sense of ability and justice to perceive the implications of the case and investigated it along with right lines within the shortest possible time.
- All officers of police and all other officers of Government shall assist the Investigating Officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made there under.

In this regard, clarification was sought from the M/o Social Justice & Empowerment whether Section 9 (1), 9(1)(a) and 9(3) of the existing Act will remain or are they being replace by Section 9(1) and 9(2) only.

The M/o Social Justice & Empowerment has clarified that the draft formulation of the Section 9 of the POA Act is towards substituting the entire existing Section 9 of the POA Act.

The Commission approved to support the amendment to Section 9 of the SC/ST (POA) Act, 1989.

**Agenda Item No. 5.2.4: Further amendments in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended Act 2015) and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules 2016.**

**Decision Taken:** The Ministry of Social Justice & Empowerment has requested to offer the views of the Commission on the further amendments in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended Act 2015) and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules 2016. In exercise of the powers conferred by sub-section (1) of section 23 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government had made the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) {POA} Rules, 1995, which were last amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 notified in the Gazette of India, Extraordinary, on 14.04.2016.

The following amendments in the POA Rules are being further considered in the POA Rules, which are primarily based recommendations received from National Commission for Scheduled Castes:-

Rule	Sub-rule	Clause	Existing provision in the POA Rules	Proposed amendment in existing provision in the POA Rules
2	-	(i) (new)	-	“Voluntarily” means a person is said to cause an effect “voluntarily”

				when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it. (as in IPC 39).
12	5	-	The relief provided to the victim of the atrocity or his/her dependent under sub-rule (4) in respect of death, or injury to, or damage to property shall be in addition to any other right to claim compensation in respect thereof under any other law for the time being in force.	The relief provided to the victim of the atrocity or his/her dependent under sub-rule (4) in respect of death, or injury to, <b>rape, gang rape, voluntary carnal intercourse against the order of nature with any man or woman, voluntarily causing grievous hurt by use of acid, voluntarily throwing or attempting to throw acid,</b> or damage to property, shall be in addition to any other right to claim compensation in respect thereof under any other law for the time being in force.
16	1	-	“of not more than 25 members”	To be deleted
<b>Annexure-I to the Schedule</b>				
<b>Sr. No.</b>	<b>Existing provision</b>		<b>Proposed amendment in existing provision</b>	
24	Section 326B of the India Penal Code (45 of 1860)—Voluntarily throwing or attempting to throw		326 of the India Penal Code (45 of 1860)-Voluntarily causing grievous hurt by use of acid, etc., Section	

	acid. [Section 3(2)(va) read with Scheduled to the Act]	326B of the Indian Penal Code (45 of 1860)—Voluntarily throwing or attempting to throw acid.” [Section 3(2)(v), 3(2)(va) read with Schedule to the Act.]
44(i)	Rape of Gang rape.  Section 375	Rape or Gang rape, voluntary carnal intercourse against the order of nature with any man or woman  Section 375, <b>376(A to E), 377</b>

In this regard, the proposed amendments are due to the recommendation of the Commission on the same i.e. at Sl. No. 44 (i) in the existing provision Section 375 “rape and gang-rape” as proposed “section 375, 376 (A to E), 377” and Ministry has proposed the further amendments.

The Commission approved to support the further amendments in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended Act 2015) and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules 2016.

**Telangana State Review by National Commission of Scheduled Castes with Chief Secretary and other senior Officers of Government of Telangana (GoT) on 21.02.2018**



**Commission's Meeting With Hon'ble Chief Minister of Haryana on 7th March 2018**



**Haryana State Review by National Commission of Scheduled Castes with Chief Secretary and other senior Officers of Government of Haryana (GoH) on 09.03.2018**



**Punjab State Review by National Commission of Scheduled Castes with Chief Secretary and other senior Officers of Government of Punjab (GoP) on 08.03.2018**



### **3.4 Review of West Bengal - 16.10.2017**

#### **Minutes of state review held of West Bengal on 16.10.2017 in Kolkata.**

- 3.4.1** As a part of its mandate the National Commission for Scheduled Castes (NCSC) headed by Prof. Ram Shankar Katheria, Chairman reviewed performance of West Bengal (W.B.) State regarding welfare of Scheduled Castes, prevention of Atrocities on Scheduled Castes on 16.10.2017 in Kolkata. Before review, a detailed questionnaire was sent to Govt. of W.B. and the review was held based on replies received on questionnaire. Review meeting was attended by Shri L. Murugan, Hon'ble Vice Chairman, Dr. Yogendra Paswan, Hon'ble Member, Shri K. Ramulu, Hon'ble Member, Dr.(Mrs. Swaraj Vidwaan, Hon'ble Member, Shri ArunJha, Secretary, Shri Kaushal Kumar, Director, NCSC Hqrs. and Shri Sanjay Kr. Singh, Director, NCSC, Kolkata (Additional Charge) along with officials from the NCSC State Office, Kolkata. From the State Government side, meeting was attended by Shri Moloy Kr. Dey, Chief Secretary, Shri S.K. Thade, Principal Secretary, Backward Classes Welfare Department and Principal Secretaries, Secretaries, Joint Secretaries, Directors of major departments of State Government.
- 3.4.2** Initiating discussion, Chairman, NCSC thanked participating Secretaries & Commissioners for organizing the meeting and explained purpose of visit and areas Commission would be looking into. He further elaborated that present meeting should not be construed as fault finding exercise but suggesting means and ways to improve upon programmes meant for welfare of SCs.
- 3.4.3** The Review meeting started with the power point presentation by the Principal Secretary to the Government of West Bengal, Backward Classes Welfare Department on the reply to the questionnaire prepared by the Government of West Bengal point by point.

- 3.4.3.1** The Chairman, NCSC in his opening remarks dwelt upon the various schemes implemented by the Government of India and Government of West Bengal for the welfare of the Scheduled Castes. The Chairman, NCSC asked the State Government Officers about the implementation of the Developmental Schemes and about whether when a rape/murder of a Scheduled Castes takes place, the FIR against the accused is registered and the victims are getting justice and compensation.
- 3.4.3.2** Secretary, NCSC in his opening remarks stated that this is a major field of the Commission as the fundamental issues is the implementation of the various development schemes meant for Scheduled Castes and implementation of the POA Act on which the Commission had sent a questionnaire to the Government of West Bengal and an elaborate reply received from the State Government.
- 3.4.3.3** The Power Point Presentation of the Questionnaire and the reply to the questionnaire started with the Principal Secretary to the Government of West Bengal, Backward Classes Welfare Department explaining in detail about the performance of the West Bengal Government on the various welfare schemes implemented in the State. The Principal Secretary stated that there are 23 Districts in the State. He stated that 22% of the posts in Governments sectors are reserved for the Scheduled Castes. This is in proportion to the population of the Scheduled Castes which is 22% as per the latest Census of the Government of India. The Government of West Bengal has also kept the qualifying marks 25% lower than for the general candidates.
- 3.4.3.4** The Chairman NCSC asked the Principal Secretary about the shortfall of 2.27% in the Graduate Level enrolment in the Colleges. Hon'ble Commission also expressed their concern about increasing dropout rate in the State at Secondary level in particular. It has been said that as per report, the Boys dropout rates have increased from 17.77% in 2011-12

to 32.71% in 2015-16 and similarly Girls dropout rate increased from 17.78% in 2011-12 to 36.61% in 2015-16 which is alarming.

- 3.4.3.5** With regards to PHCs, the Vice Chairman, NCSC asked how many Primary Health Centers are there in areas having 50% Scheduled Castes populated areas.
- 3.4.3.6** Then on the implementation of Mahatma Gandhi National Rural Employment Guarantee Scheme and issue of job cards to the SC people, the Chairman wanted to know from the State Government who keeps the JOB CARD under the MENREGA Scheme. The State Officers said they are not aware of such system and then the Chairman explained that in some other States, the Village Pradhan use to keeps the JOB CARDS and submit fictitious bills thereby lot of malpractices are followed in implementation of schemes. Chairman desired to know whether this same system is followed in West Bengal too. The Principal Secretary replied that they are hearing this for the first time.
- 3.4.3.7** The Principal Secretary, BCW Department said that under the MENREGA Scheme, 26.53% of the beneficiaries are from Scheduled Castes. This is more than the 22% prescribed for the Scheduled Castes as per the Reservation percentage on the basis of the population of the Scheduled Castes.
- 3.4.3.8** On the issue of free Surplus Land Distribution Scheme, the Hon'ble Chairman wanted to know how many of SCs having actual access to the distributed land under the scheme. Principal Secretary, BCW however, said that the distributed lands are exclusively in possession of SC allottees.
- 3.4.3.9** Discussing the issue related to Skill Development, the Principal Secretary, BCW Department said that under the scheme 400 Scheduled Castes Girls were given assistance for starting Beauty Parlour, Book Binding, Ornamental Fishery business etc. after giving training.

**3.4.3.10** On the issues of Reservation in Services, the Pr. Secretary said that 22% reservation is given for Scheduled Castes in State Services. This is as per the population of Scheduled Castes which is 22% as per the 2011 Census. 50 Percent Roster is maintained for promotion and 100 point Roster is maintained for Direct Recruitment. The State Government conducted Special Recruitment Drive for Scheduled Castes/ Scheduled Tribes & OBCs for the backlog vacancies and through Special Recruitment Drive, the Percentage has gone upto 18% which is still 4 percentage short of 22%. The special Recruitment Drive was done in two phases in the last 3 years and the same would continue till the State percentage of SC population is achieved.

**3.4.3.11** The Chairman raised the issue about the candidates recruited on contract basis and asked whether the State Government has got any data on the recruitment done or outsourcing done on Contract basis as the opportunities in the Government Sector job is very few and because of the downsizing, the number of vacancies are very low. The Honourable Chairman asked whether the State Government follows any reservation policy on recruitment of candidates on contract basis. The Secretary, NCSC also explained in detail about the lack of job opportunities in Government. The Secretary, NCSC said that the employment opportunities in Government Sector are fast dwindling and so recruitment is not taking place in the Government Sectors. However Government is taking more persons on labour contract and the number of SC people also inducted by the Government. It is however, no body's knowledge about what happens to reservation as the same is not followed during recruitment of persons on contract basis.

**3.4.3.12** Then the issue of Reservation in Educational Institutions was taken up. The Chairman, NCSC raised the issue of those Scheduled Castes Candidates who opts for reserved quota even after getting high marks and becomes eligible on merit should be discouraged to occupy SC quota seats which ruins the chances of those SCs who score lesser marks

and forfeit chance of getting admission due to occupancy by meritorious SC students.

**3.4.3.13** The Principal Secretary, BCW Department said that the State Government is giving educational loans under its own programme to the SC Students. The total application received was 225 and out of which 150 were given educational loans.

**3.4.3.14** The Chairman asked the Municipal Corporation authorities whether any death occurred due to sewage related accidents. Chairman also cited the example of Gurgaon, Haryana State where 10 people reportedly died recently. The Officer representing the Kolkata Municipal Authority said 8 people died in sewage related incidents in Kolkata too.

**3.4.3.15** When the Implementation of the SC & ST POA Act was taken up, the Chairman raised the question whether all murders of SCs are booked under the Act. The Secretary of the concerned department replied that POA Act is applied only in cases where an SC is murdered on the basis of Caste. Then the Chairman raised the issue of 3 murders which took place in Juranpur under Kaliganj P.S. of Nadia District in West Bengal where Scheduled Castes have been murdered by non-SCs yet the State Government has not slapped SC / ST (POA) Act in the FIR filed on the above murder. The Chairman asked reason for not including the said murder incidence in atrocity data provided by the State. The Chairman questioned authenticity of the atrocity data and Chairman asked the State Officers to add the provisions of SC/ST (POA) Act and send a report to the Commission immediately on the said murder occurred in Kaliganj, Nadia. He had also asked the NCSC State Office officials to visit the spot and report the matter to him.

**3.4.3.16** Discussing the issue of sensitization of police / PP, the Pr. Secretary, BCW said that sensitization programme has conducted as 700 officers of the department have given training on sensitization of the POA Act and Rules there on.

**3.4.3.17** On the query of the Chairman on the holding of the meeting of the State Level Vigilance and Monitoring Committee Meeting, the Principal Secretary, BCW Department stated that the Meeting under the Chairmanship of the CM is held twice in a year i.e. in January and July. The Secretary, Judicial Department also said to have made part of State Level Vigilance Monitoring Committee Meetings as Special Invitee.

**3.4.3.18** The Member Shri Yogendra Paswan said that 97% cases is a serious issue and the low rate of conviction is also a serious issue.

#### **3.4.4 Actionable Points**

##### **3.4.4.1 On Socio-economic Development:**

**3.4.4.1.1** The State may provide details of SC specific schemes and shall ensure specific programmes under SCSP budget head for sole development of SC community.

**3.4.4.1.2** The State ought to take special step to arrest dropout rate particularly at middle level including non-filling up seats at Graduate & Post Graduate levels.

**3.4.4.1.3** Reservation in educational institutions both in higher education and technical education shall be maintained strictly and shortfall as detected in admission in medical courses including polytechnics, may be sorted out

**3.4.4.1.4** The State should also ensure that the job cards under MENREGA schemes are not in hand of unscrupulous men for their misuse.

**3.4.4.1.5** The State also requires taking special initiative in health sectors and shall ensure availability of primary health care system in areas dominated by Scheduled Castes.

**3.4.4.1.6** With launching of the “Start up” / “Do Your Business” / “Make India” sort of programmes, the Govt. ought to give emphasize on the same. Any issues with Banks regarding

refusal or non-sanctioning of loans etc. if comes up, the same may be taken up at the apex level and the Commission may also be informed about such cases.

**3.4.4.2 On Atrocity:**

**3.4.4.2.1** The State has failed to provide right figure regarding atrocity cases on Scheduled Castes. The same may be consolidated by the Home Department and send across to the NCSC hqrs/ State Office.

**3.4.4.2.2** The State has recorded the higher percentage in the matter of pendency of atrocity cases in various courts. The State ought to take a view on the matter.

**3.4.4.2.3** As the percentage of conviction is equally low, the State should take special measures to sensitize both police and public prosecutors through trainings / discussions.

**3.4.4.3 On Service Safeguard:**

**3.4.4.3.1** NCSC observed that there is no reservation is maintained in outsourcing job although a vast number of such employments occur in Government establishment. It is stressed for maintaining of reservation in outsourcing jobs too.

**3.4.4.3.2** Backlog vacancies in Groups A, B, C and D (sweepers) still existing. Efforts may be made to bring the same at par of State population at least.

**3.4.5 Conclusion:**

Chairman, NCSC in his concluding remarks thanked Principal Secretary, Backward Class Welfare Department and other senior officers for taking initiatives to address problems of Scheduled Castes and hoped that the State of West Bengal will lead the country in social justice system and would be a role model for other States.

The meeting ended with Vote of Thank delivered by Shri S.K.Thade, Principal Secretary, Backward Class Welfare Department, Govt. of West Bengal.

### **3.5 State Review of Telangana 21.02.2018**

#### **Minutes of the Review of Telangana State by National Commission of Scheduled Castes with Chief Secretary and other senior Officers of Government of Telangana (GoT) on 21.02.2018**

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Chief Secretary and other senior Officers of the level of Additional Chief Secretaries, Special Chief Secretaries and Principal Secretaries, Secretaries, Commissioners, Directors etc. of GoT participated in the review by the National Commission for Scheduled Castes. List of participants is placed at Annexure –I.

The Chief Secretary while welcoming the Commission stated that Telangana is the youngest State of India and is set for fast development in various sectors and looked forward for Commission's pro-active observations and advice to strengthen their activities.

The Chairman / NCSC in his opening remarks said that the Commission has come to Telangana as a part of its Constitutional mandate to monitor the implementation of safeguards and rights of the Scheduled Castes in the state. The review is an exercise undertaken to point out the areas of concern of NCSC and to sensitize the Government towards the same. The Commission had sent detailed proformae to the State Government for submitting detailed information on work done by state on schemes for welfare of SCs, Central Sector Schemes , Central Schemes & State Sector Schemes , other GOI schemes like PMAY , Ujjawala , Mudra , Stand Up , Jan Dhan , MNREGA etc, action taken regarding prevention of atrocities , payment of compensation to victims of atrocities, action taken regarding prohibition of Manual Scavenging etc.

Analysis of the replies to the various proformae and questionnaires of the Commission, data of NCRB , MSJE etc has been made by the Commission. Detailed discussions will

be held after a brief presentation by the Commission on the findings and concerns of the Commission on the core sectors mentioned. Responses of the State Government will be invited on the findings in the presentation during detailed discussions.

In the presentation the main issues highlighting the areas of concern of the Commission were :

- 3.5.1** Violation of Article 338(9) of the Constitution due to non consultation by State Government on major policy decisions of the state which may affect the SCs, viz,
- SC/ST Special Development Fund (Plan, Allocation &Utilisation of Financial Resources) Act, 2017.
  - The Telangana Victim Compensation Scheme, 2015 under section 357A of CrPC.

*Chief Secretary assured that hence forth all policy matters will be referred to NCSC for opinion.*

**3.5.2** Expenditure on Schemes for welfare of SCs is much below the norm, while allocation has increased from Rs 8089.24 crore to 14375.13 crore from 2015-16 to 2017-18, the actual expenditure had remained almost static at near Rs 4000 crore<sup>2</sup>. In fact the % of expenditure on SC specific schemes to the total plan allocation has actually come down to 4.67 in 2017-18 from 7.50 in 2015-16. Departments like Energy , Panchayat Raj, Rural water supply & sanitation, TSWREIS, Rural development , MA&UD , WD&CD,H&FW, Weaker section Housing,S C development, Municipal administration, irrigation , Transport etc had very low expenditure vis a vis the allocation. This was very worrying as now there was no time left in the FY 2017-18 for proper & effective utilization of funds.

**3.5.3** The literacy rate of Telengana is below the All India average and the difference is much higher in SCs especially SC women.

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1. at Rs 3929.64 crore in 2015-16 to Rs 4116.79 crore in 2017-18

- 3.5.4** Drop out rates are high and show an increasing trend from 2014-15 to 2016-17, especially in the secondary school levels. Hence Commission desired to know the measures taken by Government to promote education, improve literacy and reduce drop out rates as well as mechanism in place for monitoring .
- 3.5.5** There is large difference between the actual no of SC students in class 9 & 10 and those registered for premetric scholarship, viz 181691 SC students were registered in 2015-16 in classes IX & X , premetric scholarship was given to only 62089 ( registered 101790) hence 119622 students did not get scholarship. There are similar figures in 2016-17.
- 3.5.6** There is a huge jump of SC students enrolled in classes IX & X in 2017-18 (582538) from those in enrolled in 2016-17 (181182) which needs to be clarified .
- 3.5.7** In 2016-17 only 162066 SC students received Post Matric scholarship (PMS ), which is only 11.89% of the total students that year much below the SC population of the State.
- 3.5.8** Reasons for 53289 SC students from 2014-15 to 2016-17 not receiving PMS is not clear , with 44682 students left over in 2016-17. Have the students left over from 2014- 15 to 2016-17 , now received the PMS needs to be clarified.
- 3.5.9 Mudra Loans :** The number of loans given to and amount sanctioned to SCs in 2016-17 has declined sharply
- 3.5.10** How many loans of Rs 10 lakh have been given and how many loans from Rs 5 lakh to Rs 10 lakh needs to be specified.
- 3.5.11** Details of how many SC persons have opened accounts under **PM Jan DhanYojna** vs the total no. of PMJDY were not available , they may be given.
- 3.5.12 Stand Up Scheme :**No details of Stand up Scheme beneficiaries have been given , while the scheme has special provision that each branch will give loan to one SC / ST & 1 woman.
- 3.5.13 Education Loan :**Details of how many SC students have availed education loan vs the total no. of beneficiaries is needed.
- 3.5.14 The monitoring mechanism of of State Government for these important schemes of GoI run by Banks appears missing as no details have been given**

. As beneficiaries are residents of Telengana , a monitoring system is necessary.

**3.5.15 MNREGA Scheme :**After analysis it appears that an average of 22 to 23 days employment per year for an SC job card holder was given<sup>3</sup> , this is much below the norm of at least 100 days of job as per MNREGA.

**3.5.16 Action on Atrocity cases :**

- Reluctance of police to register cases – seen by cases lodged u/s 156(3) of which approx. 20% were later charge sheeted- showing that the SC victim in these genuine cases also had to take refuge of the court to get FIRs registered.
- Rate of crime against SCs is 28.27 against National average of 20.26 in 2016 , it is higher than National average in 2014, 2015 also.
- The percentage of atrocity cases pending for investigation at level of police ( 42.90 , 42.30 & 54.30 in 2014 , 2015 & 2016 respectively ) are much higher than the National average of 25.10, 29.70 & 29.60 for 2014, 2015 & 2016 respectively .
- The conviction percentage in atrocity cases ( 7.20 , 9.30 & 6.70 in 2014 , 2015 & 2016 respectively ) are way below the than the National average of 28.80, 25.80 & 24.90 for 2014, 2015 & 2016 respectively. The State Government needs to assess and improve the performance of the Special Public prosecutors.
- **Exclusive Special Courts :** Exclusive Special Courts need to be set up in all districts under sub section (1) of section 14 of the SC/ST Prevention of Atrocities Act ( as amended 2015)
- Delay by District Administration to sanction monetary compensation at FIR stage & chargesheet stage as per sections applicable of the SC/ST Prevention of Atrocities Rules, 1995 as amended in 2016 . Of the 1427 , 1293 and 1529 cases in 2014, 2015 & 2016 respectively and 861 cases registered upto July 2017 , compensation has been given in only 411, 530 , 687 and 493 cases in 2014, 2015 , 2016 & 2017. Compensation to victims of even grievous crimes like murder , rape and arson have not been paid .As per calculations compensation amount of at least Rs 13.94 crore still needs to be paid to the victims / dependents from 2014 to 2017.

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<sup>3</sup> SC job cards – 9,32,749, SC person days 2.23 crore days, Actual no. of days job was given / year – 23

- Not sending proposal for compensation component from Dr. Ambedkar Foundation/Jagjivan Ram Foundation to assist the victims.
- Not utilizing provisions under Victim Compensation Scheme by sending grievous cases for sanction under the scheme.
  
- **State Level Vigilance & Monitoring Committee (SLVMC)** under the Chairmanship of Chief Minister is to meet twice in a year as per Rule 16(2) of the POA Rules. This Committee is not yet constituted.
- There is a Committee under Chairmanship of Minister of SCDD, which is not as per Rules. State Government needs to constitute the SLVMC and hold regular meetings of the same.
- **District Level Vigilance And Monitoring Committee (DLVMC)** meetings are to be held every quarter ,
  - **In 2015 out of 36 meetings by 9 districts only 10 meetings were held**
  - **In 2016 , out of 36 meetings by 9 districts only 15 meetings were held.**
  - **In 2017 , out of 124 meetings by 31 districts only 24 meetings were held**State Government needs to monitor the holding of regular meetings of the DLVMC .

### **3.5.17 Implementation of Prohibition of Manual Scavenging Act**

The above Act & the Judgement of Hon'ble Supreme Court has not been properly implemented.

In 2013-14 there were 4 deaths and in 2016 also there were 4 tragic deaths during manual cleaning of sewers .

Payment made by GHMC is Rs 1 lakh , and Rs 6.21 lakh( hospitalization expenses in 2013-14 cases . Details of Compensation paid in 2016 cases not known.

Actual due Rs 10 lakh / death from principal employer & Rs 10 lakh from the insurance policy plus compensation as per the SC/ST POA Rules if victims are SCs.

GHMC has taken a policy of Rs 6 lakh sum insured , it has to be Rs 10 lakh as per Hon'ble Supreme Court's directions.

### **3.5.18 Detailed discussions :**

- **Literacy & education:**

In the detailed discussions the Commission desired to know measures taken by the State Government to improve literacy rates , reduce drop out rates & why enrolment in schools is going down.

- **Response of GoT :**

Special Chief Secretary (Education) informed the Commission that literacy and dropout are combated by the Government and steps are already initiated. The figures reflected in the booklet are of 2011, whereas as by 2018 adult illiteracy has drastically come down by at least 50%, as per National Open Education Society's data. Illiteracy is seen mainly in population aged 15 years and above, that is why adult education is given importance through Sakshar Bharat programme, with a large no. of adult education centres( approx. 30%) in SC dominated areas. There are new Welfare residential schools being opened for SC students from KG to PG level which are doing very well.

*The Commission had visited Telangana State SC Welfare Residential Educational Institutions Residential School/Junior College at Gowlidoddi, Hyderabad on 20 Feburary 2018 and places on record its appreciation of the academic, residential and health facilities in the school. The Greenguru concept, viz., senior students taking tuitions and earning Rs. 3,500/- per week was unique and needs to be emulated in other states.*

**The presentation made by the Secretary TSWREIS on the Telangana State SC Welfare Residential Educational Institutions Residential Schools was also appreciated.**

Regarding issues raised by NCSC like: large difference between the actual no of SC students in class 9 & 10 and those registered for premetric scholarship, jump of SC students enrolled in classes IX & X in 2017-18 (582538) from those in enrolled in 2016-17 (181182), in 2016-17 only 162066 SC students (11.9% of total students ) receiving Post Matric scholarship, whether the students left over from 2014- 15 to 2016-17 , have

now received the PMS etc , the officers gave an assurance to examine the same and submit a point wise report within 1 month.

### **3.5.19 Expenditure on Schemes for welfare of SCs :**

Only Rs 7177 crore out of Rs 14375 crore was stated as spent on the schemes as on 15 February 2018. It was seen that departments like Energy , Panchayat Raj, Rural water supply & sanitation, TSWREIS, Rural development , MA&UD , WD&CD,H&FW, Weaker section Housing,SC development, Municipal administration, irrigation , Transport etc had not spent approx 50% of the allocation to date ( 15 February 2018).

### **Response of GoT**

The various Departments explained the constraints regarding the low expenditure. The reduced expenditure of some departments is also due to many schemes being run in mission mode outside the budget eg. :

- Mission Bhagiratha - aimed to give water to each and every household, the allocation of Rural water supply & sanitation deptt is not being spent.
- The Jananisurakhsa funds ( health ) are not being utilized due to the better aid being given through KCR kits ( where Government gives assistance for two deliveries in Government institutions ).
- Instead of PMAY – the 2 BHK scheme will be implemented once the planning & funding is finalised. In the 2 BHK scheme ( Rs 16700 crore outlay ) , there will be proportionate representation for SCs. In PMAY also 19,715 houses are targeted this year @ Rs. 1,20,000/- per unit.

The Finance Secretary stated that unspent money is now being carried over to next fiscal year due to the Act.

The CS and other senior officers committed to ensure speedy expenditure , improved planning & regular monitoring in the next year regarding schemes for welfare of SCs.

**Swachh Bharat** : Secretary, MA&UD informed that 1,45,000 toilets have been constructed so far. 75 towns are ODF free. GHMC Commissioner informed that instead of manual collection, SHGs are given vehicles to collect garbage from door to door.

### **3.5.20 Implementation of GoI schemes on employment & skill/ entrepreneurship development :**

**MNREGA** : only 23 days of employment / year are being ensured against a target of 100 days / year. The Govt. will examine the data and give an update as well as steps taken to increase the no of days employment / person.

#### **Mudra loan :**

In 2016-17 against loans of Rs. 3878.38, SC coverage was only Rs. 244.11. Similarly during 2017-18, of Rs. 2341.05 loans given , loans to SCs were only Rs. 117.29. This is very low and stateGovt needs to monitor whether Banks are implementing the scheme properly. Data on how many SCs have received loans of Rs 10 lakh, how many between Rs 5-9 lakh & how many below Rs 1 lakh need to be collected and analysed.

*The CS indicated that a scheme called T -pride for SC entrepreneurs is in operation & details of scheme and the progress on the scheme as well as data asked for on Mudra loan will be intimated to the Commission.*

- **Ujjawala yojna , PM JandhanYojna , Stand up scheme, Education loans:**

No data on SC beneficiaries of **Ujjawala yojna , PM JandhanYojna , Stand up scheme** ( which has special provision that each Bank branch will select at least 1 SC/ ST and 1 woman to sanction loan ) and **education loans** to students by banks was made available to the Commission . The data may be collected ,analysed and sent to NCSC.

Commission desired that the implementation by Banks / Oil PSUs of these important schemes be monitored by GoT regularly so as to ensure that SC beneficiaries are being benefitted. Data on how many bank branches have given Stand up scheme loan to SCs / SC women out of total no. of bank branches in 201-17 & 2017-18, how many SCs had applied for the loan ,average loan size etc need to be collected and analysed and sent to the Commission within 1 month.

- **Response of GoT:**

*CS / Telengana assured that a monitoring mechanism will be put in place and data collected from implementing banks & sent to NCSC within 1 month.*

MD, SC Finance Corporation added here that the Corporation is giving training to unemployed youth through skill development programmes . He gave an example of a scheme of Rs. 4 crores for para-medical staff training through Apple Mediciti.

Principal Secretary, R&B informed that Commission that NAC is giving training to SCs as well.

- **Reservation of industrial plots for SCs:**

To the queries of Commission regarding reservations in SEZs and allocation done to SCs , Secretary, Industries informed that 15% reservation is made in TSSIC, but no information is available on SEZ for SCs and assured to send information within a month.

- **Assigning of land to landless SCs :**

Chief Secretary added that Government is duty bound to protect Government land and assigned lands are not be allowed to be sold and resumption is done only when original assignees do not enjoy the land.

### **3.5.21 Action to reduce Atrocities and status of compensation to Victims / families:**

The Commission emphasized a few aspects needing the attention of the CS , PS (home) , PS ( SCDD ) and District Magistrates :

#### **Timely and proper payment of financial compensation as per the amended SC/ ST Prevention of Atrocity (PoA) Rules 2016 :**

- There is a huge gap between the compensation to be paid to victims and the amount actually paid from 2014 to December 2017 . Victims / dependents of even heinous crimes like murder, rape & arson are not receiving the compensation amount and additional help as defined under the Rules. Eg : As per data furnished the families of 3 murder cases ( out of 15 murders) in 2014, 5 murder cases ( out of 17 murders)in 2015 , 18 murder cases ( out of 32 murders)in 2016 and 9 murder cases ( out of 12 murders)of 2017 are yet to receive any compensation . Similar is the case of victims of rape / gang rape , arson and other crimes. As per calculations of the Commission at least Rs 13.94

crore compensation is due to be paid to victims/ dependents from 2014-1017. **The Government should regularly monitor the same and ensure the step wise compensation is paid timely.**

- **State Level Vigilance & Monitoring Committee (SLVMC)** under the Chairmanship of Chief Minister needs to be constituted and meet twice in a year as per Rule 16(2) of the POA Rules.
- **District Level Vigilance And Monitoring Committee (DLVMC)** meetings are to be held every quarter .
- Steps need to be taken set up Exclusive Special Courts in all districts under sub section (1) of section 14 of the SC/ST Prevention of Atrocities Act (PoA) ( as amended 2015) & regular monitoring of the work of the Special Public Prosecutors is needed as the conviction rate of Telengana is very low as compared to the national average.
- In heinous crime cases , proposals for compensation component from Dr. Ambedkar Foundation/Jagjivan Ram Foundation and for GoI Victim Compensation Scheme should be sent by district authorities in order to assist the victims.
- **Response of GoT**

*CS stated that due to reorganisation of the districts these issues were pending , but assured action on all the above points. CS and PS( SCDD) also committed to regularly monitor the timely and correct payment of compensation and send proposals for assisting victims on heinous crimes to Dr. Ambedkar Foundation and under Victim Compensation Scheme.*

### **3.5.22 Implementation of Prohibition of Manual Scavenging Act :**

The Commission had found that the above Act & the judgement of Hon'ble Supreme Court has not been fully implemented. The amount paid to families of 8 victims is less than stipulated and GHMC has taken a policy of only Rs 6 lakh sum insured , rather than Rs 10 lakh as per Hon'ble Supreme Court's directions.

*MD, HMWSSB replied that there were 3 sewage death cases and compensation of Rs. 10/- lakhs were given and contractors were black listed. Manual cleaning of sewers is banned and they are buying 71 machines for clearing sewerage and giving training to staff to use them. Insurance cover has now been raised to Rs. 10/- lakhs. Full*

*implementation of the Act as well as addition of the relevant section of the MS Act and the SC/ST POA Act in FIRs will be ensured.*

Summing up the discussions the Chairman – NCSC appreciated the efforts of officers , he emphatically & clearly pointed out that as there are short comings in implementation of Government Schemes, Centrally Sponsored Schemes etc. which were pointed out during the review , there is need to regularly monitor the same to ensure that the benefits of these schemes reach the target SC population and help in their economics and social upliftment. He urged Chief Secretary to review SCSP and action taken under the POA Rules regularly, issue necessary instructions and also take steps to immediately constitute the State Level Vigilance & Monitoring Committee. He desired that the details asked for by the Commission may be compiled and sent to the Commission in the committed time frame.

Chief Secretary / Telengana assured the Commission that action as desired by Commission on various issues will be taken and the detailed reports as asked for will be submitted to the Commission in the time frame as fixed.

**3.5.23 Minutes of the Review of Telengana State regarding Prevention of Atrocities on Scheduled Castes held with the Principal Secretary, Home, DGP, Addl. DGP, IG and other senior Police officers of GoT on 21.02.2018 at 2.00 p.m**

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The Principal Secretary, Home, Director General of Police , Addl. DGP, IG and other senior Police Officers of Telengana participated. List of participants is placed at Annexure – II.

Principal Secretary, Home welcomed the Commission and started with a short presentation on Telengana Police.

The Chairman / NCSC in his opening remarks said that the Commission was in Telengana as a part of its Constitutional mandate to monitor the implementation of safeguards and rights of the Scheduled Castes in the state. The review is an exercise undertaken to point out the areas of concern of NCSC and to sensitize the Government

and State Police towards the same. The Commission had sent detailed proformae to the State Government and DGP for submitting detailed information on action taken regarding prevention of atrocities , payment of compensation to victims of atrocities, action taken by police on cases regarding death / injuries during manual cleaning of sewers / manual scavenging.

Analysis of the replies to the various proformae and questionnaires of the Commission, data of NCRB , MSJE etc has been made by the Commission and detailed discussions will be held after a brief presentation on the findings and concerns of the Commission is given to the officers present. Responses of the State Government and DGP will be invited on the findings in the presentation during detailed discussions.

The main issues highlighting the areas of concern of the Commission were :

#### **3.5.24 Action on Atrocity cases :**

- Reluctance of police to register cases – seen by cases lodged u/s 156(3) of which approx. 20% were later charge sheeted- showing that the SC victim in these genuine cases also had to take refuge of the court to get FIRs registered.
- Rate of crime against SCs is 28.27 against National average of 20.26 in 2016 , it is higher than National average in 2014, 2015 also.
- The percentage of atrocity cases pending for investigation at level of police ( 42.90 , 42.30 & 54.30 in 2014 , 2015 & 2016 respectively ) are much higher than the National average of 25.10, 29.70 & 29.60 for 2014, 2015 & 2016 respectively .
- The conviction percentage in atrocity cases ( 7.20 , 9.30 & 6.70 in 2014 , 2015 & 2016 respectively ) are way below the than the National average of 28.80, 25.80 & 24.90 for 2014, 2015 & 2016 respectively. The State Government needs to assess and improve the performance of the Special Public prosecutors.
- Exclusive Special Courts : Exclusive Special Courts need to be set up in all districts under sub section (1) of section 14 of the SC/ST Prevention of Atrocities Act ( as amended 2015)
- Delay by District Administration to sanction monetary compensation at FIR stage & chargesheet stage as per sections applicable of the SC/ST Prevention of Atrocities

Rules , 1995 as amended in 2016 . Of the 1427 , 1293 and 1529 cases in 2014, 2015 & 2016 respectively and 861 cases registered upto July 2017 , compensation has been given in only 411, 530 , 687 and 493 cases in 2014, 2015 , 2016 & 2017. Compensation to victims of even grievous crimes like murder , rape and arson have not been paid .

*The same is due to not sending of stage wise information on the progress of the cases by Police to the DM . As per amended SC/ST Prevention of Atrocities Rules (PoA Rules), 2016 stage wise compensation is payable viz, FIR stage , Medical / postmortem stage , chargesheet filing stage and conviction stage.*

- **Participation by SSP / SP / Commissioner of Police in the District Level Vigilance and Monitoring Committee (DLVMC) meetings to be held every quarter ,**
  - **In 2015 out of 36 meetings by 9 districts only 10 meetings were held**
  - **In 2016 , out of 36 meetings by 9 districts only 15 meetings were held.**
  - **In 2017 , out of 124 meetings by 31 districts only 24 meetings were held**

#### 2014

- 15 cases of murder - charge sheets in only 9. Compensation given to 12
- 90 cases of rape - charge sheets in only 29. Compensation to 47
- 1 case of Arson - . Compensation to NIL
- 1321 cases of other - charge sheets in only 410. Compensation to 352

#### 2015

- 17 cases of murder - charge sheets in only 9. Compensation to 12
- 108 cases of rape - charge sheets in only 42. Compensation to 70
- 4 cases of Arson - charge sheet in zero. Compensation to 1
- 1163 cases of other - charge sheets in only 401. Compensation to 447

#### 2016

- 32 cases of murder - charge sheets in only 8. Compensation to 14
- 164 cases of rape - charge sheets in only 37. Compensation to 97
- 2 cases of Arson - charge sheet in only 1. Compensation to 0
- 1331 cases of other - charge sheets in only 322. Compensation to 576

2017

- 12 cases of murder - charge sheets in only 0. Compensation to 3
- 108 cases of rape - charge sheets in only 14. Compensation to 67
- 741 cases of other - charge sheets in only 122. Compensation to 423

**Detailed discussions :**

**3.5.25 Delay in filing Charge sheets :**

Commission enquired as to reasons why the charge sheets in 2014, 2015, 2016 and 2017 (upto September 2017) cases have not yet been submitted . The delay is particularly serious in 2016 & 2017 cases as the SC/ST Prevention of Atrocities Act ( as amended in 2015) has laid down a 60 day time limit for the completion of investigation . The delay in filing charge sheets puts a pressure on the poor SC victims to compromise with the accused.

**Response :**

Principal Secretary, Home stated that delay in getting FSL Report / Medical Report is the reason for this gap. However the officers present were unable to inform the exact reasons for non submission of charge sheets even in the grievous cases of murder and rape of 2014 to 2016 and upto Jul 2017. The PS( Home ) and DGP assured the Commission that the cases will be examined and an up to date status report along with reasons for delay in filing of charge sheets , on the each of the murder , rape and arson cases will be submitted within 1 month to the Commission .

**3.5.26 Cases u/s 156(3):**

Due to reluctance of Police to register cases , people have to approach Courts for registering of the FIRs u/s 156(3). Approximately 20% of such cases registered u/s 156(3) are finally charge sheeted ( 25.9% in 2016), hence they are genuine cases for which the poor SCs have to approach Court.

The Commission desired to know details of action taken against the Police officers who refused to register FIRs , especially in the cases where the charge sheet is filed.

**Response :**

Addl. DG responded that charge sheeting a case does not mean that the case is genuine. Intervening the PS(Home) stated that detailed instructions will be issued to all to expeditiously lodge all FIRs within 1 month and the Commission informed.

**3.5.27 Low conviction rate & high pendency of cases with Police:**

The conviction percentage in atrocity cases ( 7.20 , 9.30 & 6.70 in 2014 , 2015 & 2016 respectively ) is very low and much below the National average of 28.80, 25.80 & 24.90 for 2014, 2015 & 2016 respectively.

The percentage of atrocity cases pending for investigation at level of police ( 42.90 , 42.30 & 54.30 in 2014 , 2015 & 2016 respectively ) are much higher than the National average of 25.10, 29.70 & 29.60 for 2014, 2015 & 2016 respectively . About 20-23% of the cases are reported as closed by the police ( 447& 449 in 2015 & 2016 respectively).

The Commission desired to know the reasons for the same , as cases pending for long puts a pressure on the poor SC victims to compromise with the accused. The delays may contribute to the high % of cases being closed by Police. The details of counter cases against SCs in response to cases filed by SCs was called for .

**Response :**

ADG, CID stated that conviction rate has to be calculated upon total no. of cases disposed by court in a year and convictions out of it. Then the figure will be about 21%. Since the data of conviction rate is as per NCRB , which is same nationwide , the calculation method of ADG was not accepted by NCSC.

ADG stated that no cases are compromised but was unable to inform reasons for 20-23 % closure of cases .

ADG further informed that there are counter cases but data is not immediately available with them.

Details of **on spot investigation** in murder , rape and arson cases by DM & SP of districts was not available. As this is laid down in the SC/ST Prevention of Atrocities

Act<sup>4</sup> ( as amended in 2015), the Commission advised that the on spot visits should be made. The PS (Home) assured that instructions will be issued for the same within 1 month and the Commission informed.

**3.5.28 Custodial deaths:**

3 cases of custodial deaths of SCs in Sircilla and Karimnagar districts were discussed. Member NCSC had made spot visits in the cases and issued findings.

ADG however denied that these were custodial deaths and stated that these persons died in hospital. The Commission heard the extracts of the reports on the same and felt that the reports appeared whitewashed and desired a reinvestigation by the PCR cell with detailed reports to be submitted to State Office , Hyderabad of the Commission within 45 days.

**3.5.29 Stage wise report of status of atrocity cases to DM by police:**

As per amended SC/ST Prevention of Atrocities Rules , 2016 stage wise compensation is payable viz, FIR stage , Medical / postmortem stage , chargesheet filing stage and conviction stage. The Commission desired up to date status of cases sent by police for release of compensation in 2016 and 2017 cases . Commission also felt that there is need for detailed instructions to be issued to the Police officers in this regard.

**Response :**

The details were not available . PS (Home ) & DGP assured that the 2016 & 2017 cases will be screened and it will be ensured that up to date status report is sent to DMs concerned in the cases for stage wise release of compensation. Detailed instructions will also be issued to the Police officers in this regard. Report on the action taken will be sent within 1 month to the Commission.

The Commission emphasised on the application of relevant sections of SC/ST Prevention of Atrocities Act ( as amended in 2015) and MS Act in cases of death / injury of persons engaged in manual cleaning of sewers / manual scavenging.

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<sup>4</sup>PoA Act

PS ( Home ) & DGP assured that necessary instructions will be given and the sewer death cases of the last 4 years will be reexamined and all relevant provisions included if victims are SCs. Report on the action taken will be sent within 1 month to the Commission

**3.5.30 Summing up the Chairman NCSC :**

Chairman NCSC stated that there should not be any delay in the completion of the investigations and in filing of charge sheets. The 60 day time limit as per the PoA Act should be adhered to. All FIRs should be lodged and no persons should have to resort to approaching courts for lodging of FIRs. Cross FIRs against SCs should be reexamined to ensure that they are genuine and not lodged for the simple purpose of pressurizing the SC complainants.

There is no co ordination between Police and SCD department , as District welfare officer who has to initiate relief measures on behalf of DM as and when cases are registered. Hence Chairman , NCSC advised Police to immediately notify SCD about registration and stage wise progress of a case so that relief measures can be started by Collector.

He urged Principal Secretary (Home) to review the action taken under the POA Act and Rules regularly, and the details asked for by the Commission may be compiled and sent to the Commission in the committed time frame.

### **3.6 Review of Punjab State on 08.03.2018**

#### **Minutes of the Review of Punjab State by National Commission of Scheduled Castes with Chief Secretary and other senior Officers of Government of Punjab (GoP) on 08.03.2018**

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Chief Secretary , Punjab, other senior officers like Additional Chief Secretaries, Special Chief Secretaries and Principal Secretaries, Secretaries, Commissioners, Directors etc. of GoP participated in the review. List of participants is placed at Annexure – I.

The Principal Secretary, Department of welfare of SC/BC, Punjab while welcoming the Commission stated that Punjab has highest percentage of SC population in India i.e. approx. 32% and stated that the officers looked forward for the pro-active observations and advice of NCSC to strengthen their activities. He informed that 3% of the land holdings are held by by SCs and 73% SC reside in villages working mainly as agricultural laboreres.

The Chairman / NCSC in his opening remarks said that the Commission has come to Punjab as a part of its Constitutional mandate to monitor the implementation of safeguards and rights of the Scheduled Castes in the state. The review is an exercise undertaken to point out the areas of concern of NCSC and to sensitize the Government towards the same. The Commission had sent detailed proformae to the State Government for submitting detailed information on work done by state on schemes for welfare of SCs, Central Sector Schemes , Central Schemes & State Sector Schemes , other GOI schemes like PMAY , Ujjawala , Mudra , Stand Up , Jan Dhan , MNREGA etc, action taken regarding prevention of atrocities , payment of compensation to victims of atrocities, action taken regarding prohibition of Manual Scavenging etc.

Analysis of the replies to the various proformae and questionnaires of the Commission, data of NCRB , MSJE etc has been made by the Commission. Detailed discussions will be held after a brief presentation by the Commission on the findings and concerns of the

Commission on the core sectors mentioned. Responses of the State Government will be invited on the findings in the presentation during detailed discussions.

In the presentation the main issues highlighting the areas of concern of the Commission were :

**3.6.1 Expenditure on schemes for welfare of SCs is much below the norm:**

- State needs to bring the expenditure at par with the population of SCs in the State. The % of expenditure on SC specific schemes to the total plan allocation was very low ie 1.37 % in 2015-16 and 0.05% in 2017-18 while the % expenditure under SC specific scheme to SCSP outlay ranged from 4.27 % in 2015-16 to only 0.14% in 2017-18.
- % of SCSP expenditure to total State outlay & % expenditure under SC specific schemes to SCSP outlay is reducing from 2015-16 to 2017-18.
- Non utilized SCA funds are Rs 1395.82 lakh & Rs 5411.19 lakh in 2015-16 & 2016-17 respectively.
- Total State Plan Rs. 16858.72 crore in 2017-18 is about half of the total State Plan of Rs. 30688.00 crore in 2016-17.

**3.6.2 No expenditure made in :**

- scheme of diary farming as livelihood for SC beneficiaries , while the allocation is 100 lakh during 2015-16.
- scheme of Pilot Project for solar roof top scheme for SCs against allocation of Rs. 150 lakh during 2015-16
- scheme of houses to houseless SCs in rural & urban areas against the allocation of Rs. 2500 lakh during 2016-17 & Rs. 7000 lakh during 2017-18.
- loan waiver scheme for PSCFC against allocation Rs. 1766 lakh during 2017-18.

Only Rs. 9.37 lakh expenditure was made against allocation of Rs. 235 lakh under the provision of free text books & tool kits to SCs during 2016-17.

### **3.6.3 Education and Literacy Rate**

- The literacy rate of Punjab is near the all India average.
- Literacy rate of SC women is above the all India average- commendable.
- Decline in total no. of students & SC students in primary and middle school level between 2014-15 to 2017-18
- % of SC student in UG, PG, PG diploma courses range from 19 to 24% between 2014-15 to 2016-17.

### **3.6.4 Drop out rate**

- The drop out rates particularly of SC students have increased in 2016-17 when compared to 2015-16.
- Drop outs are high as the number of SC students in middle school are around 2.5 lakh when compared to SC students in primary school ( around 3.7 lakh )
- Measures to check the increase may be elucidated.

#### **3.6.5.1 Pre Matric Scholarship**

- Rs 18.43 crore of scholarship for 2016-17 has been released by GoI in November 2017- may be released immediately

#### **3.6.5.2 Post Matric Scholarship**

- Reasons for non release of scholarships to left over students of previous years ( approx 30,794 students) , all students of 2017-18 and the time frame for release may be elucidated.

### **3.6.6 SC hostels**

- Funds received from MSJE for construction of hostels in last three years (upto Dec. 2018)
- Rs 889.14 lakh for girls hostels – released to 6 girls hostels.
- Rs 153 lakh for boys hostels – released to 4 boys hostels.

- Number of hostels is very low when compared when compared to approx 20.19 lakh SC students .These hostels are not exclusive to SCs as per report.

### **3.6.7 Social Sector Central schemes**

#### **3.6.7.1 Mudra Loans**

- The number of loans given to SCs in 2016-17 & 2017-18 has not been given.
- How many loans of Rs 10 lakh have been given and how many loans from Rs 5 lakh to Rs 10 lakh may be specified.

#### **3.6.7.2 Stand Up Yojna**

- No details of Stand up Scheme beneficiaries have been given , while the scheme has special provision that each branch will give loan to 1 SC / ST & 1 woman.
- How many loans of Rs 1 crore, how many loans from Rs 50 lakh to Rs 1 crore, No of loans between Rs 25 lakh to Rs 50 lakh and upto Rs 25 lakh may be specified.

#### **3.6.7.3 Pradhan Mantri Jandhan Yojana**

- No details of SC beneficiaries have been given

The monitoring mechanism of these important Central schemes appears missing as no details have been given.

#### **3.6.7.4 Ujjawala Yojana**

- LPG connections to 118457 SC persons out of total 245008 (48%) were provided during 2016-17, which is commendable.

#### **3.6.7.5 Education Loan**

- The 12 SC were sanctioned education loan during 2016-17 and only one SC was sanctioned education loan during 2017-18.

#### **3.6.7.6 Land Schemes**

- 87.67% (1981) SC persons out of total 2261 beneficiaries were allocated the land during 2015-16

- 88.19 % (6424) SC persons out of total 7284 number of beneficiaries were allocated the land during 2016-17.

### **3.6.7.7 Pradhan Mantri Awas Yojana**

- 72.25% SC households are without pucca house.
- 14681(60%) houses out of 24469 were allotted to SC persons during 2016-17, but only 388 houses were constructed in 2016-17.
- 3969(60%) houses out of 6615 were allotted to SC persons during 2017-18 – details of actually constructed houses is to be given to the Commission.

### **3.6.7.8 Swachh Bharat Abhiyan (Gramin)**

- 1.13 lac individual household latrines (IHHL) were constructed for SC households during 2016-17.

## **3.6.8 Services**

### **3.6.8.1 Representation of Scheduled Castes in services.**

- State Government of Punjab enacted an Act namely “The Punjab Scheduled Castes and Backward Classes, (Reservation in services) Act, 2006” on 06.10.2016.
- In direct recruitment - 25% reservation has been given to SCs in service, however for promotion posts there is a variation ie 14% reservation to SCs in Group-A & B posts and 20% reservation in Group - C & D posts. The norms of 25 % in both DR and promotion need to be adopted.
- No advice of NCSC was taken on this dichotomy in reservation in DR / promotion & for the bifurcation of % reservation between different Group posts whereas as per Article 338 (9) of the Constitution the State Government was required to consult the Commission on all major policy matters affecting the Scheduled Castes.

### **3.6.8.2 Representation of Scheduled Castes in State Government services.**

- Data on representation of Scheduled Castes in State Government services is incomplete.

- No calculation of shortfall / backlog reserved vacancies in all Group Posts.

No separate data on representation of SCs in Safai Karamcharis provided.

### **3.6.8.3 Representation of Scheduled Castes in State PSUs services.**

- No Group wise/cadre wise information on representation of SCs in services of State PSUs provided.
- Data on representation of Scheduled Castes in State PSUs Services is incomplete.
- Shortfall of reserved vacancies have not been calculated and shown in the total representation of SCs in services in State PSUs

### **3.6.8.4 Back-log Vacancies**

As on 2016, 9259 backlog vacancies for Scheduled Castes in different post/cadres have been identified. The state government has to decide on a time bound action plan for filling up of these backlog vacancies.

### **3.6.8.5 False Caste Certificates**

- One case each of the false caste certificates reported during the years 2014-15, 2015-16 & 2016-17. Action has to be taken for cancellation of false caste certificate, against the person who had obtained benefits of reservation with a false certificate and also against officers who issued false caste certificate.

### **3.6.9 Atrocities**

- Police were found to be registering cases under the unamended sections of the SC/ST Prevention of Atrocities Act ( PoA Act ) despite the fact that the Act and Rules thereof have been extensively amended in 2015 & 2016 respectively. There are delays by DM to sanction monetary compensation at FIR & chargesheet stages, as per sections applicable of the SC/ST Prevention of Atrocity Rules , 2016 . DMs & SSPs are required to make spot visits in cases of murder & rape of SC victims , the visits are not being made.

- District administration is not drawing compensation component from Dr. Ambedkar Foundation/Jagjivan Ram Foundation to assist the victims & families or utilizing Central Victim Compensation Fund (CVCF) to help victims get additional assistance.
- In cases against minors , the compensation as per POCSO act not being paid.
- As per Rule 46 of the SC/ST Act, the additional relief like pension to the widow , education up to graduation level of the children of the victim , 3 month rasan etc. has not been provided in even a single case.
- Compensation to the victims / families is not being paid as per rules and is delayed.
- Between 2014-15 to 2016-17 alone Rs 402.50 lakh was the minimum due to be paid . Only Rs 223.353 lakh has been paid in past 11 years ( between 2005-06 to 2016-17) . The cases need to be reviewed on a priority and compensation made. The compensation should be paid as per the new Rules in cases from 2016 -17 onwards.
- Punjab has a very poor conviction rate which is much below the All India rate of 28.8 ,25.8 & 24.9 in 2014, 2015 & 2016 being o, 2.81 and 3.6 respectively regarding prosecution of the atrocity cases against SCs. This could be due to fact that incorrect provisions of the PoA Act are being imposed ,no exclusive special courts have been set up and no exclusive public prosecutors have been appointed. These are mandated as necessary as per u/s 14 and 15 of the PoA Act.

The State Government needs to take action as per the provisions of the amended PoA Act and Rules and issue necessary instructions to the District Administration , District Police , SC/ BC and the women and child development departments for the same and also set up the exclusive courts.

**3.6.9.1 State Level Vigilance & Monitoring Committee under the Chairmanship of Chief Minister is to meet twice in a year as per Rule 16(2) of the POA Rules.**

In 2015-16 and 2017-18 only one meeting was held . The meetings need to be regularly held and the above points made by the Commission should be implemented

**3.6.9.2 District Level Vigilance And Monitoring Committee Quarterly meetings are to be held . In 22 districts a total of 88 meetings annually were to be held , but :**

- In 2015-16 only 40 meetings were held
- In 2016-17 only 37 meetings were held
- In 2017-18 only 5 meetings were held

Instructions are needed to be issued for regularly holding DLVMC meetings.

### **3.6.10 Implementation of Prohibition of Manual Scavenging Act**

- The above Act & the Judgement of Hon'ble Supreme Court has not been properly implemented.
- 4 deaths during manual cleaning of sewers in 2013-14
- 1 death during manual cleaning of sewers in 2015-16
- 4 deaths during manual cleaning of sewers in 2016-17
- In 2017-18 there were 2 deaths during manual cleaning of sewers in Taran Taran. The PoA Act was included in FIR only after follow up by the Commission , however compensation of only Rs 10 lakh each was paid.
- In 2 deaths during manual cleaning of sewers in Ludhiana ( 2017-18), the POA Act was included in FIR, but compensation of only Rs 7 lakh each has been paid.

It is seen that compensation of only Rs. 10 lakh has been paid to each family in these 11 cases, whereas Rs 28.25 lakh is the minimum payment to be made in cases where victims are SCs and additional compensation to families as per Rule 46 of the PoA rules needs to also be paid.

All municipal corporations etc have to take a policy of Rs 10 lakh sum insured / worker as per Hon'ble Supreme Court's directions. The workers have to be fully equipped with safety apparatus in case they have to clean sewers manually.

### **3.6.11 Response of State Govt to NCSC :**

About 80-85 cases related to land , atrocities and service issues are pending in NCSC (HQs). It is seen that replies are not received and 2-3 reminders are sent by Commission to get any report. During hearings the officers called do not come or sent very junior officers for hearings.

**Detailed discussions were held on the issues raised by the Commission in its presentation :**

#### **3.6.11.1 Literacy & education:**

In the detailed discussions the Commission desired to know measures taken by the State Government to improve literacy rates , reduce drop out rates ,why enrolment in schools is going down and whether there is reservation in aided schools and colleges. Reasons for non payment of scholarships to students in 2017-18 and to left over students of previous years were also asked.

#### **Response of GoP :**

Principal Secretary (Education) informed the Commission that literacy and dropout are areas of concern and action is being taken to combat the same by the Government by schemes like ‘padho Punjab , padhao Punjab’. There are a total of 28000 schools in Punjab ( 19,000 Government and 9000 Private ) and there is reservation in all aided schools and colleges. Regarding scholarship it was informed that there were reports of some scams in the scholarships in the past years , hence a verification was being done and scholarships of all valid students will be shortly released. GoI has released all scholarship amount required .

He assured that these issues raised by Commission will be acted upon.

#### **3.6.11.2 Expenditure on Schemes for welfare of SCs :**

It was seen that departments like Energy , Panchayat Raj, Rural water supply & sanitation, Rural development , MA&UD , WD&CD,H&FW, Weaker section Housing, SC development, Municipal administration, irrigation , Transport etc had not spent most of the the allocation as on date. More than 50% of SCA funds were unutilized in 2015-

16 and 2017-18. Poverty alleviation schemes helped only approx. 16% of beneficiaries to cross poverty line.

### **Response of GoP**

The CS agreed that the allocation has been low and expenditure on SC welfare schemes has been very low when compared to allocation. The total plan size has also reduced to almost half ( from Rs 30688 crore in 2016-17 to Rs 16,858 crore in 2017-18 and the SCSP component has also reduced. He admitted that the Government will take steps to increase both allocation and expenditure on SC specific schemes.

The CS and other senior officers committed to ensure speedy expenditure , improved planning & regular monitoring in the next year regarding schemes for welfare of SCs.

The Commission however felt that the situation is alarming and it will bring it to attention of Niti Aayog and the PMO.

### **3.6.11.3 Implementation of GoI schemes on employment & skill/ entrepreneurship development :**

#### **MNREGA :**

- After analysis it appears that an average of more than 200 days employment per year /card holder was shown as given<sup>5</sup> , since this is much higher the norm of at least 100 days of job as per MNREGA and also more than 5-6 times higher than the average no. of mandays / card holder created by other states , the same needs to be carefully rechecked and examined and district wise details are to be provided. The Member of State Scheduled Castes Commission informed that the process is not working in a transparent way.

### **Response of GoP**

The Govt. will examine the data and give an update as well as steps taken to provide the proper no. of days employment / person.

### **3.6.11.4 Implementation of Central Government Schemes**

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<sup>5</sup> SC job cards – 9,32,749, SC person days 2.23 crore days, Actual no. of days job was given / year – 23

**Mudra loan , Ujjawala yojna , PM JandhanYojna , Stand up scheme, Education loans:**

No data on SC beneficiaries of Mudra yojna **Ujjawala yojna , PM JandhanYojna , Stand up scheme** ( which has special provision that each Bank branch will select at least 1 SC/ ST and 1 woman to sanction loan ) and **education loans** to students by banks was made available to the Commission . The data may be collected , analysed and sent to NCSC.

Commission desired that the implementation by Banks / Oil PSUs of these important schemes be monitored by GoP regularly so as to ensure that SC beneficiaries are receiving the due benefits. Data on how many bank branches have given Stand up scheme loan to SCs / SC women out of total no. of bank branches in 2016-17 & 2017-18, how many SCs had applied for the loan ,average loan size etc need to be collected and analysed and sent to the Commission within 1 month. Similarly for Mudra scheme, data on how many SCs have received loans of Rs 10 lakh, how many between Rs 5-9 lakh & how many below Rs 1 lakh need to be collected , analysed and sent to Commission.

**Response of GoP:**

*CS / Punjab agreed that the monitoring mechanism was lacking as they were dependent on the supply of information by the Bank . He assured that a monitoring mechanism will be put in place and data collected from implementing banks & sent to NCSC within 2 months.*

**3.6.11.5 Reservation of industrial plots for SCs:**

To the queries of Commission regarding reservations in SEZs and allocation to SCs , it was found no information is available on SEZ for SCs and Secretary, Industries informed that no industrial estates have been allocated in last several years.

**3.6.11.6 Assigning of land to landless SCs :**

Only 3 % of the total land is with SCs in the state,ie . 6424 SC families out of 7284 beneficiaries were allocated land in 2016-17 , however the details of how much land allotted per SC family needs to be known.

CS / Punjab assured that details will be worked out and Commission informed.

**3.6.11.7 Action to reduce Atrocities and status of compensation to Victims / families:**

The Commission emphasized a few aspects needing the attention of the CS , PS (home) , PS ( SC/BC ) and District Magistrates :

**3.6.11.8 Timely and proper payment of financial compensation as per the amended SC/ ST Prevention of Atrocity (PoA) Rules 2016 :**

- There is a huge gap between the compensation to be paid to victims and the amount actually paid. Victims / dependents of even heinous crimes like murder, rape & arson are not receiving the compensation amount and additional help as defined under the Rules. The Government should regularly monitor the same and ensure the step wise compensation is paid timely. The provisions of the unamended PoA Act are being added in the FIRs and the stage wise payment of Compensation is not being made. Instructions are needed to be issued regarding the same to all DMs & SSPs to ensure action as per the amended Act & Rules.
- The DMs and SSPs should conduct spot visits to the area where atrocities like murder & rape of SCs take place and monitor the investigation and compensation payment.
- The Prohibition of Manual Scavenging Act & the judgement of Hon'ble Supreme Court on the same has not been properly implemented.
- **State Level Vigilance & Monitoring Committee (SLVMC)** under the Chairmanship of Chief Minister needs is constituted and has not met twice in a year as per Rule 16(2) of the POA Rules.
- **District Level Vigilance and Monitoring Committee (DLVMC)** meetings are to be held every quarter, however the regular meetings are not being held .
- Steps need to be taken set up Exclusive Special Courts in all districts under sub section (1) of section 14 of the SC/ST Prevention of Atrocities Act (PoA) ( as amended 2015) & regular monitoring of the work of the Special Public Prosecutors is needed as the conviction rate of Punjab is very low as compared to the national average.

- In heinous crime cases , proposals for compensation component from Dr. Ambedkar Foundation/Jagjivan Ram Foundation and for GoI Victim Compensation Scheme should be sent by district authorities in order to assist the victims.

### **Response of GoP**

*CS agreed on the problems as pointed out and assured action on all the above points. Instructions to use the correct provisions of the amended Act as well as stage wise and correct payment of compensation will be issued. All FIRs in atrocity cases from 2016 & 2017 where the provisions of the un amended PoA Act and Rules were applied will be reviewed within 1 month and rectified. The pending compensation in 2014 to 2107 cases will be reviewed and released within 2 months.*

*Instructions will be issued that proposals for additional assistance to victims of heinous crimes are to be sent by DMs to Dr. Ambedkar Foundation and under Victim Compensation Scheme.*

*Instructions will be issued to districts to hold DLVMC meetings regularly, the SLVMC meeting will be held regularly and action will be taken to set up exclusive special courts and prosecutors as per the PoA Act.*

### **3.6.11.9 Implementation of Prohibition of Manual Scavenging Act :**

Regarding the cases of death / injuries during manual cleaning of sewers as pointed out by NCSC , *the CS Punjab stated that instruction to all Municipal Commissioners / heads of local municipal bodies will be issued to ensure proper implementation of Prohibition of Manual Scavenging Act and manual cleaning of sewers will be stopped. All cases of death injuries due to manual cleaning of sewers will reviewed and families will be paid compensation as per the Hon'ble Supreme Court guidelines and the compensation as per the PoA Rules will also be paid to families of SC victims of such tragedies.*

### **3.6.11.10 Response to Commission by officers of GoP:**

Regarding the issue of non appearance of the officers called for hearings in the Commission and not sending of the reports to NCSC , *CS , Punjab assured that*

*necessary instructions will be issued to all officers to respond with reports within the time frame prescribed and attend the hearings regularly.*

Summing up the discussions the Chairman, NCSC appreciated the efforts of officers . He stated that there are shortcomings in implementation of Government Schemes, Centrally Sponsored Schemes etc. which have been pointed out during the review , there is need to regularly monitor the same to ensure that the benefits of these schemes reach the target SC population and help in their economic and social upliftment. He urged Chief Secretary to review the SCSP urgently as the state was lacking in the implementation of the same. CS should monitor action taken under the POA Rules and also regarding implementation of the MS Act , regularly in his regular meetings with officers also. The Principal Secretary ( Home ) should also regularly follow up the action taken by the police in cases of atrocities against SCs. There is need to urgently issue necessary instructions as pointed out by the Commission.

He asked CS also take steps to immediately arrange meeting of the State Level Vigilance & Monitoring Committee. He desired that the details asked for by the Commission may be compiled and sent to the Commission in the committed time frame.

Chief Secretary Punjab assured the Commission that action as desired by Commission on various issues will be taken and the detailed reports as asked for will be submitted to the Commission in the time frame as fixed.

**3.6.12 Minutes of the State Review Meeting of NCSC regarding Prevention of Atrocities on Scheduled Castes held with the Principal Secretary, Home, DGP, Addl. DGP, IG and other senior Police Officers of Government of Punjab on 08.03.2018 at 2.30 p.m**

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The Principal Secretary, SC/BC, Addl. DGP, IG and other senior Police Officers of Punjab participated. List of participants is placed at Annexure – II.

Principal Secretary, SC/BC, Punjab welcomed the Commission.

The Chairman / NCSC in his opening remarks said that the Commission was in Punjab as a part of its Constitutional mandate to monitor the implementation of safeguards and rights of the Scheduled Castes in the state. The review is an exercise undertaken to point out the areas of concern of NCSC and to sensitize the Government and State Police towards the same. The Commission had sent detailed proformae to the State Government and DGP for submitting detailed information on action taken regarding trends in actrocity cases , investigation , action taken for prevention of atrocities , payment of compensation to victims of atrocities, action taken by police on cases regarding death / injuries during manual cleaning of sewers / manual scavenging etc .

Analysis of the replies to the various proformae and questionnaires of the Commission, data of NCRB , MSJE etc has been made by the Commission and detailed discussions will be held after a brief presentation on the findings and concerns of the Commission is given to the officers present. Responses of the State Government and DGP will be invited on the findings in the presentation during detailed discussions.

**3.6.12.1** The main issues highlighting the areas of concern of the Commission in the presentation were :

- Need for police to register cases as per the new sections added in the Scheduled Castes & Scheduled Tribes Prevention of Atrocities Act 1989 as amended in 2015 ( PoA Act). ***The district police are still registering cases under the sections of the old PoA Act whereas the amended Act with number of new sections and is in force since January 2016.***
- Reports from police on the status of cases needs to be sent to DM for release of compensation at FIR / Medical / Postmortem , charge sheet , conviction stages as the amended Scheduled Castes & Scheduled Tribes Prevention of Atrocities Rules , 2016 provide for stage wise payment of compensation. There is delay by District Administration to sanction monetary compensation at various stages, as per sections applicable since no information being sent from Police to DM on the stages at which cases have reached.

- Sections of the Manual Scavenging Act and PoA act are not being added in FIRs where there are cases of death / injury during manual cleaning of sewers, despite the issue being emphasized by NCSC State Office , Chandigarh. Between 2014-15 and 2017-18 there have been 13 deaths caused due to manual cleaning of sewers, and the proper sections were not added in the FIRs. In the 4 cases during 2017-18 , the relevant section of SC/ST PoA Act was added only after the cases were taken up by the Commission.
- Recommendation for paying compensation as per POCSO act not being made to DM in cases where the POCSO Act sections have been applied in the FIR .
- As per Rule 46 of the Scheduled Castes & Scheduled Tribes Prevention of Atrocities Rules 2016, the additional relief like pension to the widow , education up to graduation level of the children of the victim , 3 month rashan etc. are not been provided as recommendations not sent to DM by police.
- The percentage of atrocity cases pending for investigation at level of police ( 53.1, 56.6 & 48.3 in 2014 , 2015 & 2016 respectively ) are much higher than the National average of 25.10, 29.70 & 29.60 for 2014, 2015 & 2016 respectively .
- Poor conviction rate (2.8 in 2016) due to the correct sections of the act not being applied. The conviction rate is much below the All India rate of 28.8 ,25.8 & 24.9 in 2014, 2015 & 2016.
- District Level Vigilance And Monitoring Committee Quarterly meetings are to be held every quarter , in which SSPs should participate and pursue cases of compensation not paid

**3.6.12.2 Details of action taken in grave cases of murder and rape were as follows:**

**2014**

- 5 cases of murder - charge sheets in only 4. Compensation given to 1
- 19 cases of rape - charge sheets in only 13. Compensation to 2

- 96 cases of other - charge sheets in only 43. Compensation to 3

### **2015**

- 12 cases of murder - charge sheets in only 9. Compensation to 1
- 17 cases of rape - charge sheets in only 13. Compensation to 1
- 119 cases of other - charge sheets in only 58. Compensation to 2

### **2016**

- 8 cases of murder - charge sheets in only 6. Compensation to 2
- 19 cases of rape - charge sheets in only 13. Compensation to 2
- 115 cases of other - charge sheets in only 52. Compensation to 1

### **2017**

- 5 cases of murder - charge sheets in only 5. Compensation to 0
- 10 cases of rape - charge sheets in only 5. Compensation to 1
- 52 cases of other - charge sheets in only 7. Compensation to 1

**3.6.12.3** After the presentation detailed discussions were held during which the Commission enquired as to reasons why the charge sheets in 2014, 2015, 2016 and 2017 (upto September 2017) cases have not yet been submitted. The delay is particularly serious in 2016 & 2017 cases as the amended PoA Act and Rules have laid down a 60 day time limit for the completion of investigation . The delay in filing charge sheets puts a pressure on the poor SC victims to compromise with the accused.

**3.6.12.4** Details of on spot investigation in murder , rape and arson cases by DC & SP of districts was not available. The amended PoA Act and Rules have laid down that the DM/ DCs & SSPs / CPs of the districts must make on the spot investigation for murder , rape and arson cases involving SC /ST victims within 48 hours of the crime.

Prior to the review , a list of 30 cases being followed up by NCSC , was sent to the DGP wherein the old provisions of the PoA Act were applied in FIRs. During detailed discussions these cases were also discussed and FIRs also shown to the officers present.

**3.6.12.5** During the detailed discussions the ADGP, Crime , Punjab and Principal Secretary SC/BC agreed that :

- Non imposing of the new sections as per the amended PoA Act was a lapse and orders rectifying the same will be issued. ADGP further assured that assured that the 2016 , 2017 and 2018 cases will be screened and corrective action taken within 2 months and a report sent to the Commission.
- Instructions will be issued for spot visit by the DCs and SSP / CPs in cases of for murder , rape and arson cases involving SC /ST victims within 48 hours of the crime as per rules.
- Instructions will be issued for timely reports from police to DCs on the status of cases for timely release of compensation at FIR / medical / postmortem , charge sheet , conviction stages as per the amended Scheduled Castes & Scheduled Tribes Prevention of Atrocities Rules , 2016 .
- The cases of non filing of FIRs in murder & rape cases from 2014 to 2017 will be examined and an up to date status report along with reasons for delay or non filing of charge sheets in the murder , rape and arson cases will be submitted within 2 months to the Commission .
- Instructions will be issued for application of relevant sections of SC/ST PoA Act ( as amended in 2015) and MS Act in cases of death / injury of SC persons engaged in manual cleaning of sewers / manual scavenging. All the 13 cases from 2014 onwards will be reexamined and rectifications made if needed.
- A report on the instructions issued and subsequent action taken on review of the 2016, 2017 cases will be sent within 2 months to the Commission.

**3.6.12.6 Summing up by the Chairman NCSC :**

Chairman NCSC stated that the PoA Act ( as amended in 2015) and Rules need to be implemented in Punjab and there should not be any delay in the completion of the investigations and in filing of charge sheets. The 60 day time limit as per the PoA Act should be adhered to. All FIRs should be lodged and no persons should have to resort to approaching courts for lodging of FIRs. Cross FIRs against SCs should be reexamined to ensure that they are genuine and not lodged for the simple purpose of pressurizing the SC complainants.

He urged Principal Secretary(SCBC) to review the action taken under the POA Act and Rules regularly, and commitment made to the Commission may be compiled with and reported to the Commission within the committed time frame.

### **3.7 Review of Haryana on 08.03.2018**

#### **Minutes of the Review of Haryana State by National Commission of Scheduled Castes with Chief Secretary and other senior Officers of Government of Haryana (GoH) on 09.03.2018**

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Chief Secretary and other senior Officers of the level of Additional Chief Secretaries, Special Chief Secretaries and Principal Secretaries, Secretaries, Commissioners, Directors etc. of GoH participated in the review by the National Commission for Scheduled Castes . List of participants is placed at Annexure – I.

The Principal Secretary , SC/BC, Haryana while welcoming the Commission stated that Haryana is set for fast development in various sectors and looked forward for Commission's pro-active observations and advice to strengthen their activities. He informed that though cases of SC Atrocities show an increasing trend in Haryana, the Department/Police takes action immediately in such cases.

The Chairman / NCSC in his opening remarks said that the Commission has come to Haryana as a part of its Constitutional mandate to monitor the implementation of safeguards and rights of the Scheduled Castes in the state. The review is an exercise undertaken to point out the areas of concern of NCSC and to sensitize the Government

towards the same. The Commission had sent detailed proforma to the State Government for submitting detailed information on work done by state on schemes for welfare of SCs, Central Sector Schemes , Central Schemes & State Sector Schemes , other GOI schemes like PMAY , Ujjawala , Mudra , Stand Up , Jan Dhan , MNREGA etc, action taken regarding prevention of atrocities , payment of compensation to victims of atrocities, action taken regarding prohibition of Manual Scavenging etc.

Analysis of the replies to the various proformae and questionnaires of the Commission, data of NCRB , MSJE etc has been made by the Commission. Detailed discussions will be held after a brief presentation by the Commission on the findings and concerns of the Commission on the core sectors mentioned. Responses of the State Government will be invited on the findings in the presentation during detailed discussions.

**3.7.1** In the presentation the main issues highlighting the areas of concern of the Commission were :

- Government of Haryana (GoH) had enacted the Haryana Panchayati Raj Amendment )Act 2015

As per Article 338 (9) of Constitution , the Union and every State Government shall consult the Commission on all major policy matters affecting the Scheduled Castes

- Hence GoH was to consult the NCSC while no consultation was made.
- GoH is advised to consult NCSC as per Article 338(9) of the Constitution.

**3.7.2 Schemes to alleviate SC poverty :**

- 2200 SCs trained in dairy & animal husbandry farming in 2016-17.
- Interest subsidy on loan advance/Share capital given to 1149 SC beneficiaries in 2016-17 – Rs 18.88 lakh ( average Rs 1643 per beneficiary).

**3.7.3 Schemes for welfare of SCs**

Expenditure on schemes for welfare of SCs is much below the norm and % of allocation to SC specific schemes is around 44% ( in 2017-18) , while the expenditure on the same was 35.31 % in 2015-16 , 41.49% in 2016-17 and only 8.63% in 2017-18. The

percentage of SCSP expenditure to total state outlay is 6.14% , 6.59% and 1.73% in 2015-16 , 2016-17 & 2017-18 respectively.

State needs to bring the expenditure at par with the population of SCs in the State which is approximately 21%.

The SCA unutilized funds were to tune of Rs 1142 lakh & 1032 lakh in 2016-17 & 2017-18 respectively.

In 2016-17:

- No allocation made for oil seeds pulses scheme and scheme of 250 nos dwelling units
- There was low expenditure by –
- Agriculture (Rs 2460 lakh vs Rs 5461 lakh allocation ),
- Education : Elementary - (Rs 47478 lakh vs Rs 51500 lakh allocation ), Secondary education (Rs 164 cr vs Rs 282 cr allocation ) , Higher education (Rs 53 cr vs Rs 90 cr allocation )
- SW Dept (Rs 346 cr vs Rs 476 cr allocation)
- education / health / solar/ agriculture / animal husbandry in Mewat Development Agency (Rs 2.16 lakh vs Rs 285 lakh allocation )
- There was no expdt by :
  - PR deptt (Rs 2135 lakh allocation ) ,
  - drinking water & sanitation of Shivalik Development Agency – (Rs 240 lakh allocation )
  - Babu Jagjivan Ram Chattrawas Yojna (Rs 47.50 lakh , Rs 100 lakh, Rs 50 lakh allocation in 2015-16, 2016-17 & 2017-18 respectively).

Similarly in 2017-18 , till December 2017 , there was low expenditure by –

- Education : Elementary education (Rs 123.08 cr vs Rs 545.48 cr allocation ) , Secondary education (Rs 39 cr vs Rs 205 cr allocation ) , Higher education (Rs 1.6 cr vs Rs 90 cr allocation )
- SW deptt (Rs 31.63 cr vs Rs 465 cr allocation )
- RD deptt (Rs 30.52 cr vs Rs 238 cr allocation)
- Animal husbandry (Rs 1.52 cr vs Rs 26.62 cr allocation)
- Irrigation (Rs 14.8 cr vs Rs 50 cr allocation)

**No expdt by :**

- Agriculture ( Rs 8793 lakh)

**3.7.4 Literacy Rate**

- 17.20% SC students are registered for graduation during 2015-16 & only 16.94% in the year 2016-17, showing a decline .
- The literacy rate of Haryana is above the All India average which is commendable.
- Drop outs are high as the number of SC students in middle school are around 2.5 lakh when compared to SC students in primary school ( around 3.7 lakh )
- There is decline in total no. of students & SC students in primary and middle school level between 2014-15 to 2017-18

Steps taken to reduce drop outs may be informed.

**3.7.5 Scholarship :**

**3.7.5.1 Pre matric**

In 2016-17 , SC Students in primary school are 3.79 lakh and in middle school are 2.5 lakh whereas the scholarship is shown to have been given to 21.86 lakh students .The scholarship appears to have been given to 3 times more than the registered students . The discrepancy needs to explained.

### **3.7.5.2 Post matric :**

- 2016-17 only 90784 SC students received PMS , which is only 35.26 % of the total SC students that year.
- Reasons for 1,66,665 SC students in 2016-17 , 1,91,788 SC students in 2015-16 , 2,59,285 SC students in 2014-15 not receiving PMS is not clear.
- Reasons for decline in no. of SC students from 3,15,433 in 2014-15 to 2,51,111 in 2017-18 may be explained.

### **3.7.6 Other issues**

- The number of hostels and the no. of students registered in hostels is insignificant when compared to the total no. of SC students.
- Hand pump installation – only 1 pump installed in SC area
- land allocation to SCs – no land was allocated to landless SCs in 2015-16 & 2016-17.

#### **3.7.6.1 Mudra Loan**

- The number of loans given to SCs in 2016-17 has declined sharply.
- How many loans of Rs 10 lakh have been given and how many loans from Rs 5 lakh to Rs 10 lakh may be specified.

#### **3.7.6.2 Pradhan Mantri Jan-Dhan Yojana (PMJDY)**

- Details of how many SC persons have opened accounts under Jan Dhan yojna vs the total no. of PMJDY may be given, as no information was provided to commission for this aspect.

#### **3.7.6.3 Stand Up Scheme**

No details of Stand up Scheme beneficiaries have been given , while the scheme has special provision that each branch will give loan to I SC / ST & 1 woman.

#### **3.7.6.4 Education Loan**

Details of how many SC students have availed loan vs the total no. of beneficiaries is needed.

- The monitoring mechanism of these important schemes ( and also of MUDRA Yojna ) appears to be missing as no details have been given
- steps by which the State Government monitors these schemes are to be explained.

#### **3.7.6.5 Pradhan Mantri Awas Yojna**

- 15334 SC houses out of 25556 & 7732 SC houses out of total 12886 houses sanctioned in 2016-17 & 2017-18 respectively.
- How many have actually been constructed may be informed to Commission.
- Expenditure in 2017-18 has been only about 20% of both Central & state share

#### **3.7.6.6 Ujjawala Yojana**

- 94494 (34.52%) SC persons out of total 272949 LPG connections were provided during 2016-17.

197,708 (64.25%) SC women out of total 30672 LPG connections were released connections during 2017-18 (2017-18 upto July, 2017), which is good.

#### **3.7.6.7 MNREGA Scheme**

An average of 6 to 7 days employment per year for an SC job card holder is much below the norm of at least 100 days of job as per MNREGA

#### **3.7.7 Representation of Scheduled Castes in services.**

- The prescribed quota of reservation for SCs in services in Haryana is 20% in Direct Recruitment (DR) and Promotion.
- The representation of SCs in all Groups/posts is between 4 to 9 % below the prescribed percentage of 20% reservation. No reason for the shortfall has been given

- Similarly the representation of Scheduled Castes in State PSUs in all Cadre posts is between 3 to 7% below the prescribed percentage of 20% reservation .
- 12062 safai karamcharies are working in various departments of State Government but representation of SCs working as safai karmacharies has not been given.

#### **3.7.7.1 Backlog vacancies.**

- 9558 backlog vacancies for SCs in different cadres/posts

A time bound action plan for filling up of such vacancies has to be made.

#### **3.7.8 Atrocities on Scheduled Castes:**

- Rate of crime against SCs and the total number of crimes against SCs both show an increasing trend from 2014 to 2017 ( Sept 2017)
- The conviction percentage in atrocity cases of 0, 6.97 & 7.74 in 2014 , 2015 & 2016 respectively , are way below the than the National average of 28.28, 27.10 & 25.68 for 2014, 2015 & 2016 respectively. The State Government needs to assess and improve the performance of the Special Public prosecutors.
- **Exclusive Special Courts :** Exclusive Special Courts need to be set up in all districts under sub section (1) of section 14 of the SC/ST Prevention of Atrocities Act as amended in 2015 , (PoA Act amended)
- Delay by District Administration to sanction monetary compensation at FIR stage, as per sections applicable of the SC/ST Prevention of Atrocities Rules 2016 (PoA Rules 2016).
- Compensation as per POCSO act not being paid where victim is a minor.
- As per Rule 46 of the amended PoA Rules 2016, the additional relief like pension to the widow , education up to graduation level of the children of the victims , 3 month rashan etc. is not being provided.
- There are delays by District Administration to sanction monetary compensation at FIR stage & charge sheet stage as per sections applicable of the PoA Rules 2016 . Compensation to victims of even grievous crimes like murder , rape and arson have not been paid .\_A minimum of Rs 1088.01 lakh is due to be paid to victims / dependents from 2014-15 to 2017-18.

### **3.7.8 Implementation of Prohibition of Manual Scavenging Act**

- The above Act and the Judgement of Hon’ble Supreme Court has not been properly implemented.
- **In 2015-16** – in 4 deaths during manual cleaning of sewers in Faridabad , Rs 10 lakh / family compensation has been given .
- **In 2016-17** – in 5 deaths & 2 injured during manual cleaning of sewers in Faridabad , Rs 10 lakh / family compensation has been given to 3 families & in 2 cases the contractor has paid compensation.
- **In 2017-18** –
  - 3 deaths during manual cleaning of sewers in Sonapat – no compensation paid.
  - 3 deaths during manual cleaning of sewers in Gurgaon – Rs 22 lakh compensation paid / family.
  - 2 deaths during manual cleaning of sewers in Palwal - no compensation paid.
  - 1 death during manual cleaning of sewers in Rewari- no compensation paid .

### **Implementation of Prohibition of Manual Scavenging Act**

- The SC/ST PoA Act has not been applied in the cases whereas section 3(i) (j) of Act applies
- Actual due Rs 10 lakh / death from principal employer & Rs 10 lakh from the insurance policy plus compensation as per the SC/ST POA Rules if victim is an SC is payable / family .
- All municipal corporations etc have to take a policy of Rs 10 lakh sum insured / worker as per Hon’ble Supreme Court’s directions.
- The workers have to be fully equipped with safety apparatus in case they have to clean sewers manually

### **Response of State government to NCSC**

- 412 cases are pending in NCSC (Hqs)
- average no of reminders sent / case before receipt of response -2 to 3

In majority of cases the officers called have not come or sent very junior officers for hearings.

### **3.7.9 After the presentation detailed discussions on the issues raised were held.**

#### **3.7.9.1 Literacy & education:**

In the detailed discussions the Commission desired to know measures taken by the State Government to improve literacy rates , reduce drop out rates & why enrolment in schools is going down there is a decline in total no. of SC students between 2014-15 to 2017-18. The details and reasons for non payment of scholarships were asked for.

#### **Response of GoH :**

Director (Education) informed the Commission that literacy and dropout are combated by the Government and steps are already initiated. One reason is the shift of students from primary school to private schools . The total no of SC students receiving pre matric scholarship was clarified as 218644.

The details of the post matric SC students eligible for scholarships and the students actually paid the scholarships , reasons of not giving scholarships to SC students will be ascertained and sent to the Commission within 2 months.

#### **3.7.9.2 Expenditure on Schemes for welfare of SCs :**

Regarding the low allocation and expenditure on SC specific schemes under SCSP , the departments clarified that the figures sent to the Commission were till September 2017 / December 2017 and there has been significant progress on date. Major Departments mentioned the expenditure details.

The various Departments explained the reasons regarding the low expenditure in 2016-17 and gave up to date figures of 2017-18. The reduced expenditure of some departments was stated as due to many schemes being run in mission mode outside the budget.

The CS and other senior officers committed to ensure speedy expenditure , improved planning & regular monitoring in future regarding schemes for welfare of SCs. *CS , also committed that complete details of allocation and expenditure will be provided to the Commission within 2 months.*

**3.7.9.3 Swachh Bharat :** Secretary, Rural Development Department, Haryana informed that 100 % villages are declared ODF. Total toilets built 29.5 lakh (families), the detailed break up of SC families will be provided.

**3.7.9.4 Implementation of GoI schemes on employment & skill/ entrepreneurship development :**

**MNREGA :** The Govt. will examine the data and give an update as well as steps taken to increase the no. of days employment / person.

**Mudra loan :**

Data on how many SCs have received loans of Rs 10 lakh, how many between Rs 5-9 lakh & how many below Rs 1 lakh need to be collected , analysed and also given to the Commission.

*The CS indicated that a scheme called T -pride for SC entrepreneurs is in operation & details of scheme and the progress on the scheme as well as data asked for on Mudra loan will be intimated to the Commission.*

**3.7.9.5 Ujjawala yojna , PM Jandhan Yojna , Stand up scheme, Education loans:**

No data on SC beneficiaries of **Ujjawala yojna , PM Jandhan Yojna , Stand up scheme** ( which has special provision that each Bank branch will select at least 1 SC/ ST and 1 woman to sanction loan ) and **education loans** to students by banks was made available to the Commission .

Commission desired that the implementation by Banks / Oil PSUs of these important schemes be monitored by GoH regularly so as to ensure that SC beneficiaries are being

benefitted. Data on how many bank branches have given Stand up scheme loan to SCs / SC women out of total no. of bank branches in 2016-17 & 2017-18, how many SCs had applied for the loan ,average loan size etc need to be collected and analysed and sent to the Commission within 1 month.

**Response of GoH:**

*CS / Haryana agreed that the monitoring mechanism was lacking as they were dependent on the supply of information by the Bank . He assured that a monitoring mechanism will be put in place and data collected from implementing banks & sent to NCSC within 2 months.*

Principal Secretary, R&B informed that Commission that NAC is giving training to SCs as well.

**3.7.9.6 Reservation of industrial plots for SCs:**

To the queries of Commission regarding reservations in SEZs and allocation done to SCs, reservation is mandated but no information is available on SEZ/industrial allotments for SCs. *The said information will be sent to NCSC within 2 months.*

**3.7.9.7 Assigning of land to landless SCs :**

The land is to be allotted to SCs and the pendency of occupancy of the 100 gaj plots to SCs is to be cleared at the earliest. *The said information will be sent to NCSC within 2 months.*

**3.7.10 Action to reduce Atrocities and status of compensation to victims / families:**

The Commission emphasized a few aspects needing the attention of the CS , PS (home) , PS (SC/BC ) and District Magistrates and desired that instructions on the concern raised by the Commission should be issued to all concerned.

**3.7.10.1 The issues were :**

- Timely and proper payment of financial compensation as per the amended SC/ ST Prevention of Atrocity (PoA) Rules 2016 .At least 10.88 crore compensation is due

to be paid to victims/ dependents from 2014-15 to 2017-18. The Government should take steps to release the same and in future regularly monitor the same and ensure the stage wise compensation as per the POA Rules 2016 is paid timely to victims / families.

- Compensation as per POCSO act not being paid where victim is a minor.
- As per Rule 46 of the amended PoA Rules 2016, the additional relief like pension to the widow , education up to graduation level of the children of the victims , 3 month rashan etc. is not being provided.

*Instructions should be issued to all DMs and SSPs and the Commissioners / IG zone as well as the SC/ BC and Women and Child Welfare to ensure all of the above.*

**3.7.10.2 State Level Vigilance & Monitoring Committee (SLVMC)** under the Chairmanship of Chief Minister needs **is constituted and has to meet twice** in a year as per Rule 16(2) of the POA Rules. The same has not been held regularly.

**3.7.10.3 District Level Vigilance And Monitoring Committee (DLVMC)** meetings are to be held every quarter . Except for Sonapat ( 2014-15), Yamuna Nagar ( 2015-16) , Faridabad , Fatehabad (2016-17) regular meetings are not being held in any of the districts.

- Steps need to be taken set up Exclusive Special Courts in all districts under sub section (1) of section 14 of the SC/ST Prevention of Atrocities Act (PoA) ( as amended 2015) & regular monitoring of the work of the Special Public Prosecutors is needed as the conviction rate of Haryana is very low as compared to the national average.

### **Response of GoH**

*CS Haryana agreed to take action on all the above points and issue the necessary directions to the officers concerned. He assured that instructions will be issued to all districts to hold regular DLVMC meetings and hold the SLVMC meeting twice a year. He also committed that instructions will be issued to regularly monitor the timely and*

*correct payment of compensation and issue of instructions to all DMs to send proposals for additional financial assistance to victims of particularly heinous crimes to Dr. Ambedkar Foundation and under Victim Compensation Scheme of GoI. The pending compensation in 2014 to 2107 cases will be reviewed and released within 3 months.*

#### **3.7.10.4 Implementation of Prohibition of Manual Scavenging Act :**

The Commission had found that the above Act & the judgement of Hon'ble Supreme Court has not been fully implemented. The amount paid to families of 8 victims is less than stipulated and GHMC has taken a policy of only Rs 6 lakh sum insured, rather than Rs 10 lakh as per Hon'ble Supreme Court's directions.

*CS Haryana agreed to issue necessary instructions on all the above points to the officers concerned. He assured that the implementation will be monitored and action as per rules will be taken in all the cases of death / injury during manual cleaning of sewers as mentioned by the Commission , compensation released and action taken report will be sent to NCSC within 2 months.*

#### **3.7.11 Response to Commission by officers of GoH:**

Regarding the issue of non appearance of the officers called for hearings in the Commission and not sending of the reports to NCSC , *CS / Haryana assured that necessary instructions will be issued to all officers to respond with reports within the time frame prescribed and attend the hearings regularly.*

Summing up the discussions the Chairman, NCSC appreciated the efforts of officers , he emphatically & clearly pointed out that as there are shortcomings in implementation of Government Schemes, Centrally Sponsored Schemes etc. pointed out during the review hence there is need to regularly monitor the same to ensure that the benefits of these schemes reach the target SC population and help in their economic and social upliftment. He urged Chief Secretary to review SCSP and action taken under the POA Rules and also regarding implementation of the MS Act in his regular meetings with

officers also. The Principal Secretary ( Home ) should also regularly follow up the action taken by the police in cases of atrocities against SCs. There is need to urgently issue necessary instructions as pointed out by the Commission . He desired that the details asked for by the Commission may be compiled and sent to the Commission in the committed time frame.

The Chief Secretary,Haryana assured the Commission that action as desired by Commission on various issues will be taken and the detailed reports as asked for will be submitted to the Commission in the time frame as fixed.

**3.7.12 Minutes of the State Review Meeting of NCSC regarding Prevention of Atrocities on Scheduled Castes held with the Principal Secretary, Home, DGP, Addl. DGP, IG and other senior Police Officers of Government of Haryana on 09.03.2018 at 11.00 a.m**

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The Principal Secretary, Home, Director General of Police , Addl. DGP, IG and other senior Police Officers of Haryana participated. List of participants is placed at Annexure – II.

Principal Secretary, SC/BC welcomed the Commission and informed that atrocities cases are increasing in Haryana and Police has to take action expeditiously.

The Chairman / NCSC in his opening remarks said that the Commission was in Haryana as a part of its Constitutional mandate to monitor the implementation of safeguards and rights of the Scheduled Castes in the state. The review is an exercise undertaken to point out the areas of concern of NCSC and to sensitize the Government and State Police towards the same. The Commission had sent detailed proforma to the State Government and DGP for submitting detailed information on action taken regarding trends in atrocities , investigation conducted , filing of charge sheets , action taken for prevention of atrocities , payment of compensation to victims of atrocities, action taken by police on cases regarding death / injuries during manual cleaning of sewers / manual scavenging etc.

Analysis of the replies to the various proformae and questionnaires of the Commission, data of NCRB , MSJE etc has been made by the Commission and detailed discussions will be held after a brief presentation on the findings and concerns of the Commission is given to the officers present. Responses of the State Government and DGP will be invited on the findings in the presentation during detailed discussions.

**3.7.12.1** The main issues highlighting the areas of concern of the Commission in the presentation were :

- Reluctance of police to register cases and apply the sections of the amended PoA Act.
- Reports from police on the status of cases needs to be sent to DM for release of compensation at FIR / Medical / Postmortem , charge sheet , conviction stages as the amended Scheduled Castes & Scheduled Tribes Prevention of Atrocities Rules , 2016 provide for stage wise payment of compensation. There is delay by District Administration to sanction monetary compensation at various stages, as per sections applicable since no information being sent from Police to DM on the stages at which cases have reached.
- Sections of the Manual Scavenging Act and PoA Act are not being added in FIRs where there are cases of death / injury to SC persons during manual cleaning of sewers, despite the issue being emphasized by NCSC State Office , Chandigarh. Between 2014-15 and 2017-18 there have been 18 deaths and 2 injured caused due to manual cleaning of sewers, and the proper sections were not added in the FIRs. In the 9 cases during 2017-18 , the relevant section of SC/ST PoA Act was added in Sonapat & Gurgaon only after the cases were taken up by the Commission. In Palwal and Rewari cases the sections have not yet been added .
- Recommendation for paying compensation as per POCSO act not being made to DM in cases where the POCSO Act sections have been applied in the FIR .
- As per Rules 46 of the SC/ST Act, the additional relief like pension to the widow , education up to graduation level of the children of the victim , 3 month rasan etc has not been provided as recommendations not sent to DM by police.

The total no of crimes against SCs show an increasing trend from 2014 to 2017 ( upto Sept 2017) and rate of crime is also increasing , though it is below the All India average.

There is an increase in the total no of murder cases from 2014-2017 ( Sept)

Other crimes against SCs show a sharp increase in 2017

Conviction rate of 0, 6.97 and 7.74 is much below the All India rate of 28.8 25.8 & 24.9 in 2014, 2015 & 2016 respectively.

Approximately 25% of the cases are closed by the police .

*3.7.12.2 Details of action taken in grave cases of murder and rape were as follows:*

**2014**

- 37 cases of murder - charge sheets in only 25. Compensation given to 12
- 127 cases of rape - charge sheets in only 111. Compensation to 16
- 2 case of Arson - charge sheets in only 1. Compensation to 1
- 326 cases of other - charge sheets in only 217. Compensation to 109

**2015**

- 21 cases of murder - charge sheets in only 13. Compensation to 8
- 120 cases of rape - charge sheets in only 94. Compensation to 26
- 8 cases of Arson - charge sheets in only 3. Compensation to 5
- 386 cases of other - charge sheets in only 253. Compensation to 133

**2016**

- 40 cases of murder - charge sheets in only 28. Compensation to 12
- 114 cases of rape - charge sheets in only 94. Compensation to 20
- 6 cases of Arson - charge sheets in only 3. Compensation to 3
- 525 cases of other - charge sheets in only 320. Compensation to 205

## **2017**

- 19 cases of murder - charge sheets in only 15. Compensation to 4
- 45 cases of rape - charge sheets in only 34. Compensation to 11
- 281 cases of other - charge sheets in only 117. Compensation to 164

**3.7.12.3** After the presentation by NCSC detailed discussions were held during which the Commission enquired as to reasons why the charge sheets in 2014, 2015, 2016 and 2017 (upto September 2017) cases have not yet been submitted. The delay is particularly serious in 2016 & 2017 cases as the amended PoA Act and Rules have laid down a 60 day time limit for the completion of investigation . The delay in filing charge sheets puts a pressure on the poor SC victims to compromise with the accused.

**3.7.12.4** Details of on spot investigation in murder , rape and arson cases by DC & SP of districts was not available. The amended PoA Act and Rules have laid down that the DM/ DCs & SSPs / CPs of the districts must make on the spot investigation for murder , rape and arson cases involving SC /ST victims within 48 hours of the crime.

**3.7.12.4** In the case of death during manual cleaning of sewers in Rewari on 18.02.2018, the sections of PoA Act was not included in FIR . The SP / CO and DA Legal concerned were called to this review meeting. They informed that the section of PoA Act cannot be included as there was no manual scavenging. It was seen that they were unaware of the sections of Prohibition of Manual scavenging Act and PoA Act as well as the judgement of Hon'ble Supreme Court on the issue. The DG Police had to direct them to impose the section of the PoA Act .

Prior to the review, a list of 25 cases being followed up by NCSC state office Chandigarh , was sent to the DGP for response on uptodate action taken in the FIRs.

**3.7.12.5** When the cases were taken up for discussion , it was seen that the senior officers were unprepared with the details , even for murder and rape cases , reasons for closure of 25% cases and chargesheets not being filed in 2014, 2015 , 2016 & 2017 ( upto Sept ) were not available. ADGP Shri OP Singh was found to be particularly

argumentative and not prepared to respond with any reply despite the fact that the figures quoted by NCSC were from the data supplied by the State Government and NCRB.

This was viewed seriously by the Commission and the review was immediately stopped as the officers were clearly unprepared and indifferent towards resolving issues of the Scheduled Castes.

The Principal Secretary Home & DGP were advised that the officers particularly the ADGP concerned should be counseled to be responsive and prepared for review meetings . A report on the same is to be sent to the Commission.

The review will now be held in NCSC headquarters in New Delhi. The date will be informed subsequently. The Commission expects DGP & Principal Secretary Home, Punjab to be better prepared when they are called to NCSC for the resumed review.



## CHAPTER-IV

### Activities of the Commission

#### 4.1 Activities as per Mandate

The Commission has a wide charter in terms of functioning relating to the overall policy, planning, coordination, evaluation and review of the regulatory framework and developmental programs relating to the Scheduled Caste community. The Commission draws its strength from the Article 338 of Indian Constitution which is the backbone of its functioning.

In order to fulfill the above obligations and mandate, the Commission conducts review meetings, hearings, spot visits, studies etc. A gist of the activities performed during the year 2017-18 is as below.

#### 4.2 Review Meetings of Central Public Undertakings and Public Sector Banks

During the year, 2017-2018 the Commission has followed up on the action taken by the Public Sector Undertakings and Public Sector Banks on the recommendations of the Commission during the reviews conducted between 2014-15 and 2015-16. These reviews had been conducted, in order to assess the implementation of the reservation policy for Scheduled Castes and OBCs and CSR initiatives taken for benefits of Scheduled Castes.

The NCSC had conducted 38 review meetings of Central Public Sector Undertakings (CPSUs)/ Central Public Sector Banks/Organizations during the year 2014-15 & 2015-16. Out of these, the complete action taken reports on the Commission recommendation have been received from following 16 Central Public Sector Undertaking (CPSUs). Full compliance of the Commission recommendations has been made in the following 16 cases :

S.No.	Name of the Organization/PSUs	Date of review meeting held
1.	GAIL, M/o Petroleum	20.10.2014
2.	Power Grid Corporation Ltd. (PGCIL), M/o Power	13.10.2014
3.	NHPC, M/o Power	27.10.2014
4.	EIL, M/o Petroleum	24.11.2014
5.	NFL, M/o Chemical & Fertilizer	11.11.2014
6.	STC, M/o Commerce	08.12.2014
7.	MMTC, M/o Commerce	23.12.2014
8.	NTPC, M/o Power	12.01.2015
9.	NBCC, M/o Urban Development	13.01.2015
10.	MTNL, M/o Tele Communication & IT	09.02.2015
11.	NSIC Ltd. M/o MMSE	16.02.2015
12.	Indian Bank	08.02.2015
13.	Canara Bank	14.10.2015
14.	BHEL	06.01.2015
15.	National Insurance Company. Ltd.	04.11.2015
16.	Vijaya Bank	14.10.2015

In remaining 22CPSUs/Banks, the complete action taken report has not been received. The efforts for obtaining complete ATR are being made by issuing reminders, personal discussions with PSU concerned are being made for early compliance of Commission recommendation. The names of CPSUs, where full compliance report is awaited are given in **Annexure X**.

### 4.3 Complaint Investigation and Resolution in NCSC

The Rules of Procedure of the Commission do not prescribe any time limit for investigation and enquiry of complaints received in the Commission. Also, as per mandate of the Commission, though the Commission has all the power of Civil Courts trying a suit, the disposal of the complaints depends on both the nature and gravity of the complaints as well as on the response from the Public Authorities who are entrusted with ensuring that the rights as guaranteed in the Constitution of India regarding Scheduled Castes are safeguarded. Hence the speed and

adequacy of response from the Authorities concerned are the defining factors which determine the actual disposal of the complaints.

The complaints received in the Commission (both at headquarters and in State Offices) are classified into three main categories viz:

- Those related to Service Safeguard matters are handled by Service Safeguards Wing,
- Those related to Economic and Social Development matters are handled by the Economic and Social Development Wing (ESDW),
- The cases related to Atrocities, are handled by Atrocities and Protection of Civil Rights Wing (APCR).

The details of complaints handled by the Commission Headquarters and State Offices are as under:

#### **4.3.1 Complaints Handled at the Commission**

**Table 4.1**

<b>Wing</b>	<b>Total Files as on 01.04.17 including B/F<sup>1</sup> cases</b>	<b>Received during 01.04.17 to 31.03.18</b>	<b>Total cases dealt with</b>	<b>No. of cases closed / disposed off during the period</b>	<b>No. of cases / files pending as on 31 March 2018</b>
<b>NCSC HQ</b>	<b>13294</b>	<b>2204</b>	<b>15498</b>	<b>1195</b>	<b>14303</b>
<b>NCSC State offices</b>	<b>19968</b>	<b>11519</b>	<b>31487</b>	<b>5160</b>	<b>26327</b>
<b>Total</b>	<b>33262</b>	<b>13723</b>	<b>46985</b>	<b>6355</b>	<b>40630</b>

As can be seen the total number of cases received is 13,723 in 2017-18. The closing balance of pending cases is 40,630 as on 31 March 2018.

#### **4.3.2 Details of the Complaints handled by the State offices of the Commission**

##### **4.3.2.1 Agartala State Office**

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<sup>1</sup> B/F : Brought forward from previous year(s)

Statement showing number of cases received, disposed and pending during the year 2017-18.

**Table No. 4.2**

**Jurisdiction :Tripura**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Atrocity Matters	4	6	10	3	7
2.	Economic & Social Development	12	7	19	12	7
3.	Service Matters	8	4	12	8	4
4.	Miscellaneous <sup>2</sup>	223	6	229	50	179
	<b>Total</b>	<b>247</b>	<b>23</b>	<b>270</b>	<b>73</b>	<b>197</b>

#### 4.3.2.2 Ahmedabad State Office

Statement showing number of cases received, disposed and pending during the year 2017-18.

**Table No. 4.3**

**Jurisdiction :Gujarat, Rajasthan, Daman and Diu, Dadra & Nagar Haveli**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Atrocity Matters	150	378	528	0	528

<sup>2</sup>Miscellaneous Cases including false caste certificate, welfare, employment, healthrelatedissues etc.

2.	Economic & Social Development	63	240	303	0	303
3.	Service Matters	44	196	240	0	240
4.	Miscellaneous <sup>3</sup>	40	15	55	0	55
	<b>Total</b>	<b>297</b>	<b>829</b>	<b>1126</b>	<b>0</b>	<b>1126</b>

#### 4.3.2.3 Bangalore State Office

Statement showing number of cases received, disposed and pending during the year 2017-18.

**Table No. 4.4**

**Jurisdiction :Karnataka**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending	
(1)	(2)		(3)	(4)	(5)	(6)	(7)
1.	Atrocity Matters		165	52	217	51	166
2.	Economic & Social Development		179	58	237	38	199
3.	Service Matters		138	90	228	69	159
4.	Miscellaneous		68	12	80	3	77
	<b>Total</b>		<b>550</b>	<b>212</b>	<b>762</b>	<b>161</b>	<b>601</b>

<sup>3</sup>Miscellaneous Cases including false caste certificate, welfare, employment, health related issues etc.

#### 4.3.2.4 Chennai State Office

Statement showing number of cases received, disposed and pending during the year 2017-18.

**Table No. 4.5**

**Jurisdiction : Tamil Nadu, Puducherry**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
<b>Tamil Nadu</b>						
1.	Atrocity Matters	1715	810	2525	64	2461
2.	Economic & Social Development	1601	1028	2629	536	2093
3.	Service Matters	1377	540	1917	272	1645
4.	Miscellaneous	252	64	316	1	315
	<b>Total</b>	<b>4945</b>	<b>2442</b>	<b>7387</b>	<b>873</b>	<b>6514</b>

#### 4.3.2.5 Chandigarh State Office

Statement showing number of cases received, disposed and pending during the year 2017-18.

**Table No. 4.6**

**Jurisdiction : Punjab, Haryana, Himachal Pradesh, J&K, Uttarakhand & UT of Chandigarh**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Atrocity Matters	1049	708	1757	674	1083
2.	Economic & Social Development	395	61	456	147	309
3.	Service Matters	536	132	668	267	401
4.	Miscellaneous <sup>4</sup>	656	141	797	251	546
	<b>Total</b>	<b>2636</b>	<b>1042</b>	<b>3678</b>	<b>1339</b>	<b>2339</b>

**4.3.2.6 Guwahati State Office**

Statement showing number of cases received, disposed and pending during the year 2017-18.

**Table No. 4.7**

**Jurisdiction : Assam, Manipur, Mizoram, Nagaland, Meghalaya and Arunachal Pradesh**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
<b>Assam</b>						

<sup>4</sup>Miscellaneous Cases including false caste certificate, welfare, employment, health related issues etc.

1.	Atrocity Matters	0	0	0	0	0
2.	Economic & Social Development	0	2	2	0	2
3.	Service Matters	29	9	38	6	32
4.	Miscellaneous	9	10	19	3	16
	<b>Total</b>	<b>38</b>	<b>21</b>	<b>59</b>	<b>9</b>	<b>50</b>

#### 4.3.2.7 Hyderabad State Office

Statement showing number of cases received, disposed and pending during the year 2017-18.

**Table No. 4.8**

**Jurisdiction : Andhra Pradesh, Madhya Pradesh, Chhattisgarh**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Atrocity Matters	1012	424	1436	165	1271
2.	Economic & Social Development	1149	364	1513	199	1314
3.	Service Matters	985	379	1364	50	1314
4.	Miscellaneous <sup>5</sup>	0	0	0	0	0
	<b>Total</b>	<b>3146</b>	<b>1167</b>	<b>4313</b>	<b>414</b>	<b>3899</b>

<sup>5</sup>Miscellaneous Cases including false caste certificate, welfare, employment, health related issues etc.

#### 4.3.2.8 Kolkata State Office

Statement showing number of cases received, disposed and pending during the year 2017-18.

**Table No. 4.9**

**Jurisdiction : West Bengal, Odisha, Sikkim and A&N Islands**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Atrocity Matters	228	158	386	109	277
2.	Economic & Social Development	141	61	202	55	147
3.	Service Matters	167	185	352	106	246
4.	Miscellaneous	98	110	208	56	152
	<b>Total</b>	<b>634</b>	<b>514</b>	<b>1148</b>	<b>326</b>	<b>822</b>

#### 4.3.2.9 Lucknow State Office

Statement showing number of cases received, disposed and pending during the year 2017-18.

**Table No. 4.10**

**Jurisdiction :Uttar Pradesh**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Atrocity Matters	909	1155	2064	709	1355
2.	Economic & Social Development	1025	1497	2522	302	2220
3.	Service Matters	474	289	763	0	763
4.	Miscellaneous	274	164	438	0	438
	<b>Total</b>	<b>2682</b>	<b>3105</b>	<b>5787</b>	<b>1011</b>	<b>4776</b>

**4.3.2.10 Patna State Office**

Statement showing number of cases received, disposed and pending during the year 2017-18.

**Table No. 4.11**

**Jurisdiction : Bihar and Jharkhand**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
<b>Bihar</b>						
1.	Atrocity Matters	585	386	971	78	893

2.	Economic & Social Development	304	118	422	30	392
3.	Service Matters	390	178	568	27	541
4.	Miscellaneous <sup>6</sup>	177	68	245	14	231
	<b>Total</b>	<b>1456</b>	<b>750</b>	<b>2206</b>	<b>149</b>	<b>2057</b>

#### 4.3.2.11 Pune State Office

Statement showing number of cases received, disposed and pending during the year 2017-18.

**Table No. 4.12**

**Jurisdiction :Maharashtra and Goa,**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Atrocity Matters	1052	222	1274	97	1177
2.	Economic & Social Development	533	351	884	72	812
3.	Service Matters	1262	396	1658	111	1547
4.	Miscellaneous	22	45	67	49	18
	<b>Total</b>	<b>2869</b>	<b>1014</b>	<b>3883</b>	<b>329</b>	<b>3554</b>

#### 4.3.2.12 Thiruvananthapuram State Office

Statement showing number of cases received, disposed and pending during the year 2017-18.

<sup>6</sup>Miscellaneous Cases including false caste certificate, welfare, employment, health related issues etc.

**Table No. 4.13**

**Jurisdiction :Kerala and Lakshadweep**

Sl. No.	Nature of representation	Brought Forward from previous year	Received during the year 2017-18	Total	Disposed off	Pending
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Atrocity Matters	139	146	285	145	140
2.	Economic & Social Development	218	152	370	227	143
3.	Service Matters	33	42	75	27	48
4.	Miscellaneous <sup>7</sup>	78	60	138	77	61
	<b>Total</b>	<b>468</b>	<b>400</b>	<b>868</b>	<b>476</b>	<b>392</b>

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<sup>7</sup>Miscellaneous Cases including false caste certificate, welfare, employment, health related issues etc.

4.3.3 Work done by Chairman , Vice Chairman and Members NCSC :

Table 4.14

Details of work done from 02.06.2017 to 31.03.2018				
	Hearing Held	Cases Closed	Spot Visits <sup>8</sup>	Divisional/District Reviews <sup>9</sup>
Prof (Dr) Ram Shankar Katheria, Chairman	500	4287	11	13
Shri L. Murugan, Vice Chairman	656	3266	22	59
Shri Keshapagula Ramulu, Member	198	115	4	-
Dr. Yogendra Paswan, Member	153	153	9	-
Dr.(Ms.) Swaraj Vidwaan, Member	401	1162	6	6
Total	1908	8983	52	78

<sup>8</sup>Details at Annexure VII

<sup>9</sup>Details at Annexure VII

#### 4.4 Some important and successful cases on Service Safeguard issues

1411 cases<sup>10</sup> dealt in the Commission (Headquarters and State Offices) relating to service safeguards issues were closed in the Commission in 2017-18. These cases were related to issues like denial of promotion/MACP, denial of appointments, denial of appointment on compassionate grounds, non payment of pension & terminal/pensionary benefits, dismissal/reinstatement cases, harassment in transfer/posting and other harassment cases on caste grounds etc.

Out of these, 87 of the interesting and successful cases are tabulated and further detailed below. *As a result of the intervention of NCSC in the 87 mentioned cases, 20 persons were promoted, 15 persons received their pension and arrears of ₹89.82 lakh, 6 persons were appointed in services, 4 persons received compassionate appointments, 26 persons were reinstated after termination / suspension etc and received ₹6.41 lakh as miscellaneous payments, 16 persons were transferred or upgraded in posts and received ₹0.75 lakh arrears etc*

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<sup>10</sup> 468 cases in the Commission headquarters and 943 cases in State Offices

Sr no	Subject	Interesting cases at HQ	Interesting cases at State Offices	Compensation /amount(Rs. in lakh)
1	Promotion matters	13	07	
2	Up-gradation of Pay Scales	01	01	
3	Appointment matters	03	03	
4	Pensionary/Terminal Benefits matters	05	10	89.82
5	Transfer matters	07	07	0.75
6	Compassionate appointment matters	04	-	
7	Suspension and re-instatement in services, payment of salary, caste certificate, harrashment and miscellaneous matters.	11	15	6.41
	<b>Total</b>	<b>44</b>	<b>43</b>	<b>96.98</b>

#### 4.4.1 In NCSC Headquarters

##### **Promotion:-**

##### **P-2/CA-3/2017/SSW-II**

The Commission received the representation dated 17.12.2016 from the petitioner Smt. R. Jamuna, AGM (OPS), AAI, Chennai regarding denial of seniority list by Airport Authority of India. After a hearing with Chairman, Airport Authority of India on 05.03.2018. The petitioner was promoted.

##### **File No. N-6/Rly-7/2016/SSW-I**

Shri N. Bhagya Raju Office Superintendent, DRM/Works/GNT Division of South-Central Railway submitted regarding advancing the date of promotion. The pay of Shri N. Bhagya Raju

has been revised and re-fixed duly advancing the date of promotion of the employee as Sr. Clerk from 01.04.2009 to 01.09.2008.

**File No. P-12/Tele-8/2014/SSW-I**

Shri Paramjit Singh Architect O/o the GMTD, BSNL, Chandigarh submitted a representation regarding withholding of his promotion (JAG) w.e.f. 01.04.2006. The matter was taken up with CMD, BSNL. Petitioner was promoted.

**File No. R-36/Agri-9/2015/SSW-I**

Shri Ram Dayal Raigar, Senior Technical Officer (Library), NRCC, Bikaner, Rajasthan submitted a representation regarding relaxation of 05% marks in benchmarks grading as per DoP&T O.M. dated- 03.10.2000. The matter was taken up with ICAR, Ministry of Agriculture, New Delhi. The ACRs of the petitioner have been up-graded and he has been assessed by DPC.

**File No. T-5/Tele-17/2016/SSW-I**

Shri Tuhin Kanti Halder, CE (E), BSNL Electrical Zone, Shimla submitted a representation regarding denial of regular promotion. The matter was taken up with CMD, BSNL. The petitioner has been promoted to the grade of Chief Engineer (Elect.) on regular basis.

**File No. M-5/Delhi-28/2016/SSW-I**

Shri Mohan Lal & Others, MTS, DAV Sr. Sec. School, Jangpura, New Delhi had submitted a representation regarding non-providing of the ACP and MACP benefits. The matter was taken up with the Education Department, Government of National Capital Territory of Delhi (GNCTD)of Delhi. Shri Mohan Lal & two others employees have been provided benefits of Ist / IInd ACP.

**File No. K-5/Rly-9/2017/SSW-I**

Shri Kiran Pal, SSE (Mech.) Mechanical Department, MCF, Rail Bareilly (UP) submitted a representation regarding denial of promotion under LDCE Mech. 30% posts of Technical Grade-“B”. The matter was taken up with the Chairman, Railway Board, Ministry of Railways, New Delhi. The petitioner has been promoted and posted as AME/ISO/MCF/RBL.

**File No. O-1/Statistics-3/2017/SSW-I**

Shri Om Prakash, Data Entry Operator, Grade-B, Ministry of Statistics and Programme Implementation, R.K., Puram, New Delhi submitted a representation regarding denial of promotion. The matter was taken up with Ministry. The petitioner has been promoted from DEO Grade “B” to DEO Grade “C”.

**File No. V-25/Culture-4/2016/SSW-I**

Smt. Vinodi, Section Officer, Sangeet Natak Akademi (SNA), New Delhi submitted a representation regarding denial of promotion. The matter was taken up with the Secretary, Ministry of Culture, New Delhi & Secretary, Sangeet Natak Akademi, New Delhi. The petitioner has been promoted as Section Officer with effect from 2004.

**File No. D-16/Rly-38/2017/SSW-I**

The All India SC/ST Railway Employees Association, Delhi Metro Rail Corporation Ltd. (DMRC), New Delhi submitted a representation regarding denial of promotion. The matter was taken up with the Managing Director, DMRC, New Delhi. The petitioners have been promoted.

**File No. B-31/Tele-32/2016/SSW-I**

Shri B.S. Gohil, TTA (J.E.), BSNL, Gandhinagar, Gujarat has submitted a representation regarding promotion. The matter was taken up with the CMD, BSNL, New Delhi. The petitioner has been promoted and financial benefits have been paid.

**File No. S-35/S&IP-2/2016/SSW-I, File No.S-72/S&IP-4/2016/SSW-I, File No.G-9/S&IP-4/2016/SSW-I**

Shri Sandeep Kumar, Shri Sarangthem J. Singh and Smt. Geetu Kaur, Junior Statistical Officers, Ministry of Statistics & Programme Implementation, New Delhi submitted representations regarding promotion to Senior Statistical Officer (SSO). The matter was taken up with the Secretary, Ministry of Statistics & Programme Implementation, New Delhi. The petitioners have been promoted as JSO to SSO.

**Compassionate Appointment:-**

**File No. V-9/Uttarakhand-8/2017/SSW-I**

Kumari Vandana R/o- Balmiki Basti Kankhal, Haridwar, Uttarakhand submitted a representation regarding compassionate grounds appointment in Uttarakhand State Roadways Corporation Ltd. The matter was taken up. The petitioner was given appointment on compassionate grounds.

**File No. D-26/Culture-5/2016/SSW-I**

Shri Deepak Kumar S/o Late Shri Madanlal R/oCPA-83, New Seelampur, Delhi submitted a representation regarding appointment on compassionate grounds in Delhi Public Library. The matter was taken up. The petitioner was given appointment as MTS (Safaiwala).

**File No. S-103/Coal-27/2016/SSW-I**

Shri Shashi Kumar Dusadh S/o Late Shri Ram Lakhan Dusadh, R/o- Village & Post Syal, Ramgarh, petitioned regarding appointment compassionate grounds. The matter was taken up with CMD, Central Coalfields Ltd., Ranchi, Jharkhand. The petitioner was given appointment on compassionate grounds.

**D-12/HFW-8/2016/SSW-II**

The Commission received the representation from the petitioner Shri Duli Chand Shiv Kumar Brahmane regarding compassionate appointment. The matter was taken up with the Director, M/o Health & Family Welfare, O/o the Addl. Director, CGHS, Nagpur vide letter dated 18.07.2016. The petitioner has been given compassionate appointment.

**Issuance of Caste Certificate:-**

**File No. R-23/Telaangana-3/2016/SSW-I**

Shri R. Krishan Lal, President, Akhil Bharatiya Valmiki, Maha Sabha Office, Nangalrai Delhi has submitted a representation regarding non issuance of caste certificate to the "SC Mehtar"

community of Telangana State. The matter was taken up with Chief Secretary, Govt. of Telangana, Telangana. The matter has been resolved.

**Harassment & discrimination matters:-**

**File No, D-1/Coal-1/2016/SSW-I**

Shri Dharmendra, Junior Hindi Translator (Now Enforcement Officer), Coal Mines Provident Fund Organization (CMPFO) submitted a representation regarding harassment in transfer/posting in promotion. The matter was taken up. The petitioner was transferred to the Jammu as per his request.

**File No. P-6/Shipping-3/2018/SSW-I**

ShriPurushottamLalChaudhary, Deputy General Manager (Tech.) National Highways Authority of India (NHAI) submitted a representation regarding discrimination by denial of transfer. The matter was taken up. The petitioner was re-posted as DGM (T)-cum Project Director at NHAI, PIU-Kanpur and his services during suspension has been regularized.

**File No. K-23/Culture-6/2016/SSW-I**

ShriKanchan Singh, Chief Horticulturist, Archaeological Survey of India, Janpath, New Delhi submitted a representation regarding harassment. The matter was taken up with D.G., Archaeological Survey of India, New Delhi. The matter has been resolved.

**File No. V-10/Delhi-88/2017/SSW-I**

Shri Vijay Kumar S/o ShriChandram, Environment Assistant, Motia Khan, DDA Flat, New Delhi submitted a representation regarding discrimination in transfer. The matter was taken up with Delhi Development Authority, New Delhi and the petitioner was retained in the same place of posting.

**File No. R-72/Culture-5/2017/SSW-I**

ShriRajendra B. Sonwane, Archaeological Survey of India, Maharashtra has submitted a representation regarding discrimination in transfer. The matter was taken up with D.G., ASI, M/o Culture, New Delhi. The petitioner has been transferred from Mumbai Circle to Aurangabad Circle.

**File No. B-12/coal-16/2015/SSW-I**

ShriBasant Kumar, National President Dalit SurakshaSamiti, New Delhi has submitted a representation regarding harassment of Shri Ram Sevak Chamar. The matter was taken up with CMD, Eastern Coalfields Ltd., West Bengal. All retirement benefits were settled.

**File No. R-14/Tele-14/2015/SSW-I**

ShriRajjnbenBabubhaiVankar, W/o Shri B.M. Vankar, Sr. ToA (P), ,Moti Pura, Himmatnagar, Gujarat submitted a representation regarding harassment. The matter was taken up with CMD, BSNL, New Delhi. The transfer order of petitioner was cancelled, leave period was regularized and salary for the period amounting to Rs. 75, 291/- was paid.

**File No. S-7/Defence-3/2016/SSW-I**

ShriSmarajitSaha, Garden Reach Shipbuilders and Engineers Ltd., Kolkata submitted a representation regarding harassment. The matter was taken up with CMD, Garden Reach Shipbuilders and Engineers Ltd., Kolkata. The matter was resolved.

**File No. S-55/DEfence-22/2016/SSW-I**

Shri S.K. Kammod, SSO-II, DQA (N)/DGQA, Ministry of Defence, West Block-5, R.K. Puram, New Delhi submitted a representation regarding denial of permitting of traveling allowance and rotational transfer. The matter was taken up with Secretary, Department of Defence Production, Ministry of Defence, New Delhi. The petitioner has been provided travelling allowance on his transfer.

**File No. J-2/Delhi-40/2017/SSW-I**

Dr.Jitendra Kumar Ujjainia, CMO (SAG), Head of Unit-II, Surgery Department, Hindu Rao Hospital, NDMC submitted a representation regarding harassment of working under the Junior Staff. The matter was taken up with Commissioner, North Delhi Municipal Corporation Delhi (NDMC), New Delhi. Problem resolved.

**File No. K-13/Tele-5/2017/SSW-I**

Shri K.M. Shanmugasundar, Sub Divisional Engineer (Admn.) O/o the Chief Engineer (E) BSNL, TN Electrical Circle, Chennai submitted a representation regarding transfer/posting. The matter was taken up with CMD, BSNL, New Delhi. The grievances of transfer/posting have been resolved.

**File No. B-9/Delhi-110/2016/SSW-I**

ShriBijendra Kumar, R/o 4/2370 B, Gali No.- 8, Bihari Colony, Shahdara, Delhi submitted a representation regarding harassment in transfer. The matter was taken up with CEO, BSES Yamuna Power Limited. Karkardooma, Delhi. The grievances have been resolved.

**M-10/UP-65/2016/SSW-II**

The Commission has received the representation dated 29.06.2016 from Shri Mahender Kumar, Safai Karamchari, O/o District Panchayati Raj Officer, Chitarkoot, U.P., regarding caste based discrimination in services. The matter was taken up vide letter dated 08.08.2016. Petitioner was reinstated.

**Pensionary /Terminal Benefits Matters & Others Dues/ Miscellaneous**

**File No. N-4/UD-5/2017/SSW-I**

ShriNaresh Kumar S/o ShriKishori, Assistant Safai Inspector, Delhi Development Authority (DDA)SaritaVihar, New Delhi submitted a representation regarding discrimination & harassment

in denial financial benefits of pay fixation. The matter was taken up Vice Chairman, (DDA), New Delhi. The petitioner has been paid all the dues and retirement benefits accordingly.

**File No. B-25/Rly-51/2007/SSW-I**

ShriBhagat Singh, MCM, Northern Railway, AnandVihar, New Delhi submitted a representation regarding non-providing of pensionary benefits. The matter was taken up with General Manager, Northern Railway, New Delhi. The retirement benefits of ₹ 7.86 lakh have been released .

**File No. M-6/Delhi38/2017/SSW-I**

ShriMoola Singh, PGT (History), JPM Sr. Sec. School for the Blind, LBS Marg, New Delhi submitted a representation regarding discrimination by nonpayment of salary/arrears and medical.The matter was taken up with Education Department, Govt. of NCT of Delhi. The salary/arrears and medical claim of ₹ 5, 50,795/- have been released to the petitioner on 31.07.2017.

**File No. S-15/I&B-3/2017/SSW-I**

ShriShis Pal Singh, Section Officer (Retd.), DAVP, SoochnaBahwan, New Delhi submitted a representation regarding non payment of pensionary benefits. The matter was taken up.The matter has been resolved and the pensionary benefits have been paid to the petitioner.

**File No. R-40/Textiles-4/2016/SSW-I**

Shri R.C. Kureel,Deputy Manager, (Retd.), NTC Ltd, R/o- C/o Shri R.N. Singh, Chauhan Adv. Near Masjid Tiraha Civil Court, Kanpur Nagar submitted a representation regarding non payment of pensionary benefits. The matter was taken up with the CMD, National Textile Corporation Ltd, New Delhi. The pensionary benefits have been released.

**File No. M-16/Maharashtra-17/2016/SSW-I**

ShriMahendra Salve, President, BEST SC/ST/VJ/NT/SBE Employees Welfare Association, Mumbai submitted a representation regarding redressal of grievances of SCs employees working

in BEST. The matter was taken up with the General Manager, BEST, Mumbai. The matter has been resolved and BEST gave medical allowance of ₹ 500/- to the scavengers and provided facility of check off for deduction of membership subscription to the Association.

**File No. B-13/Home-14/2016/SSW-I**

ShriBijay Kumar Nirala F/o ShriRaju Kumar Nirala submitted a representation regarding discrimination in posting of his son as BSF instead of CISF by Staff Selection Commission (CR), Allahabad, regarding appointment as Constable (GD) 2011 Examination. The matter was taken up with Staff Selection Commission. The SSC revised the allocation of the petitioner from BSF to CISF for appointment.

**File No. R-29/Delhi-104/2016/SSW-I**

Ms. Ritu Singh, Assistant Teacher (PRT), R/o- D-10, J.J. Colony, Wazirpur, Delhi submitted a representation regarding re-instatement of service as Guest Teacher (PRT), New Delhi. The matter was taken up Education Department, Govt. of NCT of Delhi. The petitioner has been re-instated.

**File No. C-5/TN-11/2016/SSW-I**

Dr. C. Kruppiah, Associate Professor and Head, Madurai Kamaraj University, Madurai, Tamil Nadu, submitted a representation regarding discrimination in appointment as Chairperson, School of Social Sciences. The matter was taken up with the Vice Chancellor, Madurai Kamaraj University, The petitioner has been appointed as Chairperson of the School of Social Sciences.

**File No. P-27/Home-13/2017/SSW-I**

ShriPritam Singh S/o Shri Ram Chander, Rewari, Haryana submitted a representation regarding denial of appointment due to change of category of OBC whereas he was SC category. The matter was taken up with the D.G., CRPF, New Delhi. The petitioner has been give appointment under the SC category.

**G-7/Bank-22/2016/SSW-II**

The Commission received the representation dated 29.08.2016 from Ms. Geeta, Ex. Employee-UCO Bank, Gurgaon regarding compulsory retirement from Bank services. The matter was taken up with the CMD, UCO Bank vide letter dated 08.09.2016. The Bank agreed for issue of clarification on counting of service from the date of compulsory retirement till date of rejoining (04.04.2018) and recovery of paid pension.

**N-9/HRD-39/2014-SSW-II**

The Commission received the representation dated 24.06.2014 from Shri Naresh Kumar TGT(WET) Kendriya Vidhyalaya, Ukhrul regarding termination from services. The matter was taken up and the termination order of the petitioner has taken back.

**4.4.2. NCSC State Offices**

**4.4.2.1 State Office, Chandigarh**

**File No. 1-Pb/105/2014**

Shri Gurtej Singh Teacher in Government Sr. Secondary School (Boys), Sri Muktsar Sahib, Punjab represented to this Commission that he was denied head master post in Education Department in Punjab in 2006 but he was not appointed. Matter was taken up. Shri Gurtej Singh was appointed as Head Master on 14.11.2018.

**4.4.2.2 State Office, Chennai**

**F.No: 9/14/2016 Rep (Bank)**

Shri R.Jeevanadham, Senior Branch Manager, Syndicate Bank, Dindigul had represented regarding denial of promotion. Shri.R.Jeevanandham was promoted to the Scale IV post on 20.4.2017.

**F.No: 9/15/2017 Rep. (CG)**

Shri P.Subramanian, a retired employee of New India Assurance Company Limited had represented on non-payment of his retirement benefits. ShriP.Subramanian was paid Rs.30.42 Lakh as terminal benefits in September 2017.

**F.No: 9/40/2017 Rep. (CG)**

Smt.Kamalaveni, a widow of Thiruvannamalai District represented that she was not paid family pension arrears. Petitioner was paid arrears amount of ₹ 1,04,578/-.

*The NCSC State Office Chennai , helped in getting pension and family pension to 2 persons and payment of arrears of ₹ 31.47 lakh to pensioners and promotion to 1 person.*

**4.4.2.3 State Office, Kolkata**

**File No. 6/15/2016 - Gen/WB:** Representation of Shri Sasanka Mondal, Dresser/ OT Assistant, Grade –II, Central Hospital, S.E. Railway, Kolkata regarding deprivation of promotions upto OT Assistant Gr.-I was received. The matter was taken up with the GM, SE Rly.All benefits including promotion to the post of Dresser/ OT Assistant Gr.-I were given to the petitioner.

**File No.6/39/2016- Gen/WB:** Dr. Suresh Chand, Scientist-D, Sundarban Regional Centre, Zoological Survey of India, Kolkata alleged harassment due to frequent transfer. The matter was taken up with the Secretary, M/o Environment and Forest, New Delhi and Director, Zoological Survey of India. The Head of Office Zoological Survey of India, Kolkata. The petitioner now posted in ZSI Kolkata as per his choice.

**File No. 7/8/2016 – GEN/OR :**Shri Rupadhara Naik, ex-SI of Boudh, Odisha alleging nonpayment of arrear. After the Commission took up the matter, the petitioner has been paid ₹ 10,05,552/- as arrear.

**File No. 8/6/2016 – GEN/WB :** Smt. Ashima Bhuyan, Cuttack, Odisha a contractual Teaching Associate of Institute of Hotel Management and Catering Technology complained regarding arbitrary termination of contract. The Commission took up the matter with the Principal. The petitioner re-engaged in the Institute in the same post.

**File No. 7/2/2017 – GEN/WB :** Shri Pradip Biswas, Clerk., Calcutta Tram Company, GoWB stated he was deprived of his promotion although his juniors were given promotion with retrospective effect from past dates. With the intervention of Commission, Shri Biswas was promoted w.e.f. 01.11.2006 as Record Keeper and as Clerk w.e.f. 01.2.2016.

**File No. 8/21/2016-Gen/WB :** Shri Rupam Chandra Das, an employee of Damodar Valley Corporation (DVC), Kolkata had applied for transfer from Durgapur to Kolkata. The DVC subsequently vide Order dated 20.6.2017 transferred him at DDVC Hqrs., Kolkata.

**During 2017-18, NCSC State Office, Kolkata helped getting arrear payments of Rs. 10.5 lakh to 1 SC employees, transfer of 05 employees to their choice postings, promotion of 07 employees and employment of 05 SC persons.**

#### **4.4.2.4 State Office, Patna**

##### **F.No. 2/25/2017-B**

Smt. Jyoti Kumari w/o Neelmani, Ambedkar Colony, Kadamkuan, Patna, alleged that she has been dismissed from the service of A.N.Sinha Institute, Patna without giving any notice.

The petitioner has been reappointed to the post of Assistant.

##### **F.No. 2/67/2017-J**

Shri Babulal Rajak, Asstt. Registrar, IIT(ISM), Dhanbad, alleged that he selected for appointment to the post of Dy. Registrar, IIT, Khagarpur, but the management of ISM, Dhanbad is not relieving him.

The matter was taken up with the Director, ISM, Dhanbad . The petitioner has been relieved .

**F.No. 9/36/2017-B**

Shri Sheo Kumar Ram, Retd. Teacher, Village- Dulhin Bazar, Bhojpur, alleged that terminal benefit were not been paid to him.Sanction accorded for payment of terminal benefit to the petitioner.

**F.No. 9/27/2017-B**

Shri Ram Naresh Paswan, Magadh Colony, Beur, Patna , alleged that he has punished by the department on flimsy grounds and compulsorily retired .The grievances of the petitioner has been settled.

**4.4.2.5State Office, Hyderabad**

**F. No. 1/32/17/TS-Ser:**

Shri B. Ravikumar, Assistant, TSIDC complained that he is harassed by management and frivolous charges are leveled against him. The case was examined and matter referred to Managing Director of the company. All 22 charges levelled against him were dropped.

**F. No. 1/97/15/TS-Ser.:**

Shri T. Ramesh of South Central Railway, Jr. Clerk, Secunderabad, Telangana complained of non pay revision for medical disability suffered while on duty. The matter was refereed to General Manager, South Central Railway. His pay has been refixed and arrears also allowed.

**F. No. 1/42/17/TS-RU:**

Shri D. Venkateshwarlu, Assistant Motor Vehicle Inspector, Hyderabad, Telangana submitted petition regarding his suspension and discrimination. He has been re-instated.

**F. No. 1/27/17/TS-RU:**

Dr. B. Archana, Asst. Professor, Osmania University, Hyderabad, Telangana submitted a representation regarding illegal termination from services. She has been reinstated.

**F. No. 1/50/17/TS-RU:**

TS Electricity SC/ST Employees Association, Telangana submitted representation regarding violation of rule of reservation. The issue was taken up and NPDCL submitted a compliance report dated 24.10.2017 that two SCs have been given notional promotion against two carry forward vacancy.

**F. No. 1/63/17/AP-Ser.:**

BSNL sanctioned pension to Smt. Devarpali Suguna, Prakasam Dist., Andhra Pradesh after the issue was taken up.

**F. No. 1/36/17/AP-Ser.:**

Shri N. Vara Prasad, Telecom Technician complained of discrimination in transfer. After the issue was taken up ,BSNL issued the transfer order.

**F. No. 1/125/17/AP-Ser.:**

Shri M. NiranjanBabu, ADE, got promotion as DE in APEPDCL, East Godavari District , Andhra Pradesh after the issue was taken up.

**F. No. 1/73/18/AP-Ser.:**

A handicapped person Shri S.Kotiah of Ashoknagar, Kurnool, Andhra Pradesh complained of harassment transfer by Superintendent Engineer, Irrigation, Kurnool. The case was taken up and his transfer was stopped on humanitarian grounds.

**F. No. 1/27/17/AP-RU:**

Shri T. Kumari, r/ o Mairippalem, Visakhapatnam, Andhra Pradesh complained of denial of VRS amount. After the issue was taken up the Naval Dockyard submitted a report dated 16.01.2018 that dues have been cleared.

**F. No. 1/21/17/MP-Ser.:**

Shri Sunil Kumar, Dy. Commandant, ITBP, Bhopal, Madhya Pradesh complained of discrimination in posting. The matter was taken up with DG, ITBP .He has been given posting at place of choice.

**F.No. 1/97/15/TS-Ser**

Shri T. Ramesh, Jr. Clerk, SC Railway, Secunderabad complained of non revision of pay as he had a medical disability while on duty. The matter was referred to General Manager, South Central Railway, Pay has been refixed and arrears sanctioned.

**No. 1/27/17-AP Ser:**

Shri. T. Kumar, R/o Mairipalem, Visakhapatnam, AP complained of denial of VRS amount. On the intervention of the Commission, Naval Dockyard paid his dues.

**4.4.2.6 State office, Thiruvanthapuram**

**KL/12/34/2016**

Shri AnilKumar requested for increased pension amount. Registrar, KUSAT reported that they have released complete amount of arrears to pensioner after the issue was taken up.

**KL/12/43/2016(HQRS)**

Ms. Shylaja.T, alleged misbehaviour by co worker. General Manager, BSNL reported that Competent Authority has initiated disciplinary action against the accused person after the issue was taken up.

**KL/12/2/2017**

Shri Neelakantan, petitioned regarding non receipt of retirement benefits. Commissioner of Central Excise & Customs released all retirement benefits to the petitioner released after the issue was taken up.

**VC/KL/12/16/2017**

Shri.K.Thulaseedharan petitioned with request for category change in the post due to disability in KSRTC. Executive Director, KSRTC reported that the petitioner has been granted category change after the issue was taken up.

**4.4.2.7 State Office, Lucknow :**

**Pensionary/Terminal Benefits matters**

**File No. 2/81/2017-Gen**

On complaint of Dr. Mahesh Nath Singh, R/o 578/237, Raj Kamal Vihar, Hydile colony Road, Sarojni Nagar, Lucknow MD., ECORYS India Pvt Ltd., New Delhi made a payment of ₹ 81,892/- as salary after this office took up issue.

**File No. 1/36/2017-Gen**

On complaint of Shri Surendra Pal S/o Shri Amar Sing, R/o Gali No. A-1, Subhashnagar, Jwalapur, District Haridwar, Uttrakhand, a payment of ₹ 15,478/- was made to applicant by Oriental Insurance Company Ltd after this office took it up.

**File No. 2/183/2017-Gen**

Shri Anil kumar, Lab Asstt. , PHC, Pachkhora, Rajgarh, Mirzapur, petitioned for non payment of salary. Salary payment was made after we took up the issue.

**File No. 2/19/2017-Gen**

Shri Gopal Mahip, R/o 469, Rajendra Nagar, Urai – 285 001, requested for EL payment. Payment of 223 days E.L was made to petitioner after this office took up the issue.

**File No. 1/99/2017-Gen**

Shri Ram Subhag, Retd. Postman, Kidwai Nagar, R/o Plot No. 38, Surendra Nagar, Rawatpur, Kanpur petitioned for non payment of retirement dues. Payment of ₹ 9.20 lakh as retirement dues was released after this office took up the matter.

**File No. 1/9/2018-Gen**

Smt. Sushma W/o Late Shri Satya Prakash Sonkar, R/o 78/296, Anwarganj Colony, Latouch Road, Kanpurnagar complained for non revision of pension. Pension was revised as per 7<sup>th</sup> Pay Commission after this office took up the matter.

**Transfer and harassment matters**

**File No. 1/33/2017-Gen**

Shri Uttam Kumar, Asstt. Chemist, N.R. Mandal Hospital, Moradabad was transferred to RDSO, Lucknow as per his desire after we took up the issue.

**File No. 1/37/2017**

Shri Ramdheer Babu, Film Division, New Delhi was posted at Doordarshan Kendra, Lucknow as per his desire after we took up the issue.

**File No. 2/216/2017-Gen**

Shri Ramchadra Prasad, Principal, Secondary School Gopala, Block Siswa, Maharajganj, was paid compensation of ₹ 75,000/- after this office took up the case.

**Suspension and re-instatement of services matters and Misc.**

**File No. 2/134/2017-Gen**

Shri Rameshchandra (Lecturer Geography), R.D. Inter College, Succhitaganj, Faizabad .Joined as acting Principal as per his desire after this office took up his case.

**File No. 1/18/2018-Gen**

Dr. M.P. Sagar, P.S. & Head TT Section, C.A.R.I., Izzatnagar, Bareilly joined as H.O.D. as per his desire after this office took up the case.

### 4.5 Economic and Social Development cases :

The Commission received a large number of cases in the economic and social development sector and a total of 2077 cases<sup>11</sup> relating to this sector were disposed off by the Commission in 2017-18. A few interesting and successful cases in which 91 beneficiaries received benefits and compensation to the tune of ₹ 1.34 crore are enumerated below:

Sr. No.	Subject	Interesting cases at NCSC HQ	Interesting cases at NCSC State Offices	Compensation/ amount (Rs. in lakh)
1.	Admission matters	3	3	
2.	Scholarship matters/feeconcession	6	5	28.602
3.	Possession of land/plot/Flat	5	6	0.98
4.	Benefit under SC Schemes	3	13	2.20
5.	Allotment of petrol pump	1	-	
6.	Education/Degree and certificate issuance matters	4	5	0.23
7.	Miscellaneous matters like Loan etc	9	17	102.164
	<b>Total</b>	<b>31</b>	<b>49</b>	<b>134.18</b>

*In these 80 cases , after the intervention the NCSC , 8 students got admission in courses of their choice , 16 students received due scholarship /tuition fee reimbursement , 9 students received their held back degree / certificates , 11 persons got possession of land / plots /flats , 19 persons received benefits under the various welfare schemes of the Central/ State Governments. One person was allotted a Petrol pump and 27 persons received miscellaneous benefits like loans etc matters like loans etc , leading to a total monetary benefit of ₹1.34 crore.*

<sup>11</sup>459 cases in the Commission headquarters and 1618 cases in State Offices

#### **4.5.1 In NCSC headquarters**

##### **Admission**

##### **File No. 16/53/Delhi/2013/ESDW**

Rep. from Shri LP Manjhi, R/o WZ 84, Possanangripur, New Delhi submitted a representation regarding injustice to SC Ward XII Science. The matter was taken up with Commissioner, KVS, New Delhi. Admission was given to son of petitioner under the Science stream in class XII.

##### **File No. 16/224/HR/2016/ESDW**

Shri Naresh Kumar, R/o F-41 Old Press Colony National Institute of Technology District Faridabad Haryana submitted a representation regarding denial of admission in the SS Vidya Mandir High School Faridabad. The matter was taken up with Deputy Commissioner, District Faridabad, Haryana. The son of petitioner was admitted in school.

##### **File No. 16/32/Maha./2017/ESDW**

Sh. Gautam Ravji Ghangaru, , Kalyan (West), Thane, Maharashtra submitted a representation regarding denial of admission in National Institute of Fashion Technology. The matter was taken up with DG, NIFT, The petitioner has been given the admission at NIFT Chennai.

##### **File No: - 16/34/UK/2013/ESDW**

Sh. Jaswant Singh, R/o Shiv Nagar, Gali No. 2, Post Ruderpur, Udamsingh Nagar, Uttarakhand submitted a representation regarding denial of admission due to non-payment of fee. The matter was taken up with Secretary, Basic Education Dehradun, Uttarakhand. The fee concession has been provided the son of petitioner.

## **Scholarship**

### **File No.16/38/Delhi/2017/ESDW**

Rep. from Shri Sudhakar, S/o Shri Bhanu Prakash, R/o E-57/A-104, Jhuggi, Sunder Nagari, Delhi submitted representation regarding non-payment of hostel fees by the Rashtriya Sanskrit Sanasthan Gomti Nagar, Lucknow. The matter was taken up with the Principal .The scholarship of Rs. 6420/- was released to the petitioner.

### **File No. 16/21/Har/2016/ESDW**

Shri Rohit & Mohit, S/o Shri Jagdish, R/o V.P.O. Nara, Tehsil Madlauda, Panipat Haryana submitted a representation regarding non payment of Scholarship by the Central Institute of Plastic Engineering and Technology, Murthal.The matter was taken up withPrincipal Secretary, Department of SC /OBC Social Welfare, Haryana. Thescholarship to the petitioners has been released.

### **File No. 16/24/W.B./2017/ESDW**

Sh. Amit Kumar Roy, S/o Sh. Anil Kumar Roy, 62/53, Hari Pada Dutta Lane, White House Apartments, Flat No. 4, Tollygunje, Kolkata, West Bengal submitted a representation regarding non release of National Overseas Scholarship. The matter was taken up with Secretary, M/o Social Justice & Empowerment, Shastri Bhawan, New Delhi. The petitioner has been selected for the award of assurance scholarship under the National Overseas Scholarship for the year 2015-16.

### **File No. 16/46/UP/2012/ESDW**

Shri Samaydin Kanaujia S/o Shri Virtanti, R/o Village Nand Nagar, Janpad Basti, UP submitted a representation regarding non payment of scholarship for B.ED.The matter was taken up with Principal Secretary, Social Welfare, UP. ₹ 28,000/- has been released.

**FILE No. 24/217/Misc/UP/2016/ESDW**

Ms. Indu Mehta D/o Shrinivas Mehta, R/o 7/46 Patti Chaudhran, Opposite Police Station Baraut, Baghpat, Uttar Pradesh submitted a representation regarding non payment of scholarship from the year 2012-13 to 2015-16. The matter was taken up with Principal Secretary, Social Welfare, UP and Principal Secretary Finance, UP. ₹ 16.75 lakh as scholarship has been released to the petitioner.

**Land Matter/houses**

**14/119/UP/2015/ESDW**

Shri Daulat Singh S/o Shri Kishana Singh, R/o Harewali, Pargana Afzalgarh, Tehsil Dhampur, Bijnor, UP submitted a representation regarding non possession land given to him. The matter was taken up with DM, Bijnor, UP. The District Administration has provided the possession of land after demarcation.

**14/71/Raj/2017/ESDW**

Banwari Lal S/o Shri Bodan Ram, Village Mau, Tehsil Mundawar, Alwar, Rajasthan submitted a representation regarding non possession of land. The matter was taken up with District Collector, Alwar, Rajasthan. The petitioner has been given physical possession of land.

**File No. 14/61/MP/2016/ESDW**

Shri B.L. Suryavanshi S/o Shri Sabbaji Suryavanshi, R/o 1519/B, Road No. 04, New Railway Colony Ratlam, MP submitted a representation regarding denial of permission to construct the building. The matter was taken up with Principal Secretary, Deptt. of Local Administration & Development, Govt. of MP, Bhopal. The Municipal Corporation, Ratlam has given the necessary permission .

**File No. 14/36/UP/2017/ESDW**

Shri Jai Krishan, R/o 33-A, Gyan Khand-4, Indirapuram, Ghaziabad, Uttar Pradesh has submitted a representation regarding encroachment and construction unauthorised structure by the neighbour. The matter was taken up. The unauthorised construction has been demolished.

**File No. 24/57/Misc/HR/2016/ESDW**

Shri Somi Kataria S/o Shri Ram Dayal, R/o Village Jhadsaintali Tehsil Ballabhgarh, Faridabad Haryana submitted a representation regarding non possession of the EWS Flat. The matter was taken up with Deputy Commissioner, District Faridabad, Haryana. The possession of EWS flat has been given to the petitioner.

**File No. 14/122/Jharkhand/2015/ESDW**

Shri Ram Parvesh Ram Secretary N.K R/o Rohini Panchayat Tumang, P.O. Nawadeed P.S. Khalari Ranchi, Jharkhand submitted a representation regarding non payment of compensation for the land and employment. The matter was taken up with CMD, Central Coalfields Limited, Jharkhand. After intervention of the Commission, the matter has been resolved.

**Allotment of Petrol Pump**

**File No. 19/15/Mah/2017/ESDW**

Shri Sidharth Laxman Gangurde, Kasbevani, Deidori, Nasik, Maharashtra submitted a representation regarding denial of IOCL letter of intent (LOI). The matter was taken up with CMD, IOCL, Delhi. IOCL has issued LOI to the petitioner for MS/HSD, RO dealership.

## **Education**

### **F. No. 16/33/U.P/2013/ESDW**

Sh. D.R.Singh, R/o Muradnagar, Ghaziabad, UP submitted a representation regarding denial of permission to his son Kushal to appear in the semester examination conducted by the NIFT, Chennai. The matter was taken up with Director General, National Institute of Fashion Technology & Director, NIFT, Chennai. The petitioner was allowed to appear in the examination conducted by NIFT Chennai.

### **File No: - 16/67/Odisha/2013/ESDW**

Shri Labha Suna, P.O HSK Road, Bolangir, Odisha submitted a representation regarding issue of duplicate education certificate of MA. The matter was taken up with Secretary, Council of Higher Secondary Education, Odisha and Registrar, Sambalpur University, Odisha. The University issued duplicate certificate.

### **File No: - 16/63/UP/2016/ESDW**

Ms Pratibha Singh D/o Shri Ram Avtar, R/o Village Bijua, Lakhimpur Kheri UP represented regarding non issue of degree by the IEC College, Greater Noida. The matter was taken up and the petitioner received the degree.

### **File No. A-1/UP-10/2017/SSW-II**

The Commission received the representation dated 05.05.2017 from Shri Akash Kumar regarding non issuance of migration certificate by Amity University, Noida. The matter was taken up with the VC, Amity University, Noida and VC, Swami Vivekanand Subharti University, Meerut, Uttar Pradesh. The petitioner's grievance has successfully redressed.

## **Miscellaneous Matters**

### **File No. 24/221/Misc/UP/2015/ESDW**

Shri Sunil & others R/o Vill. Rataura, Babairu, Banda, UP submitted a representation regarding encroachment of pond. The matter was taken up with DM, Banda, UP. The encroachment has been removed.

### **File No. 24/64/Misc/Delhi/2014/ESDW**

Shri Dinesh, Gen. Secretary, Residential Welfare Association, H.No. 04 Garhi, Burari, Delhi submitted a representation regarding construction of Chaupal for the Balmiki Community. The matter was taken up with Commissioner, North Delhi Municipal Corporation, Delhi & Deputy Commissioner, District North, Delhi. ₹ 68 lakh has been recommended under MPLAD scheme for construction of double story Balmiki Chaupal at Village Burari, Delhi.

### **F. No: - 24/95/Misc/Haryana/2014/ESDW**

Shri Rohtash S/o Shri Dariya Singh, Village-Ahulana, Tehsil-Gohana, Sonapat, Haryana submitted a representation regarding construction of Chaupal. The matter was taken up with DC, Sonipat, Haryana. ₹ 82,000/- was received for repairing of the chaupal.

### **F. No: - 24/12/Misc/Haryana/2014/ESDW**

Smt. Sona W/o late Shri Balwan Singh R/o Village Balla, Haryana submitted a representation regarding non release of widow pension. The matter was taken up with Deputy Commissioner, Sonipat, Haryana. Pension has been released to the petitioner.

### **File No. 24/270/Misc/UP/2016/ESDW**

Smt. Sunita Devi W/o Late Shri Mahesh Chand, Village- Rora, Pargana & Tehsil- Anupshahar, Bulandshahar, U.P submitted a representation regarding grant of amount for the marriage of her

daughter. The matter was taken up with DM, Bulandshahar, UP. ₹ 20,000/- was released to the petitioner for marriage of her daughter.

**File No. 14/217/Delhi/2014/ESDW**

Smt. Krishna, R/o 26/183, top Floor, West Patel Nagar, New Delhi submitted a representation regarding denial of possession of a flat by DDA due to wrong verification of caste certificate. The matter was taken up with Vice Chairman, Delhi Development Authority. The petitioner received possession of the flat.

**File No. 24/53/Misc/Mumbai/2013/ESDW**

Shri Govind Bhai Bhikha Bhai Parmar, Prem Milan Society, Room No. 8, T.H, Kataria Marg, Mumbai submitted a representation regarding refund of the excess amount of electricity bill. The matter was taken up with General Manager, BEST, Mumbai. BEST has refunded ₹ 1,00,383/- to the petitioner.

**File No. 24/55/Misc/UK/2015/ESDW**

Shri Balbir Lal Village Dholkundi, Patti, Rawatsyu, Post Kirtinagar, Pauri Garhwal, Uttarakhand submitted a representation regarding non-supply of drinking water. The matter was taken up with General Manager, Utrakhand Jal Sansthan. The drinking water pipeline has been repaired and supply of drinking water started.

**File No. 24/185/Misc/HR/2016/ESDW**

Shri Om Prakash S/o Late Shri Bhola Ram, R/o H.No.672 Sector 21-B Faridabad, Haryana submitted a representation regarding with holding of ₹ 86,592/- HBA advance. The matter was taken up with Chief Commissioner (DZ), Delhi. The petitioner has been given no dues certificate and ₹ 86,592/- released.

**File No. 18/8/Har/2017/ESDW**

Shri Satyapal, S/o Shri Hari Singh, R/o H.No. 17/B, Anand Vihar, Ram Nagar, Kansapur, Yamuna Nagar, Tehsil Jagadhari, Yamuna Nagar, Haryana submitted a representation regarding non payment of sanctioned loan of ₹ 5,70,000/- under the PMEGP by the Vijaya Bank, Yamuna Nagar, Haryana. The matter was taken up CMD, Vijaya Bank. The loan was sanctioned.

**File No. 18/22/HR/2016/ESDW**

Shri Ghanshyam Dass S/o Shri Ramjiwan, Firozpur Jhirka, Mewat (Nuh) Haryana submitted a representation regarding non payment of loan by the cooperative bank. The matter was taken up with Deputy Commissioner, Nuh, Haryana. The loan amount has been released to the petitioner.

**4.5.2 In NCSC State offices**

**4.5.2.1 State Office, Chandigarh**

**File No. 5-Hry/3/2015**

Shri Rupa Ram s/o Shri Wazira Ram r/o Vill. Gurusar, Tehsil Narwana, Jind, Haryana represented alleging that his buffalo, died when it fell into a ditch dug by public health department and he was not provided any compensation. After it was taken up the petitioner was paid compensation of ₹ 75000/-.

**4.5.2.2 State Office, Chennai**

**File No: 8/93/2017 Rep**

Shri E.Ravirajendran of Nilgiris represented for payment of full THADCO loan amount by Union Bank of India, Hulikkal Branch. The loan of 2 lakh was sanctioned on 16.8.2017, after this office took up the matter.

**F.No: 4/44/2017 Rep.**

Shri S.Arumugam, Villupuram District represented that his son ShriAJayaprakash was not sanctioned Scholarship. His son was sanctioned ₹ 13,980/- scholarship after the NCSC took up the matter.

**F.No: 10/8/2017 Rep.**

Smt Yasodha of Kancheepuram District represented for sanction of Old Age Pension. Petitioner was sanctioned Pension vide Order dated 25.10.2017 after the NCSC took up the matter.

**4.5.2.3 State Office, Hyderabad**

**F. No. 5/4/17/TS-RU:**

Shri D. Pochaiiah of Rajendranagarsubmitted a representation that his daughter in B.Com. was harassed by Stanley Degree College, Hyderabad by non payment of scholarships for 2014-15 and 2015-16.The matter was taken up and SCDD, Govt. of Telangana submitted a report that ₹ 13250/- RTF & MTF has been sanctioned and credited in her account on 08.02.2017.

**F. No. 5/1/17/TS-RU:**

Kum. R. Suvarna of Siddipet, Telangana represented that College, Ranga Reddy is not releasing her MBA certificates due to non-payment of fees. The Director of SC Development Department got the issue solved.

**F. No. 6/19/15/TS-RU:**

Employees of SCCL SC Association requested land for Ambedkar Bhawan. This was taken up and SCCL management informed that 0.30 cents of land in Sy. No. 709 have been allotted.

**F. No. 6/26/17/TS-RU:**

Shri Adiga Bachel, Watchman, Hyderabad, Telangana submitted a representation regarding non-receipt of his PF amounts from contractor. The matter was taken-up with PF Commissioner and settled by crediting ₹ 54451 /- in his EPF account.

**F. No. 5/6/17/TS-RU:**

Smt. Durgam Sumitra, KPHB, Hyderabad, Telangana received all her lost certificates from a college where she studied, after our intervention.

**F. No. 23/3/18/TS-RU:**

Smt. Achamma w/o. Yellaish was denied gratuity for last 18 years. The administration sanctioned her gratuity of ₹ 15,015/- on 15.02.2018 after this office took it up.

**F. No. 5/5/18/TS-RU:**

Kum. S. Hima, Kompally, Hyderabad, Telangana approached this office that she is not allowed to write exam. The case was taken up with Director of CMR Engineering College and the student was given permission to appear in exams.

**F. No. 6/13/17/AP-RU:**

Smt. K. Ragamma w/o late Devaish, Nellore , A.P. represented for waiving term loan of her late husband. The matter was referred to AP GrameenaBank, Kadappa. The outstanding amount was settled.

**F. No. 6/18/17/AP-RU:**

ShriKolluApparao of East Godavari , A.P. submitted that Municipal Corporation is not refunding his EMDs.The matter was taken up with Commissioner of Municipal Corporation of Kakinada and EMDs of ₹ 85,000/- in three works have been refunded.

**F. No. 5/10/17/AP-RU:**

Smt. M. Lakshmi, W/o. Nagaraj, Ananthapur A.P.represented that her three sons were prevented from attending the school and removed from rolls by Principal of KendriyaVidyalaya, Gooty. The issue was taken up with Dy. Commissioner, KVS, Hyderabad and 3 children were re-admitted and remedial classes were also arranged.

**F. No. 6/41/17/AP-RU:**

ShriT. Narasimhulu of Chitttoor, A.P. submitted a petition regarding harassment by his guide in VIT, Vellore and non release of his certificates by University. VIT handed over all certificates to petitioner.

**F. No. 2/75/17/AP-RU:**

ShriGalimutiBalaraju of Poleppalli village, Prakasm , A.P. submitted a representation regarding encroachment of his land. DM earmarked the boundaries ofhis land and handed possession.

**F. No. 5/14/17/MP-RU:**

Shri Neeraj Navariya, Gwalior, Madhya Pradesh complained of denial of admission to his child under RTE. Army Public School admitted the child to the School.

**F. No. 5/5/17/MP-RU:**

Makhanlal Chaturvedi University of Journalism and Communication, Madhya Pradesh waived off ₹ 9730/- of Shri Ramesh Malavya, after it was taken up by the Commission.

**F. No. 5/3/15/CG-RU:**

Bhilai Steel Plant provided three computers for Girls Hostel for SCs at Kasaride, Durg Dist., Chhattisgarhat, after it was taken up by the Commission.

**F. No. 7/12/16/TS-RU:**

Shri M.M.Rao, LIC Property Evaluator, Hyderabad, Telangana submitted a petition regarding denial of his bills worth lakhs of rupees to him by LICHFL. LICHFL settled his bills of ₹ 14,69,226/- after it was taken up by the Commission.

**F. No. 3/36/17/TS-RU:**

Suo-moto action was taken on two lorry accident cases in Sircilla Dist., Telangana. Financial assistance of ₹ 1 lakh to the two victims (₹ 50,000/- each) under Apatbandhu Schemes was sanctioned.

**F. No. 3/40/17/TS-RU:**

Shri Tarun Garg, student of IFHE submitted a petition regarding ragging in his college. ICHE constituted an enquiry committee and 8 students were expelled from University after it was taken up.

**4.5.2.4 State Office, Kolkata**

**File No. 4/18/2016-Gen-WB :** Ms Soumi Mondal, North 24 Parganas, West Bengal complained about non-receipt of Post Matric Scholarship. After Commission took it up, ₹ 23,100/- paid to her.

**File No. 4/8/2017- Gen/WB:** Shri Joydev Naskar and 6 others, Bishnupur, South 24 Parganas, West Bengal alleged that they had not received post matric scholarship for the year 2016-

17.The DWO, Kolkata informed that all the students have received their scholarships of ₹ 5000/- each..

**File No. 2/15/2017-Gen/OR (Puri) :**Smt. Sujata Mallick of Puri, Odisha complained that she has not paid for her service rendered to the district. Smt. Mallick has been paid all her past dues ₹ 5,24,000/-

#### **4.5.2.5 State Office, Patna**

##### **F.No. 1/10/2017-B :**

Shri Sanjay Kumar, Village Khuthari, PS Lalapur, Bhagalpur requested for admission of his son in Kendriya Vidyalaya, NTPC, Kahalgaon, Bhagalpur under R.T.E.The State Office, Patna took up the matter with the Principal, Kendriya Vidyalaya, Kahalgaon, Bhagalpur. The son of petitioner has been admitted.

##### **F.No. 3/22/2017-B :**

Shri Rajesh Kumar, Village Parasi, PO Bhagat Bigaha, Nalanda requested regarding non-payment of compensations of land acquired by the Government. The State Office took up the matter with the DM, Nalanda. Compensation of ₹ 60,820/- was paid to the petitioner.

##### **F.No. 3/26/2017-B :**

Shri Ramdeo Das, Village Bahrapur, Raghapur, Vaishali alleged that land has been allotted to him by the district administration but possession over the land was not given.The State Office, Patna took up the matter with the DM/SP, Vaishali. The SP, Vaishali informed that the grievances of petitioner has been rectified.

**F.No. 3/53/2017-B :**

Smt. Binda Devi w/o Shri Surendra Ram, Village Baniachhaper, PS Kuchaikot, Gopalganj, alleged that possession over the land was not given. The State Office, Patna took up the matter with the DM/SP, Gopalganj. Possession of the land was given.

**F.No. 3/83/2017-B :**

Shri Bittu Paswan, Village- Mariyawan, PS Kako, Jehanabad, complained regarding how possession of the settled land. The State Office, Patna took up the matter with the DM/SP, Jehanabad. Possession of land has been given.

**F.No. 12/17/2017-B :**

Shri Sonaram Das, PS Chandankyari, Bokaro, complained regarding non-payment of compensation of his acquired land. The State Office, Patna took up the matter with the DC, Bokaro. Compensation of ₹ 37,752/- to the petitioner has been paid.

**4.5.2.6 State Office, Thiruvananthapuram**

**F.No. KL/15/O/H/6/2016 :**

Shri T.E.Rajan requested for housing grant of Enhanced housing grant. Government issue order to sanction the enhanced amount of ₹ 1 lakh towards housing grant after case was taken up.

**F.No. KL/15/O/WEL/3/2017 :**

Shri Sasi requested for medical assistance. SC development department sanctioned ₹ 15,000 to the petitioner as medical assistance, after the case was taken up.

**F.No. KL/15/O/WEL/5/2016:**

MS.Thankamany, requested for inclusion in 'land to landless scheme'. Petitioner was included in land to landless scheme after the case was taken up.

**F.No. KL/15/O/WEL/6/2016 :**

Smt.Vijisree requested for due financial assistance for inter caste marriage. SC development department sanctioned ₹ 50,000 to the petitioner as intercaste marriage assistance after case was taken up.

**F.No. KL/15/O/WEL/7/2016 :**

Shri P.Vasu requested for due financial assistance for inter caste marriage. SC development department sanctioned ₹ 50,000 to the petitioner as inter caste marriage assistance, after case was taken up.

**F.No. KL/E/12/1/2017 :**

ShriJayaganesan petitioned In respect of release of 2016 April results.Reply received from MG University states that the petitioner was declared passed on 1.4.2017, after the case was taken up by the Commission.

**F.No. KL/15/O/F/1/2017 :**

Smt.Cheeru requested for financial assistance for housing. SC Development department reported that petitioner is included in Housing scheme after the case was taken up by the Commission.

**F.No. VC/KL/15/O/H/2/2017 :**

ShriGireeshP.K. requested for inclusion in land to landless families for construction of House. Director, SC Development Department reported to us that petitioner was included in land to land less scheme.

**F.No. VC/KL/15/O/H/3/2017**

Shri M.C.Aji requested for inclusion land to landless families for construction of House. Director, SC Development Department reported to NCSC that petitioner was included in land to land less scheme.

**F.No.VC/KL/15/O/H/4/2017;VC/KL/15/O/H/8/2017;VC/KL/15/O/H/18/2017;  
KL/15/O/H/16/2017**

Smt.Kamalu.C, Shri Chandran MA, Smt. Leela Gopi, Shri Mohanan KK requested for inclusion in housing scheme. Director, SC Development Department reported to NCSC that the fourpetitionerswere included in housing scheme.

**F.No. VC/KL/15/O/F/25/2017 :**

Smt.Deepa Binu requested for financial assistance for house maintenance. Director, SC Development Department reportedto NCSC that petitioner has been included in house maintenance scheme.

**F.No. VC/KL/15/O/F/35/2017 :**

Smt.Ragendu requested for waiver of the loan amount. Bank reported that they have decided to relax interest rate.

**F.No. VC/KL/15/O/F/36/2017 :**

Shri.Rupesh requested for waiver of the loan amount. Registrar of co operative society reported to NCSC that they have decided to relax interest rate and allow petitioner to pay the balance amount in four installments.

**F.No. VC/KL/15/O/WEL/5/2017 :**

Smt. Usha Many requested for Medical Assistance. DDO for SC, Ernakulam reported to NCSC that ₹ 30,000/- was granted to petitioner.

#### 4.5.2.7 State Office, Lucknow

##### Scholarship

##### File No. 6/85/2017-Gen. :

Shri Sachin Kumar S/o Shri Satish Chandra, R/o Village Dan Chauraha, P.O. Himaupur, Mainpuri requested for release of his CPL course scholarship. Second Installment of C.P.L. Course ₹ 10.89 lakh was paid after case was taken up.

#### 4.6 Atrocity related matters

The Commission received a large number of atrocity related cases and 2363 cases<sup>12</sup> relating to this sector were disposed in the Commission. A few interesting and successful cases are enumerated below:-

Sr no	Subject	Interesting cases at HQ	Interesting cases at State Offices
1	Rape/Gang Rape	4	35
2	Greivious Hurt/Kidnapping	-	10
3	Miscellaneous complaints like barring of Temple entry/Social Byocott etc	6	101
4	Murder/Attempt to murder	11	61
5	Arson/Robbery	1	5
	<b>Total</b>	<b>22</b>	<b>212</b>

After the intervention the NCSC in these 234 cases of atrocities against Scheduled castes , 223 FIRs were registered , 376 accused were arrested and 120 charge sheets have been filed . ₹ 9.17 crore was paid to the victims as monetary relief . In addition 6 family pensions were got sanctioned ,7 family members got jobs , 6 houses / land patta / agricultural land patta were given to families of victims .

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<sup>12</sup> 268 cases in Headquarters and 2095 in NCSC State Offices

*8412 cases of atrocities relating to 2014-15, 2015-16,2016-17 and 2017-18, where monetary relief had not been paid were persued by NCSC, including personal meetings of Chairman, Vice Chairman, NCSC with Chief Minister, Uttar Pradesh on 10.01.2018 and also with Chief Secretary, Uttar Pradesh.*

*As a result of these meetings and follow up , ₹ 80.22 crore was sanctioned and paid as monetary relief by Government of Uttar Pradesh between January 2018 and March 2018.*

A few interesting and successful cases are enumerated below:-

#### 4.6.1 In NCSC Headquarters

S. No.	File No.	Petitioner & grievance	Nature of offence	Action
1.	UP/903/2016-APCR	Shri Puran Chand S/o Shri Kundan Village Jai Bhagwan Pur, Thana Chapper, Muzaffarnagar, UP	Murder of his son.	FIR No. 395/13 registered, 2 accused arrested and chargesheet filed on 09.11.2013. Compensation paid ₹ 3,75,000/-
2.	UP/7/2017-APCR	Smt. Meena Devi W/o Late Shri Ramvir and others, R/o Village Jarar, Mohalla Mandi Samiti, Near Hanuman Mandir, Thana Bah, Agra, UP	Murder of her husband	FIR No. 12/2016 registered, 3 accused arrested and chargesheet filed on 06.04.2016. Compensation paid ₹ 562500/-
3.	UP/172/2017-APCR	Smt. Beby Devi W/o Maujpal, R/o VPO Johari, HazaBinoli, Baghpat, UP	Murder of her son	FIR No. 79/14 registered, 2 accused arrested and chargesheet filed on 04.06.2014. Compensation paid ₹ 1,87,500/-
4.	UP/205/2017-APCR	Shri SantLal S/o Late Shri Patram Village Jhupa, Tehsil and Thana Jewar, Gautambudh Nagar, UP	Threat of murder and caste abuse	FIR No. 317/17 registered, 1 accused arrested and chargesheet filed on 15.09.2017. Compensation paid ₹ 3,75,000/-
5.	UP/303/2017-APCR	Smt. Rajni Devi W/o ShriSukhbir R/o Nandralla, Jasrathpur, Distt. Etaha UP	Attempt to rape, beating and harassment	FIR No. 152/2017 registered, 3 accused arrested and chargesheet filed on 01.11.2017. Compensation paid ₹ 3,00,000/-
6.	UP/317/2017-APCR	Shri Bablu S/o ShriKishan Village Alampur, Kaneta, Thana Basai, Mohamadpur, Ferozabad, UP	Death of his sister	FIR No. 154 CRPC registered, no accused arrested and chargesheet filed on 28.10.2017. compensation paid ₹ 8,25,000/-
7.	MP/34/2016-APCR	Shri Kamal Kishor S/o Shri BhagwanLal, Village Iraya Thana Entry Tehsil Chinnour, Gwalior, MP	Complaint against police officer for removal of Section 326 IPC and benefiting accused for bail.	FIR No. 135/12 registered, no accused arrested and no chargesheet filed. Compensation paid ₹ 65,000/-
8.	MP/71/2016-	Suo-moto cognizance of	13 year old gave	FIR No. 286/15 registered,

	APCR	Newspaper report dated 22.6.2016	raped and gave birth to child	no accused arrested and chargesheet filed on 13.01.2016. Compensation paid ₹ 90,000/-
9.	MP/115/2016-APCR	Shri Ramcharan Rajoria and others. C/o 10 Arjun Nagar, BNP Road, Distt. Dewas, MP	Murder of his son	FIR No. 16/16 registered, 6 accused arrested and chargesheet filed on 08.04.2016. Compensation paid ₹ 5,62,500/-
10.	TN/4/2016-APCR	Suo-moto cognizance of Newspaper report dated 22.01.2016	Murder	FIR No. 26/16 registered, 1 accused arrested and chargesheet filed. Compensation paid ₹ 4,12,500/-
11.	TN/22/2016-APCR	Suo-moto cognizance of Newspaper report Pandrimalai Ghat Road at Kannivadi)	Murder of a 17 year old girl	FIR No. 136/2016 registered, 3 accused arrested and chargesheet filed on 13.11.2016. Compensation paid ₹ 8,25,000/-
12.	TN/34/2016-APCR	Suo-moto cognizance of Newspaper report Madurai, Tamil Nadu	Murder of 24 year old youth	FIR No. 287/16 registered, 8 accused arrested and chargesheet filed on 22.03.2017. Compensation paid ₹ 4,12,500/-
13.	TN/36/2016-APCR TN/42/2016-APCR	Suo-moto cognizance of Newspaper report dated 4.8.2016	SC girl Rape	FIR No. 268/16 registered, 2 accused arrested and chargesheet filed on 02.10.2016. Compensation paid ₹ 4,12,500/-, 2 free toilets constructed near house and free house site pattas given.
14.	TN/13/2017-APCR	Shri G. Ramalingam Department of Atomic Energy SC/St Employees Association Tamil Nadu Distt-Villuoram Tamil Nadu	Murder	FIR no. 681/17 registered, 1 accused arrested and chargesheet filed. Compensation paid ₹ 8,25,000/-
15.	AP/29/2016-APCR	Suo-moto cognizance of Newspaper report dated 10/8/2016	Hundreds of SCs sit on hunger strike in Amreli to protest against police atrocities, 1 sent to judicial custody.	FIR No. 89/2016 registered, 8 accused arrested and chargesheet filed. Compensation paid ₹ 7,10,000/-

16.	AP/41/2016-APCR	Sri Kiran, Alamur, Rudravaram Mandal, Distt-Kurnool, A.P., Hyd. Forwarding of report of suicide case of Kurnool	suicide case	FIR No. 393/2016 registered, 10 accused arrested and chargesheet filed. Compensation paid ₹ 5,12,500/-, provide job to the wife of deceased and agriculture land allotted.
17.	Telangana/9/2016-APCR Telangana/11/2016-APCR	Suo-moto cognizance of Newspaper report SC woman rape	Rape	FIR no 36/2013 registered, 2 accused arrested and chargesheet filed on 28.04.2016. compensation paid ₹ 1,15,000/- and provide job.
18.	Guj/27/2016-APCR	Suo-moto cognizance of Newspaper report dated 24/09/2016	Six people beaten by non-SC people for not removing of dead animal in the field at Karja village	FIR no. 115/2016 registered, 5 accused arrested and chargesheet filed on 26.11.2016. Compensation paid ₹ 3,50,000/-
19.	Chattisgarh/10/2016-APCR	Shri. T.S Singhdev Opposition Leader, Chhatisgarh Vidhan Sabha, C-5, Shanti Nagar Raipur, Chattisgarh.	Murder of his son Shri Satish Norange	FIR No. 33-16, 131/16 registered, 4 accused arrested and chargesheet filed on 19.09.2016. Compensation paid ₹ 9,12,500/- and provide job.
20.	MP/10/2015-APCR	Suo-moto cognizance of Newspaper report dated 17.03.2015	SC woman fed dung.	FIR No. 2/2015 registered, 4 accused arrested and chargesheet filed on 15.05.2015. Compensation paid ₹ 90,000/-
21.	Odisha/9/2016-APCR	Shri Haldhar, village Arjungoda, PO-Bhinda, Dist. Puri, Odisha	Protection SC Victim, Village Arjungoda.	FIR No. 66/2016 registered, no accused arrested and chargesheet filed on 30.04.2016. Compensation paid ₹ 90,000/-
22.	Odisha/14/2016-APCR	Suo-moto cognizance of Newspaper report dated 25.06.2016	Burning Case	FIR No. 143/16 registered, 1 accused arrested and case is pending in the Court. Compensation paid ₹ 17,10,000/-

In these 22 cases, total number of arrests made were 67, in 20 cases chargesheet was submitted, and ₹ 1,07,20,000/- compensation given and additional assistance of house to 1 family/ agriculture land patta to 1 family, employment to 2 family members /victim has been given.

#### **4.6.2 In State Office**

##### **4.6.2.1 State Office, Ahmedabad:**

###### **File No. NCSC/ABAD/G/ 16 / 2017 :**

Shri Bhanuprasad Jethala Vankar a retired revenue clerk of Unja, Mehsana, Gujarat immolated himself due to inaction on land issue of Dalits in Dudhka village in Sami Taluka of Patan. Suo moto notice was issued leading to lodging of FIR under PoAAct and IPC and monetary relief of ₹ 8.25 lakh was awarded.

###### **File No. NCSC/ABAD/G/ 11/ 2017:**

News reports of Shri Kiran Palabhai Rathod and three others being fired upon at Jam Kalyanpur, Mevasa, Devbhumi Dwarka, Gujarat were taken up. FIR under Arms Act, IPC and PoA Act was lodged, 11 accused were arrested and monetary relief ₹ 1 lakh each was awarded to the four victims.

###### **File No. NCSC/ABAD/G/ 18 / 2017:**

The Commission took cognisance of a press report that Shri Parmar Piyush Natwarbhai and ShriD. Vasanthbhai of Mehsana, Gujarat were beaten up for sporting moustaches. FIR under PoA Act and IPC were lodged, all the accused were arrested and the 2 victims granted monetary relief of ₹ 0.50 lakh (@₹ 25,000 each).

###### **File No. NCSC/ABAD/G/ 20 / 2017 :**

News item that abusive language was used against Shri Kunalbhai Rameshbhai Maheria of Lobodara, Mansa , Gandhinagar, Gujarat was taken up resulting in lodging FIR under IPC and

PoA Act , all the accused were arrested, monetary relief ₹ 0.75 lakh provided to three victims(@) ₹ 25,000 each).

**File no. NCSC/ABAD/R/20/2017:**

The Commission took cognisance of media reports of gang rape on minor on 26.07.2017 at Kasba Rajgadh, Churu, Rajasthan. FIR under the IPC, PoA Act and POSCO Act were registered. The accused were arrested and charge sheet submitted. Monetary relief ₹ 6.18 lakh was disbursed.

**File no. NCSC/ABAD/R/23/2017:**

Cognisance of taken of a case of rape in Sahva, Churu Rajasthan on 26.08.2017. FIR under IPC and PoA Act were lodged. The accused were arrested and subsequently charge sheeted. Monetary relief ₹ 4.125 lakh was given to the victim.

**File no. NCSC/ABAD/R/27/2017:**

On 22.07.2017 a woman was gang raped in Megva,Buth Rathodan, Barmer, Rajasthan and inaction was reported in media. The Commission intervened and FIR under sections of the IPC and PoA Act was lodged. The accused were arrested. Monetary relief at initial stage of ₹ 4.125 lakh was disbursed.

**File no. NCSC/ABAD/R/29/2017:**

The Commission took suo moto cognisance of inaction in a case of physical assault and gang rape of a minor girl reported in the press on 27.09.2017 at Gundli Thana Bagor, Bhilwara, Rajasthan. After intervention of the Commission, FIR for offences under the IPC, POSCO Act and PoA Act were registered. The accused were arrested and monetary relief of ₹ 2 lakh was paid to the victim.

**File No. NCSC/ABAD/R/30/2017:**

A news report regarding rape of a girl on 01.10.2018 from Jaipur, Rajasthan was taken cognizance of. The Commission intervened and a FIR was got registered under relevant sections of IPC and PoA Acts, accused were arrested and monetary relief of ₹ 4.125 lakh was paid.

**4.6.2.2 State Office, Bangalore:**

**23/06/2017-Ru :**

Dalits were denied haircut by upper caste people at Chickballapur Village. Peace committee meeting was held headed by Deputy Commissioner, Chickballapur in presence of District Vigilance Committee members and villagers on 04.03.17. The barber shops which were closed since August 2015 were opened and the barbers gave services to people from SC community in the presence of officers.

**23/12/2017-Ru :**

Dalits being stopped from offering prayers by Upper caste people was taken up. Report received from Deputy Director SWD, Hassan stated that case was booked, and compensation was paid to 4 SCs of ₹ 25000/ each.

**23/19/2017-Ru :**

Report regarding endosulfan dumped in well to stop Dalits from drawing water was taken up. Reply received from District Administration stated that the well was cleaned and drinking water was supplied to the village.

**4.6.2.3 State Office , Chandigarh**

**File No. 24/1/2017-RES**

Suo moto cognizance was taken of the media report regarding murder of Shri Jaswinder Singh in Faridkot, Punjab on 04.01.2017. After we took up the case FIR was registered, 3 accused were arrested and an amount of ₹ 5.62 lakh, as financial relief was provided to the kin of the deceased.

**File No. 24/02/2017-RES**

Suo moto cognizance was taken on the news on 07.02.2017 regarding murder of Shri Surjit Singh in a attack in Tarn Taran, Punjab. After we took up the case , FIR was registered, ₹ 0.64 lakh was given as financial relief and a guardian was appointed for minor daughter of dead victim.

**File No. 24/11/2017-RES**

Suo moto cognizance was taken of the media report regarding murder of Shri Sukhwinder Singh and injuries to others in a clash between non-SC and SCs at Mansa Punjab . After we took up the case on 21.04.2017 FIR was registered, and an amount of ₹ 2.72 lakh , as financial relief was provided to the kin of the deceased.

**File No. 24/28/2017-RES**

Suo moto cognizance was taken of the media report dated 07.06.2017 that a 17 years old boy( Shri. Pardeep Singh) was brutally assaulted in Tarn Taran, Punjab. After we took up the case an FIR under PoA Act, POCSO Act was registered and ₹ 5.63 lakh as financial relief was provided to the victim.

**File No. 24/43/2017-RES**

Suo moto cognizance was taken of the media report that Shri Shubhpreet Singh, six year old SC boy was strangled to death in Amritsar Punjab on 12.09.2017. After we took up the case an FIR was registered under PoA Act, POCSO Act and IPC and accused was arrested and an amount of ₹ 2.81 lakh as financial relief was provided to the family of victim.

**File No. 24/48/2017-RES**

Suo moto cognizance was taken of the media report that a teacher attempted suicide at SSP office in Faridkot, Punjab. After we took up the case on 05.10.2017, FIR was registered under POA Act and ₹ 0.90 lakh as financial relief was provided to the victim.

**File No. 24/68/2017-RES**

Suo moto cognizance was taken of the media report that Smt. Jaswinder Kaur was beaten and video of her beating going viral in Barnala on 11.12.2017, After we took up the case PoA Act and IT Act was included in the FIR and ₹ 0.90 lakh as relief was provided to the victim.

**File No. 25/08/2017-RES**

Suo moto cognizance was taken of the media report regarding beating of SC groom Shri Sanjay and others Shri Rohtas, Shri Satinder and Shri Harpal for riding mare in Charkhi Dadri, Haryana on 04.04.2017. After we took up the case, an FIR was registered under PoA Act and financial relief of ₹ 3 lakh ( ₹ 75000 to each of the four victims) was provided.

**File No. 25/14/2017-RES**

Suo moto cognizance was taken of the media report regarding suicide of Ms. Monika, in Jind, Haryana on 08.05.2017. After we took up the case an FIR was registered under PoA Act and ₹ 1 lakh as financial relief was provided to the kin of the victim.

**FileNo. 25/16/2017-RES**

Suo moto cognizance was taken of the media report regarding cheating by false commitment of marriage in Ambala, Haryana. After we took up the case on 07.05.2017 , an FIR was registered under POA Act, one was arrested and an amount of ₹ 1 lakh /- as financial relief was provided to the victim.

**File No. 25/24/2017-RES**

Suo moto cognizance was taken of the media report regarding kidnapping of Ms Deepika in Gurugram, Haryana. After we took up the case on 13.07.2017 an FIR was registered under POA Act, three were arrested and an amount of ₹ 3.75 lakh as financial relief was provided to the victim.

**File No. 2-Hry/113/2017**

A representation was received from Shri Sarwar s/o Shri Dalip Singh r/o Vill. Popra, Karnal, Haryana alleging that his son was murdered. After we took up the case on 15.06.2017 sections of PoA Act were added to the FIR and ₹ 8.25 lakh as financial relief was paid to the family of victim.

**File No. 25/44/2017-RES**

Suo moto notice was taken on the news report dated 02.10.2017 regarding attack on Scheduled Castes in District Jhajjar, Haryana in which 07 persons were injured. After we took up the case police registered FIR under PoA Act and financial relief of ₹ 5.1 lakh was paid to 07 victims ( @ ₹ 0.75 lakh to 06 victims and @ ₹ 0.6 lakh to 01 victim).

**File No. 25/52/2017-RES**

Suo moto notice was taken on the news report dated 12.11.2017 about abuse and beating of 5 SCs in Kalayat, District Kaithal, Haryana .After we took up the case FIR under IPC & PoA Act was registered, 03 accused were arrested and injured .Relief of ₹ 3.75 lakh has been paid to 5 victims (@ ₹ 0.75 lakh per person).

**File No. 25/59/2017-RES**

Suo moto notice was taken on the press report on 02-01-2018 about murder of Shri Baldev Singh in Fatehabad, Haryana . After we took up the case, FIR was registered under PoA Act ,accused were arrested and financial relief of ₹ 8.25 lakh was paid to the family of the victim.

**File No. 25/12/2018-RES**

Suo moto notice was taken of the news of rape of an SC girl by an auto driver in Panipat, Haryana that appeared on 19.01.2018. After we took up the case, FIR was registered under PoA Act and financial relief of ₹ 2.5 lakh was paid to the victim.

**Total cases:-** As a result of our intervention in these cases 21 FIRs were registered, 15 accused were arrested and ₹ **1,89,04,700/-** as financial relief was given to the victims/families of victim.

#### **4.6.2.4 State Office, Chennai**

##### **File No: 3/20/Madurai/2017 Res.**

Cognizance of Press news dated 14.07.2017 regarding murder of Shri Alagar at Rajakkur village, Madurai was taken. FIR lodged, 2 arrested, chargesheet filed, ₹ 4.125 lakh monetary relief paid. Victim's family is now not traceable, hence remaining relief was not paid.

##### **File No: 3/21/2Thiruvannamalai/2017 Res.**

Cognizance of news dated 25.07.2017 regarding killing of Shri Venkatesan in clash at Cheyyar, Thiruvannamalai was taken. FIR lodged, 33 arrested, Chargesheet filed in on 24.07.2017. ₹ 8.25 lakh monetary relief paid and pension for the victim's family is sanctioned.

##### **File No: 1/47/2017 Rep :**

Shri Kumar of Thanjavur submitted a representation regarding alleged atrocity. On intervention of the Commission ₹2,24,500/- was sanctioned and disbursed to 6 atrocity victims including the petitioner on 27.03.2017.

##### **File No: 1/80/2017 Rep :**

Smt. P. Kaleeswari, Dindigul, represented regarding the delay of payment of monetary relief in the murder case of her husband. Due to the intervention of the Commission, she was sanctioned and paid with ₹8.25 lakh as monetary relief. Payment of pension is under process.

##### **File No: 1/509/2017 Rep :**

Shri K. Mariappan of Thiruvallur had represented on the issue of non-permitting a temple festival by SCs. Due to the intervention of the Commission, the SC people of Pattabiram had celebrated the '*Firewalk Festival*' at Sri Muthumariamman Temple on 03.09.2017.

**File No: 1/713/2017 Rep :**

Shri Mayavan of Karur had represented regarding the delay in payment of monetary relief to the victims of atrocity. Due to the intervention of the Commission, the District Administration had paid ₹ 22,500/- each to the 2 victims of atrocity on 19.02.2017.

***SUMMARY:***

In these **6** atrocity cases.

**3** FIRs were lodged,**35** arrests made,chargesheets filed and payment of ₹ **23,31,500/-** monetary relief was ensured.

As part of additional compensation, **5** persons were sanctioned pension, **2** were sanctioned houses / land and **4** family members were given a job after intervention of the Commission.

Spot visits were conducted in 11 other heinous atrocity cases, the details of which are in para **4.7.2.3.**

**4.6.2.5 State Office, Hyderabad:**

**F. No. 3/11/17/TS-RU:**

Smt G. Rajitha from Gurrampode, Nalgonda, Telangana represented that as a rape victim, she is due to be paid relief, case was taken up, and ₹ 1.80 lakh was sanctioned to her and chargesheet filed.

**F. No. 2/2/17/TS-RU:**

Shri K. Satyam of Medchal, Telangana complained of land based harassment and inaction by police. The matter was investigated and police registered FIR under POA Act and compensation of ₹. 25,000/- was sanctioned as per PoA Rules.

**F. No. 3/49/15/TS-RU:**

Kum. D. Sumitrra of KPHB, Hyderabad represented about cheating and sexual harassment. After the intervention of this office, police arrested the accused. CDM sanctioned ₹ 1,80,000/.

**F. No. 3/89/16/TS-RU:**

Suo moto cognisance was taken of reports of rape of a minor SC girl from Suryapet, Telangana Hyderabad. Accused were arrested. POSCO Act, sections of PoA Act were added. ₹ 2,00,000/-of compensation was sanctioned.

**F. No. 3/84/16/AP-RU:**

Smt. Gangulabala Narsamma of Kadapa, A.P. represented that her husband died of serious burns suffered after a quarrel but Police did not register atrocity case. The FIR was lodged and ₹ 4,12,500/- was sanctioned after case was taken up.

**F. No. 3/49/16/AP-RU:**

Case of Smt. Yadla Chinna of Pathatungapadu village, Rajanagar Mandal, East Godavari , A.P was taken up. FIR was registered and all accused were arrested. ₹ 90,000/- compensation was sanctioned.

**F. No. 3/10/17/TS-RU:**

Suo moto cognizance was taken of news reports regarding gang rape of minor girl at Lakshmiknatapur village, Dandepali Mandal, Mancherial, Telanganaon 12.02.2017. Case was followed up. FIR was registered, charge sheet filed and ₹ 8.25 lakh compensation was sanctioned.

**F. No. 3/13/16/TS-RU:**

F. No. 3/13/16/TS-RU: A permanent job was given to a rape victim Kum. B. Luthia of Veenavanka, Karimnagar, Telangana after the incident was taken up. ₹ 1,80,000/- was also disbursed to victim.

**F. No. 3/25/17/TS-RU:**

After investigating sexual abuse case of minor children of Shri Vinodkumar, Kushaiguda, Hyderabad, Telangana. Collector reported that ₹ 1,80,000/- has been paid to the victim charge sheet filed and action is being taken to give job to the rape victim.

**F. No. 3/9/17/TS-RU:**

No. 3/9/17/TS-RU: Smt. Gangamma, Borabanda, Telangana represented that her 30 year old daughter was found dead in an Auto. Police registered the case under IPC 304 A r/w section 3(2)(v)(a). Collector sanctioned ₹ 2 lakh.

**F. No. 3/21/16/AP-RU:**

Smt. Mochi Ratnamma, Adoni, AP that her daughter was raped and no compensation was paid. ₹ 1,80,000/- was sanctioned to the rape victim as per the PoA Rules.

**F. No. 3/107/15/AP-RU:**

Shri K. Simhachalam and 43 others of Bantupali, Ranatalam, Srikakulam submitted petition regarding attack on them. The accused were arrested and case charged sheeted. ₹ 1,80,000/- was sanctioned to one victim.

**F. No. 3/19/17/TS-RU:**

The FIR was registered and ₹ 8.25 lakh sanctioned in the rape and murder case of Kum. Ashita Rajaram Sonkambille of Bodhan, Nizamabad., Telangana after suo-moto cognizance by NCSC.

**F. No. 3/12/16/TS-RU:**

Representation of Shri Suddla Venkaty, r/o Mandamarri, Adilabad, Telangana was regarding murder and rape of his daughter. The case was taken up with authorities. FIR was registered and all accused arrested. ₹ 8,25,000/- financial compensation was sanctioned.

**F. No. 7/22/17/AP-RU:**

Suo moto cognizance was taken news of social boycott of SC persons in Garagaparru, W. Godavari, AP, reported on 26.06.2017. DM, Nizamabad sanctioned of ₹ 63,00,000/- to 63 victims (@ ₹ 1 lakh each). Free ration,20 pensions, community hall, MNREGA work,etc was also sanctioned.

**F. No. 3/6/18/TS-RU:**

Smt. Bonu Jayamma, submitted a representation regarding murder of her daughter Kum. BonuJanaki from Srikakulam, Andhra Pradesh. Collector sanctioned ₹ 4.25 lakh as compensation, after case was taken up.

**F. No. 3/14/16/TS-RU:**

₹ 1,80,000/- was sanctioned to the rape victim. Accused has not been arrested as he obtained bail and left India. Police is taking further action in the matter.

**F. No. 3/12/17/TS-RU:**

Shri Gogu Chandrsekhar of Mosangi, Grampadu, Nalgonda, Telangana submitted regarding attack on him. The matter was taken up with CDM, Nalgonda ₹ 1,50,000/- was also sanctioned to him as compensation.

**File No.3/9/18/TS-RU**

Cognizance was taken of news dated 02.02.2018 regarding a 14 years old girl student of Jyothi High School, Malkajgiri committed suicide as she was not allowed to write exam by Principal as she did not pay the fees. Due to the intervention of the Commission, FIR lodged and Principal and another teacher were arrested. Compensation of ₹8.25 lakh was paid to the victim's family.

**4.6.2.6 State Office Lucknow**

Sl. No.	File No.	Victim & Address	Nature of offence	Outcome after NCSC intervention
1-	14/1(1)/2017-RU	Smt. Guddi Devi W/o Lt. Nawab, R/o Jaupura Sikandra, Distt. Agra	Murder	FIR lodged, 03 arrested, Monetary relief ₹ 4.125 lakh paid
2-	14/1(2)/2017-RU	Smt. Guddi Devi W/o Munesh Kumar R/o Sikrahna, Ps Puranpur. Distt Pilibhit.	Rape	FIR lodged, 01 arrested, Monetaryrelief ₹ 2.0lakh paid
3-	14/1(1)/2018-RU	Sri Ashish Kumar S/o Ram Sajiwan, R/o Naruli, Ps Pailani, Distt. Banda.	Murder	FIR lodged, 03 arrested, charge sheet No. 10/2018filed ,Monetary relief ₹ 8.25lakh paid
4-	14/1(1)/2018-RU	Bihari Lal Rawat, R/o Karjhan, Ps Kakori, Distt. Lucknow	Murder	FIR lodged, 03 arrested, charge sheet No. Nill/2018 filed, Monetary relief ₹ 4.125 lakh paid
5-	14/1(1)/2018-RU	Smt. Lalmati Devi W/o Ashok, R/o Semra buzurg, Ps Badhalganj, Distt. Gorakhpur.	Rape & Murder	FIR lodged, 03 arrested, charge sheet No. A-90/2018 filed, Monetaryrelief ₹ 2.5 lakh paid
6-	14/1(1)/2018-RU	Sri Santosh Kumar Ahirwar S/o Ram Ashre, R/o Bhanwar Pur Mazra Bilharka, Ps Narini Distt. Banda.	Murder	FIR lodged, 02 arrested, charge sheet No. 68/2018 filed, Monetaryrelief ₹ 13.65 lakh paid
7-	14/1(1)/2018-RU	Sri Kuldeep R/o Trikoliya, Ps Nighasan. Distt Khiri.	Rape & Murder	FIR lodged, 01 arrested, charge sheet No. 160/2018 filed, Monetaryrelief ₹ 4.125 lakh paid
8-	14/1(1)/2018-RU	Amit Kumar S/o Mangala Prasad, R/o Meghipur, Ps Aurai, Distt. Bhadohi.	Murder	FIR lodged, 01 arrested, charge sheet No. 34/2018 filed, Monetaryrelief ₹ 8.25 lakh paid
9-	14/1(1)/2018-RU	Smt. Gilla W/o Lt. Sankatha Prasad, R/o Sathani Bala Khera, Ps	Murder	FIR lodged, 01 arrested, charge sheet No. A-12/2018 filed, Monetaryrelief ₹ 9.125 lakh

		Barasagwar, Distt. Unnao.		paid
10-	14/1(1)/2018- RU	Shiv Kumar S/o Bahadur Pasi, R/o Chandi Belwa, Ps Tambaur, Distt. Sitapur.	Murder	FIR lodged, 01 arrested, charge sheet No. 128/2018 filed, Monetaryrelief ₹ 8.25 lakh paid
11-	14/1(1)/2018- RU	Hiralal S/o Dhanai Ram, R/o Birua Samedra, Ps Sidhari, Distt. Azamgarh.	Murder	FIR lodged, 04 arrested, charge sheet No. A-18/2018 filed, Monetaryrelief ₹ 8.25 lakh paid
12-	14/1(1)/2018- RU	Sri Babban S/o Tulsi, R/o Jajauli, Ps Bhimpura, Distt. Balia.	Murder	FIR lodged, 01 arrested, Monetary relief ₹ 4.125 lakh paid
13-	14/1(1)/2018- RU	Sri Premram S/o Birbalram, R/o Devkathiya, Ps Jangipur, Distt Gazipur.	Murder	FIR lodged, 01 arrested, charge sheet No. 01/2018filed, Monetaryrelief ₹ 4.125 lakh paid
14-	14/1(1)/2018- RU	Sri Pramod Kumar S/o Chotelal, R/o Chakiya, Ps Khakhreru, Distt Fatehpur.	Murder	FIR lodged, 01 arrested, charge sheet No. A-18/2018filed, Monetaryrelief ₹ 1.50lakh paid
15-	14/1(2)/2018- RU	Sri Godhan Lal S/o Bangali, R/o Dilawar, Ps Puranpur. Pilibhit.	Rape	FIR lodged Monetaryrelief ₹ 3.0lakh paid
16-	14/1(2)/2018- RU	Km. Chandrakla Gautam D/o Lt. Bahadurlal, R/o Arjunpur, Ps Chauri, Bhadohi.	Rape	FIR lodged, charge sheet No. 06/2018 filed, Monetaryrelief ₹ 3.0 lakh paid
17-	14/1(2)/2018- RU	Smt. Laxmi Devi W/o Prakash R/o Khakhara Buzurg, Ps Banda, Distt Shahjahanpur.	Rape	FIR lodged, 02 arrested, Monetaryrelief ₹ 3.75lakh paid
18-	14/1(1)/2018- RU	Mahesh Chandra Saroj S/o Ramlal, R/o Bhulsa, Post Bhadri] Ps Hathigawan, Distt Pratapgarh	Murder	FIR lodged, Monetaryrelief ₹ 24.125lakh paid
19-	14/1(2)/2018- RU	Smt. Malwati, R/oGangadin Purwa, Ps Nighasan, Distt Khiri.	Rape	FIR lodged, 01 arrested charge sheet No. 42/2018 filed, Monetaryrelief ₹ 3.75lakh paid
20-	14/1(2)/2018- RU	Sri Jhinku S/o Bhulai, R/o Jadaipur, Ps Hariya, Distt Basti.	Rape	FIR lodged, 01 arrested charge sheet No. 65/2018filed,Monetaryrelief ₹ 3.75 lakh paid
21-	14/1(2)/2018- RU	Sri Karan Singh S/o Tungal Singh R/o Naya gaon Badshahpur, Ps Kotwali Dehat. Distt Saharanpur.	Rape	FIR lodged, 02 arrested charge sheet No. 66/2018filed, Monetaryrelief ₹ 1.5 lakh paid
22-	14/1(2)/2018- RU	Laxmi D/o Murari, R/o Gairaha, Ps Kapsethi, Distt Varanasi.	Rape (M)	FIR lodged, 01 arrested, Monetaryrelief ₹ 0.5 lakh paid

23-	14/1(2)/2018- RU	Sangeeta Devi W/o Ram Bilaxan Kori, R/o Tindura Chauki Oran, Ps Bisanda, Distt. Banda.	Atrocity	FIR lodged, 01 arrest, charge sheet No. 65/2018filed, Monetaryrelief ₹ 1.5lakh paid
24-	14/1(2)/2018- RU	Sri Santosh Kumar S/o Mahesh Singh R/o Chandaina Koli, Ps Devband, Distt Saharanpur.	Rape	FIR lodged, 01 arrested charge sheet No. 357A/2018filed, Monetaryrelief ₹ 1.5 lakh paid
25-	14/1(2)/2018- RU	Shiv Shanker S/o Lt. Sumera, R/o Paduvi, Ps Kotwali Nagar, Distt Banda.	Rape	FIR lodged, 01 arrested charge sheet No. 374/2018filed, Monetaryrelief ₹ 3.0 lakh paid
26	3/38/2018-Gen	Smt. Phoolmati W/o ShriMahaveerRaidas, R/o Vill. Padhua, PS Nighasan, Distt. Khiri, U.P.	Rape	FIR lodged, 01 arrested, Monetaryrelief of ₹ 2.5 lakh paid
27	3/129/2018-Gen	Smt. Chandrawati W/o ShriChandragupt R/o Vill. 112/35, BenaJhaber, PS Swaroop Nagar, Distt. Kanpur Nagar, U.P.	Murder	FIR lodged, 02 arrested, Monetary relief of ₹4.125 lakh paid
28	3/139/2018-Gen	ShriVipin Kr. Paswan R/o Vill& Po Jagdewa. (Dhahi) PS Bairiya, Distt. Baliya, U.P.	Murder	FIR lodged, 01 arrested, charge sheet No. 01 filed, Monetary relief of ₹ 8.25 lakh paid
29	3/236/2017- Gen.	Shri Ram Harakh Pasi S/o Shri Ram LautanPasi R/o Ramgaon, P.S. Shivgarh, Distt. Raibareli. U.P.	Atrocity	FIR lodged, 04 arrested, charge sheet No. 199 filed, Monetaryrelief ₹ 3.75lakh paid to 5 victims(@₹ 75,000 each)
30	3/250/2017-Gen	Shri Jitendra Kumar S/o Mohan Lal, R/o Bairihar, PS Jagatpur, Distt. Raibareli, U.P.	Atrocity	FIR lodged, 03 arrested, charge sheet No. 11 filed, Monetary relief ₹ 0.315lakh paid
31	3/269/2017-Gen	ShriLal Chandra S/o ShriMahendra, R/o Vill. Darveshpur, PS Jalalpur, Distt. Janupur, U.P.	Atrocity	FIR lodged, 05 arrested, charge sheet filed, Monetaryrelief of ₹ 0.90 lakh paid
32	3/311/2017-Gen	ShriIndrapal S/o ShriMahaveer R/o Vill. & Post Bilgaon, PS Bisanda. Distt. Banda, U.P.	Atrocity	FIR lodged, ,02 arrested, charge sheet filed, Monetaryrelief of ₹ 3.60 lakh paid
33	3/342/2017-Gen	ShriSarvesh Ram S/o ShriMunnaLal, R/o Vill& Post. Hisampur, PS Chandwak, Distt. Janupur, U.P.	Atrocity	FIR lodged, 01 arrested, chargesheet No. A-11 filed, Monetary relief of ₹ 0.225 lakh paid

34	3/372/2017-Gen	ShriSohanLal S/o Lt. Ram Autar, R/o MohallaSurttiHattagali, PS PuraniBasti, Distt. Basti, U.P.	Atrocity	FIR lodged, 03 arrested, charge sheet filed, Monetary relief of ₹ 0.75lakh paid
35	3/425/2017-Gen	ShriSushila W/o Lt. Shiv Mohan, R/o Vill& Po. Bhadehadu, PS BaberuDistt. Banda, U.P.	Atrocity	FIR lodged,02 arrested, charge sheet No. 100 filed, Monetary relief of ₹ 2.812 lakh paid
36	3/478/2017-Gen	ShriAmrendra S/o Sobaran Singh, R/o VillSehud, PS Dibiyapur, DisttAuraiya. U.P.	Atrocity	FIR lodged, 03 arrested, charge sheet No. 16 filed, Monetaryrelief of ₹ 1.20 lakh paid
37	3/523/2017-Gen	Km. Rinkii D/o Ramdev, R/o VillManauvaKhera, MajreJohawasharki PS Harchandur, DisttRaibareli, U.P.	Atrocity	FIR lodged, 07 arrested, chargesheet No. A-99 filed, Monetary relief of ₹ 1.50 lakh paid to 2 victims(@₹ 75,000 each)
38	3/544/2017-Gen	Smt. Shakuntla Devi W/o Lt. Narayan Das, R/o Moh. Kaachiyar, KasbaLakhna, PS Bakewar, DisttEtawa, U.P.	Atrocity	FIR lodged, 08 arrested, charge sheet No. 52 filed, Monetaryrelief of ₹ 1.75 lakh paid
39	3/647/2017-Gen	Km. Babli D/o Motilal, R/o Vill. Sohaliya PS Harchandpur, DisttRaibareli, U.P.	Atrocity	FIR lodged, 02 arrested, charge sheet No. 128 filed, Monetaryrelief of ₹ 1.50 lakh paid
40	3/674/2017-Gen	Malti Devi D/o Ram Aasre, R/o Vill. Shanti Khera, Po, Chahotar, PSSareni, DisttRaibareli, U.P.	Atrocity	FIR lodged, 01 arrested, charge sheet No. 146 filed, Monetary relief of ₹ 0.75 lakh paid
41	3/769/2017-Gen	ShriChuhad Singh S/o ShriKundan Singh, R/o Afganan, PS Sarsawa, Distt. Saharanpur, U.P.	Murder	FIR lodged, 05 arrested, Monetaryrelief of ₹ 4.125lakh paid
42	3/885/2017-Gen	ShriJagatBahadur S/o Lt. LalJi, R/o VillGolkhara, Po & Ps Koirana, Distt. Bhadhohi, U.P.	Atrocity	FIR lodged, 05 arrested, charge sheet No. 94 filed , Monetary relief of ₹ 3.00 lakh paid to 4 victims(@₹ 75,000 each)
43	3/970/2017-Gen	ShriPaanchuram S/o Choturam, R/o VillNewadhdiya, Ps Peeparpur, Distt. Amethi, U.P.	Atrocity	FIR lodged, 03 arrested, charge sheet No. 33 filed, Monetaryrelief of ₹ 0.75 lakh paid
44	3/983/2017-Gen	ShriKallu S/o Lt. Masuriyadeen R/o VillKotiya, Ps SarayAnkil,	Atrocity	FIR lodged, 02 arrested, charge sheet No. 58filed, Monetaryrelief of ₹ 0.75 lakh

		Distt. Kaushambi, U.P.		paid
45	4/360/2017-Gen	Shri Ram Garib S/o Shri Ram Autar, R/o Vill. BheeraMajreMohana, PS Jayas, Distt. Amethi, U.P.	Atrocity	FIR lodged, 04 arrested, charge sheet No. A-38 filed, Monetaryrelief of ₹ 0.75 lakh paid
46	7/76/2017-Gen	ShriSumitVerma S/o Shri Late Surendra Kumar R/o 15, Idgah, Pulia No.-9, Distt. Jhansi, U.P.	Atrocity	FIR lodged, 06 arrested, charge sheet No. 338 filed, Monetaryrelief of ₹ 1.50 lakh paid to 2 victims(@₹ 75,000 each)
47	3/37/2018-Gen	ShriKeshav Ram S/o ShriBankeLal R/o Vill. Bela, Post Durgapur Padri, PS Isanagar, Distt. Khiri,	Atrocity	FIR lodged, 08 arrested, charge sheet No. 193 filed, Monetaryrelief of ₹ 2.25 lakh paid

*In these 47cases of atrocities in 2017-18 followed up by NCSC, FIRs were got lodged in all cases, 114 arrests were made, charge sheets have been filled in 37 cases and ₹1,78,82,500/-was paid ascompensation to the victims/families of victims.*

#### 4.6.2.7 State Office, Patna:

**File No. 14/15/2017-B** :News report on rape and murder of a minor girl of Kishanganj, Bihar was taken on 13.04.2017. The FIR was registered, two persons arrested, chargesheet submitted on 31.03.18, ₹ 8.25 lakh was given to the immediate guardian of deceased girl as monetary relief and pension given as per norms.

**File No. 14/33/2017-B** :A news report of Gang rape of a minor Scheduled Caste girl of Kaimur, Bihar was taken up and an FIR was registered under relevant IPC, POCSO and PoA Act. The victim was paid ₹ 4.125 lakh as monetary relief.

**File No. 14/56/2017-B** :Taking cognizance of a news report dated 23.10.2017 on rape of a minor SC girl of Siwan, Bihar the Commission took up the matter. A FIR was lodged under appropriate IPC/POSCO/PoA sections. Subsequently the State provided ₹ 0.25 lakh for confirming the case as sexual harassment as complaint of rape was not proved during medical examination of the victim.

**File No. 14/6/2018-B** :Molestation news of a SC woman of Arrah, Bihar was taken up the matter resulting registration of an FIR and payment of ₹ 1 lakh as financial relief.

**File No. 14/60/2017** :Rape of an SC girl belonging to Muzaffarpur, Bihar was reported in media. The Commission took up the case causing registration of an FIR under appropriate IPC and PoA sections. Subsequently, payment of ₹ 1.5 lakh as financial relief has been paid to the victim.

**File No. 14/20/2017-B** :News regarding murder of Shri Vijay Ram of Darbhanga, Bihar in police firing on 08.05.2017 was taken up. The FIR was registered, financial relief of ₹ 12.25 lakh paid including exgratia payment of Rs.4 lakh.

**File No. 14/29/2017-B** :News report on murder of Shri Mukesh Kumar of Patna, Bihar on 31.07.2017 was taken up and an FIR registered. ₹ 4.125 lakh paid as monetary relief to the family of the victim.

**File No. 14/74/2017-B** :Shri Suresh Manjhi of Jamaui, Bihar was murdered on 19.12.2017 by an upper caste. Due to intervention of the Commission, the case got registered under IPC and POA Acts and the family of the victim was subsequently paid ₹ 4.125 lakh as monetary relief.

**File No. 14/8/2018-B** :Murder case of Shri Bhuneshwar Manjhi from Patna, Bihar was taken up, FIR lodged and ₹ 4.125 lakh paid as financial relief to the deceased family.

**File No. 14/21/2018-B** :News on murder of S/Shri Apsardh Musahari and Taley Manjhi of Nawada, Bihar on 20.02.2018 and 21.02.2018 was taken up. FIRs lodged under appropriate IPC/PoA sections and ₹ 4.125 lakh paid to each to family of deceased as financial relief as per Rules.

**File No. 14/51/2017-B** :A news report informed that 50 huts belonging to Scheduled Castes were set ablaze by the upper caste people of Khagaria, Bihar. Taking cognizance of such grave crime, Commission took up the matter with the local police/civil administration and an FIR was lodged. ₹ 48.368 lakh was paid to 92 SC victims.

**File No. 14/57/2017** : Demolition of a house belonging to Shri Shiv Dayal Ram of Motihari, Bihar appeared in newspaper on 06.11.2017. Due to intervention of the Commission, a FIR was lodged and the victim received ₹ 0.25 lakh as financial relief.

**File No. 14/43/2018-B** : Representation regarding no action in case of murder of Arvind Paswan, Bhagalpur, Bihar in 2008 was taken. Due to intervention of the Commission, proper section under PoA Act was incorporated in the case and charge sheet submitted to the court, ₹ 1.50 lakh also paid as monetary relief.

**File No. 11/237/2017-B** : Representation regarding no action in case of caste based atrocities was received from Shri Jai Bihari Paswan of Bhojpur, Bihar. Commission took up the matter resulting expeditious charge-sheet submission besides providing financial relief of ₹ 0.75 lakh to the victim.

**File No. 11/1/2018-B** : Shri Amardeep Kumar of Buxar, Bihar submitted representation to the Commission alleging that his house was set on fire with. Due to intervention of the Commission, charge sheet submitted and ₹ 0.75 lakh was paid as monetary relief.

**File No. 11/30/2018-B** : Shri Bansi Ram of Buxar, Bihar submitted representation to the Commission regarding non action by Police. Due to intervention of the Commission all accused were arrested, charge sheet submitted and ₹ 0.75 lakh paid as financial relief.

Due to intervention of the Commission, in above 16 cases and 07<sup>13</sup> other cases, 29 accused were arrested in 15 cases, in 11 cases charge sheet submitted and ₹ 1.50 crore was paid to 105 atrocity victims as monetary relief as per reports received so far.

#### **4.6.2.9 State Office Kolkata :**

**File No. 2/13/2013-Gen-WB** : Burning and looting of houses of SC inhabitants of village Kashmuli Dakshinpara under Joypur Police Station, Howrah (Rural), West Bengal took place on 09.07.2013. While FIR No. 121/13 was lodged daybut subsequent action including payment of ₹ 6.15 lakh monetary relief was paid only on 12.07.2017 to 41 victims after Commission took up the matter with the authorities.

**File No. 2/9/2014-Gen/OR** : A complaint was lodged regarding death of Avinash Behera of Jagatsinghpur, Odisha (an engineering student). The Jagatsinghpur Police subsequently

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<sup>13</sup> File Nos. (i) 14/26/2017-B, (ii) 14/64/2017-B, (iii) 14/4/2018-B, (iv) 14/11/2018-B, (v) 14/25/2018-B, (vi) 14/26/2018-B, (vii) 14/34/2018-B

registered an FIR vide No. 218 u/s 341/323/294/302/34 IPC & 3(2)(v) of POA Act, 1989, four accused arrested, ₹ 2.5 lakh was paid to the victim's family as compensation.

**File No. 2/10/2015-Gen/OR :** Shri Shankar Mallik and 8 other victims of Jajpur, Odisha lodged complaints in various police stations namely Korai, Jajpur, Binjharpur, etc. under various IPC Acts and also under section 3(i)(x) of POA Act, 1989, charge sheet was filed and ₹ 1.15 lakh paid to the victims.

**File No. 2/26/2015-Gen/OR :** Suresh Chandra Madhi of Bhubaneswar, Odisha lodged a complaint with the to this Commission regarding atrocity on him. FIR was lodged, one arrested, ₹ 2.812 lakh was paid to the victim.

**File No. 2/51/2015-Gen/OR :** Shri Jagabandhu Mallick of Jagatsinghpur, Odisha vide his representation dated 04.09.2015 had complained of rape of daughter. An FIR was lodged and victim paid ₹ 4.125 lakh as compensation.

**File No. 2/54/2015-Gen/OR :** Shri Sukanta Sethi, Cuttack, Odisha made a complaint regarding abuse by general caste people. FIR was lodged, two arrested, ₹ 15,000/- was paid as monetary relief.

**File No. 2/87/2015-Gen/OR :** Smt Ritanjali Behera, Angul, Odisha complained of atrocity, FIR was lodged, one arrested and relief ₹ 1.80 lakh paid to the victim.

**File No. 2/23/2016-Gen-OR :** Shri Ganeswar Behera of Jajpur, Odisha in his complaint dated 26.02.2016 informed about loot of his shop. FIR was registered and the petitioner was given compensation ₹ 25,000/- as relief.

**File No.10/29/2016 – GEN/OR :** Based on the complaint received from Shri Premananda Naik and others from Dhenkanal, Odisha the matter regarding non-payment of compensation under POA Rules was taken up. Shri Naik was paid ₹ 1.80 lakh as monetary compensation and 11 other SC petitioners were also paid ₹ 4.72 lakh as compensation collectively.

**34 other cases of atrocities were also taken up<sup>14</sup> suo motu. In total 49 cases were taken up, 34 FIRs were lodged, 39 persons were arrested, in 26 cases charge sheet submitted and ₹ 44.545 lakh monetary relief provided.**

#### **4.6.2.10 State Office, Thiruvananthapuram:**

##### **File No.KL/31/90/2016**

Smt. Valsala of Palakkad represented regarding being abused on caste basis. Due to the intervention of this Commission, FIR under PoA Act was lodged and ₹ 1 lakh was sanctioned to her as monetary relief.

##### **File No.KL/31/2/2017(HQRS)**

Shri Chandran of Kasargode represented regarding being abused on caste basis. Due to intervention of this Commission, FIR was registered under PoA Act and ₹ 1 lakh sanctioned to him as monetary relief.

##### **File No.KL/31/47/2017(Rape)**

Suomoto cognizance was taken of news dated 01.01.2017 regarding “sexual assault towards SC woman at Changnassery, Kottayam”. Due to intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 3.75 lakh monetary relief given to the victim.

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<sup>14</sup>File Nos.. (i)2/01/2017-Gen/OR (Cuttack), (ii) 2/06/2017-Gen/WB (N 24 Pgs), (iii) 2/09/2018-Gen/WB (Purulia), (iv) 2/17/2017-Gen/OR (Sundargarh), (v) 2/22/2017-Gen/OR (Puri), (vi) 2/23/2017-Gen/OR (Puri), (vii) 2/24/2017-Gen/OR (Jajpur),(viii) 2/25/2017-Gen/OR (Jagatsinghpur), (ix)2/30/2017-Gen/WB ( U. Dinajpur),(x) 2/16/2018-Gen/WB, (xi) 2/32/2018-Gen/WB (N 24 Pgs), (xii) 2/37/2017-Gen/OR (Kendrapada), (xiii) 2/38/2017-Gen/OR (Ganjam), (xiv) 2/46/2018-Gen/OR (Birbhum), (xv) 2/48/2017-Gen/OR (Koraput),(xvi) 2/49/2017-Gen/OR (Kendrapara), (xvii) 2/60/2017-Gen/OR (Kandhamal), (xviii) 2/46/2018-Gen/OR (Puri), (xix) 2/61/2017-Gen/OR (Cuttack/R), (xx) 2/62/2017-Gen/OR (Cuttack/R), (xxi) 2/63/2017-Gen/OR (Balasore), (xxii) 2/80/2017-Gen/OR (Cuttack/R), (xxiii) 2/10/2018-Gen/OR (Dhenkanal), (xxiv) 2/11/2018-Gen/OR (Dhenkanal),(xxv) 2/15/2018-Gen/OR (Balasore),(xxvi) 2/21/2018-Gen/OR (BBSR), (xxvii) 2/30/2018-Gen/OR (Bolangir),(xxviii) 2/27/2018-Gen/OR (Nayagarh), (xxiv) 2/28/2018-Gen/OR (Nayagarh), (xxv) 2/43/2018-Gen/OR (Kendrapada), (xxvi)2/40/2018-Gen/OR (Ganjam), (xxvii) 2/41/2018-Gen/OR (Kendrapara), (xxviii) 2/48/2018-Gen/OR (Kendrapada),(xxix) 2/64/2018-Gen/OR (Jajpur), (xxx) 2/71/2018-Gen/OR (Puri), (xxxi)2/11/2018-Gen/Meghalaya, (xxxii) 2/12/2018-Gen/Assam, (xxxiii) 2/13/2018-Gen/Assam, (xxxiv) 2/11/2018-Gen/WB (Meghalaya),

**File No.VC/KL/31/49/2017**

Smt. Jaya kumara of Kollam represented regarding being abused on case basis. Due to the intervention of this Commission FIR was registered under PoA Act and ₹ 1 lakh sanctioned as mandatory monetary relief.

**File No.KL/31/50/2017**

Suomoto cognizance was taken of news dated 10.07.2017 regarding “74 year old Kerala SC woman who is forced to stay up all night to keep grand daughters safe at Thrissur, also reported sexual assault”. Due to the intervention of this Commission, FIR was registered under POA Act and ₹ 2 lakh sanctioned to victimized family along with house Housing scheme.

**File No.KL/31/63/2017**

Suomoto cognizance was taken of news dated 09.08.2017 regarding “minor dalit girl was sexually assaulted, five culprits were arrested at Nedumangad, Trivandrum”. Due to the intervention of this Commission, FIR was registered under PoA Act and ₹ 2 lakh sanctioned to victimized family along with Housing scheme.

**File No.KL/31/69/2017**

Suomoto cognizance was taken of news dated 03.09.2017 about “three men rape Dalit girl” at Kozhikode. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 6.1875 lakh ie, 75% of total amount sanctioned to victim.

**File No.KL/31/72/2017**

Suomoto cognizance was taken of news dated 27.08.2017 about “minor girl sexually assaulted at Kallambalam, Trivandrum”. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 2 lakh sanctioned to victim.

**File No.KL/31/82/2017**

Smt. Rejimol. P.S.from Kottayam represented regarding being abused on caste basis.Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 1 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/88/2017**

Shri Rajeev from Trivandrum represented regarding being abused on caste basis.Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 1 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/94/2017**

Suomoto cognizance was taken of news dated 09.10.2017 about 19 year old SC girl gang raped at Kottayam. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 4.125 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/96/2017**

Suomoto cognizance was taken of news dated 24.10.2017 about a SC woman and her three daughters being raped for two years after being forced to drink alcohol at Palakkad. Due to the intervention of this Commission, case registered under relevant sections of PoA Act and ₹ 3 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/105/2017**

Suomoto cognizance was taken of news about SC student falling from building at Malappuram. Due to the intervention of this Commission, case registered under relevant sections of PoA Act and ₹ 5 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/106/2017**

Suomoto cognizance was taken of news dated 27.11.2017 about SC man killed at Thrissur District". Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 4.125 lakh sanctioned to victim's family as mandatory monetary relief.

**File No.KL/31/91/2016**

Suomoto cognizance was taken of news about ragging case at Polytechnic college, Kottayam. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 1 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/5/2017**

Smt. Saritha from Trivandrum represented regarding being abused on caste basis. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 1 lakh sanctioned to victim as mandatory monetary relief.

**File No.VC/KL/31/100/2017**

Smt. Lekshmi from Trivandrum represented regarding being abused on caste basis. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 1 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/91/2017**

Shri Chandra Babu from Kollam represented regarding being abused on caste basis. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 1 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/17/2017**

Suomoto cognizance was taken of news dated 08.03.2017 regarding “two minor girls subjected to torture and their subsequent death” at Palakad. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 2.50 lakh sanctioned to family of victim as mandatory monetary relief.

**File No.KL/31/12/2017**

Suomoto cognizance was taken of news dated 22.02.2017 about “attack against teacher belonging to SC community” at Trivandrum. Due to the intervention of this Commission, FIR

was registered under relevant sections of PoA Act and ₹ 1 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/18/2017**

Suomoto cognizance was taken of news dated 13.03.2017 about “probe upto nurses’s death” at Palakad. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 2.50 lakh sanctioned to family of victim as mandatory monetary relief.

**File No.KL/31/71/2016**

Ms. Beena. G.S. Trivandrum, represented regarding being abused on caste basis. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 1 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/4/2016**

Smt. Asha Biju, Trivandrum represented regarding being abused on caste basis. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 1 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/73/2017**

Suomoto cognizance was taken of news dated 27.08.2017 about eviction of SC family at Thrissur. Government sanctioned ₹ 2 lakh outstanding overdue amount to be paid towards housing loan.

**File No.KL/31/92/2017**

Suomoto cognizance was taken of news dated 27.09.2017 about SC priest stabbed in Palakkad. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 2 lakh sanctioned to family of victim as mandatory monetary relief.

**File No.KL/31/23/2017**

Smt. Sheeja Trivandrum represented regarding being abused on caste basis. After intervention of this Commission, FIR was registered under relevant sections of PoA Act ₹ 1 lakh sanctioned to victim as mandatory monetary relief.

**File No.KL/31/104/2017**

Suomoto cognizance was taken of news about SC family being evicted from their home at Kumali in Idukki. After the intervention of this Commission, District Collector, Idukki reported that the accused person agreed to give ₹ 1 lakh to the petitioner and settled the dispute.

**File No.KL/31/78/2016**

Suomoto cognizance was taken of news about youth being arrested after harassment of SC girl. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 6,1875 lakh was sanctioned to victim as mandatory monetary relief.

**Commission's Meeting With Hon'ble Chief Minister of Uttar Pradesh on 10th January 2018**



**Spot visit in sewer death case, Delhi**



## 4.7 Spot Visits

Spot visits in atrocity matters were conducted in 10 cases by the Commission's HQ and in 44 cases by teams of NCSC State Offices. After the visits and intervention of the Commission, registration of 47 FIRs have been ensured under POA Act, 64 arrests made and 13 charge sheets filed. Total monetary relief of ₹ 2.72 crore was also released to the SC victims. In addition 4 family pensions were sanctioned, 4 family members were given jobs and 2 house/ land patta were sanctioned to families of victims.

Consolidated details of the spot visits made by the Commission followed by brief details on some of the cases where action taken has reached the chargesheet level are detailed below:

Sr no	Subject	No. of Spot visit by NCSC HQ teams / victims	No. of spot visits by State Office teams
1	Rape	9	10
2	Grievous Hurt / attack	-	
3	Murder or attempt to murder	1	26
4	Arson/Robbery	-	1
5	Temple entry/Social Boycott/ Kidnap/ Harassment	-	3
6.	Atrocities / misuse of power by police	-	4
	<b>Total</b>	<b>10</b>	<b>44</b>

### 4.7.1 By NCSC Headquarters

#### **4.7.1.1 File No. UP/233/2017-APCR:**

The Commission took suo-moto cognizance in the incident of gangrape of SC girl student of class 12<sup>th</sup>, D/o Shri Kambod Singh Katheria R/o Khicholi, Thana Karawali, District Mainpuri,

Uttar Pradesh. Spot visit was conducted on 15.07.2017<sup>15</sup>. After the spot visit and at the instance of the Commission, following action were taken:-

- The statement of the victim student u/s 164 Cr.PC be recorded within 03 days.
- Action regarding financial assistance and other additional assistance/rehabilitation to the victim under PoA Rules be completed within 07 days.
- Proper security be provided to the family of the victim.
- necessary sections of the PoA Act added in the FIR.
- FIR registered under section 376D/452/506, IPC ,Pocso Act and PoA Act and 4.12 lakh have been paid to the victim.

**4.7.1.2 File No. Bihar/27/2018-APCR:**

The Commission took suo-moto cognizance in the incident of gang-rape of a minor Scheduled Castes girl aged 14 years old, D/o Suraj Ram, Village Andhari, P.S. Chouri, Bhojpur, Bihar. Spot visit<sup>16</sup> was conducted on 19.03.2018. After the spot visit and directions of the Commission chargesheet under relevant sections of IPC, Pocso Act and PoA Act has been filed and ₹ 6.187 lakh have been paid to the victim.

**4.7.1.3 File No. Bihar/28/2018-APCR:**

The Commission took suo-moto cognizance in the incident of gang-rape with Scheduled Castes woman of village Baliya, P.S. Baliya, Purnea, Bihar. Spot visit<sup>17</sup> was conducted on 27.02.2018. After the spot visit, following action has been taken:-

Charge sheet filed in Court and ₹ 4.125 lakh paid to victim.

**4.7.1.4 File No. Bihar/29/2018-APCR:**

The Commission took suo-moto cognizance in the incident of kidnapping, rape and attempt to murder of minor Scheduled Caste girl of Village Shekhpur, P.S. Ahiyapur, Muzaffarpur, Bihar. Spot visits was conducted on 28.02.2018 and 07.03.2018. After the spot visits the chargesheet

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<sup>15</sup>by Chairman, NCSC Prof. (Dr.) Ram Shankar Katheria

<sup>16</sup>by Dr. Yogendra Paswan, Member NCSC and Director, State Office Patna

<sup>17</sup>by Dr. Yogendra Paswan, Member NCSC and Director, State Office Patna

has been filed and ₹ 1 lakh compensation paid to victim. In addition the village is now electrified and 2 hand pumps have been installed in the village.:-

#### **4.7.2 By NCSC State Offices**

##### **State office Bangalore**

###### **4.7.2.1 File No: 23/5/2018-RU**

Taking cognizance of Press news regarding rape of an SC girl by her boyfriend at Mangalore District on 15.03.2018, a spot investigation was conducted at Sarve village, Puttur Taluk, Mangalore<sup>18</sup>. FIR lodged, culprits arrested under POA Act, ₹ 4.50lakh paid to victim.

###### **4.7.2.2 File No: 23/6/2018-RU**

Taking cognizance of Press news regarding rape of an SC girl by her friend at Mangalore District on 15.02.2018, a spot investigation was conducted at Bettampadi village, Puttur Taluk, Mangalore<sup>19</sup>. FIR lodged, culprits arrested under POA Act, ₹ 4.50lakh paid to victim.

###### **4.7.2.3 File No: 23/22/2017-RU**

Taking cognizance of Press news regarding rape of an SC girl at Vijipura District on 19.12.2017, a spot investigation was conducted at Vijipura Taluk, Vijipura<sup>20</sup>. FIR lodged, three culprits arrested under POA Act, ₹ 8.25 Lakh has been sanctioned of which first installment of ₹ 4.125 lakh paid to victim.

##### **State Office Chandigarh**

###### **4.7.2.4 File No. 25/54/2017-Res**

Suo moto cognizance was taken of the media report of 09.12.2017 regarding murder and gangrape of a six year old girl in Uklana village Hisar, Haryana. On 12.12.2017 and 28.12.2018

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<sup>18</sup> by Shri L.Murugan, Vice Chairman, NCSC and Asst. Director, NCSC State Office, Bengaluru

<sup>19</sup> by Shri L.Murugan, Vice Chairman, NCSC and Asst. Director, NCSC State Office, Bengaluru

<sup>20</sup> by Shri L.Murugan, Vice Chairman, NCSC and Asst. Director, NCSC State Office, Bengaluru

spot visits<sup>21</sup> were conducted. As the outcome of the spot visit and follow up, an FIR with POCSO Act was registered accused arrested and relief of ₹8.25 lakh was paid to the victim's family.

#### **4.7.2.5 File No. 25/1/2018-Res**

Suo moto cognizance was taken of the media report of 13.01.2018 regarding murder of minor girl in Jhansa village in Kurukshetra Haryana and on 19.01.2018 a spot visit<sup>22</sup> was conducted. As the outcome of the spot visit and follow up an FIR with POCSO and PoA Act was registered and relief of ₹ 4.125 lakh was paid to the victim's family.

#### **4.7.2.6 to 4.7.2.8 : File No. 25/2/2018/Res, File No. 3-HP/4/2017 and File no. 25/30/2017-Res**

Spot visits by Director, NCSC State Office, Chandigarh were conducted on 18.01.2018, 13.12.2017 and 06.10.2017 at village Urlana, Panipat Haryana, Village Tikka Dadiar, Una (HP) and Hansi ,Haryana and necessary action likes lodging of FIRs etc was followed up.

#### **4.7.2.9 File no 28/3/2017 Res**

Suo moto cognizance was taken of the reports of the rape ( on 03.06.2017 ) of a minor blind girl in village Khandehar , Mandi (HP) and a spot visit<sup>23</sup> was conducted on 22.06.2018. The FIR under appropriate sections was lodged and one accused arested. ₹8.25 lakh monetary relief has been paid to the victim.

#### **4.7.2.10 File no 27/2/2017 Res**

Suo moto cognizance was taken of the reports of the gang rape ( on 12.07.2017 ) of a minor girl in village Gadwali , Haridwar and a spot visit<sup>24</sup> was conducted on 27.07.2017. The FIR under appropriate sections was lodged. ₹4.12 lakh monetary relief has been paid to the victim.

#### **4.7.2.11 File no 28/4/2017 Res**

Suo moto cognizance was taken of the reports of the rape ( on 23.08.2017 ) of girl in village Hukkal , Mandi (HP) and a spot visit<sup>25</sup> was conducted on 09.10.2017. The FIR under appropriate sections was lodged. ₹0.90 lakh monetary relief has been paid to the victim.

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<sup>21</sup>by Dr Swaraj Vidwaan Member NCSC and Director, State Office Chandigarh respectively .

<sup>22</sup>by Director, State Office Chandigarh

<sup>23</sup>by Dr Swaraj Vidwaan Member NCSC

<sup>24</sup>by Dr Swaraj Vidwaan Member NCSC

<sup>25</sup>by Dr Swaraj Vidwaan Member NCSC

**4.7.2.12 File no 27/6/2017 Res**

Suo moto cognizance was taken of the reports of the murder ( on 02.11.2017 ) of a farmer in village Jagatpur , Uddhamsingh Nagar and a spot visit <sup>26</sup> was conducted on 07.11.2017. The FIR under appropriate sections was lodged one accused arrested . ₹4.12 lakh monetary relief has been paid to the family of victim.

**4.7.2.13 File no 27/11/2017 Res**

Suo moto cognizance was taken of the reports of the rape and murder ( on 30.12.2017 ) of a girl in village Gadarpur, Uddhamsingh Nagar and a spot visit <sup>27</sup> was conducted on 30.12.2017. The FIR under appropriate sections was lodged one accused arrested . ₹4.12 lakh monetary relief has been paid to the family of victim.

**State Office, Chennai**

**4.7.2.14 File No: 3/10/ File Virudhunagar/2017 Res.**

Taking cognizance of news dated 31.03.2017 regarding caste clash and 3 SC houses set ablaze near Srivilliputhur in Virudhunagar, a spot visit was conducted on 05.04.2017<sup>28</sup>. FIR was filed, chargesheet filed and ₹ 18.50 lakh monetary compensation was paid to 20 victims (₹ 2 lakh each to 5 victims, ₹ 1 lakh each to 2 victims and ₹ 50,000/- each to 13 victims).

**4.7.2.15 File No: 3/11/Madurai/2017 Res.**

Cognizance was taken of news dated 11.04.2017 regarding murder of ex-panchayat SC President ShriMurugan in Madurai District. A Spot investigation was conducted on 20.04.2017<sup>29</sup> at Vembathur Village, Sivaganga. FIR lodged, 11 persons arrested and monetary relief of ₹ 4.12 lakh was paid.

**4.7.2.16 File No: 3/14/Tirunelveli/2017 Res**

Cognizance was taken of news dated 04.05.2017 regarding murder of ShriRamkumar in Kalakkadu, Tirunelveli. Spot investigation was conducted on 09.05.2017<sup>30</sup>. FIR registered, 3

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<sup>26</sup>by Dr Swaraj Vidwaan Member NCSC

<sup>27</sup>by Dr Swaraj Vidwaan Member NCSC

<sup>28</sup>by Senior Investigator of NCSC, Chennai

<sup>29</sup> by Senior Investigator of NCSC, State Office Chennai

<sup>30</sup> by Senior Investigator of NCSC, State Office Chennai

arrested, chargesheet filed and ₹ 8.25 lakh has been paid to the victim's family on 13.4.2018, Pension, job also given to the wife of the victim, Patta for 2 cents land in Survey No: 27/2/3 also given.

**4.7.2.17 File No: 3/15/Ramanathapuram/2017 Res.**

Taking cognizance of news dated 13.05.2017 regarding the murder of ShriDineshkumar in a temple festival dispute at Emaneswaram, near Paramakudi, Ramanathapuram, spot investigation was conducted on 16.05.2017<sup>31</sup>. FIR lodged, 14 arrested, chargesheet filed, ₹ 8.25 lakh compensation paid and 3 units of land was given to family.

**4.7.2.18 File No: 3/17/Salem/2017 Res.**

Taking cognizance of Press news 07.06.2017 regarding rape of SC girl at Omalur, Salem District, a spot investigation was conducted at Naranampalayam village Salem on 21.06.2017<sup>32</sup>. FIR lodged, 4 arrested, Chargesheet filed and ₹ 6.19Lakh paid to victim.

**4.7.2.19 File No: 3/19/Tiruchirapalli/2017 Res.**

Taking cognizance of news dated 09.07.2017 regarding ShriKathirbeing beaten to death near Tiruchirapalli, a spot investigation was conducted on 14.07.2017<sup>33</sup>. FIR lodged, 3 arrested, chargesheet filed. ₹ 8.25 Lakh monetary relief paid and monthly pension sanctioned.

**4.7.2.20 File No: 3/24/Vellore/2017 Res.**

Taking cognizance of news dated 16.08.2017 regarding hacking to death of ShriElavarasan, a spot investigation was conducted on 21.08.2017<sup>34</sup>. FIR lodged, 3 arrested, chargesheet filed on 04.01.2018, ₹ 8.25 lakh monetary relief paid, Pension has been paid and a job was given to wife of the victim.

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<sup>31</sup> by Senior Investigator of NCSC, State Office Chennai

<sup>32</sup> by Senior Investigator of NCSC, State Office Chennai

<sup>33</sup> by Director & Officers of NCSC, State Office Chennai

<sup>34</sup> by Senior Investigator of NCSC, State Office Chennai

**4.7.2.21 File No: 3/32/Dindigul/2017 Res.**

Taking cognizance of news dated 25.11.2017 regarding murder of 3 sanitary workers ShriVeeran, ShriBalamurugan and ShriSaravanan at Dindigul, a spot investigation was conducted on 30.11.2017<sup>35</sup>. FIR registered, 5 arrested, chargesheet filed on 20.02.2018, ₹ 24.75 lakh monetary relief was paid to family of each victim (@₹ 8.25 lakh each), pension is paid to all the family members and job has been given to the wife of one victim.

**4.7.2.22 File No: 3/35/Madurai/2017 Res.**

Taking cognizance of news dated 28.11.2017 regarding accused not being arrested in the murder of Smt. Kachammalat Madurai, a spot investigation was conducted on 01.12.2017<sup>36</sup>. FIR registered, 2 arrested, chargesheet filed and ₹ 4.125 lakh monetary relief was paid.

**4.7.2.23 File No: 3/6/Sivaganga/2018 Res.**

Taking cognizance of news dated 11.02.2018 regarding Smt. Thontheeswari who committed suicide after humiliation in Kombukaranendhal village, Sivaganga, on spot investigation was conducted on 23.02.2018<sup>37</sup>. FIR lodged, 1 arrested and ₹ 4.125 lakh monetary relief paid.

**4.7.2.24 File No: 3/13/Tirunelveli/2018 Res.**

Taking cognizance of news dated 27.02.2018 of the alleged murder of ShriSenthilkumarinTirunelveli, a spot investigation was conducted by the NCSC on 28.02.2018<sup>38</sup> at Palayamkottai, Tirunelveli District. FIR lodged, 2 arrested, chargesheet filed, ₹ 8.25 lakh monetary relief paid and a job has been given to Smt. Anusuya, wife of the deceased victim.

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<sup>35</sup> by Senior Investigator , NCSC, State Office Chennai

<sup>36</sup> by Senior Investigator ,NCSC, State Office Chennai

<sup>37</sup> by Shri L.Murugan, Vice Chairman, NCSC, Director, NCSC and Officers of NCSC, Chennai,

<sup>38</sup> by Senior Investigator, NCSC, State Office Chennai

### **State Office Lucknow**

**4.7.2.25** :A spot visit was conducted<sup>39</sup> on 17.06.2017 in the case of murder of a SC lady, R/o Kasba Govind Nagar, P.S. Bharthana, Etawah. On instructions of the Chairman FIR No. 452/2017 was registered under section 302/201 IPC and section 3(2) of the PoA Act. Monetary relief of ₹4.125 Lakh has been provided to victim's family.

**4.7.2.26** :A spot visit was conducted<sup>40</sup> on 15.07.2017 in the case of rape of a SC woman R/o Village Khicholi, P.S. Kurawali, Mainpuri. On instructions FIR No. 326/2017 was registered under section 376D/452/505/506 IPC, Pocso Act and section 3(2) v a of the PoA Act. Monetary relief of ₹ 6.18 Lakh has been provided to victim.

### **State Office Hyderabad**

#### **4.7.2.27 File No.3/33/17/TS-RU**

Taking cognizance of newspaper report regarding 7 SCs were subjected to torture by police suspecting them to be smugglers of sand at RajannaSircilla, Telangana, a spot visit was conducted on 26.07.2017<sup>41</sup>. Thereafter, the matter was taken up at Chief Secretary level. Report from DGP indicated that CI is placed under suspension.

#### **4.7.2.28 File No.7/25/17/TS-RU**

Shri N. Mallesh, State General Secretary, Telangana Mala MahanaduSadhanaSamiti of Hyderabad submitted a representation regarding alleged attack by high caste people on SCs in Isapally, Armoor, Nizamabad. A spot visit was conducted on 18.09.2017<sup>42</sup>. On intervention of the Commission FIR lodged, POA invoked and ₹ 75,000/- was sanctioned to two people who originally filed the FIR.

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<sup>39</sup> by Prof. (Dr.) Ram Shankar Katheria, Chairman NCSC

<sup>40</sup> by Prof. (Dr.) Ram Shankar Katheria, Chairman NCSC

<sup>41</sup> by Shri K. Ramulu, Member NCSC along with officers of State Office, Hyderabad

<sup>42</sup> by Shri K Ramulu , Member NCSC along with officers of State Office, Hyderabad

**4.7.2.29 File No.2/37/17/TS-RU**

ShriNeeradiBapurao of Nizamabad district submitted a representation alleging that 120 SC families have been socially boycotted following a land dispute. A spot visit was conducted on 18.09.2018<sup>43</sup>. On intervention of the Commission FIR lodged, POA invoked.The matter was compromised between parties and ₹ 25,000/- was paid to each victim.

**State office Trivandram**

**4.7.2.30File No: KL/31/43/2017**

Taking cognizance of report of threat to SC Chakiliyan community by non SCs, in Govindpuram Village Palghat, a spot visit<sup>44</sup> was conducted on 28.06.2017.After directions on the Commission the District administration and police have ensured regular patrolling in the area in order to ensure security to the inhabitants of Govindapuram Village.

**4.7.2.31 File No.KL/31/42/2017**

Suomoto cognizance was taken of news dated 09.06.2017 regarding “two SC girls,Ms. Praseeda and Ms. Archana, found dead (suicide) after alleged rape at after care home at Kollam”. Spot investigation was conducted on 01.07.2017<sup>45</sup>.Due to intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 2 lakh was sanctioned to Ms. Archana’s Family and ₹ 5000 sanctioned to Ms. Praseeda’s family. Not yet charge sheeted, asaccused is abroad.

**4.7.2.32 File No.KL/31/62/2017**

Suomoto cognizance was taken of news dated 30.07.2017 about “Murder of SC youth Shri Rajesh by group of people” at Sreekaryam, Trivandrum.Spot investigation was conducted on

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<sup>43</sup> by Shri K Ramulu Member ,NCSC along with officers of State Office, Hyderabad

<sup>44</sup> by Shri L.Murugan, VC, NCSC and Director, NCSC State Office Trivandram

<sup>45</sup> by Shri L.Murugan, VC, NCSC along with officers of State Office, Trivandrum

02.08.2017<sup>46</sup>. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 8.25 lakh was sanctioned to family of victim as mandatory monetary relief.

**4.7.2.33 File No.KL/31/58/2017**

Suomoto cognizance was taken of news dated 19.07.2017 regarding “an 18 year old Dalit youth named ShriVinayakan, taken into custody, ends life in his house at Thrissur due mental harassment of Police”. Spot investigation was conducted on 03.08.2017<sup>47</sup>. Due to the intervention of this Commission, FIR was registered under PoA Act and ₹ 4.25 lakh sanctioned to victimized family. Case is under investigation by CB CID.

**4.7.2.34 File No.KL/31/89/2017**

Suomoto cognizance was taken of news dated 27.10.2016 about “a group of people murdered SC youth name Vishunu, Kannammola at Trivandrum”. Spot investigation was conducted on 02.08.2017<sup>48</sup>. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 8.25 lakh sanctioned to victimized family as mandatory monetary relief.

**4.7.2.35 File No.KL/31/67/2017**

Smt. BindhuAnilkumar of Trivandrum represented regarding murder of her husband ShriAnilkumar. Spot investigation was conducted on 23.08.2017<sup>49</sup>. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 8.25 lakh sanctioned to victim’s family.

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<sup>46</sup> by Shri L.Murugan, VC, NCSC along with officers of State Office, Trivandrum

<sup>47</sup> by Shri L.Murugan, VC, NCSC along with officers of State Office, Trivandrum

<sup>48</sup> by Shri L.Murugan, VC, NCSC along with officers of State Office, Trivandrum

<sup>49</sup> by Shri L.Murugan, VC, NCSC along with officers of State Office, Trivandrum

**4.7.2.36 File No.KL/31/111/2017**

Suomoto cognizance was taken of news dated 12.02.2017 about “SC youth murdered by group of people” at Thrissur. Spot investigation was conducted on 24.08.2017<sup>50</sup>. Due to the intervention of this Commission, FIR was registered under relevant sections of PoA Act and ₹ 8.25 lakh was sanctioned to family of victim as mandatory monetary relief.

**4.7.2.37 File No.KL/31/66/2017**

Suomoto cognizance was taken of news dated 11.08.2017 about suicide attempt of SC girl due to harassment at Trivandrum. Spot investigation was conducted<sup>51</sup>. FIR was registered under PoA Act. Due to the intervention of this Commission, case registered under relevant sections of PoA Act and ₹ 2 lakh sanctioned to victim along with house under Housing scheme.

**4.7.2.38 File No.KL/31/54/2018**

Suomoto cognizance was taken of news about murder of Shri Akash on 02.01.2018. Spot investigation was conducted on 16.03.2018<sup>52</sup>. Due to the intervention of this Commission, case registered under relevant sections of PoA Act and ₹ 4.25 lakh was sanctioned to victimized family as mandatory monetary relief. The accused were arrested.

**State Office Kolkata**

**4.7.2.39 File No. 2/16/2018-Gen/WB :**

Based on a news report dated 02.07.2018 of murder of Shri Dharmaraj Hazra, the Commission<sup>53</sup> conducted an on-the spot enquiry on 03.07.2018 at village Taldanga, P.O. Shaktipur, Murshidabad, WB. As a result of spot visit, a FIR was registered vide Shaktipur P.S. Case No.

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<sup>50</sup> by Shri L.Murugan, VC, NCSC along with officers of State Office, Trivandrum

<sup>51</sup> by Shri L.Murugan, VC, NCSC along with officers of State Office, Trivandrum

<sup>52</sup> by Shri L.Murugan, VC, NCSC along with officers of State Office, Trivandrum

<sup>53</sup> by Dr. Yogendra Paswan, Member, NCSC & Research Officer, NCSC State Office, Kolkata.

68/18 dated 03.07.2018 u/s 302/34 IPC and the following relief has been provided to the family members of victim.

The family has been included in BPL list. Ration provided regularly to the family free of cost, cooking materials, polythene sheets, wrappers, stove and buckets provided. ₹ 40,000/- has been sanctioned from National Family Benefit Scheme and police protection given.

**4.7.2.40 File No. 2/48/2017-Gen/OR**

A spot visit at village Masaguda under Patangi Police Station area Kunduli, Koraput, Odisha on 12.2.2018 was conducted by the Commission<sup>54</sup> based on a complaint received regarding rape and suicide of a minor SC girl. The victim was allegedly raped on 10.10.2017 and subsequently committed suicide in her house on 22.01.2018. As a result of spot visit the victim's family was paid ₹ 70,000/- as financial relief. The case is subjudice.

**4.7.2.41 File No. 2/80/2017-Gen/OR:**

Taking a suomotu action on a news report dated 12.03.2018 of rape and murder of a minor SC girl in Sudhasailo village under Govindpur Police Station, Cuttack. Commission visited the family 15.03.2018. Due to intervention of the Commission FIR was lodged under appropriate sections of PoA Act. Two accused were arrested and the case is charge sheeted. ₹ 8,25,000/- was paid as compensation as per PoA Rules and ₹ 10,000/- given from the Red Cross Society.

**State office Patna**

**4.7.2.42 File No. 14/26/2017-B :**

News report of murder of two persons belonging to Scheduled Castes on 29.06.2017 (1. Sh. Baban Musahar S/o Late Saryu Mushar and 2. Sh. Musraho Musahar S/o Late Saryu Musahar) in Parasia, Rohtas, Bihar under P.S. Kochas, Rohtas, Bihar was taken up. Commission conducted an on the spot enquiry<sup>55</sup> on 05.07.2017. Due to intervention of the Commission, section 3 (2)

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<sup>54</sup>by Dr. Yogendra Paswan, Member, NCSC & Research Officer, NCSC State Office Kolkata.

<sup>55</sup>by Dr. Yogendra Paswan, Member, NCSC, Director and Research Officer, NCSC, State Office, Patna.

(va) of PoA Act was incorporated in the case and ₹ 8.25 lakh as financial relief was provided to the families of 2 victims (₹ 4.125 lakh each).

**4.7.2.43 File No. 14/64/2017-B :**

News report regarding murder of three people (Kanik Ram, Meena Devi, and Chotu Kumar) of a family at Jhandapur Ravidas Tola, P.S.Bihpur, Jhandapur, Bhagalpur, Bihar, was taken up. Commission conducted an on-the-spot enquiry<sup>56</sup> on 23.12.2017. Due to intervention of the Commission, ₹ 12.375 lakh as financial relief was provided to the family members of the 3 victims (@ ₹ 4.125 lakh per victim) and family pension is also paid.

**4.7.2.44 File No. 14/4/2018-B :**

News report regarding murder of Shri Vinod Paswan, P.S. Agathu- Kanchanpur, Gaya, Bihar was taken up and Commission conducted an on-the-spot enquiry<sup>57</sup> on 25.01.2018. FIR was registered vide Bela P.S case no. 8/2018 u/s 302/120B /354/34 IPC and 27 Arms Act and 3(1)(m)(n)(s)(w)/3(2)(V) PoA Act, ₹ 4.125 lakh as financial relief paid to the family of the victim.

**4.7.2.45 File No. 14/11/2018-B :**

News reports regarding murder of Shri Santosh Kumar, s/o Shri Vishwanath Paswan, Village-Deviasthan, Baikathpur, P.S. Khushrupur, Patna, Bihar was taken up and the Commission conducted an on-the-spot enquiry<sup>58</sup> on 06.02.2018. Due to intervention of the Commission ₹ 4.125 lakh as financial relief was provided to the family of the deceased.

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<sup>56</sup> by Dr. Yogendra Paswan, Member, NCSC, Director and Research Officer, NCSC State Office, Patna.

<sup>57</sup> by Dr. Yogendra Paswan, Member, NCSC, Director, NCSC State Office Patna.

<sup>58</sup> by Dr. Yogendra Paswan, Member, NCSC, Research Officer, NCSC State Office Patna.

**4.7.2.46 File No. 14/25/2018-B :**

News report regarding gang rape of a SC woman of Village & P.S. Baliya, Purnea, Bihar on 18.02.2018 was taken up on 23.02.2018 and the Commission conducted spot enquiry<sup>59</sup> on 27.02.2018. As a consequence, proper sections of IPC as well as PoA Act were incorporated in the case and ₹ 4.125 lakh as financial relief was provided to the victim.

**4.7.2.47 File No. 14/26/2018-B :**

News report regarding rape and attempt to murder of a minor SC girl of Village Shekhpura, Police Station-Ahiyapur, Muzaffarpur, Bihar on 26.02.2018 was taken up on 01.03.2018 and Commission<sup>60</sup> met the victim in SKMCH, Muzaffarpur on 28.02.2018 and State Office also conducted spot enquiry on 07.03.2018. Rape was not confirmed in the medical examination, hence ₹ 1.00 Lakh as financial relief was provided to the victim besides providing water and electricity connections to victim's household.

**4.7.2.48 File No. 14/34/2018-B :**

News report regarding gang rape of a SC woman of Village Andhari, P.S. Chouri, Bhojpur, Bihar on 08.03.2018 was taken up on 12.03.2018. Commission conducted an on-the-spot enquiry<sup>61</sup> on 19.03.2018, charge sheet in the case has been submitted and financial relief amounting to ₹ 6.187 lakh was provided to the victim.

## **4.8 Deaths due to manual cleaning of sewer lines/septic tanks:**

During the year the Commission took suo-moto cognisance of 25 cases where there were 70 deaths of Safai Karamcharis, labourers etc who tragically lost their live in during manual

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<sup>59</sup> by Dr. Yogendra Paswan, Member, NCSC, Director and Research Officer, NCSCState Office Patna.

<sup>60</sup> by Dr. Yogendra Paswan, Member, NCSC, Director and, Research Officer, NCSCState Office, Patna.

<sup>61</sup> by Dr. Yogendra Paswan, Member, NCSC, Director, NCSC State Office, Patna.

cleaning of sewers/septic tanks. The same is prohibited under the “Prohibition of employment as Manual Scavengers and their Rehabilitation Act, 2013” Act (MS Act).

During the year under report the Commission observed that in the national capital Delhi alone there were 5 incidents where 12 persons lost their lives. It was found during the subsequent spot enquiries and hearings that the Government of NCT of Delhi (GNCTD) had not implemented the MS Act, 2013 and PEMSR, Rules, 2013. The GNCTD had failed to check such incidents in the Delhi. In fact while as per Section 36 (1) of the MS Act 2013, the State Governments were to notify the relevant Rules under this Act by December 2013, GNCTD had failed to notify the said Rules. The Government of NCT of Delhi issued notifications only after intervention of the Commission. The GNCTD issued instructions regarding safety for workers and implementation of MS Act and their Rehabilitation Rule, 2013 i.e. banning of cleaning of manual cleaning without using protective gears and safety devices etc. vide Instructional orders number DJB/Member (Dr)/2017/488-504 dated 30.08.2017. Despite instructions by the Commission and Delhi Jal Board for proper implementation of the PMES Act, 5 more cases of death of 11 Safai Karamcharis/Labourers (Three deaths and two seriously injured at Taj Vivanta Hotel New Delhi, five deaths at Moti Nagar, one death at Dabri, one death at Jahangir Puri and one death at Jharoda Village, Burari) were reported till date.

*In 23 out of these 25 cases , after intervention of NCSC, Rs 6.75 crore as ompensation was paid to families of victims. In addition Rs 0.63 crore was paid as exgratia etc , 4 family members have received jobs and 1 family pension has been sanctioned.*

*Details are as below :*

#### **4.8.1 File No. 13/2/Press Clipping/2017/ESDW**

Suo-moto cognizance was taken of the media report of death of 4 labourers while cleaning the septic tank on 15.07.2017 {Shri Deepu Dubey, 25 years, Shri Anil Kumar, 28 years (SC), Shri

Sarwarn Singh, 45 years (OBC), Shri Sarwarn Singh 45 years (OBC)} at Village Ghitorni, South District, New Delhi. An on the spot enquiry<sup>62</sup> was conducted on 17.07.2017 on this issue.

It was observed that the concerned officials of the Government of NCT of Delhi (GNCTD) were not aware of the Supreme Court Guidelines, “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013” (MS Act, 2013)& Rules, 2013 and PoA Act. After the Spot enquiry instructions to Chief Secretary, GNCTD & Commissioner, Delhi Police and hearings, Police filed the FIR No. 325/17 under relevant section of the IPC, MS Act and POA Act, arrested some accused and filed the chargesheet subsequently.

The compensation of ₹ 10 lakh to each families of the four victims have been paid .

- The compensation of ₹ 8.25 lakh under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Rules, 2016 (PoA, Rules) has not been paid to the family of the SC victim even after lapse of the 1 ½ year.
- No steps regarding rehabilitation of the families of the victims like education of children, providing a house, pension have been taken.
- The payment of ₹ 10 lakh per victim in lieu of insurance as per the Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013 (PEMSR, Rules, 2013) has also not been paid.

#### **4.8.2 File No. 13/4/Press Clipping/2017/ESDW**

The Commission took the suo-moto cognizance of the incidence of news reports of the death of 3 persons {ShriMonu @ Mahesh S/o Phool Singh Age-21, ShriAnnu S/o Rajesh Age-28 (SC)ShriJoginder S/o Dharmpal Age-32} during cleaning of sewer line at JalVihar Road opposite Ram Mandir, Lajpat Nagar, New Delhi on 06.08.2017. An on the spot enquiry<sup>63</sup> was conducted on 08.08.2017 on this issue.

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<sup>62</sup>by Prof (Dr.)Ram Shankar Katheria, Chairman, Joint Secretary, Director, Research Officer & Asstt. Section Officer, NCSC.

<sup>63</sup>by Prof (Dr.)Ram Shankar Katheria, Chairman, NCSC, Joint Secretary, Director, Research Officer & Asstt. Section Officer, NCSC.

After the spot enquiry and instructions given to Chief Secretary, GNCTD & Commissioner of Police, Delhi Police during hearings, Police filed the FIR No. 354/2017 under relevant section of the IPC, MS Act and POA Act, and filed the chargesheet subsequently.

Compensation of ₹ 10 lakh to each of the families of the 03 victims have been paid, in addition relief of ₹ 8.25 lakhs under the PoA, Rules have also been paid to each family of the SC victims. However

- No steps of rehabilitation of the family of the victims like education of children, providing a house, pension have been taken.
- The payment of ₹ 10 lakh per victim in lieu of insurance as per PEMSR, Rules, 2013 has also not been paid.

#### **4.8.3 File No. 13/6/Press Clipping/2017/ESDW**

The Commission took the suo-moto cognizance of the incidence of news reports of the death of one person {Shri Rishi Pal S/o Shri Dhaujpal (SC)} during cleaning of sewer line in LokNayak Jai Prakash Narayan Hospital (LNJPN), Delhi on 20.08.2017. An on the spot enquiry<sup>64</sup> was conducted on 21.08.2017 on this issue.

After the spot enquiry and instructions to Chief Secretary, GNCTD & Commissioner of Police, Delhi Police during hearings, Police filed the FIR No. 226/2017 under relevant section of the IPC, MS Act and POA Act, accused was arrested and the chargesheet was filed.

The compensation of ₹ 10 lakh to the family of the victim has been paid.

- The relief of ₹ 8.25 lakhs due under the PoA, Rules has not been paid to the family of the SC victim.
- No steps of rehabilitation of the family of the victims like education of children, providing a house, pension have been taken.

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<sup>64</sup>By Shri L. Murugan, Vice Chairman, NCSC, Director, NCSC.

- The payment of ₹ 10 lakh per victim in lieu of insurance as per PEMSR, Rules, 2013 has also not been paid.

#### **4.8.4 File No. 13/8/Press Clipping/2017/ESDW**

The Commission took the suo-moto cognizance of the incidence of news reports of the death of 2 persons (Late Shri Makhan Das S/o Shri Bhola Ram, Late Shri Amerjeet @ Sonu Age-30 year) during cleaning of septic tank at Satlok Ashram, New Delhi on 18.09.2017. The Commission conducted an on the spot enquiry<sup>65</sup> in the matter on 25.09.2017. Police filed the FIR No. 226/2017 under relevant section of the IPC, MS Act and POA Act, accused was arrested and filed the chargesheet subsequently. ₹ 10 lakh has been paid to 01 family of the victim Shri Amarjeet Urf Sonu. The second victim belongs to Nepal therefore compensation of ₹ 10 lakhs has not been paid as his details is not available.

#### **4.8.5 File No. 13/9/Press Clipping/2017/ESDW**

The commission took the suo-moto cognizance of the news reports of the incidence of news reports of the death of 3 persons (Late Shri Rajesh S/o Shri Soran Sahu, Late Shri Vikas S/o Shri Papender & Late Shri Ravinder S/o Shri Surjesh, all belongs to OBC) during cleaning of septic tank in Noida Gautam Budh Nagar, Uttar Pradesh on 22.09.2017. An on the spot enquiry was conducted<sup>66</sup> on<sup>67</sup> 26.09.2017.

The necessary instructions have been given to the Government of Uttar Pradesh in the matter. FIR has been registered in this case. The compensation of ₹ 30 lakh @ ₹ 10 lakh each family of the victims have been provided and assurance has also been given to provide job to one member of the families.

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<sup>65</sup> by Shri L. Murugan, Vice Chairman, NCSC, Director, NCSC.

<sup>66</sup> by Shri L. Murugan, Vice Chairman, NCSC, Director, NCSC.

<sup>67</sup> by Shri L. Murugan, Vice Chairman, NCSC, Director, NCSC & Research Officer, NCSC

**4.8.6 File No. 13/10/Press Clipping/2017/ESDW**

On the basis of Media report, Commission took up cognizance of death of 03 persons (Shri Attar Singh, Shri Rahul, and ShriSantosh) while cleaning sewerage in Faridabad, Haryana on 29.03.2017. An on the spot enquiry<sup>68</sup> was conducted on 12.09.2017.

After the enquiry and issues of instructions to the Government of Haryana, an FIR was registered under PoA Act & MS Act and financial relief of ₹ 78.34 lakh (₹ 26.14 lakh each to the families of the 03 deceased) was paid.

**4.8.7 File No. 13/14/Press Clipping/2017/ESDW**

The Commission took up the suo-moto cognizance of the incidence of death of 02Safaikaramcharis (Late VikasS/o Kallan, Late Sunny S/o ShriPappu) due to inhaling poisonous gas while cleaning theseptic Tank at DayalBagh, Agra, UP on 15.12.2017. An on the spot enquiry was conducted<sup>69</sup> on 15.12.2017.

After the spot enquiry and subsequent instructions to the District Administration, Agra and SSP, Agra and hearing in the Commission, FIR was registered under relevant section of the IPC, MS Act and POA Act, accused was arrested and the chargesheet filed. ₹ 20 lakhs @ ₹ 10 lakhs to each of the families have been paid as compensation by the District Administration and sister of late Vikas has been engaged in Nagar Panchayat on outsourcing basis and father of the other victim has been intimated to contact the contractor.

**4.8.8 F.No. 24/120/Misc/Delhi/2018-ESDW**

On the basis of the complaint filed by ShriSatishVaid, R/o 366, Block-21, Trilokpuri, Delhi regarding death of a labourer ShriSomnathSahu, R/o 387, Anjora, Durg, Chhatisgarh, while cleaning the sewer on 04.06.2018, the Commission took up the matter with Secretary, Social

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<sup>68</sup> by Prof. (Dr.) Ram Shankar Katheria, Chairman, Shri L. Murugan, Vice-Chairman, Joint Secretary, Director (Chandigarh), Research Officer, NCSC

<sup>69</sup>by Prof. (Dr.) Ram Shankar Katheria, Chairman, NCSC.

Welfare Department, Government of Chattishgarh, Secretary, MCD, Durg, DM, Durg and SSP, Durg, Chhatisgarh.

The Collector, Durg sent a report and intimated that victim died while cleaning the drain near Sheetla lake and his family has been paid ₹ 4 lakh compensation as a special case and his case has been referred to the Secretary, Department of SC/ST, Government of Chhatisgarh for the decision to provide Rs. 10 lakh compensation as per Supreme Court guidelines. This case was discussed in the Commission on 02.07.2018 and 20.08.2018, after intervention of the Commission, Chattisgarh Government of Chhattisgarh has sanctioned ₹ 10 lakhs to the family of victim as per guidelines.

**State Office Chandigarh :**

**4.8.9 File No. 24/13/2017-RES**

Suo moto cognizance was taken of the media report regarding death of two workers Shri Prem Singh (SC) and Shri Ashwani Kumar (SC) while cleaning a manhole in Patti, Tarn Taran, Punjab. After we took up the case this section of PoA Act was incorporated in the FIR and ₹ 21.72 lakh ( @ ₹ 10.86 lakh per victim) as financial relief was provided to the families of deceased.

**4.8.10 File No. 24/72/2018-RES**

Suo moto cognizance was taken of the media report dated 04.06.2018 in which Shri Ravi Kumar, Shri Krishan Kumar died and Shri Balbir Chand (SC) was injured while cleaning the sewer line in the Police Lines, Ferozepur, Punjab. Constable Shri Lachhman Singh who went into the manhole to save these three also lost his life. After we took up the case FIR was registered under relevant sections including the PoA Act and MS Act , financial relief of ₹ 16.75 lakh (₹ 7.5 lakh each to the families of the 02 deceased and Rs. 1.75 lakh to the injured) was provided.

**4.8.11 File No. 25/43/2017-RES**

Suo moto cognizance was taken of the media reports in which Shri Rajkumar, Shri Nanhe and Shri Rinku died while cleaning a sewer in a private factory in Gurugram . The case was taken up

on 01.10.2017, FIR was registered under IPC, PoA Act and MS Act and financial relief of ₹ 78.34 lakh (₹ 26.14 lakh each to the families of the 3 deceased) was provided.

**4.8.12 File No. 25/06/2017-RES**

Suo moto cognizance was taken of the media reports in which Shri Rahul, Shri Attar Singh, Shri Santosh were reported killed while cleaning a sewers in Faridabad on 30.03.2017. The case was taken up and FIR was registered under IPC, PoA Act and MS Act. Financial relief of ₹ 33.17 lakh (₹ 11.05 lakh each to the families of the deceased) was provided.

**4.8.13 File No. 24/64/2017-RES**

The case reported in news on 10-12-2017 of death of two persons (Shri Arman and Shri Deepak Kumar ) and three others (Shri Sameer, Shri Sonu and Shri Krish ) injured due to inhaling of poisonous gas while cleaning the manhole of the sewerage line in a hotel in Ludhiana was taken up. After we took up the case and conducted a spot enquiry on 11.12.2017, FIR with PoA Act was registered ,two accused were arrested and financial relief of ₹ 14 lakh has been paid ( ₹ 7 lakh to each) to the family of the deceased.

**4.8.14 File No. 25/11/2017-RES**

Suo moto cognizance was taken of the media report in which three persons ( Shri Rampal, Shri Riazudeen and Shri Sabir ) were reported to have died on 17.04.2017 while cleaning sewer in Kundli, Sonipat, Haryana. After we took up the case FIR was registered under relevant sections and financial relief ₹ 30 lakh was given ( ₹ 10 lakh to each of the families of the deceased).

**4.8.15 File No. 25/15/2018-RES**

Suo moto cognizance was taken of the media reports of 30.01.2018 where two persons (Shri Sher Singh and Shri Uday Chand both SC died while cleaning sewers in Palwal. After we took up the case, PoA Act & MS Act was incorporated in the FIR and financial relief of ₹ 8.26 lakh to the families of the victim have been paid (₹ 4.13 lakh each).

**State Office Chennai :**

**4.8.16F. No. 3/19/Vellore/2018**

Cognisance was taken of news reports that 3 persons died while cleaning of sewer tank in a private company M/s Maruthi Leather Company in Vellore, TN. After case was taken up FIR has been lodged. The families of the 3 victims Shri S. Selvan, 25 years (SC), Shri Kathandan, 30 years (SC) and Shri Ranjanathan were paid ₹ 8 lakh each by the employers. The Vellore District Administration has invoked SC/ST (PoA) Act sections and provided monetary relief of ₹ 4,12,500/- each to the 2 SC victims.

**State office Hyderabad :**

**4.8.17F. No. 3/46/17/MP-RU:**

Cognisance was taken of news report that 4 sanitation workers died in Badru (V), Dewas, Madhya Pradesh due to asphyxiation while cleaning septic tank. The matter was taken up with Collector and Superintendent of Police. A spot visit<sup>70</sup> was also conducted on 06.01.2018. As a result the FIR was amended and ₹ 44lakh (₹ 11 lakh per victim) was paid to the family member of the victims.

**4.8.18F. No. 3/83/17/TS-RU:**

Cognisance was taken of reports of two labourers dying (Shri Alladi Sitaram and Shri Alladi Simhachalam) in a manhole of bio-chemical and synthetic products factory at Sanath Nagar, Hyderabad, Telangana on 18.12.2017 and case was taken up. FIR was registered and one arrest made. ₹ 10 lakh each have been paid to the families of victims and in addition fixed deposit of ₹ 50,000/- each per victim have been made and ₹ 0.50 lakh (₹ 25,000/- each) was paid as exgratia by the Company.

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<sup>70</sup> by Shri L. Murugan, Vice Chairman, NCSC

**4.8.19F. No. 3/12/18/AP-RU:**

Cognisance was taken of news report of death of 7 persons in a sewage in Chittoor Andhra Pradesh, and the case was taken up. An on the spot enquiry<sup>71</sup> was conducted on 22.02.2018. The 7 victims were Shri Avula Reddappa (SC), Shri M. Ramesh (SC), Shri R. Babu (ST), Shri D. Kesava (BC), Shri C. Govinda Swamy (SC), Shri B. Ramachandra (SC), Shri B. Venkata Rajulu (BC). FIR was registered and 2 persons arrested. ₹ 179.00 lakhs was paid by the Government and Management of the hatchery where the incident happened to the families of the 7 victims. This included payment under the PoA Rules, insurance, ex gratia etc.

**4.8.20F. No. 3/17/18/AP-RU:**

Reports of four persons dying in up a maka, Nakkapalli, Visakhapatnam due to asphyxiation while cleaning a septic tank on 17.03.2018 were taken up. All the 4 victims viz. Shri Kandrakota Appa Rao, Shri Rajasekhar, Shri K. Krishna, Shri Nageswar Rao and Shri Satti Babu were SC. Government paid a compensation of ₹ 7 lakh under Chandranna Beema Scheme. Supreme Court directions as well as MS Act are not applicable, as the family was cleaning their own septic tank.

**4.8.21F. No. 3/18/18/AP-RU:**

Reports of 20.03.2018 that Shri Gunja Gangaraju (BC) died while cleaning a sewage line on 20.03.2018 at Vambay Colony of Vijaywada, Krishna, Andhra Pradesh. As per Supreme Court directions, ₹ 10 lakh was paid to the victim's family, employment has been promised for the family of the victim through SC Finance Corporation. Police have reported that IPC 304A and Section 9 of MS act has been used against the contract employee and Assistant Engineer of VMC and the case is under investigation.

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<sup>71</sup> by Shri L. Murugan, Vice Chairman, NCSC.

**4.8.22F. No. 3/19/17/AP-RU:**

Cognisance was taken of reports of death of two persons Shri Koganti Rambabu and Shri P. Venkateshwarlu on 15.03.2017 in Vijaywada while cleaning sewage lines. On taking up of the case by the Commission Vijayawada Municipal Corporation paid ₹ 10 lakhs. FIR has been lodged under IPC and MS Act. Police have not used MS Act, whereas recorded the provisions have not added in FIR.

**4.8.23F. No. 3/8/17/CG-RU:**

As per newspaper report, 4 persons died while cleaning own septic tank in Latori (V), Surajpur of Chhattisgarh on 22.08.2017.

Since the deaths were due to cleaning of personal septic tank no compensation was paid.

**State Office Kolkata :**

**4.8.24 File No. 2/32/2018-Gen/WB:**

News report on 30.3.2018 regarding death of six workers engaged by a firm to clean sewer in North 24 Parganas, Barrakkpore, WB were taken up. . FIR was lodged and families of the 6 victims were paid ₹ 72 lakh (@ ₹ 12 lakh each family).

**State Office Patna :**

**4.8.25 File No. 14/17/2017-B :**

News report published regarding death during manual cleaning of sewers of two SC persons on 03.05.2017, was taken up. The victims Shri Jitendra Paswan (SC) and Shri Depu Kr. Choudhary (SC) were employed by Patna Municipal Corporation. After intervention of the Commission, the families of the deceased were paid ₹ 11 lakh (@ ₹ 5.50 lakh each) besides monthly pensions to the dependants of the deceased.

## 4.9 Proposals seeking view of Commission on Policy Matters

According to the clause 9 of the Article 338 of the Constitution, “The Union and every State Government shall consult the Commission on all major policy matters effecting Scheduled Castes.”

Three Ministries<sup>72</sup> had consulted the Commission on 6 policy matters during 2017-18.

Details in brief are:

### **4.9.1 File No. 3/2/2007-APCR**

**Consideration of further amendments in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (amended 2016).**

The proposal vide letter No. 11012/1/2016-PCR (Desk) dated 12.02.2018 regarding consideration of further amendments in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 was received on 15.02.2018 from M/o Social Justice & Empowerment.

The Commission concurred with the proposal vide letter No. 3/2/2007-APCR (Part File) dated 21.03.2018.

### **4.9.2 File No. 4/7/F.E.O Bill-2017/ESDW**

**Proposal for the Draft Cabinet Note to introduce the Fugitive Economic Offenders Bill, 2017.**

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<sup>72</sup>Ministry of Social Justice & Empowerment, Ministry of Finance and Ministry of Human Resource Development

The proposal vide letter No. 6/3/2017-FSLRC dated 17.07.2017 regarding Proposal for the Draft Cabinet Note to introduce the Fugitive Economic Offenders Bill, 2017 was received on 19.07.2017 from Department of Economic Affairs, M/o Finance.

The Commission concurred with the proposal vide letter No. 4/7/F.E.O Bill-2017/ESDW dated 26.07.2017.

#### **4.9.3 File No. 4/9/VCFSCE/2014/ESDW**

#### **Modifications in the operation guidelines in respect of Venture Capital Funds for Scheduled Castes.**

The proposal vide letter No.14020/2/2014-SCD-IV dated 27.06.2017 regarding Modifications in the operation guidelines in respect of Venture Capital Funds for Scheduled Castes was received on 24.07.2017 from M/o Social Justice & Empowerment.

The Commission concurred with the proposal vide letter No. 4/9/VCFSCE/2014/ESDW dated 22.08.2017.

#### **4.9.4 File No. 4/12/CEG/2014/ESDW**

#### **Memorandum for Standing Finance Committee (SFC) for the revision in the eligibility criteria and enhancing the scope of the beneficiaries under Credit Enhancement Guarantee Scheme for Scheduled Castes.**

The proposal vide letter No. 14020/03/2014-SCD-IV dated 09.05.2017 regarding Memorandum for Standing Finance Committee (SFC) for the revision in the eligibility criteria and enhancing the scope of the beneficiaries under Credit Enhancement Guarantee Scheme for Scheduled Castes was received on 19.07.2017 from M/o Social Justice & Empowerment.

The Commission concurred with the proposal vide letter No. 4/12/CEG/2014/ESDW dated 22.08.2017.

**4.9.5 File No. 4/13/PMS-Cabinet Note/2017/ESDW**

**Note for Cabinet Committee on Economic affairs (CCEA) regarding revision and continuation of Centrally Sponsored Scheme “Post Matric Scholarship to students belonging to Scheduled Castes for studies in India (PMS-SC)” for three years, 2017-18 to 2019-20.**

The proposal vide letter No. 11017/4/2015-SCD V (II) dated 12.02.2018 regarding Note for Cabinet Committee on Economic affairs (CCEA) regarding revision and continuation of Centrally Sponsored Scheme “Post Matric Scholarship to students belonging to Scheduled Castes for studies in India (PMS-SC)” for three years, 2017-18 to 2019-20 was received on 27.02.2018 from M/o Social Justice & Empowerment.

The Commission concurred with the proposal vide letter No. 4/13/PMS-Cabinet Note/2017/ESDW dated 12.04.2018.

**4.9.6 File No. 2/Policy Matter-7/2018/SSW-II**

**Draft bill on Proposal for introduction of the reservation in the appointment of Faculty by direct recruitment in Teacher’s Cadre, in Central Educational Institutions Bill, 2018.**

The proposal vide letter No. 38-11/2017-CU-V dated 16.11.2018 regarding Draft bill on Proposal for introduction of the reservation in the appointment of Faculty by direct recruitment in Teachers Cadre, in Central Educational Institutions Bill, 2018 was received on 16.11.2018 from Department of Higher Education, M/o Human Resource Development.

The Commission concurred with the proposal vide letter No. 2/Policy Matter-7/2018/SSW-II dated 28.11.2018.

#### 4.10 De-reservation Proposals

During years of 2017-2018 the NCSC received 23 de-reservation proposals for advice, they included 19 proposals from CAG, 01 proposal each from the Ministry of Defence, Ministry of Home Affairs, Ministry of Information & Broadcasting, Ministry of Electronics and Information Technology respectively.

The details of advice given are as under:-

S.No.	File No.	Proposals for De-reservation	Commission Views
1.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 03 posts of Divisional Accountant Officer Grade-I in the O/o the Principal Accountant General, (A&amp;E) Orissa, Bhubaneswar.</p>	<p>The Commission vide its letter dated-28/7/2017 did not agree with the proposal and requested to fill up the reserved post by eligible SC candidate instead of de-reservation of reserved vacancy as SC candidate is available on 01.04.2018.</p>
2.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>(De-reservation proposal for the 02 post of Senior Accounts Officer in the O/o the Accountant General (A. &amp; E.), Assam Guwahati.</p>	<p>The Commission vide its letter dated-28/7/2017 did not agree with the proposal and requested to fill up the reserved post by eligible SC candidate instead of de-reservation of reserved vacancy as SC candidate is available on 01.04.2018 to fill up the second reserved post either by direct recruitment or by</p>

			deputation for short period till the availability of eligible SC candidate instead of de-reservation of reserved vacancy.
3.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 01 post of Senior Accounts Officer in the O/o the Principal Accountant General (A &amp;E), Maharashtra, Mumbai.</p>	The Commission vide its letter dated-28/7/2017 did not agree with the proposal and requested to fill up the reserved post by eligible SC candidate instead of de-reservation of reserved vacancy as SC candidate is available on 01.04.2018.
4.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 01 post of Audit Officer in the O/o the Accountant General (Economic &amp; Revenue Sector Audit), Gujarat, Ahmadabad,</p>	The Commission vide its letter dated-28/7/2017 did not agree with the proposal and requested to fill up the reserved post by eligible SC candidate instead of de-reservation of reserved vacancy as SC candidate is available on 01.04.2018.
5.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 01 post of Senior Accounts Officer in the O/o the Accountant General, (A. &amp;E.), Srinagar Jammu &amp; Kashmir,</p>	The Commission vide its letter dated-28/7/2017 did not agree with the proposal and requested to fill up the reserved post by eligible SC candidate instead of de-reservation of reserved vacancy as SC candidate is available on 01.04.2018.

6.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposals for the 03 posts of Audit Officer (Civil) in the O/o the Accountant General, (G&amp;SSA), Bhubaneswar, Orissa.</p>	The Commission vide its letter dated-28/7/2017 did not agree with the proposal and requested to fill up reserve vacant post by the second option of deputation on temporary basis for a short period and after SC candidate is available for promotion then same may be filled up by SC candidate.
7.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 01 post of Assistant Audit Officer in the O/o the Accountant General, (Audit), Patna, Bihar,</p>	The Commission vide its letter dated-28/7/2017 did not agree with the proposal and requested to fill up reserve vacant post by the second option of deputation on temporary basis for short period and after SC candidate is available for promotion then same may be filled up by SC candidate.
8.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 01 post of Audit Officer in the O/o the Accountant General (General &amp; Social Sector Audit), Gwalior, Madhya Pradesh,</p>	The Commission vide its letter dated-28/7/2017 did not agree with the proposal and requested to fill up reserve vacant post by SC candidate who is available from 01.04.2017.
9.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposals for the 03 posts of Audit Officer in the O/o the Accountant General (Audit), Patna, Bihar,</p>	The Commission vide its letter dated-28/7/2017 did not agree with the proposal and requested to fill up reserve vacant post by SC candidate who will be eligible on 01.04.2018 and other 2 vacant reserve posts may be filled up for a short period by SC candidates

			through other mode of recruitment i.e. deputation.
10.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 01 post Senior Audit Officer in the O/o the Principal Director of (Audit), North Frontier Railway Maligaon, Guwahati.</p>	The Commission vide its letter dated-28/7//2017 did not agree with the proposal and advised to fill up the reserved post by SC candidate only who is eligible on 01.04.2017.
11.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 01 post of Auditor Officer in the O/o the Accountant General (Audit), Imphal, Manipur.</p>	The Commission vide its letter dated-28/7//2017 did not agree with the proposal and advised to fill up the reserved post by deputation for short period till the availability of eligible SC candidate instead of de-reservation of reserved vacancy.
12.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposals for the 03 posts of Auditor Officer in the O/o the Principal Accountant General (Audit), Chandigarh, Haryana,</p>	The Commission vide its letter dated-28/7//2017 did not agree with the proposal and advised to fill up all the reserved post by deputation for short period till the availability of eligible SC candidate instead of de-reservation of reserved vacancy.
13.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposals for the 03 posts of Senior Audit Officer, in the O/o Accountant General (Economic &amp; Revenue Sector Audit), Ahmadabad, Gujarat.</p>	The Commission vide its letter dated-28/7//2017 did not agree with the proposal and requested to fill up the reserved post by eligible SC candidate instead of de-

			reservation of reserved vacancy as SC candidate is available on 01.04.2018.
14.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 01 post of Senior Audit Officer in the O/o Principal Accountant General (Audit), Ranchi, Jharkhand.</p>	The Commission vide its letter dated-28/7/2017 did not agree with the proposal and advised to fill up all the reserved post by deputation for short period till the availability of eligible SC candidate instead of de-reservation of reserved vacancy.
15.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 01 post of Audit Officer in the O/o Principal Director of Audit, East Central Railway, Hajipur.</p>	The Commission vide its letter dated-28/7/2017 did not agree with the proposal and requested to fill up the reserved post by eligible SC candidate instead of de-reservation of reserved vacancy as SC candidate is available on 01.04.2018.
16.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 02 posts of Accounts Officer in the O/o Accountant General (A &amp;E), Gujarat, Rajkot.</p>	The Commission vide its letter dated-29/9/2017 did not agree with the proposal and requested to fill up the reserved post by eligible SC candidate instead of de-reservation of reserved vacancy as SC candidate is available on 01.04.2019 and if necessary the post of Accounts Officer can be file dup by deputation for a

			short period by a SC candidate.
17.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 04 posts of Audit Officers in the O/o Principal Accountant General (G&amp;SSA) Uttar Pradesh, Allahabad.</p>	The Commission vide its letter dated-29/9/2017 did not agree with the proposal and advised to fill up all the reserved post by deputation for short period till the availability of eligible SC candidate instead of de-reservation of reserved vacancy.
18.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 07 posts of Audit Officers in the O/o Principal Accountant General (G&amp;SSA) Kerala, Thiruvananthapuram.</p>	The Commission vide its letter dated-29/9/2017 did not agree with the proposal and advised to fill up all the reserved post by deputation for short period till the availability of eligible SC candidate instead of de-reservation of reserved vacancy.
19.	39/De-reservation-2/2017/SSW-I	<p><b>Comptroller and Auditor General of India</b></p> <p>De-reservation proposal for the 07 posts of Assistant Audit Officers (Civil) in the O/o Principal Accountant General. Uttrakhand, Dehradun</p>	The Commission vide its letter dated-29/9/2017 did not agree with the proposal and advised to fill up all the reserved post by instead of de-reservation of reserved vacancy by giving relaxation as per DoP&T OM dated- 03.10.2000
20.	39/De-reservation-	<p><b>M/o Information &amp; Broadcasting</b></p> <p>De-reservation proposal for the one vacancy</p>	The Commission vide its letter dated- 04.09.2017 &

	3/2017/SSW-I	of received for Scheduled Castes in the grade of UDC in Satyajit Ray Film & Television Institute, M/o Information & Broadcasting by promotion.	31.01.2018 and the Commission observed that the post is to be filled up by promotion failing which direct recruitment. Hence, the Commission is of the view that the Ministry of Information & Broadcasting may fill up the reserved post either by direct recruitment or by deputation for short period till the availability of eligible SC candidate instead of de-reservation of reserved vacancy.
21.	39/De-reservation-4/2017/SSW-I	<b>M/o Home Affairs.</b>  De-reservation proposal for de-reservation of 01 SC vacancy in the cadre of Assistant Commandant (Official Language) in CRPF M/o Home Affairs.	The Commission vide its letter dated-30/11/2017 has requested to explore the possibilities to fill up the reserved post meant for Scheduled Caste by mode of deputation for short term or till the availability of reserved Scheduled Caste candidates for promotion.
22.	39/De-reservation-5/2017/SSW-I	<b>Ministry of Electronics and Information Technology, New Delhi</b>  De-reservation proposal of filling up of 01 post of Deputy Director, at level 11 of the pay matrix on promotion basic on the Ministry of Electronics and Information Technology, New Delhi	The Commission vide its letter dated-15/01/2018 has the Commission observed that there is no justification about not consideration of promotion of two SC candidates namely Shri Jagdish Kumar and Shri Ramesh Kumar who are figuring at Sl. No.- 20 and 31 in the seniority list of

			Section Officer respectively. The Commission has asked the clarification on this issue.
23.	39/De-reservation-1/2018/SSW-I	<b>Ministry of Defence</b> Proposal for de-reservation of one vacancy for promotion to the grade of Principal Private Secretary (PPS) [Group 'A' in PB Rs. 15600-39100 with grade pay Rs. 6600-/- (pre-revised] against the vacancy year 2017-18.	The Commission vide its letter dated- 22.03.2018 sent a letter. The NCSC is of the view that the Ministry of Defence may fill up the reserved vacancies by mode of the deputation on temporary basis for a short period or by direct recruitment through amending the recruitment rules instead of de-reservation of reserved vacancies.



## CHAPTER –V

### Administration and Coordination

#### 5.1 The Mandate<sup>1</sup>

The National Commission for Scheduled Castes (hereafter referred to as ‘NCSC’ or ‘the Commission’) was established under the Article 338 of the Constitution. The Commission has a wide charter relating to the overall policy, planning, coordination, evaluation and review of the regulatory framework and developmental programs relating to the Scheduled Caste community. The jurisdiction of the Commission extends to all the states in India except the state of Jammu and Kashmir.

The present National Commission for Scheduled Castes<sup>2</sup> : Chairperson, Prof. (Dr.) Ram Shankar Katheria, Shri L. Murugan, Vice-Chairperson and Members Shri K. Ramulu, Member, Dr. Yogendra Paswan and Dr.(Ms.) Swaraj Vidwan.

**The NCSC has the mandate to monitor the implementation of the following Acts / Rules by the State /UT and Central Governments:-**

- (i) The Protection of Civil Rights (PCR) Act, 1955
- (ii) The PCR Rules, 1977
- (iii) The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act as amended<sup>3</sup>.

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<sup>1</sup> Refer: Clause(s) 5, 8 and 9 of the Article 338, Constitution of India to get further details on the functions, duties and power of the Commission

<sup>2</sup> See Annexure I for NCSC Organization Chart

<sup>3</sup> Vide Gazette notification no. 268 dated 14.04.2016 and Gazette notification no. 430 dated 27.06.2018.

(iv) The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Rules, 1995 and The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Rules as amended<sup>4</sup>.

(v) The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act , 2013 and Rules thereof.

**The Commission also monitors the action taken by the State /UT and Central Governments regarding:**

- Implementation of Reservations for Scheduled Castes / OBCs in the Central, State and UT Governments and their Public Sector Undertakings.
- Monitoring the welfare schemes for development of Scheduled Castes through the funds for Schemes for the welfare of Scheduled Castes.

## 5.2 Offices

The headquarters of the Commission is at Delhi. Secretary to the Government of India is its administrative Head and is assisted by officers at the level of Joint Secretary, Directors and Deputy Secretaries.

The location and jurisdiction of the 12 State Offices of the Commission are as follows:

**Table No. 5.1**

Sl. No.	State	Office (location)	Jurisdiction
1.	West Bengal	Kolkata	West Bengal, Odisha, Sikkim & Andaman & Nicobar Islands
2.	Gujarat	Ahmedabad	Gujarat, Rajasthan and Dadra & Nagar Haveli
3.	Tripura	Agartala	Tripura

<sup>4</sup> Vide Gazette notification no. 268 dated 14.04.2016 and Gazette notification no. 430 dated 27.06.2018.

4.	Kerala	Thiruvanthapuram	Kerala
5.	Punjab	Chandigarh	Punjab, Haryana, Himachal Pradesh, Chandigarh and Uttarakhand
6.	Uttar Pradesh	Lucknow	Uttar Pradesh
7.	Maharashtra	Pune	Maharashtra and Goa
8.	Bihar	Patna	Bihar and Jharkhand
9.	Tamil Nadu	Chennai	Tamil Nadu and Puducherry
10.	Karnataka	Bangaluru	Karnataka
11.	Andhra Pradesh	Hyderabad	Andhra Pradesh, Telengana, Madhya Pradesh and Chattisgarh
12.	Assam	Guwahati	Assam, Arunachal Pradesh, Manipur, Mizoram, Nagaland and Meghalaya

The State Offices of the Commission are headed by the officers of the rank of Director / Deputy Director / Assistant Director and function under the overall supervision of one of the Members as per allocation of work.

### **5.2.1 Proposal for opening new offices**

In order to strengthen its performance throughout the country and in view of the volume of complaints / grievances petitions that are received in the Commission, a proposal has been moved for creation of new State Offices at following locations:

**Table No. 5.2**

Sl. No.	Location	Jurisdiction over State(s)
1.	Bhubaneswar	Odisha
2.	Bhopal	Madhya Pradesh

3.	Jaipur	Rajasthan
4.	Dehradun	Uttarakhand
5.	New Delhi	Delhi
6.	Ranchi	Jharkhand
7.	Raipur	Chhattisgarh

The Commission needs these offices in view of manifold increase in representations/grievance petitions. Large states like Madhya Pradesh, Rajasthan and Odisha have no office of the Commission and the lack of local presence hampers the efficient working and monitoring work of the Commission. The NCSC has also felt need of a State Office in Delhi respectively due to large number of representations received from SCs living in NCR and also to enable the Headquarters of NCSC to concentrate on larger issues including grave atrocity cases, policy matters, research and analysis etc.

### **5.2.2 Up gradation of Offices**

Due to the large jurisdiction area and high work load, the Commission has also proposed up-gradation of four (04) existing State Offices from the Office of the Deputy Director to the Office of the Director in respect of following States offices:

**Table No. 5.3**

Sl. No.	State	Office (location)	Proposal to upgrade to the level/post of
1.	Assam	Guwahati	Director Level
2.	Gujarat	Ahmedabad	Director Level
3.	Tripura	Agartala	Director Level
4.	Kerala	Thiruvanthapuram	Director Level

The revised updated proposals were sent to the Ministry of Social Justice & Empowerment and these proposals are under consideration of the Ministry.

## **5.3 Issues related to staffing**

### **5.3.1 Staffing at the Headquarters**

The NCSC headquarters has the following Wings/Divisions:

- Atrocities & Protection of Civil Rights Wing (APCR)
- Economic & Social Development Wing (ESDW)
- Service Safeguard Wing (SSW) and
- Administration/Coordination Wing (Admn. & C. Cell)

Each wing has a specialized role to play and as per necessity relating to the extent of work handled by the respective wings, the Commission proposes that each Wing should be manned by the following officials:

- One Deputy Secretary/ Director and
- One Under Secretary/Deputy Director (Branch Officer).

The Headquarters of the Commission has sanctioned strength of one Director (Jt. Cadre), one Deputy Secretary (CSS cadre) and one DIG/IG under central staffing scheme.

State Offices are headed by Directors / Deputy Directors/ Assistant Directors. However, a large number of such posts including lower functionaries are lying vacant both at Headquarters and State Offices<sup>5</sup> of the Commission. In the HQs and State Offices, only 123 positions are filled, out of the 222 sanctioned positions as on 31 March, 2018. Orders for selection as Directors, of four officers on deputation basis, have been issued by the Ministry of Social Justice & Empowerment. Recruitment rules have been notified in February, 2018 and action to fill up these vacant posts both by the Ministry of Social Justice & Empowerment (for Group A level posts) and by the Commission for Group – B posts, the action is under process.

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<sup>5</sup> See Annexures II and III for incumbency position at the NCSC Head quarters and NCSC State Offices

### **5.3.2 Other Vacant Positions**

As suggested by the Ministry of Home Affairs and in view of difficulties in posting an officer of the level of Deputy Inspector General of Police, a proposal for up gradation of the post to that of Inspector General of Police is under consideration by the Ministry. The proposal on filling up vacant Joint Cadre posts has also been taken up with the Ministry of Social Justice & Empowerment during the period of this report.

## **5.4 Accommodation**

The office of the Commission is located at 5th Floor, Lok Nayak Bhawan, Khan Market, New Delhi. The State Offices of the Commission are located in different States. The location of the State Offices , addresses , other contact details and their jurisdiction is given in **Annexure IV**.

## **5.5 Use of Technology for Administrative purposes**

### **5.5.1 E-governance**

The website of National Commission for Scheduled Castes has been up-graded and redesigned. Basic information about the activities of the NCSC and its programs, annual reports, handbook of NCSC, minutes of reviews undertaken and other major decisions that have been taken by the Commission are available on the web-site. New bilingual and user friendly website of NCSC has been launched w.e.f December, 2012.

### **5.5.2 Complaint Monitoring Information System (CMIS)**

The earlier CMIS system has been upgraded and renamed as CMS. The Complaint Management System (CMS) in Commission has been adopted from basic model of NHRC. CMS is a web based solution for Complaint Management. This software provides a centralized approach for recording and managing complaints information and generating different kinds of reports.

The systems enable the complainants or petitioners to register and track the status of their cases / petitions on-line, through internet, from anywhere. The officers of this Commission can also monitor the cases online and update the data instantly. In the CMS

system, SMS facility has also been generated for the petitioner in order to know about their status of complaint. The CMS system is functional.

At present, approximately 100 complaints are being received and entered in CMS daily.

## **5.6 Compliance with other Mandates**

### **5.6.1 Use of Hindi**

The NCSC strictly followed the instructions on official language and issued all important orders/notifications bilingually. “Hindi Pakhwara” was observed from the 01 to 15 September, 2017. Several competitions were organized during the week and prizes were also distributed to promote use of Hindi in official working. The Unit is headed by one Assistant Director (OL). Use of Hindi is monitored through holding monthly meeting and inspections.

### **5.6.2 Right to Information Act, 2005**

In accordance with the provisions of section 4(1) (b) of the Right to Information Act, 2005, the NCSC has designated Central Public Information Officers (CPIOs) & First Appellate Authorities for each division/State Offices under the RTI Act, 2005 (**Annexure V**)

During the period between April, 2017 to March, 2018, 1524 applications under the RTI Act were received and all 1524 were disposed off. The details of RTI cases received and disposed, appeals received and disposed and CIC cases are given in table :

**RTI Cases dealt by the Commission**

**Table No. 5.4**

Name of Office	RTI Cases		RTI Appeals		CIC Cases	
	No. of cases received	No. of replies sent	No. of appeals received	No. of appeals disposed of	No. of hearing in CIC	No. of cases closed
Head Quarters	<b>799</b>	<b>799</b>	<b>52</b>	<b>52</b>	<b>06</b>	-
Agartala	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	-
Ahmedabad	<b>6</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>2</b>	-
Bangalore	<b>74</b>	<b>74</b>	-	-	-	-
Chennai	<b>78</b>	<b>78</b>	<b>9</b>	-	-	-
Chandigarh	25	18	07	01	01	01
Guwahati	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	-
Hyderabad	<b>31</b>	<b>31</b>	-	-	-	-
Kolkata	<b>16</b>	<b>16</b>	<b>2</b>	<b>2</b>	-	-
Lucknow	<b>74</b>	<b>74</b>	-	-	-	-
Patna	<b>25</b>	<b>25</b>	<b>04</b>	<b>04</b>	-	-
Pune	<b>26</b>	<b>26</b>	<b>04</b>	<b>01</b>	-	-
Trivandrum	<b>05</b>	<b>05</b>	-	-	-	-
Total(State Offices )	<b>360</b>	<b>353</b>	<b>28</b>	<b>10</b>	<b>3</b>	<b>0</b>
Grand Total	<b>1159</b>	<b>1152</b>	<b>80</b>	<b>62</b>	<b>09</b>	<b>01</b>

## 5.7 Court Cases Dealt by NCSC Hqrs. & State Offices

A total of 108 Court cases where NCSC has been made a party have been received during the year. The details of all pending court cases are appended as below :

### Court cases handled during April 2017-March 2018 at Commission

Table No. 5.5

Name of Office	No. of Court Cases received	No of cases finally decided	No of cases pending
Head Quarters, New Delhi	34	01	33
State Offices	74	08	66
<b>Total</b>	<b>108</b>	<b>09</b>	<b>99</b>

State Office-wise details of court cases handled during the period:

Table No. 5.6

Name of office	No. of cases in High Court	Number of cases finally decided	No of cases pending in High Court
Agartala	0	0	0
Ahmedabad	2	-	2
Bangalore	6	-	6
Chennai	14	3	11
Chandigarh	7	1	6
Guwahati	0	0	0
Hyderabad	27	-	27

Kolkata	11	1	10
Lucknow	01	-	01
Patna	2	-	2
Pune	2	2	0
Trivandrum	2	1	1
<b>Total</b>	<b>74</b>	<b>8</b>	<b>66</b>

## 5.8 Budget

The NCSC has a Non-Plan budget of ₹ 1820.00 lakhs for the year 2017-18. A statement is given at **Annexure VI**. Out of the ₹ 1820.00 lakhs budget, approximately ₹ 1521.57 lakhs is spent on salaries and other committed expenditure.

## CHAPTER – VI Atrocities on Scheduled Castes

### 6.1 Relevant Acts:

The Government of India has enacted two special acts viz, the Protection of Civil Rights Act, 1955 (PCR Act) and the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act 1989 (PoA Act) and corresponding rules thereof, to provide an equal treatment and justice to the Scheduled Castes and Scheduled Tribes. The objective of both these Acts was affirmative action for the empowerment of the SC/ST communities in the country by eradicating the discriminatory practices embedded in the caste system against these communities.

The POA Act 1989 was not stringent enough and many areas/offenses were undefined. It was a long pending recommendation of NCSC and also a demand of the SC/ST people that the Act should be revised. Consequently, the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act (as amended) in 2016 and 2018<sup>1</sup>, came into force on 26.01.2016 and the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Rules (as amended) in 2016 and 2018<sup>2</sup> came into effect.

### 6.2 Crime against Scheduled Castes

As on date of preparation of this report the NCRB data of 2017 had not been released, hence only analysis of NCRB data on crimes 2016 has been made regarding crime against Scheduled Castes. Additionally the NCRB data from 2014 onwards has also been relied upon for the same. The pendency of cases as compiled by the NCRB, both at the end of police and judiciary, also has been discussed. Moreover, the high acquittal rate vis-à-vis the low conviction rate have also been suitably deliberated.

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<sup>1</sup> referred to as POA Act (as amended ) in this Report

<sup>2</sup> referred to as POA Rules (as amended ) in this Report

The State wise comparison of rate of crime against SCs, vis a vis the national average pertaining to the largest States in terms of the population of Scheduled Castes has also been made.

### **6.2.1 Fact Sheet of crimes against Scheduled Castes**

For the purpose of analyzing crime against Scheduled Castes, data provided by NCRB has been relied upon. Going by the available statistics, the number of crimes registered under the PCR Act is reducing as the cases of atrocities on SCs & STs are being mainly booked under the POA Act.

### **6.2.2 Atrocities against Scheduled Castes**

Uttar Pradesh (10,426 cases) reported the highest number of cases of atrocities against Scheduled Castes accounting for 25.6% of the cases followed by Bihar with 14.0% (5,701 cases) and Rajasthan with 12.6% (5,134 cases) during 2016.

Crime head-wise cases revealed that assault on women with intent to outrage her modesty accounted for 7.7% (3172 cases) of the cases of crimes/atrocities against Scheduled Castes (SCs) followed by rape with 6.2% (2541 cases) during 2016.

The state wise figures of crime against Scheduled Castes in 2016 are given in the table below :

**Table No. 6.1  
Incidence and rate of crimes committed against Scheduled Castes during 2016<sup>3</sup>**

S. No.	State/UT	Cases Reported *	Percentage Contribution to All India Total	Population of SCs (in Lakhs)	Rate of Total Cognizable Crimes
(1)	(2)	(3)	(4)	(5)	(6)
<b>STATES:</b>					
1	Andhra Pradesh	2335	5.7	84.5	27.6

<sup>3</sup> National Crime Records Bureau Report, 2016

S. No.	State/UT	Cases Reported *	Percentage Contribution to All India Total	Population of SCs (in Lakhs)	Rate of Total Cognizable Crimes s
2	Arunachal Pradesh	0	0.0	0.0	-
3	Assam	4	0.0	22.3	0.2
4	Bihar	5701	14.0	165.7	34.4
5	Chhattisgarh	243	.6	32.7	7.4
6	Goa	11	0.0	0.3	36.7
7	Gujarat	1322	3.2	40.7	32.5
8	Haryana	639	1.6	51.1	12.5
9	Himachal Pradesh	116	0.3	17.3	6.7
10	Jammu & Kashmir	1	0.0	9.2	0.0
11	Jharkhand	525	1.3	39.9	13.2
12	Karnataka	1869	4.6	104.7	17.9
13	Kerala	810	2.0	30.4	26.6
14	Madhya Pradesh	492	12.1	113.4	43.4
15	Maharashtra	1750	4.3	132.8	13.2
16	Manipur	2	0.0	1.0	2
17	Meghalaya	0	0.0	0.2	0.0
18	Mizoram	0	0.0	0.0	0.0
19	Nagaland	0	0.0	0.0	
20	Odisha	796	4.4	71.9	25.0
21	Punjab	132	0.3	88.6	1.5
22	Rajasthan	5134	12.6	122.2	42.0
23	Sikkim	1	0.0	0.3	3.3
24	Tamil Nadu	1291	3.2	144.4	8.9
25	Telangana	1529	3.7	54.3	28.2
26	Tripura	00	0	6.5	00
27	Uttar Pradesh	10426	25.6	413.6	25.2

S. No.	State/UT	Cases Reported *	Percentage Contribution to All India Total	Population of SCs (in Lakhs)	Rate of Total Cognizable Crimes s
28	Uttarakhand	65	0.2	18.9	3.4
29	West Bengal	119	0.3	214.6	0.6
	<b>TOTAL STATE(S)</b>	<b>40743</b>	<b>99.9</b>	<b>1981.6</b>	<b>20.6</b>
<b>UNION TERRITORIES:</b>					
30	A & N Islands	0	0.0	0.0	
31	Chandigarh	1	0.0	2.0	0.5
32	D&N Haveli	0	0.0	0.1	0.0
33	Daman & Diu	0	0.0	0.1	0
34	Delhi UT	54	0.1	28.1	1.9
35	Lakshadweep	0	0.0	0.0	
36	Puducherry	3	0.0	2.0	1.5
	<b>TOTAL UT(S)</b>	<b>58</b>	<b>0.1</b>	<b>32.2</b>	<b>1.8</b>
	<b>TOTAL (ALL INDIA)</b>	<b>40801</b>	<b>100.0</b>	<b>2013.8</b>	<b>20.3</b>

Rate of crime has shown a declining trend from 23.4 in 2014 to 20.3 in 2016.

### 6.2.3 Year wise comparison of total number of crime against Scheduled Castes

Analysis of year wise and State wise comparison of total number of crime against Scheduled Castes shows an increase in the crime against Scheduled Castes (40801) in 2016 with respect to (38670) in 2015.

The five States with highest number of incidents in 2016 are UP (10426), Bihar (5701), Rajasthan (5134), MP (4912) & AP (2335), while in 2015 the states with highest number of cases were UP (8357), Rajasthan (5911), MP (3546), AP (2263) & Maharashtra (1804).

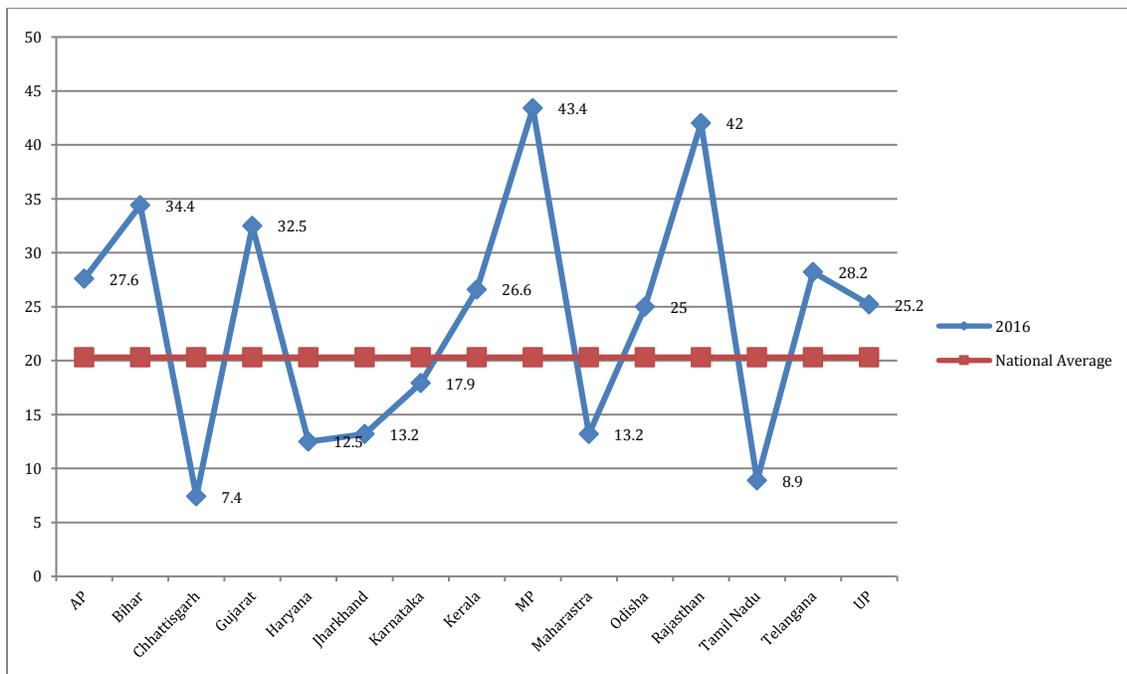
### 6.2.4 Rate of crime against Scheduled Castes

The analysis<sup>4</sup> shows that the rate of crime has decreased to 20.3% when compared to 22.2% in 2015. The state wise and year wise comparison of rate of crime against Scheduled Castes and the rate of crime in 2016 vis-à-vis the National Average pertaining to the States with highest population of Scheduled Castes are as follows :

**Graph 6.1**

**Rate of total cognizable crime against SCs (2016) vis a vis National Average<sup>5</sup>**

#### Crime rate



States with rate of crimes higher than the National average are MP (43.4) Rajasthan, (42.0), Bihar (34.0), Gujarat ( 32.5), Telangana(28.2), Kerala ( 26.6) , Odisha (25) and UP (25.2).

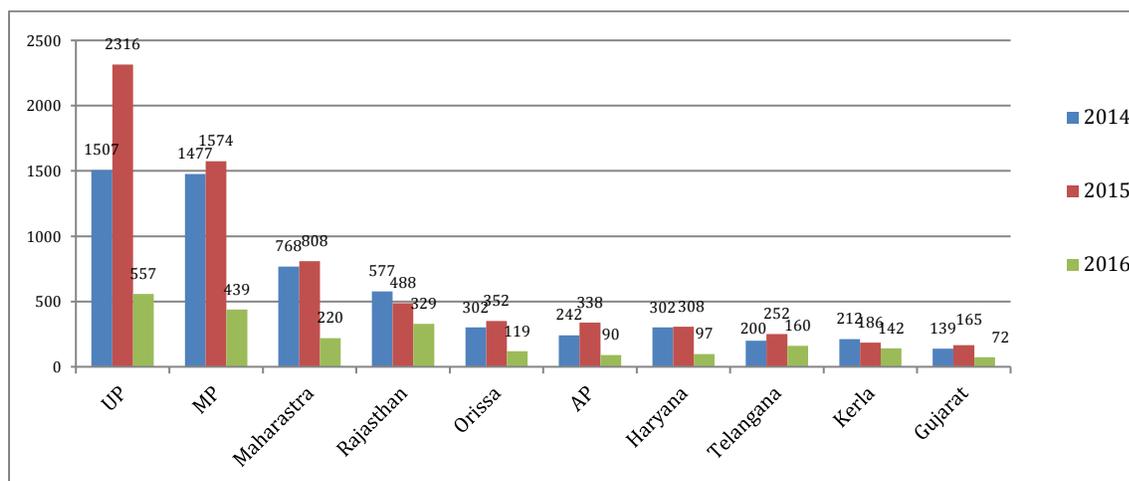
<sup>4</sup> As per table no 7 A 2 of NCRB Report Crimes in India 2016 Statistics

### 6.2.5 Crime against SC women

States with highest incidents of crime against SC women are UP (557),MP (439) and Rajasthan (329).

The details of crime against women state wise are as follows:

**Graph-6.2**  
**Crimes against SC women<sup>6</sup>**



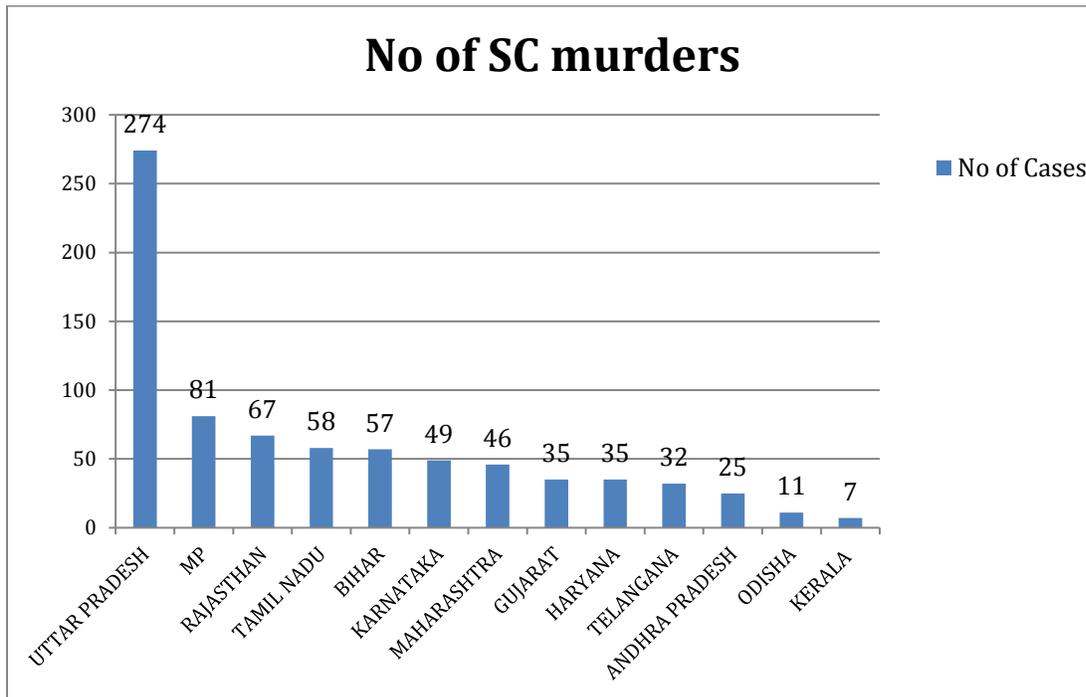
### 6.2.6 Murders

A new analysis of cases / incidents of murders of SCs by non SCs has been added in NCRB 2016. There are a total 799 such incidents in 2016. The analysis shows that UP has reported highest number of murders (274) followed by MP (81) and Rajasthan (67).

Details are in graph 6.3:

<sup>6</sup>National Crime Records Bureau 2016

**Graph-6.3**  
**Incidents of Murder of SCs<sup>7</sup>**



#### 6.2.4 City wise comparison.

City wise details are also available in NCRB, hence a comparison was made and Lucknow (262), Patna (241), Jaipur (219), Bangluru (207) and Hyderabad (139) were the cities with highest incidents in 2016.

In 2015, Patna (321) cases Jaipur (297) Lucknow (146), Bangaluru (140) and Hyderabad (116) were the cities with maximum incidents of crime against SCs.

<sup>7</sup>National Crime Records Bureau 2016

Details and analysis are in the table below.

**Table no. 6.2**  
**Cities as per the crimes against Scheduled Castes**

Sr	City	2015	2016	Increase/ Decrease	Rank Based on incidents/ % share (2016)
1	Ahmedabad	60	96	↑	7
2	Bengaluru	140	207	↑	4
3	Chennai	13	10	↓	17
4	Coimbatore	3	3	=	19
5	Delhi	33	46	↑	9
6	Ghaziabad	39	64	↑	8
7	Hyderabad	116	139	↑	5
8	Indore	55	36	↓	11
9	Jaipur	297	219	↓	3
10	Kanpur	94	107	↑	6
11	Kochi	20	35	↑	12
12	Kolkata	10	9	↓	18
13	Kozhikode	26	29	↑	14
14	Lucknow	146	262	↑	1
15	Mumbai	34	30	↓	13
16	Nagpur	27	29	↑	15
17	Patna	321	241	↓	2
18	Pune	19	41	↑	10
19	Surat	11	19	↑	16
	<b>Total Cities</b>	<b>1464</b>	<b>1622</b>	↑	

### 6.3 Judicial and police handling of cases against Scheduled Castes

**6.3.1** Taking into account all form of crimes against Scheduled Castes during the year 2014 to 2016, it is seen that though total incidences of crime against Scheduled Castes have increased from 40401 in 2014 to 40801 in 2016, the rate of filing of charge sheets<sup>8</sup> by Police has decreased from 92.3 % in 2014 to 78 % in 2016. The percentage of cases of atrocities pending at the level of police has also increased from 24.42 % in 2014 to 29.6 % in 2016<sup>9</sup>.

The conviction rate<sup>10</sup> has also come down from 28% in 2014 to 25.8% in 2016 coupled with an increase<sup>11</sup> in the pendency rate (from 85.3 in 2014 to 89.6 in 2016) in Courts in cases of crimes against Scheduled Castes.

The state wise details are as follows :

**Table 6.3**  
**State wise Pendency and Disposals by Police and Courts**

Sl	State/UT	Total no of cases investigated	Cases charge sheeted	Cases with final reports filed	Pending cases in courts	Cases resulting in conviction	Cases resulting in acquittal
1	Andhra Pradesh	4482	1206	830	2601	31	948
2	Arunachal Pradesh	0	0	0	0	0	0
3	Assam	7	3	0	4	0	0
4	Bihar	9790	5228	251	26685	204	923
5	Chhattisgarh	301	250	2	1218	56	81

<sup>8</sup> Ncrb.gov.in/tables: Disposal of Cases for Crimes Committed Against SCs by Police (Crime Head wise) – 2014 to 2016

<sup>9</sup> Ibid.

<sup>10</sup> Data as per:ncrb.gov.in/tables: Disposal of Cases for Crimes Committed Against SCs by Courts (State/UT-wise) – 2014 to 2016

<sup>11</sup> Increase from 85.3 per cent in 2014 to 86.3 per cent in 2016

Sl	State/UT	Total no of cases investigated	Cases charge sheeted	Cases with final reports filed	Pending cases in courts	Cases resulting in conviction	Cases resulting in acquittal
6	Goa	16	3	3	21	1	12
7	Gujarat	1434	118	70	7366	22	458
8	Haryana	739	476	174	706	39	263
9	Himachal Pradesh	144	86	27	307	1	30
10	Jammu & Kashmir	0	1	0	3	0	0
11	Jharkhand	1446	281	214	1353	87	126
12	Karnataka	2702	1493	343	6484	22	757
13	Kerala	1347	444	257	2079	13	152
14	Madhya Pradesh	5166	4611	52	13048	886	1956
15	Maharashtra	2576	1490	258	7913	106	906
16	Manipur	4	3	0	3	0	0
17	Meghalaya	0	0	0	0	0	0
18	Mizoram	0	0	0	0	0	0
19	Nagaland	0	0	0	0	0	0
20	Odisha	3092	1436	372	6957	34	983
21	Punjab	269	82	57	194	16	42
22	Rajasthan	5866	2391	2953	12506	541	674
23	Sikkim	1	0	0	0	0	2
24	Tamil Nadu	1905	992	269	4071	76	906
25	Telangana	2486	780	349	2136	24	348
26	Tripura	0	0	0	0	0	0
27	Uttar Pradesh	12001	8387	2035	33455	1570	1243
28	Uttarakhand	89	39	13	111	24	18
29	West Bengal	316	127	8	407	0	28
	<b>TOTAL STATE(S)</b>	56180	31007	8537	129628	3753	10856

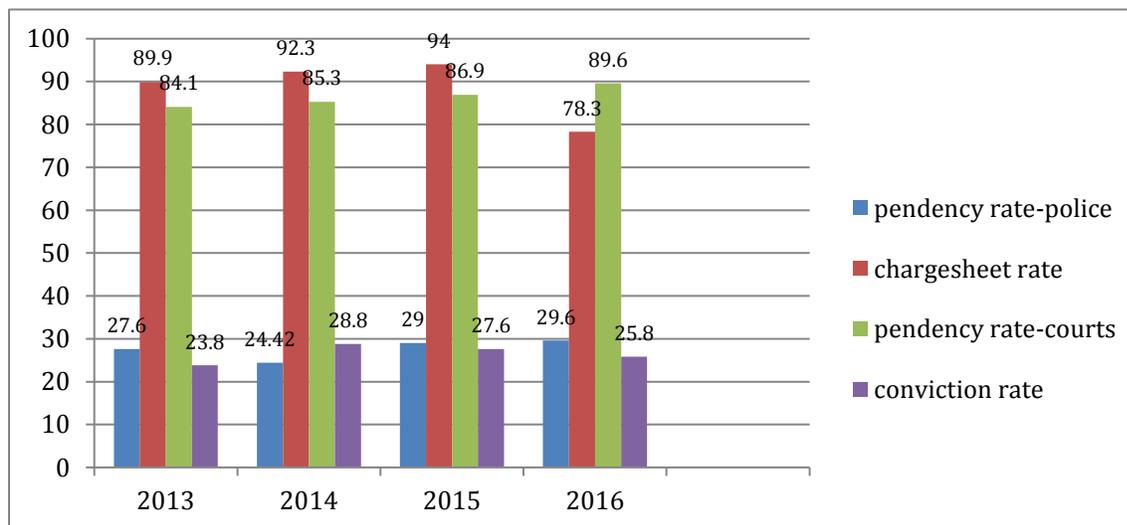
	<b>UTs</b>						
	A & N Islands	0	0	0	0	0	0
	Chandigarh	2	0	0	2	0	0
	D&N Haveli	0	0	0	4	0	0
	Daman & Diu	2	0	0	0	0	0
	Delhi UT	109	32	3	198	0	6
	Lakshadweep	0	0	0	0	0	0
	Puducherry	0	3	1	4	0	0
	<b>TOTAL UT(S)</b>	<b>119</b>	<b>35</b>	<b>4</b>	<b>203</b>	<b>0</b>	<b>6</b>
	<b>TOTAL (ALL INDIA)</b>	<b>56299</b>	<b>31042</b>	<b>8541</b>	<b>129831</b>	<b>3753</b>	<b>10862</b>

The following graph shows the trends related to the pendency and disposal of cases by Police<sup>12</sup> & Courts<sup>13</sup> (2013-16)

<sup>12</sup> Data as per: ncrb.gov.in/tables: Disposal of Cases for Crimes Committed Against SCs by Police (Crime Head wise) –, 2014,2015,2016

<sup>13</sup> Data as per ncrb.gov.in/tables: Disposal of Cases for Crimes Committed Against SCs by Courts (State/UT-wise) –2014, 2015 & 2016

**Graph No. 6.4**  
**Pendency and Disposal by Police and Courts<sup>14</sup>**



**The following are the main conclusions:**

- Conviction rate has come down .
- Pendency rate of Courts has continuously increased from 86.9 in 2015 to 89.6 cases
- Rate of filing of charge sheet has decreased
- Pendency of cases at the level of police has increased from 122083 cases in 2015 to 129628 cases in 2016.
- 10856 cases have resulted in acquittal in 2016.

**6.3.2 Handling by Police**

- States with highest percentage of pendency with police are Jharkhand (65.8%), Andhra Pradesh (54.6), Telangana and AP (54%) followed by Punjab (48.3%) for the year 2016.

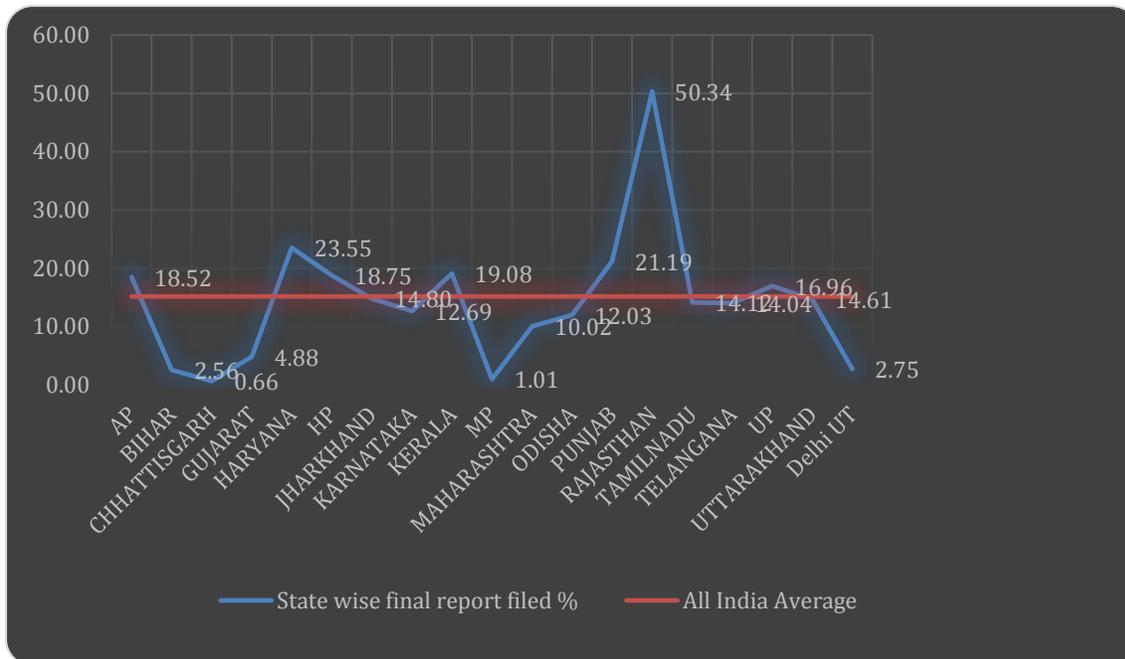
<sup>14</sup>National Crime Records Bureau Reports, 2014 to 2016.

- States with highest percentage of cases in which final report (cases closed) are filled by police are Rajasthan (50.3 %), followed by Haryana (23.55% ), & Punjab (21.19%) whereas the national average is 14.80 %.
- In Chhattisgarh (0.66 %), followed by MP (1.01% ), & Bihar (2.56%) the percentage of cases with final report are low and these states also have high percentage of charge sheets filled by police.
- States with highest percentage of charge sheets by Police are Chhattisgarh (99.2%), MP (98.9 %), followed by Bihar (95.4% ), Gujarat (94%) & Delhi (91.4%)

Details are in Graph 6.5 below.

**Graph 6.5**

**State wise percentage of Final Reports filed in cases by police-2016**

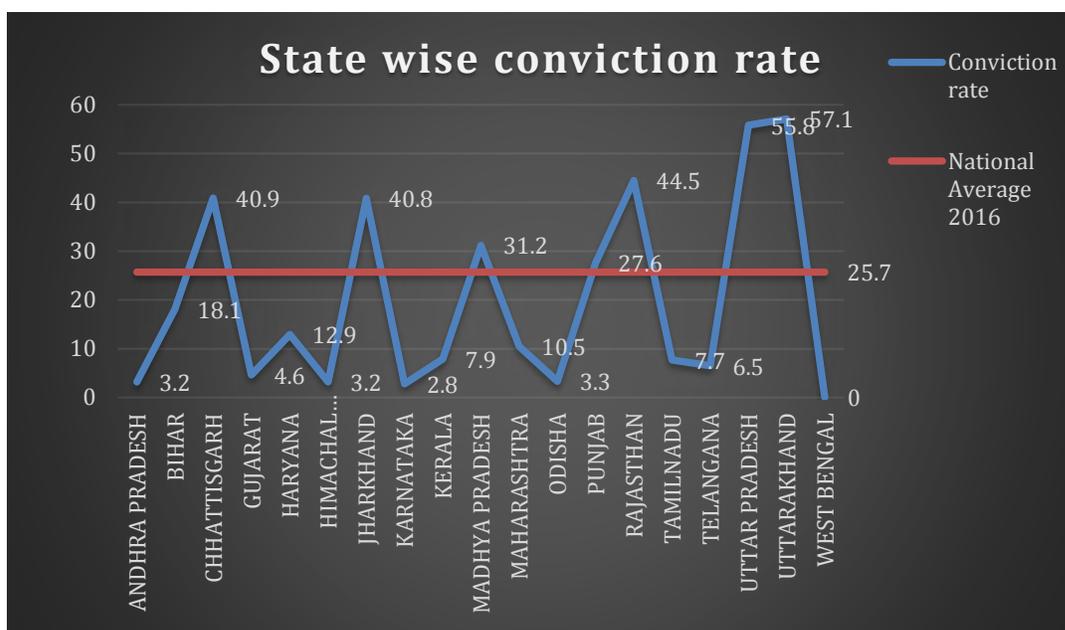


### 6.3.3 Handling by Courts

- States with highest conviction rates are Uttarakhand (57.1%), UP (55.8%) followed by Rajasthan (44.5%), Chhattisgarh (40.9%) and Jharkhand (40.8%) in 2016. The National average is 25.8 %.
- States with lowest conviction rate in courts are Karnataka (2.8%) followed by AP and Himachal Pradesh (3.2%), Odisha (3.3%) and Gujarat (4.6%) in 2016.

Details are in graph below :

**Graph 6.6**  
State wise conviction rate of crimes against SCs - 2016



## 6.4 State & District Level Vigilance and Monitoring Committees

Commission has noted that the mandated State and District Level Vigilance and Monitoring Committee meetings are not being held by most states for the last 2 years.

### **6.4.1 State Level Vigilance & Monitoring Committee (SLVMC)**

The Rule 16 of PoA Rules (as amended) states :-

(1) The State Government shall constitute a high power vigilance and monitoring committee of not more than 25 members consisting of the following , viz.

(i) Chief Minister or Administrator- Chairman (in case of a State under President's Rule, the Governor shall be the Chairman);

(ii) Home Minister, Finance Minister and Minister(s) in-charge of welfare and development of the Scheduled Castes and the Scheduled Tribes - Members (in case of a State under the President's Rule, the Advisors shall be Members);

(iii) all elected Members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and the Scheduled Tribes shall be Members;

(iv) Chief Secretary, the Home Secretary, the Director General of Police, Director/Deputy Director, National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes shall be Members;

(v) Secretary in-charge of the welfare and development of the Scheduled Castes and the Scheduled Tribes shall be Convener.

(2) The high power vigilance and monitoring committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the provisions of the Act, scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers or agencies responsible for implementing the provisions of the Act and review of various

reports received by the State Government including that of the nodal officer and special officer.

The Commission noted that :

- Regular meetings of SLVMC were held only in Chhattisgarh and Haryana,
- The SLVMC has not been constituted in Uttrakhand, Andhra Pradesh, Delhi, Goa and Rajasthan,
- In Assam, Bihar, Chandigarh, Gujarat, HP, Jharkhand, Kerala, MP, Maharashtra, Punjab, TN, Telangana, UP, WB though the SLVMC has been constituted, no meetings have been held.

#### **6.4.2 District Level Vigilance & Monitoring Committee (DLVMC)**

The Rule 17 of the PoA Rules (as amended) state:-

1. In each district within the State, the District Magistrate shall set up a vigilance and monitoring committee in his district to review the implementation of the provisions of the Act , schemes for the rights and entitlements of victims and witnesses in accessing justice , as specified in sub section (11) of Section 15A of chapter IVA of the Act , relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration.
2. The district level vigilance and monitoring committee shall consist of the elected Members of the Parliament and State Legislative Assembly and Legislative Assembly and Legislative Council, Superintendent of Police, three group 'A' officers/Gazetted officers of the State Government belonging to the Scheduled Castes and the Scheduled Tribes, not more than 5 non-official Members belonging to the Scheduled Castes and the Scheduled Tribes and not more than 3 members from the categories other than the Scheduled Castes and the Scheduled Tribes having association with Non-Government Organizations. The District Magistrate and District Social Welfare Officer shall be Chairman and Member Secretary respectively.
3. The district level committee shall meet at least once in three months.

The Commission noted that :

- Regular meetings of DLVMC were found held only in Chhattisgarh;
- Irregular meetings in some districts of UP, Haryana, Tamil Nadu, Himachal Pradesh, MP, Odisha, Punjab, Rajasthan and Telangana.
- No meetings have been held in Andhra Pradesh (13 districts), Assam (32 districts)

*No information, regarding holding of the DLVMC meetings was furnished to the Commission by the states of Gujarat, Goa, Jharkhand, Karnataka, Kerala and Maharashtra.*

As a result of the low number of meetings / irregular meetings / non holding of the meetings of these two important Committees , the implementation of the provisions of the Act including payment of compensation to the victims / families of the victims has not been monitored and has been adversely affected. This was observed and recorded by the Commission during the State, Divisional and District reviews of the Commission , as well as during hearings / spot visits by the Commission in specific cases of atrocities.

### **6.4.3 Exclusive Special Courts and appointment of Special Public Prosecutors:**

#### **6.4.3.1 Setting up Exclusive Special Courts :**

The Section 14 of PoA Act (as amended) states that:

(1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, establish an Exclusive Special Court for one or more Districts:

Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this Act:

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Act.

(2) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.

### **6.4.3.2 Appointment of Special Public Prosecutors :**

The Section 15 of PoA Act (as amended) states that:

(1) For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(2) For every Exclusive Special Court, the State Government shall, by notification in the Official Gazette, specify an Exclusive Special Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as an Exclusive Special Public Prosecutor for the purpose of conducting cases in that Court.”.

The details<sup>15</sup> of setting up of Exclusive Special Courts and SPP are :

UP, MP, Rajasthan, Tamil Nadu, Karnataka & Bihar have set up some exclusive special courts. The remaining states have designated Special courts, which handle normal cases also. Consequently, there is a huge pendency of cases of crime against Scheduled Castes in courts in most states.

**Table 6.7**

#### **Details of the Special Courts / Special Public Prosecutor**

State/UT	No of districts with Exclusive Special Courts	No of districts with Designated Court	No of districts with Exclusive Special Public Prosecutor/ Special Public Prosecutor
Andhra Pradesh	1	13	1/13
Bihar	5	33	5/33
Chhattisgarh	0	11	0/11
Goa	0	2	0/2
Gujarat			
Haryana	0	22	0/22
Himachal Pradesh	0	11	0/11
Jharkhand			

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<sup>15</sup> As per information furnished by State Governments to NCSC

Karnataka	8	22	8/22
Kerala	0	4	4
Madhya Pradesh	8	43	8/43
Maharashtra		36	
Odisha	0	36	0/36
Punjab	0	21	0/21
Rajasthan	25	8	25/8
Tamil Nadu	6	26	6/33
Telangana	1	30	1/31
Uttar Pradesh	40	35	40/35
Uttarakhand	0	13	0/13
West Bengal	0	23	0/23
Delhi	0	13	0/13

## 6.5. Observations and recommendations on handling of atrocity cases.

The Commission has been closely monitoring large number of individual cases of atrocities against Scheduled Castes and has also intensively taken up details of action taken by Police and District Administration in cases of atrocities during State, Divisional and District reviews. The observations and recommendations of the Commission are as below:

### 6.5.1. Observations of the Commission :

**6.5.1.1.** FIRs not being lodged: In a large number of cases FIRs of Scheduled Castes are being lodged only after intervention of this Commission (or other Commissions) or after intervention by courts.

**6.5.1.2.** Correct sections of the PoA Act (as amended) and other applicable sections of IPC, POSCO Acts etc. are not being included in the FIRs. In many cases the SSPs/ SPs/Investigating Officers do not appear to have knowledge of the appropriate sections. This was found specially in Punjab, Haryana, Kerala and West Bengal by the Commission. In Punjab only sections of the unamended PoA Act were being added in the FIRs even in cases lodged after January 2016. Since a large number of crimes against SCs/STs have been specifically designated in the amended PoA Act , non application of the correct section in

FIRs / Charge sheets can weaken the case and could be a factor in the low conviction / high acquittal rates.

- 6.5.1.3.** Despite provisions of Rules 6 (1) and 12 (1) of the PoA Rules (as amended), the DMs and SSPs do not visit the spot where even grave atrocities like murder, attempt to murder rape/gang rape or arson occur.
- 6.5.1.4.** The table below Rule 12(4) of the POA Rules (as amended), Serial 40, specifies that on committing offence under IPC punishable with term of 10 years or more, the section 3(2) of the Act is to be invoked with the relevant IPC sections like 302, 307, 326, 366A, 375, 377, 409, 449, 450. The Commission has seen that instead of invoking Section 3(2) of the Act, the authorities have been applying Section 3(2) (va) of the PoA Act (as amended) .The appropriate section for the above offences, under above mentioned IPC sections, is 3(2), and not 3(2)(va).
- 6.5.1.5.** There is no rule that stipulates the Investigating Officer (IO) has to take the opinion of the Special Public Prosecutor (SPP) for finalizing the charge sheet. In many states it has been seen that the IO always takes the advise of SPP and in most cases the Special Public Prosecutor deletes the sections of PoA Act without a speaking order regarding reasons for deletion of the Section of PoA Act.
- 6.5.1.6.** The monetary relief to victims/families of victims even in the grievous crimes like rape, murder etc. are not paid in time and as per the stages of PoA Rules (as amended) i.e. at stage of FIR, Medical report/post mortem/ at stage of charge sheet and at end of trial/conviction. The District Magistrates and SSPs/ SPs of many states expressed ignorance of the rules in most cases and also cited lack of budget head (for pension payment).
- 6.5.1.7.** In most states (except Tamil Nadu, Kerala and in some cases in Telangana and Andhra Pradesh) the payment/additional compensation amount to victims/families of victims as specified in col. No. 46 and 47 of Annexure I of Rule 12(4) regarding norms of relief of the PoA rules (as amended in 2016) are not being adhered to.

- 6.5.1.8.** In Delhi, there is no instructions on the process to be adopted and authority responsible for payment of Compensation / additional Compensation to victims/families of victims as specified in Annexure I of Rule 12(4) regarding norms of relief of the PoA Rules (as amended). The District Magistrates merely state that they are not responsible and are not aware of the guidelines. As a result the victims / families of victims do not receive the monetary relief amounts / or receive incorrect amounts after delays ranging from 3-6 months. The Rules stipulate that the first tranche of relief should be paid within 7 days.
- 6.5.1.9.** The State Level Vigilance and Monitoring Committee (SLVMC) have either not been formed or do not hold the mandatory meetings twice a year. Chhattisgarh and Haryana are the only two states where the meetings are regularly conducted. In Andhra Pradesh, Delhi, Goa, Rajasthan, Uttarakhand, the SLVMC has not even been constituted.
- 6.5.1.10.** The District Level Vigilance and Monitoring Committee (DLVMC) are supposed to have 4 meetings per year per district as per POA Rules (as amended). Chhattisgarh is the only state where these meetings are regularly held. In other states either the meetings are irregular or not held at all.
- 6.5.1.11.** The process of setting up of exclusive special courts special courts as per Section 14(1) of PoA Act (as amended), appointment of exclusive special prosecutors is very slow and lax in most States and could be reason for pendency of such cases and low conviction rate in courts.

## **6.5.2. Recommendations**

- 6.5.2.1.** All FIRs should be lodged and IG Police of Zones should monitor Police Station wise the cases being lodged after order of Court under Section 156 (3).

Action: Ministry of Home Affairs, (MHA) ,Government of India and Home Departments of State Governments/ UTs.

- 6.5.2.2.** Specific instructions and details should be issued to all Police Stations regarding the Sections of the PoA Act (as amended) and other Acts like POCSO etc. which are to be invoked in the FIRs/chargesheets.

Action: MHA ,GoI and Home Departments of State Governments/ UTs.

**6.5.2.3.** Special trainings of Police Officers and District Social Welfare officers / SC /BC Welfare officers need to be conducted on a regular bases. Issues raised at Point 6.5.1.4 of our observations should also be clarified. Ministry of Social Justice and Empowerment (MSJ&E) may also issue clarification on the point.

Action: MHA, GoI , Chief Secretaries of State Governments/UTs and MSJ&E , GoI..

**6.5.2.4.** The DMs & SPs/SSPs of the districts where atrocities are found to be committed must be asked to conduct spot visits as per Rules 6 (1) and 12 (1) of the PoA (as amended) Rules and also ensure timely help/payment of immediate relief as per rules to the victim/families of victims. Specific orders regarding the same need to be issued MSJ&E, GoI needs to take up this issue with the State Governments and monitor progress.

Action: MSJ&E, GoI and Chief Secretaries of State Governments/ UTs.

**6.5.2.5.** Specific directions on the issue raised at our observations 6.5.1.5 need to be issued by MSJ&E and MHA to all State Governments. MSJ&E, GoI needs to take up this issue with the State Governments and monitor progress.

Action: MHA and MSJ&E, Government of India and Chief Secretaries of State Governments/ UTs.

**6.5.2.6.** Specific directions regarding the amounts to be disbursed, phases when to be disbursed as well as time frame (within 7 days), emergency drawal from treasury in case of lack of budget, ensuring additional relief like payment of pension, allotment of house/land, job, education of children etc. should be issued by all State Governments. Training of District Social welfare Officers needs to be conducted on a regular basis by all State Governments .

Action : MSJ&E, Government of India, Chief Secretaries of State Governments/ UTs.

**6.5.2.7.** The Department of Social Welfare, Government of Rajasthan, has developed an online Portal where payment of monetary relief at each stage is mapped and monitored for timely stage wise payments. Similarly Government of Telengana has set up a victim relief monitoring cell in the Police Headquarters with similar cells in all districts. This has helped in ensuring timely and stage wise payment to the victims / families of victims.

MSJE may take up with all State Governments to also develop their own portal or constitute a cell for monitoring and ensuring timely payment of monetary relief to victims / families of victims.

Action: MSJ&E, GoI and Chief Secretaries of State Governments/ UTs.

**6.5.2.8.** Exclusive Special Courts and appointing of special public prosecutors should be expediated by all states / UTs.

Action : Chief Secretaries of State Governments/ UTs.

**6.5.2.9.** Government of National Capital of Delhi (GNCTD) needs to draw up a standard operating procedure and issue instructions regarding the action to be taken by Delhi Police and District Magistrates regarding timely payment of payment of monetary relief / additional relief at each stage to victims and families of victims of atrocities. MHA , GoI may follow up with the Chief Secretary , GNCTD and Commissioner of Police , Delhi to ensure the above.

Action : MHA , GoI , Chief Secretary / GNCTD and Commissioner of Police , Delhi .

**6.5.2.10.** Regular meetings of the SLVMC and DLVMC should be held by all states. The SLVMC should also monitor whether DLVMC meetings are regular.

Divisional Commissioners and Chief Secretaries of States / UTs should keep the regularity and output of these DLVMC meetings as a monitorable point in their review meetings of DMs. Chief Secretaries of all States/ UTs should ensure regular meetings of SLVMC in their States.

Action: MSJ&E , GoI and Chief Secretaries of State Governments/ UTs.

## CHAPTER – VII

### Service Safeguards

The framers of the Constitution took note of the fact that certain castes, races or tribes in the country, who occupy the lowest rank in the ritual hierarchy of Indian society, were suffering from extreme social, educational and economic backwardness arising out of age-old practice of untouchability, lack of infrastructure facilities and geographical isolation.

It was felt that special provisions were required for Scheduled Castes and Scheduled Tribes to secure their adequate representation in public services as a part of their accelerated socio-economic development. Accordingly, safeguards for ensuring adequate representation of the Scheduled Castes, Scheduled Tribes and Other Backward Castes in the services and posts under the State are provided in our Constitution.

#### **7.1 Constitutional provisions :**

- **Articles 16(4):** This Article provides that “nothing in this Article shall prevent the State from making any provision for reservation in appointments and posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State”.
- **Article 16(4A):** This Article was inserted vide the Constitution (Seventy-seventh Amendment) Act, 1995 with the provision: “nothing in this Article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in this services under the state in favour of the Scheduled Castes and Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State”.
- **Further Amendments of Articles 16(4A):** Article 16(4A), was further amended in 2001 to substitute the words “in matter of promotion to any class” by words “in matters of promotions, with consequential seniority, to any class” vide the Constitution (Eighty-Fifth Amendment) Act, 2001. This Amendment was made

operative retrospectively from 17.06.1995, i.e. the date of addition of this Article vide the Constitution (Seventy-Seventh Amendment) Act, 1995.

- **Article 16(4B):** This Article inserted vide the Constitution (Eighty-First Amendment) Act, 2000, provides that “nothing in this Article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under Clause (4) or Clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty percent reservation on total number of vacancies of that year”.
- **Article 335:** This Article stated that “the claims of the member of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistent with maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State”. The following provision was added to this Article by the Constitution (Eighty-second Amendment) Act, 2000. “provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State”.

Pursuant thereto, the Government has issued instructions from time to time providing for reservation in matters of employment under the Government, Central Public Sector Undertakings (CPSUs)<sup>1</sup> and other autonomous bodies under the control of the Government. The compendium of instructions on this subject is

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<sup>1</sup>Central Public Sector Undertakings : CPSUs

available on the website of the Department of Personnel and Training<sup>2</sup> (DoPT). There has been no amendment to the above mentioned Constitution provisions during the period of this Annual Report.

## 7.2 Implementation of the reservation policies :

### 7.2.1 Representation of SCs in Central Government<sup>3</sup> :

Group	Number of Persons						
	Total Number of Employees	SC		ST		OBC	
		Number	%	Number	%	Number	%
<b>A</b>	84521	11312	13.38	5005	5.92	11002	13.02
<b>B</b>	290598	46583	16.03	20910	7.20	42975	14.79
<b>C (excluding Safai Karamchris)</b>	2833696	489749	17.28	246685	8.71	641873	22.65
<b>C SafaiKaramcharis</b>	48997	22124	45.15	3384	6.91	7101	14.49
<b>Total</b>	<b>3257812</b>	<b>569768</b>	<b>17.49</b>	<b>275984</b>	<b>8.47</b>	<b>702951</b>	<b>21.58</b>

The Commission while conducting review/monitoring of implementation of reservation policy of 36 CPSUs and Central Public Sector Banks (CPSBs)<sup>4</sup> meetings observed that there were deficiencies in implementation of reservation policies and the representation of Scheduled Castes is not up to the mark especially in Group 'A' Posts. The Scheduled

<sup>2</sup>Department of Personnel and Training : DoPT

<sup>3</sup>Source DoPT Annual Report 2017-18

<sup>4</sup>Central Public Sector Banks : CPSBs

Castes are not adequately represented at senior levels of Group 'A' in Central Government/ different State Governments, CPSUs and CPSBs.

### **7.3 Reservation in Services**

Instructions were issued on 21.09.1947 providing for reservation of 12<sup>1</sup>/<sub>2</sub> % of vacancies of SCs in respect of recruitment made by open competition. In case of recruitment other than by open competition this percentage was fixed at 16 <sup>2</sup>/<sub>3</sub>%. Vide the Ministry of Home Affairs (MHA)<sup>5</sup> Resolution No. 42/21/49-NGS dated 13.09.1950, 5% reservation was provided for STs also.

#### **7.3.1 Reservation in Direct Recruitment**

The percentage of reservation in direct recruitment on all India basis by open competition for SCs and STs as 15% and 7.5% respectively was fixed vide MHA Resolution No. 27/25/68-Estt. (SCT) dated 25.03.1970. Direct recruitment on all India basis otherwise than by open competition reservation for SCs and STs is 16.66% and 7.5% respectively. In respect of direct recruitment to Group C and D posts, which normally attract candidates from a local area or region, the percentage of reservation for SCs/STs is generally fixed in proportion to the population of SCs and STs in the respective State/UT.

#### **7.3.2 Relaxations and concessions available for SCs/STs**

##### **7.3.2.1 Direct Recruitment**

Apart from reservation, other relaxations viz, relaxation of upper age limit by five years, exemption from payment of examination/application fees, separate interview for SC/ST, standards of suitability, payment of TA and relaxation in experience at discretion of UPSC/competent authority are available for the SCs/STs in direct recruitment.

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<sup>5</sup>Ministry of Home Affairs : MHA

The Government in 1993 introduced 27% reservation for Other Backward Classes in direct recruitment vide O.M. No. 36012/22/93-Estt. (SCT) dated- 08.09.1993 and 22.10.1993. After introduction of reservation for OBCs, total reservation for SCs, STs and OBCs comes to 49.5% in case of direct recruitment on all India basis by open competition and 50% in case otherwise than by open competition. As per various judgment of the Supreme Court, total reservation for these communities cannot exceed the limit of 50%.

### **7.3.2.2 In promotion**

- The zone of consideration is extended to five times against the number of vacancies in case suitable SC/ST candidates are not available within the normal zone of consideration;
- Minimum qualifying marks/standards of evaluation are relaxable;
- Upper age limit to be relaxed by five years where upper age limit for promotion is prescribed not exceeding fifty years, etc.

Reservation till 01.07.1997 was computed on the basis of number of vacancies filled. After that post based reservation was introduced w.e.f. 02.07.1997. The basic principle of post based reservation is that the number of posts filled by reservation by any category in a cadre should be equal to the quota prescribed for that category.

## **7.4 Reservation in Promotion**

Vide MHA O.M. No. 5/4/55-SCT (I) dated 4.01.1957, the reservation was provided for SCs and STs in departmental competitive examinations by the Government of India. Reservation in promotion by selection in Group C and Group D was provided vide MHA O.M. No. 01/10/61-Estt. (D) dated 08.11.1963 and in the same year reservation in departmental competitive examination was limited to Class III and Class IV only. The

MHA issued O.M. No. 01/12/67-Estt. (C) dated 11.07.1968 regarding reservation in limited department examination to Class II, III, and IV and promotion by selection to Class II, III and Class IV were subjected to a condition that element of direct recruitment should not exceed 50 percent.

The percentage of reservation for SCs and STs was increased from 12 ½ % to 15% and 5% to 7½ % respectively from vide MHA Resolution No. 27/25/68-Estt. (SCT) dated-25.03.1970. Reservation in promotion by seniority subject to fitness was introduced vide Department of Personnel O.M. No. 27/2/71-Estt. (SCT) dated 27.11.1972 subject to the condition that the element of direct recruitment does not exceed 50 percent. Reservations in promotion by selection from group C to group B, within group B and from group B to the lowest rung of Group A were introduced vide Department of Personnel and Administrative Reforms O.M. No. 10/41/73-Estt. (SCT) dated 20.7.1974 provided the element of direct recruitment does not exceed 50%. The limitation of the direct recruitment for exceeding 50 % was raised to 66<sup>2</sup>/<sub>3</sub>% in vide Department of Personnel and Administrative Reforms O.M. No. 36021/7/75-Estt, dated 25.02.1976 and raised to 75% vide DoPT O.M. No. 36012/17/88-Estt. (SCT) dated 25.04.1989. Reservation in promotion by non-selection method is available to SCs and the STs in all four groups of services viz. A, B, C and D @ of 15% and 7.5% respectively. In promotion by selection method reservation is available up to lowest rung of Group A at similar percentage.

In promotion by selection to posts within Group A which carry an ultimate salary of Rs18,300 (pre revised) or less there is no reservation, but the Scheduled Caste/Scheduled Tribe officers who are senior enough in the zone of consideration from promotion so as to be within the number of vacancies for which the select list is to be drawn up, would be included in that list provided they are not considered unfit for promotion vide DoPT O.M. No. 36028/21/2003-Estt. (Res.) dated 29.01.2004.

**7.5 OM dated 13.08.1997 quashed on 23.08.2017 and thereafter**

- High Court of Delhi quashed DoPT OM No. 36012/18/95-Estt.(Res.)Pt.-II dated 13.08.1997 vide its Judgment dated 23.08.2017, which is the foundation/base O.M. allowing reservation in promotion beyond 1997.
- DOPT filed an SLP (C) No. 31288/2017 against the Hon'ble High Court of Delhi's judgement dated 23.08.17 in the matter of All India Equality Forum & Ors. Vs. Union of India & Ors.
- Hon'ble Supreme Court vide its order dated 14.11.2017 in CA No.4562-4564/2017 in the matter of the State of Tripura & Ors. Vs Jayanta Chakraborty & Ors. and vide its order dated 15.11.2017 in SLP (C) No. 28306/2017 in the matter of State of Maharashtra & Anr Vs. Vijay Ghogre & Ors referred the issue to the Constitutional Bench as to whether M. Nagaraj Judgement needs reconsideration.
- As per latest development, the Hon'ble Supreme Court in SLP(C) No. 30621/2011 in the matter of Jarnail Singh & Ors. V/s. Lachhmi Narain Gupta & Ors. and connected matters, has passed the following Order on 17.05.2018:

*“It is directed that the pendency of this Special Leave Petition shall not stand in the way of Union of India taking steps for the purpose of promotion from ‘reserved to reserved’ and ‘unreserved to unreserved’ and also in the matter of promotion on merits. ....”.*

- Further, in the matter related to SLP(C) No. 31288/2017, connected to Special Leave to Appeal (C) No. 28306/2017 titled the State of Maharashtra & Anr. Vs Vijay Ghogre & Ors., the Hon'ble Supreme Court held on 05.06.2018 as under:

*“Heard learned counsel for the parties. Learned ASG has referred to order dated 17.05.2018 in SLP(C) No. 30621 of 2011. It is made clear that the Union of India is not debarred from making promotions in accordance with law, subject to further orders, pending further consideration of the matter. Tag to SLP(C) No. 30621 of 2011.”*

### **7.5.1 Action by DoPT:-**

DoPT has issued instructions vide their OM No. No. 36012/11/2016-Estt(Res-I) {Pt-II} dated 15.06.2018 advising Cadre controlling authorities of Central Government Ministries, Departments and Union Territories to carry out promotions in accordance with the directions of the Hon’ble Supreme Court orders dated 17.05.2018 and 05.06.2018 based on existing seniority/select lists. Further, it has also been mentioned that every promotion order must clearly mention the stipulation that the promotion shall be subject to further orders which may be passed by the Hon’ble Supreme Court.

### **7.6 Reservation in outsourcing of work of and projects etc.**

The Commission during its monitoring meetings on implementation of reservation policy and during hearings had observed that reservations for SCs in projects last for more than 45 days, in appointment of young professionals, Research Associates, Consultants, Interns and Data Entry Operators etc. is not being implemented by Ministries/Departments of Government of India<sup>6</sup> (GoI) and State Governments as well as CPSBs, CPSUs, State PSUs and autonomous bodies etc. as per MHA OM No. 27/4/67(II)-Estt.(SCT) dated 24.09.1968 and DoPT OM No. 36036/3/2018-Estt. (Res.) dated 15.05.2018. The OM should be implemented.

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<sup>6</sup>Government of India : GoI

## **7.7 False Caste Certificates**

The Commission has been receiving complaints <sup>7</sup> regarding non Scheduled Caste persons who have obtained service on basis of fake caste certificates thus, depriving the genuine Scheduled Castes. The Commission observed that the Vigilance Committees and Caste Scrutiny Committees set up in the States and UTs as per the guidelines of Hon'ble Supreme Court do not act promptly. The officers do not exercise all possible vigilance prior to issue of SC caste certificates. No strict and exemplary fast action appears to have been taken by appointing authorities / other authorities where false caste certificate are detected.

The Commission has also observed that due to the delay at the level of Appointing Authorities and concerned caste certificates issuing authority in Districts of States/UTs, genuine candidates remain deprived and non eligible persons continue to take advantage of their false certificates.

The Commission has also written to all the Chief Ministries of States<sup>8</sup> in this connection recommending steps to be taken by the Governments in such cases.

## **7.8 Legislation on Reservation:**

Reservations for Scheduled Castes and Scheduled Tribes have been provided for through instructions and executive orders and not through Legislation. The scheme of reservation as formulated by the DoPT and MHA earlier is basically applicable to services under the GoI. Reservations in the services under the CPSBs and CPSUs are governed by separate instructions issued by the Banking Division of Ministry of Finance(MoF)<sup>9</sup> and by the Department of Public Enterprises(DPE)<sup>10</sup> and the concerned

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<sup>7</sup> some examples , case file nos 17/2/UP/2017/ESDW, /8/UP/2018/ESDW, UP/727/2018/APCR, UP/733/2018/APCR, 17/3/UK/2017/ESDW, 17/1/UP/2017/ESDW

<sup>8</sup> vide D.O. letter No. 38/Misc-2/2017/SSW-I dated 16.01.2018

<sup>9</sup> Ministry of Finance: MoF

administrative ministries. There are many other establishments, which are either statutory or non-statutory, where reservations are provided through executive instructions.

The history of Independent India and its development proves that the Constitutional provisions have increased the representation of Scheduled Castes employees in posts and services in Government and its organizations. The degree of implementation of the provisions varies from State to State, according to population of the Scheduled Castes in the particular State. The service safeguards and provisions have played a very significant role in the economic development of the Scheduled Castes in the country. Those groups who were more vigilant, and active have benefited more and those remained ignorant or were the weakest were less benefitted from these provisions. To improve the representation of Scheduled Castes in posts and services and to bring uniformity in the implementation of the policy, there is strong and urgent need to pass a bill on reservation for Scheduled Castes and Scheduled Tribes in the posts and services under the Government. The Bill should contain provisions for punitive measures against the non-implementing organizations and individuals.

The Commission has observed during various review meetings for implementation of reservation policies in different Central/State/Government Offices/CPSUs and CPSBs as well as in its hearings that the reservation policy is not being followed scrupulously in the absence of such a legislation which could provide for any deterrent and penal action against defaulters.

The DoPT vide letter No. 41018/1/2004-Estt. (Reservations) dated 7/12/2004 had sent a draft bill on Reservation for the SCs, STs and OBCs in civil posts and services under the GoI. This Commission had considered the bill and had furnished its suggestions to DoPT vide its letter No. 4/3/2004-SSW V dated 13/12/2004 and 14/12/2004.

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<sup>10</sup> Department of Public Enterprises : DPE

In its suggestions the Commission had pressed for inclusion of a penal clause viz, “any appointing Authority or official or employee entrusted with the responsibility covered under clause 11 of the Bill and contravening any of the provisions of the Bill shall on conviction be punishable with imprisonment which may be extended upto six months or fine of not less than Rs 5000/- or both. The fine shall be payable from his/her salary.” The Commission had also expressed its views to the Chairman of the Department Related Parliamentary Standing Committee and to the Rajya Sabha Secretariat on 09.03.2005.

However, the SC ,ST & OBC (Reservation in Posts and Services), Bill 2004 was introduced in Rajya Sabha on 21.12.2004 without considering the views of this Commission. The Bill has not yet been passed.

## **7.9 Recommendations:**

In light of the issues highlighted above , the Commission makes the following recommendations :

### **7.9.1 On Reservation:**

- The Legislation on reservation Bill may be redrafted including the recommendations of the Commission sent vide letter no. 4.3.2004-SSW-V dated 13.12.2004 and 14.12.2004. The opinion of the Commission may also be sought on the redrafted Bill as per the provisions of Article 338(9) of the Constitution.
- That reservation should be strictly implemented in all the projects of Government which last for more than 45 days and also in on engagement of young professionals, research associates, consultants, interns and data entry operators etc by government departments, CPSUs, CPSBs and autonomous organizations etc. The rule of reservation should be strictly followed in such engagements as per MHA OM No. 27/4/67(II)-Estt.(SCT) dated 24.09.1968 and DoPT OM No. 36036/3/2018-Estt. (Res.) dated 15.05.2018.
- Reservation rosters should be strictly maintained and followed to ensure

adequate representation of SCs in services as per DoPT O.M. No. 36011/1/76-Estt. (SCT) dated- 06.03.1976.

- Special Recruitment Drives should be launched by government departments, CPSUs, CPSBs and autonomous organizations etc to clear backlog vacancies as per instructions of the DoPT OM No. 36038/1(i)/2013-Estt (Res)} dated- 21.6.2013.
- All the instructions issued by DoPT to safeguard the interest of the Scheduled Castes like appointment of Liaison Officers, setting up of SC/ST Cell for grievances, maintenance of grievances registers, inspection of rosters, quarterly meetings with representatives of SC Association etc. must be followed. These instructions are contained in DoPT O.M. No. 43011/153/2010-Estt. (Res.) dated- 04.01.2013, DoPT O.M. No. 8/8/71-Estt. (SCT) dated- 22.04.1971, DoPT O.M. No. 36022/5/76-Estt. (SCT) dated- 27.05.1976 & Department of Personnel and Administrative Reforms O.M. No. 36022/5(i)/76-Estt. (SCT) dated- 28.5.1976.
- Steps should be laid down to improve the percentage of SCs in Group 'A' and 'B' in Central/State Governments/ UTs.and CPSUs/CPSBs etc.
- Grouping of posts of the same cadre, same qualification and pay scale should be completed and declared as single cadre so that representation of SCs is improved. The same is covered under DoPT O.M. No. 36011/17/85-Estt. (SCT) dated 23.07.1985.
- Pre-recruitment and pre-promotional training should be imparted to the SC Employees by all the departments, as per DoPT O.M. No. 28/8/72-Estt. (SCT) dated- 02.03.1972&DoPT O.M. No. 36022/23/93-Estt. (SCT) dated- 27.07.1993.

### **7.9.2 On promotion :**

- As per DoPT OM No. No. 36012/11/2016-Estt(Res-I) {Pt-II dated 15.06.2018, reservation in promotion may be continued to be implemented in all the Central/State Governments ,PSUs and PSBs.

- The Government should consider a Constitutional amendment for putting in place reservation in promotion.

### **7.9.3 On false Caste Certificates :**

- The Vigilance Committees and Caste Scrutiny Committees set up in the States and UTs as per the guidelines of Hon'ble Supreme Court should act promptly and officers concerned should exercise all possible vigilance prior to issue of SC caste certificates. Strict and fast exemplary action may be taken wherever false caste certificate are detected.
- A standard operating procedure laying down the action to be taken by caste issuing authority when a case of verification is referred to them should be issued by DoPT / State and UT Governments. The responsibility to complete the verification work in a time bound manner of 1-3 months, cancelling the false caste certificate, if any, and informing the employer Department/Organization within the specified time frame of 1-3 months, must be given to the concerned District Collector/District Magistrate.
- The State Governments should take disciplinary action and also action under Section-4 of the PoA Act (as amended) against the officers responsible for the issue of the false Caste Certificates, as the genuine candidates of Scheduled Castes are deprived of their legitimate appointment due to the issue of the fake Caste certificates. Necessary instructions need to be issued by the DoPT / State and UT Governments/ Departments.
- For employers (Governments, CPSUs, CPSBs, autonomous bodies etc.) a time frame to complete the action in such cases is necessary as well as introduction of a penal provision to recover the full pay & allowances paid, along with interest from the employees found to have benefitted from production of false caste certificates.

**7.9.4 Action on recommendations of the Commission :** The Commission while investigating service related matters different Departments and PSUs found that some of the departments/PSUs ignore the recommendations of the Commission.

In some of the cases <sup>11</sup> of harassment, discrimination and arbitrary action by Departments / Authorities / PSUs / PSBs where the Commission has found clear discrimination / harassment and issued its recommendations, it has been seen that the Departments/ Authorities /PSUs /PSBs concerned had totally ignored the recommendation. They did not submit any action taken report (ATR) nor did they respond to the Commission or petitioner. As a result the grievance of the petitioners remains unsolved and he/she is forced to approach the Commission or Courts again. There are clear orders of DoPT dated 01.01.1998 and 30.11.1998 wherein the Departments/ Ministries/PSUs etc have been advised to consider the recommendation/ or suggestions of NCSC in light of Government policies. The recommendations of the Commission are issued when discrimination / arbitrary action against Scheduled Castes are found during investigations / hearings of the Commission. Hence the Departments/Authorities/PSUs/PSBs need to consider them and issue speaking and clear orders on the same under intimation to the Commission and individual petitioner concerned.

In view of the ignoring of the recommendations of the Commission by many Departments/ Authorities /PSUs /PSBs , the Commission recommends that the DoPT reiterate its earlier instructions/orders issued vide O.M. No. 36036/2/97-Estt.(Res) dated 01.01.1998 and 30.11.1998 to all Ministries/Departments. to extend maximum cooperation to the Commission in the discharge of its roles and to give due consideration/weightage to all its recommendations/suggestions. In the rare cases where the Departments/ Authorities /PSUs /PSBs may not be in a position to implement recommendations of the Commission speaking orders mentioning the relevant rules and reasons that restrict implementation may be communicated to the Commission and the petitioner within a specific time frame.

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<sup>11</sup> File nos J-9/DoPT-II/2016/SSW-II, R-10/Delhi-32/2005/SSW-I, P-4/UP-18/2017/SSW-II, D-1/UP-33/2017/SSW-II,V-2/UP-23/2016/SSW-II

**7.9.5 The Commission also reiterates the following recommendations of its earlier Annual Reports of 2015-17 and 2016-17 ( upto September 2016) :**

- **Non-implementation of 85<sup>th</sup> Amendment Act, 2001 by Government of Punjab:**  
The Government of Punjab may revise and correct its orders on seniority as per DoPT guidelines dated 22.01.2012 and implement the same providing benefit of seniority to SC employees who are promoted by virtue of reservation roster.
- To replace L-Shaped Roster for cadres having 13 or less than 13 points with 200 point post based roster.
- Reservation should be provided in judicial appointments below the High Court ,to fulfil the prescribed reservation percentage. The Government should also consider setting up of All India Judicial service as per Article 312 of the Constitution. There should be reservation in appointment of Judges on Hon'ble High Court and Hon'ble Supreme Court of India. The rule of reservation must be followed in filing up of vacancies of subordinate staff of Hon'ble High Court & Hon'ble Supreme Court of India.
- Central/State Government & PSUs must consider SC/ST employees association on the basis of a class representing the deprived section of the society. As far as grant of facilities is concerned, they must be provided the facilities at par with Trade Unions.
- The Commission reiterates its recommendation that the Central/State Govt. & UTs should issue strict instructions to the concerned departments under their control that SC officials/officers are not harassed for approaching the Commission for protection and the safeguards provided under Constitution of India or any other Law in force. The DoPT orders No. 36024/5/97-Estt. (Res.) dated 05.01.1998 states that the SC employees can directly approach the Commission and there is no need to seek prior approval.
- The Union and State Government must consult the Commission on policy matters affect the interest of Scheduled Castes as per the provisions of Article 338 (9) of Constitution of India.



## CHAPTER – VIII Socio Economic Development

The Scheduled Caste population constitutes about 16.2% of the total population of India as per 2011 census and these communities are still subjected to social discrimination which has resulted into denial of education and economic, social, political and cultural deprivation. In an effort to bring equality and to undo this historical oppression, the Constitution has Article 46 aimed at the social economic empowerment of Scheduled Caste and Scheduled Tribes. The Article states, “The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes and shall protect them from social injustice and all forms of exploitation”.

At the time of Independence, about 95 percent of Scheduled Caste population was below the poverty line. Given the staggering statistics, the Government brought in special schemes and later the Scheduled Caste Sub Plan (SCSP) to show their commitment to the socio economic development of the Scheduled Castes. While the figure wise allocations of the funds for welfare are considerable, the actual allocation is insufficient to cater the needs of the Scheduled Caste population.

As per details available (as on 31.12.2014) 1263 castes are specified as SCs in the country as below:

**Table 8.1**  
**State/UT-wise number of castes specified as Scheduled Castes <sup>1</sup>**

Sl.No.	State/UT	Number of Castes
1	<b>Andhra Pradesh</b>	59
2	<b>Arunachal Pradesh</b>	0
3	<b>Assam</b>	16
4	<b>Bihar</b>	23
5	<b>Chhattisgarh</b>	44
6	<b>Goa</b>	05
7	<b>Gujarat</b>	36
8	<b>Haryana</b>	37
9	<b>Himachal Pradesh</b>	57
10	<b>Jammu &amp; Kashmir</b>	13

<sup>1</sup>Source : Handbook on Social Welfare Statistics 2016 of Ministry of Social Justice & Empowerment.

Sl.No.	State/UT	Number of Castes
11	Jharkhand	22
12	Karnataka	101
13	Kerala	53
14	Madhya Pradesh	48
15	Maharashtra	59
16	Manipur	07
17	Meghalaya	16
18	Mizoram	16
19	Nagaland	0
20	Odisha	93
21	Punjab	39
22	Rajasthan	59
23	Sikkim	03
24	Tamil Nadu	76
25	Telangana	59
26	Tripura	34
27	Uttar Pradesh	66
28	Uttarakhand	65
29	West Bengal	60
30	A & N Islands	0
31	Chandigarh	36
32	D & N Haveli	04
33	Daman & Diu	05
34	NCT of Delhi	36
35	Lakshadweep	0
36	Puducherry	16
<b>INDIA</b>		<b>1263</b>

Karnataka (101) has maximum number of castes specified as SCs followed by Odisha (93) and Tamil Nadu (76).

## 8.2 Socio economic status of Scheduled Castes

Despite Constitutional directives, a number of legislative and executive measures taken by the Government since independence, there remains a huge gap between the human development indicators like employment, distribution of monthly income, MNREGA etc. in general population and those of Scheduled Castes. The successive Plans have attempted to reduce these gaps and while there is some

evidence of convergence, the disparity is still vast. No new data on socio economic indicators are available and the information in this respect has already been incorporated in the Annual Reports 2015-16 and 2016-17 of the Commission. Hence in this report we are focusing on the impact of some recent schemes of poverty alleviation and entrepreneurship development.

## **8.2.1 Pradhan Mantri Mudra Loan (PMMY) and Stand-up India Loan schemes :**

### **8.2.1.1 Pradhan Mantri MUDRA Loan Yojana<sup>2</sup>**

MUDRA (Micro Units Development and Refinance Agency Ltd.) is an enterprise that supports Microenterprise within the country for NBFC development. The enterprise offers refinancing schemes to support microfinance industries and banks that are in need to disburse loan for up to Rs 10 lakh in value. The loan assistance is provided by MUDRA under the MUDRA Yojana offered by Pradhan Mantri. Apart from this, it offers a number of other related products for development within this sector.

#### **Who Can Apply**

- **Citizenship:** Person needs to be a citizen of India in order to take part in this scheme. It is open to all.
- This scheme is applicable for people who have an average monthly income between Rs. 17000 and Rs. 15 lakh. For self-employed persons or proprietorship owners, the same should not exceed Rs. 2 lakh.
- Persons can only take the loan for any start up that generates income outside the farming activities. Arguably, a large number of professionals engaged in the above fields are from disadvantaged communities including Scheduled Castes. The scheme has an indirect bearing with the welfare of such communities. The State Governments have also targeted specific communities to extend loan under MUDRA scheme like Kerala started schemes for OBC communities.

The Mudra scheme has 3 categories viz :

**Shishu** : In this refinancing stage, MUDRA offers loans to small businesses up to Rs. 50,000.

**Kishore** : In this scheme, small businesses can get loans from Rs. 50,000 to Rs. 5 Lakh.

**Tarun** : In this stage, small institutions can get loans that range from Rs. 5 Lakh to Rs. 10 Lakh.

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<sup>2</sup>Source: [www.mudraloanbusiness.com](http://www.mudraloanbusiness.com)

**Bank-wise data on PMMY 2016-17 and 2017-18 <sup>3</sup>**

**Table 8.2**

Rs. in crore.

Sl. No.	Name of Banks	2016-2017						2017-2018					
		Total No. of loans account		Sanctioned amount		Average loan size		Total No. of loans (no. of account)		Sanctioned amount		Average loans size	
		All Categories	Out of that SCs	All Categories	SCs	All	SC	All Categories	Out of that SCs	All Categories	SCs	All	SC
1	SBI & Associates	1363056	59176	22651.07	283.72	0.01662	0.00479	1410005	124559	28790.89	674.40	0.02042	0.00541
2	Allahabad Bank	105324	11179	2189.15	113.91	0.02078	0.01019	122469	8491	2799.73	104.42	0.02286	0.01230
3	Andhra Bank	110261	7968	1782.18	76.79	0.01616	0.00964	270517	15698	3388.97	169.91	0.01253	0.01082
4	Bank of Baroda	164240	7290	3064.32	77.60	0.01866	0.01064	228677	8410	5305.47	108.40	0.02320	0.01289
5	Bank of India	224703	6220	4895.46	101.78	0.02179	0.01636	362792	13119	5761.86	125.09	0.01588	0.00954
6	Bank of Maharashtra	64240	3359	1930.31	59.60	0.03005	0.01774	64065	3149	2153.10	65.55	0.03361	0.02082
7	Canara Bank	410299	32342	5301.20	286.43	0.01292	0.00886	513769	36118	7664.88	342.73	0.01492	0.00949
8	Central Bank of India	75147	6871	1882.56	90.48	0.02505	0.01317	120551	11825	2815.91	154.15	0.02336	0.01304

<sup>3</sup> Source: Website of Department of Financial Services, Ministry of Finance

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9	Corporation Bank	90864	5069	2067.55	67.40	0.02275	0.01330	109965	6456	2204.67	79.89	0.02005	0.01237
10	Dena Bank	73832	10309	623.57	155.17	0.00845	0.01505	123440	17378	872.02	215.46	0.00706	0.01240
11	Indian Bank	300498	21733	2263.34	97.31	0.00753	0.00448	135595	10185	2185.61	124.42	0.01612	0.01222
12	Indian Overseas Bank	137760	2090	1625.94	17.28	0.01180	0.00827	155527	1735	1956.34	15.94	0.01258	0.00919
13	OBC	66882	4793	1891.56	42.99	0.02828	0.00897	85240	4962	2424.34	50.35	0.02844	0.01015
14	Punjab National Bank	743204	76650	6228.21	146.32	0.00838	0.00191	428397	31124	6837.89	163.17	0.01596	0.00524
15	Syndicate Bank	166221	4583	3208.11	49.80	0.01930	0.01087	185377	5731	3945.30	73.93	0.02128	0.01290
16	Union Bank of India	151779	10974	2867.10	129.69	0.01889	0.01182	185137	14335	4008.43	199.20	0.02165	0.01390
17	United Bank of India	60802	3936	1255.05	64.01	0.02064	0.01626	70545	4911	1710.62	84.49	0.02425	0.01720
18	Punjab & Sind Bank	33075	383	715.82	4.75	0.02164	0.01240	37496	505	1009.79	7.59	0.02693	0.01503
19	UCO Bank	195029	24074	1700.13	88.95	0.00872	0.00369	241393	17057	2669.97	112.39	0.01106	0.00659
20	Vijaya Bank	123149	3043	2100.17	39.07	0.01705	0.01284	169946	2434	2352.95	36.90	0.01385	0.01516
21	IDBI Bank Limited	151772	26603	1710.85	107.61	0.01127	0.00405	112771	15766	1633.95	71.97	0.01449	0.00456
	Total	4812137	328645	71954	2101	0.01495	0.00640	5133674	353948	92492.69	2980.35	0.01802	0.00842

It can be seen that

- only about 6.82% of the total number of loans have been sanctioned to Scheduled Castes whereas the SCs constitute over 16% of the total population. Hence the number of loan sanctioned are not at par with the SC population size.
- The average loan size of SCs is also approximately half of the overall average loan size.
- The maximum loans to Scheduled Castes have been sanctioned in the lowermost Shishu category and progressively lower number of loans have been sanctioned in the Kishore and Tarun categories.

**Recommendation:**

The Commission recommends that at least 15% of the loans under the Mudra scheme are sanctioned to SC applicants. The banks may take urgent necessary initiatives/steps to generate awareness about the scheme and encourage SC persons/entrepreneurs for applying for loans.

**8.2.1.2 Stand-up India Loan:**

Stand-up India scheme was launched on 5 April 2016 by the Prime Minister with a motive of promoting entrepreneurship at the grass-root level for creating employment opportunities and economic empowerment. The scheme is anchored by the Department of Financial Services (DFS).

Stand-up India Scheme facilitates bank loans between 10 Lakh and 1 crore to at least one Scheduled Caste or Scheduled Tribe borrower and at least one woman borrower per bank branch for setting up a green field enterprise. This enterprise may be in manufacturing, services or the trading sector. In case of non-individual enterprises at least 51% of the shareholding and controlling stake should be held by either and SC/ST or woman entrepreneur. The loan amount represents a maximum of 75 percentage of the total business cost.

The analysis of the data on stand up loan is depicted in tables 8.3 and 8.4 below:

**Bank wise details on Stand up loans 2016-17 <sup>4</sup>****Table 8.3**

Rs. in crore

S.No	Name of Banks	No. of branches	Total No. of loans Approved		Amounts of loan approved		Loans to SC male and female				Average loan size	
			All	SC	All	SC	No. of SC men	Loan amount	No. of SC women	Loan amount	All	SC
1	Allahabad Bank	3245	601	110	157.18	25.30	83	20.66	27	4.64	0.26	0.23
2	Andhra Bank	2895	2000	171	352.91	32.60	101	15.92	70	16.68	0.18	0.19
3	Bank of Baroda	5357	1154	195	259.14	35.68	145	24.98	50	10.71	0.22	0.18
4	Bank of India	5127	4105	752	721.74	116.84	564	88.28	188	28.56	0.18	0.16
5	Bank of Maharashtra	1846	187	31	48.69	5.78	22	4.17	9	1.61	0.26	0.19
6	Canara Bank	6075	1181	183	311.79	38.51	142	28.27	41	10.24	0.26	0.21
7	Central Bank of India	4685	1272	325	291.85	66.57	263	51.36	62	15.21	0.23	0.20
8	Corporation Bank	2433	1018	105	255.34	27.44	78	20.89	27	6.55	0.25	0.26
9	Dena Bank	1767	306	52	76.81	9.94	35	7.05	17	2.89	0.25	0.19
10	IDBI Bank Ltd.	1859	502	80	103	16	54	11	26	5	0.20	0.19
11	Indian Bank	2738	790	134	165.82	27.67	87	14.06	47	13.62	0.21	0.21
12	Indian Overseas Bank	3373	708	155	139.96	22.93	115	17.04	40	5.89	0.20	0.15

<sup>4</sup> Source: Website of Department of Financial Services, M/o Finance

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13	OBC	2376	210	27	70.96	6.06	23	4.64	4	1.42	0.34	0.22
14	Punjab & Sind Bank	1500	809	93	148.16	14.38	67	10.54	26	3.84	0.18	0.15
15	Punjab National Bank	6465	6355	999	1268.35	187.66	843	157.25	156	30.41	0.20	0.19
16	State Bank of India	16260	4033	728	887.97	145.39	491	96.96	237	48.44	0.22	0.20
17	Syndicate Bank	4130	1994	109	600.65	25.66	79	18.44	30	7.23	0.30	0.24
18	UCO Bank	3104	543	57	142.98	12.81	42	10.58	15	2.24	0.26	0.22
19	Union Bank of India	4038	570	80	133.00	14.34	65	12.68	15	1.66	0.23	0.18
20	United Bank of India	1990	2090	446	331.07	66.49	332	46.47	114	20.02	0.16	0.15
21	Vijaya Bank	-	865	141	186.18	25.91	111	21.28	30	4.63	0.22	0.18
	Total	81263	31293	4973	6653	924	3742	682	1231	242	0.21	0.19

**Bank wise details of Stand up loans <sup>5</sup> (2017-18)****Table 8.4**

Rs.in crore

S.No.	Name of Banks	No. of branches	Total No. of loans Approved		Amounts of loan approved		Loans to SC male and female				Average loan size	
			All	SC	All	SC	No. of SC men	Loan amount	No. of SC women	Loan amount	All	SC
1	Allahabad Bank	3245	811	105	207.09	21.17	85	17.26	20	3.91	0.26	0.20
2	Andhra Bank	2897	4045	489	735.40	90.82	298	52.52	191	38.31	0.18	0.19
3	Bank of Baroda	5357	2104	274	496.68	51.60	203	38.86	69	12.60	0.24	0.19
4	Bank of India	5127	1206	152	254.41	31.98	97	19.21	55	12.77	0.21	0.21
5	Bank of Maharashtra	1846	764	116	159.18	19.13	87	14.45	29	4.68	0.21	0.16
6	Canara Bank	6204	2153	385	519.64	85.88	299	67.47	84	17.03	0.24	0.22
7	Central Bank of India	4685	909	96	255.24	24.79	70	17.86	26	6.93	0.28	0.26
8	Corporation Bank	2440	536	42	142.78	9.86	27	5.14	15	4.72	0.27	0.23
9	Dena Bank	1767	321	43	80.86	9.44	32	7.34	11	2.11	0.25	0.22

<sup>5</sup> Source: Website of Department of Financial Services, M/o Finance.

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10	IDBI Bank Ltd.	1890	203	30	47.7	4.9	15	2.2	15	2.7	0.23	0.16
11	Indian Bank	2738	791	161	145.6	30.4	97	17.8	64	12.6	0.2	0.2
12	Indian Overseas Bank	3332	860	127	189.47	26.39	91	18.51	36	7.88	0.22	0.21
13	OBC	2623	259	28	89.72	8.90	23	7.19	5	1.70	0.35	0.32
14	Punjab & Sind Bank	1514	517	55	113.22	8.96	44	7.18	11	1.79	0.22	0.16
15	Punjab National Bank	6465	3681	380	810.25	63.02	328	54.97	52	8.05	0.22	0.17
16	State Bank of India	22915	2044	366	503.99	80.29	227	51.65	139	28.65	0.25	0.22
17	Syndicate Bank	4209	660	70	168.16	14.13	48	10.78	22	3.34	0.25	0.20
18	UCO Bank	3104	906	108	218.19	20.58	82	15.49	26	5.09	0.24	0.19
19	Union Bank of India	4059	287	23	69.93	3.45	17	2.46	6	0.99	0.24	0.15
20	United Bank of India	1990	587	102	118.78	21.29	52	11.16	50	10.13	0.20	0.21
21	Vijaya Bank	-	1345	144	235.40	24.63	102	17.61	40	6.42	0.18	0.17
	Total	88407	24989	3466	5798.27	683.73	2433	476.95	1027	204.66	0.23	0.20

While the goal of the scheme was giving a loan to 1 SC entrepreneur/ 1 woman per bank branch, the goals have not been met by the Public Sector Banks (PSBs). In fact as per detailed analysis made by the Commission of the data supplied by the PSBs and the Department of Financial Services to the Commission, it was noted that the range of loans given to SCs range from only 8439 SCs (including 2258 women SCs) have been given loans of Rs. 1607.73 crore. While in terms of percentage of population the number of loans is about 13-14%, the goal on 1 SC per branch has not been met and averages to about 1 SC per 50 branches by (SBI, Union Bank of India), 1 SC per 15-22 branches by (Bank of Baroda, Bank of India, IDBI, Syndicate Bank, Allahabad Bank, UCO Bank etc) to 1 SC per 5 branches (by Andhra Bank) etc.

### **Recommendations**

The PSBs and Department of Financial Services need to draw up guidelines and action plans to ensure the target of loan to 1 SC per branch is achieved. The steps would need to include holding of camps/awareness programmes, handholding of potential loanees, tie up with other Governmental initiatives like Skill India etc, as well as working with various trade and industrial associations to identify potential loanees etc.

Ministry of Social Justice and Empowerment as well as D/o Financial Services, M/o Finance need to vigorously follow up with the Banks so that goals of the scheme for SC entrepreneurs are achieved.

### **8.2.2 Analysis of achievement of Pradhan Mantri Awas Yojana (PMAY) (previously Indira Awas Yojana) :**

**Pradhan Mantri Awas Yojana (PMAY)** is a major flagship program of the Ministry of Rural Development to construct houses for BPL population in the villages. Data shows that 70.61% of the target <sup>6</sup> was completed in 2016-17 and 77.22% of the target <sup>7</sup> was completed in 2017-18. Out of the 41,10,580 SC houses sanctioned under the scheme, 31,74,504 SC houses were completed during 2017-18.

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<sup>6</sup> Source : IAY /PMMY data in website ( [www.rural.nic.in](http://www.rural.nic.in) ) of Ministry of Rural Development.

<sup>7</sup> Source : IAY /PMMY data in website ( [www.rural.nic.in](http://www.rural.nic.in) ) of Ministry of Rural Development.

**Details of the State wise progress are depicted in table 8.5.**

From the table it can be observed that overall there is improvement in the percentage of completion of the target in 2017-18. However, States like Andhra Pradesh, Bihar, Meghalaya has completed less than 50% of the targets.

The Commission had noted in its review meetings of Haryana, West Bengal, Punjab and Telangana that in PMAY, approximately 20% houses were allocated to Scheduled Castes which is satisfactory.

Table 8.5

State/UT-wise target and achievement of PMAY <sup>8</sup> in 2016-17 & 2017-18

S.No.	State	2016-17				2017-18			
		Total Target	Total Geo-Tagged	Total House Sanctioned	Total House Completed	Total Target	Total Geo-Tagged	Total House Sanctioned	Total House Completed
	Total	3204663	2815166	2924474	2065084	4279190	4876706	4110580	3174504
1	ANDAMAN AND NICOBAR	262	0	0	0	210	0	0	0
2	ANDHRA PRADESH	48058	9181	8741	3440	75054	72608	71969	35593
3	ARUNACHAL PRADESH	2187	7	9	0	9034	1730	1301	60
4	ASSAM	40119	32439	30599	12795	219695	203393	189055	112489
5	BIHAR	538959	340871	343102	84536	637658	627364	592802	204727
6	CHHATTISGARH	206372	197736	206372	193102	232903	276851	232903	219533
7	DADRA AND NAGAR HAVELI	801	829	750	26	304	299	297	25
8	DAMAN AND DIU	15	15	14	13	0	0	0	0
9	GOA	0	0	0	0	761	81	61	0
10	GUJARAT	91108	82837	89192	63064	113595	138282	111931	87759
11	HARYANA	9598	7683	9208	2211	11904	13437	11710	7005
12	HIMACHAL PRADESH	2511	2195	2188	1544	4874	4903	4695	4455
13	JAMMU AND KASHMIR	21752	16996	15518	2425	17020	14599	13692	6843

<sup>8</sup> Source : IAY / PMMY data in website ( www.rural.nic.in ) of Ministry of Rural Development.

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14	JHARKHAND	159052	165982	159049	108677	230855	243374	230833	196542
15	KARNATAKA	52284	82368	76696	27679	93065	60433	60425	35763
16	KERALA	9872	2359	3559	2557	32559	16073	13229	11543
17	LAKSHADWEEP	0	0	0	0	57	53	53	0
18	MADHYA PRADESH	389532	112392	389673	347062	448147	775516	448122	407652
19	MAHARASHTRA	150934	259105	140793	84177	230422	281291	224615	182643
20	MANIPUR	0	436	0	0	9740	12733	9735	4043
21	MEGHALAYA	3715	3806	3544	0	17030	17093	17028	2033
22	MIZORAM	1794	18	0	0	4806	3456	3319	2038
23	NAGALAND	0	0	0	0	8481	5614	2928	0
24	ODISHA	340498	363776	340362	261108	396102	401199	395735	333644
25	PUNJAB	4000	624	4001	742	10000	31881	9999	6120
26	RAJASTHAN	223629	164806	223083	181095	250258	391469	249982	225926
27	SIKKIM	0	0	0	0	1957	1096	1095	914
28	TAMIL NADU	130214	125650	110468	29872	176338	199895	176339	98855
29	TELANGANA	0	6	0	0	0	0	0	0
30	TRIPURA	1259	997	1259	598	23730	24498	23728	18328
31	UTTAR PRADESH	396594	392084	387103	302031	575258	586506	572459	545791
32	UTTARAKHAND	4915	2306	3999	1879	10861	10274	8535	7457
33	WEST BENGAL	374629	447662	375192	354451	436512	460705	432005	416723
	<b>Total</b>	<b>3204663</b>	<b>2815166</b>	<b>2924474</b>	<b>2065084</b>	<b>4279190</b>	<b>4876706</b>	<b>4110580</b>	<b>3174504</b>

### 8.3 Scheduled Caste Sub Plan (SCSP)

The Scheduled Castes Sub Plan (SCSP) is the plan for Scheduled Caste persons to channelize funds and benefits through family oriented identified schemes by providing resources for filling the critical gaps and for providing missing vital inputs. The SCSP, which contains details of financial and physical targets, is expected to form an integral part of Plan documents of Government of States/UTs and Center. Some of these schemes are envisaged to help the poor SC families through composite income generating programs covering all major occupational groups amongst Scheduled Caste such as agricultural labourers, small and marginal farmers, sharecroppers, fishermen, sweepers and scavengers, urban unorganized labourers below the poverty line, and so on. Since the schemes / programmes for SCs depend upon the local occupational pattern and the economic activities available, the States/UTs have been given full flexibility in utilizing SCA with the only condition that it should be utilized in conjunction with SCP and other resources available from other sources like various Corporations, financial institution etc., within the overall frame work of the scheme.

In addition, the SCSP seeks to improve the living conditions of Scheduled Castes through provision of drinking water supply, link roads, house-site and housing improvements, establishment of such services as primary schools, health centers, veterinary centers, panchayat ghars, community halls, nutrition centers, extension of electricity, common workplaces, and common facility centers and so on.

SCSP has proposed a paradigm shift from ‘post-facto accounting’ to ‘pro-active planning’ approach with regard the sub plans. SCSP should be an integral part of Annual Plans, making provisions therein non-divertible and non-lapsable, with the objective of substantial reduction in poverty and unemployment among SCs and for bridging the gaps in their socio-economic development.

Despite a number of specific schemes implemented for the SCs by the State Governments, the condition of SCs on the human development index remains below that of the rest of the population.

**8.3.1** Ministry/Department-wise<sup>18</sup> total Plan allocation (BE/RE) SCSP for the Annual Plan 2017-18 is at **Annexure IX A**

At par/above par SCSP allocation with respect to obligation was noticed in the following ministries/departments:

Ministries/departments	Obligation	Actual
1	2	3
• Ministry of Agricultural & Cooperation	16.20	16.60
• Department of Animal Husbandry, Dairying, and Fisheries	16.20	16.61
• Department of AYUSH	05.00	14.02
• Department of North East Region	02.00	02.01
• Ministry of Drinking Water Supplies	22.00	22.00
• Department of Health and Family Welfare	15.20	15.90
• Housing and Urban Poverty Alleviation	22.50	22.42
• Social Education & Literacy	20.00	21.74
• Department of Higher Education	15.00	53.44
• Labour & Employment	16.20	16.45
• New and Renewable Energy	03.50	03.48
• Ministry of Power	08.30	09.29
• Science & Technology	02.50	04.35
• Department of Social Justice and Empowerment	72.50	79.27
• Ministry of Youth Affairs and Sports	16.20	25.28

While the other Ministries/ Departments show lower percentage of SCSP allocation.

### 8.3.2 Analysis of State wise SCSP allocation:

States wise allocation and expenditure under SCSP for the year 2016-17 and 2017-18 is placed at **Annexure IX B**

- Data was supplied only by 13 States Governments /UTs Administration <sup>9</sup>.
- *Andaman and Nicobar Islands , Arunachal Pradesh, Chhattisgarh , Dadra and Nagar Haveli , Daman and Diu ,Gujarat, Himachal Pradesh ,Jammu and Kashmir ,Jharkhand ,Karnataka ,Lakshadweep ,Madhya Pradesh ,Maharashtra ,Manipur ,Meghalaya ,Mizoram ,Nagaland ,Delhi , Odisha , Puducherry ,Punjab, Sikkim ,Tamil Nadu and Uttarakhand did not furnish the data.*

<sup>9</sup> Andhra Pradesh, Bihar, Punjab, Rajasthan, Tripura, Uttar Pradesh, Chandigarh, Telangana, Assam, Goa, Haryana, Kerala, West Bengal

**Allocation for the year 2016-17**

- States with SCSP at/above par with SC population:  
*Andhra Pradesh, Bihar, Punjab, Rajasthan, Tripura, Uttar Pradesh, Chandigarh, Telangana.*
- States with SCSP outlay less than % SC population:  
*Assam, Goa, Haryana, Kerala, West Bengal.*

**Allocation for the year 2017-18**

- States with SCSP at/above par with SC population:  
*Bihar, Haryana, Kerala, Rajasthan, Telangana, Tripura.*  
While the SCSP allocation in Punjab is at par with the SC population, however the allocation has reduced to almost 50% from that of 2016-17.
- States with SCSP outlay less than % SC population:  
*Andhra Pradesh, Assam, Goa.*
- *Information in respect of SCSP allocation has not received/provided by West Bengal and Chandigarh*
- There is reduced allocation from 2016-17 to 2017-18 in case of Punjab, Rajasthan, Tripura.
- States which show an increase in allocation over 2016-17 to 2017-18 are Andhra Pradesh, Assam, Bihar, Goa, Haryana, Kerala, Telangana, Uttar Pradesh.
- The information about the SC specific schemes to the total State plan allocation is not available.

**Expenditure for the year 2016-17**

- State with more than 75% of expenditure:  
*Andhra Pradesh, Assam, Bihar, Haryana, Kerala, Punjab, Rajasthan, Tripura and Chandigarh (100%).*
- State with less than 75% of expenditure:  
*Goa, Telangana, Uttar Pradesh.*

No expenditure details in respect of West Bengal were provided.

**Expenditure for the year 2017-18**

- State with more than 75% of expenditure:  
*Andhra Pradesh and Tripura.*

Other States have less than 50% expenditure. Most States have not provided information.

**8.3.3** During review of States of Haryana Punjab, Telangana, UP and West Bengal by the Commission, it was observed that there was low allocation and expenditure on SC specific schemes under SCSP. The reduced expenditure of some departments of the States was attributed to many schemes being run in mission mode outside the budget. Some States have not utilized the Plan allocation and surrender a major portion of the funds.

The NITI Ayog issued revised guidelines vide OM no. M-11011/08/2015-SJ&SW dated 20.04.2015 on SCSP and stated that the Inter-Ministerial Committee has taken note of the detailed guidelines in the year 2013 relating to the SCSP for the Scheduled Castes, issued by the Central Government from time to time. The basic objective of the SCSP has been to channelize the flow of outlays and benefits from the general sectors in the Plan of States for the development of Scheduled Castes, at least in proportion to their population, both in physical and financial terms. It has been observed that several State Governments have not been earmarking adequate funds to SCSP, proportionate to the share of SCs in the population. It was reiterated that SCSP should be an integral part of Annual Plans of the States, making provisions therein non-divertible and non-lapsable, with the objective of substantial reduction in poverty and unemployment among SCs and for bridging the gaps in their socio-economic development. In fact in our review of many States we have noticed that many departments surrender their SCSP allocations.

#### **8.3.4 Observations**

The Commission has noted that the Inter- Ministerial Committee report states that there has been poor utilization of the allocated funds for the welfare of SCs. In some cases, funds meant for Scheduled Castes have been diverted and/or used in sectors not benefiting SC population directly. In some instances, the departments have been allocating funds for the schemes/projects meant for SCs but they do not have enough scope for tailor-made projects and schemes suitable to their specific needs. There is no focus on entrepreneurship, employment, and skill development projects. There are a number of departments that routinely surrender their budgets.

#### **8.3.5 Recommendations**

The Commission, therefore, strongly recommends the formulation of such specific schemes for the benefit of the SCs which will increase the employability of the beneficiaries. The DAPSC<sup>10</sup> should include only such existing schemes or new schemes which fulfill the following norms:-

- The schemes which have the potential to accelerate the pace of development of the SCs and to bridge the socio-economic development indicators between SCs as compared to the advanced sections of the society.
- The schemes should secure quantifiable benefits to the scheduled caste households or areas majorly inhabited by the scheduled castes.
- Those schemes should be included in the DAPSC that enhance the incomes of the target group and lead to the development of assets such as those related to sectors like agriculture, animal husbandry, dairy development, fisheries, and Agriculture/allied sectors.
- The States should give priority to schemes which provide basic minimum services like primary education, health, drinking water, nutrition, rural housing, and link roads and electrification to SC villages.
- Social Audit of the expenditure needs to be conducted in each district.
- The States/UTs having SC population may fix clearly defined targets, based on parameters like educational status, enrolment, occupation, health indicators, per capita income, access to basic amenities like drinking water, housing etc. taking into account the national targets. Efforts should be made to achieve the assigned targets and not to spend funds from DAPSC/SCSP head on general schemes like road construction, electrification, development of civil airports, buildings as it was found booked in by many States and Union Territories.

#### **8.3.6 Central Legislation on SCSP:**

- As the basic objective of SCSP is to channelize the flow of outlays and benefits from Plans of States for development of Scheduled Castes, in proportion to their population, the Commission recommends that a Central Legislation should be considered on the same to regulate allocation of funds for SCSP, preparation of Scheduled Castes specific schemes and monitor the expenditure with the Scheduled Castes population of 2011 census as base. Such legislation can be on lines of the legislations passed the State of Andhra Pradesh and Karnataka.

#### **8.3.7 Extending the scope of reservation for increasing SC entrepreneurship etc :**

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<sup>10</sup>DAPSC : Development Action Plan for Scheduled Castes SCSP has now been renamed as DAPSC.

- The State /UT Governments and their various Development authorities / Industrial development authorities , KVIC , MSME programmes and PMEGP<sup>11</sup> etc should ensure reservation to SCs in all their schemes , especially in the allocation of industrial estates and plots . The Development Authorities , Housing Development Boards and Municipal Authorities also need to ensure proper reservation for SCs in the allocation of shops and houses.
- The Ministry of Petroleum and Natural Gas needs to ensure that schemes for allocation of petrol pumps , gas agencies , tanker truck allocation etc by the oil sector PSUs ( like Oil India , HPCL , BPCL etc ) is correctly implemented and the schemes are not changed to the detriment of SCs.

#### **8.4 Deaths due to manual cleaning of sewers despite Act prohibiting the same.**

Eradication of dry latrines and manual scavenging and rehabilitation of manual scavengers in alternative occupation have been areas of high priority of the Government. To achieve the above objectives, legislative and programmatic interventions have been undertaken from time to time. In order to liberate the manual scavengers from their traditional occupation and to provide rehabilitation to them ‘the Prohibition of Employment as manual Scavengers and their Rehabilitation Act,2013’ (MS Act,2013) was passed by the Parliament and has come into force from 06.12.2013 with target dates of implementation of the same.

The Commission noted that despite the prohibition of manual scavenging and manual cleaning of sewers by the Act, the same continued to be violated with impunity. Unfortunately the violations come to notice, only when tragedies occur while manual cleaning of sewers.

During the year under Report, the Commission took note of 25 reported cases in which 70 labourers/ safai karamcharies died due to manual cleaning in the Country. The cases have been discussed in detail in section 4.8 of Chapter IV of this report and the up to date status of the action taken by the authorities has been indicated. The cases in brief are :

- 12 deaths in 5 incidents in **Delhi** on 15.07.2015, 06.08.2017, 13.08.2017, 20.08.2017 and 19.09.1017.
- 5 deaths in 2 incidents in Uttar Pradesh on 22.09.2017 and 15.12.2017 (District Agra, Gautambuddh Nagar).

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<sup>11</sup> PMEGP : Prime Minister’s Employment Generation Programme.

- 11 deaths in 4 incidents in **Haryana** on 29.03.2017, 03.06.2018, 01.10.2017, 29.01.2018 (District Gurugram, Faridabad, Sonipat, Palwal).
- 6 deaths in 3 incidents in **Punjab** 04.06.2018 (District Tarantaran, Ludhiana,).
- 3 deaths in one incidence in **Tamil Nadu** on 27.03.2018 (District Vellore)
- 4 deaths in one incident in **Madhya Pradesh** (District Devas).
- 2 deaths in 1 incident in **Telangana on 18.12.2017** (District Hyderabad).
- 14 deaths in 4 incidents in **Andhra Pradesh** 15.03.2017, 16.02.2018, 17.03.2018 and 20.03.2018 (District Chittoor, Vishakhapatnam, Krishna, Vijaywada).
- 5 deaths in 2 incidents in **Chhatisgarh** 04.06.2018 and 22.08.2018 (District Durg, Surajpur)
- 6 deaths in one incident in **West Bengal on 30.03.2018** (District North 24 Parganas)
- 2 deaths in one incident in **Bihar** on 03.05.2017 (Patna).

The Commission also conducted spot enquiries in many of these incidents and in a number of cases, hearings were also held in the Commission. The matter was also discussed during the Review meetings held with State Governments of West Bengal, Haryana, Telangana, Punjab and UP. It was observed that despite the complete ban of manual cleaning of sewers by the Hon'ble Supreme Court of India and the MS Act, the state Governments have totally failed to check occurrence of such cases. The follow up action when such tragic cases come to light is also wanting by all State Governments despite clear cut guidelines laid down in the MS Act and Rules, the PoA Act and Rules and the guidelines of the Hon'ble Supreme Court. The position as per Acts/Rules are as follows:

**Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act, 2013)**

**Government responsibility**

- Under this Act every local authority and other agency is to use appropriate technological appliance for cleaning to sewers, septic tanks and other space within their control with a view to eliminating the need for the manual handling of excreta in the process of their cleaning. (Provision 33(l) of MS, Act, 2013).
- Government to promote, through financial assistance, incentives and otherwise, the use of modern technology, as mentioned above.
- Where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part

of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to guilty of that offence and shall be liable to be proceeded against and punished accordingly. (Provision 23 (2) of MS, Act).

- The Central Government shall, by notification, publish model rules for the guidance and use of State Governments; and (provision 37 (a) of MS, Act)
- In case the State Government fails to notify the rules under section 36 of this Act within the period of three months specified therein, then the model rules as notified by the Central Government shall be deemed to have come into effect, mutatis mutandis, in such State, till such time as the State Government notifies its rules. (provision 37 (b) of Ms Act)

### **Prohibition of employment as Manual Scavengers and their rehabilitation Rules 2013 (PEMSR Rules 2013)**

- No person shall be allowed to clean a sewer manually, without the protective gear and safety devices under these rules and local authority shall ensure the same Rules 3 (1), (4) & (5).

### **Hon'ble Supreme Court Guidelines**

- The Supreme Court in its order dated 27.03.2014, in Contempt Petition No. 132/2012 in WP (Civil) No. 583/2003 directed that entering sewer lines without safety gears should be made a crime even in emergency situations. 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 include:-  
For eventual death while cleaning sewers, in each such death, compensation of Rs. 10 lakhs should be given to the family of the deceased.

### **Relief/ Compensation**

- As per Supreme Court order in, Contempt Petition No. 132/2012 in WP (Civil) No. 583/2003 compensation of Rs. 10 lakhs should be given to the family of the person who died while manually cleaning sewers, septic tanks etc.
- As per Rule 7 (v) of the PEMS, Rules, 2013, employer was to ensure that the assigned person has life insurance policy of at least Rs. 10 lakh and the premium of such shall be paid by the employer. If the employer has failed to ensure the Life Insurance Policy in this case, the liability of accused may be borne by the employer. The Life Insurance policy payment may also be made to the families of the victims in addition to the compensation amount to be paid.

### PoA Act and Rules

- If the victim belongs to Scheduled Castes then FIR may be lodged under PoA Act alongwith MS, Act, 2013. The family of victims may be provided relief/ compensation of Rs. 8.25 lakh ( Rs 4.125 lakh on FIR / postmortem stage & balance after filing the charge sheet ) under the PoA, Rules. The family of victim may also be rehabilitated and relief like house, education to children of victims, job to one member of the family etc. are to be provided as per the PoA Rules.

### The Commission has observed that :

- The actions prescribed in the Acts/ Rules and Hon'ble Supreme Court guidelines have not been taken by the State Governments / UT Governments.
- It is observed during spot enquiries, hearings and review meetings conducted by the Commission with the State Governments that the MS Act, 2013 and Rules, 2013 have not been implemented properly by the State Governments / UT Governments. In some cases even compensation of Rs. 10 lakh has not been provided to the families of the victims/safaikaramcharies who have lost their lives.
- During Review Meeting with the States of Telangana, Punjab, Haryana and Punjab the Commission pointed out that the Rs. 10 lakh on account of insurance has not been paid in most cases. In number of cases no steps have been taken up for rehabilitation of the families of victims.
- In case the victims are Scheduled Castes the action was also to be taken under the provision of PoA Act and Rules. The compensation under the PoA Rules were to be paid to the family of SC victims. The additional relief measures like providing a house, education to the children of victims, job to one member of family etc. were also not provided in such cases.
- The Commission observed that even in the Capital city, there were 5 incidents where 12 persons lost their lives. It was found during the subsequent spot enquiries and hearings that the Government of NCT of Delhi (GNCTD) had not implemented the MS Act, 2013 and PEMSR, Rules, 2013. The GNCTD had failed to check such incidents in the capital of our country. In fact while as per Section 36 (1) of the MS Act 2013, the State Governments were to notify the relevant Rules under this Act by December 2013, GNCTD had failed to notify the said Rules. ***The GNCTD issued the notifications and instructions*** regarding safety of workers and implementation of PMES Act and their Rehabilitation Rule, 2013 i.e. banning of cleaning of manual cleaning without

using protective gears and safety devices etc. vide Instructional orders number DJB/Member (Dr)/2017/488-504 dated 30.08.2017, *only after the intervention of this Commission.*

**Recommendations :**

**Recommendations of the Commission:**

From the above, it appears that most of the States have not notified the MS Act and PEMSR Rules and even where notified the same are not being applied in letter and spirit. The Commission has shown grave concern that even after implementation of the “MS Act 2013 and PEMSR Rules 2013, the State Governments have failed to check incidents. It appears that either the surveys of persons engaged in Manual Scavenging as per MS Act have not been done nor was all action expected applied in letter and spirit.

Hence the Commission recommends that all the State / UT Governments need to take action/issue instructions to ensure that :

- All officers and staff of the concerned Departments, Municipal Corporations, Town area Municipal Councils, gram and zila Panchayats, Jal Sansthan/Jal Boards etc and private contractors employed by such Departments/Corporations/Councils/Gram Panchayats etc. are continuously trained/retrained to handle issues of cleaning of blocked sewers, sewage/ septic tanks etc. without making human beings enter the same.
- State Governments should conduct awareness/training programme/workshops of the Tehsil level/district level officers of the State to make the officers (including police officers) aware of the provisions of the MS Act, PEMSR Rules 2013, PoA Act and Rules, guidelines of the Hon’ble Supreme Court in this regard and action to be taken by officers.
- 100 percent cleaning of sewage lines, septic tanks etc by using machines/robots etc should be ensured and sufficient numbers of the machines and robots need to be purchased on a priority. State Governments need to take steps to provide sufficient budgetary support for the same.
- That comprehensive guidelines/circulars may be issued to all the relevant departments of the State Governments, owners of private buildings, RWA of housing societies/ complexes regarding preventive measures to be taken and safety devices to use while cleaning the septic tanks or STPs.

- In order that such tragedies do not reoccur immediate institutional steps are needed regarding strict compliance of provisions of the PEMSR Rules, 2013 with respect to the cleaning of sewers and spreading awareness of the provisions of the MS Act 2013. State Level awareness programmes need to be arranged.
- The Labourers/safai karamcharies should be periodically medically checked and all medical facilities be given to them.
- It is also advised that whenever a contractor is engaged for cleaning of sewers/septic tanks etc. then it may also be ensured that all the above relevant sections of the Rules and Act are be incorporated in the agreement and adherence to same is ensured.

If a person dies during cleaning of sewers, septic tanks etc., the following steps are to be taken:

- (i) FIR should be lodged under the relevant sections of IPC, the relevant section 7/9 of MS Act and also under section 3(1) j of PoA, Act, in case victim is a SC.
- (ii) All out efforts are to be made immediately to arrest the accused persons and trace the absconding accused if any.
- (iii) The departments concerned should immediately constitute departmental enquiries against officers responsible, find out the lapses and take action against the officers found guilty.
- (iv) Government/Employer should bear costs of medical treatment, if any of victims.
- (v) Rs. 10 lakh compensation needs to be given as per guidelines of Hon'ble Supreme Court within 7-10 days.
- (vi) It may also be ensured all the labourers/ safaikaramcharies should be covered under the life insurance of Rs. 10 lakh as per rules and the payment of the same to be released within 7 to 10 days in case of tragedies..
- (vii) In case victim is a Scheduled caste, then monetary relief (Rs. 8.25 lakh per victim) and relief as per provisions of the PoA Rules should also be sanctioned.
- (viii) The families of the victims may be rehabilitated as per the provisions of MS Act, 2013 and under the scheme of self-employment for rehabilitation of manual scavengers for a life of dignity.
- (ix) The Government should also design a monitoring system to avoid any delays for extending relief and rehabilitation of the families in case of any such tragedies and all help to victims/families of victim.

- It is the duty of the State Government that no manual cleaning of sewers, sewer lines, septic tanks, STPs etc may be allowed in any part of the State to avoid occurrence of such incidences. It may also be ensured that all the sewer lines, sewers, tanks and STPs should be cleaned mechanically. In case of emergency, the labourers should be provided all the safety measures, fire brigade, and ambulance should be kept ready while cleaning under the supervision of the officers of the concerned Department. In case any incidence of death occurs while cleaning the sewer lines, septic tanks or STPs then the concerned officers should be held responsible and action should be taken.

## **8.5 Recommendations on Socio –economic development**

### **8.5.1 Planning Process**

Article 338 of the Constitution of India states that:

The Union and every State Government shall consult the Commission on all major policy decision affecting Scheduled Castes.

In 2017-18 no proposal for advice on planning process of socio- economic development of SCs was received by NCSC from any State Government and no advice of NCSC was sought on planning DAPSC expenditure by any Ministry / Department of the Union or of the States.

Hence NCSC reiterates its recommendation that:

Government of India may issue an OM reiterating the provisions of Article 338 (9) wherein the concerned Ministries / Departments of the Government of India and State / UT governments shall consult with NCSC in planning process for schemes wherein the socio-economic welfare of Scheduled castes is affected.

### **8.5.2 Non-payment of Scholarship to SC students.**

The Commission and its State Offices have been receiving a large number of cases of non-payment of scholarship and tuition fee reimbursement to the Scheduled Caste students. The Commission has taken up all the cases with the concerned Principal Secretaries, Social Welfare Department of State Governments / District Magistrates and District Social Welfare Officers.

The Commission is also receiving complaints from the SC students that recognized Private institutions are not giving admission to SC students as per revised guidelines of the Ministry of Social Justice & Empowerment in Post Matric Scholarship scheme (2017-18 to 2019-20).

The Commission recommends that the :

- Current guidelines for Post Matric Scholarship 2017-18 to 2019-20 may be amended so that SC students could get admission on the zero fee in the recognized private institutes as in the past .
- The Commission has already made its recommendation in the Report on “Problems faced by Scheduled Caste Students in obtaining Scholarship” in the year 2016. Hence, the Commission reiterates its recommendations that State Government should release the Post matric Scholarship to Scheduled caste Students in time so that they could continue their study or they can apply for career advancement.
- Old left out scholarship cases of 2014 onwards should be examined by all state Governments and all eligible students paid the scholarships and fee reimbursement due to them , within a time frame of 6 months.

**Other recommendations:**

- The Commission recommends that the State Governments may formulate schemes for allotment of land to landless SC people / or should continue such existing schemes.
- It is recommended to start suitable schemes to improve the health conditions of SCs.



## CHAPTER – IX Recommendations

### 9.1 Recommendations on strengthening the effectiveness of NCSC

The Commission has made several specific recommendations regarding strengthening of the effectiveness of the Commission in its previous Annual Reports<sup>1</sup>. The Government was to take action on the same. It is seen that so far no action has been taken on any of these past recommendations, as a result of which the effectiveness of the Commission is adversely affected. Hence the Commission strongly makes the following recommendations:

#### **9.1 Strengthening of Commission**

##### **9.1.1 Provision for imposing monetary penalty on authorities violating the PoA Act.**

Article 338, of the Constitution states that “the Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit”. This status of the NCSC is however limited to that of summoning and enforcing attendance of any person including examination of witnesses under oath and examining documents and has no other powers of a civil court. This limited role of NCSC as civil court has also been confirmed by the Hon’ble Supreme Court in the case of All India Overseas Bank SC and ST Employees Welfare Association and others Vs. Union of India & Others wherein it has been stated that the power of civil court for granting injunctions temporary or permanent do not rest with the Commission, nor can such a power be derived from the clause (5) of Article 338 of the Constitution.

As a consequence the authorities often do not follow the recommendations of the Commission even when there are clear-cut cases of atrocity and discrimination. While the repercussions of the non compliance in service matters are unfortunate, the non compliance of provisions of the PoA Act and Rules by the authorities, in cases of

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<sup>1</sup> Annual Report 2015-16 , Annual Report 2014-15 , Annual Report 2013-14, Annual Report 2012-13 etc

atrocities, means that the victims do not get any justice, help or compensation. The Commission has noted that even the Central Information Commission has been granted the power to impose penalties on the authority not complying with the provisions of the RTI Act <sup>2</sup> but this Commission which oversees the monitoring of the PCA Act and PoA Act has no powers to ensure compliance even on cases violation of the Acts and PoA Rules.

To overcome this anomaly and to ensure the Commission has a role to play in ensuring justice to the victims of atrocities , the Commission recommends that in line with the clause 20 (1)of the RTI Act, the following should be considered :

For strengthening the functioning of the Commission and for monitoring the constitutional safeguards provided for Scheduled Castes more effectively, the authorities of Central and State Government , as the case may be, who are responsible for implementing the provisions contained in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989( as amended) and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, (as amended) and, have failed in their constitutional duty to redress the grievances of a Scheduled Castes persons or has not taken any action as per aforesaid Act and Rules, a monetary penalty clause may be added to the Article 338 with respect to sub-clause (a) (b) & (f) of clause (5) and sub-clauses (a) to (f) of clause (8) of Article 338 as under:-

*“Where the National Commission for Scheduled Castes, at the time of deciding any complaint or appeal on the cases of grave atrocities like murder, rape, kidnapping, arson, exodus etc., is of the opinion that the concerned authorities of the Central Government or State Government, as the case may be, without any reasonable cause, have failed in their constitutional duty and has not taken any action as mandated in the provisions contained in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (as amended)and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules ( as amended) or not acted as per the recommendation of the Commission regarding timely and proper implementation of the above Act and Rules or has not furnished reports within the prescribed time or knowingly given*

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<sup>2</sup> RTI Act – Right to Information Act 2005.

*incorrect, incomplete or misleading information or refused to attend in person in the Commission for examination or obstructed in any manner in the enquiries of the Commission as per its mandate and in the discharge of its duties also embodied in sub-clause (a) or sub-clause (b) or sub-clause(f) or clause (5) and sub-clause (a) to (f) of clause (8) of the Article 338, it shall impose a penalty of fine as may be prescribed.*

*Provided that the authority of the Central Government or State Government, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him;*

*Provide further that the burden of proving that he acted reasonably and diligently shall be on the Authority of the Central Government, as the case may be.*

*The above amendment may be incorporated under clause (8) (f)''*

Accordingly, an amendment in Article 338 of the Constitution has been proposed to be inserted as clause (8) (g) under the Article 338. A communication on this proposal has been sent to the Cabinet Secretariat vide D.O. letter No. 17/10/NCSC/2017-C.Cell dated 03.10.2017.

*The Commission, therefore, recommends the Government may take all necessary actions to strengthen the Commission. The Commission should be suitably empowered so that it can effectively function and oversee that the safeguards to Scheduled Castes as guaranteed under the Constitution are implemented in letter and spirit. The Commission recommends that a penalty clause for erring authorities should be inserted under clause (8) (f) under Article 338 of the Constitution of India as proposed in the above lines.*

**Action:** Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, Cabinet Secretariat, Government of India.

### **9.1.2 Independence of NCSC- in functioning and budget**

The expenditure for the National Commission for Scheduled Castes in the Union Budget is reflected in Demand No. 88 under major Head "2225" under the Ministry of Social Justice & Empowerment which is a voted expenditure. It has been observed that other Constitutional bodies like UPSC, Comptroller and Auditor General of India, Election

Commission and even the Niti Ayog, which is a non-Constitutional body draw their funds from an independent head of account.

This Commission is a Constitutional body set up under Article 338 of the Constitution, and has also been given the powers of the Ministry /Department of the Government of India vide S. No. 15 under Ministry of Home Affairs in the Schedule II of the DFP Rules, 1978, it stands to reason that the Commission should have separate and independent budget head and demands for grant.

The independent functioning of the Commission is adversely affected as the Commission has to refer to and take sanction / approval to the Ministry of Social Justice & Empowerment for even small things like engaging consultants or data entry operators, filling of CSSS posts etc. The Commission is not able to work fearlessly and independently due to this anomaly and needs independence in its day to day working by allowing it to decide on its own administrative, financial and legal matters.

The 14<sup>th</sup> Lok Sabha Committee on the Welfare of Scheduled Castes and Scheduled Tribes (2008-2009) in its Report had also made recommendations on a similar line. The response on this recommendation has been that the Ministry of Finance has not agreed to the same.

*The Commission recommends that the issue of NCSC being given independence in its day to day working by allowing it to decide on its own administrative, financial and legal matters and a budget under a separate head of account in a separate demand of Grants instead of being a part of Ministry of Social Justice and Empowerment, should be considered again by the Government in order to increase the effectiveness of the Commission and to ensure its independence as envisaged in the Constitution.*

**Action:** Ministry of Social Justice and Empowerment and Ministry of Finance, Government of India.

### **9.1.3 Increase of Staff strength**

The 14<sup>th</sup> Lok Sabha Committee had also observed that with the increase of population and awareness amongst the Scheduled Castes people, the increased outlay by the Government of India and State Governments on SC specific schemes, the workload in

the Commission has increased significantly. Despite the increased workload, the number of sanctioned staff in the Commission has remained static.

The Commission recommends that considering the increased volume and various nature of its work, the Commission should have the power to reassess its staff requirement with studies by appropriate professional bodies and take up the matter independently with the DoPT and the Department of Expenditure , MoF, for creation of the necessary posts. Also since the incumbency position is much lower than the sanctioned strength and there are 99 vacant positions, the Commission should be free to mitigate the gap between the sanctioned strength and persons in position by way of outsourcing, till the staff strength reassessment and creation of new posts is completed, so that the work of the Commission does not suffer. Proper provision in the Budget of the Commission needs to be made for the same.

**Action:** Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training and Ministry of Finance, Department of Expenditure, Government of India.

#### **9.1.4 Court cases against the Commission**

It has been seen that many Government Departments/Public Sector Undertakings (PSUs) have a tendency to file writ petitions in various Hon'ble Courts against the recommendations of the NCSC or even against the letters of the Commission desiring the presence of top officials of the Government /PSUs to assist the Commission in its inquiries. This is ironical as recommendations of NCSC are only advisory and department /PSUs have no need to resort to taking matter to Courts, since the same complicates and delays final delivery of justice as well as burdens the exchequer with legal fees. This is a glaring example of different wings of State fighting against the State in the Court of law , while both are entrusted with the same responsibility of ensuring justice and equity to the Scheduled Caste persons .

**9.1.4.1** In view of above, Commission strongly recommends intervention of Government for issue of an order that if the departments/PSUs have reservation or problems in implementing any recommendation of NCSC , they should approach Courts contesting recommendations given by the NCSC only after first approaching the NCSC again with full facts and seeking a review of the recommendation rather than directly seek intervention of the Hon'ble Courts.

**9.1.4.2** There are number of court cases against the Commission are being mainly dealt with Hon'ble Courts in Delhi, Lucknow, Allahabad, Chennai and Bengaluru. The system for engaging a counsel for the Commission is to go through the Ministry of Law and Justice through the Ministry of Social Justice and Empowerment for nomination of a suitable counsel. This process leads to number of different counsels representing the Commission even in the same court. Also many of the opposing parties are also Departments of Government of India, Central PSUs, Central Public Sector Banks etc., and their counsels are also from the same panel of Central Government counsels and a conflict of interest cannot be ruled out. Hence, the Commission requires its own panel of lawyers.

*The Commission recommends that like other Commission's/Constitutional bodies viz, Union Public Service Commission (UPSC), University Grants Commission (UGC), Comptroller and Auditor General of India (CAG) etc., the Commission may be allowed to engage its own counsel.*

**Action:** Ministry of Social Justice and Empowerment and Ministry of Law & Justice, Department of Legal Affairs, Government of India.

#### **9.1.5 Opening of new offices / up-gradation of existing offices**

The existing NCSC State Offices at Ahmedabad, Chandigarh, Patna, Kolkata, Guwahati and Hyderabad deal with more than one State. The number of complaints/grievances handled in these offices is very high. The large geographical spread of their area of coverage also tends to reduce the effectiveness and monitoring of the State Government Schemes and plans by these State Offices. Consequently, the need has been felt for opening new State Offices particularly for Orissa (at Bhubaneswar), Madhya Pradesh (at Bhopal), Rajasthan (at Jaipur), Jharkhand (at

Ranchi), Uttarakhand (at Dehradun), Chhattisgarh (at Raipur), Haryana (at Gurgaon) and at New Delhi. The concentration of Scheduled Castes is relatively high in these areas and the NCSC has no visible presence in such States leading to NCSC's inability to monitor effectively the large number of cases and liaison effectively with the State Governments.

For follow up and monitoring with State Governments and effective interaction with senior officers in State Governments, NCSC requires a higher level of officers. The proposal to upgrade four NCSC State Offices of Assam, Gujarat, Tripura and Kerala to the level of Director from the level of Deputy Director has therefore been proposed for effective delivery of Constitutional mandate to the NCSC. These two proposals i.e. to open up 8 more offices and upgrading four State Offices to the level of Director along with required staff, need to be finalized expeditiously.

*Therefore, the Commission again recommends that the proposals of opening of new offices of the NCSC and upgradation of some of its offices may be expedited.*

**Action:** Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, Ministry of Finance, Department of Expenditure, Government of India.

## 9.2 Recommendations on Service Safeguards

**The issues and recommendations arising out of them on service related matters have been discussed in detail in Chapter VII of this Report. The recommendations arising out of the issues have been summarized below.**

### **9.2.1 On Reservation:**

- The Legislation on reservation Bill may be redrafted including the recommendations of the Commission sent vide letter no. 4.3.2004-SSW-V dated 13.12.2004 and 14.12.2004. The opinion of the Commission may also be sought on the redrafted Bill as per the provisions of Article 338(9) of the Constitution.

- That reservation should be strictly implemented in all the projects of Government which last for more than 45 days and also in on engagement of young professionals, research associates, consultants, interns and data entry operators etc by government departments, CPSUs, CPSBs and autonomous organizations etc. The rule of reservation should be strictly followed in such engagements as per MHA OM No. 27/4/67(II)-Estt.(SCT) dated 24.09.1968 and DoPT OM No. 36036/3/2018-Estt. (Res.) dated 15.05.2018.
- Reservation rosters should be strictly maintained and followed to ensure adequate representation of SCs in services as per DoPT O.M. No. 36011/1/76-Est. (SCT) dated- 06.03.1976.
- Special Recruitment Drives should be launched by government departments, CPSUs, CPSBs and autonomous organizations etc to clear backlog vacancies as per instructions of the DoPT OM No. 36038/1(i)/2013-Estt (Res)} dated- 21.6.2013.
- All the instructions issued by DoPT to safeguard the interest of the Scheduled Castes like appointment of Liaison Officers, setting up of SC/ST Cell for grievances, maintenance of grievances registers, inspection of rosters, quarterly meetings with representatives of SC Association etc. must be followed. These instructions are contained in DoPT O.M. No. 43011/153/2010-Estt. (Res.) dated- 04.01.2013, DoPT O.M. No. 8/8/71-Est. (SCT) dated- 22.04.1971, DoPT O.M. No. 36022/5/76-Estt. (SCT) dated- 27.05.1976 & Department of Personnel and Administrative Reforms O.M. No. 36022/5(i)/76-Estt. (SCT) dated- 28.5.1976.
- Steps should be laid down to improve the percentage of SCs in Group 'A' and 'B' in Central/State Governments/ UTs. and CPSUs/CPSBs etc.
- Grouping of posts of the same cadre, same qualification and pay scale should be completed and declared as single cadre so that representation of SCs is improved. The same is covered under DoPT O.M. No. 36011/17/85-Estt. (SCT) dated 23.07.1985.

- Pre-recruitment and pre-promotional training should be imparted to the SC Employees by all the departments, as per DoPT O.M. No. 28/8/72-Estt. (SCT) dated- 02.03.1972&DoPT O.M. No. 36022/23/93-Estt. (SCT) dated- 27.07.1993.

### **9.2.2 On promotion :**

- As per DoPT OM No. No. 36012/11/2016-Estt(Res-I) {Pt-II dated 15.06.2018, reservation in promotion may be continued to be implemented in all the Central/State Governments ,PSUs and PSBs.
- The Government should consider a Constitutional amendment for putting in place reservation in promotion.

### **9.2.3 Reservation in outsourcing of work of and projects etc.**

The Commission during its monitoring meetings on implementation of reservation policy and during hearings had observed that reservations for SCs in projects last for more than 45 days, in appointment of young professionals, Research Associates, Consultants, Interns and Data Entry Operators etc. is not being implemented by Ministries/Department of Government of India<sup>3</sup> (GoI) and State Governments as well as CPSBs, CPSUs , State PSUs and autonomous bodies etc. as per MHA OM No. 27/4/67(II)-Estt.(SCT) dated 24.09.1968 and DoPT OM No. 36036/3/2018-Estt. (Res.) dated 15.05.2018. The OM should be implemented and reservation in all outsourced work to SC candidates should be followed and all the contracts with outsourcing agencies should have a clause to this effect.

### **9.2.4 On use of false Caste Certificates :**

- The Vigilance Committees and Caste Scrutiny Committees set up in the States and UTs as per the guidelines of Hon'ble Supreme Court should act promptly and officers concerned should exercise all possible vigilance prior to issue of SC caste certificates. Strict and fast exemplary action may be taken wherever false caste certificate are detected.

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<sup>3</sup>Government of India : GoI

- A standard operating procedure laying down the action to be taken by caste issuing authority when a case of verification is referred to them should be issued by DoPT / State and UT Governments. The responsibility to complete the verification work in a time bound manner of 1-3 months, cancelling the false caste certificate, if any, and informing the employer Department/Organization within the specified time frame of 1-3 months, must be given to the concerned District Collector/District Magistrate.
- The State Governments should take disciplinary action and also action under IPC and Section-4 of the PoA Act (as amended) against the officers responsible for the issue of the false Caste Certificates, as the genuine candidates of Scheduled Castes are deprived of their legitimate appointment due to the issue of the fake Caste certificates. Necessary instructions need to be issued by the DoPT / State and UT Governments/ Departments.
- For employers (Governments, CPSUs, CPSBs, autonomous bodies etc.) a time frame to complete the action in such cases is necessary as well as introduction of a penal provision to recover the full pay & allowances paid, along with interest from the employees found to have benefitted from production of false caste certificates.

**9.2.5 Action on recommendations of the Commission :** The Commission while investigating service related matters different Departments and PSUs found that some of the departments/PSUs ignore the recommendations of the Commission. In some of the cases of harassment, discrimination and arbitrary action by Departments / Authorities / PSUs / PSBs where the Commission has found clear discrimination / harassment and issued its recommendations, it has been seen that the Departments/ Authorities /PSUs /PSBs concerned had totally ignored the recommendation. They did not submit any action taken report (ATR) nor did they respond to the Commission or petitioner. As a result the grievance of the petitioners remains unsolved and he/she is forced to approach the Commission or Courts again. There are clear orders of DoPT dated 01.01.1998 and 30.11.1998 wherein the Departments/ Ministries/PSUs etc have been advised to consider the recommendation/ or suggestions of NCSC in light of Government policies. The

recommendations of the Commission are issued when discrimination / arbitrary action against Scheduled Castes are found during investigations / hearings of the Commission. Hence the Departments/Authorities/PSUs/PSBs need to consider them and issue speaking and clear orders on the same under intimation to the Commission and individual petitioner concerned.

In view of the ignoring of the recommendations of the Commission by many Departments/ Authorities /PSUs /PSBs , the Commission recommends that the DoPT reiterate its earlier instructions/orders issued vide O.M. No. 36036/2/97-Estt.(Res) dated 01.01.1998 and 30.11.1998 to all Ministries/Departments. to extend maximum cooperation to the Commission in the discharge of its roles and to give due consideration/weightage to all its recommendations/suggestions. In the rare cases where the Departments/ Authorities /PSUs /PSBs may not be in a position to implement recommendations of the Commission speaking orders mentioning the relevant rules and reasons that restrict implementation may be communicated to the Commission and the petitioner within a specific time frame.

**9.2.6 The Commission also reiterates the following recommendations of its earlier Annual Reports of 2015-17 and 2016-17 (upto September 2016), viz, :**

- **Non-implementation of 85<sup>th</sup> Amendment Act, 2001 by Government of Punjab:**  
The Government of Punjab may revise and correct its orders on seniority as per DoPT guidelines dated 22.01.2012 and implement the same providing benefit of seniority to SC employees who are promoted by virtue of reservation roster.
- Reservation should be provided in judicial appointments below the High Court ,to fulfil the prescribed reservation percentage. The Government should also consider setting up of All India Judicial service as per Article 312 of the Constitution. There should be reservation in appointment of Judges on Hon'ble High Court and Hon'ble Supreme Court of India. The rule of reservation must be followed in filing up of vacancies of subordinate staff of Hon'ble High Court & Hon'ble Supreme Court of India.

- Central/State Government & PSUs must consider SC/ST employees association on the basis of a class representing the deprived section of the society. As far as grant of facilities is concerned, they must be provided the facilities at par with Trade Unions.
- That the Central/State Govt. & UTs should issue strict instructions to the concerned departments under their control that SC officials/officers are not harassed for approaching the Commission for protection and the safeguards provided under Constitution of India or any other Law in force. The DoPT orders No. 36024/5/97-Estt. (Res.) dated 05.01.1998 states that the SC employees can directly approach the Commission and there is no need to seek prior approval.

### **9.3 Recommendations regarding economic and social development**

The issues regarding the economic and social development of Scheduled Castes has been discussed in detail in Chapter VIII of this report. The recommendations on the economic and social development aspects arising out of those issues are summarized below :

#### **9.3.1 Pradhan Mantri MUDRA Loan Yojana :**

The Commission recommends that at least 15% of the loans under this scheme are given to SC applicants. The banks may take urgent necessary initiatives/steps to generate awareness about the scheme and encourage SC persons/entrepreneurs for applying for loans.

#### **9.3.2 Stand-up India Loan :**

The PSBs and Department of financial services need to draw up guidelines and action plans to ensure the target of loan to 1 SC per branch is achieved. The steps should include organizing camps/awareness programmes, handholding of potential loanees, tie

up with other Governmental initiatives like Skill India etc, working with various trade and industrial associations to identify potential loanees etc.

Ministry of Social Justice and Empowerment as well as D/o Financial Services, MoF need to vigorously follow up with the Banks so that the desired goals of the scheme for SC entrepreneurs are achieved.

### **9.3.3 SCSP/DAPSC :**

The Commission strongly recommends the formulation of such specific schemes for the benefit of the SCs which will increase the employability of the beneficiaries. The DAPSC<sup>4</sup> should include only such existing schemes or new schemes which fulfill the following norms:-

- The schemes which have the potential to accelerate the pace of development of the SCs and to bridge the socio-economic development indicators between SCs as compared to the advanced sections of the society.
- The schemes should secure quantifiable benefits to the scheduled caste households or areas majorly inhabited by the scheduled castes.
- Those schemes should be included in the DAPSC that enhance the incomes of the target group and lead to the development of assets such as those related to sectors like agriculture, animal husbandry, dairy development, fisheries, and Agriculture/allied sectors.
- The States should give priority to schemes which provide basic minimum services like primary education, health, drinking water, nutrition, rural housing, and link roads and electrification to SC villages.
- Social Audit of the expenditure needs to be conducted in each district.
- The States/UTs having SC population may fix clearly defined targets, based on parameters like educational status, enrolment, occupation, health indicators, per capita income, access to basic amenities like drinking water, housing etc. taking into account the national targets. Efforts should be made to achieve the assigned targets and not to spend funds from DAPSC/SCSP head on general schemes like

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<sup>4</sup>DAPSC : Development Action Plan for Scheduled Castes  
SCSP has now been renamed as DAPSC.

road construction, electrification, development of civil airports, buildings as it was found booked in by many States and Union Territories.

#### **9.3.4 Central Legislation on SCSP:**

As the basic objective of SCSP is to channelize the flow of outlays and benefits from Plans of States for development of Scheduled Castes, in proportion to their population, the Commission recommends that a Central Legislation should be considered on the same to regulate allocation of funds for SCSP, preparation of Scheduled Castes specific schemes and monitor the expenditure with the Scheduled Castes population of 2011 census as base. Such legislation can be on lines of the legislations passed the State of Andhra Pradesh and Karnataka.

#### **9.3.5 Extending the scope of reservation for increasing SC entrepreneurship :**

- The State /UT Governments and their various Development authorities / Industrial development authorities , KVIC , MSME programmes and PMEGP<sup>5</sup> etc should ensure reservation to SCs in all their schemes , especially in the allocation of industrial estates and plots . The Development Authorities , Housing Development Boards and Municipal Authorities also need to ensure proper reservation for SCs in the allocation of shops and houses.
- The Ministry of Petroleum and Natural Gas needs to ensure that schemes for allocation of petrol pumps , gas agencies , tanker truck allocation etc by the oil sector PSUs ( like Oil India , HPCL , BPCL etc ) is correctly implemented and the schemes are not changed to the detriment of SCs.

#### **9.3.6 Consultation with NCSC in the planning process**

Article 338(a) of the Constitution of India states that:

*‘ The Union and every State Government shall consult the Commission on all major policy decision affecting Scheduled Castes ’.*

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<sup>5</sup> PMEGP : Prime Minister’s Employment Generation Programme.

In 2017-18 no proposal for advice on planning process of socio- economic development of SCs was received by NCSC from any State Government and no advice of NCSC was sought on planning DAPSC expenditure by any Ministry / Department of the Union or of the States.

Hence NCSC reiterates its recommendation that:

Government of India may issue an OM reiterating the provisions of Article 338 (9) wherein the concerned Ministries / Departments of the Government of India and State / UT governments shall invariably consult with NCSC in planning process for schemes wherein the socio-economic welfare of Scheduled Castes is affected.

### **9.3.7 Payment of Scholarship to SC students.**

The Commission and its State Offices have been receiving a large number of cases of non-payment of scholarship and tuition fee reimbursement to the Scheduled Caste students. The Commission has taken up all the cases with the concerned Principal Secretaries, Social Welfare Department of State Governments / District Magistrates and District Social Welfare Officers.

The Commission is also receiving complaints from the SC students that recognized Private institutions are not giving admission to SC students at zero fees , as the provision has been done away with in the revised guidelines of the Ministry of Social Justice & Empowerment in Post Matric Scholarship scheme (2017-18 to 2019-20).

### **Recommendation:**

The Commission has already made certain detailed recommendations in its special report on “Problems faced by Scheduled Caste Students in obtaining Scholarship” in the year 2016. Hence, Commission reiterates its earlier recommendations and also that State Governments should release the Post matric Scholarships to Scheduled Caste students in time so that they could continue their study or they can apply for career advancement.

The Commission further recommends that :

- To mitigate the hardships faced by students who seek admission in private educational institutions, the 2017-18 to 2019-20, guidelines for Post Matric Scholarship may be amended so that SC students could get admission on the Zero Fee in the recognized Private Institutes as in the past .
- Old left out scholarship cases of 2014 onwards should be examined by all state Governments and all eligible students paid the scholarships and fee reimbursement due to them , within a time frame of 6 months.

### **9.3.8 Recommendations on preventing deaths due to manual cleaning of sewers and help to victims :**

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 (MS Act, 2013) was passed by the Parliament and has come into force from 06.12.2013 with target dates of implementation of the same.

The Commission has noted that despite the prohibition of manual scavenging and manual cleaning of sewers by the Act, the same continued to be violated with impunity. The violations unfortunately came to notice only when tragedies occur while manual cleaning of sewers.

It appears that most of the States have not notified the MS Act and where notified the same are not being applied in letter and spirit. The Commission has shown grave concern that even after the implementation of the “MS Act 2013 and PEMSR Rules 2013, and clear guidelines from the Hon’ble Supreme Court in this respect ,the State Governments have failed to check such incidents. Hence the Commission recommends that all the State / UT Governments need to take action/issue instructions to ensure that:

- All officers and staff of the concerned Departments, Municipal Corporations, Town area Municipal Councils, gram and zila Panchayats, Jal Sansthan/Jal Boards etc and private contractors employed by such Departments/Corporations/Councils/Gram Panchayats etc. are continuously trained/retrained to handle issues of cleaning of blocked sewers, sewage/ septic tanks etc. without making human beings enter the same.

- State Governments should conduct awareness/training programme/workshops of the Tehsil level/district level officers of the State to make the officers (including police officers) aware of the provisions of the MS Act, PEMSR Rules 2013, PoA Act and Rules, guidelines of the Hon'ble Supreme Court in this regard and action to be taken by officers.
- 100 percent cleaning of sewage lines, septic tanks etc by using machines/robots etc only should be ensured and sufficient numbers of the machines and robots need to be purchased on a priority. State Governments need to take steps to provide sufficient budgetary support for the same.
- That comprehensive guidelines/circulars may be issued to all the relevant departments of the State Governments, owners of private buildings, RWA of housing societies/ complexes regarding preventive measures to be take and safety devices to be used while cleaning the septic tanks or STPs.
- In order that such tragedies do not reoccur immediate institutional steps are needed regarding strict compliance of provisions of the PEMSR Rules, 2013 with respect to the cleaning of sewers and spreading awareness of the provisions of the MS Act 2013. State Level awareness programmes need to be arranged.
- The Labourers/safai karamcharies should be periodically medically checked and all medical facilities be given to them.
- It is also advised that whenever a contractor is engaged for cleaning of sewers/septic tanks etc. then it may also be ensured that all the above relevant sections of the Rules and Act are be incorporated in the agreement and adherence to same is ensured.

If a person tragically dies during cleaning of sewers, septic tanks etc., the following steps are to be taken:

- (i) FIR should be lodged under the relevant sections of IPC, the relevant section 7/9 of MS Act and also under section 3(i)j of the PoA, Act, in case victim is a SC.
- (ii) All out efforts are to be made immediately to arrest the accused persons and trace the absconding accused if any.

- (iii) The departments concerned should immediately constitute departmental enquiries against officers responsible, find out the lapses and take action against the officers found guilty.
  - (iv) Government/employer should bear costs of medical treatment, if any, of the victims.
  - (v) Rs. 10 lakh compensation needs to be given as per guidelines of Hon'ble Supreme Court within 7-10 days.
  - (vi) It may also be ensured all the labourers/ safai karamcharies should be covered under the life insurance policy of Rs. 10 lakh sum insured ,as per rules and the payment of the same to be released within 7 to 10 days in case of tragedies.
  - (vii) In case victim is a Scheduled Caste, the monetary relief (Rs. 8.25 lakh per victim) and relief as per provisions of the PoA Rules should also be sanctioned.
  - (viii) The families of the victims may be rehabilitated as per the provisions of MS Act, 2013 and under the scheme of self-employment for rehabilitation of manual scavengers for a life of dignity.
  - (ix) The Government should also design a monitoring system to avoid any delays for extending relief and rehabilitation of the families in case of any such tragedies and all help to victims/families of victim.
- It is the duty of the State Government that no manual cleaning of sewers, sewer lines, septic tanks, STPs etc may be allowed in any part of the State to avoid occurrence of such incidences It may also be ensured that all the sewer lines, sewers, tanks and STPs should be cleaned mechanically. In case of emergency, the labourers should be provided all the safety measures, fire brigade, and ambulance should be kept ready while cleaning under the supervision of the officers of the concerned Department. In case any incidence of death occurs while cleaning the sewer lines, septic tanks or STPs then the concerned officers should held responsible and action should be taken.

### **9.3.9 Other Recommendations:**

- The Commission recommends that the State Governments may formulate schemes for allotment of land to landless SC people / or should continue such existing schemes.
- It is recommended to start suitable schemes to improve the health conditions of Scheduled Castes.

## **9.4 Recommendations regarding handling of Atrocity cases**

The Commission has been closely monitoring large number of individual cases of atrocities against Scheduled Castes and has also intensively taken up details of action taken by Police and District Administration in cases of atrocities during State, Divisional and District reviews. The observation handling of atrocity cases by the authorities and the consequent recommendations on the same have been discussed at length in Chapter VI Of this report. Our recommendations are summarised as below :

**9.4.1 Lodging of FIRs:** All FIRs should be lodged and IG Police of Zones should monitor Police Station wise the cases being lodged after order of Court under Section 156 (3).

Action: Ministry of Home Affairs, (MHA) ,Government of India and Home Departments of State Governments/ UTs.

**9.4.2 Incorporating correct sections of IPC , PoA Act etc in FIRs :** Specific instructions and details should be issued to all Police Stations regarding the Sections of the PoA Act (as amended) and other Acts like POCSO etc. which are to be invoked in the FIRs/charge sheets.

Action: MHA ,GoI and Home Departments of State Governments/ UTs.

**9.4.3 Training for Police and Social Welfare Officers :** Special training programmes of Police Officers and District Social Welfare officers / SC /BC Welfare officers need to be conducted on a regular bases. Issues raised at Point 6.5.1.4 of our observations should also be clarified. Ministry of Social Justice and Empowerment (MSJ&E) may also issue clarification on the point.

Action: MHA, GoI ,Chief Secretaries of State Governments/UTs and MSJ&E , GoI.

**9.4.4 Spot visits by DM/ SSPs :** The DMs & SPs/SSPs of the districts where atrocities are found to be committed must be asked to conduct spot visits as per Rules 6 (1) and 12 (1) of the PoA (as amended) Rules and also ensure timely help/payment of immediate relief as per rules to the victim/families of victims. Specific orders regarding the same need to be issued MSJ&E, GoI needs to take up this issue with the State Governments and monitor progress.

Action: MSJ&E, GoI and Chief Secretaries of State Governments/ UTs.

**9.4.5** Specific directions on the issue raised at our observations 6.5.1.5 need to be issued by MSJ&E and MHA to all State Governments. MSJ&E, GoI needs to take up this issue with the State Governments and monitor progress.

Action: MHA and MSJ&E, Government of India and Chief Secretaries of State Governments/ UTs.

**9.4.6 Payment of monetary relief :** Specific directions regarding the amounts to be disbursed, phases when to be disbursed as well as time frame (within 7 days), emergency drawal from treasury in case of lack of budget, ensuring additional relief like payment of pension, allotment of house/land, job, education of children etc. should be issued by all State Governments. Training of District Social welfare Officers needs to be conducted on a regular basis by all State Governments .

Action : MSJ&E, Government of India, Chief Secretaries of State Governments/ UTs.

**9.4.7 Developing online portal to monitor monetary relief payment :** The Department of Social Welfare, Government of Rajasthan, has developed an online Portal where payment of monetary relief at each stage is mapped and monitored for timely stage wise payments. Similarly Government of Telengana has set up a victim relief monitoring cell in the Police Headquarters with similar cells in all

districts. This has helped in ensuring timely and stage wise payment to the victims / families of victims.

MSJE may take up with all State Governments to also develop their own portal or constitute a cell for monitoring and ensuring timely payment of monetary relief to victims / families of victims.

Action: MSJ&E, GoI and Chief Secretaries of State Governments/ UTs.

**9.4.8 Exclusive Special Courts and appointing of special public prosecutors :**

Exclusive Special Courts and appointing of special public prosecutors should be expediated by all states / UTs.

Action : Chief Secretaries of State Governments/ UTs.

**9.4.9 Recommendations for Government of Delhi :**

Government of National Capital of Delhi (GNCTD) needs to draw up a standard operating procedure and issue instructions regarding the action to be taken by Delhi Police and District Magistrates regarding timely payment of payment of monetary relief / additional relief at each stage to victims and families of victims of atrocities. MHA ,GoI may follow up with the Chief Secretary , GNCTD and Commissioner of Police , Delhi to ensure the above.

Action : MHA , GoI , Chief Secretary / GNCTD and Commissioner of Police , Delhi .

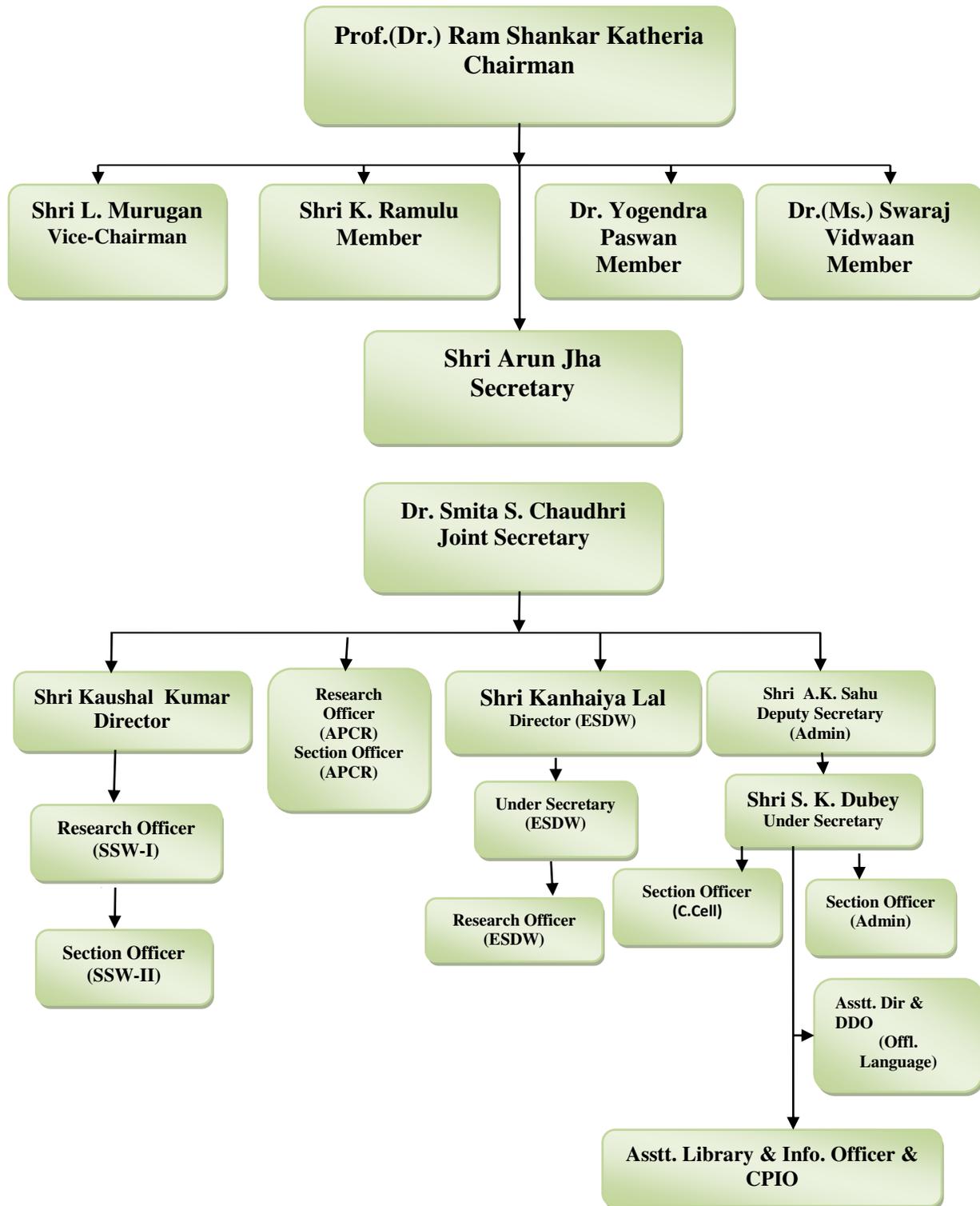
**9.4.10 Meetings of the SLVMC and DLVMC :**

Regular meetings of the SLVMC and DLVMC should be held by all states. The SLVMC should also monitor whether DLVMC meetings are regular.

Divisional Commissioners and Chief Secretaries of States / UTs should keep the regularity and output of these DLVMC meetings as a monitorable point in their review meetings of DMs. Chief Secretaries of all States/ UTs should ensure regular meetings of SLVMC in their States.

Action: MSJ&E ,GoI and Chief Secretaries of State Governments/ UTs.



**ORGANISATIONAL CHART**

**Annexure –II****INCUMBENCY POSITION AT THE NCSC HEADQUARTERS***(As on 31.03.2018)*

S.No	Name of Post	Group	Strength	Incumbency	Name of Incumbent S/Shri/Smt	Vacancy
1.	Secretary	A	1	1	Shri Arun Jha	-
2.	Joint Secretary	A	1	1	Dr.(Smt)Smita S.Chaudhri	-
3.	DIG of Police	A	1	-	-	1
4.	Director (Jt Cadre)	A	1	2	Kaushal Kumar	1
5.	Dy Secretary (CSS)	A	1	1	Ajit Kumar Sahu	-
6.	Sr. P.P.S. (CSSS)	A	1	-	-	1
7.	Under Secretary	A	2	2	S.K. Dubey B.Saha	-
8.	Law Officer	A	1	-	-	1
9.	PPS	A	1	1	Kiran Jolly	-
10.	Dy Director (Jt Cadre)	A	1	-	-	1
11.	Asstt. Director (Jt Cadre)	A	1	-	-	1
12.	A. D.(Programmin g)	A	1	-	-	1
S13.	Asstt. Library & Information Officer	A	1	-		1
14.	Asstt Director (CSOL)	A	1	1	Mange Ram	-
15.	Section Officer(CSS)	B	4	3	P Gopalakrishna Bhat Austin Jose T D.K.Gupta	-1-
16.	P.S.(CSSS)	B	5	2	Sudhha R.Sharma Sanjeev Kumar Anand Ram Rattan	2
17.	Research	B	3	3	1. P.S. Mehta	-

	Officer (Jt Cadre)				2. A.P. Gautam 3 Y.K.Bansal	
18.	Assistant P.R.O.	B	1	0	-	1
19.	Senior Investigator (Jt Cadre)	B	4	-		4
20	Sr Hindi Translator (CSOL)	B	1	1	Jonita Bali	-
21.	Accountant	B	1	-	-	1
22.	Investigator (Jt Cadre)	B	1	1	Smt.Ashu Nawani	-
23.	Assistant S.O (CSS)	B	5	6	1. S. Venkatesan 2. Jasvir Singh 3. R.R.Verma 4. J. Minz 5. Dhiraj Singh 6.Bharat Raj	+1
24	Personal Assistant (CSSS)	B	3	2	1. Sheela Gupta 2. J.N. Meena	-1-
25.	Stenographer Gr. 'D'(CSSS)	C	4	3	1. NidhiKumari 2. Sandeep Kumar 3 Inderpal	-1-
26.	Sr.Sect.Asstt (CSCS)	C	3	3	1. N.S.Negi 2. R.D. Nimesh 3. Smt.CH VS.Madhavi	
27.	Jr.Sectt.Asstt (CSCS)	C	1	-	-	1
28.	Receptionist	C	1	-	-	1
29	Staff-Car- Driver	C	6	6	1. Chander Pal 2. Ram Lal 3. Mahender Kumar 4. Tara Chand 5. Ramkesh Bidhuri	-

					6. Pratap Chand	
30.	Despatch Rider	C	1	0	-	1
31.	MTS (Gestner Operator)	C	1	1	Sarju Prasad	-
32.	MTS (Senior Peon)	C	2	2	1. S.N. Singh 2. ShyamVir Singh	-
33.	MTS (Daftary)	C	2	-	-	2
34.	MTS (Peon)	C	17	16	1. SurajLal 2. K.T.Rao 3. Ramvir Singh 4. BalKishan 5. L.R. Sharma 6. Mange Ram 7. Subhash Chand 8. Khem Karan 9. Ram Singh 10. Raj Kumar 11. ShyamLal 12. Kailash Ram 13. Jagdish Kumar 14. Vinod Kumar 15. Amar Babu 16. Dev Raj	1
35.	MTS (CCF)	C	1	1	Prem Singh	-
36.	MTS (Safai Karamchari)	C	1	1	Pradeep Kumar	-

**Annexure – III****1. INCUMBENCY POSITIN IN THE STATE OFFICE, NCSC, AGARTALA***(As on 31.03.2018)*

S. No.	Name of Post	Group	S/Strength	Name of Incumbent S/Shri	Whether S.C./S.T./ O.B.C.	No. of Vacancy
1.	<b>Deputy Director</b>	A	1	-	-	01
2.	<b>Research Officer</b>	B	1	Vacant	--	1
3.	<b>Sr. Investigator</b>	B	1	Vacant	--	1
4.	Investigator	B	2	-	--	2
5.	<b>U.D.C</b>	C	1	Sasim Acharya	No.	Nil
6.	<b>L.D.C</b>	C	1	--	-	01
7.	Staff-Car-Driver	C	1*	-	-	-
8.	MTS	C	03	Ram Pal Singh Abhijeet Das	SC SC	1
	Total:		<b>10</b>	<b>3</b>		<b>07</b>

**2. INCUMBENCY POSITION IN THE STATE OFFICE, NCSC, AHMEDABAD**

(As on 31.03.2018)

S. No.	Name of Post	Group	S/Strength	Name of Incumbent S/Shri	Whether S.C./S.T./O.B.C.	No. of Vacancy
1.	Director/ Dy Director	A	1	-	-	1
2.	AD/RO	A	1	-	-	1
3	Sr. Investigator	B	1	-	-	1
4.	Investigator	C	2	-	-	2
5.	Office Supdt.	B	1	-	-	1
6.	P.A/Steno	C	1	-	-	1
7.	U.D.C.	C	1	Sh. M. Y. Patel	General	-
8.	L.D.C.	C	2	-	-	2
9.	MTS	C	3	Sh. D. S. Rathor	SC	-
				Sh. M.L. Dagra	ST	-
				-		1
	Total		13	03		10

**3. INCUMBENCY POSITION IN THE STATE OFFICE, NCSC, BENGALURU***(As on 31.03.2018)*

S. No.	Name of Post	Group	S/Strength	Name of The Incumbent S/Shri	Whether S.C./S.T./O.B.C.	No. of Vacancy
1.	Director	A	-	-	NA	1
2.	Assistant Director	A	<b>1</b>	A.Sathyanaarayana	OBC	-
3.	Sr.Investigator	B	-	-	NA	1
4.	Investigator	B	-	-	NA	2
5.	Office Superintendent	B	-	-	NA	1
6.	Upper Division Clerk	C	<b>1</b>	B.Kalaimathi	OBC	-
7.	Lower Division Clerk	C	<b>1</b>	D.C.Anjanamurthy	SC	1
8.	Staff Car Driver	C	<b>1</b>	K.Shiva	OBC	-
9.	MTS	C	-	-	NA	4
	Total		<b>4</b>			10

**4. INCUMBENCY POSITIN IN THE STATE OFFICE, NCSC, CHANDIGARH**

(As on 31.03.2018)

S. No.	Name of Post	Group	S/Strength	Name of Incumbent S/Shri	Whether S.C./S.T./O.B.C.	No. of Vacancy
S. No.	Name of Post	Group	Sanction -ed Strength	Name of Incumbent S/Shri	Whether S.C./S.T./O.B.C.	No. of Vacancy
1.	Director	A	01	Rajkumar Chhanena	SC	-
2.	Research Officer	B	01	Rakesh Kumar Sharma	-	-
3.	Sr. Investigator	B	02	-	-	02
4.	Investigator	B	01	-	-	01
5.	Office Supdt.	C	01	-	-	01
6.	UDC	C	02	-	-	02
7.	Steno	C	01 working as ad-hoc	Vijay Kumar	SC	-
8.	LDC	C	02	-	-	02
9.	Driver	C	01	Suresh Kumar	SC	-
10.	MTS	D	04	Bihari Lal	-	03
	Total		<b>16</b>	<b>5</b>		<b>11</b>

**5. INCUMBENCY POSITIN IN THE STATE OFFICE, NCSC ,KOLKATA***(As on 31.03.2018)*

S. No.	Name of Post	Group	S/Strength	Name of Incumbent S/Shri	Whether S.C./S.T./O.B.C.	No. of Vacancy
1.	Director	A	01	S.K.Singh, (Addl. Charge)	No	01
2.	Research Officer	B	01	1.. D.K. Bala 2. A. Bhattacharyya	SC No	Nil
3.	Sr. Investigator	B	01	--	---	01
4.	Investigators	B	02	---	----	02
5.	Office Superintendent	C	01	----	---	01
6.	Personal Assistant	C	01	G. Ramadas, Steno	--	Nil
7.	UDC	C	01	N.K. Bandyopadhyay	No	Nil
8.	LDC	C	02	---	---	02
9.	Staff Car Driver	C	01	Santosh Debnath	OBC	Nil
10	MTS	C	04	Gopal Bala (Night Guard)	SC	03
	Total		<b>15</b>			<b>09 (as 1 RO adjusted with S.I/Inv.)</b>

**6. INCUMBENCY POSITIN IN THE STATE OFFICE, NCSC ,LUCKNOW**

(As on 31.03.2018)

S. No.	Name of Post	Group	S/Strength	Name of Incumbent S/Shri	Whether S.C./S.T./ O.B.C.	No. of Vacancy
1.	Director	A	1	-	-	1
2.	Dy. Director	A	1	-		1
3.	Assistant Director/ R.O.	A	1	Sh. Tarun Khanna	Gen	-
4.	Sr. Investigator	B	1	-	-	1
5.	Investigator	B	2	-	-	2
6.	Office Superintendent	B	1	Sh. Madhur Mohan	SC	-
7.	Steno(ad-hoc)	C	1	Smt. Sarika	Gen	-
8.	U.D.C.	C	02(one posted against the post of L.D.C.)	Sh. Ram Saran Sh. G.S. Singh	S.C. Gen	-
9.	L.D.C.	C	2	Sh. Shiv Shankar	Gen	-
10	Staff Car Driver	C	1	Sh. Sher Ali	Gen	-
11	MTS	D	3	Sh. Amber Prasad	Gen	2
	<b>Total</b>		<b>16</b>	<b>8</b>		<b>7</b>

**7. INCUMBENCY POSITIN IN THE STATE OFFICE, NCSC, PUNE***(As on 31.03.2018)*

S. No.	Name of Post	Group	S/Strength	Name of Incumbent S/Shri	Whether S.C./S.T./O.B.C.	No. of Vacancy
1.	Director	A	1	<b>Dr. O.A. Bedekar</b>	SC	1
2.	Assistant Director	A	1	Mrs. Anuradha Dusane	OBC	-
3.	Sr Investigator	B	1	-	-	1
4.	Investigator	B	2	-	-	1
5.	Office Superintendent	B	1	Sh. Rajesh Barapatre	-	1
6.	Steno/ Personal Assistant	C	1	-		1
7.	U.D.C.	C	1	Sh. G.R. Gaikwad	ST	-
8.	L.D.C.	C	2	-	SC	1
9.	Staff Car Driver	C	1	Sh. S.P. Dixit	-	-
10.	MTS	C	4	B.K. Bamble	SC	2
	Total		<b>15</b>	<b>6</b>		<b>8</b>

**8. INCUMBENCY POSITIN IN THE STATE OFFICE, NCSC ,PATNA**

(As on 31.03.2018)

S. No.	Name of Post	Group	S/Strength	Name of Incumbent S/Shri	Whether S.C./S.T./ O.B.C.	No. of Vacancy
1.	Director	A	1	Shri S. K. Singh	-	-
2.	R.O.	B	1	Shri Sunil Kr. Singh	-	-
3.	Sr. Inv.	B	1	-	-	1
4.	Inv.	B	1	-	-	1
5.	O.S.	B	1	Shri Binod Choudhary	S.C.	-
6.	P.A.	C	1	-	-	1
7.	UDC	C	1	Shri S.K. Rawani	OBC	-
8.	LDC	C	1	-	-	1
9.	S.C. Driver	C	1	Shri R.D. Sah	OBC	-
10	MTS	C	3	-	-	3
	<b>Total</b>		<b>12</b>	<b>5</b>		<b>7</b>

**9. INCUMBENCY POSITION, NCSC, THIRUVANANTHAPURAM***(As on 31.03.2018)*

S. No.	Name of Post	Group	S/Strength	Name of Incumbent S/Shri	Whether S.C./S.T./ O.B.C.	No. of Vacancy
1.	<b>Deputy Director</b>	A	1	-	-	1
2.	<b>Asstt. Director/ Research Officer</b>	A	1	-	-	1
3.	<b>Sr. Investigator/ Investigator</b>	B	1	Smt. G. Dhanya	-	-
4.	Stenographer	C	1	-	-	1
5.	<b>U.D.C.</b>	C	1	Smt. K. Jayalaxmi	-	-
6.	<b>L.D.C.</b>	C	1	-	-	1
7.	<b>Staff-Car Driver</b>	C	1	-	-	1
8.	MTS	C	2	-	-	2
	Total		<b>9</b>	<b>2</b>		<b>7</b>

**10. INCUMBENCY POSITION IN THE STATE OFFICE, NCSC, HYDERABAD**

(As on 31.03.2018)

S. No.	Name of Post	Group	S/Strength	Name of Incumbent S/Shri	Whether S.C./S.T./O.B.C.	No. of Vacancy
1.	Director	A	1	<b>Vacant</b>	-	1
2.	Research Officer	B Gazetted	1	B. Ajay Kumar	OBC	0
3.	Sr .Investigator	B Non Gazetted	1	<b>Vacant</b>		1
4.	Investigator	B Non Gazetted	2	Ms. Vidya Khobrekar	SC	1
5.	Office Superintendent	B Non Gazetted	1	Ms. Subhangi Laxmi Mrs. D. Madhavi Latha	- SC	0
6.	Personal Assistant	B Non Gazetted	1	Sh. Chokkam Navin Kumar	OBC	0
7.	U.D.C.	C	1	-		1
8.	L.D.C.	C	2	Sh. P. Eshwaraiah	SC	1
9.	Staff-Car-Driver	C	1	Sh. R Ramesh Babu	OBC	0
10.	Daftry	C	1	K. Rammoothy Naik	ST	0
11	MTS	C	2	-		2
12	Chowkidar-cum- Farash	C	1	Sh. B. Sreeniwashulu	SC	0
	Total		<b>15</b>	<b>9</b>		<b>7</b>

**11. INCUMBENCY POSITION IN THE STATE OFFICE NCSC, GUWAHATI***(As on 31.03.2018)*

S. No.	Name of Post	Group	S/Strength	Name of Incumbent S/Shri	Whether S.C./S.T. / O.B.C.	No. of Vacancy
1.	Director	A	01	S.K.Singh, (Addl. Charge)	No	01
2.	Research Officer	B	01	Nil	-- No	01
3.	Sr. Investigator	B	01	<b>Debojit Deb</b>	No	-
4.	Investigators	B	02	---	----	02
5.	Stenographer	C	01	---	--	01
6.	UDC	C	01	---	No	01
7.	LDC	C	02	N.Kalita B.K. Nath	---	Nil
8.	Staff Car Driver	C	01	R. Boro	ST	Nil
9.	MTS	C	04	R.M. Kalita P.R. Das	--- ST	02
10.	<b>Total</b>		<b>14</b>	7		<b>08</b>

**12. INCUMBENCY POSITION IN THE STATE OFFICE, NCSC, CHENNAI**

(As on 31.03.2018)

S. No.	Name of Post	Group	S/Strength	Name of Incumbent S/Shri	Whether S.C./S.T./O.B.C.	No. of Vacancy
1.	Director	“A”	1	-	-	1
2.	Asst. Director or Research Officer	“A” “B” Gaz.	1	-	-	1
3.	P.A. to Director	“B” Non Gaz.	1	-	-	1
s4.	Sr. Investigator	“B” Non Gaz.	1	1.A.Inian 2.S.Lister	NA OBC	- -
5.	Investigator	“B” Non Gaz.	2	-	-	2
6.	Office Supdt.	“B” Non Gaz.	1	Smt.S.Jayashree	NA	-
7.	U.D.C	“C”	1	-	-	1
8.	L.D.C.	“C”	2	1.R.Ramaprabhu	NA	1
9.	Staff Car Driver	“C”	1	-	-	1
10.	M.T.S.	“C”	4	1.T.Sekar 2. Smt.P.V.Amaravathy	SC SC	2
	Total		<b>15</b>	<b>6</b>		<b>10</b>

**State Offices of NCSC**

<b>Sl. No.</b>	<b>Address and Telephone Nos.</b>	<b>State Offices and Jurisdiction</b>
1.	Tripura SC Finance Corporation Building, 3 <sup>rd</sup> Floor, Pragati Road, Lake Chowmohani, Agartala-799001. (Tripura West) <b>0381-2223140, 2315967</b>	<b>Agartala</b> (Tripura)
2.	2 <sup>nd</sup> Floor, Mavlankar Haveli, Vasant Chowk, LalDarwaja, Ahmedabad-380001. <b>079-25509762, 25510717</b>	<b>Ahmedabad</b> (Gujarat, Rajasthan, Daman and Diu, Dadra & Nagar Haveli)
3.	3 <sup>rd</sup> Floor, 'D' Wing, Kendriya Sadan, Koramangala, Bengaluru- 560034 <b>080-25537155, 25527767</b>	<b>Bengaluru</b> (Karnataka)
4.	6 <sup>th</sup> Floor, Kendriya Sadan, Sector-9-A, Chandigarh-160017 <b>0172-2742561, 2743784</b>	<b>Chandigarh</b> (Haryana, Punjab, HP, J&K, Uttarakhand & Chandigarh UT)
5.	2 <sup>nd</sup> Floor, Block-5, Shastri Bhawan, Chennai-600006 <b>044-28276430, 28312851</b>	<b>Chennai</b> (Tamil Nadu & Pondicherry)
6.	7, Nilamani Phukan Path, Christian Basti, Dispur, Guwahati-781005 <b>0361-2347040, 2346885</b>	<b>Guwahati</b> (Assam, Arunachal Pradesh, Nagaland, Meghalaya, Mizoram & Manipur)
7.	National Commission for Scheduled Castes, Room no. 005, ground floor, CGO Towers, Kabdiguda, Hyderabad-500080 <b>040-23734907(Fax), 23754908</b>	<b>Hyderabad</b> (Andhra Pradesh, Madhya Pradesh & Chhattisgarh)
8.	Mayukh Bhawan, (Ground Floor), Salt Lake City, Kolkata-700091 <b>033-23370977, 23213259</b>	<b>Kolkata</b> (West Bengal, Orissa, Sikkim, Andaman and Nicobar Islands)
9.	5 <sup>th</sup> Floor, Kendriya Bhawan, Sector-H, Aliganj, Lucknow-226024 <b>0522-2330288 (Fax), 2323860</b>	<b>Lucknow</b> (Uttar Pradesh)
10.	Karpuri Thakur Sadan, Kendriya karamchari Prishar, 5 <sup>th</sup> floor, F wing, Ashiana-Digha Road, Patna-800001 <b>0612-2540285</b>	<b>Patna</b> (Bihar & Jharkhand)
11.	Kendriya Sadan, 'A' Wing, First Floor, Opp. Akurdi Rly. Station, Nagdi Pradhikaran, Pune 411044 <b>020-27658033, 27658973 27655580(Fax)</b>	<b>Pune</b> (Maharashtra & Goa)
12.	TC-24/547(1), Sastha Gardens Residency Road, Near Govt. Guest House, Thycaud, Thiruvananthapuram-695014, <b>0471-2327530</b>	<b>Thiruvananthapuram</b> (Kerala & Lakshadweep)

**Toll Free No. 18001800345** (for all State Offices of the NCSC)

**Annexure - V**

**LIST OF CPIOs AND 1<sup>ST</sup> APPELLATE AUTHORITIES IN RESPECT OF NCSC HQRS.  
AND STATE OFFICES OF NCSC**

Sl. No.	Address & Telephone Nos. OF Public Authorities	Name of CPIO and his/her designation	Name of 1 <sup>st</sup> Appellate Authority and his/her designation
1.	National Commission for Scheduled Castes, Pragati Road, Lake Chowmohani, Agartala-799001.	Shri Sasim Acharjee, UDC (Tel: 0381-2223140,011.2315967)	Shri Sanjay Kumar, Director/Incharge
2.	National Commission for Scheduled Castes, 2 <sup>nd</sup> Floor, Mavlankar Haveli, Vasant Chowk, Lal Darwaja, Ahmedabad-380001	Shri M.Y. Patel, UDC (Tel:079-25509762 25510717)	Shri O.A. Bedekar, Director/Incharge (Tel:079-25509762 25510717)
3.	National Commission for Scheduled Castes, 3 <sup>rd</sup> Floor, 'D' Wing, CGO Complex, Kendriya Sadan, Koramangala, Bangalore-560034	Shri A. Sathyanarayana, Assistant Director, (Tel:080-255509762, 2527767)	Shri Ajit Kumar Sahu, Deputy Secretary(Hqrs.) and Incharge (Tel: 011-24606850, Fax:011-24624731)
4.	National Commission for Scheduled Castes, 6 <sup>th</sup> Floor, Kendriya Sadan, Sector-9-A, Chandigarh-160017	Shri Rakesh Kumar Sharma, Research Officer,(Tele Fax: 0172-2742561, 2743784	Shri Raj Kumar Chhanena, Director (Incharge) Fax: 0172-2742561, 2743784
5.	National Commission for Scheduled Castes, 2 <sup>nd</sup> Floor, Block-5, Shastri Bhawan, Chennai-600006.	Shri A. Inion, Senior Investigator (Tel:044-28276430, 28312851)	Shri M. Madhiashagan, Director (Tel:044-28276430, 28312851)
6.	National Commission for Scheduled Castes, 7, Nilamani Phukan Path, Christian Basti, Dispur, Guwahati-781005	Shri D. Deb, Senior Investigator, (Tel: 0361-2347040, 2346885)	Shri Sanjay Kumar Singh, Director/Incharge (Tel: 0361-2347040, 2346885)
7.	Room no. 005 ,ground floor , CGO Towers, Kabdiguda, Hyderabad-500080	Shri B. Ajay Kumar, Research Officer, (Tel:040-23734907, 23754808)	Shri Ajit Kumar Sahu, Deputy Secretary(Hqrs.) and Incharge (Tel: 011-24606850, Fax:011-24624731)
8.	National Commission for Scheduled Castes, Mayukh Bhawan, (Ground Floor), Salt Lake City, Kolkata-700091	Shri D.K. Bala, Research Officer (Tel:033-233370977, 23213259)	Shri Sanjay Kumar Singh, Director/Incharge (Tel:033-233370977, 23213259)
9.	National Commission for Scheduled Castes, 5 <sup>th</sup> Floor, Kendriya Bhawan, Sector-H, Aliganj, Lucknow-226024	Shri Madhur Mohan, Office Supdt. (Tel:0522-2330288 2323860)	Shri Tarun Khanna, Assistant Director (Tel:0522-2330288 2323860)

*Annexures*

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10.	National Commission for Scheduled Castes, Karpuri Thakur Sadan, Kendriya Karamchari Prishar, 5 <sup>th</sup> Floor, F Wing, Ashiana-Digha Road, Patna-800001	Shri Sunil Kumar Singh, Research Officer (Tel: 0612-2540285)	Shri Sanjay Kumar Singh, Director (Tel: 0612-2540285)
11.	National Commission for Scheduled Castes, Kendriya Sadan, 'A' Wing, First Floor, Opp. Akurdi Rly. Station, Nagdi Pradhikaran, Pune-411044	Smt. Anuradha Sacheen Dusane, Assistant Director (Fax):020- 24337510, Tel:020- 24336124	Dr. O.A. Bedekar, Director, (Fax):020-24337510, Tel:020-24336124
12.	National Commission for Scheduled Castes, TC-24/547(1), Sastha Gardens Residency Road, Near Govt. Guest House, Thycaud, Thiruvananthapuram-695014	Smt. G. Dhanya, Investigator (Tel:0471-2327530)	Shri M. Madhiazhagan, Director/Incharge (Tel:0471-2327530)

**Annexure-VI****ALLOCATION OF FUND DURING THE FINANCIAL YEAR 2017-18***(Rs. in lakh)*

S. No.	Name of Office	Salaries	Wages	OTA	D.T.A	O.E	R.R.T	Medical	Total
	CODE NO.	01.00.01	01.00.0 2	01.00.0 3	01.00.1 1	01.00.1 3	01.00.1 4	01.00.06	
	State Office								
1	Ahmedabad	48.00	0.50	0.10	1.50	6.00	1.64	0.50	58.24
2	Bangalore	56.00	0.10	0.10	4.00	5.00	0.00	1.50	66.70
3	Kolkata	70.00	0.50	0.10	3.00	5.00	1.90	0.50	81.00
4	Hyderabad	66.00	0.20	0.10	3.00	5.00	3.50	0.50	78.30
5	Lucknow	70.00	1.00	0.30	3.00	10.75	0.00	1.00	86.05
6	Chennai	80.00	0.20	0.10	3.00	6.50	0.00	1.00	90.80
7	Patna	50.00	0.50	0.10	1.50	5.00	3.50	0.50	61.10
8	Pune	50.00	0.15	0.10	2.00	8.15	0.00	2.50	62.90
9	Agartala	20.00	0.15	0.10	1.00	1.00	1.50	0.50	24.25
10	Chandigarh	60.00	0.40	0.10	3.00	5.00	0.00	1.00	69.50
11	Guwahati	38.00	0.40	0.10	2.00	3.00	2.00	0.50	46.00
12	Trivandrum	38.00	0.30	0.10	2.50	4.00	1.70	0.50	47.10
	Total State Office	<b>646.00</b>	<b>4.40</b>	<b>1.40</b>	<b>29.50</b>	<b>64.40</b>	<b>15.74</b>	<b>10.50</b>	<b>771.94</b>
	Hqrs	<b>742.00</b>	<b>5.60</b>	<b>2.60</b>	<b>50.50</b>	<b>235.60</b>	<b>2.26</b>	<b>9.50</b>	<b>1048.06</b>
	Grand Total	<b>1388.00</b>	<b>10.00</b>	<b>4.00</b>	<b>80.00</b>	<b>300.00</b>	<b>18.00</b>	<b>20.00</b>	<b>1820.00</b>

## Annexure VII

## Hearings/Spot Visits/Divisional District Review

	Hearing Held	Case Closed	Spot Visits		Div/Distt. review	
			Place	Date	Place	Date
Hon'ble Chairman	500	4287	Etawah	17.06.2017	Mathura	11.08.2017
			Mainpuri	14.07.2017	Meerut, Bagpat, Ghaziabad, Hapur, Bulandshar, Gautambudh Nagar	21.08.2017
			Ghitorni	17.07.2017		
			Lajpat Nagar	08.08.2017		
			Meerut	21.08.2017		
			Thrissur, Kollam ,Kerala	23-24.08.2017		
			Ajmer	31.08.2017	Mewat,Palwal, Faridabad, Rewari, Gurgaon, Mahendergarh.	12.09.2017
			Faridabad	12.09.2017		
			Lucknow	10.01.2018		
			Mewat (Nuh)	02.02.2018		
Kasganj,UP	09.02.2018	Lucknow	17.01.2018			
Hon'ble VC	656	3266	Kollam, Trivandrum	<b>01.07.2017</b>	Namakkal , Tamil Nadu.	5.06.2017
			Madurai	08.07.2017	Perambur Taluk	10.06.2017
			Madurai , Chennai	20.07.2017	Villivakkam	10.06.2017
			Thiruvannamala	28.07.2017	State office , chennai	12.06.2017
			Sreekaryam, Trivandrum	02.08.2017	Thiruvallur	13.06.2017
			Thrissur	03.08.2017	Guindy, Chennai	24.06.2017
			Sreekaryam, Kannamoola, Kattakada, Neyyatinkara(2) , Trivandrum	23.08.2017	Annur, Coimbatore	25.06.2017
					Coimbatore	26.06.2017 to 27.06.2017
					Palghat, Karnataka	28.06.2017 to 29.06.2017
					Kollamand Kattakada,Trivandrum	1.07.2017
			Thrissur	24.08.2017	Chennai	7.07.2017
			Ariyalur, Chennai	16.09.2017	Madurai District	8.07.2017
			Dewas, MP	06.01.2018	Chennai	9.07.2017
Karnataka-	25.01.2018	Karnataka	13.07.2017			

			Koppal and Vijapur,			
			Sivaganga, Chennai	23.02.2018	Madurai District & Virudhunagar District	20.07.2017
			Villupuram, Chennai	26.02.2018	Tirunelveli District, Chennai	21.07.2017
			Chathannur, Kollam, Kerala	15.03.2018	Thiruvannamala i District	28.07.2017
			Alappuzha(2)	16.03.2018	Tiruppur District	29.07.2017
					Namakkal District	29.07.2017
					Sreekaryam, Trivandrum	2.08.2017
					Thrissur	3.08.2017
					Sreekaryam, Trivandrum	23.08.2017
					Kannamoola, Trivandrum	23.08.2017
					Thrissur	24.08.2017
					Namakkal Distrcit	26.08.2017
					Madhya Pradesh	07.09.2017
					Chennai	14.09.2017 to 18.09.2017
					Chennai	22.09.2017 to 25.09.2017
					Chennai	26.09.2017 to 3.10.2017
					Chennai	12.10.2017 to 15.10.2017
					Bangalore	6.10.2017 to 7.10.2017
					Chennai	3.11.2017 to 6.11.2017
					Chennai	15.11.2017 to 20.11.2017
					Kerala	21.11.2017
					Chennai	23.11.2017 to 27.11.2017

					Hyderabad	30.11.2017 to 2.12.2017
					Maharashtra	2.12.2017 to 4.12.2017
					Madhya Pradesh	6.12.2017 to 8.12.2017
					Chennai	8.12.2017 to 11.12.2017
					Chennai	13.12.2017 to 18.12.2017
					Maharashtra	22.12.2017 to 28.12.2017
					Chennai	29.12.2017
					Karnataka	3.1.2018
					Madhya Pradesh	3.1.2018 to 7.1.2018
					Chennai	12.1.2018 to 18.1.2018
					Chennai	21.1.2018 to 23.1.2018
					Karnataka	23.1.2018 to 25.1.2018
					Chennai	3.2.2018 to 5.2.2018
					Chennai	14.2.2018 to 19.02.2018
					Chennai	22.2.2018 to 27.2.2018
					Karnataka	28.2.2018 to 03.3.2018
					Kerala	15.03.2018
					Alappuzha District	16.03.2018
					Chennai	10.03.2018 to 12.3.2018
					Chennai	17.03.2018 to 19.3.2018
					Chennai	30.03.2018 to 31.3.2018
Hon'ble Member (KR)	198	115	Sircilla (Telangana)	26.07.2017	-----	-----
			Malikajgiri (Telangana)	06.02.2018		
			Nizamabad (Telangana)	18.09.2017		
			Ranga Reddy	20.02.2018		

			(Telangana)			
Hon'ble Member(Y P)	153	153	Bhojpur (Bihar)	03-05.07.2017	-----	-----
			Bhagalpur (Bihar)	22-28.12.2017		
			Koraput, Cuttack (Odisha)	11-13.02.2018		
			Purnea(Bhar)	23.02.2018 to 05.03.2018		
			Barmer (Rajasthan)	13-14.03.2018		
			Cuttack (Odisha)	15.03.2018		
			Gaya, Bhojpur (Bihar)	16-20.03.2018		
Hon'ble Member(S V)	138	640	Agra		Pune	
			Mandi(2)	22.06.2017, 09.10.2017		
			Haridwar (2)	27.07.2017,13.09.2017	Nagpur	
			Udham Singh Nagar(2)	07.11.2017,04.01.2018	Rishikesh	15.01.2018
			Hisar	28.12.2017	Chamouli	
					Mumbai	

**Annexure-VIII****Details of amendments in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995**

- **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**

Amendments	Name of the Act	Notification No. and date
Original	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989	No. 33 Extra Ordinary Part II Section 1 of the Gazette of India dated 12.09.1989
First	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) amendment Act, 2015	No. 1 Extra Ordinary Part II Section 1 of the Gazette of India dated 01.01.2016
Second	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) amendment Act, 2018	No. 39 Extra Ordinary Part II-Section 1 of the Gazette of India dated 17.08.2018

- **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995**

Amendments	Name of the Act	Notification No. and date
Original	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995	No. 145 Extra Ordinary Part II-Section 3-Sub Section (i) of the Gazette of India dated 31.03.1995
First	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2014	No. 331 Extra Ordinary Part II-Section 3-Sub Section (i) of the Gazette of India dated 23.06.2014
Second	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016	No. 268 Extra Ordinary Part II-Section 3-Sub Section (i) of the Gazette of India dated 14.04.2016
Third	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2018	No. 430 Extra Ordinary Part II-Section 3-Sub Section (i) of the Gazette of India dated 27.06.2018

Ministry/Department-wise <sup>18</sup> total Plan allocation (BE/RE) SCSP for the Annual Plan 2016-17 and 2017-18									
A. Obligated Ministries and Departments									
Sl. No.	Demand No.	Ministries / Departments	Total Allocation for CSS & CS Schemes of Ministries / Departments		Existing Obligation	Actual Allocation made for SCSP		Percentage of SCSP	
			2016-17	2017-18		2016-17	2017-18	2016-17	2017-18
1	2	3	4	5	6	7	8	9	10
1	1	Agriculture & Cooperation	35479.90	41340.30	16.20	2430.00	6668.89	6.85	16.13
2	3	Animal Husbandry, Dairying and Fisheries	1384.78	2034.70	16.20	224.06	329.30	16.18	16.18
3	5	AYUSH	503.95	509.36	5.00	52.50	71.43	10.42	14.02
4	11	Commerce	3600.62	3721.97	4.50	15.50	40.00	0.43	1.07
5	23	Development of North East Region;	2338.60	2634.20	2.00	0.00	53.00	0.00	2.01
6	24	Drinking Water Supply	14000.00	19998.27	22.00	3080.00	4399.62	22.00	22.00
7	26	Information Technology	1310.30	1672.76	2.00	64.00	23.33	4.88	1.39
8	27	Environment & Forest	1471.67	1877.22	2.20	37.75	37.75	2.57	2.01
9	42	Health and Family Welfare	26650.92	34656.68	15.20	4757.60	5510.66	17.85	15.90
10	56	Housing and Urban Poverty Alleviation	5400.00	6391.81	22.50	1047.20	1433.25	19.39	22.42
11	57	School Education & Literacy	36934.30	38980.67	20.00	8013.98	8473.94	21.70	21.74
12	58	Higher Education	4988.75	5525.75	15.00	2475.00	2953.00	49.61	53.44
13	60	Labour and Employment	5892.58	6773.38	16.20	251.10	1114.30	4.26	16.45

**Annexures**

14	64	Micro, Small and Medium Enterprises	3425.20	6438.39	12.00	360.00	733.19	10.51	11.39
15	67	New and Renewable Energy	4848.60	5293.30	3.50	173.00	184.00	3.57	3.48
16	68	Panchayati Raj	750.00	770.00	16.20	0.00	121.50	0.00	15.78
17	74	Ministry of Power	11393.87	12277.76	8.30	1012.60	1141.10	8.89	9.29
18	82	Rural Development	86020.80	105400.18	25.00	5431.68	8501.01	6.31	8.07
19	83	Land Resources	1700.00	2300.47	16.20	266.30	355.30	15.66	15.44
20	84	Science & Technology.	2161.50	2319.90	2.50	100.00	101.00	4.63	4.35
21	89	Department of Social Justice and Empowerment	6502.93	6836.20	72.50	5128.99	5418.91	78.87	79.27
22	94	Textiles,	4509.30	6150.98	5.00	167.50	172.00	3.71	2.80
23	99	Woman and Child Development	17167.00	21844.21	20.00	3460.00	3693.00	20.15	16.91
24	100	Youth Affairs and Sports	778.40	1047.19	16.20	157.97	264.68	20.29	25.28
		<b>A. Total</b>	<b>279213.97</b>	<b>336795.65</b>	<b>14.30</b>	<b>38706.73</b>	<b>51794.16</b>	13.86	15.38
<b>B. Ministries / Departments allocating funds without obligation</b>									
25	90	Department of Empowerment of persons with Disabilities	498.62	558.73	0.00	112.00	113.17	22.46	20.25
26	88	Skill Development and Entrepreneurship	1770.83	2924.26	0.00	0.00	470.49	0.00	16.09
		<b>B. Total</b>	<b>2269.45</b>	<b>3482.99</b>		<b>112.00</b>	<b>583.66</b>	4.94	16.76
<b>C- New Ministries / Departments proposed for earmarking for SCSP</b>									
27	7	Department of Fertilizers	70000.00	70032.67	0.00	0.00	0.00	0.00	0.00
28	8	Department of Pharmaceuticals	211.40	247.68	0.00	0.00	0.00	0.00	0.00

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29	15	Department of Consumer Affairs	1049.15	3645.00	0.00	0.00	0.00	0.00	0.00
30	41	Ministry of Food Processing Industries	563.96	725.00	0.00	0.00	0.00	0.00	0.00
31	70	Ministry of Petroleum and Natural gas	146.48	157.90	0.00	0.00	0.00	0.00	0.00
32	97	Ministry of urban Development	14877.50	32804.55	0.00	0.00	0.00	0.00	0.00
33	2	Department of Agriculture Research and Education	5761.43	2166.46	0.00	0.00	0.00	0.00	0.00
34	10	Ministry of Coal	300.00	685.00	0.00	0.00	0.00	0.00	0.00
35	14	Department of Telecommunication	5587.72	14908.17	0.00	0.00	0.00	0.00	0.00
36	16	Department of food and Public Distribution	140033.62	150394.60	0.00	0.00	0.00	0.00	0.00
37	18	Ministry of Culture	747.39	731.98	0.00	0.00	0.00	0.00	0.00
38	65	Ministry of Mines	0.00	0.00	0.00	0.00	0.00	0.00	0.00
39	81	Ministry of road Transport & Highways	8337.57	64771.08	0.00	0.00	0.00	0.00	0.00
40	95	Ministry of Tourism	1473.37	1722.59	0.00	0.00	0.00	0.00	0.00
41	98	Ministry of WR, RD and GR	5567.40	6031.00	0.00	0.00	0.00	0.00	0.00
		<b>C. Total</b>	<b>5567.40</b>	<b>6031.00</b>	<b>0.00</b>				
		<b>Grand Total (A+B+C)</b>							

Source: NITI Ayog vide email dated 20.12.2018 of Deputy advisor, (SJ &E, Tribal Affairs & Minorities.

## States wise allocation and expenditure under SCSP for the year 2016-17 and 2017-18

Rs. In Crores

Sl. No.	State/U.T	% of SC Population (2011 Census)	2016-17						2017-18					
			Total Plan Allocation	Total Plan Expenditure	Allocation for SCSP	% SCSP Allocation	Expenditure under SCSP	% expenditure under SCSP	Total Plan Allocation	Total Plan Expenditure	Allocation for SCSP	% SCSP Allocation	Expenditure under SCSP	% expenditure under SCSP
1	2	3												
1	Andhra Pr	16.41	49134.44	52030.87	8724.26	16.77	7314.04	83.84	156999.39	114348.98	9847.13	8.61	7469.36	75.85
2	Assam	7.15	4254.7	16431.16	163.03	0.99	127.12	77.97	24976	NA	169.96	NA	NA	NA
3	Bihar	15.91	72419.32	60840.04	12178.89	20.02	10299.91	84.57	81267.23	NA	15937.00	NA	NA	NA
4	Goa	1.74	4654.89	2630.07	37.72	1.43	12.91	34.23	9094.80	2502.66	49.83	1.99	2.84	5.70
5	Haryana *	20.17	37100.66	32585.00	5898.96	15.89	4892.50	82.93	35885.00	NA	7229.98	20.14	1392.31	19.25
6	Kerala	9.10	23585.19	22985.18	1740.42	7.57	1524.69	87.60	26839.45	12655.15	1891.10	14.94	1057.69	55.93
7	Punjab *	31.94	30688.00	NA	10289.00	33.52	8619.06	83.77	16858.72	3042.93	5524.10	32.76	NA	
8	Rajasthan	17.83	99693.30	88924.96	17840.00	20.06	15410.91	86.38	81157.97	40170.85	14432.25	35.93	6032.89	41.80
9	Telangana *	15.45	67630.73	60327.18	10483.96	15.50	5257.61	50.15	88070.68	28317.73	14375.13	16.32	4597.94	31.98
10	Tripura	17.83	293005.30	236237.90	45484.90	19.25	34202.80	75.20	155104.20	3656.19	1439.63	39.38	1121.31	77.89
11	Uttar Pradesh	20.70	136667.41	116230.15	28899.13	24.86	19804.35	68.53	NA	NA	247756.80	NA	11345.12	4.58
12	West Bengal	23.51	55542.50	NA	12608.15	NA	NA	NA	NA	NA	NA	NA	NA	NA
13	Chandigarh	18.86	800.00	798.42	151.69	19.00	151.69	100.00	4277.20	NA	NA	NA	NA	NA

	<b>TOTAL</b>	16.63												
		<b>Source: Letters and SCSP documents of the State Govts.</b>												

\* provided by State Govt. during review meeting;

Source: NITI Ayog vide email dated 20.12.2018 of Deputy advisor, (SJ &E, Tribal Affairs & Minorities).

## CPSUs, where compliance report is awaited

S.No.	Name of the Organization/PSUs	Date of review meeting held	Last reminder sent	follow up meeting held
1.	CPWD, M/o Urban Development	29.09.2014	26.07.2016	29.06.2016
2.	TCIL M/o Tele Communication & IT	17.11.2014	26.08.2016	19.08.2016
3.	DMRC M/o Railways	18.11.2014	5.07.2016	---
4.	BSNL Tele Communication & IT,	25.11.2014	15.07.2016	10.06.2016
5.	IRCTC M/o Railways	09.12.2014	09.05.2016	21.09.2016
6.	Punjab & Sind Bank	16.12.2014	09.09.2016	06.09.2016
7.	Punjab National Bank	24.09.2014	04.08.2016	22.08.2016
8.	ITPO M/o Commerce	07.04.2015	26.07.2016	---
9.	ISRO M/o Space	15.10.2015	27.06.2016	23.09.2016
10.	Coal India Ltd. M/o Coal	04.11.2015	05.07.2016	---
11.	Allahabad Bank	04.11.2015	15.09.2016	10.08.2016
12.	FCI	05.01.2015	29.08.2016	11.08.2016
13.	Indian Overseas Bank	08.07.2015	15.09.2016	26.08.2016
14.	Oriental Bank of Commerce	19.08.2015	04.08.2016	17.08.2016
15.	Syndicate Bank	14.10.2015	30.08.2016	14.09.2016
16.	United Bank of India	04.11.2015	9.09.2016	05.09.2016
17.	UCO Bank	04.11.2015	15.09.2016	24.08.2016
18.	MECON Ltd. M/o Heavy Industries	04.02.2016	04.08.2016	16.08.2016
19	Central Coalfield Ltd. M/o Cola	03.02.2016	25.07.2016	---
20	North Western Railway, Jaipur, M/o Railways	13.04.2016	03.05.2016	---
21	North Western Railway, Bikaner Division M/o Railways	20.04.2016	---	---
22	ONGC, M/o Petroleum	29.04.2016	25.07.2016	---

