

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, NCSC. List of participants is at **Annexure-I**. The following Agenda items were taken up for discussion & decisions were taken thereon:

Agenda Item No. 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.

(Action: Administration, C.Cell)

Agenda Item No. 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.

(Action: Admin.)

Agenda Item No. 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.

(Action: Admin.)

Agenda Item No. 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.

[Action: Director (SSW)]

Agenda Item No. 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.

[Action: Admin.]

Agenda Item No. 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.

[Action: SSW]

Agenda Item No. 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 statue so formulated. The views of the Commission to be communicated to Ministry of SJ&E.

[Action: SSW]

Agenda Item No. 8: Any other item with the permission of the Chair.

(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.

(Action: Admin.)

(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.

(Action: Admin.)

(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 alongwith 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 Judgement 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.

(Action: ESDW)

(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.

(Action: Admin.)

The meeting ended with the thanks to the Chair.

Annexure-I

LIST OF PARTICIPANTS IN THE 1ST MEETING OF THE NATIONAL COMMISSION FOR SCHEDULED CASTES HELD AT 3.00 PM ON 13.07.2017 AT NEW DELHI.

PRESENCE OF MEMBERS AND OFFICERS

S.NO. Name & Designation

MEMBERS OF THE COMMISSION

1. Prof. Ram Shankar Katheria, Chairman
2. Shri L. Murugan, Vice-Chairman
3. Shri K. Ramulu, Member
4. Dr. Yogendra Paswan, Member
5. Dr. (Mrs.) Swaraj Vidwan, Member

OFFICERS OF THE COMMISSION

1. Shri Arun Jha, Secretary
2. Dr. (Mrs.) Smita S. Chaudhri, Joint Secretary
3. Shri Santosh Kumar Dubey, Under Secretary (Admn. & C.Cell)