

Minutes of the Meeting of the National Commission for Scheduled Castes, New Delhi headed by Dr.P.L.Punia, Hon'ble Chairman held with Tamil Nadu Government on 9.7.2015

List of participants of NCSC, Headquarters, New Delhi :

1. Dr. P.L.Punia, Hon'ble Chairman
2. Shri Raju Parmar, Hon'ble Member
3. Smt. P.M.Kamamma, Hon'ble Member
4. Dr. Vinod Aggarwal, Secretary
5. Shri.M.R.Bali, Consultant
6. Shri Jagjit Singh, P.S to Hon'ble Chairman
7. Shri P.Ramasamy, Assistant Director, and Other Officials of NCSC, SO, Chennai

List of participants of Government of Tamil Nadu

1. Shri N.Subramanian, Hon'ble Minister for Adi Dravidar & Tribal Welfare
2. Shri K.Gnanadesikan, Chief Secretary
3. Shri Annamalai, Secretary, Adi Dravidar & Tribal Welfare Department
4. Shri Ashok Kumar, Director General of Police, Tamil Nadu
5. Shri Rajesh Das, Additional Director General of Police, SJ & HR
6. Principal Secretaries, Secretaries of Departments concerned of the Government of Tamil Nadu and other Senior Officials of Government of Tamil Nadu

Welcome Address

Shri.K.Gnanadesikan, Chief Secretary, Government of Tamil Nadu welcomed the Hon'ble Commission and introduced the dignataries on the dias to the Commission. The Chief Secretary highlighted that in Tamil Nadu, the Government machinery has achieved exemplary levels in the areas of Scholarship, Education / Literacy and Health in respect of Adi Dravidar welfare.

Address of the Hon'ble Minister for Adi Dravidar Welfare

Shri.N.Subramanian, Hon'ble Minister for Adi Dravidar Welfare, Government of Tamil Nadu welcomed the Hon'ble Commission and highlighted various achievements made by Government of Tamil Nadu for the welfare of Scheduled Castes of Tamil Nadu under the able leadership of the Hon'ble Chief Minister Selvi.J.Jayalithaa. The Hon'ble Minister further explained that the funds under SCSP Scheme is being effectively implemented in Tamil Nadu. He pointed that Government of India has to sanction funds to mitigate the liability of reimbursement of the tuition fee / post-matric scholarship to SC students in Tamil Nadu. The Hon'ble Minister for Adi Dravidar Welfare requested to sanction Rs.1100 Crores from the Government of India as a special case to meet out the requirements / implementation of the tuition fee waiver and sanction of post-matric scholarship to the SC students pursuing higher education.

Dr. P.L.Punia, Hon'ble Chairman, NCSC address

Dr.P.L.Punia, Hon'ble Chairman, NCSC introduced the Members of the Commission and other Officers of the Commission to the Officials of Government of Tamil Nadu. The Hon'ble Chairman expressed his happiness over the achievement of higher literacy rate in Tamil Nadu comparing the All India Literacy Rate among the SC population. The Hon'ble Chairman informed that the total literacy rate of SCs in Tamil Nadu is 73.26, whereas the all India average literacy rate among SCs is only 66.07%.

The Hon'ble Chairman pointed out under Article 338 of the Constitution of India the National Commission for Scheduled is mandated to investigate and monitor all matters relating to the safeguard provided for the Scheduled Caste under this Constitution or under any other law. The objective of the Review Meetings is not to find faults but to share and adopt best practices followed by various State Governments. Further, the Hon'ble Chairman pointed out the necessity of conducting the State Level Review Meeting once 3 years in every State. However, the State Level Review Meeting is being conducted in 2015

after a gap of 5 years said the Chairman. The Chairman also insisted to conduct periodic District Level Vigilance & Monitoring Committee Meetings i.e., once in every quarter and State Level Vigilance & Monitoring Committee Meeting twice in a year as per the provisions of the SC and ST (PoA) Rules, 1995. The Hon'ble Chairman expressed grave concern of the Commission as to why the State Level Vigilance & Monitoring Committee Meeting was not conducted in the last 2 years and emphasized the importance and need for conducting such Meetings periodically without fail.

After the introductory address of the Hon'ble Chairman, NCSC, the Power Point presentation, highlighting Government's achievement and implementation of Centrally Sponsored Schemes for the welfare of SC population in Tamil Nadu, was made by the following Departments of Government of Tamil Nadu:

- a. Adi Dravidar & Tribal Welfare Department
- b. School Education Department
- c. Rural Development & Panchayat Raj Department
- d. Municipal Administration and Water Supplies Department
- e. Tamil Nadu Police, Social Justice & Human Rights Unit

During the course of the power point presentation of all the above Departments Commission Members and the Secretary raised certain queries about the welfare of SCs undertaken in Tamil Nadu. Department wise gist of queries raised by the Commission is given below:

I. ADI DRAVIDAR & TRIBAL WELFARE DEPARTMENT

- ❖ The Director, Adi Dravidar & Tribal Welfare Department pointed out that there is a committed liability to the tune of Rs.353.55 Crores for disbursement of post matric scholarship / waiver of tuition fee to the SC students in Tamil Nadu. Out of the above, only Rs.254.00 Crores was released by the Central Government and it was requested to release the balance amount to meet out the expenditure for the year 2014-15.
- ❖ The Hon'ble Chairman requested the Chief Secretary **to furnish the correspondence made in this regard to the Government of India to take necessary follow up action by NCSC.**

- ❖ The Hon'ble Chairman inquired if any survey was conducted to (i) assess the quality of education in Tamil Nadu (ii) to ensure the quality of diet for school going children / hostel children in Tamil Nadu.
- ❖ The Hon'ble Chairman advised the Department to ensure admission to the SC students in professional courses with 'Zero' fees and the Colleges / Educational Institutions should be appropriately advised not to insist payment of fees at the time of admission as per G.O 92 of Government of Tamil Nadu as majority of the Colleges are insisting for full tuition fees.
- ❖ The Secretary inquired as to how many reserved seats in the Engineering Colleges are vacant year by year.
- ❖ The Hon'ble Chairman questioned whether any study was conducted by the Department on the employment of students who had completed their medical studies i.e., after completing M.B.B.S. and engineering studies.
- ❖ The Hon'ble Chairman pointed out the need for creating coaching centres for SCs to ensure their employment and requested a report on this point especially for SC students pursuing Civil Services.
- ❖ Shri.Raju Parmar, Hon'ble Member requested to explain that whereas the SC population in Tamil Nadu is 20.01% and however the Reservation for SCs is followed only at 18%. Why such a difference is prevailing in Reservation for SCs in Tamil Nadu?

II. SCHOOL EDUCATION DEPARTMENT

- ❖ Smt. P.M.Kamalamma, Hon'ble Member questioned as to why the SC Teachers in Tamil Nadu is only 14.6% comparing the stipulation of 18% as applicable in Tamil Nadu. The Hon'ble Member further raised the issue of upgradation /promotion of 283 Teachers recruited in the year 1997 under Special Recruitment Drive are left with no promotion even after 18 years. The Secretary, School Education Department affirmed that the issue is under active consideration of the Government and the positive outcome will be intimated to the Commission shortly.
- ❖ Dr. Vinod Aggarwal, Secretary inquired if any survey was conducted by Government of Tamil Nadu to ensure admission of SC students in

educational institutions under RTE Act. A report in this regard may be furnished to the Commission.

III. RURAL DEVELOPMENT & PANCHAYAT RAJ DEPARTMENT

- ❖ The Hon'ble Chairman observed that the schemes shown in the power point presentation were mostly general schemes and there are few SC specific schemes are only being implemented by the Department.
- ❖ Smt. P.M.Kamalamma, Hon'ble Member pointed that as many as 12,503 SC cases are pending for restoration because encroachment of DC lands and why Special Courts should not be formed to dispose off these pending cases as is being done in Andhra Pradesh in case, few are in the Court.

IV. MUNICIPAL ADMINISTRATION & WATER SUPPLIES DEPARTMENT

- ❖ The Hon'ble Chairman at the outset questioned about the eradication of '*Manual Scavenging*' in Tamil Nadu and enquired about the construction of sanitary latrines and demolition of in-sanitary latrines. It was informed by the Principal Secretary, Municipal Administration & Water Supplies Department that the **manual scavengers are only 462, who have been identified and properly rehabilitated. Further, he informed that there are 90,538 in-sanitary latrines for which the Chairman instructed to demolish all the in-sanitary latrines.** The Hon'ble Chairman expressed his anguish over this issue and questioned whether, the Secretary of the Department means to state that 210 manual scavengers are servicing the huge number of 90,538 in-sanitary latrines all over Tamil Nadu. Further, the Hon'ble Chairman noted with surprise that how the 210 workers could will handle around 90,538 latrines and advised for proper survey. The Secretary asked if any survey has been conducted in rural areas also or not. As the survey has remained confined to urban areas only, Secretary felt for extensive survey including rural areas also for identifying the normal scavengers and manual scavenging.

V. TAMIL NADU POLICE, SOCIAL JUSTICE & HUMAN RIGHTS UNIT

- ❖ The Hon'ble Chairman at the outset expressed his displeasure on the recent murder of 21 year SC Engineer boy in Namakkal District and another boy in 2013 in Dharmapuri District of Tamil Nadu due to inter-caste marriage. The Hon'ble Chairman advocated for exploring the possibilities of preventing such incidents and deaths in Tamil Nadu.

- ❖ The Hon'ble Chairman suggested that wherever complaints are received from SCs on atrocious incidents, the same should be registered in the form of F.I.R without fail and in no case an SC person should be constrained to approach Hon'ble Court under Sec.156(3) Cr.PC to get his / her FIR registered.
- ❖ The Additional Director General of Police informed that in Tamil Nadu, none of the cases / F.I.Rs have been registered on the directions of Hon'ble Court under Sec.156(3) Cr.PC. He further informed that there are 6 exclusive Special Courts in 8 Police Districts for hearing the cases of SCs alone and each Court has handled 400 cases in a year. The ADGP informed that the rate of conviction in Tamil Nadu in atrocity cases.
- ❖ The Hon'ble Chairman questioned whether the **performance of Public Prosecutor is being evaluated from time to time** and whether the replacement of Public Prosecutor was contemplated based on his performance.
- ❖ The Hon'ble Chairman suggested that the atrocity cases should be chargesheeted immediately and case be filed in the Hon'ble Court. He further opined that in case the charge sheet is not filed immediately, the witness and the victim may loose interest and faith in the case.
- ❖ Smt. P.M.Kamalamma, Hon'ble Member submitted a report on the Study of atrocity on the Kuravan Community people in Tamil Nadu to the Chief Secretary to take appropriate action on the Study Report.

VI. SERVICE SAFEGUARD MATTERS AND CONCLUDING REMARKS OF NCSC

- The Hon'ble Chairman emphasized the need to ensure proper representation of SCs by filling up of backlog vacancies since the Hon'ble Minister for Adi Dravidar Welfare has already held a Meeting on the matter with Heads of 10 Departments of Government of Tamil Nadu and the backlog of 9600 odd vacancies as assessed by the Government has to be filled by Direct Recruitment in time scheduled manner.
- To make out a criminal case on the persons who enter employment with false community certificates and those who are already in employment with bogus community certificate and punish them in accordance to law.

- Smt. P. M. Kamalamma, Hon'ble Member submitted a representation of the Tamil Nadu Registration Department SC/ST Employees Welfare Sangam to the Chief Secretary, Government of Tamil Nadu regarding the grievance of extending reservation in promotion for Secondary Grade Sub-Registrar and stressed the need to follow the reservation with exclusion of own merit SC candidate during the promotion exercise .
- Shri Raju Parmar, Hon'ble Member suggested to consider 20% Reservation for SCs by the Government of Tamil Nadu so as to have a specified representation in place of 18% reservation given now.
- The shortfall of Government teachers should be filled up by special recruitment drive.

VII. Recommendations of the Commission:

In addition to the observations of the Commission referred to in the proceedings paragraphs, the Commission made the following specific recommendations:

1. Tamil Nadu is one of the top most 5 States in the Country in terms of high rate of atrocity committed against the Scheduled Castes. Keeping in view the increasing trend in atrocity on members of the SCs, the police administrations needs to be pro-active to prevent the atrocities.
2. FIRs should be registered promptly and under no circumstances an SC person should be made to approach the Hon'ble Court under Sec.156 (3) Cr. P. C. to get his case registered.
3. The rate of conviction in atrocity cases is only 10% and is not satisfactory comparing the national average of 30%. Corrective steps are required to be taken by the State Government to enhance the conviction rate.
4. The State Level Vigilance & Monitoring Committee Meeting was held last on 25.6.2013. As per SC/ST (POA) Rules, 1995 such Meeting has to be held twice in a year. The District Level Vigilance & Monitoring Committee should be held 4 times in a year i.e. once in every quarter.
5. 504, 392, 205 and 178 Scheduled Caste prisoners are in the jails for more than one year, five years, 10 years and under trial respectively. This needs to be reviewed by the State urgently.

6. Special recruitment drive should be conducted to fill up the backlog vacancies. Teachers' recruitment only 14%. In this regard, the Chief Secretary assured that the backlog vacancies would be filled up shortly.
7. There are more than 2000 cases of false community certificates pending. Necessary action should be taken to initiate action on all the cases.
8. The Hon'ble Chairman expressed his anguish on the serious atrocity incidents in Tamil Nadu due to inter-caste marriages e.g. Gokulraj case – Namakkal District.
9. The Hon'ble Chairman expressed that a time bound action plan should be prepared and implemented to eradicate manual scavenging and demolish in-sanitary latrines in Tamil Nadu. A survey in this regard has to be conducted in the Rural Areas also.
10. SC students' scholarship was not given in time. Reimbursement should be made in time. Admission in professional Colleges should be on Zero fee payment basis.
11. Out of 35,32,554 BPL families in the State 11,75,906 families belong to Scheduled Castes which works out to 33.28% against the SC population of 20.01% in the State. The State Government is required to look into if the benefits of the Welfare Schemes actually reach to the SC members to raise their level of living and improve economic condition.
12. The Commission observed that allocation of SCSP funds during 2012-13 to 2014-15 is equivalent to the SC population in the State but the expenditure on Scheduled Castes Specific Scheme is only around 2%. State Government is required to work out SC Specific Schemes to be funded through SCSP.
13. SCs have land holding of 10.76% and the area is 6.6% against the SC population of 20.01%.

An Action Taken Report on the above recommendations should be furnished to the Commission in two months.

The meeting ended with thanks to the Chair.

