



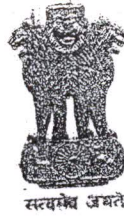
NATIONAL COMMISSION FOR SCHEDULED CASTES

SECOND ANNUAL REPORT

2005 - 2006



**B-Wing, 5th Floor
Loknayak Bhawan
New Delhi - 110 003**



भारत सरकार
राष्ट्रीय अनुसूचित जाति आयोग

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED CASTES

बूटा सिंह
अध्यक्ष
BUTA SINGH
CHAIRMAN

पाँचवीं मंजिल, लोकनायक भवन,
खान मार्केट नई दिल्ली-110003
5TH FLOOR, LOK NAYAK BHAWAN,
KHAN MARKET, NEW DELHI- 110003
TEL : (O) 011-24632298 , 24620435
FAX : 011-24632298

Dated:

Respected RashtrapatiJi,

I have the honour to present to you the Second Annual Report of the National Commission for Scheduled Castes upon the working of Safeguards of Scheduled Castes during the year 2005-06 under the constitution of India and other laws. The report pertains to the duration of the first Commission for Scheduled Castes.

In this duration of second report of NCSC, various instances of deprivation of rights and safeguards of SCs were investigated by the Commission. The matters were related to service matters, economic development including education and implementation of SC/ST (POA) Act, 1989. The Commission investigated these issues in its various meetings. The Commission also visited places where atrocities were committed against SCs. Separate chapters of this report deal with the state of implementation, analysis of these issues and recommendations of the Commission.

It has been observed by the Commission during this period that the drop out rate of SC children, though is coming down in recent years, is still higher than other general castes. Endeavour has to be to bring this at par with the other category children, as the education is the main vehicle for development of any society. The government has decided to use SCP as an instrument for development of SC population. The

implementation part of SCP needs to be strengthened further. Though there is improvement in its implementation compared to earlier years, but a lot needs to be done

It has been observed that even after almost two decades of its enactment the implementation of SC/ST (POA) Act, 1989 is not done in a effective manner. The atrocities against SCs are not decreasing with time, but are rather increasing. Police needs to be sensitized on this issue. SC/ST (POA) Act needs to be given publicity among the people for whom this Act has been enacted. The conviction rate is very low. The victims are threatened to withdraw the cases. It is seen that in many cases out of court settlement takes place, which may be due to undue influence of the accused persons.

The Commission has recommended various measures that government may take to effectively implement various safeguards as provided in the constitution of India and through other laws. The major handicap for proper functioning of the Commission is the shortage of manpower. Therefore, I am approaching your honour to intervene in the matter forthwith.

With kind regards,

Yours sincerely,

Buta Singh
(DR. BUTA SINGH)

H.E. Smt. Pratibha Devi Singh Patil
Hon'ble President of India
New Delhi.

PREFACE

The Commission interacted with a large number of Government organizations, Non-Government Organizations and people's representatives at various levels, has come to the conclusion that in spite of specific provisions made in the Constitution the over all socio-economic conditions of the SCs, despite several legal and policy initiatives, institutional network and large financial allocations, have not brought them to the national mainstream and remains still far from expectations. The main instrument for achieving this objective is the policy of reservations in employment and admission in education and professional courses as also in elected bodies. Protective legislations were also framed to ensure protection against exploitation and discrimination through enhanced and specific financial allocations for their development.

During the year under report 2005-06, the complaints/petitions were handled by the Commission. Field enquiries were also conducted on atrocity and land related matters. The report is based on the complaints received in the Commission as per Civil Court Power granted under Article 338 of the Constitution. Personal hearings/discussions are also conducted by the Hon'ble Chairman/Vice Chairman/Members on the Complaints for early settlement of grievances with the concerned authorities. During the year 2005-06, the Commission held 9 meetings on various issues relating to SCs.

In the beginning the special provisions for SCs/STs in their representation to Lok Sabha and State Legislative Assemblies were for 10 years duration with the understanding that these Castes/Communities would be able to assimilate with the main stream of the society. Since the progress being slow due to various inherent factors the special privileges continue. It has become more than 57 years since the Constitution came into being and the special and protective measures have evolved the SC communities socially, educationally and economically to a great extent.

There is need to focus attention on agricultural land, non-land capital assets etc. for the economic improvement of the SCs. It is necessary to associate the corporate sector in the process of economic development of SCs. The corporate sector should be made to realize its social responsibility. They should adopt villages having SC concentration for imparting training to SC youth in such trades, which can subsequently pave the way for employing them in such industries.

Instances have come to the notice that the SCs have made the uncultivable land cultivable but forcibly occupied by others. In case the SC wants to dispose of the land, the state should acquire it and sell the land thus making it a public land, so that the SC gets good price for his land. Like-wise for non-land capital assets through SC Finance Corpn., the survey should be conducted on the handicaps suffered by SC beneficiaries and suggestion for effective use of Corporation.

Scheduled Castes drop out rates has declined over the period, but even in 2004-05 it was higher for SCs than for all categories. The difference is particularly high for the secondary stage. One of the major obstacle/difficulty in achieving the goals of universal elementary education among the SCs is presence of high school drop out rates. All the institutions of education and skill development should have facilities for providing extra coaching to slow learners. This will help students of all disadvantaged groups including SCs. The amount available in Sarva Shiksha Abhiyan needs to be increased substantially.

I N D E X

CHAPER	TITLE	PAGE NO.
I	INTRODUCTION	1
II	CONSTITUTIONAL PROVISIONS FOR PROTECTION AND DEVELOPMENT OF SCHEDULED CASTES	6
III	ECONOMIC DEVELOPMENT OF SCHEDULED CASTES	11
IV	EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES	19
V	SERVICE SAFEGUARDS FOR SCHEDULED CASTES	39
VI	PROTECTION OF CIVIL RIGHTS AND PREVENTION OF ATROCITIES ON SCHEDULED CASTES	60

CHAPTER I

INTRODUCTION

The Republic of India saw that certain castes/ Communities in the country were embedded in extreme social, educational and economic deprivation. In 1950, when the constitution of India was promulgated the founding fathers decided to bring these marginalized sections of the society by giving them special provisions under the constitution. There were many castes/communities against whom the practice of untouchability/unsociability in India existed and continue to exist. Hence, the main criteria for placing certain castes as Scheduled caste was the practice of untouchability towards them. To integrate and to bring them up as co-partners in the development of the nation, these castes were brought under the umbrella of Scheduled Castes and the communities so notified are contained in clause. I of Article 341 of the constitution of India. They are being given special concessions for their social, educational and economic development since the fifties.

2. The framers of the constitution wanted to ensure that the benefit of special concessions/ provisions meant for Scheduled Castes implemented in letter & spirit. With this end in view, the Constitution provided for appointment of a special officer under article 338 of the constitution to investigate all matters relating to the safeguards provided to Scheduled Castes & Scheduled Tribes and report to the president upon the working of those safeguards.

3. The erstwhile special office was designated as office of the Commissioner for Scheduled Castes & Scheduled Tribes, came into being on 18.11.1950 with headquarters at Delhi. By 1965, there were 17 field offices in different states to oversee the working of various safeguards provided to Scheduled Castes & Scheduled Tribes.

4. The office of the Commissioner for Scheduled Castes and Scheduled Tribes was not enough, it was felt, to monitor the safeguards provided to SCs&STs. Hence due to voice raised by members of parliament a proposal was mooted for amendment of Article 338 of the constitution (46th Amendment) by replacing the single member special officer by multi-member Commission. The first Commission for SC & ST came into being in August, 1978. The field Officers of the erstwhile Commissioner for SC/ ST, which were transferred under the control of Director General, Backward classes welfare in 1965, were brought under the jurisdiction of this Commission. The

functions of the Commission for SCs/STs and that of the O/o Commissioner for SCs and STs nearly corresponded with each other. They co-existed till 11.03.1992. The erstwhile O/o Commissioner for SCs/STs during their office had submitted 30 reports

5. The set-up of the National Commission of 1978 underwent change in 1987 and it was christened as National Commission for Scheduled Castes and Scheduled Tribes. This Commission being a National level advisory body played the role of adviser on major policy and developmental issues relating to SCs & STs. This National Commission for SCs & STs had submitted 8 Reports during its tenure.

6. The National Commission for SCs & STs came into being consequent to assent to the 65th Amendment Bill, 1990 notified on 08.06.1990 and rules there under were notified on 03.11.1990. The constitution of the National Commission for SCs & STs are as follows:

1 st National Commission for SCs/STs	12.03.1992	Shri. Ram Dhan, Chairman Shri. Bandi Oraon, Vice-Chairman Shri. B. Sammaiah- Member Dr. Sarojini Mahishi- Member Shri. Choudhary Hari Singh- Member Shri. N. Brahma- Member Shri. Jina Bhai Darjee- Member
2 nd National Commission for SCs/ STs	05.10.1995	Shri. H. Hanumanthappa, M.P(Rajya Sabha), -Chairperson Smt. Omem Moyong Deori, -Vice-Chairperson Shri. Narsingh Baitha- Member Ven. Lama Lobzang- Member Shri. Naresh Chandra Chaturvedi- Member Shri. B. Yadaiah- Member Shri. Anand Mohan Biswas- Member
3 rd National Commission for SCs/STs	12.1998	Shri Dileep Singh Bhuria- Chairman Shri. Kameshwar Paswan- Vice Chairman Shri. Harinder Singh Khalsa- member Ven. Lama Lobzang- Member Shri. Chhotray Majhi- Member M. Kannan- Member. Consequent to his resignation Shri. C. Chellappen was appointed in 2000. Smt. Venna Nayyar- Member

4 th National Commission for SCs/STs	03.2002	Dr. Bizay Sonkar Shastri-Chairman Ven. Lama Chosphe Zotpa-Vice Chairman Shri. Vijay Kumar Choudhary-Member Shri. Narayan Singh Kesari-Member Shri. Tapir Gao-Member Smt. Veena Premkumar Sharma -Member Shri. C. Chellappan-Member completed his tenure on 02.07.2003 and Shri Sampath Kumar assumed office on 30.09.2003 in his place.
---	---------	---

The erstwhile National Commission for Scheduled Castes and Scheduled Tribes has submitted Seven Annual Reports and 4 Special Reports, the details of which have been indicated below:-

Reports of the National Commission for SCs&STs.	Period	Submitted to the President of India	Laid in Lok Sabha on	Laid in Rajya Sabha on
1	2	3	4	5
First Annual Report	1992-1993	15.8.1994	28.7.1998	27.7.1998
Second Annual Report	1993-94	9.7.1996	28.7.1998	27.7.1998
Third Annual Report	1994-95 and 1995-96	2.2.1998	13.3.2000	24.4.2000
Fourth Annual Report	1996-97 and 1997-98	25.4.1998	13.3.2000	24.4.2000
Fifth Annual Report	1998-99	26.2.2001	17.5.2002	13.5.2002
Sixth Annual Report	1999-2000 and 2000-2001	16.11.2001	20.12.2004	23.12.2004
Seventh Annual Report	2001-2002	19.2.2004	Yet to be laid	Yet to be laid
Special Reports of the erstwhile NCSC&ST				
Special Report on Service Safeguards for the members of SCs and STs.	---	22.1.1998	28.7.1998	27.7.1998
Special Report on Land Alienation in Bihar	---	26.4.2000	*	*
Special Report on the status of implementation of SCs and STs POA Act, 1989 in Uttar Pradesh.	---	26.2.2001	*	*
Special Report on the working of Special Courts set up under SC/ST(POA) Act, 1989 in Madhya Pradesh.	---	26.2.2001	*	*

*The erstwhile National Commission for Scheduled Castes and Scheduled Tribes has submitted 7 Annual Reports and 4 Special Reports, the details of which have been indicated above.

*So far as the other 3 Special Reports are concerned, these relate to issues concerning particular State Government. These Reports have been sent to the concerned States for taking action as per clause 7 of Article 338 of the Constitution.

7. In the 89th Amendment of the Constitution it was decided for a separate National Commission for Scheduled Castes & separate National Commission for Scheduled Tribes. This came into effect on 19.02.2004. The erstwhile National Commission for SCs & STs was bifurcated into two different Commissions with actual bifurcation date being 1-12-2004.

8. A special notification to this effect was issued by Ministry of Social Justice & Empowerment on 20.02.2004 specifying the powers & functions of the National Commission for Scheduled Castes. The 1st & the present Commission was approved by the president of India. Shri. A.P.J Abdul Kalam.

1 st National Commission for Scheduled Castes	25.02.2004	Dr. Suraj Bhan-Chairman Shri. Fakirbhai Vaghela-Vice Chairman Shri. Phool Chand Verma-Member Shri.Devender V.-Member Smt. Surekha Lambture-Member
--	------------	---

9. During the year under report 2005-2006 as many as 535 Complaints/ petitions were handled by the Economic & Social Development wing of the Commission. Field enquires were also conducted on atrocity and land related matters. The report is based on the complaints received in the Commission as per Civil Court Power granted under Article 338 of the Constitution. Personal hearings/ discussions are also being conducted by Hon'ble Chairman/Vice Chairman/Members on the Complaints for early settlement of grievances with the concerned authorities. During the year 2005-2006, the Commission held 5 meetings on various issues relating to Scheduled Castes.

10. Being a watch dog of policy implementers, the NCSC took note of the fact on the constitution of the Maharashtra state Commission for SCs & STs bill, 2005 the State Government should have consulted the Commission as required under Article 338 (9) of the Constitution before drafting & sending it for presidential consent. The NCSC accordingly referred the matter to MHA to advise state government accordingly. This was shelved by MHA as state government failed to fulfill the requirements of Article 338, where the consultation with ibid as mandatory. Likewise on important policy issue relating to exclusion of certain castes as done by Chattisgarh due to bifurcation of M.P into M.P & Chattisgarh, it was also pointed out that state government of Chattisgarh was required to consult the Commission as mandated under Article 338 of the Constitution .

11. In the beginning the special privileges for SCs/STs in their representation to Lok Sabha & State Legislative Assemblies were for 10 years duration with the understanding that these caste Communities would be able to assimilate with the main stream of the society. Since the progress being slow due to various inherent factors the special privileges continue. It has become more than 57 years since the constitution came into being and the special and protective measures have evolved the Scheduled caste Communities socially, educationally and economically to a great extent. It is seen that the Scheduled Castes are also cornering the employment and educational seats under general standard also. The reservation has no doubt benefited the Scheduled Castes in two ways by reservation and also by getting into general quota in education and employment fields. It is also a point which needs to be pondered whether some sections among these have benefited more than others. And there are instances when some states want categorization of Scheduled Castes by grouping them as A,B,C,D etc. as it felt that benefits have percolated to a few within the Scheduled Castes Community and a demand for creamy layer concept among Scheduled Castes is in the offing.

12. The Commission has also noted that M/o Social justice & Empowerment has constituted a National Commission to examine the issue of sub-categorization of Scheduled Castes in Andhra Pradesh into four groups for purpose of reservation and appointed a retired judge of the Supreme Court to examine it in all its aspects. The National Commission for Scheduled Castes in its 12th internal meeting has rejected the proposal of sub-categorization of caste in Andhra Pradesh. The same has been challenged in the Supreme Court.

CHAPTER II

CONSTITUTIONAL PROVISIONS FOR PROTECTION AND DEVELOPMENT OF SCHEDULED CASTES

The constitution of India contains special provision and safeguards provided to Member of Scheduled Castes under its various Articles. These safeguards are in the nature of protective from discrimination for their Educational, Economic, Social, Political and reservation benefits and for their overall development. The relevant Articles governing the Scheduled Castes are given below.

SAFEGUARDS FOR SCHEDULED CASTES

2. **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.

3. **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 there of ,by public notification, specify the castes, races or tribes or parts of or groups within 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 .

4. **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.

5. The safeguards provided to Scheduled Castes are grouped in the following broad heads:

- Social Safeguards
- Economic Safeguards
- Educational & Cultural Safeguards
- Political Safeguards
- Service Safeguards

SOCIAL SAFEGUARDS

6. **Article 17, 23, 24 and 25 (2) (b)** of the constitution enjoins upon the state to provide social safeguards to Scheduled Castes . Article 17 relates to abolition of untouchability being practiced in society. The Parliament enacted the protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (prevention of Atrocities) Act, 1989 to tackle the problem of untouchability, which is being practiced against Scheduled Castes.

7. **Article 23** prohibits traffic in human beings and ‘begar’ and other similar forms of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law. Although there is no specific mention about the SCs in this Article but majority of the bonded labour come from SCs. Thus, this Article has a special significance for them. The parliament enacted Bonded labour system (Abolition) Act, 1976 for identification, liberation and rehabilitation of bonded labourers.

8. **Article 24** provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. Even in this Article, there is no specific mention about the SCs but substantial portion of child labour engaged in hazardous employments belong to SCs.

9. **Article 25(2)(b)** provides that Hindu religious institutions of a public character shall be opened to all classes and sections of Hindus. The term Hindu includes persons professing Sikh, Jain, and Buddhist religion.

ECONOMIC SAFEGUARDS

10. **Article 23, 24 and 46** form part of the economic safeguards for the Scheduled Castes and Scheduled Tribes. The Provisions of Articles 23 and 24 have already been discussed in earlier paragraphs.

11. **Article 46** Provides, “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.

EDUCATIONAL AND CULTURAL SAFEGUARDS

12. **Article 15 (4)** Empowers the state to make special provisions for the advancement of any socially and educationally backward classes of citizens and for SCs. This provision has enabled the state to reserve seats for SCs in educational institutions in general and professional courses etc.

POLITICAL SAFEGUARDS

13. Reservation of seats for SCs /STs in the local bodies of the states/ UTs, Legislative Assemblies of the state and in Parliament are provided in the Constitution of India as follows.

14. **Article 243D Reservation of seats-(1)** Seats shall be reserved for (a) the Scheduled Castes, and (b) the Scheduled Tribes in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in the total Population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one –third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be the Scheduled Tribes.

(3) Not less than one –third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

15. **Article 243T Reservation of seats(1)** Seats shall be reserved for the Scheduled Castes and Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total Population of that area and such seats may be allotted by rotation to different consistencies in a Municipality.

(2) Not less than one –third of the total number of seats reserved under clause(1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different Constituencies in a Municipality.

(4) The Offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a state may, by law, provide.

(5) The reservation of seats under clauses(1) and (2) and the reservation of offices of Chairpersons(other than the reservation for women) under clause(4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in the part shall prevent the Legislature of a state from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

16. Article 330 Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the people :-(1)Seats shall be reserved in the House of the people for-

- (a) the Scheduled Castes,
- (b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam, and
- (c) the Scheduled Tribes in autonomous districts of Assam.

(2) The number of seats reserved in any State or Union Territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall, bear as nearly as may be, the same proportion to the total number of seats allotted to that state or Union territory in the House of the people as the population of the Scheduled Castes in the state or Union territory or of the Scheduled Tribes in the State or part of the state or Union territory, as the case may be, in respect of which seats are so reserved , bears to the total population of the State or Union Territory.

(3) Notwithstanding anything contained in clause(2), the number of seats reserved in the House of the people for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of Scheduled Tribes in the said autonomous districts bears to the total population of the state.

Explanation;-In this article and in article 332, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.

17. Article 332 Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States:-(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The Number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

18. Article 334 Reservation of seats and special representation to cease after sixty years:-Notwithstanding anything in the foregoing Provision of this Para, the provisions of this Constitution relating to:-

(a) The reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the people and in the Legislative Assemblies of the States and

(b) The representation of the Anglo-Indian Community in the House of the People and in the Legislative Assemblies of the States by nomination, shall cease to have effect on the expiration of a period of sixty years from the commencement of the Constitution:

SERVICE SAFEGUARDS

19. Service safeguards are contained in Articles 16(4), 16(4A), and 335 .

20. **Article16(4)** Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State ,is not adequately represented in the services under State.

21. **Article16(4A)** 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 the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State ,are not adequately represented in the services under the State.

22. **Article335 Claims of Scheduled Castes and Scheduled tribes to services and posts-** The claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the **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.

In the year 2001, the Parliament through Constitution (Eighty-fifth Amendment)Act,2001 amended the provisions contained in Articles 16(4A). In Article16 (4A) for the words:-"In matters of promotion to any class" has been substituted. The effect of this amendment is that the SCs/STs promoted earlier than their counter-part in general category by virtue of reservation policy shall be senior to general category in the promoted scale/post.

One of the most important mandated provisions at Article 338 of the constitution is section (9) which stipulate that 'The Union & every State Govt. shall consult the Commission on all major policy matters affecting Scheduled Castes'.

CHAPTER III

ECONOMIC DEVELOPMENT OF SCHEDULED CASTES- 2005-06

Introduction

The aim of planning in India is for alleviation of poverty, bridging the wide economic disparities among various sections of society and economic upgradation of all. In the process of more than 54-55 years of planning there has been overwhelming changes opening more and more avenues globally with private and foreign investment and the benefits percolating to all sections including the Scheduled Castes. However, in the present open competition the challenges are many and the Scheduled Castes are not equipped to secure their rightful share of the fruits of development.

Most of the SC persons come from the poorest strata of the society. Their development should primarily aim at raising their income levels. Keeping this in view the strategy of the special component plan for the SCs was adopted during the sixth Plan. During the sixth Plan an amount of Rs.3614.66 crores was earmarked under the SCP which represented 7.66% of the total state plan outlay of the states implementing the SCP. The actual expenditure during the period was however Rs.2978.70 crores, constituting only 6.32% of the total plan size. The quantum of allocation under the SCP was increased to Rs.7385.42 crores during the seventh plan, constituting 8.27% of the total state plan outlay. During the seventh plan period the actual expenditure fell short of the outlay and it accounted for only 7.74% of the total state plan size.

In 1992-93, 21 States and 3 UTs continued to formulate their SCPs. Out of the total State Plan outlay of Rs.30366.51 crores an amount of Rs.3091.53 crores was earmarked under the SCP but the flow of funds was barely 10% of the plan size. The expenditure during the year was reported by the Ministry of Welfare to be of the order of Rs.2562.80 crores. As in the case of TSP, the Commission recommends that all the States/UTs should make provision in the divisible component of the plan outlay for the SCP not only in proportion to the SC population but in a higher proportion than their population percentage in view of their socio-economic backwardness and having been

denied their due share in developmental benefits in the past. The following table indicates outlays and expenditure under the SCPs of the States/UTs from the Fifth Plan onwards:

Table I

(Rs.in crores)

Plan Period	Total State Plan Outlay	SCP Outlay	%age of col.3 to 2	Actual expenditure	%age of col.5 to 3
VI Plan	47149.89	3614.66	7.66	2978.70	82.41
VII Plan	89322.89	7385.42	8.27	6916.62	93.65
VIII Plan	199115.47	22420.33	11.26	18088.9	80.68
IX Plan	401533.71	45038.08	11.22	32310.1	71.74
X Plan	504597.50	57125.4	11.32	52387.28	91.7
XI Plan					

Source: Annual Plan Report of M/o SJ&E 2006-07.

In the planning process to give a more focused attention for the social, economic and educational development of SCs a separate Scheduled Castes – Plan earlier known as Special Component Plan was conceived. Under this strategy, States/UTs and Central Ministries are required to formulate and implement Scheduled Caste Sub Plan (SCSP) as part of their Annual Plans by earmarking resources from each general sectors of the Plan in proportion to the SC population. The targeted flow of resources through SCP is intended to provide additional benefit to the SC population, over and above what they would get through the normal plan. This is necessary to bridge the gap between the general population and SCs population in terms of different indicators of development.

The gap between the percentage of SC population and the percentage allocation under SCP has been particularly wide in States such as Andhra Pradesh, Assam, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tripura, West Bengal and UTs of Chandigarh and Pondicherry. Further it has also been noticed that even if notional

allocations were made, the level of expenditure under SCSP has been much lower than the allocated fund. As a result of allocations under SCSP being lower than the required levels, the objective of bridging the gap between SC and the general population, measured in terms of various indicators of social and economic development, is far from intended achievement. There is, therefore, an urgent need to enforce strict implementation of this strategy if the SCs are to be made equal partners in the progress of the nation.

The Planning Commission in 2005 issued instructions that the State Governments allocate their plan resources in proportion to the share of SC population of the State. Attempts have also been made that the exercise does not remain limited to notional earmarking of the resources, to be delivered to some other use later on. The instructions include the following :

- (i) Earmarking of funds for SCSP from total State Plan outlay at least in proportion to SC population of the state.
- (ii) Making SCSP funds non divertible and non lapseable.
- (iii) Making the Social Welfare Department/the Department concerned with the development and welfare of SCs as the nodal Department for formulation and implementation of SCSP.
- (iv) Placing the earmarked funds at the disposal of nodal department concerned, which in turn will reallocate the funds to sectoral departments for implementation of schemes directly relevant to SC development.
- (v) Placing the earmarked funds for SCSP under separate budget head/sub-head for each development Department.

Central Ministries

Central Ministries have also to implement the SCSP and thus formulate within their jurisdiction/activities existing development schemes being implemented by them for the SC. Based on the population percentage of SCs under their existing schemes/programmes they allocate funds towards SC and make them beneficiaries.

One issue which frequently comes up is about divisibility and non divisibility of schemes implemented by central ministries. Many ministries have argued that the nature of scheme being implemented by them is such that it is not possible to earmark separate funds for benefits of separate social groups. These are mainly ministries dealing with infrastructure development. The Standing Tripartite Committee set up by the Planning Commission to monitor the implementation of strategy of SCP for SCs has categorized the central ministries on the basis of feasibility of earmarking of funds under SCP. 30 ministries/departments have been grouped in category III as ministries/departments those having divisible schemes and which can earmark funds under SCP.

The working group suggested the following changes in the concept and operational aspect of Scheduled Caste Sub Plan.

At the level of Planning Commission:

- (i) The earmarking of fund under SCSP in proportion to SC population should be done by the Planning Commission at the time of deciding the annual plan for each Ministry. Thus, each Ministry's allocation on SCSP should be indicated by Planning Commission well in advance and the same be forwarded to Ministry of Finance and to each individual Ministry.
- (ii) Similarly the scheme wise allocation of earmarked fund should be separately indicated under separate budget head by the Ministries in consultation with Planning Commission.
- (iii) Separate earmarking and scheme-wise allocation by the Ministries should be made in their Annual Plan and indicated to the Planning Commission before it is sent to the Planning Commission. The Planning Commission should not accept the budget by the Ministry unless it contains the scheme wise allocation under SCSP.
- (iv) If any particular Ministry is not able to utilize the earmarked allocation, the Planning Commission may made these unused fund available to such Ministries/Departments which are in need of extra money to implement schemes directly relevant to SCs and which have showed better record of utilization under SCSP.

- (v) The Planning Commission should set up Standing Committee to monitor the implementation of SCSP at Ministry level. This Committee should have representative from Ministry of SJ&E.

At the level of Individual Ministries:

- (vi) Each Ministry should set up a Standing Committee to decide earmarking aggregate and scheme-wise allocation of the fund under SCSP. This Committee also should monitor the use of fund under SCSP. The Committee will have one representative from Planning Commission.
- (vii) The same Standing Committee will oversee the progress of expenditure and physical achievements.

At the level of Ministry of SJ&E

- (viii) Ministry of SJ&E should be the nodal Ministry to oversee the effective implementation of SCSP by the central ministries and also by the State Governments.
- (ix) The mandate of the Ministry of SJ&E be changed to perform the new role of monitoring. Within the Ministry, a separate Bureau be set up headed by a Joint Secretary for monitoring SCSP of Central Ministries as well as of States. The Ministry should be represented on the standing committee of all central ministries for coordination and to oversee its effective implementation.

The details of total State Plan outlay, flow to SCP during the 10th Plan period from 2002-03 to 2005-06 is as follows:

Table II

Year	Total State Plan Outlay (Rs. in crores)	SCP outlay (Rs. in crores)	% of SCP outlay to State Plan Outlay
2002-03	94676.63	9997.06	10.56

2003-04	87242.47	9772.24	11.20
2004-05	78425.14	9955.50	12.69
2005-06	10523	173844	7.54

Source: Annual Plan report of M/o SJ&E 2006-07

SCA is released by Ministry of SJ&E to States as 100% central assistance to supplement States/UTs for ensuring rapid socio economic development of the SCs. It is additive to SCSP. The aim is to fill the critical gaps in family based income generating schemes with supporting infrastructure development. The Ministry of SJ&E is monitoring and implementing SCA and SCP by States and Central Ministries.

There has been a steady increase in the percentage of allocation under SCP, however, this is not commensurate with the population percentage of SCs to the total population of the country which is 16%.

The welfare schemes implemented by the central and the State Governments like self-employment, land distribution, housing, health and other economic benefits are targeted for SCs and reach them but the gap still remains to be bridged.

Alleviation of poverty has been the primary consideration in our planning effort ever since India ventured into an era of planned development. However, with the Indian economy passing through many changes by opening up more and more to private and foreign investments, the SC and ST persons have more at stake today than ever before. In a situation of open competition they are not equipped to secure their rightful share of the fruits of development.

According to the 1991 census the population of the SCs is 13.82 crores and they constitute 16.48% of the total population of 83.85 crores (excluding J&K). More than 20% the population in Punjab (28.31%), Himachal Pradesh (25.34%), West Bengal (23.62%) and Uttar Pradesh (21.05%) belong to the SCs. Nine States, Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal account for 81.46% of the SC population of the country.

The industrial classification of the main workers amongst SCs in 1991 Census was as follows:-

	SC
Cultivators	25.44%
Agricultural labour	49.06%
Household industry	2.41%
Other workers	23.08%

It is significant that the percentage of cultivators amongst the SCs decreased from 28.17% of the main workers in 1981 to 25.44% in 1991. The percentage of agricultural labour amongst them also registered a increase from 48.22% in 1981 to 49.06% in 1991. The reasons for these phenomena require indepth study.

Amongst the main workers 77.11% of SC main workers were engaged in the primary sector of economy which includes workers engaged as cultivators, landless labourers, in mining, quarrying, animal husbandry, forestry, hunting and plantation, orchards and allied activities. In the secondary sector, which includes workers engaged in household industry, manufacturing other than household industry and construction 9.83% SC main workers were engaged. The tertiary sector which includes trade and commerce, transport, storage and communication and other services absorbs 13.06% of SC main workers. The occupational classification, therefore, brings to light the fact that whereas the secondary and tertiary sectors provide employment opportunities to SCs to a limited extent only. A sincere effort is therefore required to be made to effect a change in the occupational classification which is presently very much biased in favour of the primary sector. However, one has to bear in mind that the changes are not to be treated as independent goals but have to be brought about as result of the overall economic development which must benefit the vulnerable groups, specially SCs.

As per Census 2001 Scheduled Castes constitute 16.48% of the total population. The Scheduled Castes population generally lag behind in development. However, due to constant endeavour of the Government there is a marked improvement in the availability of facilities in educational and economic development of SCs. However, it is pertinent to mention that these indications cannot be compared because of vastness of general population and that of SCs. General population also includes a mixture of general, OBC, SC, ST and Minority communities. There is no exclusive general population as per the present economic indications especially in urban areas and other towns.

The basic amenities indicating economic advancement of SCs are given below:

Electricity :

In terms of houses having electricity, there is a considerable gap between the SC households and general households. As per Census 2001 data, only about 44.2% of the SC households in the country have electricity as compared to 61.4% for the general population. The comparative figures for 1991 and 2001 are given in the following table:

Table III

Percentage of households having electricity

	1991	2001
Scheduled Castes	28.1	44.3
General	48.1	61.4
Total	42.4	55.8

Source: Registrar General of Census operations. Special Reports of 1991-2001.

As can be seen from the table above, the gap between the general population and SCs has slightly narrowed during 1991-2001.

At the level of villages, the percentage of SC villages with less than 10% households electrified was 36% in 2001 as compared to 31.8% in other villages. SC village here is defined as one having 30% and above SC households.

Percentage distribution of electrified villages.

Table IV

Category of village	Percentage of households having access to electricity		
	0	More than 0 but less than 10%	More than 10%
SCs	21.4	14.6	64.0
Others	19.5	12.3	68.2

Source: Registrar General of Census operations. Special Reports 1991-2001.

Drinking water supply

The percentage of households among the general population having drinking water facility within premises is 45%. The corresponding figure for SC households is only 27%. In case of 19.5% of SC households the source of drinking water is "Away" as compared to 14.2% in the general population.

Distribution of households by location of drinking water source

Table V

	Within premises	Near premises	Away
SCs	27.0	53.5	19.5
General	45.2	40.3	14.4
Total	39.0	44.3	16.7

Source: Registrar General of Census operations. Special Reports of 2001.

Sanitation

Seen in terms of availability of latrine and connectivity to waste water outlet, the situation in respect of SC households needs a lot of improvement. In comparison to the general population, the availability of these facilities in SC households may be seen from the table below:-

Table VI

	% of households having latrine facility	% of households having connectivity to water outlet
SCs	23.7	42.9
General	42.3	50.6
Total	36.4	46.4

Source: Registrar General of Census operations. Special Reports of 2001.

Only about 24% of SC households have latrine facility in comparison to 42.3% for general population. There is also a gap between general population and SCs in terms of connectivity to waste water outlet, though the extent of gap is comparatively less.

Housing

Based on material used, the Census classifies houses into three broad categories – permanent, semi-permanent and temporary. As per Census, 2001, 57.7% of the general households possess permanent houses in comparison to only 42.8% among SCs. The situation is briefly summarized in following table.

Percentage of households having permanent houses

Table VII

	Percentage of households having permanent houses (2001)
SCs	42.8
General	57.7
Total	51.8

Source: Registrar General of Census operations. Special Reports of 2001.

The details of economic development of SCs are discussed below:-

National Scheduled Castes Finance and Development Corporation : It assists income generating activities. The details of amount disbursed and number of SC beneficiaries during Tenth Five Year Plan of the Corporation are given below:

Table VIII

(Rs. in crores)

S.No.	Year	Amount disbursed	No. of beneficiaries
1	2002-03	160.07	76281
2	2003-04	113.07	59826
3	2004-05	147.13	41489
4	2005-06	147.96	53315

Source: Annual Report of M/o SJ&E 2006-07.

Land related issues: As brought out earlier that about 70% of SC rural households are landless and near landless (owning less than half acre). There is need to distribute agricultural surplus land to SCs on priority basis. As on 30th June, 2006, 68.61 lakh acres have been declared surplus of which 60.15 lakh acres have been taken over and 49.88 lakh acres distributed to 53.98 lakh rural landless poor of whom 39.00% are SCs. A large portion of the areas not available for distribution is held up in litigation. The Working Group is of the view that a large area of good quality land is unlikely to be available for distribution to SCs. However, efforts should be made to distribute the remaining area of surplus and Bhoodan land to landless SCs by undertaking special drives within a stipulated period. Area involved in litigation must be freed from litigation by speedy disposal of court cases and made available to landless SCs. Further, adequate financial assistance should be provided to assignees of surplus land to make it cultivable.

The SCs, who are landless should be provided a viable unit of land, which should be at least one acre of irrigated land. If surplus land or Government land is not available, the Government should purchase the land, take possession and distribute it among landless SCs. The land provided should have a clear title and free from litigation.

Legislation has not been enacted by any State except Karnataka to prevent alienation of SC land. States which have not yet enacted legislation to prevent alienation of SC land, may do so at the earliest.

Improve access to capital : The capital at the disposal of SC/ST Finance Corporation at the centre and in States should be increased quite substantially to provide support to SC/ST business. At present only 16% of household in rural area are in business. But they are engaged in small business and therefore the poverty level among them is relatively high. There is need to provide financial and other support to them so that they become viable.

In order to ensure accessibility to capital market there is an urgent need to set up a National Bank for Scheduled Castes with at least 1000 crores as equity by the Government. To increase the participation of SCs in private capital Government should make a policy like in Malaysia by setting up a National Equity Corporation to help SCs to participate in the share market.

Other issues: In the past many schemes for development of SCs did not produce the desired results because they were implemented without taking into consideration the capacity of the targeted beneficiaries to manage the project. It is therefore recommended that before implementing any scheme of economic development of SCs, necessary efforts should be made to enhance the capacity of the intended beneficiary to manage the scheme. In other words, all schemes for development of SCs should have an inbuilt component of capacity building through training.

Keeping in view the forces of market driven economy, globalization that has opened doors for cheaper imported goods, it is essential to emphasize on diversification of occupations. Traditional occupational communities should not remain compartmentalized to their traditional occupations, which are supply driven. It is necessary to promote their vertical mobility in those occupations, which yield good returns and are demand driven. For that purpose more emphasis should be given on imparting skill technical/vocational education to the SCs. As such, training programmes should be redesigned from traditional occupation such as carpentry, blacksmith to modern day requirement namely photography, ticketing and traveling, IT.

It is necessary to associate the corporate sector in the process of economic development of SCs. The corporate sector should be made to realize its social responsibility. They should adopt villages having SC concentration for imparting training to SC youth in such trades, which can subsequently pave the way for employing them in such industries.

A large number of SC families are engaged in leather manufacturing business. However, their methods of production are very outdated and unhygienic. The Working Group recommends that a special training programme for those involved in this business should be introduced. Similarly, in case of other trades, the Group recommends programme for training, modernization, assistance in marketing etc. In urban areas, the SC youth should be given training in services like electric and electronics with a provision for financial assistance to them through State Corporations so that they can set up their own enterprises catering to the services which are in great demand in urban areas.

A There is a need to focus attention on agricultural land, non-land capital assets etc for the economic improvement of the SCs.

There is a need for door to door survey of SC households on the issue of landless and near landless (covering less than half acre) among SCs in rural areas and others. The survey also should bring out the advantage and disadvantage of the SC agricultural households in cultivation. The agricultural pattas should clearly indicate that the agricultural land belong to SC. Instances have come to the notice that the SC have made the uncultivable land cultivable but forcibly occupied by others. In case the SC wants to dispose of the land the state should acquire it and sell the land thus making it a public land, so that the SC gets good price for his land. Likewise for non-land capital assets through SC Finance Corporation, the survey should focus on the handicaps suffered by SC beneficiary and suggestion for effective use of corporation. Studies should be entrusted to reputed non-governmental professional organization for unbiased reporting.

CHAPTER IV

EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES

On the 26th January, 1950, on the birth of the Democratic Republic of India, the people of India, solemnly resolved to secure to all our citizens Justice, social economic and political, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity, and also to promote among them all, fraternity assuring the dignity of the individual and the unity of the nation. The most deserving sections of our society, who were expected to be benefitted from these laudable and noble declarations made at that time, were decidedly the weakest links of national chain, i.e., the Scheduled Casts. Have these resolves, so solemnly made, really helped them in ample measures even now after nearly more than 5 decades?

The Government has made tremendous progress in a number of fields. Though it can be pointed out that it has not been possible for Scheduled Castes to swim along with others in the mainstream of development and be equal partners in the benefits of all our achievements. Although administrative and legislative measures have been adopted to give effect to various safeguards provided in our Constitution for the Scheduled Castes, it appears that the implementation part was not done properly.

The speech of Dr. B.R. Ambedkar in Constituent Assembly on 25th November, 1949 is worth mentioning in this connection. He had said:

"On the 26th January, 1950 we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life we shall by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up."

Article 46 of the Constitution lays down a very important Directive Principle of State Policy. It says 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". Clause(2) of Article 29 further provides as one of the Fundamental Rights that "no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them."

The problems which are regarding the growth of education amongst the various communities of Scheduled Castes in different States/Union Territories were analyzed and time bound programmes were made. It is still required to chalk out time bound programmes for accelerating the pace of education amongst them.

The Educational progress in respect of various State Governments and in respect of amount spent both on welfare schemes and other measures to promote educational and economic interests of SCs:

The actual expenditure incurred on scholarships to SCs during 1944-45 to 1950-51 the total expenditure was Rs.29,63,843. This included the expenditure of 22 scholars sent for studies abroad in 1945-46.

In the year 1958-59 the number of institutions specially meant for ST, SC and other backward classes in the States and UTs for primary and Junior Basic education were 12,464, middle senior basic were 536, high/higher secondary were 81, Technical and industrial were 14 and other institutions were 803. The total number of such institutions were 13,898.

The enrolments in the year 1958-59 in the States/UTs, in universities and Arts, Science colleges were 88,020, pre-primary were 7,409, Primary schools were 89,28,777, Middle schools were 21,84,763, High/Higher Secondary schools were 12,62,900 and Professional and special institutions were 6,57,518. The total enrolments were 1,31,29,387.

Under the scheme of Post Matric Scholarships of SCs and STs, the expenditure during the Fourth Five Year Plan period was much more than the Plan provision, indicating that the demand of these scholarships was mounting every year. However, under the scheme of Girls' hostels there was small shortfall in the expenditure as compared to the Fourth Plan provision both for Scheduled Castes as well as Scheduled Tribes. More attention was therefore, paid to the establishment of Girls' Hostels for these communities.

In the Fifth Five Year Plan, the Education Departments of all the State Governments/UTs were asked to ensure that sufficient allocations were made under the National Minimum Needs Programme for the promotion of Education amongst SC and STs. The allocations under the Minimum Needs Programme were inadequate to meet the total requirements of incentives for elementary education, the State Education Plans provided for the requirements of various schemes like teaching in their languages, books and reading materials in primary schools, scholarships and stipends at the middle level, hostel buildings, buildings for primary and middle schools etc. The entire burden was to be borne by the State Education Plans, only then the Plan outlay for backward classes sector had supplemented provisions under the Education Plans.

The details of plan expenditure on different sectors of education (in percentage) of SCs and STs are as under:

Table -I

Year		Elementary Education	Secondary Education	Adult Education	Higher Education	Others	Technical Education
1951-56	1	58	5	-	8	15	14
1956-61	2	35	19	-	18	10	18
1961-66	3	34	18	-	15	12	21
1966-69	4	24	16	-	24	11	25
1969-74	5	50	-	2	25	13	10
1974-79	6	52	-	2	28	9	9
1980-85	7	32	20	6	21	11	10
1985-90	8	37	24	6	16	3	14

1990-92	9	37	22	9	12	2	17
1992-97	10	48	24	5	10	3	10
1997-2002	11	66	10	3	10	2	9
1997-2002	12	65.7	10.5	2.4	10.3	1.6	9.5
2002-2007	13	65.6	9.9	2.9	9.5	1.4	10.7

Source : Annual Report of Ministry of HRD, 2006-07

- 1—1st Plan expenditure
- 2—2nd Plan expenditure
- 3—3rd Plan expenditure
- 4—Plan Holiday expenditure
- 5—4th Plan expenditure
- 7—6th Plan expenditure
- 8—7th Plan expenditure
- 9—1990-92 expenditure
- 10—8th Plan expenditure
- 11—9th Plan outlay (Central sector)
- 12—9th Plan expenditure (Central sector)
- 13—10th Plan outlay (Central sector)

The expenditure position is for both SCs and STs and since the organization for SCs and STs stands bifurcated hence it is recommended that Planning Commission may kindly compile statement separately for SCs and STs in future.

Importance of educational development amongst SCs cannot be over-emphasized. Since independence, efforts have been made by the Central and State Governments and non-official agencies to spread education amongst these communities. Bulk of the funds under backward classes sector in all the Plans were spent on the educational programmes specially designed for these communities. The overall progress achieved in the enrolment of SC students and the number of post-matric scholarships awarded to them were quite impressive when compared to the position prevalent at the time of Independence. However, the progress was not uniform throughout the country. The position with regard to educational attainment of SCs differed from State to State. Within the same State, there was a variation from area to area and also among the various communities.

The minimum standard required for admission was relaxed in favour of the children belonging to these communities because it was not possible for them to compete with the

general candidates in the admission test and their enrolment position in these schools remained unsatisfactory. It was, therefore, recommended that the minimum marks prescribed for admission to Schools should be relaxed by 10 per cent in favour of these candidates. It was also recommended that in order to increase the enrolment of candidates in schools a specific reservation of seats should be made for such candidates in each priority category. Since the reserved seats were to be filled by the children of employees in the various priority categories laid down, it did not go against the objective of the scheme and was accepted by the schools run for central government employees. As a matter of fact there was no reason why the seats should not have been reserved for the admission of children of the SC employees who fulfil all the conditions of transferability etc in keeping with the general policy of Government to encourage education among the SCs. The reserved seats were not filled after giving relaxation of 10 per cent in the minimum qualifying marks, the same should be further relaxed to see that seats reserved for these candidates are actually filled by them.

The literacy rate can be measured by glancing the table given below.

Table-II

Year	Literacy Rate		Literacy Gap
	Non-SC/ST	SC	
1961	27.91	10.27	17.64
1971	33.80	14.67	19.13
1981	41.30	21.38	19.92
1991	57.69	37.41	20.28
2001	68.81	54.70	14.11

Source : Annual Report of M/o SJ&E for the year 2004-05 and Annual Report of MHRD for the year 2006-07.

Literacy rate of SCs has increased from 10.3% in 1961 to 54.7% in 2001 as is evident from the above table. This being growth of literacy among SCs, the gap between literacy rates of non-scheduled and SC population has not been made up and it continued to increase till 1991. In the period 1991-2001 it was noted that gap between others and SCs decreased.

The State/UT wise details as per year 2001 is as under:

Literacy rates of SCs – Census 2001

Table - III

S.No.	State	Rural			Urban			Total		
		Persons	Males	Females	Persons	Males	Females	Persons	Males	Females
1	Andhra Pradesh	50.32	60.63	39.79	68.66	77.25	60.05	53.52	63.51	43.35
2	Arunachal Pradesh	65.87	73.83	54.37	69.28	78.59	55.57	67.64	76.31	54.99
3	Assam	64.92	74.21	54.94	76.86	84.08	69.08	66.78	75.74	57.14
4	Bihar	26.93	38.66	14.13	49.11	60.63	37.70	28.47	40.23	15.58
5	Chhattisgarh	62.47	77.81	47.27	69.28	81.81	56.31	63.96	78.70	49.22
6	Goa	70.77	81.27	60.34	72.88	81.79	63.53	71.92	81.56	62.05
7	Gujarat	65.59	79.16	51.17	77.90	87.62	67.33	70.50	82.56	57.58
8	Haryana	54.13	65.88	40.64	60.19	70.67	48.11	55.45	66.93	42.26
9	Himachal Pradesh	69.54	79.45	59.44	81.06	87.28	73.83	70.31	80.01	60.35
10	J&K	57.10	68.02	45.26	67.90	76.52	57.96	59.03	69.57	47.46
11	Jharkhand	32.52	46.57	17.73	58.14	71.24	43.11	37.56	51.59	22.55
12	Karnataka	47.25	58.71	35.56	69.27	78.32	59.88	52.87	63.75	41.72
13	Kerala	81.65	87.22	76.39	87.12	91.83	82.70	82.66	88.07	77.56
14	Madhya Pradesh	55.39	69.73	39.44	68.02	80.06	54.69	58.57	72.33	43.28
15	Maharashtra	67.88	80.56	54.71	78.27	87.58	68.41	71.90	83.29	59.98
16	Manipur	70.76	79.79	61.38	73.14	82.86	63.77	72.32	81.78	62.97
17	Meghalaya	51.91	61.75	40.55	63.57	72.72	52.99	56.27	65.86	45.21
18	Mizoram	88.89	88.33	100	89.30	88.49	91.67	89.20	88.44	92.16
19	Nagaland	-	-	-	-	-	-	-	-	-
20	Orissa	54.23	69.51	38.76	65.31	77.56	52.38	55.53	70.47	40.33
21	Punjab	54.35	61.63	46.27	61.93	68.72	54.33	56.22	63.38	48.25
22	Rajasthan	49.86	66.93	31.18	61.35	76.83	44.22	52.24	68.99	33.87
23	Sikkim	60.23	67.56	52.63	81.99	87.92	76.05	63.04	70.15	55.71
24	Tamil Nadu	59.61	70.48	48.79	71.45	80.17	62.77	63.19	73.41	53.01
25	Tripura	73.59	80.98	65.88	79.51	87.78	73.15	74.68	81.85	67.24
26	Uttar Pradesh	44.52	59.03	28.33	58.17	69.08	45.51	46.27	60.34	30.50
27	Uttaranchal	61.53	76.34	46.11	72.01	81.29	61.42	63.40	77.26	48.74
28	West Bengal	57.09	69.10	44.46	68.99	77.76	59.51	59.04	70.54	46.90
29	A&N Islands	-	-	-	-	-	-	-	-	-
30	Chandigarh	65.82	73.63	55.25	67.85	76.47	57.41	67.66	76.20	57.22
31	D&N Haveli	75.73	86.88	63.80	83.90	92.06	74.55	78.25	88.37	67.05
32	Daman & Diu	86.11	94.26	77.28	83.65	93.66	73.70	85.13	94.03	75.82
33	Delhi	70.82	82.40	57.18	70.85	80.63	59.24	70.85	80.77	59.07
34	Lakshdweep	-	-	-	-	-	-	-	-	-
35	Pondicherry	64.29	74.11	54.61	75.20	83.87	66.82	69.12	78.41	60.05
	India	51.16	63.66	37.84	68.12	77.93	57.49	54.69	66.64	41.90

Source: Census of India, 2001 Census – Selected Educational Statistics 2003-04 and Annual

Report of M/o SJ&E for the year 2008-09.

Improvement is noticed in the Gross Enrolment Ratio (GER) for SC children both at primary and upper primary levels. GER for SCs at the Upper Primary stage was observed to be more than GER for the overall population in the 2004-05 which may be seen from the tables given below.

Primary Table -IV

Year	All categories			Scheduled Castes		
	Boys	Girls	Total	Boys	Girls	Total
1999-2000	104.1	85.2	94.9	103.6	80.5	92.4
2000-2001	104.9	85.9	95.7	107.3	805.8	96.8
2001-02	105.3	86.9	96.3	103.1	82.3	93.0
2002-03	97.5	93.1	95.3	101.4	89.4	95.6
2003-04	100.6	95.06	98.02	93.12	83.0	88.3
2004-05	111.67	104.86	108.39	126.66	110.26	118.76

Source : Annual Report 2005-06 of Department of Education, Ministry of HRD,

Upper Primary Table -V

Year	All categories			Scheduled Castes		
	Boys	Girls	Total	Boys	Girls	Total
1999-2000	62.2	49.7	58.8	73.6	50.3	62.5
2000-01	66.7	49.9	58.6	76.2	53.3	65.3
2001-02	67.8	52.1	60.2	80.3	57.7	69.6
2002-03	65.3	56.2	61.0	63.2	48.6	56.3
2003-04	66.8	57.6	62.4	79.4	63.3	71.8
2004-05	73.84	64.90	69.57	79.50	63.43	71.89

Source: Annual Report 2005-06 of Deptt. of Education, M/o HRD,

There is slow progress noticed in the year 2004-05 at upper primary level.

Scheduled Castes drop out rates has declined over the period. In 2004-05 it was higher for SCs than for all categories. The difference is particularly high for the secondary stage, which is evident from the table given below. One of the major obstacle/difficulty in achieving the goals of universal elementary education among the SCs is presence of high school drop out rates which could be seen from the day the child is enrolled in class-I.

Drop out rates for SCs. Table VI

Year	All categories			Scheduled Castes		
	Primary	Upper Primary	Secondary	Primary	Upper Primary	Secondary
2001-02	39.0	54.6	66.0	45.2	60.7	72.7
2002-03	34.9	52.8	62.6	41.5	59.9	71.9
2003-04	31.5	52.3	62.7	36.6	59.04	73.1
2004-05	26.45	49.95	61.74	36.31	56.24	70.57

Source : Annual Report 2005-06 of M/o HRD,

Table - VII

Social Group/ Rural/ Urban	Male				Female			
	1983	1987-88	1993-94	1999-00	1983	1987-88	1993-94	1999-00
SC (Rural)	48.9	49.8	64.3	70.1	25.5	31.1	46.2	58.6

Unreserved	59.2	63.4	74.9	80.2	39.2	45.8	61.0	73.8
SC (Urban)	66.7	68.2	77.5	79.2	52.3	53.8	68.6	73.9
Unreserved	76.5	78.0	86.8	88.0	69.1	72.6	83.0	85.4
			Gap in SC and others					
Rural	10.3	13.6	10.6	10.1	13.7	14.7	14.8	15.2
Urban	9.8	9.8	9.3	8.8	16.8	18.8	14.4	11.5

Source : Annual Report 2005-06 of M/o HRD,

The rural urban gap in school enrolments/attendance had begun to decline in the 1990s though inequalities and disparities between SC and unreserved population still remained. The goals of universal elementary education remain distant, as fewer than 41% SC female children and about one third male children aged 5-14 continued to remain out of school in rural areas which may be glanced from above table. The difference of male/female gap in urban and rural is noticed from the above table as compared to other castes.

It is, therefore, recommended that all institutions of education and skill development should have facilities for providing extra coaching to slow learners. This will help students of all disadvantaged groups including SCs. Necessary resources should be provided to institutions. At present, Sarva Shiksha Abhiyan has provision of Rs. 15 lakh per district per annum for meeting local needs (including incentives) for reserved category children. This amount should be enhanced to at least Rs.100 per SC student per annum for providing remedial teaching to SC children so that the drop out rate can decline.

Higher education : Enrolment is measured through higher enrolment ratio with the year 2000 the enrolment ratio was close to 10%. The GER was much lower for SC as compared with others it being 5.0%.

In the year 2000, as against the overall average of 8% for the female, the GER was 3.48% for SC female as compared with 14.1% for other female. The GER for SC female was five times less compared to higher caste female. There were also significant differences in enrolment rate among the poor and non-poor SC. In the year 2000 the GER for the poor was 2.4% as against 12.81 non-poor, the average being 10.10%. With in the poor however

the GER was the lowest among the poor belonging to SC it being 1.89%. Similar position was observed for poor in rural and urban area. In rural area the GER was only 1.35% for SC which was lower as compared to others. GER for the SC poor was only 3.86%. Even among the non-poor, the GER for SC is lower as compared with others. As seen the GER is 6.68% for SCs as compared to 19.73 for others.

-The literacy rate of SCs in 2001 was 54.70% as compared with 68.81% for others. The dropout rates, particularly at the higher levels, among the SCs was quite high. **It was suggested that Govt. should develop strategy to increase the literacy rates of SCs and also their post-school education skills.**

The educational deprivation among the SCs is largely attributed to the historical and cumulative socio economic deprivation suffered by them for centuries. The main cause of high magnitude of never enrolled, out of school children and high school drop out rate is chronic poverty. Other factors responsible for low pace of educational development among them are domestic/occupational compulsions and non-availability of remedial coaching. **It is recommended that Government should frame policy/strategy with mechanism to overcome these factors and to see that SC child is not deprived of the educational benefits due to the poverty.** During the 11th Plan, care should be taken on the educational development front of SCs.

The enrolment ratio in higher education of SC is 5% which is half compared to national average of 10% and one third compared with unreserved. Therefore, there is need to take special measures for the SCs with respect to access to higher education. **For this, the Government should see that no fee should be charged from SC students studying in Government or Government-aided institutions, at any level right up to Ph.D. Government concerned (Central/State) should compensate such institutions for the loss of revenue resulting from fee waiver to SC students.** It is to see that due to the poverty conditions, children do not have basic requirement of school i.e. uniforms, books. **Therefore, free uniform, footwear and suitable stationery allowance should be provided to every SC student at least at the elementary stage of education. The SC families should also be counseled through NGOs to generate interest of SC students towards education by sensitizing teachers and students, time to time.**

The children drop out is seen at 8th, 10th and 12th standards. The students are not re-admitted by schools in 10th and 12th once they do not qualify and fail in 1st attempt. **The Government should take care that failure students should be re-admitted for making the education a success and to discourage drop outs.**

As is seen that Noavodaya Vidyalayas are playing important role in imparting education. Therefore the number of these schools should be increased. Preference should be given to districts with over 20% SC population while setting up new Novodaya Vidyalayas or similar schools. Similar action should be taken in regard to Kendriya Vidyalayas and schools at block levels.

Higher Education

The Central Government M/o HRD vide their order No. 6-30/2005/U5 dated 6.12.2005 issued the instructions to UGC that powers vested under Section 20(1) of the UGC Act, 1956 the Government hereby directs the UGC to ensure effective implementation of the reservation policy in the central universities and those of institutions deemed to be universities receiving aid from the public funds except in minority institutions under Article 30(1) of the Constitution.

The policy of the Central Government is that in the central universities and institutions which are deemed to be universities receiving grants-in-aid from the public exchequer, the percentage of reservation in admissions and recruitments in teaching and non-teaching posts is 15% for SCs. UGC, is a statutory autonomous organization responsible for implementation of policy of the Central Government in the matter of admissions as well as recruitment to the teaching and non-teaching posts in the Central Universities and institutions which are deemed to be universities.

The Government noted that UGC has failed to ensure effective implementation of the reservation policy in the Central Universities and grantee institutions which are deemed to be universities. Therefore, Government in their guidelines directed the UGC and made guidelines.

Following programmes for Scheduled Castes run by UGC

The UGC provides financial assistance to universities for the establishment of SC/ST cells to ensure effective implementation of the reservation policy in admissions, recruitment to both teaching and non-teaching positions etc. in universities. Upto 31st March, 2006, the UGC has approved the establishment of SC/ST Cells in 120 universities. During 2005-06 a grant of Rs.13.00 lakhs had been released to SC/ST cells functioning in various universities.

Towards social equity and socio-economic mobility of the disadvantaged sections of the society, the UGC has been implementing the remedial coaching scheme for SC students in universities and colleges. During 2005-06, fresh proposals were invited from universities/colleges as per Tenth Plan guidelines. With the help of an Expert Committee, three Universities and 143 colleges have been selected for implementation of the scheme. As on 31st March, 2006 the scheme was implemented in 371 universities and colleges and grant to the tune of Rs.799.44 lakhs had been paid to the universities and colleges.

In order to gain useful employment in group A,B and C including all India services and state/provincial services, the scheme of coaching classes for SC/ST for entry in services has been introduced in selected universities and colleges w.e.f. 2004-05. With the selection of two more universities and 82 colleges, the scheme is being implemented in 13 universities and 110 colleges. During 2005-06, the UGC released a total grant of Rs.3.59 crores to these universities and colleges.

Two new schemes for SCs viz. research associateships and scholarships to undertake PG studies in professional courses have been formulated for implementation.

The Standing Committee constituted by the UGC from time to time has regularly been overseeing the implementation of the reservation policy for SC and ST in Central and deemed universities. During 2005-06 the Standing Committee impressed upon the universities for filling up all backlog SC vacancies for teaching and non-teaching posts before 31st March, 2006.

Post-Doctoral Fellowship for SC/ST

The scheme of post-doctoral fellowship is for SC candidates who have obtained a doctorate degree, have published research work to their credit and have already shown evidence of independent work.

The pattern of fellowship is as under:

Fellowship (4 years)	@Rs.12000/- p.m.
Contingency (4 years)	@Rs. 30000/- p.a.

Post-Graduate scholarships for SC students in professional courses

The scheme has been initiated keeping in view the social background of the candidates from deprived sections of the society and to provide them opportunity to undertake post-graduate level studies for SC candidates.

The pattern of scholarship is as under:

M.Tech students	@ Rs.5000/- p.m.
Contingency	@ Rs.15000/- p.a.
M. Pharmacy/M. Management	@ Rs.3000/- p.m.
Contingency	@ Rs.10000/- p.a.

The selection of candidates was in progress.

Remedial coaching classes at UG/PG level for SC students in universities and colleges.

The UGC has been contributing towards social equity and socio-economic mobility of the under privileged sections of the society through special schemes. The Commission introduced in 1994 one such special scheme namely Remedial Coaching at the Under Graduate and Post Graduate level for students belonging to the SC. The main objectives of the scheme are:

- To improve the academic skills and linguistic proficiency of the students in various subjects.
- To raise the level of comprehension of basic subjects so as to provide a stronger foundation for further academic work.

- To strengthen their knowledge, skills and attitudes in such subjects, where quantitative and qualitative techniques and laboratory work are involved, so that necessary guidance and training provided under the programme may enable the students to come up to the level necessary for pursuing higher studies efficiently.
- To improve over all performance of these students in the examinations.

The tenure of assistance to universities and colleges is five years but initially assistance is provided for three years i.e., first phase. The work of Centre is reviewed at the end of third year with the help of Standing Committee on SC/ST and if the work is found satisfactory, further extension of two years is granted to the college/university. If overall performance of the programme during five years period is satisfactory, further continuation is also accorded in the next five year plan on positive recommendations by the Review committee.

The UGC invited fresh proposals from universities/colleges as per the Tenth Plan guidelines. The UGC selected 3 universities and 143 colleges for implementation of the scheme and released grant to the selected universities and colleges. The details of proposals approved in different meetings are as under:-

Table -VIII

Date & place of meeting	Coverage	Proposals Considered		Proposals Recommended		Grants Released (Rs. in lakhs)		
		University	College	University	College	University	College	Total
19-11-2005 (UGC, New Delhi)	All over India except North East	03	76	02	54	12.00	214.92	226.92
21/22-11-2005 (NEHU, Shillong)	Specially for North-Eastern States	01	90	01	60	6.00	238.80	244.80
08-3-2006 (UGC, New Delhi)	All over India including North Eastern States	01	30	0	29	-----	115.42	115-42

Total		05	196	03	143	18.00	569.14	587.14
-------	--	----	-----	----	-----	-------	--------	--------

Source : Annual Report, 2005-06 of UGC.

Approval for continuation of the scheme was also accorded to 42 colleges after review of the progress of ongoing programmes.

As on 31st March, 2006, the scheme was being implemented in 371 universities and colleges.

During the financial year 2005-06, a total grant of Rs.21.00 lakhs and Rs.778.44 lakhs was released respectively to those universities and colleges which have implemented this scheme and also to the universities and colleges approved/selected in previous years.

Coaching classes for SC candidates for preparation for national eligibility test (NET).

In order to provide an adequate number of qualified SC candidates for recruitment as lecturers in universities and colleges during 2004-05 the UGC introduced a scheme of coaching classes for SC for preparation for NET which is an essential eligibility condition for becoming a lecturer in universities or colleges.

Under this scheme, coaching classes are organized in selected universities for which grant on 100% basis is made available. Effort is being made to approve at least one centre in each State, which can accept the responsibility for NET coaching and has sufficient number of willing faculty members to provide coaching. The classes in the coaching centre are to be arranged by arranging teachers on honorarium basis. There is no provision for appointing staff on a permanent basis in the coaching centre.

During 2005-06, the second year of introduction of the scheme, 10 universities (including universities selected from North Eastern States) were selected for implementing the scheme. With this, the total number of universities implementing the scheme rose to 42 from 32 in the previous year.

During the year 2005-06, the UGC paid a grant of Rs.105.78 lakhs to those universities and colleges which have implemented the scheme.

Coaching classes for SCs for entry in service

In order to gain useful employment in group A, B and C including all India and State Provincial Services, the scheme of coaching classes for SC for entry in services has been introduced in selected universities and colleges by the UGC w.e.f. the year 2004-05.

Under the scheme, there is no provision for appointing staff on permanent basis in the coaching centre. The classes in the coaching centres are to be arranged by arranging teachers on honorarium basis.

The UGC selected 2 universities and 82 colleges in 2005-06 for implementation of this scheme. With this, the number of universities implementing the scheme rose to 13 from 1 in the previous year and the number of colleges rose to 110 from 28 in the previous year.

The details of proposals approved in different meetings are as under:

Table IX

Date & place of meeting	Coverage	Proposals Considered		Proposals Recommended		Grants Released (Rs. in lakhs)		
		University	College	University	College	University	College	Total
19-11-2005 (UGC, New Delhi)	Rest of India	01	39	01	35	6.00	139.30	145.30
21/22-11-2005 (NEHU, Shillong)	Specially for North-Eastern States	01	43	01	20	6.00	79.60	85.60
08-3-2006 (UGC, New Delhi)	All over India including North Eastern States	0	31	0	27	---	107.46	107.46
Total		02	113	02	82	12.00	326.36	338.36

Source : Annual Report 2005-06 of UGC.

During the year 2005-06 the UGC released a grant of Rs.358.87 lakhs for those selected universities and colleges which have implemented the scheme and also to universities and colleges approved/selected in previous years.

Standing Committee on SC and ST, Monitoring of the scheme and holding of regional level meetings of the sub Committee on Standing Committee on SC/ST.

To oversee the effective implementation of reservation policy in universities, a standing committee on SC/ST was constituted by the UGC in 1997. The committee is represented by academic experts, ex-vice-Chancellors and distinguished persons in the field of higher education. The UGC had reconstituted the standing committee on SC and ST in 2003.

- During 2005-06 two meetings of the standing committee were held. In these meetings, reservation policy being followed by central universities, institutions deemed to be universities receiving maintenance grant from the UGC and inter university centres of the UGC was monitored. All these institutions were impressed upon for filing up of all back log SC/ST vacancies for teaching and non-teaching posts before 31st March, 2006.
- The UGC has also approved that all institutions (central universities, Delhi colleges, institutions deemed to be universities) funded by the UGC will have to furnish a certificate to the effect that all backlog teaching and non-teaching vacancies have been filled, failing which, the UGC may not release 2nd quarter plan grant during 2006-07.

New schemes formulated for the benefit of SC/ST

On recommendations of the standing committee, the UGC has approved guidelines for the following new schemes formulated for the benefit of SC/ST:

- (i) Research associate-ship for SC/ST.
- (ii) Scholarships to undertake post graduate studies in professional courses.

These schemes are now being implemented by the selection and award bureau of UGC.

Review Committee Meetings/Workshops

During the year under report, four regional level workshops/review committee meetings were held at the following universities:

- (1) Jadavpur University, Kolkata

- (2) Kurukshetra University, Kurukshetra
- (3) Madurai Kamaraj University, Madurai
- (4) Bundelkhand University, Jhansi

The purpose of these meetings was to review the ongoing coaching programmes for the benefit of SC/ST, to review the activities of the SC/ST cells and to hold workshop for awareness and training of coordinators for proper implementation of the schemes of coaching classes for the benefit of SC/ST.

During these review committee meetings participants from 8 universities and 119 colleges were invited for the review. Out of which, participants from 4 universities and 68 colleges came for review of the ongoing programmes.

The NCSC has noted that in spite of Govt. guidelines on admissions, the SC seats are not filled and students face difficulties. For example the seats are left vacant in university of Delhi, BHU and the reservation guidelines and policies are not followed. UGC should take care that colleges, technical, medical and general institutes— located in districts with over 20% SC population should be given funding on a higher scale than in other areas.

Recommendations:

- 1) Ministry of Labour and Employment should give liberal assistance to States in the XI Plan for setting up new institutions in districts with over 20% SC population. SC candidates successfully completing ITI training should be provided entrepreneurship training and technical and financial assistance for self-employment-through a new scheme of the Ministry of Labour and Employment.
- 2) Coverage of various kinds of training programmes of SISIs, tool rooms, PPDDCs, CFTIs etc should be increased and participation of SCs in them should be ensured in proportion to their population in the district/State where the training institute is situated.
- 3) The Ministry of Small Scale Industries should consider designing and conducting adequate number of programmes meant exclusively for predominantly SC youth. In establishing any new institution of the kind which the Ministry runs (e.g. SISIs,

PPDCs, tool rooms, CFTIs) preference should be given to districts having 25% or more population of SCs.

- 4) Wide publicity should be given to DOEACC programmes targeted specially at SC candidates with a clear description of future prospects/benefits, so that they enroll in these programmes in large numbers. SC candidates should be provided (a) full fee waiver, (b) adequate stipend, (c) special coaching, (d) placement assistance, and (e) other incentives to successfully complete DOEACC programmes.
- 5) DOEACC should establish either its own centres or should proactively promote accredited institutions of good quality in districts with over 25% SC population.

To fulfil the goals of achievement and responsibility, the Ministry of SJ&E takes care of financial assistance to SC students for pursuing studies beyond matriculation in recognized institutions. The assistance includes maintenance allowance, reimbursement of compulsory non-refundable fees charged by the institution, thesis typing/printing charges, study tour charges in case of professional courses, book allowance for students pursuing correspondence courses and additional allowances for students with disabilities. Scholarship is disbursed through respective State Governments and Union Territory Administrations and 100% central assistance is provided to them over and above their committed liability. With effect from IX Five Year Plan, the committed liability is dispensed with for the North Eastern States.

The table shows the expenditure and beneficiaries of the scheme.

Table X

Year	Budget allocation (Rs. in crores)	Central assistance released (Rs. in crores)	No. of beneficiaries (in lakhs)
2002-03	150.00	153.05	18.94
2003-04	260.00	264.99	19.94
2004-05	313.24	330.27	22.66
2005-06	371.89	377.98	24.99 (Estimated)

As on 31.12.2005

Source : Annual Report 2005-06 of Ministry of Social Justice and Empowerment.

Regarding pre-matric scholarship it is suggested that less than 1.5% SC children are being covered under Central Government's Pre-Matric Scholarships, which is highly inadequate. Pre-Matric scholarship at adequate rates should be given to SC students right from the primary stage of education. If it is not possible to undertake such a large centrally funded programme for scholarships at one go, a beginning may be made by providing such scholarships to SC girl students to start with.

Pre-matric scholarships to the children of those engaged in unclean occupation

Under the scheme, the Ministry of SJ&E take further care to the children of those engaged in unclean occupation i.e. scavengers, flayers and tanners provided assistance to pursue education upto matriculation level. The scholarship is provided through State Governments and Union territory Administrations. Central assistance is provided to the State Governments on 50:50 basis and 100% to Union Territory Administrations over and above their committed liability. Students amongst target groups with disabilities are also assisted. There is no income ceiling for award of scholarships under the scheme. The present coverage is over 5 lakh students.

The table depicts the details of last three years including the current financial year is as follows:

Table XI

Year	Budget allocation released (Rs. in crores)	Central assistance (Rs. in crores)	No. of beneficiaries (in lakhs)
2002-03	14.50	5.13	5.82
2003-04	14.50	14.60	5.03
2004-05	16.00	9.89	5.61
2005-06	16.00	10.68	5.89 (Estimated)

As on 31.12.2005

Source : Annual Report 2005-06 of Ministry of Social Justice and Empowerment.

Scholarships are confined to children of families engaged in unclean occupations.

Coaching schemes

The scheme has been designed for the basic needs of job seekers belonging to SCs which provide special pre-examination coaching _____

- The Government also consider coverage under the scheme of coaching and allied for admission to professional courses and for recruitment which is inadequate and small in numbers. An Income ceiling as recommended for other scholarships needs to be revised under the coaching scheme. The Govt. should also consider coaching to SC students at primary and secondary levels to discourage drop out rates.

National overseas scholarships scheme for SC etc. students for higher studies abroad.

It is one of the important and meaningful schemes undertaken by the Ministry of SJ&E. Financial assistance under this scheme is provided to meritorious selected students for pursuing higher studies abroad in the specified field of engineering, technology and science at Masters level courses, Ph.D and Post Doctoral Research Programmes. Twenty awards are allocated annually out of which 17 awards are for SCs.

The Scheme provides for maintenance allowance of \$8200 p.a. for USA and 5200/- p.a. for UK. The contingency allowance for books, essential apparatus, study tour charges, typing and binding of thesis etc., are also given at the rate of 400 p.a. for UK and at the rate of \$550 per annum for USA. The modified scheme also provides for reimbursement of actual visa fees in Indian rupees. Air Passage by economy class by shortest route for both ways is also given by arrangement with the national carrier in addition to toll tax, equipment allowance and incidental journey expenses, actual fees charged by institution and the medical insurance premium. The awardees are also permitted to supplement their prescribed allowance by undertaking research/teaching assistantship up to US \$2400/- per annum. The financial assistance under the scheme is available to the students sent abroad, for the maximum period of 3 years for Ph.D and Master's Degree Programmes and for 1-1/2 years for post doctoral research.

From the figures of awards it is seen that an account of educational avenues are increasing speedily and number of SC students are in the chair of higher education with extended facilities by government in education sector. This award scheme should be

increased from the present number. Income ceiling is required to be enhanced as per the new requirements. Prevalent scheme provides overseas scholarships for limited courses. The scheme should be open to all courses/disciplines for higher studies.

he budget allocations and the expenditure incurred under the scheme during the last three years including the current financial year are as follows:-

Table XII

Year	Budget allocation	(Rs.in lakhs) Expenditure
2002-03	113.00	50.00
2003-04	70.00	70.00
2004-05	100.00	90.00
2005-06	100.00	71.65

As on 31.12.2005

Source : Annual Report 2005-06 of Ministry of Social Justice and Empowerment.

The Government is taking care of upgradation of merit for SC students.

he main objective of the scheme of upgradation of merit of SC students is to upgrade the merit of SC students by providing them with facilities for all round development through education in residential schools. The scheme provides for 100% central assistance to State/UTs for arrangement of remedial and special coaching for SC students studying in class IX to XII. Financial assistance is provided to students as package grant of Rs.15000 per year per student, out of which Rs.5000 is for boarding and lodging, Rs.1000 for pocket expenses, Rs.2000 for books and stationery and Rs.7000 for the honorarium to principals/experts involved in providing the remedial/special coaching. SC students with disability are provided additional benefits.

he details of release of the central assistance and the number of SC students benefited under the scheme during the last three years including the current year are as follows:-

Table XIII

Year	Expenditure	Rs.in crores) Beneficiaries
2002-03	3.05	2144
2003-04	1.85	1378
2004-05	1.77	1334
2005-06	5.70	3850

As on 31.12.2005

Source : Annual Report 2005-06 of Ministry of Social Justice and Empowerment.

Hostel for SC Boys and girls

The lack of hostel facilities is a major difficulty in the educational development among SC children/students. In order to provide hostel facilities to SC students studying in middle schools, higher secondary schools, colleges and universities for enabling them to pursue their studies in educational centers, the Government has formulated the scheme of hostels for SC girls and boys. The scheme provides for release of central assistance to State Governments on 50:50 matching share basis (100% to UTs) and 90% grant to Central universities for construction of hostel buildings. Other universities can also receive central assistance upto 45% and the remaining amount has to be provided by their respective States and themselves. In case the concerned State Government is not able to contribute its expected share of 45%, the University may bear the share of former also thereby bringing up its net contribution to 55%. The NGOs also get assistance on the basis of 45:45:10 through their States/UTs for extension of their existing hostels. The cost of construction of hostels is worked out on the basis of State/CPWD schedule of rates. The expenditure on maintenance of these hostels is to be borne by the respective States/UTs/Universities from their own funds.

The details of central assistance, number of hostels sanctioned and number of seats made available during the last four years are as follows:

Table XIV

(Rs.in crores)

Year	Amount released		No. of hostels sanctioned		No. of seats	
	Boys	Girls	Boys	Girls	Boys	Girls
2002-03	21.99	20.00	191	127	11582	11484
2003-04	35.25	20.50	266	111	8779	9277
2004-05	24.92	16.03	125	79	6618	7172
2005-06	25.50	20.00	84	36	7367	2954

As on 31.12.2005

Source : Annual Report of Ministry of Social Justice and Empowerment, 2005-06

The Government should monitor and assist the States with making complete infrastructure programmes covering the schemes of hostels and need of the day. Hostels

should not merely have adequate and well-maintained buildings and equipment, but also a small library-cum-reading room, computers and educational CDs, facilities for sports, physical and art activities, and for counseling and guidance. Under the Centrally sponsored scheme of hostels for SC boys and girls financial assistance was inadequate. The Central Government should bear a larger financial responsibility for construction and upgradation of hostels. At every block with more than 20% SC population must have a pre-matric hostel each for SC boys and girls. Blocks having a college and/or other post Matric education facility should also have a post-matric hostel each for SC boys and girls.

"The Central Education Institutions (Reservation in Admission) Act 2006" provides reservation for SCs, STs and OBCs in admission to Central educational institutions.

That Government should immediately take action for reservation of seats for SC students in the private unaided institutions and regulation of admission and fee in these institutions so that SC students could reap the benefit of higher and technical education in unaided institutions. State Governments should take similar action in pursuance of the new Article 19(5) inserted by the Constitution (93rd Amendment) Act, 2005 and statutorily provide reservation for SCs in all institutions of technical, vocational and higher education in all educational institutions both in Government and private.

CHAPTER -V

SERVICE SAFEGUARDS FOR SCHEDULED CASTES

India has been a land of opportunities for time immemorial. But the caste system sedimented a hierarchical society to such an extent that a portion of inhabitants were stripped from overcoming the downtrodden status conferred in the social, ritual and economic sphere. The national movement witnessed a synchronous movement to integrate this marginalized group with the wider gamut of socio-political churning. The special efforts taken up by national leaders were appreciated and incorporated by the framers of the Indian Constitution.

It was felt that special provisions were required for SCs to secure their adequate representation in public services. Accordingly safeguards for ensuring adequate representation of the SCs in the services and posts under the State are provided in Article 16(4), 16(4A), 16(4B) and Art. 335 of the Constitution. Article 16(4) empowers the State for making any provision for the reservation of appointments or posts in favour of any backward class of citizens which in the opinion of the State is not being adequately represented in the services of the State. Article 16(4A) which came into force on 19.6.95 vide the Constitution (77th) Amendment Act, 1995 and Article 16(4B) which has been incorporated in the Constitution vide the Constitution (81st Amendment) Act, 2000 empowers the State for making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of SCs which in the opinion of the State are not adequately represented in the services. However, the issue providing reservation in promotion within group "A" selection post, is sub-judice before the Constitution bench of the Supreme Court, hence under Article 335 the claims of the members of the SCs shall be taken into consideration consistently with the maintenance of efficiency of administration to services and posts in connection with the affairs of the Union or of a State.

Reservation Profile

Formal reservation @ 8.1/3% was provided for SCs for the first time in August 1943. After the attainment of independence orders were issued by Govt. of India on 21.6.47 providing reservation @ 12-1/2% for SCs in respect of direct recruitment through open competition. Reservation @ 16-2/3% is provided for SCs in recruitment otherwise than by open competition. Taking into account the population of SCs as reflected in the 1961 census, the reservation was raised to 15% for SCs w.e.f. 25.3.1970. Reservation in services/posts continued to be fixed at 15%

for the SCs in the Central Government, central public sector enterprises and nationalized and public sector banks as well as, autonomous bodies.

The application of reservation orders was extended in promotions in stages from the year 1957 onwards and covered all areas in the groups of A.B.C. and D in the cases of promotion by seniority-cum-fitness and up to the lowest rung of group A in promotions by selection. Presently reservation stands @ 15% for SCs in cases of promotions where the element of direct recruitment does not exceed 75%. As a result of the Constitutional amendment Article 14(4A) has now empowered the State to extend reservation in matter of promotion in posts/services not adequately represented by SCs under the State. In view of inadequate representation of the SCs especially in group A and B posts, the Commission has recommended that the reservation in promotion should be extended to all levels in cases of promotion by selection.

The reservation will apply in the case of recruitment made on all India basis.

Under the Constitution all citizens of India are eligible for consideration for appointments to posts and services under the Central services irrespective of their domicile or place of birth and there can be no recruitment to any central services, which is confined by rule to the inhabitants of any specified area. In practice, however recruitment to any class I and class II services and posts is likely to attract candidates from all over India and will be on a truly all India basis, while majority of the class III services and posts, filled otherwise than through the UPSC, only those residing in the area or locality in which the office is located are likely to apply. In the latter class of cases, i.e. group C and D government taking into account the population of the SCs in that area or State, fixed the percentage of reservation for SCs and STs.

All these provisions are made in the constitution with the objective to provide opportunities for socio-economic empowerment to the SCs in the country. The fifty years of history or development proves that these provisions have increased the representation of SC employees in posts and services in government organizations. The degree of implementation of the provisions varies from State to State, according to the population of the SCs in the particular State. The Service Safeguards and provisions have played a very significant role in the economic development of the SCs in the country. Those groups who were more vigilant and active have benefited more and those remained ignorant or were the weakest were less benefited from these provisions. To improve the representation of SCs in posts and services, there is strong and urgent need to pass a Bill on reservation for SCs and STs in the posts and services under the Government to bring uniformity in the implementation of the policy with punitive measures against the non-implementing organizations and individuals.

The Ministry of Personnel, Public Grievances and Pension, DoP&T vide letter No. 41018/1/2004-Estt. (Reservations) dated 7.12.04 sent the draft Bill on Reservations for the SCs, STs and OBCs in civil posts and services under the Govt. of India. The NCSC considered the Bill and without losing time furnished its comments to DoP&T vide its letter No. 4/3/2004-SSW.V dated 13.12.2004 and 14.12.2004.

To make the law more stringent and strong the NCSC strongly recommended for inclusion of a penal clause that "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 attended the meeting before the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in respect of Scheduled Castes, Scheduled Tribes and other Backward Classes (Reservation) in Posts and Service) Bill, 2004 on 9th March, 2005. The Commission had advised for reservation in appointment in Board of Directors in Public Sector Banks, Financial Institutions and other enterprises for Ss/STs. The Commission put up a strong defence for allowing exchange of reservation between SCs/STs, review of India Constitution regarding setting up Arakashan Nayaya Adalat, increasing the representation of SCs/STs in the judicial services and reservation in Armed Forces. The Commission submitted an exceptional view against continuing existence of Chamar Regiment.

The SC and ST and OBC (Reservation in posts and services) Bill 2004 was introduced in Rajya Sabha on 22.12.2004 without considering the views of the NCSC. The NCSC has also expressed its views to the Chairman on the Department related Parliamentary Standing Committee of the Rajya Sabha Secretariat on 9.3.2005.

The impact of the DOPT OM No.20011/1/96-Estt. (D) dated 30.1.97 on seniority of SC/ST which adversely affected was nullified by the Constitution (85th amendment) Act, 2001, restoring the seniority of SC/STS Government servant on promotion by virtue of rule of reservation vide OM No. 20011/1/2001/Estt (D) dated 21.1.2002 OM No. 36012/18/95-Estt. (Res) dated 22.7.1997 which took away relaxation and concessions was restored by Constitution 82nd Constitutional Amendment Act, 2000 and DOP&T accordingly withdrew its OM of 1997 and restored relaxations and concessions in promotion-prescription of lower qualifying marks/lesser standard of evaluation making the OM of 22.7.1997 inoperative from the date of issue. The third O.M. 36012/5/1997

(Estt.) Res. Dated 29.8.97 imposed the limit of 50% on backlog vacancies and this 50% limit was waived by the DOP&T vide OM No. 36012/5/97 (Estt.) (Res) Vol.I dated 20.7.2000 instructing all the ministries to carry out a review of vacancies of the backlog and to fill up them immediately but the Commission has noted no improvement in filling up the posts arising out of this exercise on backlog/shortfall has been carried out so far. Commission strongly urges that the Government of India should calculate the backlog/shortfall of SCs and launch Special Recruitment Drive to cover backlog in a time bound manner.

The Ministry of Personnel, Public Grievances and Department of Personnel and Training vide OM No. 36038/1/2004-Estt (Res) dated 5.8.2004 and 26.8.2004 had chalked out a time bound programme under the common minimum programme of Government under special drive to fill up the backlog vacancies reserved for SCs and STs in promotion quota.

The OM No. 36012/18/95-Part.II dated 13.8.97 regarding reservation within Group A post is pending before the Constitution Bench of Supreme Court in respect of SC/ST in direct recruitment and promotion. This needs to be disposed off early so as to enable the SCs/STs incumbents who can avail the benefit in accordance with amendments as per article 16(4A) of the Constitution. O.M. No. 36012/2/96-Estt(REs) dated 2.7.97 regarding switching over to post based roster from vacancy based on the model roster of 200 point and L shape 13 posts. So far as the post based roster on the basis of Supreme Court judgement in case of R.K. Sabharwal Vs. State of Punjab and appointment of SC/ST candidates on the basis of eligibility and not suitability is concerned, the learned Attorney General was consulted in the matter. It was advised that the Government had no option but to switch over to post based rosters and vacancy based roster could not have continued after the Supreme Court judgement in R.K. Sabharwal in accordance with DoP&T OM 36012/2/96-Estt(Res) dated 2.7.97. The Government is yet to take a decision on both the OM dated 13.8.97 and 2.7.97.

The DoP&T sent a proposal to the Commission about preponement of the above order of 2.7.97 in accordance with the Supreme court judgement in Ajit singh which has held that post based rosters are to be made effective from 10.2.95. The court has protected the SC/ST candidates promoted in excess of their quota before 10.2.95 from reservation but such protection has not been given to SC/ST candidates promoted in excess of their quota after 10.2.95. While agreeing to the proposal it was suggested by the Commission on 5.9.2003 and 11.10.2004 that in the present circumstances it was likely that SC/ST promoted during the period might have been confirmed in the higher grade and some of them might have been further promoted to next higher grades during this period. Having no protective clause, such cases may lead to administrative problem and legal

tangles. The Commission advised the DoP&T to re-look into the matter before any instructions are issued.

The appointment of SC candidates should be in accordance with their eligibility for a post and not on the basis of mere suitability. There is a strong competition amongst the candidates belonging to the SCs and a number of eligible SC candidates become available for most of the posts. It would be necessary to select the most suitable candidate from amongst the eligible SCs for appointment to the post. DoP&T may advise all the Ministry/Departments and the appointing authority that they should select the SC candidates from amongst the available eligible batch called for selection/interview and should not follow the criteria of not-found suitable. DoP&T though has clarified it to the Commission but has not issued any instructions in this regard. The Commission therefore recommends that the DoP&T may issue suitable instructions in this regard.

Observations on maintenance of post based roster

On the basis of the Hon'ble Supreme Court judgments, the vacancy based rosters were replaced with post based rosters and reservation would be applicable on total sanctioned cadre strength rather than the vacancy. For the model post based rosters, while implementing them the following anomalies have been noticed by the Commission during the inspections and enquiries.

- (i) Departments/organisations have not prepared rosters in the form of registers but keeping records in their computer or loose sheets.
- (ii) Departments/organisations are still under correspondence with their administrative ministries for guidance and clarification about how to maintain the model post based rosters and due to non-response, post based rosters are yet to be implemented.
- (iii) Each year summary has not been drawn in the rosters at the end of each recruitment year.
- (iv) On the replacement of roster points, there often remain confusion and they have not been correctly followed by majority of the appointing authorities. Even if there is a shortfall of SCs and STs percentage of reservation in a particular cadre of the post, still points are being replaced from unreserved category candidates despite the fact that their representation is in excess.
- (v) That reserved candidates appointed by direct recruitment on their own merit and not owing to reservation will be adjusted against unreserved points. Similarly, the candidates appointed by promotion on their own merit and not owing to reservation or

relaxation of qualification will not be adjusted against reserved points of the reservation roster. They will be adjusted against unreserved points.

- (vi) Liaison officers inspect the post based rosters but entries have not been signed of their correctness.
- (vii) Most of the departments/organisations are not clear about replacement system in the 13 points L shaped roster and the rotation of reserved vacancies is to be worked out.

The Commission wrote to DOP&T to organize workshop of liaison officers for effective implementation of rules of reservation by liaison officers.

Reservation for disabled and Scheduled Castes

The erstwhile National Commission for Scheduled Castes and Scheduled Tribes had no objection for filling up a post which is reserved for SCs as well for persons with disabilities that when a post falls vacant which is reserved for SCs and also for the handicap persons with disability such a post should be advertised as reserved for the SCs for handicapped also and the SC candidates who are handicapped will be given preference. In case the handicapped persons belonging to SC are not available or not found suitable for the post, the post may be filled by appointing a physically fit SC candidate. The procedure may be followed in cases of promotion where the post to be filled by promotion in group "C" and "D" wherein reservation is available for disabled SCs and is also earmarked, reserved for the disabled.

Reservation and Criteria of own merit in direct recruitment and promotion

DOP&T in their OM No. 36028/17/2001-Estt.(Res.) dated 11.7.2002 made it clear that the SC candidates appointed by direct recruitment on their own merit and SC candidates promoted on their own merit and not owing to reservation will be adjusted against unreserved points of the reservation roster. This indeed needs to be followed considering the following points:

- (a) The SC candidates appointed by promotion on their own merit and not owing to reservation or relaxation or qualifications will not be adjusted against the reserved points of the reservation roster. They will be adjusted against unreserved points.
- (b) If an unreserved vacancy arises in a cadre and there is any SC candidate within the normal zone of consideration in the feeder grade, such SC candidate cannot be denied promotion on the plea that the post is not reserved. Such a candidate will be considered for promotion

- along with other candidates treating him as if he belongs to unreserved category. In case he is selected he will be appointed to the post and will be adjusted against the unreserved point.
- (c) SC candidates appointed on their own merit by direct recruitment or promotion and adjusted against unreserved points will retain their status of SC and will be eligible to get benefit of reservation in future/further promotions, if any.
- (d) 50% limit on reservation will be computed by excluding such reserved category candidates who are appointed/promoted on their own merit.

Ad-hoc promotions

According to the Department of Personnel and Administrative Reforms O.M. NO. 36011/14/83-Estt.(SCT) dated 30.4.83 while making ad-hoc promotions all the SC candidates covered in the relevant seniority list should be considered in the order of their general seniority as per the gradation list, on the principle of seniority-cum-fitness and if they are not adjudged unfit, they should be promoted on ad-hoc basis. If the number of SC candidates found fit within the range of actual vacancies is less than the number of vacancies identified as falling to their share as if the vacancies were filled on a regular basis, additional SC candidates to the extent required should be located by going down the seniority list, provided they are eligible and found fit for such ad-hoc appointment. The Department of Personnel and Administrative Reforms issued O.M. No.36011/14/83-Estt.(SCT) dated 30th September 1983 that extended zone of consideration for SCs in case of ad-hoc promotion was restricted to 5 times the number of vacancies being filled on a particular occasion.

The Supreme Court of India in its judgment dated 7.9.2000 in the case of Union of India and others Vs. Shri Basudeo and others (Civil Appeal No. 1194/1992) has quashed the Department of Personnel and Administrative Reforms OM NO. 36011/14/83-Estt. (SCT) dated 30.9.1983. The Department of Personnel and Administrative Reforms had withdrawn OM No. 36011/14/83-Estt.(SCT) dated 30th September, 1983 in this regard. Erstwhile National Commission for SC/STs was consulted by the DoP&T. The Commission opined that the claims of the SC candidates in the matter of ad-hoc promotions would henceforth be regulated as per instructions contained in Department of Personnel and Administrative Reforms issued OM No.36011114/83-Estt.(SCT) dated 30.4.83. The National Commission for SC opined and agreed with the earlier recommendation to be followed. The Deptt. of Personnel & Training vide their O.M. No.3601/27/2000-Estt(Res.) dated 15 March, 2002 revalidated the instructions issued by them (i.e. DP&AR) vide their O.M. dated 30 April, 1983.

Representations of SC on selection boards/committees

Representations of SC on selection boards for all the categories should be made a necessary condition for constituting selection committees/DPCs instead of leaving an option for not doing so. The Commission further reiterates the DoP&T OM No. 39016/9(S)/89 – Estt. (B) Dated 16.8.1990 regarding inclusion of appropriate functionaries to represent reserved communities on selection boards/committees. The NCSC feel the need for issuance of such instructions and to scrupulously enforcing these guidelines by the State Governments, Ministries/Departments including PSUs and financial institutions in all selection boards and committees. In addition to the above suggestion it is recommended that the SC members who would be participating in the boards/committees may individually submit their observations to the Chairman of the selection Committees and a copy of such report endorsed to the NCSC. DoP&T may issue suitable instructions in this regard immediately.

Role of Liaison Officers

The Liaison Officer is an in built mechanism to assist the administrative authorities to ensure proper implementation of reservation policy. However, by efflux of time this mechanism has not been functioning effectively as a large number of representations from SC employees are received in the Commission requesting for redressal of grievances relating to various service safeguards provided to them. In order to ensure that SC employees get redressal at the doorstep i.e. within their organization, the Commission express its view that this mechanism should be strengthened and made more effective. For this purpose, the Liaison Officer should be given proper orientation training about his role and responsibilities. Liaison Officer is expected to be an expert on reservation policy, rules and regulations. The senior officers should consult the liaison officer at all stages in matters relating to direct recruitment, promotion etc. Often the cells set up in each organization to assist the liaison officer are not adequately staffed or given proper orientation training, thus reducing the capabilities of the Liaison officer to work effectively.

The Liaison Officer should interact with the SC employees and administration for redressal of grievances and monitoring of reservation matters. He should regularly inspect the rosters and sign the entries made therein. He should be vigilant about persons availing reservation benefits on the basis of false caste certificates. Liaisoning with the employment exchanges, universities, and technical institution etc. should also be one of the duties of liaison officer so that suitable candidate become available for filling up of reserved vacancies. Liaison officer being an expert on the

subject should also advise the management on the policy and whenever the management does not adhere and go against the reservation policy such matters should be brought to the notice of the commission. The commission recommends that in order to make this inbuilt mechanism more effective the concept of making the liaison officer answerable/accountable to NCSC the Government should issue instructions (as is being done in the case of Central vigilance Organisation).

Reservation in Private sector

The Commission has already expressed the view that in consonance with the Constitutional safeguard the principle of positive discrimination enshrined in various articles of the Constitution governing reservation for SCs should be extended to the private sectors also to fulfill constitutional obligation of social equality. The DoP&T on the Private Member Bill sought opinion of the Attorney General of India who opined that Article 16(4) of the Constitution enables the State to provide reservation of appointments or posts in favour of any backward class of citizens in the services under the State and that reservation in private sector will not be permissible under Article 16(4) of the Constitution and will be violation of the equality provisions in the Constitution. The National Commission for SCs considered the recommendation contained in the Sixth Annual Report (1999-2000 and 2000-01) and the seventh Annual Report (2001-02) of the erstwhile National Commission for SC and ST and reiterates to bring about suitable provision for extension of reservation in private sector.

Recognition of SC and STs employees Welfare Associations

A long pending recommendation and demand of the various employees SC/STs Association for recognition has not been fulfilled. The views of the NCSC in its 2nd meeting held on 6.7.2004 further considered the demand and requirement for better facilitation wrote to DOPT for recognition of these welfare association. The DOPT vide letter No. 2/10/2005-JCA dated 15.10.2004 sent the reply with the approval of Minister of State In charge of DOPT that the question of granting recognition and consequently extending facilities to SC/ST Service Association has been examined in detail. It has not been found possible either to grant recognition or to extend the proposed facilities which are available to recognized service associations) to the SC/ST Service Associations for the following reasons:

- a) The Service associations formed by SC/ST employees do not fulfill the conditions prescribed in Rule 5(b), (c) and (f) of the CCS(RSA) Rules, 1993.

- b) The recognition rules have been framed after extensive consultations lasting over several years in which all major associations were involved and during the discussions there was no demand for a separate SC/ST associations.
- c) Various provisions of CCS(RSA) rules, 1993 came under scrutiny of the Supreme Court in 1996 (vide JT 1996(9) SC 456 DK Chhangani and others V Nitya Ranjan Mukherjee and others) and the court did not find anything irregular or unconstitutional in the rules.
- d) If the service associations of SC/ST employees are recognized by amending the rules mentioned above, then various other similar groups of employees belonging to OBC, minority, lingual, regional etc would also demand the recognition of their service associations. This will not be in the interest of an unified Civil Service. This may lead to litigation and industrial unrest.
- e) The existing institutional safeguards protect the interest of SC/ST employees through the appointment of Department Liaison Officers and other administrative instructions. The NCSC/ST is charged with the responsibility to investigate and monitor such matters. The Commission can also enquire into specific complaints.

In this regard the Commission refers to the Supreme Court judgements in Civil appeal No. 1160 of 1974 dated 19.9.75. Scheduled Castes or Scheduled Tribes are no castes in the Hindu fold but an amalgam of castes, races, groups, tribes, communities or parts thereof found on investigation to be lowliest and in need of massive state aid and notified as such by the President. To continue this most backward social composition with castes is to commit a constitutional error, misled by a compendious appellation so that to protect harijans is not be prejudice any caste but to promote citizen solidarity. AIR 1976 SC 490. The Commission therefore recommend that the rules of service associate rule 5B, CF of the CCS RSA rules 1993 needs to be changed accordingly and step may be taken to recognize the SC welfare service associations.

Representation of SCs in the Services of Central Ministries/Departments as on 1.1.2005, in Central PSEs as on 1.1.06 and 1.1.07 and in Public Sector Banks as on 1.1.05 and 1.1.06 is given at Annexures I, II and III respectively.

Annexure I

**REPRESENTATION OF SCs, STs AND OBCs IN THE CENTRAL
GOVERNMENT SERVICES AS ON 1-1-2005**

GROUP	TOTAL	SCs	%	STs	%	OBCs	%
A	80589	9551	11.9	3448	4.3	3791	4.7
B	139958	19194	13.7	6230	4.5	3252	2.3
C	2036103	333708	16.4	131678	6.5	119968	5.9
D (Excluding Sweepers)	767224	140469	18.3	53032	6.9	32973	4.3
Sweepers	81174	48067	59.2	4012	4.9	1834	2.3
Total (Excluding Sweepers)	3023874	502922	16.63	194388	6.43	159984	5.29
Total (Including Sweepers)	3105048	550989	17.74	198400	6.39	161818	5.21

NOTE: It does not include information in respect of two Ministries.

Annexure II

Group	Total No. of Employees	Representation of SCs	
		SCs No.	%age
As on 1.1.2006 (Based on information furnished by 215 enterprises)			
Group 'A'	1,64,267	20,864	12.70
Group 'B'	1,62,167	21,695	13.37
Group 'C'	6,77,143	1,31,933	19.48
Group 'D' (excluding Safai Karamcharis)	2,37,096	53,087	22.39
Total	12,40,673	2,27,579	18.34
Group 'D' (Safai Karamcharis)	13,398	10,610	79.19
Grand Total	12,54,071	2,38,189	18.99

Group	Total No. of Employees	Representation of SCs	
		SCs No.	%age
As on 1.1.2007 (Based on information furnished by 210 Enterprises)			
Group 'A'	1,91,299	25,058	13.09
Group 'B'	1,69,191	22,860	13.51
Group 'C'	6,65,996	1,28,352	19.27
Group 'D' (excluding Safai Karamcharis)	2,31,640	50,142	21.64
Total	1258126	226412	17.99

Group 'D'	14,553	11,509	79.08
(Safai Karamcharis)			
Total	12,72,679	2,37,921	18.69

ANNEXURE

Statement of the representations of the Scheduled Castes Employees in the Public Sectors Banks/Financials Institutions.

Sl No.	Name of the Bank	YEAR	Total No. of Employees	Employees of belonging to SCs	Percentage of representation of SCs
1.	Allahabad Bank	1.1.2004	19392	3843	19.82
		1.1.2005	19102	3660	19.16
		1.1.2006	19071	3666	19.22
		1.1.2007	20494	4918	24.00
		1.1.2008	19979	4979	24.92
2.	Andhra Bank	1.1.2004	14000	2422	17.30
		1.1.2005	14020	2416	17.23
		1.1.2006	14081	2416	17.16
		1.1.2007	13848	2390	17.26
		1.1.2008	14036	2585	18.41
3.	Bank of Baroda	1.1.2004	39468	7623	19.31
		1.1.2005	38973	7604	19.51
		1.1.2006	38486	7570	19.66
		1.1.2007	37800	7484	19.79
		1.1.2008	36749	7382	20.08
4.	Bank of India	1.1.2004	42669	8717	20.42
		1.1.2005	42342	8708	20.57
		1.1.2006	41978	8570	20.41
		1.1.2007	41326	8460	20.47
		1.1.2008	40463	8278	20.45
5.	Bank of Maharashtra	1.1.2004	14035	2765	19.70
		1.1.2005	14181	2798	19.73
		1.1.2006	14101	2825	20.03
		1.1.2007	13967	2806	20.09
		1.1.2008	13543	2767	20.43
6.	Canara Bank	1.1.2004	47658	9515	19.96
		1.1.2005	47448	9517	20.06
		1.1.2006	47054	9443	20.07
		1.1.2007	46597	9397	20.17
		1.1.2008	45611	9214	20.20
7.	Central Bank of India	1.1.2004	11561	1994	17.25
		1.1.2005	12268	2155	17.57
		1.1.2006	12008	2103	17.51
		1.1.2007	12538	2250	17.95
		1.1.2008	11966	2180	18.21
8.	Corporation Bank	1.1.2004	10681	1953	18.28
		1.1.2005	10739	1983	18.47
		1.1.2006	11019	2054	18.64

		1.1.2007	11486	2184	19.01
		1.1.2008	11863	2322	19.57
9.	Dena Bank	1.1.2004	10402	2314	22.25
		1.1.2005	10272	2295	22.34
		1.1.2006	10226	2285	22.35
		1.1.2007	10040	2244	22.35
		1.1.2008	9747	2205	22.62
10.	Indian Bank	1.1.2004	21871	4953	22.65
		1.1.2005	21627	4902	22.67
		1.1.2006	21392	4845	22.65
		1.1.2007	20947	4761	22.73
		1.1.2008	20608	4700	22.81
11.	Indian Overseas Bank	1.2.2004	24620	6281	25.51
		1.1.2005	24276	6193	25.51
		1.1.2006	24264	6231	25.68
		1.1.2007	23951	6156	25.70
		1.1.2008	24598	6250	25.41
12.	Oriental Bank of Commerce	1.2.2004	13642	2701	19.80
		1.1.2005	13684	2733	19.97
		1.1.2006	14996	2871	19.15
		1.1.2007	14706	2881	19.59
		1.1.2008	14877	3011	20.24
13.	Punjab National Bank	1.1.2004	59011	10882	18.44
		1.1.2005	58549	10976	18.74
		1.1.2006	57711	11008	19.07
		1.1.2007	57507	11050	19.22
		1.1.2008	56445	11033	19.55
14.	Punjab & Sind Bank	1.1.2004	9813	924	9.42
		1.1.2005	9683	914	9.44
		1.1.2006	9500	896	9.43
		1.1.2007	9384	910	9.78
		1.1.2008	9122	889	9.74
15.	Syndicate Bank	1.1.2004	26834	5463	20.36
		1.1.2005	26428	5397	20.42
		1.1.2006	26254	5348	20.37
		1.1.2007	25903	5320	20.54
		1.1.2008	26490	5677	21.43
16.	Union Bank of India	1.1.2004	27211	6424	23.61
		1.1.2005	27106	6443	23.77
		1.1.2006	27090	6456	23.83
		1.1.2007	27156	6638	24.44
		1.1.2008	27256	6722	24.66
17.	United Bank of India	1.1.2004	17944	3154	17.58
		1.1.2005	17594	3141	17.85
		1.1.2006	17323	3134	18.09
		1.1.2007	16861	3080	18.27
		1.1.2008	16294	3000	18.41

18.	UCO Bank	1.1.2004	25044	4824	19.26
		1.1.2005	24876	4807	19.32
		1.1.2006	24617	4726	19.20
		1.1.2007	24925	4753	19.07
		1.1.2008	23915	4581	19.15
19.	Vijay Bank	1.1.2004	11630	1491	12.82
		1.1.2005	11538	1479	12.82
		1.1.2006	11553	1476	12.78
		1.1.2007	11404	1471	12.90
		1.1.2008	11528	1516	13.15
20.	State Bank of India	1.1.2004	207075	37439	18.08
		1.1.2005	206128	37848	18.36
		1.1.2006	200541	36259	18.08
		1.1.2007	188722	35264	18.69
		1.1.2008	176933	34232	19.35
21.	State Bank of B&J	1.1.2004	13066	2418	18.50
		1.1.2005	12930	2419	18.71
		1.1.2006	12763	2412	18.90
		1.1.2007	12668	2488	19.64
		1.1.2008	12283	2467	20.08
22.	State Bank of Hyderabad	1.1.2004	14197	2232	15.72
		1.1.2005	14039	2207	15.72
		1.1.2006	14008	2201	15.71
		1.1.2007	13957	2193	15.71
		1.1.2008	14045	2195	15.63
23.	State Bank of Indore	1.1.2004	6547	1142	17.44
		1.1.2005	6486	1123	17.31
		1.1.2006	6475	1120	17.29
		1.1.2007	6596	1102	16.70
		1.1.2008	6332	1074	16.96
24.	State Bank of Mysore	1.1.2004	9740	1665	17.14
		1.1.2005	9593	1646	17.15
		1.1.2006	9774	1696	17.35
		1.1.2007	9657	1702	17.62
		1.1.2008	9784	1739	17.77
25.	State Bank of Patiala	1.1.2004	12739	3509	27.54
		1.1.2005	12710	3511	27.62
		1.1.2006	12409	3424	27.59
		1.1.2007	12412	3509	28.27
		1.1.2008	12316	3478	28.24
26.	State Bank of Sourashtra	State Bank of India has acquired Stated Bank of Sourashtra with effect from 13.08.2008.			
27.	State Bank of Travancore	1.1.2004	12019	1958	16.29
		1.1.2005	11901	1979	16.62
		1.1.2006	11705	1982	16.93

28.	IDBI	1.1.2007	11568	1999	17.28
		1.1.2008	11452	1983	17.31
		1.1.2004	2821	580	20.56
		1.1.2005	2772	569	20.53
		1.1.2006	4536	540	11.90
		1.1.2007	7698	878	11.41
29.	RBI	1.1.2008	8097	942	11.63
		1.1.2004	24799	4708	18.9
		1.1.2005	22727	4619	20.3
		1.1.2006	22192	4670	21.0
		1.1.2007	21910	4641	21.2
		1.1.2008	21494	4589	21.3
30.	NABARD	1.1.2004	5293	887	16.76
		1.1.2005	5226	883	16.90
		1.1.2006	5149	886	17.21
		1.1.2007	5066	879	17.35
		1.1.2008	4945	867	17.53
		1.1.2004	204	25	12.25
31.	Export Import Bank of India	1.1.2005	203	26	12.80
		1.1.2006	227	27	11.89
		1.1.2007	232	31	13.36
		1.1.2008	234	28	11.96

Examination of complaint under Article 338 clause 5(b) by the National Commission for SCs.

Working of the NCSC to deal with the representation of SCs in the service matters to deal with the specific representations/complaints received from various SC employees the commission has a set of streamlined guidelines and necessary changes if required are being made by the commission from time to time. In cases where from the complaints/representation violation of service safeguards/rules/regulations pertaining to appointment to direct recruitment, promotion and other forms of harassment, discrimination etc prima facie apparent the factual position/comments are called from the authorities concerned Ministry/Department. Banks and concerned authorities are asked to provide the comments within 15 days by giving notice. Failing to get a reply the commission exercises its Civil Court's power for production of records and enforcing their attendance of concerned authorities before the Commission.

The NCSC is assigned the important role of safeguarding the interests of SCs and has been vested with power in discharge of its role in terms of Article 338 of the Constitution. Under these power of Article 338 clause 5(a) and (b) commission exercises its powers of investigating/examination in individual cases in the light of the instructions issued by the govt. of India i.e. DOPT and overseas its implementation for redressal of their grievances where they are ignored/violated by the Departments/Ministries concerned relating to reservation policy. On finding violation of reservation rules the Commission recommends/suggests and advise the concerned authorities to correct them in accordance with the extent rules of Government i.e. issued by the DoP&T/State Governments concerned/DPE etc. as the case may be. The NCSC during the course of investigation or inquiry takes evidence on oath or receive affidavits. When considered the Commission for the purpose of taking evidence in the investigation or inquiry, require the presence of any person and issue summons. The summons provides at least 15 days notice, to the person directed to be present before the Commission from the date of receipt of the summons.

Where the property, service/employment of SCs and other related matters are under immediate threat and prompt attention of the commission is requested the matter is taken up by issue of telex/fax to the concerned authorities for making them know that the commission seized of the issue. The Chairperson, the vice-Chairperson and the Members have the jurisdiction on the subjects about an investigation on inquiry to be carried out through the State offices of the Commission by holding sittings anywhere in India. The findings/observations of the commission

issued after the investigation/enquiry by the commission in the light of laid down reservation policies by the DoP&T/State Government concerned/DPE etc are advised to consider and take corrective action in all fairness on the advice/findings and recommendations of the Commission.

In recent years, it has been observed that the space covered by reservation is shrinking and will continue to shrink over the years due to the downsizing of apparatus of the State in a liberal economic framework. Sometimes, the judiciary in particular the Apex Court has issued important judgment constricting and restricting reservation for the SCs. Though, reservation cannot be a panacea for every ill affecting the status of the SCs, it is a major way for removing their socio-economic disabilities. The NCSC is a major institution whose role in the monitoring of reservation policy has been getting restricted constantly by the encroaching judicial arena.

Brief of some of the important cases successfully dealt by the Commission

1. A Scheduled Caste person (Shri Lalit Kumar) has alleged that he has been working as LDC in the Dr. Rajender Prasad Inter college, Bilaspur, Gautam Budh Nagar, UP since 22.5.2001 but the school authorities have not paid any salary till 2006. The Commission took up the matter with Education Deptt. of govt. of UP, Lucknow and the Special Secretary, Education and Director (Education), Govt. of UP was also asked to appear for the discussion in the Commission. Then school authority has regularized the SC person since 16.2.2006 but his salary was not released since 22.5.2001 as he has been working since 22.5.2001 in the school. The Commission again took up the matter with Education Deptt. and the Education Deptt of Govt. of UP and School authority have released the salary of SC person from the date of joining i.e. from 22.5.2001.
2. Some of the SC Doctors of Hoshiarpur have sent a representation regarding denial of appointment to them since 1997 by Punjab Government against their selection. The Commission took up the matter with Chief Secretary, Govt. of Punjab for the comments/reply in the matter. The Deptt. Of Health and Family Welfare, Govt. of Punjab has reported that fresh appointment orders to 73 SC candidates pertaining to the year 1997 had been issued on 8.3.2006.
3. On the basis of the complaint received from a SC Addl. Supdt. Engineer in the Punjab State Electricity Board regarding framing of fabricated charge sheet against him and stoppage of three annual increments and frequent transfers, the Commission took up the matter with the Chairman, Punjab State Electricity Board in the year 2004. The case was examined in the Commission and all the records of the PSEB related to the petitioner were called in the commission as Commission was not satisfied with the report submitted by the Secretary, PSEB. Later on, the Special Secretary,

Deptt. of Power (Energy Branch), govt. of Punjab was also called in the Commission who assured that the matter was resolved but the Punjab State Electricity Board did not take any action in this case. Thereafter the Principal Secretary, Deptt. of Power, Govt. of Punjab, Chandigarh and Chairman, PSEB, Patiala were again called in the commission in the year 2006 as the Commission observed that the charges framed against the petitioner seems to be fabricated. On intervention of the commission, the Secretary, PSEB intimated that PSEB has decided to withdraw the punishment and charges have been dropped in the case and order have been issued.

4. On the basis of the representation submitted by a SC lady regarding regularization/appointment in the Punjab National Bank in Branch Delhi, the Commission took up the matter with the Punjab National Bank in 2005. The petitioner alleged that she had worked as a temporary sweeper from 1998 in the branch office of PNB at Gandhinagar Delhi but despite clear cut permanent vacancy in the branch after the dismissal of a permanent peon, the bank instead of regularizing her services terminated her services w.e.f. 20.10.2005. The Commission observed that although the post has been filled up on permanent basis against a vacant post the services of part time sweeper cannot be discontinued when a person has been elevated from the seniority of full time sweeper. It is clear from the case of part time sweeper that the petitioner should be considered from other branch of the bank. The GM PNB was called in the Commission for discussion in the case who agreed to offer employment to the petitioner as part time sweeper at 1/3rd scale of pay for which necessary steps have been initiated.

5. A Scheduled Caste Manager, Syndicate Bank Branch has brought to the notice of the Commission that the Syndicate Bank Management has charge sheeted him in three cases of loaning which were not related to him as he was taking due care in disbursing of loans. The Bank has punished the petitioner by stoppage of 6 increments. The Commission took up the matter with the syndicate bank Management and after examination of the reply received from the Bank it was observed that the punishment awarded to the petitioner was disproportionate. The CMD, Syndicate Bank appeared before the Commission to discuss the matter in the year 2006. The case was discussed in detail about the punishment, thereafter it was decided that the future impact of the punishment imposed, which is subsisting as on date, will be reduced to half the calculations as per wage settlement on account of above no arrears of past would be claimed by the petitioner. Accordingly, the GM(P) intimated to the Commission that the pay of petitioner has been refixed.

6. The petitioner belonging to SC sent a representation to the Commission in 2006 and alleged that he has applied for appointment on compassionate ground in the North West Railway, Jaipur. He has given the interview and NW Railway has verified his all educational certificates but he was

not appointed so far by the North West Railway, Jaipur. The Commission took up the matter with the General Manager (P) North West Railway, M/o Railway, Jaipur for their comments. The GMP was called in the case in the Commission. The Commission has informed that the case of the petitioner has been considered and appointment on compassionate ground in group D in the post of Khallasi/T. Boy at workshop Ajmer offered and he has resumed duties on 5.9.2006.

7. One SC Under Secretary, posted in Ministry of Social Justice and Empowerment represented to this Commission regarding grant of notional benefit of upgradation of Selection Grade to the post of Under Secretary as personal on in-situ basis. The comments from the concerned authorities were called and based on facts the Commission called the Joint Secretary, M/o SJ&E for discussion in the matter. After discussion of the case it was agreed to review the case of petitioner. On the intervention of the Commission petitioner got the notional benefit.

8. A petitioner belonging to SC community working in Deptt. of Posts as Postman in MP Circle Bhopal represented to the Commission on 4.2.2005 regarding his non-promotion. The matter was taken up with the Chief Postmaster General MP circle, Bhopal on 15.3.05. On the basis of facts, the roster registers were requisitioned for examination in the Commission. The case was discussed with the Post Master General, MP Circle Bhopal in the Commission on 29.11.05 who agreed to review the case of the petitioner. On the intervention of the Commission the petitioner was promoted to the post of Clerk.

9. A person belonging to SC community represented to this Commission on 8.4.05 that his father working as Inspector in Haryana State Transport, died in service and the Govt. of Haryana denied appointment on compassionate ground to him. The matter was referred to concerned authorities for obtaining facts. The case was discussed with the commissioner, Transport in the commission who agreed to reconsider the case and the petitioner was recommended for appointment on compassionate ground by the Screening Committee. The petitioner had joined as LDC in the Transport Deptt. Govt. of Haryana.

10. One SC Director, GAIL India Limited posted in GAIL New Delhi represented to this commission regarding non-forwarding of application for the post of Chief Executive Officer and MD and caste based discrimination and harassment by an upper caste Chairman-cum-Managing Director. The matter was taken up with the Secretary, M/o Petroleum and Natural Gas on 4.8.05. The Secretary, M/o Petroleum and Natural Gas intimated the Commission on 29.8.05 that Petronet LNG Ltd is not a Govt. company and the selection for the post of CEO and MD has been done as per the Article of Association of company formed under the companies Act. After that petitioner

has submitted a statement containing some points which were further forwarded to the Secretary, M/o Petroleum and NG for comments and called the relevant records of the case for examination in the Commission, after examination of record, the Commission exercised the powers of the Civil court and issued its findings on 9.6.2006 with following recommendations:-

- a) The selection to the post of Chief Executive Officer and Managing Director, Petronet, LNG should be quashed and fresh selection process should be intimated to the Chairman-cum-Managing Director, GAIL being a member of the selection committee.
- b) The Secretary, Ministry of Petroleum and NG may take appropriate action in pursuance of the aforesaid recommendations/directions and action taken report may be forwarded to the Commission within two weeks from the date of receipt of these recommendations.

- On the above recommendations of the Commission the Govt. of India nominated the petitioner as Chairman-cum-Managing Director, GAIL India Ltd.

11. The petitioner, Smt. Saroj Tandon employed as Staff Nurse in RML Hospital, New Delhi had alleged that on the basis of casteism, she was transferred from the Burn Ward of the Hospital to some other section. In this regard, she had requested that she was a patient of diabetes and wished to stay in the same ward. Without any complaint, she was transferred to other section. On lodging her complaints with this commission, the competent authority called the medical suptd. of RML Hospital and discussed the case and as a result of this her transfer orders were cancelled.

12. The husband of the petitioner, Shri Jagbir Singh was serving in the BHEL for about 25 years. In July 2001 he died, leaving behind him, three children. As he died in harness his wife applied for employment of her son on compassionate ground in BHEL. She sent many applications in this regard but the company did not accede to her request. At last, she lodged her complaint with this Commission. This Commission examined her case in detail and on the basis of the economic conditions of the family took up the case with BHEL authorities. The exchange of communications between the commission and BHEL continued for some years and finally it was in the month of May, 2006 that the BHEL formally appointed Shri Riteshwar Kumar, s/o late Shri Jagbir Singh on compassionate ground.

13. The petitioner, Shri Amit Kumar employed in ITBP in his application of March 2005 had lodged his complaint in this Commission alleging that on the basis of an advertisement in Employment News he applied for the post of Radio Operator and consequently was called for the

physical and written test result of which was declared in January, 2005. He was successful in this test. The Commandant told him that there were chances of more post of RO and you will be given the employment accordingly. Later on he was sent for the medical test which he cleared. He was then informed that the appointment orders for this post will be sent in due course of time. But after lapse of two months nothing of the sort ever happened. Consequently he lodged the complaint with this Commission. The Commission took up the case with the Director General of ITBP but authorities were not responding to these communications but finally the ITBP acceded to the request of the petitioner when they learnt that the Commission is seized of the matter. The petitioner has since been given appointment to the post of RO.

For ensuring adequate representation of the SC and ST in the services and post under the State the safeguards in services are provided under Article 16(4), 16(4A) which came into force the safeguards in service on 19.6.95 vide the Constitution (77 Amendment) Act, 1995 and Article 16(4B) which has been incorporated in the Constitution vide the Constitution (81st Amendment) Act, 2000 empowers the State for making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the SC/ST which in the opinion of the State are not adequately represented in the services under the State. However, the issue providing reservation in promotion within group "A" selection post is subjudice before the Constitution Bench of the Supreme Court hence under Article 335 the claims of the members of the SCs shall be taken into consideration consistently with the maintenance of efficiency of administration to services and posts in connection with the affairs of the Union or of a State.

In view of inadequate representation of the SCs especially in group A and B posts the Commission recommends that the reservation in promotion should be extended to all levels by selection.

To improve the representation of SC in posts and services, there is strong and urgent need to pass a Bill on reservation for Scheduled Casts and Scheduled Tribes in the posts and services under the Government to bring uniformity in the implementation of the policy with punitive measures against the non-implementing organisations and individuals.

Commission has noted no improvement in filling up the posts arising out of this exercise on backlog/shortfall has been carried out so far. Commission strongly urges that Government of India should calculate the backlog/shortfall of SCs and launch SRD to cover backlog in a time bound manner.

DoP&T may advise all the Ministry/Department and the appointing authorities that they should select the SC candidates from amongst the available eligible lot called for selection/interview and should not follow the criteria of not found suitable. DoP&T though has

clarified it to the Commission but has not issued the instructions in this regard. The Commission therefore recommends that DoP&T may issue suitable instruction in this regard.

It is recommended that the SC members who would be participating in the Boards/Committees may individually submit their observation to the Chairman of the selection committees and a copy of the report endorsed to the NCSC. DoP&T may issue suitable instruction in this regard immediately.

The Commission recommends that in order to make this inbuilt mechanism more effective the concept of making the Liaison Officer answerable/accountable to the NCSC the Govt. should issue instruction (as is being done in case of Central Vigilance Organisation).

The Commission therefore recommends that Govt. should look into the matter of migration and area restriction as a burning problem faced by one quarter of the population of India who migrate for their lively hood. The Commission suggests that their belonging to the particular State/area should not come in the way of SC on account of their belonging to SC and the Presidential Orders. As for other communities, no such restrictions are imposed. They are considered on the basis of their domicile. The domicile should be the sole criteria for giving benefit of reservation for employment, education and other developmental schemes.

The National Commission for SCs feels that there is need to reconsider/review the earlier decision taken about 30 years back excluding a large number of posts from the purview of posts and services above the lowest grade of group A of scientific and technical nature, as on today, enough number of qualified and experienced candidates belonging to SCs are available well qualified in the scientific and technical subjects.

The Commission feels that the order needs to be reviewed and the 5% reservation quota for compassionate appointment in post should be waived off in the cases of SCs due to their pecuniary conditions.

The Commission therefore recommends that to make special efforts to achieve the representation by launching SRD as has already been suggested by DoP&T in its OM NO. 36012/5/1997-Estt. (Res) Vol.II dated 20.7.2000 and DoP&T OM NO. 36038/1/2004 dated 5.8.2004, 26.8.2004.

It is suggested that special efforts may be made to increase the representation of SCs to the prescribed limit of 15% in officers cadre respectively.

The NCSC desire that the de-reservation in the post of promotion should be banned and the matter has already been taken up with the Deptt. Of Personnel and Training.

Since the post based roster has been followed from 2.7.97 with the replacement method in all the govt. departments therefore recruitment rules needs to be amended by all the Govt. departments where posts are to be fill up by promotion by selection.

The carry forward of vacancies formula which was earlier followed on vacancy based roster need not be followed when implementation of post based roster.

In all the State Governments scrutiny committee on verification of caste certificates is to be made effectively to overcome the false claims by non-SC persons. State Govt. should be more vigilant and procedure for issue of the certificate should be taken care of by the State Govt. and issuing authority.

It should be made mandatory to all the State governments to consult NCSC in all matters as per clause 338(9) of the constitution. This has not been followed by several State government like UP, AP, etc.

During the examination of SC certificates issued by various authorities of the State Govt. to the candidates the National Commission has observed that a large number of caste certificate issued to the persons belong to SCs are not in the prescribed format as the State Governments are empowered to issue such certificates. In this regard Govt. of India had issued to all the Chief Secretaries of State Govts/UTs a number of order vide DoP&T letter No.13/2/74-Estt.(SCT) dated 5.8.75 and vide MHA order NO. BC-16014/1/82-SC & BCD-I dated 18.11.82 and BC-12025/1/82-SC & BCD-IV dated 29.6.82. Despite these orders, the State Govts./UT Admns. are still not issuing the caste certificates in the prescribed format. Further Government of India have also issued a number of orders to streamline the process of issuance of caste/tribe certificates.

In view of the above, the Commission recommends that the caste certificates should be issued in the prescribed format as per Govt. instructions.

CHAPTER VI

PROTECTION OF CIVIL RIGHTS AND PREVENTION OF ATROCITIES ON SCHEDULED CASTES

Introduction

As a sequel to the abolition of untouchability practices under Article 17 of the Constitution of India, the Government of India had enacted two special and socially meaningful acts viz, the PCR Act, 1955 followed by the Scheduled Castes and Scheduled Tribes (Prevention Of Atrocities) Act, 1989 and corresponding rules thereof, by way of a legislation committed to provide an equal treatment and justice to the most deprived sections of the Indian society. The twin objectives of both these Acts were to achieve abolition of untouchability and empowerment of the members of SC/ST communities in the country to eradicate the discriminatory practices against these communities as a whole which was embedded in the age-old tradition of the caste system. As no Central Law existed on the subject; in the wake of the Constitutional provision under Article 17 abolishing Untouchability, a Law had to be enacted by the Parliament as required by the sub-clauses (ii) of clause (a) of Article 35 of the Constitution.

- 6.2 The Parliament passed the **Untouchability (Offences) Act, 1955**, which, again was an improved version of the **Untouchability Order, 1950**, in order to give effect to the declaration made in Article 17 of the Constitution and it came into force on 01.06.1955. The statement of Objects and Reasons appended to the Bill mentions, among others, that: "*Under Article 17 of the Constitution, untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with the Law.*"
- 6.3 Although the Untouchability (Offences) Act, 1955 has brought tremendous effect on the process of eradication of the evil of untouchability, it was felt in the course of its implementation that there was still enough scope and need to amend it for further broad-basing. In 1965, the Govt. of India, appointed a Committee under the Chairmanship of Shri L. Elayaperumal on untouchability, economic and educational development of the Scheduled Castes. The Committee submitted its report in 1969, and after examining the recommendations made by the Committee, Govt. of India introduced a Bill known as the Untouchability (Offences) and Amendment and Miscellaneous Provisions Bill, 1972 in Lok Sabha in April, 1972. The Parliament amended the Act of 1955 in November, 1976, renaming it as the Protection of Civil Rights Act, 1955 which came into force from 19.11.1976. In this Act, the term Civil Rights has been defined as any right accruing to a person by reason of abolition of "Untouchability" by Article 17 of the Constitution. Offences committed under the Act were made non-compoundable and summary trials prescribed in every such offence, except where it is punishable with imprisonment for a minimum term exceeding three months. Punishment in a number of offences was also considerably enhanced.
- 6.4 The PCR Act, 1955 seeks to demolish the age-old, biased social attitude towards lower castes, treating them as untouchables who remained at the receiving end of the lowest rung of the caste ladder. Apart from the declaration in the Constitution of India that untouchability is abolished and its practice in any form is prohibited, the PCR Act, 1955 was enacted to enforce that any disability arising out of untouchability shall be an offence punishable in accordance with the law. The PCR Act was broad-based to make it an expressed charter of civil rights for all citizens, although it was not focused exclusively on

the SCs and STs and not restricted to the Hindu way of a caste-divided life. As it was difficult to define untouchability, the enactment made express provisions with respect to the more common forms of untouchability, which are practiced in India. The Protection of Civil Rights Act, 1955 provides for exemplary punishment for practices of untouchability, in various forms that was eradicated under Article 17 of the Constitution. As a social legislation, PCR Act, 1955 partially succeeded in creating social awareness and in the eradication of socio-economic and religious disabilities imposed through various form of practices of untouchability in a traditional Indian society.

- 6.5 Section 15-A of the PCR Act, 1955 imposes the statutory duty on the State Govts. to ensure that the rights accruing from the abolition of untouchability are implemented for the benefit of the discriminated/weaker sections of the society who are further subjected to social, economic and political discrimination by branding them as untouchables. Under the PCR Rules, 1976, States are also under obligation to set up special courts for trials, appointment of officers for due supervision over prosecutions in the cases, set up district level committees and periodic assessment of the working of the Act and identification of areas where persons are suffering from various disabilities due to the practice of untouchability.
- 6.6 However, the fact remains that the PCR Act, 1955 in particular could not live up to its expectations despite listing of various untouchability practices constituting crime under the law of the land. There were legal loopholes, the levels of punishments were less punitive as compared to those of the IPC and the law and order machinery were neither professionally trained nor socially inclined to implement the spirit of such social piece of legislation. These were the major reasons why the need for a more comprehensive and more punitive Act was required to be enacted to protect the members of SCs/STs from atrocities and prevent atrocity on them through the SCs & STs (POA) Act, 1989. The basic objective and purpose of this more comprehensive and more punitive piece of legislation stand explained in the statement of objects when the bill for the SCs & STs (POA) Act was introduced in the Lok Sabha which is quoted below:

"Despite various measures to improve the socio-economic conditions of the SCs & STs they remain vulnerable. They are denied number of Civil Rights. They are subjected to various offences, indignities, humiliations and harassment. They have, in several brutal incidents, been deprived of their life and property. Serious crimes are committed against them for various historical, social and economic reasons. Because of the awareness created amongst the Scheduled Castes and the Scheduled Tribes through spread of education, etc, when they assert their rights and resist practices of untouchability against them or demand statutory minimum wages or refuse to do any bonded and forced labour, the vested interests try to cow them down and terrorise them. When the Scheduled Castes and the Scheduled Tribes try to preserve their self-respect or honour of their women, they become irritants for the dominant and the mighty. Occupation and cultivation of even the government allotted land by the SCs and the STs is resented and often these people become victims of attacks by the vested interests. Of late, there has been an increase in the disturbing trend of Commission of certain atrocities like making the Scheduled Castes persons eat inedible substances like human excreta and attacks on and mass killings of helpless Scheduled Castes and Scheduled Tribes and rape of women belonging to the Scheduled Castes and Scheduled Tribes. Under the circumstances, the existing laws like the Protection of Civil Rights Act, 1955 and the normal provisions of the Indian Penal Code have been found to be inadequate to check and deter crimes against them committed by non-Scheduled Castes and non Scheduled Tribes.

The term 'atrocities' has not been defined so far. It is considered necessary that not only the term 'atrocities' should be defined but also stringent measures should be introduced to provide for higher punishment for committing such atrocities. It is also proposed to enjoin on the States and Union Territories to take specific preventive and punitive measures to protect the Scheduled Castes and the Scheduled Tribes from being victimized and where atrocities are committed, to provide adequate relief and assistance to rehabilitate them."

- 6.7 The SCs & STs (POA) Act, 1989 defines atrocities as an offence punishable under section 3 (1) and (2) of the Act and lists 22 offences relating to various patterns of behaviour inflicting criminal offences for shattering the self-respect and esteem of the persons belonging to SCs & STs, denial of economic, democratic and social rights, discrimination, exploitation and abuse of the legal process etc. The Act, therefore imposes exemplary punishment at a scale much more than those under the IPC for atrocities on SCs and STs, except for the offence of rape where the level of punishments under the IPC is more than those contained in the POA Act. Apart from penal measures, the act also endeavors to ensure prevention of atrocities and seeks to provide legally justiciable rights to the victims of atrocities by way of a well scheduled scale of graded financial assistance to the victims of atrocities and provisions of relief and rehabilitation under Rule 12(4) of the SCs & STs (POA) Rules, 1995, apart from various steps like provisions of legal aid to the victims, maintenance allowance during investigation and trial, identification of atrocity prone areas, etc.
- 6.8 The basic conditions for taking cognizance under the Act is that the offender/accused should not be a member of SC & ST and that the victim should be a member of SCs/STs and the offence so committed should be made with prior knowledge of the caste background of the victim. While all the offences under section 3(1) and 3(2) of the POA Act are covered under IPC, these offences have been made non-bailable, cognizable and non compoundable under the SCs & STs (POA) Act, 1989. Under the SCs & STs (POA) Rules 1995, these offences are required to be tried by special courts in the State designated specifically for the purpose and investigation is to be carried out within 30 days by an officer not below the rank of Dy. Superintendent of Police so as to ensure that more than routine attention is paid by the investigation authorities while carrying out their duties under this socially meaningful piece of legislation. The social objective of both the Acts were sought to be achieved through the precautionary and preventive measures, rehabilitative measures, punitive measures enacted for the purpose.
- 6.9 There are conflicting views about the impacts of these two Acts on the overall crime scenario of the country. At the level of ideology, caste as a system has considerably weakened and perhaps has assumed newer forms or appeared in new avatar particularly in the wake of implementation of the Mandal Commission's Report in the nineties. But, still it cannot be denied that older forms and practices of untouchability have waned if not assumed newer/more subtle forms but atrocities committed on SCs & STs by local dominant groups of castes/people, have, contrary to the expectations, increased in absolute number. The reason behind this apparent reality lies in the tensions within the social, economic and political fabric of the Indian society but nonetheless, it still can be construed as a sad commentary on the very nature of the civil society of the world's largest democracy.

Fact sheet

- 6.10 For the purpose of analysing crime against SCs data provided by NCRB has been relied upon. Going by the available statistics, the magnitude of crime registered under the PCR Act has been found to be speedily decreasing particularly after 1996 when the SCs & STs

(POA) Act came into effect. After the SCs & STs (POA) Act, 1989 came into force with effect from 30-1-1990; the cases of atrocity on SCs & STs are being increasingly booked under the SCs & STs (POA) Act, 1989 and less and less under the PCR Act.

- 6.11 As observed from Table 1, the rate of cognizable crime under IPC+SLL against SCs and STs decreased in the year 1997 as compared to those in the year 1996. The Crime again increased in the year 2001 and 2002, again decreased in year 2003, increased in 2004 and again decreased in year 2005.

Table 1
Crime against SCs/STs

(Unit: 1000)

Year	Total cognizable crimes under IPC	Crime against (IPC+SLL)		Total (SCs & STs)
		SC	ST	
1996	1709	31.4	5.0	36.4
1997	1720	27.9	4.7	32.6
1998	1779	25.6	4.3	29.9
1999	1764	25.1	4.4	29.5
2000	1771	25.5	4.1	29.6
2001	1769	33.5	6.2	29.7
2002	1783	33.5	6.8	40.3
2003	1716	26.3	5.9	32.2
2004	1832	26.9	5.9	32.8
2005	1823	26.1	5.7	31.8

Source: NCRB, New Delhi, Crime in India,

- 6.12 State wise distribution of crime on members of SCs and STs (**ANNEXURE 6.1**) shows that the magnitude of crime registered under PCR between 2000-2005 in six States of Uttar Pradesh, Andhra Pradesh, Bihar, Karnataka, Orissa and Tamil Nadu are relatively higher than other States. Generally, it has been found from the NCRB data that States that have high rate of crime reported under IPC and State Local Law (SLL) are also generally the States with high rate of crime on SCs & STs depending on the concentration of population of respective communities. While NCRB data shows that Uttar Pradesh, recorded highest number of IPC crimes in general between periods from 2000-2005 followed by Andhra Pradesh, Bihar and Karnataka. It was further followed by States like Bihar, Gujarat and Tamil Nadu recording incidence of IPC crime in the range of 1.0-1.5 lacs. Ironically these are also the States where atrocities on SCs & STs are higher compared to their counterparts. The only difference being that in some southern States like Andhra Pradesh, Karnataka and Tamil Nadu relatively more cases registered under PCR Act compared to the other States of the country. Northern States of Uttar Pradesh, Madhya Pradesh and Bihar are generally the States where serious/violent crimes against the SCs & STs are relatively higher.
- 6.13 The analysis of the total crimes committed against the members of SCs/STs since 2001 to 2005 (Table 2) reveals that in year 2002, crimes against SCs remained almost the same as in 2001 whereas for the year from 2003 to 2005 declined marginally. As regards specific nature of crimes committed on the members of SCs (Table 2) reveals that the heinous cases like murder, rape, arson, has gone down marginally in case of SCs. State/UT wise review of the serious crimes committed against the members of SCs in the year 2005 (**ANNEXURE 6.II**) reflects highest no. of murder cases in the State of Uttar Pradesh (323)

followed by Madhya Pradesh (96), Rajasthan (56) & Andhra Pradesh (37) whereas highest rape cases have been reported from State of Uttar Pradesh (424) followed by Madhya Pradesh (340), Rajasthan (136), Chhattisgarh (59).

Table 2
Nature of Crime on SCs

Year	Murder	Grievous Hurt	Rape	Arsenals	Kidnaping & Abduction	Dacoity	Robbery	Protection of Civil Rights Act	SC/ST (Prev. of Atrocities) Act	Other offences	Total
2001	763	4547	1316	354	400	41	133	633	13113	12201	33500
2002	739	4491	1331	322	319	29	105	1018	10770	14383	33500
2003	581	3969	1089	204	232	24	70	634	8048	11401	26200
2004	654	3824	1157	211	253	26	72	364	8891	11435	26800
2005	669	3847	1172	210	258	26	80	291	8497	11077	26100

Source: NCRB, New Delhi, Crime in India

6.14 The State wise numbers of atrocity cases in respect of SCs are given at (ANNEXURE 6.III). This table shows the number of atrocity cases in respect of SCs in various states. It is seen that the State of U.P. shows highest number of cases in 2005 (1623) followed by Andhra Pradesh (1244), Bihar (1141), Karnataka (1108), Tamil Nadu (829) and Orissa (639). The status of dealing with the cases of atrocity by the Police may be seen at the table given in the (ANNEXURE 6.IV). It appears that substantive number of cases, 25854, have been investigated by the State Police under the POA Act but only a small proportion of them ended in charge sheet. However in the State of Andhra Pradesh (3395), Bihar (1736), Rajasthan (390) & Uttar Pradesh (4320) the Police has also submitted significant number of cases as final report which needs in-depth study by the concerned States and subsequently feed back to the investigation officer.

Table-3
Cases pending in various courts of law

CRIME HEADS	FOR TRIAL	WITH-DRAWN	NO. OF CASES COMPOUNDED OR WITHDRAWN	TRIAL-COMPL	CONVICTED	DISCHARGED	PENDING
2001 TOTAL COG. IPC CRIME	105099	81	1123	5855	17165	11310	86811
2002 TOTAL COG. IPC CRIME	114464	9	1419	20403	6556	13847	92642
2003 TOTAL COG. IPC CRIME	114882	21	1371	20803	5937	14866	92703
2004 TOTAL COG. IPC CRIME	112409	23	2250	22002	5962	16040	88157
2005 TOTAL	109072	12	965	20640	6145	14495	87467

COG. IPC CRIME							
-------------------	--	--	--	--	--	--	--

Source: NCRB, New Delhi, Crime in India

6.15 The status of disposal of atrocity cases by the Courts may be seen at **Table No. 3** taking together as country as a whole, the number of cases was 114464 in 2002 which shows an increase in comparison to the year 2001. This figure was almost the same for the year 2003. For the next two years, there is a marginal declining trend. If we look at the pendency of the cases, it is observed that there is a declining trend as the total pending figure in the year 2002 was 92642, for the year 2003 it was 92708 and for 2004 it was 88157 and for the year 2005 the figures is 87467.

6.16 The reasons for the declining trend may be attributed to acquittals due to various reasons shown below:

Main reasons of acquittal:

1. Compromise between the complainant and the accused.
2. Complainant and witnesses get hostile.
3. Due to insufficient evidences; charges, against the accused not confirmed.
4. Due to non-availability of eyewitnesses and appropriate evidence against accused.
5. Benefit of doubt given by the Courts.
6. Discrepancies in evidence.
7. Economic dependence of the victims.
8. Delay in court proceedings
9. Delay in filing charge sheet.

6.17 As is evident from the table on state-wise atrocity on SCs and STs the four States mentioned above are the States, which have remained at the top of the country's crime map. The top position of crime in terms of atrocities on members of SCs & STs are either being claimed by Madhya Pradesh or Uttar Pradesh followed by Bihar and Rajasthan. Over a period of time, these States have accounted for most of the serious crimes against SCs & STs; indicating, inter alia, that the enhanced levels of prescribed punishment under the SCs & STs (POA) Act, 1989 could not act as a deterrent socially, economically or politically for eliminating atrocities on the SCs or the weaker sections of the society.

6.18 Similarly, in terms of total cognizable crimes committed on SCs during the year 2005 (**ANNEXURE-6.II**), it has been seen that the State of Uttar Pradesh ranked top with 1157 number of total offences committed followed by Andhra Pradesh with 600 of offences and Bihar ranked third with 381 number of crimes committed on Scheduled Castes. It is, however, observed that the incidence of rape or other heinous crimes is minimum or negligible in the states like West Bengal and North-Eastern States.

6.19 As regards cases pending for investigation (**ANNEXURE-6.IV**) revealed that in 2005, the maximum number of cases pending investigation is in the State of Bihar 2428 cases followed by Andhra Pradesh with 2005 cases and Uttar Pradesh with 643 cases. It is, therefore, imperative to initiate some urgent measures to decrease the pendency, to deliver justice expeditiously.

6.20 From the chart of convictions and acquittals, it has been observed that the rate of acquittal is very high. The same can be observed from the table given below:-

Disposal of cases for Crimes against SCs by Courts during 2005

S. No.	Crime Head	Total No. of cases for trial incl. pending cases	Cases withdrawn by the Govt.	No. cases in which trials completed				Pending cases
				Compounded or Withdrawn	Convicted	Acquitted or discharged	Total	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	MURDER	2958	9	12	235	323	558	2388
2	RAPE	4165	1	14	307	596	903	3248
3	KIDNAPPING & ABDUCTION	1074	0	3	77	129	206	865
4	DACOITY	95	0	0	6	7	13	82
5	ROBBERY	309	0	0	18	35	53	256
6	ARSON	873	0	3	53	133	186	684
7	HURT	14953	1	189	841	2281	3122	11642
8	PCR ACT	3153	0	3	98	376	474	2676
9	SC/ST PREV. OF ATROCITIES ACT	41668	1	252	1764	4820	6584	34832
10	OTHER CRIME AGAINST SC	39824	0	489	2746	5795	8541	30794
11	TOTAL	109072	12	965	6145	14495	20640	87467

Source: NCRB, New Delhi, Crime in India

Compensation to Victims:

- 6.21 The principle of compensating victims of atrocities crime has been recognized in SCs/STs (POA) Rules, 1995 more so as a token of relief rather than part of a punishment or substantial remedy. The idea of providing compensation primarily has been, to support the victim financially so as he/she can cope-up with the situation even when a earning member of a family lost or incapacitated or otherwise. The SCs/STs (POA) Rules, 1995 have vividly defined section-wise compensation amount and share of stipulated amount to the victim should get before or after the judgement is delivered by the Competent Court of Law. While various sections under POA Act provide the specific amount to the victim from the State Govt; it also stipulates the mode through which the payment shall be disbursed. The compensatory amount, however, to be paid directly to the victim of atrocity or his/her immediate relative by cash/cheque through the Social Welfare Department of the respective States. Here it is important to mention that in cases of atrocity; compensation is paid through a matching grant maintained by the State Welfare Department and the Central Govt's share is 50% of the total share of budget amount.

- 6.22 Unfortunately, our adversarial criminal justice system, has rather shown apathy towards a victim oriented justice. The Mallimath Committee-Report is critical about the same:-

"Historically speaking, Criminal Justice System seems to exist to protect the power, the privilege and the values of the elite sections in society. The way crimes are defined and the system is administered, demonstrate that there is an element of truth in the above perception even in modern times. However, over the years the dominant function of criminal justice is projected to be protecting all citizens from harm to either their person or property, the assumption being that it is the primary duty of a State under rule of law. The State does this by depriving individuals of the power to take law into their own hands and using its power to satisfy the sense of revenge through appropriate sanctions. The State (and society), it was argued, is itself the victim when a citizen commits a crime and thereby questions its norms and authority. Thus the focus of attention of the system shifted from the real victim who suffered the injury (as a result of the failure of the State) to the offender and how he is dealt with by the State. Criminal justice came to comprehend all about crime, the criminal, the way he is dealt with, the process of proving his guilt and the ultimate punishment given to him. The civil law was supposed to take care of the monetary and other losses suffered by the victim. Victims were marginalized and the State stood forth as the victim to prosecute and punish the accused.

What happens to the right of the victim to get justice to the harm suffered? Well, he/she can be satisfied if the State successfully gets the criminal punished. How does he get justice if the State does not succeed in doing so? Can he/she ask the State to compensate him for the injury? In principle, that should be the logical consequence in such situation; but the State which makes the law absolves itself of such liability. Not only the victim's right to compensation was ignored except at token provision under the Criminal Procedure Code but also the right to participate as the dominant stakeholder in criminal proceedings was taken away from him. He has no right to lead evidence, he cannot challenge the evidence through cross-examination of witnesses nor can he advance arguments to influence decision making."

Atrocity on women

- 6.23 Sections 3 (1) (X), (XI) and (XII) of the SCs & STs (POA) Act, 1989 specifically deal with the atrocity on women belonging to SCs & STs. Both of these provisions do not include the specific provisions of rape as in the case of IPC. As a result, specific complaints of rape cases are generally booked under the provisions of IPC and not under the SCs & STs (POA) Act, which provides for outraging the modesty of women, an omnibus clause that also include incidence of rape. Technically, it is very difficult to prove rape under SCs & STs (POA) Act. It is very difficult to establish the motive of the crime as the incident/attempt ipso facto may not tantamount to purposive humiliation of the weaker sex on account of caste factor. But the fact remains that rape/incidents of assault on the women folk of SCs & STs are caused by double dis-advantage; that they are economically less empowered and weak compared to their male folk even within the community and secondly they are relatively weak when compared to the society as a whole. Perhaps this is one of the reasons why SCs & STs women in Madhya Pradesh or in Rajasthan and Uttar Pradesh are subjected to atrocities more than their counter-parts in other States.

Main successful cases dealt by APCR Wing during the year 2005-2006

1. **Case-I (File No. Har/40/06 APCR):** A complaint was received from Smt. Sadhna Devi, W/o Shri Joginder, Vill. _ Mokal Bas, P.S. – Maneswar, Distt.- Gurgaon, Haryana, on 28/3/2006 alleging that one Shri N.B. Singh and others have duped her in terms of purchase of 25 Kanal and 7 Marla of land. When the petitioner brought this issue before local Tehsildar, the accused got annoyed and threatened with dire consequences for bringing the issue before District Civil Administration. Accordingly, the matter was referred to the S.P., Gurgaon, on 10/4/2006 with series of reminders and other correspondence up to 21/12/2006. A communication has been received from the petitioner dated 16/5/2007 wherein she has informed that the ownership of the entire purchased land has been restored to her by the District Civil /Police Administration.
2. **Case-II (File No. UP/1/05 APCR):** A complaint was received from Ch. Rampal Singh Premi, President, Akhil Bharatiya Dalit Varg Sangh, West Uttar Pradesh Congress Committee, dated 24/12/2004 alleging murder of Shri Rajesh, S/o of Shri Dharampal, Vill. – Nirajpur Gujjar, P.S.-Bagpat Distt.- Bagpat, Uttar Pradesh. The petitioner alleged that the police were not taking adequate steps to nab the culprit who were threatening the petitioner and his family members with dire consequences every day. Upon receiving the complaint the matter was referred to S.P., Baghpat for an action taken report. According to a report received from S.P. Bagpat, a case was lodged vide No.638/2004 U/S 147, 148, 149, 307, 302 IPC and Section 3 (2) (5) SCs/STs (POA) Act and all the accused arrested and challaned to the court. Compensation as per norm also paid to the victim of atrocity.
3. **Case-III (File No. UP/227/05 APCR):** The Commission had received a representation from Shri Mewaram R/o Loni, Ghaziabad regarding abuse by caste name & physical assault by non-scheduled castes. This matter was taken up with the S.S.P., Ghaziabad on 30/9/2005 & followed by reminders to S.S.P., Ghaziabad who in his report informed that an FIR was registered against the accused and after investigation it was found that the accused and other 3 persons were found guilty and arrested accordingly. Petitioner Shri Mewaram does not want any action now. He has been, therefore, advised to lodge a complaint again if he faces any problem in future.
4. **Case-IV (File No. Delhi/146/2006-APCR):** A complaint was received from Shri Sanjay Varodiya, R/o- RZ-646, Goli No. 7 Indira Park, Palam Colony, New Delhi-45 who had alleged that one Smt. Indira Sharma on 10/11/2006 abused his wife by calling her by caste name. The petitioner also reported this matter to the local police and police in turn on 13/11/2006 came in a private car to the resident of the petitioner and beaten his wife and dragged her to police station after charging her in a fabricated case. Acting on the complaint, the matter was referred to the Commissioner of Police on 4/12/2006 for an immediate action taken report. Accordingly a report was received from the Joint Commissioner of Police, Southern Range, New Delhi to the effect that the allegation leveled by the petitioner against the police found to be true and a departmental inquiry was ordered against the concerned police official and he had been transferred to non-sensitive unit.
5. **Case-V (File No. Rajasthan/35/2006-APCR):** A complaint was received from Shri P.L. Mimroth, Chair-Person, Centre for Dalit Rights about a heinous crime against Dalit in

Bharatpur District in Rajasthan where a Dalit youth namely, Shri Padam Singh R/o-Veenarain, Bharatpur, Rajasthan, had been brutally murdered by non-Scheduled Castes on 12/2/2006 and an FIR No.33/06 dated 12/2/2006 U/S 302, 34 IPC was lodged with local police station, Chiksana specifically naming Shri Lohar, S/o Shri Buddha, a non-Scheduled Caste person as prime accused. The petitioner wanted to invoke Section 3 (2) (5) of SCs/STs (POA) Act, 1989, in the instant case. Accordingly the matter was referred to S.P., Bharatpur, on 4/9/2006 for action taken report of the matter. Subsequently a report has been received from S.P. Bharatpur, wherein he has confirmed that Section 3 (2) (5) of SCs/STs (POA) Act has been invoked in the instant case and amount of Rs.1.5. lac has been paid to the close relative of the atrocity victim.

6. **Case-VI (Ashabai Laxmi Bajare V/S Shivaji Laxman and 08 others):** The said case was registered in the district of Solapur as Crime number 55/2006 on 11/3/2006 under section 3(1) (3) (10) (11), 6 of the POA Act 1989 3(1) (d) of PCR Act 1953 and 354,355,143,147,148,149,323,504,506(2) of IPC. The Accused suspected that, the complainant had given an application to the police against illegal trading of liquor and prostitution in the village. On 11/3/2006, when the complainant and her sister were waiting for the Bus at the Bus Stand, the accused beaten her up. Further, they also removed her clothes and made her to walk from the Bus Depot to the nearest Nursery School: and also outraged her modesty. The sister of the victim who cried for help was also abused and brutally beaten up. Thereafter, with the help of the relatives, the complainant filed an FIR in the police station and all the accused were remanded to custody and tried in the Sessions court, Solapur.
7. **Case-VII (Bhaiyalal Bhotmange V/S Gopal Sakaru Binjewarand and 10 other Accused):** The said case was registered in Anhalgaon Taluka of Bhandara District registered as Crime Number 56/06 dated 30/6/2006 under sec 3(1)(10)(11) 3(2)(5)(15)of POA Act along with IPC 302,201,147,148,149,354,452. On 3/9/2006 when S.G.Gajbbhiye was going to Kandri village via **Khairlanji** when S.Sakru Binjewar of Khairlanji accosted him demanding the unpaid wages of his wife, who had worked as a farm labourer on Gajbhiye's land. Gajbhiye insulted Binjewar and abused him and beaten him in the evening when Gajbhiye was returning from Kandri village, at Khairlanji village. One amongst the accused, Shri. Jagdish Mandlekar and others attacked him. The Injured Sidharth was taken to the Kemptee Roy Hospital for medical aid by the brother of Sidhrath. At the hospital a medico legal case was registered and an offence was registered based on the statement that was given by Sidharth.

Based on the wireless message that was received, crime no. 52/06 was registered and PSO Andhalgaon took the investigation and all the 12 other accused were arrested. The weapons which were used in the incident were also seized. The Accused were booked under Section 7(b) (c) (d) of the PCR Act. On the same day, all the accused were produced before the J.M.F.Court Mohadi. The court remanded all of the accused on bail by providing P.R.S bond for Rs5000/- each on the same day. At the same time they also received information that Rajan Gajibhiye was moving in the Kandri village where they could not find Rajan. Therefore, they went straight to Khairlanji. A short meeting took place in the panchayat. Thereafter, a crowd of 60 to 70 persons went to the house of Bhiyalal Bhotmange. There they found Surekha bhotmange and Priyanka bhotmange and three other children. They were all dragged out of the house, beaten mercilessly with cycle chain sticks and an axe. Later the dead body of Priyanka Bhotmange was found naked in the canal on 30/9/2006. An A.D was registered under the relevant acts immediately. On the next day, the remaining three other bodies of Surekha, & children Sudhir, and Roshan were found. A first post mortem as conducted subsequently after the burial in order to aid in further investigation, a second postmortem was also conducted..The said case had invited national attention. The then member of the SC Commission also visited the spot and conducted the investigation,

On investigation, 47 of the accused have been arrested. One tractor Trailer and also the Bullock Cart was seized. Out of the arrested. 36 of them have been discharged by the CBI. Against the 11 others charge sheets have been filed and the trial was on in the Special Court of Bhandara. The State government has appointed Shri Ujwal Nigam as the Special Public Prosecutor in the instant case. Compensation to the victims have already been paid. Sh. Bhotmange has already been provided a job by the state Government.

8. **Case-VIII:** Commission had received a representation from Prof. Dadarao Jugale regarding abuse on caste basis by the college colleagues. The matter was taken up with the Commissioner of Police on 08/03/2006. Asstt. Police Commissioner vide his letter dated 03/04/2006 informed that under the SCs/STs (POA) Act, 1989 a case has been registered u/s 3(1) (x) & 7 (1(d) of PCR Act, 1950.
9. **Case-IX:** State office, Pune of the NCSC had received a representation dated 27/01/2006 from Shri Dadarao Yashwant Ingle, Appasaheb Jedhe College Pune, against Prof. P.V. Pandhare about a castiest remark in the staff Room of the college. The Commission had referred this matter with the Commissioner of Police Pune who replied to Commission, that the Khadki Police Station had registered a case against Principal Shri P.V. Pandhare under the Prevention of Atrocity Act, as per Asstt. Commissioner of Police, Pune City letter no. 918/2006 Dated: 03/04/2006.
10. **Case-X:** It was reported that the accused belonging to Caste Hindu intentionally insulted and intimidated with an intention to humiliate the complainant, Smt. Jothi, a member of Scheduled Caste and also exploited her sexually by deceiving her to believe that she was lawfully married to him. He not only attempted to kill her but also sexually exploited.
The victim is entitled for the relief of Rs.1.00 lakh. As the case has already been filed in the Court, 50% of the relief of Rs.50, 000/- has been paid to her vide order dated 25/10/2005 and the remaining amount will be paid on trial.
11. **Case-XI:** Mosmat Rajmani Devi w/o Late Akhilesh Chaudhary of village Makhdumchak (Jolahchak) under Singori P.S. in Patna district (Bihar) submitted a representation dated 27.12.2002 to the State Office, Patna (Bihar) of the NCSC with an information that her husband Akhilesh Choudhary was killed on 29.5.2000 by the non-SC/ST person. A case vide Singori P.S. Case no. 22/2000 dated 30.5.2005 u/s 302/34 IPC and 27 Arms Act was registered against the accused person and the police submitted the charge-sheet in this case vide C.S. No. 26/2000 dated 8.8.2000 u/s 302/34 IPC and 27 Arms Act. But, she had not been paid the financial relief under the provisions of the Scheduled Castes & Scheduled Tribes (POA) Rules, 1995. The State Office took up the matter with the District Magistrate, Patna vide letter no. XRR-1/1/2003-B dated 28.2.2003 for payment of financial relief to the widow of the deceased person. In reply, the District Magistrate, Patna vide his letter no. 461 dated 10.3.2004 informed that the financial relief had not been provided as no section of the Scheduled Castes & Scheduled Tribes (POA) Act, 1989 had been incorporated in the case. The opinion of the Public Prosecutor had also been taken in this connection. Thus the matter was referred to the Senior Superintendent of Police, Patna and to the Inspector General of Police, Weaker Section, CID, Bihar, Patna for taking necessary action so that the relevant sections of the Scheduled Castes & Scheduled Tribes (PoA) Act, 1989 could be incorporated in the case and supplementary charge-sheet be submitted in the court. The matter remained unsolved for a long time. So the matter was forwarded to the NCSC Hqrs. vide letter no. XRR-1/1/2003-B dated 11.4.2005 for necessary action at their end and also for its early disposal. The NCSC Hqrs. also took up the matter with the IG of Police, Weaker Section, CID, Patna. As a result, the police submitted the supplementary charge-sheet no. 30/05 dated 26.11.2005 under the relevant section of the POA Act. This information was passed on to the District Magistrate, Patna for taking necessary action for payment of financial relief to the aggrieved person. At last, the next of kin of the deceased got the financial assistance of

Rs. 1.5 Lakhs as per provisions of the Scheduled Castes & Scheduled Tribes (POA) Rules, 1995.

12. **Case-XII:** The State Office, Patna had received a representation from Mosmat Parmila Devi w/o Late Shankar Ram, Jhakhari Mahadeo Village, Danapur Block, Patna district, regarding payment of financial relief under the provisions of the SCs & STs ...POA Rules, 1995 on account of killing of her husband on 12-1-2004. It had been informed that the police has submitted the Charge-sheet in Khagaul P.S. case No. 2/2004 relating to this incident, but sections of the SCs & STs (POA) Act, 1989 had not been incorporated in the case. The State Office examined the issue and took-up the matter with the Sr. Supdt. of Police, Patna for incorporating the section of POA Act and to submit the Charge-sheet accordingly. As a result, the Police submitted the Charge-sheet as asked and forwarded the same to the District Magistrate, Patna for payment of financial relief under provision of POA Rules, 1995 to the next of kins of the deceased SC person.
13. **Case-XIII:** A representation was received on 26.02.2004 By Fax from Smt. Kunjumol. T. Chakkamma Colony, Vadayar PO, Vaikom, Kottayam District regarding atrocity on SC woman. The matter was taken up with the Circle Inspector of Police, Vaikom, Kottayam District to enquire into the case on compassionate ground being a lady and also in the light of the Constitutional protection of social safeguards provided to SCs under the Atrocity Act. On continuous follow up, the State Office received a favorable reply from the Circle Inspector of Police, Vaikom stating that a case had been registered under Section 3 (i) (xi) of SCs/STs (POA) Act, 1989 in addition to the Sections 341, 451, 323, 427, 5-6 (ii) and 34 of IPC and the case was investigated by Deputy Superintendent of Police, Pala. On this the State Office had regular follow up by sending reminder and the petitioner did see the light of the day as the positive reply received from Dy. Superintendent of Police, Pala stating that the investigation was going on and the accused was charge sheeted.
14. **Case-XIV:** A representation was received on 30.04.2004 from Smt. N.K. Ajitha, D/o Karuthakunju, Chirattayolil House, Anappara, Pulpally PO, Wayanad regarding assault by a group led by Shri Ratheesh, Thottuvelithara, Anappara and others. The matter was taken up with the District Development Officer for Scheduled Castes, Wayanad and the Superintendent of Police, Wayanad on 06.05.2004 to enquire into the case on compassionate ground being a lady and also in the light of the Constitutional Protections of Safeguards provided to SCs under POA Act, 1989. On continuous follow up the State Office received a favourable reply vide letter dated 28.06.2005 from the District Superintendent of Police, Wayanad stating that a case was registered under Section 3 (i) (xi) of POA Act, 1989 along with IPC Sections and investigation was carried out by the Dy. Superintendent of Police (SMS), Wayanad. A reply also received from DDO for SCs, Wayanad which reveals that the action was taken to disburse Rs. 25,000 as financial assistance and the case was submitted in the Court.
15. **Case-XV:** A representation was received on 09.03.2005 from Smt. Molly, D/o Baby, Manningavila Veedu, Nettayam, Manikandeswaram PO, Trivandrum regarding sexual exploitation by the accused and also abusing her by Caste name. The matter was taken up with the Commissioner of Police, Trivandrum City vide this Office letter No. KL/31/9/05 dated 10.03.2005 to investigate into the case on the grounds being a lady and also in the light of Constitutional provisions of social safeguards provided to Scheduled Castes under the POA Act, 1989. The same letter was sent to the Inspector General of Police (PCR), Trivandrum also. Again the above two police officers reminded on 28.06.2005. An interim reply from the DGP was received that the case was being processed and the reply being awaited from the Commissioner of Police. As the reply was not forthcoming, one more reminder was sent on 27.02.2006. Reply received from DGP's Office stated that necessary direction was given to the Commissioner of Police, Trivandrum to register the case under

Section 3 (i) (xi) of the POA Act, 1989. That was not the all, again on 26.04.2006 State Office further received a letter enclosing the original enquiry report of the Assistant Commissioner of Police, which revealed that a case under Atrocity of Section 3 (i) (xi) and (xii) was registered in addition to the six sections of IPC. On this the State had a regular follow up by sending another letter to which the Assistant Commissioner informed that the case was being investigated and they were waiting for the caste certificate from the Tehsildar, Trivandrum for further action including the arrest of the accused. That was the chronological event that took place and was being proceeded by the State Office in the desired line in the endeavour of the welfare of SC woman.

16. **Case-XVI:** A representation was received on 24.10.2005 from Smt. Chithralekha (Autorickshaw Driver), W/o Sreeshanth, Eramangalam, Edattu, Payyannur, Kannur, regarding assault by the accused persons Viz. Ramesan, Pavithran, Ajith and Naveen and calling caste name. The matter was taken up with the Superintendent of Police, Kannur vide this Office letter No. KL31/42/05, dated 24.10.2005. On continuous follow up the State Office received a favorable reply vide letter dated 30.03.2006 from the Superintendent of Police, Kannur stating that a case has been registered under Section 3(i) (xi) of the SCs/STs (POA) Act along with 143, 147, 148, 341, 354, 328, 294 (b), 506(1) of IPC. It was also reported that the case may be charge sheeted, when the caste certificate from the petitioner was received.
17. **Case-XVII:** A representation was received on the basis of a news item which appeared in the Mathrubhumi (Malayalam Daily) dated 27.05.2005 captioned as Scheduled Caste Girl Ms. Priya, D/o Prakash, Kadakamom Harijan Colony, Pathanapuram, Kollam had been raped and killed by the accused Mr. Salim, 28 years. On the same day itself, the matter was taken up with the Collector, Kollam district with a copy to the Superintendent of Police, Kollam with the request to deal the matter under POA Act and to give necessary financial assistance as laid down by the POA Rule. In response to this, the DDO for SCs, Kollam reported that the case was registered under section 3 (2) (v) and 3(i) (xi) along with 376 (f), 302 of IPC and FIR was submitted before the Punalur Court. An immediate relief of Rs. 1000 was disbursed and steps had taken to sanction Rs. 1,00,000/- under the POA Act. The Deputy Superintendent of Police, Kollam had also reported that the case was registered under Atrocity Act. The accused was arrested on 09.06.2005 and he was under judicial custody. The accused would be subjected to DNA Test at Rajiv Gandhi Centre for Bio Technology, Trivandrum. The charge sheet would be laid before the Court after getting the DNA Test and FSL Report.
18. **Case-XVIII:** Shri Satyveer Balmiki, S/o Sh. Parsadi, R/o Bhakrailiya, P.S. Naujheel, District Mathura submitted a representation in Dec, 2006 in the State Office at Lucknow of NCSC alleging that some high caste people fired gun shot at him, his wife, brother and sister-in-law and also abused with caste base remarks. The case got registered under Section 147/148/149/307 of IPC and 3(1) (X) of SC/ST Act. The petitioner had alleged that although the case was registered under POA Act, no financial assistance was given to victims. The State Office took up the matter with the District Social Welfare Officer. Each victim was sanctioned financial relief.

RECOMMENDATIONS:

- 6.24 The Central Government should request the State Governments to ensure that police officials should be sensitized about the provisions/implementation of PCR Act, 1955 and POA Act, 1989 in their in house training programme as well as to organize special training for them.

- 6.25 The Central Government and the State Governments should ensure that the underlying reasons for ending up the investigations in final report as acquittal of the accused in the States where maximum cases are registered under PCR and POA Act need to be studied in depth.
- 6.26 It has been observed that the pendency rate of atrocity cases in courts is very high. The Government of India and respective State Government, therefore, need to evolve some mechanism to ensure speedy trial of such cases.
- 6.27 It has also been observed that the level of awareness about PCR Act, 1955 and POA Act, 1989/Rules, 1995 is very low among the Scheduled Castes and Scheduled Tribes across India. The same even more lower in the villages and other remotely far- flung areas. The Commission, therefore, urges the State Governments and UT administrations to display material pertaining to these acts in local language to enhance information level of general public at large and especially to SC/ST communities.

ANNEXURE 6.1

Cases registered under Protection of Civil Rights Act from 2000-2005 and Prevention of Atrocities Act from 2000-2005

States/UT	PROTECTION OF CIVIL RIGHTS ACT, 1955					SC/ST (POA) Act, 1989				
	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005
Andhra Pradesh	338	459	165	68	61	1079	830	1234	1319	1244
Arunachal Pradesh	-	0	0	0	0	0	0	0	0	0
Assam	-	0	0	0	0	0	0	0	0	0
Bihar	89	113	82	93	95	523	715	904	1813	1141
Chhattisgarh	3	22	0	0	1	170	77	155	138	115
Goa	0	0	0	0	0	1	1	1	0	1
Gujarat	19	6	7	5	6	446	332	320	411	434
Haryana	1	0	0	0	0	33	32	36	31	73
Himachal Pradesh	4	10	1	2	3	43	32	36	40	18
Jammu & Kashmir	0	0	0	3	1	0	0	0	0	0
Jharkhand	-	0	0	0	8	55	53	36	53	64
Karnataka	107	101	68	38	28	1187	1099	1155	1061	1108
Kerala	0	0	0	3	0	135	229	173	162	41
Madhya Pradesh	3	5	1	1	1	678	570	445	357	344
Maharashtra	61	76	43	26	32	187	136	216	219	258
Manipur	0	0	0	0	0	0	0	0	0	0
Meghalaya	0	0	0	0	0	0	0	0	0	0
Mizoram	0	0	0	0	0	0	0	0	0	0
Nagaland	0	0	0	0	0	0	0	0	0	0
Orissa	16	3	0	0	0	798	466	435	574	639
Punjab	1	2	1	0	1	49	53	c	61	72
Rajasthan	0	1	0	0	1	3630	2384	867	579	415
Sikkim	0	0	0	0	0	.	0	0	0	0
Tamil Nadu	22	79	198	70	12	684	685	776	691	829
Tripura	0	0	0	0	0	1	0	0	0	1
Uttar Pradesh	12	122	52	35	28	4960	2974	1128	1264	1623
Uttarakhand	-	0	0	0	0	93	85	66	112	50
West Bengal	0	0	0	0	0	6	2	1	2	5
	2001	2002	2003	2004	2005	2001	2002	2003	2004	2005
Total (States)	676	999	618	344	278	14758	10755	8035	8887	8475
A & N Islands	0	0	0	0	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	2	0	0	0	0
D & N Haveli	0	0	0	0	0	3	0	0	0	0
Daman & Diu	0	0	0	0	0	0	0	0	0	0
Delhi	2	1	0	0	1	17	15	12	4	20
Lakshadweep	0	0	0	0	0	0	0	0	0	0
Pondicherry	13	18	16	20	12	0	0	1	0	2
Total (UTs)	15	19	16	20	13	22	15	13	4	22
Total (All-India)	691	1018	634	364	291	14780	10770	8048	8891	8497

Source: NCRB, New Delhi, Crime in India

State wise/ UTs review of the serious crimes committed against the members of SCs in the year 2005

States/UT	Murder	Hurt	Rape	Arson	Others	Total
Andhra Pradesh	37	459	74	9	21	600
Arunachal Pradesh	1	0	0	0	0	2
Assam	21	111	14	7	36	189
Bihar	12	319	16	19	15	381
Chattisgarh	6	71	59	0	3	139
Goa	0	0	1	0	0	1
Gujarat	10	270	20	8	42	350
Haryana	10	52	35	5	16	118
Himachal Pradesh	0	1	9	0	0	10
Jammu & Kashmir	0	0	0	0	0	0
Jharkhand	13	71	8	8	1	101
Karnataka	18	86	30	4	12	150
Kerala	4	129	44	0	0	177
Madhya Pradesh	96	950	340	38	19	
Maharashtra	15	52	83	7	19	176
Manipur	0	0	0	0	0	0
Meghalaya	0	0	0	0	0	0
Mizoram	0	0	0	0	0	0
Nagaland	0	0	0	0	0	0
Orissa	9	259	33	5	10	316
Punjab	3	7	9	0	1	20
Rajasthan	56	399	136	32	22	645
Sikkim	0	3	0	0	0	3
Tamil Nadu	30	142	19	11	2	204
Tripura	0	14	5	0	0	19
Uttar Pradesh	323	427	424	57	126	1157
Uttaranchal	5	23	12	0	9	49
West Bengal	0	2	1	0	0	3
Total (States)	673					
A & N Island	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	0
D & N Haveli	0	0	0	0	0	0
Daman & Diu	0	0	0	0	0	0
Delhi	0	0	0	0	0	0
Lakshadweep	0	0	0	0	0	0
Pondicherry	0	0	0	0	0	0
Total (UTs)	0	0	0	0	0	0
Total (All India)	669	3847	1172	210	364	6262

Source: NCRB, New Delhi, Crime in India

ANNEXURE 6.III

Number of Atrocity cases in respect of Scheduled Castes

Sl. No.	Name of the State	2001	2002	2003	2004	2005
1.	Uttar Pradesh	4885	2974	1128	1264	1623
2.	Karnataka	983	1099	1155	1061	1108
3.	Rajasthan	2965	2384	867	579	415
4.	Andhra Pradesh	950	830	1234	1319	1244
5.	Madhya Pradesh	435	570	445	357	344
6.	Tamil Nadu	682	685	776	691	829
7.	Gujarat	356	332	320	411	434
8.	Orissa	645	466	435	574	639
9.	Bihar	513	715	904	1813	1141
10.	Kerala	121	229	173	162	41
11.	Maharashtra	146	136	216	219	258
12.	Himachal Pradesh	41	32	36	40	18
13.	Haryana	33	32	36	31	73
14.	Chhattisgarh	164	77	155	138	115
15.	Punjab	49	53	51	61	72
16.	Uttaranchal	84	85	66	112	50
17.	Delhi	17	15	12	4	20
18.	Pondicherry	-	-	1	0	2
19.	Goa	1	1	1	0	1
20.	Assam	-	-	0	0	0
21.	West Bengal	5	2	1	2	5
22.	Chandigarh	2	-	0	0	0
23.	Daman & Diu	-	-	0	0	0
24.	Jammu & Kashmir	-	-	0	0	0
25.	Jharkhand	35	53	36	53	64
26.	Tripura	1	-	0	0	1
	Total	13113	10770	8048	8891	8497

Source: NCRB, New Delhi, Crime in India

ANNEXURE 6.IV

Disposal of Cases for Crimes Committed Against Scheduled Castes by Police During 2005
(States & UT Wise)

S. No.	State/UT	Total No. of cases for investigation including pending cases	No of case in which <u>Investigation was completed</u>							No. of cases pending investigation	Pendency percentage	%age of pendency to all India total	Chargesheeting rate (COL8) / (COL 7+8 * 100)
			Cases withdrawn by Govt.	Investigation was refused	Charge found False/Mistake of fact or Law etc	Final Report submitted	Charge sheets were submitted	Total (6)+(7)+(8)+					
1	2	3	4	5	6	7	8	9	10	11	12	13	
1.	Andhra Pradesh	5429	1	28	967	88	2340	3395	2005	36.9	24.6	96.4	
2.	Arunachal Pradesh	2	0	0	0	0	2	2	0	0.0	0.0	100.0	
3.	Assam	288	0	0	0	71	76	147	141	49.0	1.7	51.7	
4.	Bihar	4164	00	0	163	158	1415	1736	2428	58.3	29.8	90.0	
5.	Chattisgarh	476	0	4	4	22	419	445	27	5.7	0.3	95.0	
6.	Goa	2	0	0	0	0	0	0	2	100.0	0.0	0.0	
7.	Gujarat	1372	0	0	37	48	1214	1304	68	5.0	0.8	96.2	
8.	Haryana	303	0	0	52	1	203	256	47	15.5	0.6	94.5	
9.	Himachal Pradesh	86	0	0	21	0	50	71	15	17.4	0.2	100.0	

1	2	3	4	5	6	7	8	9	10	11	12	13
10	Jammu & Kashmir	1	0	0	0	0	1	1	0	0.0	0.0	100.0
11.	Jharkhand	382	3	0	9	85	223	317	62	16.2	0.8	72.4
12.	Karnataka	2147	4	4	265	77	1285	1627	512	23.8	6.3	94.3
13.	Kerala	699	0	1	90	35	245	370	328	46.9	4.0	87.5
14.	Madhya Pradesh	4690	0	0	78	160	4222	4460	230	4.9	2.8	96.3
15.	Maharashtra	1061	2	0	69	19	723	811	248	23.4	3.0	97.4
16.	Manipur	0	0	0	0	0	0	0	0	0.0	0.0	0.0
17.	Meghalaya	0	0	0	0	0	0	0	0	0.0	0.0	0.0
18.	Mizoram	0	0	0	0	0	0	0	0	0.0	0.0	0.0
19.	Nagaland	0	0	0	0	0	0	0	0	0.0	0.0	0.0
20.	Orissa	1981	0	9	118	57	1079	1254	718	36.2	8.8	95.0
21.	Punjab	213	1	2	24	15	64	103	107	50.2	1.3	81.0
22.	Rajasthan	4152	0	0	1203	41	2660	390	248	6.0	3.0	98.5
23.	Sikkim	17	0	0	0	5	9	14	3	17.6	0.0	64.3
24.	Tamil Nadu	1398	0	4	307	39	812	1158	236	16.9	2.9	95.4
25.	Tripura	39	0	0	0	3	29	32	7	17.9	0.1	90.6
26.	Uttar Pradesh	1963	0	0	220	361	3739	4320	643	13.0	7.9	91.2
27.	Uttaranchal	132	0	0	19	22	82	123	9	6.8	0.1	78.8
28.	West Bengal	18	0	0	0	0	4	4	14	77.8	0.2	100.0
	Total (States)	34015	11	52	3646	1307	20901	25854	8098	23.8	99.5	94.1
29.	A & N Island	0	0	0	0	0	0	0	0	0.0	0.0	0.0
30.	Chandigarh	0	0	0	0	0	0	0	0	0.0	0.0	0.0
31.	D & N Haveli	2	0	0	0	0	0	0	2	100.0	0.0	0.0
32.	Daman & Diu	2	0	0	0	0	1	1	1	50.0	0.0	100.0
33.	Delhi	39	0	0	0	4	5	9	30	76.9	0.4	55.6
34.	Lakshadweep	0	0	0	0	0	0	0	0	0.0	0.0	0.0
35.	Pondicherry	21	0	0	9	0	7	16	5	23.8	0.1	100.0
	Total (UTs)	64	0	0	9	4	13	26	38	59.4	0.5	76.5
	Total (All India)	34079	11	52	3655	1311	20914	25880	8136	23.9	100.0	94.1

Source: NCRB, New Delhi, Crime in India