



# **NATIONAL COMMISSION FOR SCHEDULED CASTES**

**FOURTH REPORT  
MAY 2007-NOVEMBER 2009**



**B-Wing, 5<sup>th</sup> Floor  
Loknayak Bhawan  
New Delhi-110 003**



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## 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.

The provision of reservations in elected bodies Lok Sabha, Legislative Assemblies and Panchayati Raj Institutions have been made for ensuring participation of SCs representatives in the planning process at various levels. Due to compulsions of electoral and party politics, relatively inexperienced representatives elected in these bodies, the representatives of SCs have not been fully successful in making a common cause on issues relating to social disabilities and economic and educational deprivation. This needs introspection not only among the SCs representatives but also by other sections of society to initiate measures for creating conditions conducive for their integration with and bringing them into the national mainstream.

The policy of reservations in appointments and educational institutions was provided in the Constitution to ensure equitable share to the SCs in governance. It is true that reservation in appointments would benefit only a small proportion of their population but their representation at various levels was expected to ensure incorporation of the concerns and development needs of these communities in the formulation and implementation of programmes for their socio-economic development. In spite of reservations, the representation of SCs in services continues to be much lower than the prescribed proportion in Group A and Group B services, both under the State and Central Government, banks and the public sector undertakings. One of the reasons for this situation is the mental attitude of the people who are in charge of implementation of these policies.

The implementation of reservation policy through executive instructions are frequently subject of judicial intervention, has failed to achieve the desired objectives. In order to improve the representation of Scheduled Castes in posts and services there is strong and urgent need to pass the bill on reservation for Scheduled Castes in 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 Commission has also noted that no improvement in filling up the posts arising out of this exercise on backlog/shortfall has been carried out so far. Commission, therefore, urges that the Govt. of India should calculate the backlog/shortfall of the SCs and launch SRD to cover backlog in a time bound manner.

The Commission during its reviews with various State Governments is of the view that a large number of cases go unregistered because of failure and deliberate attempts on the part of police officer to register the cases and also because of lack of awareness among the member of these communities about the provisions under the PCR Act, 1955 and SC/ST POA Act, 1989. Delay in investigation, collusion with offenders and manipulation of witnesses and evidence and forced compromise under police threat which all contribute to reduce the effectiveness of these protective measures. As a result of lack of awareness among the police officials and the SC people, a large number of cases end up with the investigations in filing of final report and the accused are acquitted in a very high number in states. The Central Government should initiate action to promote awareness about the above protective legislation through in house training for police personal like special lectures and display of material in local languages to enhance the information level of general public and especially the SC people and punitive action against erring officials as it is with CIC and NHRC.

The Commission had interaction with the State SC/ST Commission and State Governments during the period under report and observed that the States are not allocating funds out of their State Plans to the Special Component Plan in the proportion required. Even the funds allocated by the Central Govt. under SCP are either not utilized or diverted to other sectors. This leads to adverse effect on the over all socio-economic development

(ii)

of the people belonging to the SCs. Due to low level of literacy and very poor quality of education which is imparted to them, the SCs who come from the rural areas do not have access to good quality of education and thus are unable to compete at the higher levels of posts and in particular requiring technical and professional qualifications. The drop out rate among the SC students at the post matric level of education is high among the SCs due to the fact that the scholarships are not disbursed in time. The Commission is of the view that in order to ensure proper educational and economical development of the SCs funds out of the Central ministries and State ministries should be released strictly in proportion to the population of SCs and in no case be allowed to lapse or diverted. In inevitable conditions the funds should be utilized in the succeeding year that too with the consent of the National Commission for Scheduled Castes.





भारत सरकार

राष्ट्रीय अनुसूचित जाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED CASTES

डा० बूट सिंह

अध्यक्ष

Dr. BUTA SINGH  
CHAIRMAN

पौचर्वी मंजिल, लोकनायक भवन,

खान मार्किट, नई दिल्ली-110003

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KHAN MARKET, NEW DELHI-110003

TEL. : (O) 011-24632298, 24620435

FAX : 011-24632298

Date : 19.01.2010

Respected

I have the honour to present to you the Fourth Report of the National Commission for Scheduled Castes upon the working of safeguards during the period May 2007—November 2009 under the Constitution of India and other laws.

2. In this report the main decisions taken by the Commission in its various meetings have been presented. The Commission visited States of Madhya Pradesh, Uttar Pradesh, Punjab, Himachal Pradesh, Kerala, Orissa and UT of Chandigarh to review the implementation of government policies on reservation for Scheduled Castes. The status of implementation of various development schemes for SCs and implementation of PCR Act, 1955 and SC/ST (POA) Act, 1989 was also reviewed. The main issues discussed during these State/UT reviews and the recommendations of the Commission have been presented in this report. The reviews of various govt. offices, public sector undertakings and institutions like Steel Authority of India, Deptt. of Atomic Energy, Banaras Hindu University, BSNL etc., have been presented.

3. There have been various instances of atrocities on SCs during the period of report. The Commission visited some of these places for on the spot enquiry. The reports of these inquiries by the Commission have been presented. It has been observed that the rate of acquittal under the PCR Act, 1955 and SC/ST/(POA) Act, 1989 is very high and the number of cases pending in courts relating to atrocities on SCs is also very high. Non-payment of financial compensation and other relief material to the victims of these atrocities are common and this results in very demoralizing effect on the SC communities. The amount of compensation should be provided to the victims according to law without any further delay to instill confidence in these poor SCs. There is also a need to give proper publicity to the two Acts, PCR Act, 1955 and SC/ST (POA) Act, 1989. The Commission has raised this issue at various forums and has also written to all Chief Secretaries in this regard.

4. All the State Governments are supposed to earmark funds for SCP. The fund has to be in proportion to the percentage of SC population in the particular state. During the review of economic policies of various states it has been observed that till few years ago the allocation of funds to SCP was much less as compared to the amount it should have been as per the directions of the Planning Commission.

Also it was observed that the amount allotted for developmental schemes under SCP remain largely unutilized or got diverted to other schemes. This has resulted in deprivation of rightful share of the poor SC population in development.

Though some improvement has been observed in last few years but till the schemes are implemented in the right spirit, the expected results cannot be achieved. The monitoring of all these schemes needs to be done at central level in a much focussed manner while there is none at the moment.

5. The basic infrastructure like roads, sanitation, electricity supply remain much below satisfaction level in SC majority villages/localities, which needs urgent attention of all State Governments as well as the Central Government.

The state of education among SC population of India is far from satisfactory even today. The drop out rates of SC students are more than that for other communities. Though various schemes are in place, but the implementation still lacks zeal. As the education is one of the most important factors for development of any society, this sector needs the maximum attention of policy makers and the people responsible for implementation of the policy.

6. The representation of Scheduled Castes employees at various levels especially at Group A and Group B level in various government offices and public sector is low. The Commission reviewed reservation policy in a number of government offices and public sectors and other institutions. The reports of the reviews form part of this report. It was observed that all out efforts need to be put in if the backlog vacancies are to be filled up. Many offices are not maintaining proper rosters also. Very few SC persons are able to reach to the top post of any organization. I would like to mention here that recently Hon'ble Chief Justice of India K.G. Balakrishnan said "that caste prejudices had not come down against SCs". He also said that "the prejudices are on the increase. It may not be visible on the surface, for the prejudices are more sophisticated now". The government should endeavour to give change to persons of this community to serve at higher levels to instill confidence in them.

7. This Commission assumed the charge of office on 25.5.2007. In the first review of the structure and the functioning of the Commission, I have noticed some institutional and inherent deficiencies. These include merging of NCSC budget with the Demand for Grant of Ministry of Social Justice and Empowerment, no budget for undertaking research studies, having only 12 State offices and lack of sufficient manpower.

The issues were highlighted by me in my letter dated 31.5.2007 to Hon'ble Prime Minister (copy enclosed as Annexure-I).

The NCSC has only 12 State offices of total twenty seven States and 4 UTs. This causes lot of inconvenience to SC people residing in the States, where no office is present, to come to any office of the Commission. The Commission has recommended to open seven new regional offices in Madhya Pradesh, Orissa, Uttarakhand, Jharkhand, Chhattisgarh and Haryana and the request was sent to Ministry of Social Justice and Empowerment vide letter No. 27/2/NCSC/07-Admn. Dated 5.10.07 which was followed by my DO letter to Hon'ble Minister of Social Justice and Empowerment and reminders (copies enclosed as Annexure-II).

The employee's strength in the Commission's secretariat is abysmally low. The sanctioned and present strength of various posts is enclosed as Annexure-III. It may be mentioned that almost 40% posts are lying vacant. Soon after joining as Chairman of the Commission. I approached Hon'ble Prime Minister for providing sufficient manpower to run this office. Hon'ble Prime Minister took personal interest in the matter and expressed his concern about the deficiencies in the facilities in the Commission office. But it is dis-heartening that despite this there has been no positive result. It may be mentioned here that there is no Secretary in the Commission since 03.6.08. Position of DIG is lying vacant since 1.11.05. It may surprise you the Chairman of the Commission is working without Private Secretary since 15.6.2009. It may be appreciated that the Commission can't do justice to about 16 million populations of Scheduled Castes of India working with these types of deficiencies.

Therefore, may I request your honour to intervene in the matter.

Yours sincerely,

(Dr. Buta Singh)

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





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5TH FLOOR, LOK NAYAK BHAWAN,  
KHAN MARKET, NEW DELHI-110003  
TEL. : (O) 24632298, 24620435  
Telefax: 24632298

Dated: 31.5.2007

I took over as the Chairman of the National Commission for Scheduled Castes on 25.5.2007. In the first review of the structure and functioning of the Commission. I have noticed some institutional and inherent deficiencies which will stand in the way of our mission to make the NCSC an effective tool of socio-economic welfare and upliftment of this category of Indian citizens. I wish to bring to your notice the following:

- (1) The NCSC is constituted under Article 338 of the Constitution of India and hence it is Constitutional body. However, as per the Allocation of Business Rules of Government of India, this Commission is classified as an institution under the Ministry of Social Justice & Empowerment. As against this, a number of offices which are not constitutional but statutory bodies, have been accorded the status of "Apex-Independent Offices" (Annexure 'A'). This is an anomaly as Constitutional bodies cannot be appendages of any administrative Ministry. It is suggested that the National Commission for Scheduled Castes be given the appropriate status by classifying it as in 'Apex-Independent Office' and rank above all statutory offices.
- (2) The Article 338(4) reads "The Commission shall have the power to regulate its own procedure". Therefore, administrative and financial independence of the Commission is inherent in this Article. However, our budget is merged into the Demand for Grant of Ministry of Social Justice and Empowerment. This anomaly was discussed in the Lok Sabha under Rule 337. Thereafter the Planning Commission vide their letter No. 11011/1/2006-BC dated 23.11.2006 (Annexure 'B'), recommended that separate Demand for Grants be budgeted for the NCSC. However this has not been agreed to by the Finance Ministry for unknown reasons. It is requested that since this recommendation of the Planning Commission emanates from an assurance to the Parliament, the Cabinet may send a directive in this matter to the concerned Ministries for its implementation in a time bound manner. The budgeted provisions for the Commission for this year in the Demand for Grant of Ministry of Social Justice & Empowerment be split accordingly.
- (3) Even the fund provided under annual budget for the NCSC is restricted to its establishment and administrative needs. No funds have been provided for undertaking independent studies and evaluations of the programme and activities across the country which the Commission is required to monitor, evaluate and report the President. Under the liberalised scenario vacant posts are not filled and theoretically organisations are being directed to outsource activities. For this purpose separate funds are required to be provided which can be spent by the Commission during the course the year. It will not be feasible for the Commission with Three Years tenure to undertake the long pre-budgetary exercise for various activities it wants to undertake from time to time. The Commission had asked for Rs. 1 crore as a budgetary allocation for this purpose in the last two years but this has not been done. Rs. 5 crore be made available to the Commission immediately so that it can undertake the required activities. I may mention that the Commission has no fund to organise even one national level conference during the year.
- (4) The Commission has State offices in 12 States only. Out of which 8 are headed by Deputy Secretary level officers and the rest by junior level officers. Major States viz., Madhya Pradesh, Rajasthan and Orissa do not have Commission's State Offices which need to be sanctioned immediately. Punjab and Haryana should have independent offices instead of one joint office at Chandigarh. In the north eastern States there is only office at Guwahati. Infrastructure there also needs to be augmented by having two more offices in the region. You may please consider sanctioning and opening these offices on priority.

- (5) Director/Deputy Secretary level staff of the Commission is to be provided through the Central Staffing Scheme. However, the DoPT regretted to provide any DS level officer to the NCSC under the Central Staffing Pattern during the last two years due to reduction in establishment of the Government. In view of the changed circumstances, NCSC should have its own cadre of officers and R&P Rules. Due to Government policy of reduction in the Central Sectt. Staff, the Commission is not getting full staff from the Central Secretariat Service cadre. The Ministry of SJ&E always pleads inability on account of deficiencies with them from this source. The Commission should have freedom to recruit people on contract basis from time to time without having to seek the approval of the any authority.

The above has been discussed in the First Meeting of the new Commission with all Members in attendance and they unanimously resolved to take up the above mentioned issues with the Honourable Prime Minister.

I am sure that the above deficiencies will be rectified immediately with your blessings.

**(Dr. Buta Singh)**

Chairman

National Commission for Scheduled Castes

**Dr. Manmohan Singh**  
**Hon' Prime Minister of India**





D.O. No. 560/31/C/19/2007-ES.-II

**T.K.A. NAIR**

Principal Secretary

July 26, 2007

Dear

Sardar Buta Singhji,

Please refer to your letter dated 31.5.2007 addressed to the Prime Minister and your subsequent meeting with him on 5.6.2007 raising certain issues regarding the institutional deficiencies of the National Commission for Scheduled Castes (NCSC).

2. The matter was got examined and the Prime Minister has approved the following course of action:

- (i) The depiction of NCSC on the official website has now been amended to reflect its apex independent status.
- (ii) Regarding budget provisions for the Commission, the Ministry of Social Justice & Empowerment has been requested to forward an appropriate proposal urgently to the Planning Commission for providing plan funds.
- (iii) For opening offices in major States such as MP and Orissa on priority, the relevant information may please be furnished to Ministry of Social Justice & Empowerment so that it can be considered.
- (iv) Regarding granting freedom to the Commission to recruit people on contract basis from time to time, Secretary, Department of Personnel has been requested to convene an early meeting with Secretary, SJ&E and Secretary, NCSC to sort out this issue within 15 days. Secretary, M/o SJ&E has also been requested to inform NCSC about the powers vested in the NCSC for filling up of vacant Group B and C posts of research personnel borne on the joint cadre of M/o SJ&E, M/o Tribal Affairs, NSCS and NCST and to expedite ACRs to facilitate promotions where required.

3. Let me trust that these steps will ensure removal of the hindrances in the effective functioning of the Commission.

Yours Sincerely,

(T.K.A. Nair)

Dr. Buta Singh,  
Chairman,  
National Commission for Scheduled Castes,  
New Delhi.



**No. 27/2/NCSC / 2007-Admn.**  
**Government of India**  
**National Commission for Scheduled Castes**

5th Floor, Loknayak Bhawan,  
Khan Market, New Delhi-110003

Dated: 01.10.2007

**S.K. Sood**  
Secretary

Dear

Smt. Veena Chhotray,

Please refer to Director (SCD) letter No. 17016/19/2007-SCD-VI dated 1st August, 2007, regarding set up of State Offices in Madhya Pradesh, Orissa etc.

2. This Commission has approved the proposal for setting up of 7 Regional Offices in Madhya Pradesh, Rajasthan, Orissa, Uttarakhand, Jharkhand, Chhattisgarh and Haryana and to upgrade the 4 sub-offices of West Bengal, Tripura, Thiruvananthapuram and Gujarat to Regional Offices. A complete proposal for setting up of 7 Regional Offices and upgradation 4 sub-offices alongwith draft cabinet note is enclosed. (Annexure I & II)

I shall be grateful if the proposal is approved in toto and the matter is placed before the Cabinet.

Yours Sincerely,

(S.K. Sood)

Smt. Veena Chhotray,  
Secretary,  
M/o Social Justice & Empowerment,  
New Delhi.



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**DR. BUTA SINGH**

CHAIRMAN

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27/2/NCSC/2007-Admn.

Dated 7.12.2007

Dear

Smt. Meera Kumar Ji,

The National Commission for Scheduled Castes have sent a proposal and Draft Cabinet note for setting up of 7 Regional Offices and upgradation of 4 Sub-offices *vide* D.O. Letter No. 27/2/NCSC/2007-Admn. dated 5th October, 2007.

I shall be grateful if the proposal is moved to the Cabinet at the earliest under intimation to National Commission for Scheduled Castes.

Yours Sincerely,

(Dr. Buta Singh)

Smt. Meera Kumar,  
Ministry of Social Justice & Empowerment,  
Shastri Bhawan,  
New Delhi.

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DR. BUTA SINGH

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D.O. No. 27/2/NCSC/2007-Admn.

Dated: 12th February, 2008

Dear

Smt. Meera Kumar Ji,

The National Commission for Scheduled Castes have sent a proposal and Draft Cabinet Note for setting up of 7 Regional Offices & upgradation of 4 sub-offices *vide* this Commission's D.O. letter No. 27/2/NCSC/2007-Admn. dated 5.10.2007. The proposal is still pending for want of financial approval.

I shall be grateful if the proposal is moved to the Cabinet at the earliest under intimation to National Commission for Scheduled Castes.

Yours Sincerely,

(Dr. Buta Singh)

Smt. Meera Kumar,  
Ministry of Social Justice & Empowerment,  
Shastri Bhawan,  
New Delhi.





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D.O. No. 27/2/NCSC/2007-Admn.

20.3.2008

Dear

Smt. Meira Kumar ji,

The Secretary to the NCSC had sent *vide* D.O. letter of even number dated 1.10.2007 a proposal and draft Cabinet Note for setting up of 7 regional offices and for upgradation of 4 sub offices in the Commission. I had also reminded you *vide* my D.O. letter of even number dated 12.2.2008 for expeditious action in getting the draft Cabinet Note approved. We have not heard further from your Ministry.

I would again request you to kindly take expeditious action in getting the approval of the Cabinet as contained in the draft Cabinet Note mentioned above.

Yours sincerely,

(BUTA SINGH)

Smt. Meira Kumar  
Minister of Social Justice and Empowerment,  
Shastri Bhavan,  
New Delhi.

**D.O. No. 27/7/NCSC/2007-Admn.**

**22 April, 2008**

Kindly refer to D.O. of even number dated 20.3.2008 of Hon'ble Chairman of NCSC about creation/setting up of 7 new Regional Offices of this Commission and upgradation of 4 Regional Offices. Hon'ble Chairman is pained to know that his letter has not even been acknowledged, what to talk of the action to be taken.

In this connection may I request you to kindly look into the matter personally and expedite setting up of these offices on urgent basis.

This has been seen by Dr. Buta Singh, Chairman, NCSC.

Yours sincerely,

(S.S. Sharma)

**Shri D.V.S. Ranga**  
Joint Secretary (SCD),  
Ministry of Social Justice & Empowerment,  
Shastri Bhawan,  
New Delhi.

**D.O. No. 27/2/NCSC/07-Admn.**

**28 July, 2008**

Dear Shri Ranga,

I am to invite your attention to the D.O. letter No. 17016/19/2007-SCD-VI dated 30.6.2007 regarding setting up of 7 new regional offices of the National Commission for Scheduled Castes and up-gradation of 4 sub-offices of the Commission and furnishing of information in prescribed format to be forwarded to Ministry of Finance for their consideration and approval. Information asked for is attached *vide* Annexure.

The NCSC would like to have further progress in this regard.

With regards,

Yours sincerely,

(S.S. Sharma)

**Shri D.V.S. Ranga**  
Joint Secretary,  
Ministry of Social Justice & Empowerment,  
Shastri Bhawan,  
New Delhi.





No. 27/2/NCSC/2007-Admn.

**Government of India**

**National Commission for Scheduled Castes**

(A Constitutional body set up under Article 338 of the Constitution of India)

5th Floor, Lok Nayak, Bhawan  
Khan Market, New Delhi-110003  
Dated: 27.11.2008

**OFFICE MEMORANDUM**

**Subject:— Setting up of Regional Offices of National Commission for Scheduled Castes & upgradation of sub-offices to Regional Office.**

The undersigned is directed to refer to Ministry of Social Justice & Empowerment's O.M. No. 17016/19/2007-SCD-VI dated 10.11.2008 on the above subject and to clarify that in the proposal sent by National Commission for Scheduled Castes, it has been mentioned for creation of Seven State Offices and upgradation four State Offices. Therefore, we require 11 posts of Director and no Dy. Director.

Further, in view of the implementation of 6th Pay Commission Report, Pay scale of all the 13 categories separately as per col. No. 14 of the format and financial implications are indicated *vide* list attached.

(S.N. Meena)  
Under Secretary to the Government of India

To,

**Shri Vinod Kumar Sharma,**  
Under Secretary (SCD-VI),  
Ministry of Social Justice & Impowerment  
Shastri Bhawan, New Delhi.



F. No. 27/2/NCSC/2007-Admn.

**Government of India**

**National Commission for Scheduled Castes**

(A Constitutional body set up under Article 338 of the Constitution of India)

5th Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi-110003

Dated: 17.04.2009

**OFFICE MEMORANDUM**

**Subject:— Setting up of Regional Offices of National Commission for Scheduled Castes & upgradation of sub-offices to Regional Office.**

The undersigned is directed to refer to Ministry of Social Justice & Empowerment's O.M. No. 17016/19/2007-SCD-VI dated 18.12.2008 on the above subject and to furnish the requisite information in the vide this list attached for further necessary action at your end.

**(Lokhan Marandi)**  
**Under Secretary to the Govt. of India**

To,

**Shri V. K. Sharma,**  
Under Secretary (SCD-VI)  
Ministry of Social Justice & Empowerment,  
Shastri Bhawan, New Delhi.



GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED CASTES

**T. THEETHAN**  
JOINT SECRETARY

5th Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi-110003  
Tel: 2463-5722  
Fax: 2462-5378

**D.O. No. 10/3/NCSC/2006-G.A.**

June 15, 2009

Dear

Smt. Sushma Nath,

Kindly refer to the D.O. letter No. 8(10)B(D)2006 dated 15.1.2007 received from your predecessor addressed to the then Secretary, National Commission for Scheduled Castes on the subject of providing separate funds for the National Commission for Scheduled Castes as per the recommendation of Planning Commission to show budget provision of NCSC under a separate Demand for Grants:

In this context, I would like to mention that it has been strongly recommended that a fresh proposal should be sent to Ministry of Finance for creating a separate Demand for Grants for NCSC on the lines of other Constitutional bodies such as Election Commission, Union Public Service Commission etc. as it is essential for the NCSC's independent functioning in the (36th Report) of the 14th Lok Sabha of the "Committee on the welfare of Scheduled Castes and Scheduled Tribes at Para 7 of Recommendations of its Thirty-Sixth Report on the subject" National Commission for Scheduled Castes, its mandate and achievements-A-review of its organization and working. A copy of the recommendation of the Committee on the welfare of Scheduled Castes and Scheduled Tribes is enclosed for ready reference.

I shall be grateful if you could kindly re-consider the proposal of NCSC, so that the out come of matter may be appraised to the Lok Sabha Committee on the welfare of SC&ST.

With regards,

Yours sincerely,

**(T. Theethan)**

**Smt. Sushma Nath**  
Secretary,  
Department of Expenditure,  
Ministry of Finance,  
North Block, New Delhi.



GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED CASTES

**T. THEETHAN**  
JOINT SECRETARY

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Tel: 2463-5722  
Fax: 2462-5378

D.O. No. 10/3/NCSC/2006-G.A.

3 July, 2009

Dear

Shri P.P. Mitra,

Please refer to your D.O. letter No. 17016/15/2009-SCD-IV dated 22.6.2009 regarding proposal for a separate Demands for Grants for the National Commission for Scheduled Castes.

In this connection, I hereby enclose the copies of the earlier proposal regarding separate Demands for Grants for the NCSC submitted to the Ministry of Finance at Annexure-I and response thereto at Annexure-II for necessary action at your end.

With regards,

Yours sincerely,

(T. Theethan)

**Shri P.P. Mitra**  
Joint Secretary,  
Ministry of Social Justice & Empowerment,  
Shastri Bhawan, New Delhi.



No. 27/2/NCSC/2007-Admn.  
**Government of India**  
**National Commission for Scheduled Castes**  
(A Constitutional body set-up under Article 338 of the Constitution of India)

5th Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi-110003

Dated: 05.08.2009

To

The Secretary  
Ministry of Social Justice & Empowerment,  
Shastri Bhawan,  
New Delhi.

(Kind Attention Shri R.A. Singh)

**Subject: Setting up of Regional Offices of National Commission for Scheduled Castes & up gradation of Sub-Offices.**

Sir,

I am directed to refer to this Office OM of even number dated 17.4.2009 and to request that the matter may kindly be expedited and the position intimated to this Office.

Yours faithfully,

**(Lokhan Marandi)**  
**Under Secretary (Administration)**

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## CHAPTER 1

### INTRODUCTION

The social and economic position of the Scheduled Castes had been the concern of the founding fathers of the Constitution. For providing safeguards for Scheduled Castes special provisions were made to promote the social, educational, economic and service interest of this section of the society. In order to ensure that the safeguards are properly implemented the Constitution in its inception, provided for appointment of a Special Officer under Article 338 of the Constitution to investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes and report to the President about the working of these safeguards. In pursuance of this provision a Special Officer known as the Commissioner for Scheduled Castes and Scheduled Tribes was appointed for the first time on 18<sup>th</sup> November, 1950. By 1965 the Commissioner for Scheduled Castes and Scheduled Tribes had 17 regional offices located in various States, headed by Assistant Commissioners for Scheduled Castes and Scheduled Tribes who were in July 1965, re-designated as Deputy Commissioners. This field organization of the Commissioner was recognized into 5 Zonal offices in June 1967 and placed under the control of the newly created Directorate General of Backward Classes Welfare in the department of the Social Welfare. Each Zonal office was headed by a Zonal Director. Backward classes Welfare and the erstwhile regional Deputy Commissioner for SC & ST were re-designated as Deputy Directors, Backward Classes welfare and placed under the control of Zonal Directors located at Chandigarh (Northern Zone), Bhopal (Central Zone), Patna (Eastern Zone), Baroda (Western Zone) and Madras (Southern Zone). The Eastern Zone office had two branches at Bhubaneswar and Shillong and later a branch office of the Central Zone office was set up at Lucknow. Each of these branch offices was headed by a Deputy Director. The Western Zone office was shifted to Ahmedabad in 1969.

2. It was felt that the office of the Commissioner for Scheduled Castes and Scheduled Tribes was not enough 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 (46<sup>th</sup> Amendment) by replacing the single member Special Officer by multi-member system. The first Commission for SC & ST came into being on August, 1978. With effect from 1-12-78 the field offices were transferred to the newly set up Commission for SCs & STs and the Zonal Directors, BCW, and the Deputy Directors, BCW, were re-christened as Directors for SCs & STs and Deputy Directors for SCs & STs respectively. Later on the Zonal set-up was abolished and the Commission once again had 17 field offices. Since the field Directors were also working for the Commissioner for SCs & STs, they were re-designated as Director for SCs & STs and Ex-officio Deputy Commissioner for SCs & STs.

3. The functions of the Commission for SCs/STs and of the O/o Commissioner for SCs and STs co-existed till 11.03.1992. The erstwhile O/o Commissioner for SCs/STs during their office had submitted 30 reports.

4. The set-up of the Commission of 1978 underwent change in 1987 and it was named 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 Commission for SCs & STs had submitted 8 Reports during his tenure.

5. The National Commission for SCs & STs came into being consequent upon the 65<sup>th</sup> Amendment Bill, 1990 notified on 8.6.1990, and rules there under were notified on 3.11.1990.

6. In the 89<sup>th</sup> Amendment of the Constitution it was decided to have 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. After bifurcation there are at present 12 States Offices under the jurisdiction of NCSC. These are located at Agartala, Ahmedabad, Bangalore, Chandigarh, Chennai, Guwahati, Hyderabad, Kolkata, Lucknow, Patna, Pune and Trivuvanthapuram.

This is the second National Commission for Scheduled Castes and the following functionaries were appointed with the Warrant in his own hand by His Excellency the President of India Shri A.P.J. Abdul Kalam:—

- |                          |                  |
|--------------------------|------------------|
| 1. Dr. Buta Singh        | Chairperson      |
| 2. Prof. N.M. Kamble     | Vice-Chairperson |
| 3. Smt. Satya Bahin      | Member           |
| 4. Shri Mahendra Boddh   | Member           |
| 5. Shri Mrutyunjay Nayak | Member           |

The above functionaries assumed office on 25.5.2005. The Chairperson and the Vice-Chairperson was conferred the status of Cabinet Minister and Minister of State of the Union respectively.



## CHAPTER 2

### FUNCTIONS AND DUTIES OF THE COMMISSION

The functions, duties and powers of the Commission have been laid down in clauses (5), (8) and (9) of the Article 338 of the Constitution.

**Clause (5):** It shall be the duty of the Commission:—

- (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;
- (c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State;
- (d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and
- (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by the rule specify.

**Clause (8):** The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents;
- (f) any other matter which the President may by rule, determine;

**Clause (9):** The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes.

### **Constitutional Provisions for Protection and Development of Scheduled Castes**

The Preamble to the Constitution of India provides for securing to all the citizens, Social, Economic and Political Justice and Equality of status and opportunity. The Directive principles as contained in Article 46 of the Constitution, provide that "the states shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation". The Constitution under Article 336 specifically defined the term Scheduled Castes. The various safeguards and protective measures sought to ensure for their all round development and freedom from exploitation and social injustice so that they could form part of the mainstream of the society.

These safeguards can be broadly grouped into categories as mentioned 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 thereof, 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 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 mentions 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 laborers.

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.

### ***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 slates 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 that 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 States 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 constructed 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

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. Article 16(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. Article 16(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. Article 335** 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 Article 16 (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 important mandated provisions at Article 338 of the constitution is section (9) which stipulates that 'The Union & every State Government shall consult the Commission on all major policy matters effecting Scheduled Castes'.



## CHAPTER 3

### MAJOR DECISIONS IN THE MEETINGS OF THE COMMISSION

#### MEETINGS OF THE COMMISSION

According to the Clause 9 of the Article 338 of the Constitution of India, the Central Ministries/Departments and States/UTs consulted the National Commission for Scheduled Castes on certain issues. These issues were discussed in meetings of the Commission and recommendations given. Also issues brought to the notice of Commission by petitioners were also discussed and recommendations given to concerned government authorities.

The Commission held 24 meetings, the dates of which are as follows:

Meeting	Date of Meeting
I	30.05.2007
II	19.06.2007
III	03.07.2007
IV	07.08.2007
V	18.09.2007
VI	16.10.2007
VII	18.12.2007
VIII	16.01.2008
IX	19.02.2008
X	20.03.2008
XI	22.04.2008
XII	21.05.2008
XIII	22.07.2008
XIV	02.09.2008
XV	16.09.2008
XVI	21.10.2008
XVII	19.12.2008
XVIII	19.01.2009
XIX	04.02.2009
XX	09.02.2009
XXI	12.02.2009
XXII	02.03.2009
XXIII	19.06.2009
XXIV	07.08.2009

The Commission in its above mentioned meetings deliberated and decided several issues. The major issues that were decided by the Commission are as follows:

#### Major decisions

1. Recommendation of the Standing Committee on Social Justice & Empowerment (2006-07) in its Twentieth Report (on the Constitution (Scheduled Castes) Order (Amendment) Bill, 2006) in regard to laying a timeframe for the Registrar General of India and the National Commission for Scheduled Castes for furnishing their respective comments on the cases referred to them for modifications in the

**list of Scheduled Castes by the Ministry of Social Justice & Empowerment-regarding. (Ministry of SJ&E) (2nd meeting held on 19.6.2007)**

"The issue regarding framing the time limit to dispose of the proposals received from the M/o Social Justice and Empowerment for inclusion and exclusion of the Castes in the lists of the States/UTs was discussed. In this regard Secretary informed the Commission that he himself and Joint Secretary were present before the Standing Committee on Social Justice and Empowerment (2006-07). The Standing Committee enquired that how much time Commission takes to dispose off the proposal and what are the criteria to include a Caste in the list of Scheduled Castes of the States/UTs. The Secretary stated that if the complete proposals (comments of the States/UTs and RGI) are received well in advance then the proposal is put up in the Commission's meeting for comment thereon. He also stated that the criteria to include a Caste as a SC is based on the provisions of Article 17 of the Constitution and untouchability is the cover stone for including a certain caste as a Scheduled Castes. It was decided that complete proposals (comments of the States/UTs and RGI) regarding inclusion and exclusion of the Castes received from the M/o Social Justice and Empowerment would be disposed off within 60 days in all respects to the satisfaction of the NCSC."

**2. The Conventions and Recommendations, Discrimination (Employment & Occupation) Convention, 1958 (No.111). (Ministry of Labour & Employment) (2nd meeting held on 19.6.2007)**

"The Secretary informed the Commission that an issue like this was also discussed in the 13th Meeting of the first National Commission for Scheduled Castes held on 26.9.2006, it was concluded that reply of paras more appropriately should be given by the Ministry of Social Justice & Empowerment or National Commission for Safai Karamcharies. Accordingly the Ministry of Social Justice and Empowerment was requested to send a copy of the reply furnished to the Ministry of Labour. The same is yet to be received from the Ministry of Social Justice and Empowerment with the completion of the above said formalities.

In this regard Chairman stated that action taken report on the ILO Convention be obtained from the M/o SJE and M/o Labour. He also desired that action taken report on the Report on status of scavengers submitted by the National Commission for Safai Karamcharies to Mrs. Menka Gandhi the then Minister for Social Justice and Empowerment during her tenure be also obtained from the M/o Social Justice and Empowerment for consideration of the National Commission for Scheduled Castes."

**3. Issuance of Caste Certificates to the migrant Scheduled Castes in the Union Territory of Chandigarh. (Ministry of SJ&E) (4th meeting held on 07.08.2007)**

"The Commission was informed about the problems being faced by the SC communities residing in Chandigarh and having migrated from other States to that place. The UT of Chandigarh had been issuing certificates to the bonafide residents belonging to Scheduled Castes till the year 1996 and suddenly this practice was stopped by that administration, it seems, suo-moto without following legal procedure. The Chairman enquired from the District Magistrate and Deputy Commissioner, UT of Chandigarh Administration as to under what legal provision they are not issuing SC certificates to those whose father had been in possession of a legally valid SC status certificate from other States. In this context he could not give satisfactory reply. It was decided to issue the SC certificates to all the people belonging to the communities which are enumerated in the Schedule to the Constitution Order and Chandigarh UT Administration shall proceed accordingly.

As far as the issue of invalidation of the certificates issued from 1995 to 1996, they will also be validated. The full Commission would visit Chandigarh shortly with a view to ascertain the implementation of the above mentioned order."

**4. Modification in the list of Scheduled Castes of Kerala State. (Ministry of SJ&E) (4th meeting held on 07.08.2007)**

"The Commission concurred to include Thachar (other than Carpenter) as synonym of Thandan at Sr.No.61 of the Scheduled Castes list of Kerala State."

**5. Modification in the list of Scheduled Castes of Orissa State. (Ministry of SJ&E) (4th meeting held on 07.08.2007)**

"(i) The Commission concurred to include Amata/Amath as synonym of Amaant, Amat at Sr.No.02 of the Scheduled Castes list of Orissa State.

- (ii) The Commission concurred to include Mundapota Kela synonym of Mundapotta at Sr.No.62 of the Scheduled Castes list of Orissa State.
- (iii) The Commission concurred to include Buna Pano as synonym of Pan, Pano at Sr.No.69 of the Scheduled Castes list of Orissa State.
- (iv) The Commission concurred to include Khatia as a new caste in the Scheduled Castes list of Orissa State.
- (v) The Commission concurred to include Jaggili, Jaggli as synonym of Jaggali at Sl.No.41 of Scheduled Castes list of Orissa State."

**6. Modification in the list of Scheduled Castes of Sikkim State. (Ministry of SJ&E) (4th meeting held on 07.08.2007)**

"The Commission concurred to delete Majhi (Nepali) community listed at Sl.No.3 from the existing Scheduled list of Sikkim State."

**7. Change in the Interview system of Civil Services. (Ministry of Personnel, Public Grievances and Pension, Deptt. of Personnel) (5th meeting held on 18.09.2007)**

"The issue regarding change in the interview system of Civil Services was discussed in detail and it was felt that the existing system would be more feasible."

**8. The recommendations contained in the Report of the National Commission for Religious and Linguistics Minorities (NCRLM) and the Prime Minister's High Level Committee—Social, Economic and Educational Status of the Muslim Community of India, concerning specification of SC converts to Christianity and Islam, as Scheduled Castes regarding. (Ministry of SJ&E) (5th meeting held on 18.09.2007 and 6th meeting held on 16.10.2007)**

"The issue of providing reservation benefit to Dalit Christians and Dalit Muslims was discussed in detail, it was decided that reservation should be extended to them but the share of 15% of SCs should not be disturbed and the element of reservation for these communities (Dalit Muslims and Dalit Christian) should be determined by the Government keeping in view their population. As per the direction of the Supreme Court, the overall reservation of 50% has to be maintained. Details of the criteria of percentage of reservation to them shall be discussed/decided in the next meeting of the Commission.

It was also decided that the quota of reservation if decided for these categories should be made available depending upon their population.

The Commission reiterated its earlier decision taken in the fifth meeting of the Commission held on 18.9.2007 "It was decided that reservation should be extended to them but the share of 15% of SCs should not be disturbed and the element of reservation for these communities (Dalit Muslims and Dalit Christian) should be determined by the Government keeping in view of their population. As per the direction of the Supreme Court, the overall reservation of 50% has to be maintained". Accordingly, Ministry of Social Justice & Empowerment be informed.

The Commission reiterated its earlier decision taken in the 5th meeting on 18.9.2007 with the rider that the quota of reservation if decided for these categories should be made available separately depending upon their population."

**9. The Scheduled Tribes and other traditional Forest dwellers (Recognition of Forest Rights) Act, 2006. (Ministry of Tribal Affairs) (5th meeting held on 18.09.2007)**

"The issue regarding Scheduled Tribes and other traditional dwellers (Recognition Forest Rights) Act, 2006 was discussed in the meeting and it was decided that Commission has no comments to offer. A reply be sent to the M/o Tribal Affairs accordingly."

**10. Maharashtra State Commission for Scheduled Castes and Scheduled Tribes. (Government of Maharashtra) (6th meeting held on 16.10.2007 and 8th meeting held on 16.01.2008)**

"The Maharashtra State Commission for Scheduled Castes and Scheduled Tribes Bill, 2005 was discussed in detail and following observations were made by the Commission:

- (a) Seven Members to be appointed from the SC/ST category by the Government from amongst persons of ability, integrity and having outstanding record of selfless service to the cause of Justice for the SCs/STs including Chairman. Out of these five Members, one Member should be from amongst the women, **not on the basis of specialization as proposed in the Bill.**
- (b) No ex-officio Member should be appointed.
- (c) The Secretary of the State Commission for Scheduled Castes and Scheduled Tribes should be an officer of the State Government not below the rank of a Principal Secretary of that State to assist the said Commission in the same manner as in the case of National Commission for Scheduled Castes or National Commission for Scheduled Tribes respectively. The Secretary should be assigned functions accordingly.
- (d) There should be separate budgetary provisions for incurring expenditure of this Commission instead of a one time grant-in-aid or a yearly grant-in-aid.
- (e) The salaries and allowances payable to the Chairman and Members should be commensurate to the status and dignity of the Office and the Administrative expenses, including salaries, allowances and pensions payable to the officers and other employees. The salary of the Chairman should be more than the salary of the Secretary of that Commission however the salary of Members could be equal to that of the Secretary.
- (f) The proposed Commission should submit its Annual & other reports to the Governor instead of State Government. Such an Annual Report when presented to His Excellency the Governor of State, a copy of the same should also be sent to National Commission for Scheduled Castes.
- (g) The Annual Report together with Action Taken Report and the advice and recommendations rendered by the State Commission under Section (9) and (11) etc. be submitted to His Excellency the Governor of Maharashtra State and he will cause to lay before each house of the State Legislature."

**11. Discussion on the provisions of the Gram Nyayalayas Bill. (Ministry of Law & Justice, Deptt. of Legal Affairs) (5th meeting held on 18.09.2007 and 6th meeting held on 16.10.2007 and 8th meeting held on 16.01.2008):**

- "(a) It was decided that Rules of Reservation (15%) for SCs should be made applicable in the appointment of Judges in Gram Nyayalayas.
- (b) The Commission opposes the setting up of Gram Nyayalayas unless the Rules of Reservation are made applicable.
- (c) All Gram Panchayats should have a jury system and reservation should also be made applicable therein.
- (d) The decisions of the Gram Nyayalayas should also be challenged in the Session Courts.
- (e) Section 18 (a) of the Gram Nyayalayas Bill should be deleted.
- (f) Clarification may be sought regarding Section 23 (3) whether the provided 90 days is based on the working days or including leave shall be applicable for disposal of trial of offences by the Gram Nyayalayas under this Act.
- (g) In respect of section 33 (1) the proceedings of the cases in the Gram Nyayalayas should be held in the Panchayat Bhawan/Panchayat Ghar or on Panchayat land.
- (h) Court fee mentioned in the Section 33 (1) Rs. 100/- should be reduced to Rs. 10/- keeping in view the over all financial position of Dalits/SCs.
- (i) The Nyayadhikari should be amongst the Member of the State Judicial Services not below the rank of Chief Judicial Magistrate.
- (j) Word "Central Government" and "State Government" should be removed from Clause 18 (a) from the Bill.



Commission differed with the proposal of the Government to set up Gram Nyayalayas. Accordingly the Ministry of Law & Justice be apprised of the decision recommendation of the Commission."

**12. The review of Office Memorandum No.36012/2/96-Estt.(Res.) dated 2nd July, 1997 issued by the Department of Personnel & Training in the light of the judgement of the Supreme Court dated 16.09.1999 in the case of Ajit Singh-II. (Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension) (9th meeting held on 19.02.2008)**

"The Commission was informed that erstwhile National Commission for Scheduled Castes and Scheduled Tribes had already sent their views on 19.09.2002 to the DoP&T and it was decided that the views on similar lines be sent to the DoP&T now also."

**13. The instructions regarding implementation of reservation for the SCs, the STs and the OBCs. (Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension) (9th meeting held on 19.02.2008 and 13th meeting held on 22.7.2008)**

"The issue could not be discussed in detail for want of views of the SSW Wing. It was decided that detailed comments should be prepared by the SSW Wing and those comments with the approval of JS/Secretary be placed before the next meeting of the NCSC and as such this item will be discussed again.

The Chairman informed the Commission that SC/ST employees are suffering from the effects of the introduction of post based roster. He mentioned that the vacancy based roster gave more opportunity in small cadres as the reservation point for SCs began from the first point. Now, due to post based system only the seventh point comes. Further more, the present system of preparing a common roster for SC/ST/OBC is also not beneficial. It can be agreed that a common roster for SCs/STs was alright but the principles of reservation for OBCs was entirely different, firstly OBCs were not given reservation in any case of promotion from one post to another and secondly the creamy layer concept was necessary which was not applicable for SCs/STs. Hence this issue be also addressed to Secretary, DoP&T and the Dr. B.D.Sharma Committee of this Commission should also examine the same in its further deliberations. The Commission has further decided to organize one day seminar of all MPs of Scheduled Castes and Scheduled Tribes preferably in Balayogi Auditorium and some speakers of repute and knowledgeable may also be invited to deliver lectures on the above subject. Efforts should be made to organize the seminar at the earliest."

**14. In the matter of the appropriate income/wealth limit to determine the "Creamy Layer" who should be excluded from the purview of 27% reservation provided to the Backward Classes, from the Ministry/Department. (NCBC, Ministry of SJ&E) (11th meeting held on 22.4.2008)**

"The issue was discussed in detail and it was decided that the Commission should maintain that the criteria laid down by the Supreme Court should be followed."

**15. The Report of Justice Usha Mehra Committee on the issue of sub-categorization of Scheduled Castes in Andhra Pradesh under Article 338(9) of the Constitution of India.(Ministry of SJ&E) (14th meeting held on 02.09.2008)**

"After in-depth study of the Report submitted by Justice Usha Mehra as communicated by Shri V.R. Malhotra, Director (SCD), Ministry of Social Justice and Empowerment vide letter No.12016/7/2008-SCD (RL Cell), it was noted that a National Commission was constituted to examine the issue arising out of the judgment of the Supreme Court relating to sub-categorization of Scheduled Castes in Andhra Pradesh into four groups for the purpose of reservation, in all its aspects, to examine the Constitutional, statutory and legal ramification of the demand for sub-categorization of SCs and to make recommendations on the future course of action, clearly specifying the grounds and the criteria on which these recommendations are based vide Resolution dated 15<sup>th</sup> November, 2006 of the Scheduled Castes Development Division of the Ministry of Social Justice and Empowerment duly published in the Gazette of India on 16<sup>th</sup> November, 2006.

The Commission has further noted that there are certain castes belonging to the Scheduled Castes who are lagging behind the others and are unable to get fruits of development as the opportunities of open market economy become available to those members of SCs who are early starters. The implications of



differential growth for the most educationally backward and the late starters are becoming increasingly clear. Therefore, some of the states like Punjab (1975), Haryana (1994) and Andhra Pradesh (2000) have taken this issue to enable the less advanced amongst the SCs to have some preference in reservation.

Justice Usha Mehra Commission while submitting its views on the issue of sub categorization of Scheduled Castes in Andhra Pradesh noted that : "Culture of Mala and Madiga are different...the caste hierarchy between the two communities some way even results in the practice of untouchability... There is urgent need for sub categorization of the list of SCs so that benefits are divided judiciously... sub categorization is not against the principle of equality. Rather, it is an instrument for equitable distribution of benefits... Majority of the SCs in Andhra Pradesh are suffering from discrimination." Justice Usha Mehra Commission also noted that "It is settled law that a rule giving preference to members of more backward classes is permissible under Article 16(4) and does not in any manner contravene Articles 14, 16(1) & 16(2) of the Constitution. And has recommended that the Article 341 of the Constitution of India be amended and a new clause (3) thereto may be added.

The Commission also noted that the Hon'ble High Court of Rajasthan in the matter of Akhil Bhartiya Balmiki Mahasabha v/s National Commission for Scheduled Castes and State of Rajasthan, D.B. Civil Writ Petition (PIL) No.11152/2008 has given its judgment on 24-10-2008 which read as under:—

"... the National Commission for Scheduled Castes has been purposely constituted to investigate and monitor all the matters relating to the safeguards provided under the constitution or under any law or under any order of the Government.... The National Commission is equipped with the powers to investigate into and make recommendations about such grievances, if found substantiated, not only to the President of India with respect to the appointment to Government of India also to the Governor of State for consideration of the State Government in respect of appointments in its services." Accordingly, Hon'ble High Court decided that the remedy of the Writ petition therefore lies with National Commission for Scheduled Castes..."

The National Commission for Scheduled Castes after going through the facts on record was of the view that Article 16 (4) of the Constitution of India is an enabling provision which enables the State to provide for making of the reservation in appointments and if the State decides to so provide the reservation, it also decides that proportion in which such reservation has to be provided. It is not in dispute that various castes are included in the list of Scheduled Castes in the presidential order providing for such reservation, which has also been adopted by the State of Andhra Pradesh. The Commission, therefore, recommends that the State Government of Andhra Pradesh may adopt provisions of aforesaid articles of the Constitution and as per the judgment of the Hon'ble High Court of Rajasthan and aforesaid provisions of the constitution, the Government of Andhra Pradesh is hereby advised that most educationally and socially backward castes of Andhra Pradesh listed under the Presidential Orders, viz. 'Madiga, Relli and Adi-Andhra' may be given proportionate share in the reservation in the State of Andhra Pradesh only."

**16. The modified proposal on caste status of the off springs of inter caste married couples. (Ministry of SJ&E) (16th meeting held on 21.10.2008)**

"The Commission was informed that proposal regarding caste status of the off -springs of inter caste married couples was referred to the sub-committee constituted under the Chairmanship of Vice-Chairman, National Commission for Scheduled Castes for examination & report. Vice-Chairman informed the Commission that sub-committee has considered the matter and gave their report. A copy of the same has been sent to the Chairman, NCSC for approval. After approval of the Chairman, the report of the sub-committee shall be kept in the next meeting of the Commission for consideration."

**17. SCs/STs Prevention of Atrocities Act, 1989—Amendment regarding (Ministry of SJ&E) (16th meeting held on 21.10.2008)**

"The Commission was informed that Ministry of Social Justice & Empowerment has proposed amendments in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989 and sent a reference to the NCSC for comments under Clause 9 of the Article 338 of the Constitution of India. In this regard, an interim reply has already been sent to the Ministry of SJ&E indicating that matter is under consideration for quite some time. The Ministry of SJ&E has decided with the approval of the Minister for Social Justice

& Empowerment to propose the amendment in the Section 14 of POA Act by renaming Section 14 (1) and insertion of new Section 14(2) and amendment in Section 21. The issue was discussed in detail; the Commission decided and approved the proposed amendments in Section 14 and in Section 21 of the SC/ST (POA) Act, 1989. However, it was decided that the following observations of the NCSC may be conveyed to the Ministry of SJ&E for their consideration in regard to the amendments in the SC/ST (POA) Act, 1989:—

- (i) that the information regarding registration of FIR under SC/ST (POA) Act be conveyed within four days to the National Commission for Scheduled Castes for which Government of India shall provide additional staff to the National Commission for Scheduled Castes for implementation and monitoring of the same by linking the NCSC Hqrs. with all the district Hqrs. of the country with the help of computerization. The NCSC Website may accordingly be made known to all the DMs/SPs of the country by the Ministry of Social Justice & Empowerment;
- (ii) that a suitable provision of a section may be incorporated in the SC/ST (POA) Act, 1989 viz; "Non intimation of registration of FIR/non-information of the same will render the SHO liable to be proceeded against under Section 4 of the SC/ST (POA) Act, 1989" ;
- (iii) that the failure on the part of District Collector/District Magistrate/SSP/SP in the compliance of the provisions of SC/ST (POA) Act, 1989 in his/her district will be reported in the Annual Confidential Roll of the concerned officer by the next superior officer/Reporting officer of the incumbent".

**18. Report of the National Commission of De-notified, Semi-Nomadic and Nomadic Tribes-recommendations regarding. (Ministry of SJ&E) (16th meeting held on 21.10.2008 and 22nd meeting held on 2.3.2009)**

"The Commission was informed that the Ministry of SJ&E has sent a letter indicating the gist of the recommendation of the report of the National Commissions of De-notified, Semi-Nomadic and Nomadic Tribes for the comments of the National Commission for Scheduled Castes. The issue was discussed in detail, it was decided that a copy of the aforesaid report be collected from the Ministry of SJ&E and circulated to the Chairman, Vice-Chairman and Members of the Commission for obtaining their views/comments in the matter. After obtaining their views/comments, the same may be discussed in the next meeting of the Commission.

Hon'ble Chairman and Members observed that the Report of the National Commission of Denotified, Semi-Nomadic and Nomadic tribes has been sent to the Commission by the Ministry of Social Justice & Empowerment (SJ&E) vide letter dated 17.9.2008 for its comments under Article 338(9). On the recommendations Nos.53 & 55, the matter was discussed in the 16th Meeting of the NCSC held on 21.10.08 wherein it was decided to invite comments of the Members of NCSC. After in-depth discussion on the issues mentioned under recommendations Nos.53 & 55, it was found that basic inputs were missing. Commission noted that the annexures and information regarding detailed nomenclature of the SCs/STs & OBCs and the lists enclosed therewith were also missing, without that it was not possible to give the comments. It was pointed out by the Members that without going through the annexures and other important documents, it was not possible to render the advice of the Commission. Hon'ble Chairman observed that the Commission should write to the Ministry of SJ&E for obtaining a complete set of the said Report along with its annexures and views of the Government on this issue may also be invited. Thus, the Secretariat will obtain the complete report with its annexures and then only the whole issue will be placed before the Commission in their next meeting."

**19. Age relaxation for Scheduled Castes, Scheduled Tribes and OBCs in case of appointment against unreserved vacancies. (Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension) (17th meeting held on 19.12.2008)**

"The Commission approved the proposal of DoPT for providing age relaxation to Scheduled Castes, Scheduled Tribes and OBCs in case of their selection/appointment against unreserved vacancies."

**20. Micro reservation to Arunthathiyar Community among the Scheduled Castes of Tamil Nadu received from the Government of Tamil Nadu. (Government of Tamil Nadu) (19th meeting held on 04.02.2009)**

"The Commission was informed that a communication has been received from the Ministry of Social Justice & Empowerment regarding Micro reservation to Arunthathiyar Community among the Scheduled Castes of Tamil Nadu received from the Government of Tamil Nadu intimating that there is no provision under Article 338 of the Constitution of India for the National Commission for Scheduled Castes to consult the Ministry of SJ&E. The issue was discussed in detail, it was decided that since the recommendations of the sub-committee constituted under the Chairmanship of Prof. N.M. Kamble, Vice-Chairman, NCSC as contained in its Report have been accepted by the NCSC in its meeting held on 19.01.2009; it was decided that a suitable reply may be prepared and shown to the Chairman before it is sent to the Government of Tamil Nadu."



## CHAPTER 4

### REVIEWS OF STATE GOVERNMENTS AND UTs

#### 1. Review of Uttar Pradesh on 20.9.07

The National Commission for Scheduled Castes conducted a review meeting with officers of the State Government of Uttar Pradesh at Lucknow on 20.9.07. Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice-Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member, Shri Mrutyunjay Nayak, Member along with Secretary and Joint Secretary conducted the review. The State Government was represented by the Chief Secretary and other senior officers of the State Government. The Commissioner for Social Welfare, UP Government provided the information regarding different schemes being run for SC persons in the State of UP.

The Commission informed that Constitution of India is very unique in the world. Constitutional rights have been conferred to the people of India after the approval of the Constitutional Drafting Committee. Such type of Constitution may not be there in any other country of the world. It was not a gift. People of India are promised economic and social equality under the Constitution. The Chairman informed about the limitation, duties and rights of the Commission. He told that UP is the largest State and people of UP are known to be civilized and dutiful. He was very hopeful that the position of SCs must be good but the information provided by the UP government was very general which was supplied without responsibility. He expressed his displeasure that the information was made available only one day before the review meeting whereas the direction of the Commission was to provide information 20 days before the meeting. Had the information been received by the Commission in advance, the Commission would have studied it for discussion in better way. With the permission of the Chairman the meeting was started to discuss the following issues:—

**False caste certificates of SCs:—** The Chairman expressed his displeasure on the order of the State Government for inclusion of 16 OBCs in the list of SCs because this being a constitutional matter was to be done by the Parliament only. Chief Secretary informed that former UP Government, Deptt. Of Social Welfare, included 16 OBCs in the list of SCs by the Notification dated 10th October, 2005. Hon'ble High Court of UP on 20.12.05 postponed the execution of this Notification of former UP Government. After the order of High Court no new caste certificates were issued. It was also informed that UP Government had written a letter to the Secretary, Ministry of SJ&E, Government of India in June, 2007 that the list of SCs which was sent in the year 2005 stands cancelled and the earlier list remains unchanged.

Hon'ble Chairman desired to know that during this period how many SC certificates were issued and how many persons took the benefits for contesting the election at different levels? Chief Secretary, Government of UP assured that after compilation, all the information would be furnished to the Commission. The Commission informed that using the certificates which were issued during that period, the people were still taking the benefits and wanted to know the present position of these certificates. Chief Secretary assured that after collecting information from different districts, he would inform the Commission. Secretary of the Commission informed that despite the order of Hon'ble High Court, Commission received the complaints that on the basis of these SC certificates people got elected. A few such elections were cancelled by the District Magistrate, district Saharanpur. Same position was in the Panchayat elections. Commission wanted to know why the action was not initiated for cancellation of these certificates till date. Hon'ble Chairman emphasized that SC certificates issued during that period must be withdrawn with immediate effect and action be initiated against the illegal certificates holders under Article 341 of the Constitution.

**Atrocities and harassment:—** Hon'ble Chairman wanted to know about the cases of atrocities on SCs and it was informed that 31000 cases were pending trial. The Commission pointed out that in the report of NCRB, the number of such cases in UP were shown as 60,000. These figures had been reduced deliberately. DGP, UP informed that these figures were supplied to the NCRB by them only and if the figures were wrong it will be corrected. So far as the question of pendency is concerned efforts were being made to reduce the pendency

effectively. Number of Special courts increased and priority was given to the cases of atrocities on SCs. It was informed that Hon'ble Chief Minister herself monitors such type of cases.

Hon'ble Chairman referred the letter dated 20 May, 2007 issued by the State Government wherein it was mentioned that POA Act should be executed cautiously. What do they mean by caution? In favour or against? The Commission was informed that efforts were made so that the Government would not be defamed. The Commission pointed out that only murder and rape mentioned in the letter. UP Government made some amendments in the Act. No one was empowered to make changes in the Act, this being a central Act.

IG Police informed that he had written a letter to State Government to amend the letter dated 20 May, 2007 which was issued by former Chief Secretary. Subsequently the order was cancelled. The Commission told that it is a central Act. The State Government does not have the right to amend the Act in any manner. She suggested that in the case of atrocities on the SCs if any one has produced wrong evidence and victim does not get justice, then action should be initiated against the Police officer.

Hon'ble Chairman wanted to know the position of special courts. DGP informed that special courts were set up in 40 districts. State Government converted 56 fast track courts into special courts in the month of August, 2007. Chairman desired to know the conviction rate in the atrocity cases. IG Police informed that it was between 4 to 4.5%. Hon'ble Chairman showed his displeasure and directed that good lawyers (public prosecutors) should be appointed. He also suggested that for closing the cases of atrocities on SCs, there was need to record the reasons for doing so.

**Deptt. of Education:**—The Principal Secretary basic education informed the Commission that the position of SC students in admissions was satisfactory in the State, which was about 27%. In the case of teachers quota the reservation was full. Most of the teachers were retiring and new appointments made. In the year 2007, 88000 new appointments were to take place thereby backlog of SCs vacancies would be filled up.

Hon'ble Chairman desired to know the distance at which primary schools were set up. Principal Secretary, Basic Education told that national standard was 1.5 km whereas Vidyalayas were available within 1.3 km in UP. 99000 primary schools were functioning in the State. To cover 1 km range it was required to establish 7000 additional schools, out of which 1813 schools were to be set up in the year 2007. The work will be completed by 2012.

Hon'ble Chairman, NCSC asked the status of mid-day meal scheme in the State. He further mentioned that there were several serious complaints about mid-day meal for children whereas there was a need to provide clean and nutritious food to them. Principal Secretary, Basic Education informed the Commission that mid-day meal scheme was being implemented in all primary schools in the State and special monitoring was done for the quality of the food. However, suggestion of the Commission will be implemented in future.

Hon'ble Commission told the State Government that intermediate teachers were appointed by the Public Service Commission but the management was not allowing them to join the duty in the case of SC teachers and the Deptt. of Secondary Education was silent in the matter. Principal Secretary, Secondary Education told the Commission that monitoring was being done by this department and action taken on the complaints. He further stated that computerization was in progress to know the status of vacancies. Action will be taken against the institutions who provide wrong information. In so far as the matter of not allowing to join the duties is concerned, self-explanatory guidelines were available in this regard and inspector of schools were fully competent to take action against defaulters.

Commission wanted to know that why the subject expert teachers were being transferred in far flung remote areas. The Commission was informed that this was done in the case of non-availability of vacancy in a school for the concerned subject.

**Special Component Plan:**—Principal Secretary (Planning) UP Government told the Commission that all assistance funds were being received from Government of India under SCP and budget was allocated in the ratio of population of SCs i.e. 21.24%. Deptt. of Social Welfare is the nodal department for that. Hon'ble Vice-Chairman desired to know how this money was used and whether there was any monitoring in this regard. Principal Secretary, Deptt. of Social Welfare, UP Government informed that no monitoring was done during the year 2007. Chairman wanted to know the progress of the past years. It was informed that the outlay/allocation has been about 21% in this regard.

The Commission desired to know why the expenditure incurred was less than the prescribed target. Also why less expenditure was incurred as compared to the population percentage of SCs during the last five years. All the information sent to the Commission was not satisfactory. Information on all the points after collection may be sent to the Commission.

Hon'ble Chairman desired to know about the position of the UP SC Finance and Development Corporation, whether it was still functioning. Chief Secretary informed that the financial corporation were still functioning in the State, however, their recovery was less than 10%. Banks also do not give loans without a guarantor. Hon'ble Chairman told that this fact was known to all that banks do not lend for want of guarantee. He suggested to the Chief Secretary that State Government may think over procedural amendment in this regard. If any bank creates a problem it should be brought to the notice of the NCSC. The Commission will call its Chief Executive in Delhi. Chief Secretary suggested that decline in recovery was due to non-viability of the project.

The Commission enquired about the cottage industries. Director, Industries Deptt. UP informed that 1035 beneficiaries were trained in the industrial development and committees were set up at Agra in this regard.

The Commission desired to know about the implementation of SCP in the entire State. It was informed by the Principal Secretary, Social Welfare, Government of UP that a cell has been working for this under Social Welfare Deptt. The Chairman desired that there should be advisors, specialists and other employees in the cell. They all should function under the Secretary level officer who should only monitor the implementation of SCP as UP is the largest State in the country. The Chief Secretary informed that under the Commissioner Social Welfare Department, one Principal Secretary and six Secretaries were functioning.

**Rural Development Department :—** At the outset Principal Secretary, Rural Development apprised the Commission about the ongoing schemes in the State. Total BPL families were 99.56 lakh. The number of SC/ST BPL families were 34.02 lakh comprising 34.3% of total BPL families in the State.

So far as the programmes were concerned, food, employment and protection of girl child are the priority areas. Normally SCs/STs live in habitations in rural areas where the employment opportunities are not available. For them, there were two programmes namely, wage oriented employment and self employment.

Bundelkhand region of the State has been badly affected by poverty and backwardness. People were still using the dirty water from a pit. Even a small thing like bamboo was not available to the villagers since the forests were auctioned to the big contractors. Therefore, the policy is required to be made for the benefit of poor in the rural areas. Similarly there is also problems of water in peninsula region of UP. The package which has been demanded from the Government of India includes all the schemes which are development oriented for these areas.

So far as implementation of drinking water schemes in rural areas is concerned, the State Government issued an order in the recent past that first priority will be given to instal hand pumps in those localities where more than 50% SC/ST population reside. Second priority to those bastis where the population of SC/ST ranges between 30% to 50% and third priority to those having less than 30% SC/ST population.

There were instructions that it should be ensured that actual benefit reaches to the beneficiaries. There was a need for monitoring at the level of implementation because if the scheme has reached to the districts and block level and needy at the ground level are not covered then there remains a scope for making components.

In the same way arrangements were being made for housing for the people. Indira Avas is a good scheme under which; out of total houses constructed; 60% quota was allotted to the SC/ST persons. Similarly, the State Government was also starting a new scheme 'Mahamaya Avas Yojana' under which 2 lakh houses were proposed to be constructed with the cost of Rs.500 crores and these houses would be given to the homeless SC/ST families.

The endeavour of the State Government was that poorest should get the house on priority. Therefore, scheme was prepared keeping the rural population in view and certificates will be given by the village development officer. Hon'ble Chairman appreciated that SC/ST will get the houses. Simultaneously, it is to be seen that the site on which houses are to be built belong to whom and where is it? It is seen that even after 60 years of independence, out of fear, they like to reside in their own Basti. He suggested that Government should prepare good schemes for providing decent houses to them so that they get proper benefit of the scheme.



The Commission enquired about the quality of material being used in constructing houses under Indira Avas Yojana. On this it was informed by the Principal Secretary, Rural Development that this was the Government of India scheme and the beneficiary himself undertakes the construction work. Neither any agency nor any department does the construction work. House in Indira Avas is constructed on the ancestral site where the beneficiary is already residing.

The Commission desired to know about the BPL card holders. Principal Secretary, Rural Development apprised that furnishing this information would take about 3 months time as the State Government was reportedly conducting a survey of all the 99.5 lakh families in the State.

The Commission pointed out that there is a big training center for IAS/PCS at Aligarh. The Commission conducted an inspection of same and found that cows and buffalos were roaming in the premises of the building. It was suggested that attention of the head of training centre should be drawn to remove such things.

At the end, Hon'ble Chairman NCSC informed that Commission has made a beginning and held discussion on the basis of the small agenda. As regards the data which has been submitted to the Commission, the State Government should resubmit it after reconciling. In the near future the Commission will have a discussion with respective Principal Secretaries separately in Delhi.

## **2. State level review meeting of the NCSC with the Government of Madhya Pradesh on 19-20 June, 2008**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member of the Commission conducted a state level review of development schemes and welfare measures meant for SCs of the State on 19-20 June, 2008. The State Government team was headed by the Minister Adimjati Kalyan and was assisted by Chief Secretary, DGP, Principal Secretaries and Commissioners and Directors of various departments of Government of Madhya Pradesh.

The Chief Secretary informed that all schemes and measures were implemented sincerely and there was single window for administering the schemes viz. "Anusuchit Jati Kalyan Vibhag". All different departments pool up their funds in proportion to the SC population to this nodal department so that the Special Component Plan is implemented efficiently.

Hon'ble Minister Adimjati Kalyan admitted that though initially the allocation for SCP was not in tune with the percentage of SC population, the percentage of allocation gradually increased year after year. He sought the assistance of Commission to get matching assistance from Government of India. He claimed that his Government was committed for educational development of SCs and hence novel schemes like providing cycles to girl students, free books to SC students etc. had been introduced year 2007 onwards. In order to improve employment opportunities for SCs, training and coaching facilities are also being organized.

The Commission had received information on diversion of funds by Government of Madhya Pradesh and urged for more information in this regard. He gave a brief of historical background of the pact achieved by Dr. B.R. Ambedkar (Pune Pact) and asserted this spirit should not be missed by anyone. He continued that education is a right of SCs and described it as an important tool for their advancement.

The Chairman mentioned that State Government gave no Action Taken Report about last review meeting held in the year 2006. He raised concern about achievements in education, service safeguards, land, agriculture, labour, Panchayati Raj system etc. He also raised the issue of death of one SC sweeper in Bhopal. He narrated that without observing any safety measures, an SC person was asked to clean 35 feet long drainage. Not only safety measures but also minimum wages were denied to this SC victim though he was working on daily wages for last 15 years. Though manual scavenging has been banned by the Government of India, he was pushed to the drainage. The Commission alleged that State Government was squarely responsible for the "murder" and called for stringent action. The Commission suggested that view point of people need to be changed in so far as SC welfare is concerned.

The Commission at this stage took up poor representation of SCs in university teaching posts. It criticized the Government of MP for not consulting the Commission on all the policy issues. The Commission criticized the Government officers for diluting earlier Government stand on land allocation programme for SCs. It was informed by the State Government that there was a High Court ban on land allocation. The High Court order

was passed in 2002 and details were to be verified. However, the Commission found fault with the Government for not consulting the Commission on this issue earlier. The Chief Secretary informed that land acquisition was not being done these days. But the Chairman remarked that taking away land of SCs for the sake of big industries was prevalent.

The Commission also questioned as to why SC Corporation stopped construction of shops meant for SCs. The Commission further observed that Government was flimsily sitting on this matter. The MD SC Corporation submitted that corporation offered early tentative approval to SCs in Bhopal Municipal Corporation Shopping complex. But Board of Directors SC Corporation did not approve the project. The Commission remarked that this was unjustified as whoever had given, in-principle, approval that time was a part of Government and whoever later denied approval was also part of Government. Thus many SCs who paid 10% of cost were neglected and put to unwanted trouble. Corporation should have given possession to the beneficiaries instead of causing delay in the matter.

The Commission commented that Government changed the reservation pattern for SCs itself. The Commission pointed out that SCs who were selected on their own merit were adjusted against SC vacancies. The Commission desired to know the backlog position. Secretary (GAD) told that SCs selected on their own merit will be shown as Other Category and backlog of each year was carried forward to next recruitment year. It was also informed that reservation is available up to the lowest rung of Gr. A posts.

The Commission remarked that temporary postings were done even for safai karamcharis. Most of them continued as temporary employees even after many years. They were even paid lower rates than ordinary recruits. When the Chief Secretary replied that safai karamcharis were recruited by municipalities and not by Government under Municipal Act, usually minimum wages are paid by cheques through contractors. The Chairman disagreed with Chief Secretary in this regard. Principal Secretary (SC welfare) added that Government initiated steps to give safai karamcharis incentives like uniform, shoes, equipment, etc. The Commission expressed its unhappiness and dissatisfaction about outsourcing in municipalities.

Taking up self employment scheme, Chairman requested for the details of subsidy. MD, SC Corporation submitted that they provide Rs. 10000 as subsidy for a unit cost of Rs. One lakh. Every year Government was exceeding targets. Chairman requested for full details for last 3 years, scheme-wise. The Commission pointed out about large number of cases of false caste certificates are pending for enquiry. Principal Secretary (SC Welfare) described about the efforts of Government, such as State Level Review Committee etc. The Commission was not satisfied and remarked that some cases were pending for even 16 years and candidate might have even retired from service.

When the Commission drew the attention to unutilized funds under SCP, Principal Secretary (SC Welfare) replied that some major departments fail to draw SCP funds due to which funds remain unutilized. The funds were either carried forward or lapsed. The Commission desired to know how funds were allowed to lapse when there was committed budget. Chief Secretary clarified that Special Component Plan has a separate budget head and hence funds diversion was not possible.

The Commission took up the matter of monitoring of school admission of SC students. It expressed concern that Government was not releasing post-matric scholarships to SC students of privately run schools. Commissioner of SC Welfare clarified that Government was invariably reimbursing the amount by September. The Commission proposed to examine the feasibility of extending scholarship advances.

Talking on literacy Hon'ble Chairman noted that women literacy was very low. Principal Secretary (Education) submitted that currently Government was focusing on girl child enrolment and prevention of dropout. Commission wanted to know efforts made to identify low literacy level areas. It was informed by the Principal Secretary that the Tribal Research Institute is doing the job.

The Commission pointed out difficulties in getting caste certificates to some castes in some districts. Hon'ble Chairman suggested to convene a meeting in this regard as this was an inter-district issue. Chief Secretary agreed to this and mentioned that there was no remedy as some castes are SCs in some districts only and moreover, issuing SC certificates was a rigorous process.

### **Meeting on second day on 20.6.08**

On 20.6.08, the team of State Government was headed by Hon'ble Minister of Admijati Kalyan with Additional Chief Secretary, DGP and Principal Secretaries of various departments.

Addl. Chief Secretary in the opening remarks informed that the State had exclusive police stations called "Adimjati Kalyan Police Stations" in all 48 districts. Cases were monitored at PHQ and district levels, conviction rate was good and crime was on decrease.

The Commission remarked that the mechanism available in the district to contain atrocities was all right but the results were not visible. He cited statistics furnished by Government which indicated that atrocities on SCs were increasing. He expressed concern that figures by State Government and NCRB were not tallying. However, crime trend was increasing and M.P ranks high in the country in atrocities on SCs.

The Commission desired to know why pendency of cases was high. It was observed that every year many cases were closed. The Commission also wanted to know with whose approval the cases were closed. It was informed that apart from SPs, there are SPs of Adimjati Kalyan in the ranges. These two officers should concur on closing a case. Again PHQ verifies the facts and then only final approval to close the case is given.

The Commission enquired details of cases challenged so far. He cited few incidents in Datia district where cases were not even registered. Vice-Chairman remarked that all cases were to be investigated within 30 days. But there were cases delayed for more than 6 to 7 months. DGP replied that such delay occurs only in controversial cases. While going through the answers to the questionnaire, the Commission observed that acquittals were more than conviction and hence urged the authorities to strengthen the mechanism to reduce pendency. Director of Prosecution stated that witnesses were turning hostile. The Commission remarked that this was because police are terrorizing the witnesses. The Commission suggested that there should be good APPs especially from SC communities. Additional Chief Secretary submitted that Government had constituted special courts in all districts but there was shortage of qualified APPs. Vice-Chairman observed that there was negligence at various levels which resulted in vast pendency and acquittal. When enquired about District Vigilance and Monitoring Committees, Principal Secretary (SC Welfare) replied that all districts had vigilance and monitoring committees and Government was monitoring it.

The DGP informed that provisions of SC/ST (POA) Act, 1989 were displayed in all Adimjati Kalyan Police Station. Vice-Chairman suggested to give publicity at all public places including bus stands, to create awareness about the Acts throughout the State. It was informed that DSPs (Adimjati Kalyan) were touring sensitive villages and organizing awareness meetings. The Commission pointed out that a lady DSP belonging to SC community was being harassed by SP. The victim was still facing enquiry whereas SP had got promotion. She asked the Government to complete enquiry of the case. The Commission cited one more incident in which one IPS officer was fighting with another IPS Officer of SC community over a petty issue. DGP told that this case was under enquiry. Thereafter the Commission enquired about pending cases of APCR Wing of NCSC. It was informed that all cases were being entrusted to DSP for enquiry and reports will be sent to the Commission at the earliest.

Vice-Chairman once again remarked that Madhya Pradesh was marching ahead in atrocities on SCs. Principal Secretary (Home) intervened to submit that crime rate of MP was only 13.5% so numberwise the atrocity may look big not the crime rate. When asked by the Commission to provide category-wise details of closure and compounding of Prevention of Atrocity Act cases, it was informed that not a single case of SC/ST (POA) Act was compounded and courts do not have powers to do so. As regards granting bail to the accused, Secretary (Law) clarified that courts were granting bail and not the police. He added Magistrates are not competent to offer anticipatory bail. Only High Courts are granting this. Secretary (Home) apprised that soon after booking an accused in POA Act, the accused person will lose his gun licence immediately. Moreover, license will be given to victims for self-defence as per situation.

### **3. State Level Review of Haryana on 8.9.2008**

State level review meeting for the State of Haryana was held with the Minister of Welfare of SCs/BCs Department, Chief Secretary, DGP and other senior officers of the Government of Haryana was held on 8.9.2008 at Chandigarh. The Hon'ble Chairman along with Vice Chairman, Member (Smt. Satya Bahin), Member (Shri Mchendra Boddh), Member (Shri Mrutyunjay Nayak) and Joint Secretary conducted the review. The NCSC,



before taking up the review, had called for information from the State Government of Haryana through the questionnaire.

The Chairman, NCSC initiated the discussion by appreciating the efforts and measures taken by Government of Haryana for the upliftment and betterment of SCs in the State. He gave a brief history of why so many provisions for upliftment of SCs were incorporated in the Constitution and how to oversee and monitor their proper implementation, the National Commission for SCs and STs came to be established under Article 338 of the Constitution. After the brief introduction the Principal Secretary, Social Justice and Empowerment Haryana sought Chairman's permission to show a powerpoint presentation detailing various activities and the schemes of Haryana Government. On the basis of presentation and the information supplied by the Government of Haryana and discussions thereon, the following points emerged:—

- (1) After showing concern on the backlog of posts/vacancies reserved for SCs and non-maintenance or improper maintenance of rosters in various departments of Haryana Government, the Government of Haryana was asked to direct its departments to maintain the rosters in proper perspective and clear the backlog of reserved posts. The deficiency in maintenance of rosters in Police and Education Departments were specifically pointed out.
- (2) It had earlier been pointed out to the Commission by the SCs Association that books and scholarships to SC students were not being provided in time. Government of Haryana was asked to look into the matter and ensure that books and scholarships of SC students are provided well in time so that the real purpose behind the scheme is not defeated and the students do not suffer for want of funds or books.
- (3) On the basis of data provided by the State Government and the inputs received from the association, the Commission expressed its concern on the issue of rising cases of atrocities on SCs. State government was asked to be more alert and vigilant and make special efforts to combat the menace of atrocities. The Commission also stressed the need to identify such areas where the problem was comparatively more serious and declare such areas as atrocity prone areas. The Government assured to have a relook in the whole issue and take suitable steps.
- (4) It was also stressed that the rate of conviction in cases of atrocities was low and that the State Government need to be more pro-active in this direction.
- (5) The Commission expressed its concern regarding non-payment of minimum wages to the workers by the contractors. State Government was advised to devise some mechanisms by which payment of minimum wages to the workers is ensured and also to see that in such engagement of workers, element of reservation is also taken care of.
- (6) The Commission suggested that poor agricultural labourers who suffer due to natural calamities should be brought under some kind of welfare legislation so that they can also be paid some compensation just as in case of other categories.
- (7) Hon'ble Chairman also asked the Government to consider setting up a Commission for SCs at state level also.

The Chief Secretary, Haryana assured the Commission that all efforts would be made to ensure that issue of SCs welfare remains on the top priority of Government agenda and that the Government of Haryana would spare no efforts in ensuring that the marginalized sections of the society are brought into the mainstream with the pro-active approach of the Government.

The Commission noticed that Haryana Government has not effected reservation in promotion in Group B posts and lowest rung of group A posts. The State Government implemented 20% reservation for SCs in promotion in class III and IV posts only. But as per DoPT guidelines, reservation in promotion in selection posts is applicable up to the lowest rung of group A. There was huge backlog of vacancies reserved for SCs i.e. total 13046 as on 08.3.08. After the 85<sup>th</sup> Constitutional Amendment Act, the seniority of SC/ST Government servants on promotion by virtue of rule of reservation had been restored as per DoPT OM dated 21.1.02 and effective date of this OM was 17.6.95. But the Haryana government adopted these instructions w.e.f. 16.3.06 prospectively instead of retrospectively w.e.f. 17.6.95. Moreover, some of the Deptts. of Haryana Government have not implemented the

instructions at all. The State Government could not give information to the Commission regarding false caste certificate cases.

The rosters of the Police Department were checked by the Commission and following discrepancies were noticed:—

- (i) It was observed by the Commission that the Personnel Department of the Police do not have the proper training and knowledge for maintenance of post based rosters as per rule, it seems they have not taken it seriously. The post based rosters were not maintained as per the guidelines of DoPT contained in their OM dated 2.7.97.
- (ii) It was not clear from the roster whether the SC candidates appointed on their own merit were shown against the general points and not against the reserved points.
- (iii) It was also noticed that after end of every recruitment year, there should be summary about position of the general, SCs and others in respect of the total length in a particular post and shortfall if any of SC should be mentioned in the rosters. The summary should be signed by the liaison officer which was not signed in most of the cases.
- (iv) It was also noticed that the recruitment of constables is done by the selection board of Police Department on the basis of the requirement of the different district police headquarters and candidates are sent to the distt. Police headquarters and other Deptt. Of Police but it was very surprising that the rosters were maintained by the distt. Police headquarters as in some cases only general candidates were posted in a particular district. Thus each and every district should mention the SC/OBC/general posts to the Police headquarters or the Police Headquarters should maintain the roster register according to the number of posts in existence. Therefore all the rosters should be maintained at headquarter level.

These discrepancies noticed by the Commission were conveyed to the DG of Police, Government of Haryana on 02.9.08 for compliance. It was also noticed that there is no liaison officer or SC cell in the various departments of the Government of Haryana.

#### **4. Review of UT Admn. of Chandigarh on 9.9.2008**

The National Commission for SCs held a review meeting with the Advisor to the Administrator and other senior officers of the UT administration, Chandigarh at UT Guest House, Chandigarh on 9.9.2008. Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member, Shri Mrutyunjay Nayak, Member and Joint Secretary conducted the review. The Advisor gave a brief history of the various schemes launched and the initiatives taken for the welfare of its citizens with special reference to weaker sections. A presentation was given highlighting the various activities and a number of schemes started for the SCs in particular.

Taking up the issues one by one, Commission made following observations for corrective measures by the UT Administration.:—

- (i) The Commission took up the issue of non-issuance of SC certificates by the Chandigarh Administration. The Advisor informed that the issue was lying pending with the Government of India and after orders are received from there, the administration will start issuing the certificates. Hon'ble Chairman, NCSC informed the officers that the issue has been referred to Law Ministry for final clearance and if they do not expedite the decision, he plans to bring the whole issue to the notice of the Cabinet.
- (ii) When the Commission raised the issue that safai karamcharis engaged by contractors were neither being paid minimum wages nor any efforts were made to ensure their safety, the administration disputed it and claimed that no harassment was done to anybody. Therefore, the Commission desired to have a copy of the general terms and conditions of contract as also details of the various facilities being given by the Municipal Corporation, Chandigarh to the safai karamcharis. The Commission also asked the Advisor to ensure that minimum wages are paid to these contract labourers by the contractor as also element of reservation is not given a go bye.

- (iii) The safai work being arduous in nature, the administration was asked to formulate a plan for special insurance of the safai karamcharis.
- (iv) Dropout rate among SCs at Primary and Middle level was on a higher side despite efforts of the administration and the same needs very sincere and committed measures as education alone can bring these children in the mainstream. UT Administration was advised to ensure proper action under intimation to the Commission.
- (v) Pass percentage of SCs at Secondary and Sr. Secondary level which was not being calculated should be calculated by the UT Admn. under intimation to the Commission.
- (vi) The reservation percentage in teaching posts had not reached the prescribed level of 11%. This needed rectification at the earliest. ATR after filling backlog vacancies may be submitted to the Commission.
- (vii) Maintenance of rosters in the Government departments was not proper which needed to be scrutinized thoroughly in accordance with the rules and regulations in force for proper implementation of reservation policy in letter and spirit. Compliance report may be submitted within a month.
- (viii) Backlog of posts reserved for SCs was high which needed to be attended promptly for early elimination of the same. A time bound effort should be made and backlog vacancies should be filled within three months.
- (ix) Housing scheme for the poor especially SCs under which one room dwelling units are given, most of whom happen to be SCs, was also discussed and it was desired that same needed to be completed at the earliest which was, as per information available, behind the schedule at present.
- (x) Two cases of harassment of SC teachers in Punjab Engineering College, Chandigarh were also discussed and Director, PEC and Home Secretary were asked to redress grievances of the petitioner under intimation to the Commission within a fortnight.

Hon'ble Chairman, NCSC called upon the officers of the UT Administration to work with commitment and set an example before the whole country by making a model of Chandigarh. The Advisor on behalf of all his officers assured the Commission that the Admn. is committed to the welfare of SCs.

## **5. State Level review of Kerala on 28 – 30 June, 2009**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member and Joint Secretary conducted the review.

### ***Meeting with the State Commission for SCs/STs on 28.6.09***

National Commission for Scheduled Castes held a meeting with the Kerala State Commission for Scheduled Castes and Scheduled Tribes on 28.06.2009 during visit to Kerala State review.

The Hon'ble Chairman, NCSC initiated the discussion by requesting the State Commission to get themselves introduced. After the introduction of Chairman and Members of State Commission, the Hon'ble Chairman introduced himself and Members of the National Commission. After the introduction, the Hon'ble Chairman, National Commission for SCs was very keen to know about the activities of the State Commission, since its formation by the Government of Kerala.

The Chairman, State Commission for SC and ST gave a brief introduction of the State Commission and its functioning for the last 1 year and 4 months. He mentioned that the State Commission organized sittings in various parts of the 14 districts to receive the petitions and later conducted ADALATS after the enquiry on these petitions in all the 14 districts. Of the 4000 and more petitions received, relief was given to 2000 petitioners by the intervention of the State Commission. The Hon'ble Chairman, State Commission for SC/ST suggested that the combined efforts of the National Commission and State Commission will help in protecting safeguards provided to the Scheduled Castes Communities under the Constitution in a better way. The Hon'ble Chairman, NCSC appreciated the suggestion.

The Hon'ble Chairman, NCSC gave a brief description of the establishment and functions of the National Commission for SCs as per Article 338 of the Constitution of India and also explained the formation of the then National Commission for SC/ST and thereafter of the bifurcation as well.



Thereafter Member Secretary of the Kerala State SC/ST Commission informed that the State Commission was constituted as per the Act passed by the Kerala Legislative Assembly and as per Article 348(Clause 3) of the Constitution of India. On quick run down of the Act on the formation of State Commission, the Hon'ble Chairman of the National Commission for SCs was dismayed on the inappropriate Section of the Constitutional Act. The Hon'ble Chairman had also made it clear to the State Commission that the Article 348(Clause 3) under which the State Commission was established was a mistake. After having patient and unconvinced reply by the State Commission on this, the Chairman, National Commission for SCs had concluded this point with remark that the entire process of the establishment of the State Commission along with the Kerala Legislature Act passed in the Legislature be furnished to National Commission for SCs that too after the comments of Law Secretary for further perusal and opinion.

The Commission observed that as per the Constitution, the draft Act on the formation of the State Commission had to be sent to the National Commission for approval, but the State Government failed to do so. In this regard, the Hon'ble Chairman requested that Law Secretary may be asked to explain the reason for not sending the draft Act on the formation of the State Commission to the National Commission for approval.

Thereafter the NCSC had taken keen interest to understand the nature of work that is performed by State Commission for which the State Commission Chairman explained to the National Commission for SCs. The narration of the nature of work of State SC/ST Commission has concluded with the perception that it concentrated primarily on giving relief to individual petitioners through ADALATS in every district. The Hon'ble Chairman, State Commission for SC/ST mentioned that there is no open untouchability practised in State of Kerala.

The NCSC discussed with State Commission the percentage of SC representation in appointments especially in Government aided school teacher posts. The National Commission for SCs had also taken keen interest on the effective implementation of all the provisions of SC/ST (POA) Act, 1989 and for providing speedy justice to SC victims.

Finally, the NCSC had enquired about the preparation of the Annual Report of the State Commission; the Chairman of the State Commission replied that the report was under preparation. The National Commission for Scheduled Castes desired to see the contents of the report and recommendations of the State Commission and to disseminate it as a model for other States.

### ***Meeting with the State Government of Kerala on 29.6.09***

The Review commenced with the introduction of the State Government dignitaries to the Hon'ble Chairman of the National Commission for Scheduled Castes who was also Chairman of the Review Committee. This welcome introduction was given by Chief Secretary to the Government of Kerala. In response to the introduction, the Hon'ble Chairman of the National Commission had firstly introduced the each and every member in his delegation to the participants of Government of Kerala. The Hon'ble Chairman had also briefed the participants (Government of Kerala officers) including Hon'ble Minister for Scheduled Castes about the establishment of the National Commission for Scheduled Castes and its antecedents as well. The Hon'ble Chairman also briefed about the itinerary of the entire process of safeguarding of Scheduled Castes starting from the Constitutional drafting committee headed by Dr. Baba Sahib Ambedkar. He stated that the National Commission is entrusted with the responsibility of preparing an annual report every year and the same to be presented to the Excellency, the President of India. The Annual Report of the National Commission is placed on the table of both the Houses of Parliament i.e. the Rajya Sabha and the Lok Sabha said the Hon'ble Chairman.

The discourse that was given by the Hon'ble Chairman, National Commission for Scheduled Castes was very well received by all the participants.

The Chief Secretary to the Government of Kerala explained about the planning pattern in Kerala. The budget allocation to SCP is always commensurate with the total percentage of Scheduled Castes population which is 9.81% as per 2001 Census. After the 73rd and 74th Constitutional Amendments, Government of Kerala in 1995 transferred a substantial portion of development funds to the local governments. About 2/3rd of the allotment under Special Component Plan was being earmarked through the Local Self Governments after the devolution of powers to the Local Self Governments. The Chief Secretary stated that the 35% of the Plan expenditure was devoted to the Education Sector. Most of the responsibilities relating to human and social development have been passed down to local governments. Two third of Special Component Plan funds was given to the

local governments for the formulation and implementation of Special Component Plan. The distribution of funds to the respective local Govts. was based purely on Scheduled Caste Population said the Chief Secretary. The Chief Secretary also mentioned that in 2008-09, the plan expenditure was 94% which is an all time high as far as the Kerala State is concerned.

### ***Main points discussed in the Review***

The Commission was dissatisfied that the Action Taken Report of the last review meeting of the Government of Kerala was not received even after 3 ½ years that too even after 5 reminders to the Government of Kerala in the form of protracted correspondence from State Office of the Commission. Here it is pertinent to mention that the reply received for the last meeting was only on 10th June 2009 that too on few points only. Hon'ble Chairman requested the Government of Kerala to respond to this Constitutional Body, which is assigned to monitor the implementation of schemes meant for the weakest of the weaker sections, more promptly.

### ***Distribution of the Waste Land to the Landless***

The welfare and well being of the weakest of the weaker sections of the society, obviously being SCs and STs is measured by their holdings like housing and landed property. The Commission had raised the issue of distribution of lands to landless by recalling the land distribution study committee headed by a group of Governors for the strategies to be adopted for the distribution of waste lands.

In reply to the above queries, the Chief Secretary informed the Commission that Kerala is a small State and the quantity of land (being a forest area and the waste land) for distribution is negligible. The Chief Secretary also replied that, the Government was making all out efforts for the distribution of land wherever it was possible for housing (plot) and for cultivation.

### ***Status of Safai Karmacharis in Kerala***

The Commission raised the issue of appointment of Safai Karmacharis (Sanitation Workers) in Kerala and desired to know the number of Safai Karmacharis on the pay roll of the Government of Kerala and the wage pattern and the welfare measures taken by Government for casual workers. The Principal Secretary to the Government of Kerala stated that there was no Safai Karmacharis on the pay roll of the Government of Kerala but the Safai Karmacharis or Sanitation workers are there on the pay roll of the Municipal Corporations/ Municipalities/ Panchayats and they are paid salaries from the budget of the Municipal Corporations/ Municipalities/ Panchayats.

### ***Review on Implementation of Special Component Plan***

On perusing the data submitted by the State Government for the Xth Five Year Plan outlay and its expenditure, the Commission had expressed its displeasure as there was a wide gap between allocation and expenditure as a whole and also in few of the individual schemes under Special Component Plan. Further the Commission had opined that from the data supplied in the Questionnaire, no inference could be drawn as much of the data was very much contradictory between outlay and the expenditure.

The entire discussion with the State Government concluded that the expenditure was not at par with the outlay.

### ***Education sector***

Under Education Sector, the Hon'ble Chairman of the National Commission for Scheduled Castes noted that data provided by the Government shows only the number of SC teachers available in Government Schools without total number of teachers. From this no calculation on the percentage of teachers in the schools could be done. In addition to the above, the Commission wanted to know whether the rule of reservation is being implemented in the Aided schools in teachers' recruitment or not.

The Commission stressed the mandatory provision of reservation for Scheduled Castes wherever the funds are provided by the Government, the Aided schools fall under this category.

The Review on educational concessions and facilities extended to the Scheduled Caste candidates including the tuition reimbursement and stipend drew a special attention because, there were many complaints to the Commission in this regard.

In some educational institutions, the reimbursement of tuition fee and stipend to the Scheduled Caste candidate are not being given. To cite an example, in the Amrita Institute of Medical Sciences, the SC students who were provided with the reimbursement of tuition fee, lump sum grant and stipend etc. till 2003-2004, are not being provided the same there after. On this the Commission directed the State government to look into this, and remove the impediment so that the SC students can get the stipend and lump sum grant etc in deemed universities as well.

### ***Non availability of drinking water facility in 1692 SC colonies***

The Commission drew special attention of the state functionaries by putting forth the data on drinking water facility by further specifying that the provision of safe drinking water to the community as a whole and to SC colonies specifically, is one of the primary indicators of the development. The Commission was shocked to know that there were 1692 SC Colonies not having drinking water facility so far. The State government had appraised the Commission that there are special schemes to provide drinking water facilities to these deprived SC colonies. The Commission emphasized the need of the drinking water to hapless people and swift action in the matter.

After the discussion, the Commission desired the action taken report on the following issues in the interest of the welfare of Scheduled Castes:—

- (1) The reason for not having committee for the maintenance and hygienic conditions of the hostels and further action on this.
- (2) The State Government to provide the details of the No. of houseless SC families and steps taken on this by the Corporation, Municipalities etc.
- (3) In case it is required, to ensure the total implementation on all the schemes, the State Government may constitute a committee for Special Component Plan along with the participation of the State Office of National Commission as a special invitee to facilitate the process and the decision made on this may be intimated to Commission State Office under intimation to Commission headquarters.

On a query about the reason of mentioning Article 348, the Law Secretary replied that in pursuance of Clause (3) of Article 348 of Constitution of India, the Governor was pleased to authorize the publication in the Gazette of the translation in English language of the Kerala State Commission for the SC/ST Act, 2007. He also informed that during the visit of National Commission for Scheduled Castes in the year 2000, the commission had directed the Government of Kerala to constitute a State Commission for Scheduled Castes and Scheduled Tribes in line with National Commission for SCs./STs.

### ***Review of the implementation of SC & ST (POA) Act 1989***

Resuming the discussion on the 2nd day, the Commission raised the issue of circulars on implementation of POA Act 1989 by the Department of Home Affairs from time to time and wanted to know whether these circulars were sent to the District Magistrate/Superintendent of Police from the Director General of Police Office. The Commission further inquired about the instructions of Government of India, Ministry of Home Affairs in the form of circulars. In response to this query, the Director General of Police informed the Commission that all the cases under Atrocity were included under Section 3(1)/3(2) of an appropriate sub clause as specified in the above sections depending on the nature and extent of the atrocities. Further on a query by the Commission on the number of atrocity cases of murder and rape on Scheduled Castes, the Director General of Police informed that there were about 600 cases reported in a year.

The Commission pointed out that the police officers were not fully aware of the provisions of the SC/ST (POA) Act 1989 and therefore a large number of atrocity cases resulted in acquittals. The National Commission pointed out that there were number of cases compromised due to the retraction from the prosecution side witnesses presumably happening with the connivance of the Police Department.

Thereafter the Commission, on seeing the report on the Atrocity cases, wanted to know the reason for the expenditure under PCR (Act) when no case was reported under PCR. Further the Commission expressed its concern on the low conviction rate of atrocity cases. The Commission desired to know the reason for an increase in cases under IPC from 252 to 351 for the year 2005 to 2008. This indicates that there were cases of atrocities on Scheduled Castes, those were not being registered under SC/ST(POA) Act.



The Commission conveyed that, the State Vigilance Monitoring Committee which is highest level body, was not meeting periodically as stipulated under the POA (Rule) 1995 which mandates the meeting should be convened at least twice in a year. When the attention was drawn to the cases of untouchability in Kerala, Government of Kerala replied that there was no untouchability reported. The Commission mentioned that there is untouchability in the border States of Tamil Nadu namely Chittur Taluk of Palakkad district and some parts of Idukki District. On the same point the Commission also asked the Chairman of the State SC and ST Commission about the system of the separate burial ground for the Scheduled Castes. The State Government replied that they had no official information on this and they also asserted that there was no such separatism for Scheduled Castes.

On perusing the pending cases for investigation by the Police Department, the Commission requested the Director General of Police to come out with the reason for pendency of about 789 cases in the special Courts. The Commission also stressed the need for investigating the FIR cases as stipulated in clause 7(2) of the Atrocity Rule, 1995. The Commission desired to know about the number of pending cases for investigation referred by the State Office of the National Commission for Scheduled Castes. The Deputy Director of the State Office pointed out that, around 45 cases were pending for final report. The Chairman desired for speedy investigation and report to the State Office, Kerala on all the pending cases

On the issue of payment of financial assistance to the victims of atrocity, the Commission observed that there were discrepancies in the number of charge sheeted cases and number of cases where financial assistance was extended, meaning thereby that many cases that are charge sheeted by the Police on Atrocities, are not paid with financial assistance as the charge sheet copy did not reach to the concerned district office without which the money could not be paid to the victims.

In the endeavour of the speedy justice to the victims of atrocity, the Commission was of the strong opinion that, a few permanent special courts in 3 regions of Kerala may be constituted to try the atrocity cases only, instead of committing the cases to the same court that functions as a special court when atrocity cases comes for hearing.

Finally the case of Mr. Subramanian, aged about 42 years who was tortured by the other caste people in the form of tonsuring, was taken up by the Commission with the Home Secretary and the Director General of Police and it was informed by the officials of Government that the culprit had been arrested. The State Office of the National Commission had also visited the spot and met the victim in the presence of the Collector of Thrissur and ensured that the Atrocity Act Section 3(1)(iii) was imposed on accused and the accused not granted the bail.

### ***Review of Service Safeguards***

The State Level Review on implementation of service safeguards meant for Scheduled Castes in Government of Kerala was taken by the Commission on the basis of the answers of the Questionnaire, submitted by the Government. The Commission initiated the discussion with the issue of reservation in promotion. The Commission also pointed out that the same point that was taken up by the Commission during the last Review held on January, 2006. In response to the query, the State Government replied that the posts were filled by Special Recruitment drive. The Commission stressed the need for implementing the directions of the Government and Constitutional provisions of extending promotions up to the lowest rung of Group 'A' posts.

The Commission desired to know the mechanism/ machinery/check devices on the effective implementation of rule of Reservation. The Principal Secretary replied that on every 1st January and on every month a review is done by the Government to ensure the adequate representation of SCs. The Commission on perusing the data provided in the Questionnaire on the above point, raised the issue of mismatch of data on representation of SCs in PSUs. The data revealed the representation of SCs in all the Groups A, B and C was more than the required percentage, whereas there were about 225 short falls. This being the case, the Commission wanted to know the details of it. Thereafter the Commission drew the attention of Government of Kerala on False Caste Certificates pending in number of 244. The Commission on this, was of the opinion that the cases of false caste certificate, are being taken leniently, so as to enable them to use this for further appealing. Since there was no clarity about as on date position of 244 cases, the Commission desired to know that for how long these cases were pending and their numbers in each stage namely enquiry, show cause notice, hearing etc.

The Commission desired to know the latest position of Backlog Vacancies *vis-à-vis* data provided by the Government during the previous review in the year 2006 numbering 319. The Commission directed the Government to furnish the details of the 319 cases for further perusal of the Commission.

With regard to representation of SCs in PSUs, the Commission pointed out that the data for 28 out of 83 departments only was available as on 1.1.2007 and not as on 1.4.2009 and therefore the Commission could not comment on the issue.

## **6. State Level Review of Punjab on 16.7.2009**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice-Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member and Joint Secretary of National Commission for Scheduled Caste held a State Level Review Meeting with the Chief Secretary, DGP and other Sr. Officers of the Government of Punjab on 16-07-2009 at UT Guest House, Chandigarh.

The Chairman of the Commission gave a brief description of the origin, duties, functions and powers of the Commission and mentioned the purpose of the visit to the State of Punjab so as to monitor the status of implementation of Reservation policy, schemes and programmes meant for the welfare of SC, Status of implementation of SC/ST(POA) Act, 1989, PCR Act, 1955 and other safeguards provided to SCs under the Constitution of India.

Chairman expressed his disappointment on the reply/information supplied by the Government of Punjab against the questionnaire sent by the NCSC which was not satisfactory as many columns were left unfilled and wherever the replies were furnished, the same were either very vague or contradictory.

After this preliminary introduction, discussion on the basis of replies submitted by the Government of Punjab in the questionnaire was started one by one and the following points emerged:—

## **ATROCITIES**

### **Observation of the Commission**

1. A large number of cases registered under SC/ST(POA) Act, 1989 were closed without assigning any reasons by the police.
2. A large number of cases remain pending for investigation for long periods.
3. Rate of acquittal was very high in the cases disposed off by the Court which show the callous attitude of the prosecution.
4. State Level Vigilance & Monitoring Committee had not been constituted and therefore no monitoring at the required level was possible.
5. Relief and rehabilitation measures for the victims of atrocities were not being taken in proper and justified manner. As per Government's own admission, no relief could be provided to the victims of atrocities from 2002 to 2005 as the State Government did not earmark any funds for the purpose.
6. It was informed that Rs. 40,000/- were disbursed to freed bonded labours but on the other hand State denied that any case of bonded labour was detected.
7. Member, Punjab State Commission for Scheduled Castes brought to the notice of NCSC a case of rape victim of District Moga whose case was handled in a very shoddy manner by all the agencies.

## **Economic & Social Development**

1. Commission noted with concern that there was a huge gap of 14% between the literacy rate of SCs (56.2%) and overall literacy rate (69.6%). The literacy rate of SC girls was even poorer and an eye-opener. The State officials gave the same stereotype reasons of high drop out rate amongst girls for this low literacy rate but could not give any specific measures that were being taken by the State Government to control this problem. The Commission asked the Government to adopt both deterrent measures and persuasive action in this direction.



2. It was noted that reservation in Professional/Technical Courses was not in proportion to population percentage and even with the lesser seats, a large number of seats meant for SCs remained vacant from 2002—2008. Officers of the State Government attributed it to higher availability of seats, high fee structure and non-availability of fee re-imbursement to the students whose parents' income was more than one lakh. The Commission desired that matter should be taken up with M/o Social Justice & Empowerment, Government of India for enhancement of income ceiling.
3. The Commission noted with great concern that representations of SC Teachers was only 13% which was far below the prescribed reservation percentage and percentage of SC population of the State. Secretary, Welfare, informed that since there was a ban on recruitment and therefore, these posts remained vacant. However, the Commission informed the State Government there has never been a ban on filling up of the backlog vacancies and the Government, therefore, should initiate immediate measures in this direction.
4. It was pointed out in the meeting that books distributed to SC students in Schools were substandard in quality and even those were not provided in time. On the other hand, books distributed under Sarv Shiksha Abhiyan were of very high quality and this was the clear cut case of discrimination. Principal Secretary clarified that they were aware of the problem and corrective measures had already been put into place. Chief Secretary also assured that he will personally look into this issue and ensure that such a thing does not happen.
5. The Commission pointed out that though the population of SCs is 28% in the State but the land held by SCs is only 3%. Further, the average land holding of an SC is just 0.60 Acres which is too inadequate to manage any economic activity. Chairman desired that this may be enhanced to at least 2.5 Acres.
6. It was found that houses allotted to SCs were not in proportion of prescribed reservation and percentage of population. Secretary, Housing attributed it to non-availability of applicants from the SC category. Chairman desired to have a copy of the advertisement and details of applications received and allotments made. Chief Secretary, assured to send the details.
7. Flow of funds to SCP from Annual Plan of the State has never been upto the level of SC population percentage and the expenditure was also never 100% of Allocation. Commission desired to know the funds received from various Ministries of Government of India under SCP. There appeared to be some confusion on the issue and the State Government asked for some time to look into the whole issue and come back with the details.
8. It was noted with great concern that though this State has a number of rivers and ground water level is also not very low yet the Government of Punjab is not able to provide safe drinking water to 688 villages till date. It was informed that the State has targeted to supply safe drinking water to every village by 31-03-2012.
9. Hon'ble Chairman, during the meeting, enquired about the functioning of the Punjab State Finance & Land Development Corporation. The details were not available. Secretary, Welfare assured to send the details to the Commission.
10. Utilization of funds received from Government of India under SCA was found very low. As utilization certificate is to be given for receiving further funds, this led to non-receipt of funds from Government of India and this directly impacted the schemes for welfare of SCs. Commission urged the State Government to utilize the funds received under SCA to its fullest so that more SC persons are benefited from it. Commission also desired to have details of steps proposed by the State Government for optimum utilization of SCA.

### **Service Safeguards**

1. Percentage of reservation in services was not in proportion to percentage of SC population in the State. Commission desired that State Government should review this at appropriate level.
2. Commission enquired from the Chief Secretary, why NCSC was not consulted before passing the Bill on Reservation by the Government of Punjab. The State officials appeared ignorant of the provision

under Clause 9 of the Article 338 of Constitution wherein consultation with the NCSC has been made mandatory before taking any policy decision concerning SCs. However, they assured the Commission to keep it in mind for any further legislation.

3. On enquiry about maintenance, inspection of rosters and functioning of Chief Liaison Officer & Liaison Officer, it was informed that Welfare Department has been entrusted with the work of inspection of rosters. Commission was surprised to learn this and asked the State to designate a Senior Officer as Chief Liaison Officer at State Level and designate officers of appropriate level in all Departments and PSUs.
4. The Commission observed a huge backlog of reserved posts in the State. Secretary, Welfare informed that total ban on recruitment was the reason behind the backlog. Commission explained at length that the ban was not applicable in case of reserved vacancies and every effort should be made to clear the backlog.
5. State reported only 6 cases of false caste certificates detected so far and the same are under investigation. Commission expressed its displeasure at this inordinate delay in taking action in such cases. Commission suggested that State Government should gather information from all quarters and take timely action so that ineligible persons do not continue to avail the privileges to which they are not entitled.
6. 85th Amendment has been implemented by the Government of Punjab in the year 2005 whereas it should have been implemented from the date stipulated in the Notification. Commission desired that State Government should initiate action in this regard and action taken report be submitted to NCSC.

Summing up the discussions the Hon'ble Chairman thanked the Government of Punjab and all its officers led by Chief Secretary for their cooperation for holding the meeting and also providing the information even at the short notice. However, he expressed his concern that Punjab, though being one of the most prosperous states of the country, lagged way behind in the initiatives taken for welfare of its SC population even though they constitute more than  $\frac{1}{4}$ th of the State population. He also made a reference to the increasing incidents of atrocities in the State and directly asked DGP to ensure that some effective and deterrent steps are taken to curb this problem. He also desired to hold another meeting in near future to see what the Government has done after this interaction.

The Chief Secretary in his concluding remarks thanked the Commission for its valuable guidance and suggestions and assured that the State Government was committed to the well being and welfare of its weaker sections and whatever shortcomings or lacunae have been brought out by the Commission would be taken care of in a very prompt and time bound manner.

## **7. State level review of Himachal Pradesh on 20-21 July, 2009**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice-Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member and Joint Secretary conducted the state level review of Himachal Pradesh on 20-21 July, 2009.

At the start of the meeting, Smt. Sarveen Choudhary, Hon'ble Minister of Social Justice & Empowerment, Himachal Pradesh extended a warm welcome to the delegation of NCSC and gave an overview of various schemes implemented by the HP Government for the welfare of SCs and various measures and steps initiated by the Government for upliftment of SCs in the State. She mentioned that the HP is a comparatively peaceful State where people live in harmony and there are no major problems concerning any community.

After this, the Addl. Chief Secretary, Himachal Pradesh welcomed the delegation and mentioned that they look upon the Commission to further guide them and give suggestions so that the Government can further improve upon its performance regarding welfare of SCs.

After this, the Hon'ble Chairman started the formal review with the discussion on the Economic & Social Sector with reference to the replies provided by the State Government on these issues. However, he pointed out that the information which was asked sometime in February, 2008 was made available to the Commission only one day prior to the Review Meeting thereby leaving no time to study the same in detail. However, what was evident after a cursory reading of the reply was that the Government of Himachal Pradesh was not very pro-active on the matter of SC welfare.

It was informed by the officials that the funds under SCP which till 2007-2008 were between 9% to 11% which has now been enhanced to 25% in proportion to the SC population of the State. Though the Chairman appreciated this development, he noticed with concern the fact that the Government had not been able to spend the total earmarked funds on the schemes meant for SCs and desired that the State Government shall make concerted efforts in this direction.

It was further noticed by the Commission that information provided on many issues e.g. drinking water facilities, irrigation of SC lands, land alienation etc. was inadequate and vague due to which the Commission could not reach to any conclusion. The officials assured to provide the information in a detailed manner within a month's time.

The Hon'ble Chairman further pointed out that the set targets under Indira Avas Yojana (IAY) have also not been achieved and desired that the Government should take some effective steps to ensure that the SCs in the State are provided with a house under IAY Scheme.

It was informed that a study in the District of Mandi was being conducted regarding impact of SCA. The Commission desired to have a copy of the study report when completed and also asked the Government to carry out more such studies and surveys to assess the impact of various schemes initiated for the welfare of SCs.

In the field of education, it was noted with concern that the literacy rate of SCs, especially the girls, was not very encouraging and more steps need to be taken in this direction. The Commission desired to put in place both the persuasive as well as deterrent measures so that maximum no. of children were encouraged to go to schools and to reduce drop out.

Another very important point noted by the Commission was regarding no. of seats reserved for SCs in the Professional Institutions which was only 15% while the SC population of the State is 25%. The Government was told in very strict terms to rectify its policy on this issue. The Commission also desired the State Government should conduct a study on the working of SC Hostels in the State so that whatever be the shortcomings of the system, can come to light and corrective measures taken to make them better and more fruitful.

Taking up the Atrocities issues, the Hon'ble Chairman observed that the data provided by the State was inadequate and also full of discrepancies as there were wide disparities between the data of State Government and the one provided by the NCRB. In addition the following points also emerged.

1. The State Level Vigilance & Monitoring Committee was defunct and no meetings had taken place for the last 2-3 years.
2. A large no. of cases were pending even after considerable time and the police probably was not serious about the SC/ST (POA) Act and its proper implementation.
3. Conviction rate was too low and many times compromises were reached out of the Court which was not desirable.
4. State Government was totally unaware of the problem of Bonded Labour and had no data on the issue.
5. Although atrocities were on the increase, the Government had not initiated any measures to put a stop to the atrocities.

### **Rule of Reservation**

Taking up the Service Sector, the Commission noted with concern the following points.

1. The reservation in various Government/Pvt. organisations or PSUs was not as per the population percentage of the State which was violative of the various provisions of the Constitution as also the directives of the Central Government
2. Rosters were neither maintained properly nor checked or verified by the various functionaries.
3. There was no mechanism of Chief Liaison Officer or Liaison Officer in the State.



4. There was a high backlog both in the State Government as also in its PSUs. The No. of SC teachers in the Education was a mere 8% which needs to be enhanced without any delay.
5. 85th Amendment has not been implemented to date and Government has not taken any effective steps to get the Court Stay vacated.
6. Although it is understood that there was a large No. of people working on bogus Caste Certificate, the State Government was totally unaware of the problem and did not have any data on the same.

Summing up the discussions, the Hon'ble Chairman pointed out that the Commission was disappointed over the lack of preparedness of the officers of the HP Government as they could not reply to many of the queries of the Commission. He also mentioned that although the officials maintain that H.P. is an Atrocity free area, the facts show otherwise as he has been told that many times the SCs are forced to alight from the State run buses in the far-flung and higher regions of the State which is unheard of anywhere and highly deplorable. The Hon'ble Chairman called upon the officers to rise to the occasion and ensure that no efforts are spared to take the benefits of various schemes to the grass root level and ensure that such a large chunk of the population becomes an integrated part of the mainstream.

Beside these issues the following issues were also discussed with the Government of Himachal Pradesh.

1. The SC families were deprived from their land at Karsaug, District Mandi, Himachal Pradesh at the time of commencement of Cement Plant. No compensation and alternative plots were given to the SC families. In this regard, Chairman desired that a detailed report on the action taken in the matter be sent to the NCSC.
2. It was brought to the notice of the Commission that a SC lady namely Lata Bahin was stopped to enter in a temple near Ponta Sahib. Commission took it very seriously and stated that it is a case of caste discrimination/ untouchability. The action should be taken against the concerned people and a detailed report should be sent to the NCSC in the matter.
3. A case of removal of Tea Stall of SC at Kolar, Tehsil Tonta Sahib, District Sirmour, Himachal Pradesh has come to the notice of the Commission during the meeting with the SC people. The Commission desired that Additional Chief Secretary look into the matter personally. It was also desired that a detailed report in the matter be sent to the Commission within 15 days.
4. It was brought to the notice of the Commission that more than 50 years old Balmiki Basti at Krishna Nagar, Shimla was being demolished by the Government of Himachal Pradesh. No ownership has been provided to them although they are living for the last 50 years. In this connection, Commission desired that ownership rights should be given to the residence of the Balmiki Bastis.
5. It was also brought to the notice of the Commission that SC people were deprived to board in the buses in the Himachal Pradesh. In this connection Commission asked the Additional Chief Secretary to explain the issue, Additional Chief Secretary assured that she will examine the issue. She was asked to send a report in the matter within 15 days.

The Addl. Chief Secretary, Government of Himachal Pradesh, Smt. Parminder Mathur thanked the Commission for its valuable suggestions and fruitful discussions and assured the Commission that all efforts would be made to ensure that the issue of SC Welfare remains on the top priority of Government Agenda and that the Government of Himachal Pradesh would spare no efforts to ensure that the marginalized sections of the society are brought into the mainstream with the pro-active approach of the Government.

#### **8. State Review of Orissa by Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice-Chairman, Smt. Satya Bahin, Member, Shri Mrutyunjay Nayak Member, Shri Mahendra Boddh, Member and Senior Officers of the Commission on 7.10.09.**

Dr. Buta Singh, Hon'ble Chairman of the Commission introduced himself and other Members with the MPs/MLAs/Ex-MPs/Ex-MLAs/NGOs representatives present in the meeting. The Chairman explained the activities/functions of the Commission as well as the provision provided for the SC people in the Constitution of India.

He also wanted to know from the Members present in the meeting whether adequate steps have been undertaken by the State Government on untouchability. He requested to the Members to explain if they are satisfied with the various policies / programmes undertaken by the State Government, and its implementation. The solution/suggestions were also sought by the Commission to overcome the problems/situations faced by the SC people of Orissa.

Altogether 40 MPs/MLAs/Ex-MPs/Ex-MLAs and 18 representatives of various Associations were present in the meeting. Among them, Shri Sanatan Bist, Ex-Minister demanded that the Constitution of India be translated in Oriya so that common people may be aware of the Constitutional provisions for the SC people. He stated that Poverty Alleviation Programme has not been included in the Annual Report published by Orissa Government. He also demanded for separation of SC/ST population from General Caste people in the Swarna Jayanti Rojgar Yojana.

Shri Rabinda Nath Behera, Ex-MLA demanded that poverty in Orissa should be tackled by adopting special schemes.

Shri A. Behera, Ex-MLA stated that besides acute problem of poverty, Child Labour engagement is a serious problem who are not paid any remuneration except food.

Shri Debraj Seth, Ex-MLA mentioned that un-employed SC youths are not getting service as per prescribed quota (16.53%) of reservation. In State Government offices, even reservation rosters are not maintained. Reservation policy/rules are not maintained either in appointment or in promotion.

Shri Anchal Das, Ex-MP stated that implementation of welfare schemes meant for SC people is far below from any other States of the country. He also mentioned that at 5 the District level, no District Magistrate or Collector belong to SC category. In the key positions of the State Government very few SC incumbents are posted as a result due to caste feelings, SC people are neglected in all respects. The scholarships/stipend to SC students are not disbursed in time. Shri Niranjana Jena, MLA mentioned about enhancement of amount of scholarship/stipend for SC students. ITI pass out students should be engaged in local private industries. Creamy layer of SC beneficiaries should be separated and only poor SC people should be taken into account for providing benefits.

The other MPs/MLAs/ EX-MPs/Ex-MLAs also cited about various problems faced by SC people in Orissa. A issue of serious nature came up during discussion i.e. untouchability in various rural areas. In many places, SC people are not allowed to fetch drinking water from tube wells which are used by upper caste people. The ghats of ponds used by caste Hindus are not allowed to SC people to use. In many temples, SC people are not allowed to enter into the Garva Griha. Besides untouchability, discussions about the serious issue of atrocity came up. A number of Members present in the meeting stated about the atrocities are committed on the SC people. Police authorities or District Administration oftenly willingly avoid to register the atrocity cases. After much persuasion from NGOs etc., if the cases are registered at all, the same are not charge sheeted or cannot see the face of law. As a result accused are moving around openly and cannot be convicted. The cases of atrocities are increasing day-by-day. Formality of atrocity cases are not being completed within prescribed time limit. Shri Haladhar Sathy, President of SC/ST Youth Students Council submitted data-wise information about the high percentage of atrocity occurred in Orissa. It seems that about 150 atrocity cases are occurred in each month in Orissa as per present statistics. The representatives of the other Associations also explained about various problems of SC people viz. untouchability, service safeguards, atrocities, inadequate staff in Primary Schools, no SC students hostels including engagement of poor SC Youth in rural movement.

The Chairman assured the Members present to raise these serious issues in the scheduled meeting with the State Government.

As per the scheduled programmes, the meeting with the Chief Secretary, Home Secretary, D.G. Police and other departmental Secretaries started at about 11.45 Hrs. on 07-10-2009.

The Hon'ble Minister Shri Bijoy Ranjan Singh Basiho, ST/SC Development Department welcomed the Commission in the State. He narrated the welfare activities of his department in the State.

The Chairman of the Commission noticed that the Chief Secretary, the Principal Secretary of the ST/SC Development Department are absent in the meeting. The Commission took the matter very seriously. He declined



to continue the meeting, which he mentioned, will be useless. The Commissioner-Cum-Secretary of the ST/SC Development Deptt. mentioned that the Principal Secretary of the Department is in a training programme at Ahmedabad. So he is unable to attend the meeting. The Chairman asked the officers present to hold the meeting next day, i.e., on 08-10-2009 at 11.00 Hrs., where the Chief Secretary must be present.

On 08-10-2009 the meeting with the Chief Secretary, Home Secretary, Commissioner, ST/SC Development Department and other Principal Secretaries / Secretaries, D.G., I.G. (Law & Order) and other Senior Officers took place.

The Minister in-Charge of ST/SC Development Deptt. introduced the Commission with the Officers present in the meeting

The Chairman mentioned that the National Commission for Scheduled Castes sent a questionnaire to the Government of Orissa in 2007 and requested for reply along with filled in questionnaire which the Government submitted only during the visit of the Commission. The same is also incomplete providing insufficient / wrong information. The State Government was not able to provide satisfactory answers on the queries raised by the Commission on the implementation of service safeguards, developmental activities and also on atrocity matters.

It was noticed that in regard to Development activities in the 11th Five Year Plan, the SCP outlay was proportionate as per SC population of the State but expenditure was incurred less than the flow of funds to SCP. The flow of SCA to SCP is adequate but every year the part of expenditure is less than the flow. No information was provided regarding implementation of Centrally Sponsored Schemes. The Government has not earmarked the quantum of funds particularly in the Draught Prone Area Programme, Panchayat, Handloom, Rural Development and Industry & Minerals Sectors. During the discussion and the information provided by the State Government. It was revealed that reservation is not maintained in admission in different educational institutions on the basis of percentage of SC population. The representation of SC teachers in Primary and Secondary Schools is only 8.71% whereas the percentage should be at least 16.53%. It was also observed that there is huge percentage of drop out among SC students in Primary level as well as in Secondary level about 70%.

In regard to providing safe drinking water, it was revealed that at the end of 2009 about 1137 SC dominated habitations are devoid of safe drinking water.

After analyzing the information/data provided by the Government of Orissa, it has been found that the prescribed quota of reservation is 16.25% for SCs in direct recruitment and in promotion up to Junior Class-I level but in Orissa the reservation is maintained as 15% for SC and not 16.25% as mentioned.

In a point of reply it is informed that the State Government is following the circular of the erstwhile Tribal and Rural Development Deptt. (now ST & SC Development Department) which was published long back in 1969. The State Government has promulgated the Orissa Reservation of Vacancies Act. in Posts and Services in 1975. In this Act, it is clearly mentioned that in each department, a Liaison Officer, not below the rank of Under Secretary shall be responsible for proper implementation of the provisions including annual inspection of rosters. There is a Standing Committee constituting the Minister of ST & SC Development Department as Chairman, Chief Secretary, Home Secretary, Principal Secretary of ST & SC Development Deptt. and five SC MLAs. That Committee is supposed to prepare a report on the working of this Act. and the same should be submitted before the Legislative Assembly. In spite of having all these machineries to check the proper implementation of reservation policy, the State Government. has not been able to furnish neither the number of SC employees working in the State Government Offices/State Government Undertakings/Autonomous Bodies. Even after expiry of 12 years since inception of Post-Based Roster, the same has not been prepared. The State Government. was not able to provide information on backlog/short fall vacancies in Grade "A", "B", "C" & "D" categories in the State Government/Undertakings/Municipal Bodies.

It is gathered that the State Government has an impression that since there is a ban on new recruitment, Special Recruitment Drive need not be undertaken. The Chairman cleared the doubts of the State Government and informed that there is no ban on filling-up of backlog vacancies.

In another point of reply it was found that in spite of provisions in the ORV Act. regarding punishment to the Officers violating the reservation policy, no action has ever been taken in this regard. In regard to false/fake caste certificate, out of 550 cases only 100 cases are stated to be finalized. But there is no clear information

that whether the certificates have been cancelled or any erring officials have been punished as per provisions in the ORV Act.

During the discussion in the meeting, in regard to atrocity matter in the State, it is seriously observed that the number of atrocities on SC people are increasing day-by-day. The increasing trend of atrocities proves that the atrocity matter are not being dealt seriously by the State Level DIG, District Level S.P. or Circle Level C.I. or OIC of P.S. level. Even the cases are not been investigated properly and in time as per SC/ST (POA) Act., 1989. The State Government. failed to initiated any action against any Police Officers u/s 4 of the SC/ST POA Act., 1989 who are responsible for default on their part for suppressing the atrocity cases. From the information provided by the State Government. it is observed that the rate of conviction is very negligible although the acquitted rate is very high. Up to the end of 2008, the number of progressive pending cases are 6389 (98.77%). The reasons for slow disposal of the cases could not be answered by the DGP. It reveals from the data provided that at least 888 SC victims have not been provided monetary relief in spite of the prescribed time limit mentioned in the SC/ST (POA) Act. The reason for the same could not be cleared by the police authorities. From the information / data provided by the police administration it is revealed that the State Government. monitoring agency is miserably failed to control atrocity matters. The Government has never tried to find out the crux of the problem. It was further noticed that the State Level Vigilance and Monitoring Committee under the Chairmanship of the Chief Minister has been set up but the atrocity cases are not curved out at all rather it is increasing year after year.

At the end of the discussion, the Chairman of the Commission requested the State Government authorities to effectively look into the development matters as well as the service safeguards provided to SC people as per provision of the Constitution of India.

In regard to atrocity matter in particular, the Chairman advised the State Government to apply thought for setting up of Special Court in those Districts where number of atrocity cases are reported high. Public Prosecutors may be appointed from Senior Advocates belonging to SC community to deal the cases more effectively. Police Stations meant for SC people can also be set up in SC inhabited areas. The Government should find out the root cause of atrocities to control the sensitive problems.

## REVIEW OF GOVERNMENT ORGANISATIONS

### 1. Review of Baroda Rajasthan Gramin Bank, Ajmer on 12.3.08

Dr. Buta Singh, Chairman of the National Commission for Scheduled Castes had taken a review meeting of Baroda Rajasthan Gramin Bank, Ajmer on 12.3.08 with the Chairman of the Bank at Headquarters of the Commission. The Chairman of the bank briefed the Commission about the achievement of the bank and intimated that the bank was established on 3.2.2006 after the amalgamation of 5 regional Gramin Banks and is sponsored by the Bank of Baroda. The Baroda Rajasthan Gramin Bank has 450 branches spread over 13 districts of Rajasthan and catering to the financial needs to all sectors especially marginal farmers in rural area and making the profit for last two years.

The NCSC observed that the Gramin Bank did not send the follow up action of the meeting held on 17.6.2006. No recruitment has been made after 1991. The position of SC in the post of Group D is less than 7%. It was observed that the bank should have excluded the safai karamcharis from the subordinate staff while calculating SC staff percentage. If the safai karamcharis are excluded the percentage of sub staff further falls down.

While checking the rosters maintained for various posts in the bank, it was noticed that the rosters were prepared recently and the SC persons who were recruited or promoted on their own merit were shown against the reserved point whereas as per Government of India orders these employees should be shown against general quota. Therefore the Commission ordered the bank management that they should recast the reservation roster as per rules.

The Chairman of the bank intimated that due to ban on recruitment the backlog vacancies could not be filled. It was also informed that bank was going to fill up 128 vacancies for the post of grade II to grade III by promotion. The candidates from grade I to grade II could not be promoted due to litigation. It was also intimated that Aggarwal Committee had reported that there was surplus staff in the bank.

The Commission asked for the reservation policy of NABARD to examine it at the Commission. The Commission observed that this issue will also be discussed with the NABARD and leading banks.

The Commission further observed that the bank management has been harassing the SC/ST employees/officers and mentioned a few cases of harassment. The Commission suggested that a meeting may be held with the SC/ST employees association by the bank to resolve their grievances and detailed report may be sent to the Commission.

Regarding appointment of Chief Liaison Officer the Commission had suggested that as per Government orders the CLO should be of the level of Deputy Secretary to the Government of India.

### 2. Review of NOIDA on 10.6.08

Dr. Buta Singh, Chairman, Smt. Satya Bahin, Member and Shri Mahendra Boddh, Member of National Commission for Scheduled Castes conducted a review of the reservation policy being implemented in the New Okhla Development Authority in a meeting held on 10.6.08. The CEO, NOIDA welcomed the Commission and apprised about the policies and programmes of the Authority. The Commission gave information about its role and functions and safeguards for SCs. It also mentioned the complaints relating to service matters of the officers and employees of the authority and important decisions taken in the Commission's meeting on some points relevant to the authority. The Commission had taken the service grievances of SC officers/employees seriously and the authority had not implemented the constitutional provisions in a proper manner. Commission referred the decisions taken in the review meeting held on 1.1.2000 and expressed displeasure for not taking follow up action thereon. The Commission emphasized that officers of the authority be careful for urgent implementation



of all the points. The Commission invited the attention of the officers of the authority to the issues of the following employees and had a discussion with them:—

- (i) Smt. Bimla Devi was appointed as a data entry operator in 1990 on contract basis, though her selection was against an advertised post in the special recruitment drive. She was regularized in the year 1992. The post of EDP Assistant was declared dying in order to keep her away from getting promotion in the said post. The employees of the concerned cadre were demanding that DEO should be promoted as EDP Assistant against the vacancies since 1993. The CEO of the authority assured that he will take necessary action at his level in the matter.
- (ii) S/Shri Jagdish Babu and four others' cases were pending in the Commission and the case were discussed in this meeting. The DPC recommended their promotion in a meeting held on 5.7.06 but the management had not issued their promotion orders till then. These employees were not given the benefits of UP Government instructions issued on 10.3.06 wherein it was provided that 50% reservation can be given in the length of service of the employees for further promotions. The CEO of the authority assured that he will take necessary action at his level and will inform the Commission about action taken.
- (iii) The Commission observed that the authority had deliberately twisted the rules with the motive not to give promotion to the above said SC employees though the recruitment and promotion rules were clear about this. The Chairman viewed it seriously and instructed the CEO of the authority to look into these issues at his own level.

There was ban on the recruitment/promotion policy, 2005 of the authority. Therefore, no direct recruitment could be done during three years. During the year 2008, special drive was launched under which recruitment was made for 25 group C posts of which 13 candidates were from SC category and out of 22 group D recruits 7 candidates belong to SC.

The authority had constituted a permanent committee for the redressal of the service grievances of the officers/employees. However, the Commission found that SC candidates were frequently visiting the Commission due to not getting redressal by the NOIDA. It appears that the SC employees were not getting justice by the authority. The CEO of the authority informed that he will see the complaints of SCs with sincerity.

It was informed by the authority that General Manager of the Personnel Deptt. has been nominated as Liaison Officer for SC/ST. The petitioner requested that Liaison Officer should be changed. The CEO was advised that Liaison Officer should be nominated in accordance with the instructions of DoPT so that reservation policy is implemented properly by the authority.

It was brought to the notice of the Commission that S/Shri Ramveer Sharma, Junior Accountant and Rajesh Kumar Sharma, Asstt. Law Officer working in the Personnel Deptt. were prejudiced against the SC employees and working against the interests of SCs. The petitioner asked why these two persons were posted in the Personnel Deptt.

In pursuance of declaration by the Hon'ble Chief Minister of UP, 54 villages were being developed on the basis of sectors under which facilities of drainage, sewer, water and light were being ensured. The Commission found that there was no reservation for SCs in the allocation under NOIDA which was seriously viewed and CEO was asked to offer his comments thereon. The CEO should write to the State Government about the non-implementation of reservation instructions in the allocations of the authority.

The review meeting was postponed under further intimation for want of full facts on the related subject/ issues.

### **3. Review of Steel Authority of India Ltd on 1.9.08**

Dr. Buta Singh, Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member and Joint Secretary conducted a review of the implementation of reservation policy in the Steel Authority of India Ltd. on 1.9.08.

The Commission noted the absence of the CMD, SAIL in the meeting despite advance notice and desired that the CMD ought to have the courtesy of taking his approval for not attending this meeting. It was informed that the CMD, SAIL had been called by the Minister of Steel for meeting regarding Bihar flood situation.

of all the points. The Commission invited the attention of the officers of the authority to the issues of the following employees and had a discussion with them:—

- (i) Smt. Bimla Devi was appointed as a data entry operator in 1990 on contract basis, though her selection was against an advertised post in the special recruitment drive. She was regularized in the year 1992. The post of EDP Assistant was declared dying in order to keep her away from getting promotion in the said post. The employees of the concerned cadre were demanding that DEO should be promoted as EDP Assistant against the vacancies since 1993. The CEO of the authority assured that he will take necessary action at his level in the matter.
- (ii) S/Shri Jagdish Babu and four others' cases were pending in the Commission and the case were discussed in this meeting. The DPC recommended their promotion in a meeting held on 5.7.06 but the management had not issued their promotion orders till then. These employees were not given the benefits of UP Government instructions issued on 10.3.06 wherein it was provided that 50% reservation can be given in the length of service of the employees for further promotions. The CEO of the authority assured that he will take necessary action at his level and will inform the Commission about action taken.
- (iii) The Commission observed that the authority had deliberately twisted the rules with the motive not to give promotion to the above said SC employees though the recruitment and promotion rules were clear about this. The Chairman viewed it seriously and instructed the CEO of the authority to look into these issues at his own level.

There was ban on the recruitment/promotion policy, 2005 of the authority. Therefore, no direct recruitment could be done during three years. During the year 2008, special drive was launched under which recruitment was made for 25 group C posts of which 13 candidates were from SC category and out of 22 group D recruits 7 candidates belong to SC.

The authority had constituted a permanent committee for the redressal of the service grievances of the officers/employees. However, the Commission found that SC candidates were frequently visiting the Commission due to not getting redressal by the NOIDA. It appears that the SC employees were not getting justice by the authority. The CEO of the authority informed that he will see the complaints of SCs with sincerity.

It was informed by the authority that General Manager of the Personnel Deptt. has been nominated as Liaison Officer for SC/ST. The petitioner requested that Liaison Officer should be changed. The CEO was advised that Liaison Officer should be nominated in accordance with the instructions of DoPT so that reservation policy is implemented properly by the authority.

It was brought to the notice of the Commission that S/Shri Ramveer Sharma, Junior Accountant and Rajesh Kumar Sharma, Asstt. Law Officer working in the Personnel Deptt. were prejudiced against the SC employees and working against the interests of SCs. The petitioner asked why these two persons were posted in the Personnel Deptt.

In pursuance of declaration by the Hon'ble Chief Minister of UP, 54 villages were being developed on the basis of sectors under which facilities of drainage, sewer, water and light were being ensured. The Commission found that there was no reservation for SCs in the allocation under NOIDA which was seriously viewed and CEO was asked to offer his comments thereon. The CEO should write to the State Government about the non-implementation of reservation instructions in the allocations of the authority.

The review meeting was postponed under further intimation for want of full facts on the related subject/ issues.

### **3. Review of Steel Authority of India Ltd on 1.9.08**

Dr. Buta Singh, Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member and Joint Secretary conducted a review of the implementation of reservation policy in the Steel Authority of India Ltd. on 1.9.08.

The Commission noted the absence of the CMD, SAIL in the meeting despite advance notice and desired that the CMD ought to have the courtesy of taking his approval for not attending this meeting. It was informed that the CMD, SAIL had been called by the Minister of Steel for meeting regarding Bihar flood situation.



Nevertheless, the Commission expressed its displeasure about the lackadaisical attitude of the CMD, SAIL for not giving any intimation even telephonically to the Secretariat/ office of Chairman and desired that the CMD may be advised not to repeat this in future.

The Commission pointed out that SAIL had dereserved a large number of reserved posts in promotion i.e. 222, 248 and 179 for the year 2005, 2006 and 2007 respectively which is very serious issue. It was explained that SAIL has gone beyond the three times to fill up the reserved posts and made all the efforts to fill up the reserved posts. The Commission asked for the details of efforts made to fill up the reserved posts and details about dereservation of reserved posts. The Commission further desired that the plant-wise and post-wise details of dereservation made by the SAIL may be submitted to the Commission at the earliest. The copies of the advertisements to fill up the various posts where reservation is applicable should also be sent to the NCSC as these advertisements should clearly mention all the relaxation/concessions provided to the SC/ST candidates.

The Commission observed that there has been an impact in reduction of vacancies in officers cadre as per post-based roster. The overall representation of SCs was 13.19%, 12.23%, 16.64% and 73.83% in Group A,B,C and C (SK) in SAIL. It was pointed out that the number of SC candidates who were appointed on their own merit should not be shown against the reserved posts. NCSC observed that details of the SC candidates who were appointed on their own merit should be provided.

It was reported by the SAIL management that out of 16 cases of false caste certificates 12 employees were dismissed from service and four cases were in the court. The Commission desired the details of the cases of false caste certificates of SCs. It was noticed that there is only a para about the implementation of reservation policy in the Annual Report of the Company. The Commission advised that there should be separate chapter on implementation of reservation policy for SCs/STs and other socio-economic development schemes implemented by the company in the Annual Report which shows the overall development of SCs.

During the presentation, it was intimated that the company run schools at various plants of the SAIL and do not charge any tuition fees from SC/ST students of both employees and non-employees wards since 2007-08 and SAIL awards 432 scholarships every year to deserving students. 132 scholarships are awarded to SC/ST students up to 12th standard. The Commission appreciated the schemes of 'free education' to the deserving SC students and advised the management to prepare schemes under which the scholarship may be provided to the deserving SC students for higher education like professional courses also. The management assured to look into the matter.

The company was asked about the schemes of outsourcing. It was reported that only security personnel at corporate office have been appointed on outsourcing basis and payment was given through bank only. It was pointed out that CMO Kolkata plant had not conducted the quarterly meeting with the SC/ST Federation and rosters were not shown to the federation. The Commission advised them to show the rosters to the federation and regular meetings should be conducted to resolve the grievances of the SC/ST employees.

It was pointed out that only 5% to 10% SCs were sent for foreign training in the executive grade during last three years. The Commission advised that more number of SC officers should be sent abroad for training.

#### **4. Review of Deptt. of Atomic Energy & BARC, Mumbai on 28.11.08**

The review of the Bhabha Atomic Research Centre (BARC) was carried out by Prof.N.M. Kamble, Vice-chairman of the National Commission of the Scheduled Castes, on 28/11/2008 at BARC Mumbai.

During the review, it was revealed that, the Dept. of Atomic energy & BARC has been running a Training School which has been exempted from the purview of reservation, by a M.H.A notification which is more than 04 decades old. Using this notification in supercession of the constitutional provisions, they have clearly manipulated to ensure that, the entire DAE' induction of man power is kept out of the purview of reservation. This training School was formed during the days of Independence under the aegis of Dr. Bhabha for recruiting the Scientific and Technical personnel purely for atomic energy related research work. Thus it was exempted from the purview of reservation in 1963. This notification has been cleverly used by the DAE & BARC to ensure that, SC/ST never ever entered into this field and even contribute, in spite of their tremendous development in the past 60 years after Independence.

1. At the time of its inception, this Technical School was exempted from the purview of the reservation vide a M.H.A O.M No. 9/2/63-SCT(1) dated 2<sup>nd</sup> November 1963 and 17<sup>th</sup> July 1964 read with 9/2/63-SCT(1) dated 6th October 1969. The entire purview of these orders were on the grounds that the Scientific and Technical Posts required for **conducting, guiding and directing research, in the field of Atomic energy ought to be exempted** from orders relating to reservation for Scheduled Castes & Scheduled Tribes.
2. Subsequently the DoPT vide its Memorandum No. Dept. of. Per, A.R. O.M. No 9/2/73-Est. (SCT) dated 23/6/1975 directed that all the departments to review the list of Scientific and Technical posts under their control which are exempted from the purview of orders relating to exemption of SC/ST reservations. It prescribed that these posts should be in Grades above the lowest grade of Class-I of service concerned. They should be classified as Scientific & Technical. **These posts must be only for conducting research or for organizing, guiding and directing research.** It also clearly mentioned that, the exemption so granted from the purview of reservation to these Scientific & Technical posts up to inclusive of the lowest rung of the Class-I should be treated as Cancelled with immediate effect. Reservation for SC/ST's had to be provided to them in these posts with immediate effect. Reserved posts had to advertised only once and in the event of non availability of candidates then the posts be treated as dereserved even without the formal approval of the concerned administrative machinery. However the National Commission for SC/ST should be informed of the dereservation made together with the details and reasons necessitating dereservation.
3. **The said decision shall not be made applicable in regard to the Recruitment of Trainees to the Training School under the Department of Atomic energy.**
4. While the above memorandum exempted the Scientific & Technical Posts meant for **organizing, guiding & conducting scientific research only** from the purview of reservation the training School of the Atomic Energy & BARC used this office memorandum for suppressing the SC/ST's development very cleverly. The Training School approximately recruits 180 -200 students in a year.
5. The DAE cleverly hoodwinked the reservation procedures by appointing these trained persons in the technical fields. Infact, these students were placed in many of the Departments like, Department of Purchase and procurement, which has no relation with Scientific Research, Directorate of Construction & Estate Management, a pure Civil work as like CPWD or even MES, or running of the Heavy water Plants. These jobs are in no way different from the so called pure Technical engineering jobs that, any ordinary Engineer from any reputed institutions like NIT or IIT with training for a specified period automatically does so, with certain specialization.
6. Apart from using these persons trained from these schools which were meant for exclusive Scientific Research, the DAE not only used them in the Maintenance of Estates and Civil construction as referred above, but started deploying them in the Power plants run by the Nuclear Power Corporation of India Limited (NPCIL). Outwardly it may look like that these individuals are professionals trained in nuclear and atomic energy related fields. Thus justifying them to be put in these plants. But in this regard, the M.H.A memorandum which was framed in the year 1969 gave an exemption to these trainees only for **conducting, Guiding & organizing Research. It no way gave a clean chit to DAE or BARC to put these people in routine Technical Job. Infact the running of these plants has absolutely no role in the so called scientific Research in the atomic energy Fields.**
7. In fact the nature of work is more or less similar to that of an Engineer of National Thermal Power Corporation, (NTPC) or an engineer in an NHPC with certain specific training in the related field which they too undergo as a trainee or even as a probationer. In fact these persons run a bigger thermal or a Hydro power plant after a proper training. But here the purview of reservation is applicable. Infact with certain specialized training any IITan or an Engineer from a reputed college will and can do these job. **Thus in the garb of Scientific Research these institutions have cleverly circumvented the reservation, and has slowly and steadily positioned the entire class of people in all the NPCIL Plants, which has nothing to do with Guiding, organizing or even conducting research.**
8. Further the Commission had also noted the scenario in which these exemption orders were given i.e. 1963 & 1964 nearly 04 decades back. Since then the SC community with its own resilience and



assistance given by the government has risen up to the occasion. Even the Cryogenic Engine, so made by the ISRO is a contribution of a SC and alumni of IIT Mumbai.

9. Further with the advent of the 123 agreement and with the expansion of bilateral agreements, the field of Nuclear energy in the Nuclear power plants are being exponentially increased day by day. In all these plants, if BARC technical School trainees are going to be appointed on the basis of an order which is more than 04 decades old. Further this order is also under the garb of exemption of reservation in the name of **organizing, conducting & guiding scientific research**. In fact, in none of the NPCIL plants no such activities will never ever occur. This proves a clever manipulation by the BARC & DAE, based on an archaic rule.
10. While at one side, the above archaic rule of 04 decades old is ensuring that SC/ST's do not get their due in spite of constitutional safe guards, BARC also ensures that, while conducting the selection process to the above elite school, **they do not even put a SC/ST officer in the panel for the Interview board**. Infact this is in clear violation of the DOPT instructions. While reviewing the same by NCSC, the argument that had been advanced, by DAE & BARC was that, since the Training School are exempted from the purview of reservation, there is no need to include them. Infact this is a sheer misinterpretation of the rule. The purpose of the DOPT to include an officer from SC/ST was to ensure that, there is no discrimination to the SC/ST' candidate during the course of interview. **Even this basic fundamental requirement had been given a go bye by the BARC.**
11. While at one side the training school became the pinnacle of cutting the entire career plans of SC/ST's in the field of Atomic energy, it did not stop there. The DAE went ahead and has opened an **Institutions of Excellence** under the *Central Educational Institutions (Reservations in Admission) Act 2006*. Under the said Act, they opened a **Homi Bhabha National Institute (HBNI)** at BARC itself having 10 associated institutions under its control. As usual, these institutions were also exempted from the purview of reservation.
12. Incidentally while making such exemption neither the DAE nor the BARC had taken any exemption or even concurrence from the NCSC or even the NCST. Thus even the Constitutional provisions were given a go bye. In fact under the constitutional law, this is an institution which by an executive instruction, which is more than 04 decades old, could override article 338 (9) of the constitution of mandatory consultation and thus even hoodwink 02 constitutional Commissions. All these are happening at a back drop while the premier institutions like IIT and IIM's even National Laboratories of repute like CSIR, National Chemical Laboratory, National Institute of Virology Centre for Cellular Molecular Biology and even Indian Institute of Science are following, the principles of reservation in the induction grade for Grade -1 as scientist and use them only for Scientific research.
13. The National Commission for Scheduled Castes strongly abhors the act of DAE and also that of BARC which had adopted a policy to hoodwink the rules in contravention of provisions of the Constitution.

## 5. Review of the Banaras Hindu University, Varanasi on 11.12.08

Dr. Buta Singh, Chairman and Prof. N.M. Kamble, Vice Chairman, National Commission for Scheduled Castes conducted a review meeting of the reservation policy implemented in the Banaras Hindu University on 11.12.08. The review meeting was held with the Vice-Chancellor, BHU and senior functionaries of the university.

When asked about the nomination of representatives of any SC member in the Executive Council, it was informed by the VC, BHU that the member of the Executive Council are nominated by the President of India and the University was not aware whether any of them belonged to SC category. The commission suggested that they may approach the higher authority for inclusion of member belonging to SC category on the recommendation of the NCSC.

It was pointed out that in BHU not a single Reader and Professor has been appointed from SC category and even percentage of the lectures was less than prescribed percentage of reservation provided to the persons belonging to SC. It was also asked as to what steps had been taken by the University to clear the backlog and

it was noticed that even in non-teaching staff the prescribed percentage have not been achieved specially in Group A, C and D.

When enquired about the total backlog of reserved vacancies and how much time it will take to clear the backlog of vacancies it was informed by the Vice-Chancellor that the rosters were under preparation and final position of the backlog in teaching and non-teaching post will come out after completion of the rosters. The commission asked the University authorities to send the backlog position to the Commission within 2 months time and conduct the special recruitment drive to fill up all the backlog vacancies in the university.

It was intimated by the university authorities that only three SC candidates were selected in teaching posts on their own merit. The Commission suggested that own merit SC candidates should not be shown against the reserved posts in the rosters and backlog position should be sent after excluding these selected candidates in the teaching and non-teaching posts. The commission wanted that reservation was implemented by the BHU in 1998 but still there was huge backlog of vacancies. BHU informed that the reservation was implemented as per guidelines issued by UGC in 2005 but it was followed in BHU since 2006.

The Commission asked for copies of the rosters maintained for the posts filled up by direct recruitment and promotion in teaching and non-teaching categories. It was informed by the university authorities that all the rosters will be completed within a month's time and will be sent to the Commission. Regarding grouping of posts, it was intimated that all the small cadres were grouped together taking in view of pay scale and level for providing reservation for SC/ST and OBC.

The university could not start the remedial coaching centre for SC/ST students regularly as the proposal had been sent to the UGC but the grant was not received.

The commission asked for reservation for SC students in the various courses of the university. It was informed by the university that the students were admitted in the various streams as per prescribed percentage. It was informed that coaching classes for SC students for higher studies like professional courses, IAS, IIT were not given. The Commission suggested that the proposal for extra funds for providing coaching classes for higher education for SC/ST students may be sent to the UGC and copy of the proposal may be sent to the NCSC so that the Commission may take up the issue with higher authorities for its recommendation. BHU had sent the proposal for the scholarship for SCs in IAS coaching six months back to the UGC but the grant had not been received by the university.

The Commission advised the Vice-Chancellor, BHU to send all the proposal to the NCSC so that NCSC can recommend their proposal to the Ministry of HRD and UGC for extra funds specially for SC/ST students.

During the meeting it was informed by the university authorities that there is no clarification about the caste of 'Gond' of UP as in some area 'Gond' caste is listed as Scheduled Tribe and in some area as Scheduled Castes, therefore, there is confusion about the Gond caste. The university was advised to send the details to the Commission so that clarification could be given to the university.

The university was suggested to incorporate a separate chapter related to reservation in services and scheme of scholarship provided to SC/ST in the annual report of the BHU.

The Commission stated that all the information provided by the BHU is vague and incomplete, therefore, it was decided that the NCSC will review the BHU again when complete information is provided to the NCSC.

## **6. Review of Ghaziabad Development Authority on 24.12.2008**

Smt. Satya Bahin, Member of the National Commission for Scheduled Castes conducted a review meeting regarding implementation of reservation policy in the Ghaziabad Development Authority (GDA) on 24.12.08. The Commission held a meeting with the office bearers of the SC/ST employees Welfare Association of the GDA. Thereafter the review meeting was held with the management of the GDA and during the meeting Vice-Chairman, Secretary OSD, Joint Secretary and Liaison Officer and other senior officers of the GDA were present. The following points were discussed in the meeting:—

- (i) The Commission suggested that one member from the SC category should be included in the Board of Directors of the GDA to address the problems of the members of the SC community.



- (ii) The Commission also advised that relaxations/concessions like age relaxation, fee concession and TA etc should be indicated in all the advertisements for recruitment in the Authority.
- (iii) It was seen that GDA had not maintained the post-based rosters properly as per the format and the rules. The vacancy based rosters prior to 1997 had also not been maintained. The Commission suggested that post-based rosters should be maintained properly and if required, the NCSC may be approached for guidance for properly maintaining of rosters and special training may be given to the employees/officers of the GDA on the reservation policy.
- (iv) The Commission asked about the pre-promotion training to SC employees. The Vice-Chairman, GDA informed that though no such training was being given at present, such training will be provided to the Class IV and Class III employees of GDA before the promotion in future.
- (v) The VC, GDA informed that no case of false caste certificate has been identified so far.
- (vi) The Commission asked about the Liaison Officer, SC/ST Cell and periodical meetings with the SC/ST employees Association. The VC, GDA stated that Joint Secretary of the Authority had been appointed as Liaison Officer and SC/ST Cell was functioning under his charge. The Commission suggested that periodical meetings should be conducted with the SC/ST associations to resolve the grievances of the SC employees of GDA. The Liaison Officer should be well versed with the reservation policy and he should check all the rosters maintained by the GDA and yearly inspection report should be submitted by him. The VC, GDA agreed to all the above suggestions of the Commission.
- (vii) The Commission also suggested that there should be a separate chapter on implementation of reservation policy in the Annual Report of the GDA.
- (viii) The Commission had advised that after the recasting of rosters for direct recruitment and promotion separately, these should be submitted to the Commission for examination.

## **7. Review of Education Dept. GNCT of Delhi on 22.1.09**

Dr. Buta Singh, Chairman, Shri Mahendra Boddh, Member and Shri Mrityunjay Nayak, Member of the National Commission for Scheduled Castes took a review-cum-hearing of cases meeting with the Education Dept. Government of NCT of Delhi to assess the implementation of reservation policy in Govt aided schools of the Delhi Government on 22.1.09 in the Commission's Headquarters. Director (Education) Delhi and other representatives of the Government aided schools SC/ST Employees Welfare Association were also present during the review meeting. DoPT was represented by the Under Secretary (Res).

It was informed by the Association people that in Government aided schools of Delhi Government, a large number of vacancies, reserved for SCs, were lying vacant in all cadre posts for a long time and no sincere efforts had been made to fill up such vacancies even when the Supreme court had already taken a serious view to fill up such vacancies lying vacant in Government aided schools of Delhi. The Association representatives also informed that rosters are not being maintained properly by the school managements. It was also informed that Education Deptt. has also not taken corrective steps against the defaulting schools. Some other grievances of SC teachers of these aided schools were placed before the Commission for immediate redressal as the teachers and other employees were also not being considered for promotion in the next higher grade which was clear cut violation of reservation policy of the Government. Some aided schools have not implemented reservation policy so far.

The Commission asked the Director of Education whether the recruitment rules of Government schools and Government aided schools are the same or not? In reply, the Director's response was in affirmative that the RRs of government schools and Government aided schools are the same. Then, the Commission further asked if so, whether the SC candidate (PGT Eco) DAV Sr. Secondary School, Jungpura, New Delhi was eligible for promotion on 1.2.97 and why he was not considered for promotion as the post of Vice-Principal had already been filled thrice by promoting non-SC candidates and fourth time it should have been filled by a SC incumbent as per reservation roster? The petitioner, who was also present, informed the Commission that due to misrepresentation of the reservation in single cadre post, he has been deprived of the promotion to the post of Principal/Vice-Principal. The petitioner also stated that DoPT has given wrong clarification in the matter of single cadre post.

The Commission asked the DoPT to clarify the position in the matter of reservation in single cadre post. The officers from the DoPT intimated the commission that the Hon'ble Supreme Court has passed orders about non permissibility of the reservation in single cadre post. Therefore, the reservation for SC/ST in the single cadre post, given in a particular case, should not be seen as a policy matter and should not be implemented in all the cases. The Commission also quoted the example of Hon'ble Supreme court's decision in the CWP No.77/2008 vide which the Hon'ble court has held that the orders passed by the court should not be implemented as the law of the land as the cases are decided on the merits of that particular case.

In view of this, the Commission advised that the Government of India (DoPT) may examine the matter of reservation on single cadre post and if necessary, issue a circular in this regard. The DoPT may also consider issuing necessary instructions for non-implementation of Supreme Court's decision on the same judgement passed in different cases.

## **8. Review of BSNL on 28.1.09**

A review meeting to monitor the implementation of reservation policy for the SCs in the Bharat Sanchar Nigam Limited (BSNL) was taken by the Commission on 28.1.09 in the corporate office of the BSNL, New Delhi. The review was conducted by Shri Mrutyunjay Nayak, Member of the Commission.

The CMD, BSNL appraised the Commission of the working of BSNL and about the implementation of reservation policy in the corporation. It was stated that the BSNL is implementing the reservation policy in view of the Government directives. Further the corporation has set up a separate SC/ST Cell to monitor the reservation policy in corporation under the Chief Liaison Officer in corporate office and appointing several Liaison officers in its various subordinate offices. The rosters are being checked regularly. The rosters in all cadre posts have been prepared on the basis of the post-based w.e.f. 2.7.97 in direct recruitment as well as promotion of SC employees. Recently the BSNL has recruited employees on direct recruitment basis and the SC vacancies were also filled up even after giving relaxation to complete the representation of SCs.

It was also informed by the CMD, BSNL that Corporation has also taken some welfare steps in the matter of providing telecommunication facilities to the areas inhabited by the weaker sections including SC/ST.

Thereafter, the Commission placed the grievances of SC employees and also desired to know the action taken on the issues raised by the representatives of the Employees Welfare Associations. The CMD appraised the position and action taken on these issues and also submitted that the BSNL will also take care of the suggestions/direction of the NCSC in the matter of the grievances of the SCs and implementation of reservation policy in appointment and promotions.

At the end of discussion, the Commission asked CMD, BSNL to submit an action taken on the points raised by the representatives of the BSNL SC/ST Employees Welfare Associations and at the same time, it also asked about the action taken along with corrective steps on the following points emerged during the discussion from the BSNL at the earliest :—

### **Recommendations**

- (i) The 200 point post based roster may be prepared on the basis of the sanctioned strength and not on the basis of working strength as per guidelines issued on 2.7.97 by the DoPT.
- (ii) Implement the Constitutional Amendment i.e. 77th, 81st, 82nd and 85th in the matter of promotion and seniority of the SCs as per DoPT guidelines.
- (iii) The BSNL may consider the deductions of the subscription from salary of the members of the SC/ST employees welfare association of BSNL for smooth functioning of the association.
- (iv) It has been reported that recovery is being made from the salary of SC/ST employees who have been promoted on the basis of relaxation in length of service. The BSNL may consider stopping deductions as per rules and submit action taken in this regard.
- (v) Action taken on the improvement of number of SC/ST in the matter of sending officers for foreign training as well as other trainings and promotional trainings. In this regard a roster be maintained.

- (vi) Consider the grant of financial and administrative powers to Chief Liaison Officer (SCT) in BSNL corporate office and the Liaison officers posted at the subordinate offices of BSNL.
- (vii) The weightage points in the matter of considering appointment on compassionate ground need to be reviewed in favour of SC/ST.
- (viii) The BSNL may consider to grant temporary status Mazdoor (TSM) to the casual labourers like safai-karamcharis after rendering services of 240 days in the calendar year as per the Government guidelines. The facilities of medical and accident insurance etc to the safai-karamcharis may be considered.

The CMD BSNL assured the Commission that the corporation will take necessary steps in the interest and welfare of the SC employees and will take corrective steps as suggested by the Commission.

## **9. Review of State Bank of India at Mumbai on 3.2.09**

Dr. Buta Singh, Chairman along with Prof. N.M. Kamble, Vice Chairman, and Shri Mahendra Boddh, Member conducted the review of State Bank of India.

### ***1. Meeting with Association***

The National Commission for Scheduled Castes conducted a review of the reservation policy of State Bank of India, Head Office at Mumbai on 3.2.09. Prior to review a meeting was held with the office bearers of National Federation of State Bank of India SC/ST Employees. The Federation was represented by its President, Secretary-General and other office bearers of the Federation from all over the country. The Commission briefed all about the set up, functioning and powers of the NCSC. Thereafter, Commission asked them to bring their problems if any, to the notice of the Commission so that the same could be discussed with the management in the subsequent meeting. The demand raised by two federations and the discussions thereon are given as under:

**1. Implementation of reservation in promotion within officers cadre as per the Apex Court judgement:—** The representatives of the association demanded that Hon'ble Apex Court in its judgement dated 10.3.05 in the case of National Federation of SBI SC/ST Employees Vs. State Bank of India held that the concession as provided in the DoPT memorandum for promotion by selection within Group A is available up to a grade which is having an ultimate salary of Rs.18300/- or less per month. In many PSUs this is extended to ultimate salary of Rs. 20800/-. But the SBI management had not followed the Apex Court guidelines. On pursuasion by the Association to follow the guidelines, the bank had referred the same to the Ministry of Finance and were delaying the implementation of the same. The Federation demanded that as per the Supreme Court's directions reservation/concession should be applied to SNG Scale VII Posts.

The Commission replied that the association should give a copy of the Apex Court judgement. On examining the same, and after ascertaining that if the bank had not followed any provisions then the Commission will certainly intervene so that the interests of SCs are protected.

**2. Posting of SC/ST office bearers at Headquarters:—** The association demanded that there should be effective interaction between the management and affected persons, for this proper liaisoning is required. As provided to the office bearers of the unions, the office bearers of the association should also be posted in the headquarters, local head offices and zonal offices. It was assured by the Commission that their aspirations to serve the interests of the downtrodden community will be conveyed to the management.

**3. Supersession in promotion:—** The association brought to the notice of the Commission that there were supersession of SC/ST officials in promotion from scale IV to VII. When the officials appeal against their supersession, usually it was turned down without any justification in a routine and casual manner. The association requested that Commission should intervene in this issue and instruct the bank to take corrective measures, so that the SC/ST officers careers are not spoiled. The Commission assured that their views would be conveyed. Further the management would also be advised to make the ACR and reporting system as transparent as possible to bring about efficiency in the working rather than victimization of the employees on caste basis.

**4. Verification of false caste certificates:—** It was pointed out by the association that there was large number of cases of false caste certificates pending with the bank at various stages. The bank was not taking speedy action to dismiss these employees but was given adequate time to the individuals so that they were



able to approach the court and get a stay against the proceedings. The Commission was requested to impress upon the management to expeditiously dispose off these cases by imposing the penalties. The Commission assured that this will be conveyed to the management so that the persons who were enjoying the benefits on the basis of these fictitious certificates are removed at the earliest.

**5. Clearance of backlog of vacancies in the post-based system:—** Association maintained that as a sequel to the introduction of post-based system w.e.f. 2.7.97, the bank was unable to clarify and arrive at the backlog position post-wise. When the position of the backlog was not clear, the bank was varying cadre strength at various levels. As a result of the reduction in the cadre strength, the interests of the SC/STs were adversely affected. Federation requested that Commission should address the issue to the management and the backlog position should also be made transparent. The Commission assured the federation that same will be conveyed and if required the management will be asked to rework the entire backlog as on 2.7.97.

**6. Regularization of temporary employees:—** There were approx. 1500 employees working in the bank as sweepers/general attendants for the past 15 years. They were also in the panels for selection in the bank earlier, however, at that time due to paucity of vacancies they were not considered. Now more than 30000 appointments had been made in the clerical cadre by way of direct recruitment as well as promotion, these cases should also be considered for regularization. The federation sought the Commission's intervention for regularization as most these employees belong to SC/ST. The Commission mentioned that this issue will be conveyed to the management for their consideration. As regards few case of compassionate appointment, federation was advised to take up the matter with the management.

## **II. Meeting with the officials of the Bank**

Thereafter, the review meeting was held with the management. The bank was represented by the Chairman, SBI, Dy. MD, CGMs and GMs. Chairman of the bank apprised the Commission that they were sensitive to the welfare of SC working in the bank. He assured that there is always scope for improvement and will take all the observations/suggestions to be given by the Commission in right spirit and will implement the same in a time bound manner.

The Commission briefed the management about the points raised by the association, which was noted by the management.

The management assured the Commission that they will examine the same within the framework of the rules and will give an ATR on all the matters raised. Then the reply to the questionnaire was discussed. The pointwise discussion is as follows:—

**(i) Change from vacancy based to post-based roster:—** The Commission pointed out to the management that in reply to question No.8 regarding the backlog vacancies as on 2.7.97, it was observed that from a backlog of 223 posts as on 01.7.97, it was converted to 2536 SC posts surplus on 2.7.97 as a sequel to the implementation of the post-based roster. The Commission instructed the SBI management to examine and recalculate the vacancies in the light of DoPT directives. The management assured the Commission that it will be looked into.

**(ii) Backlog of D.R. Posts and separate interview of SC/ST:—** It was pointed out to the management that in reply to question No.9 (a) there were 125 posts in the various categories. The detailed action plan to wipe out these backlogs was enquired upon. The management clarified to the Commission that they had already started the recruitment process for the above posts and by the end of September 2009 the entire backlog will be wiped out.

In reply to Q. No.19 it was mentioned that the SCs/ST candidates were not being interviewed separately. This was in contravention of the DoPT OM dated 30.1.73 wherein SC/ST candidates should not be intermingled during the course of interview. The management clarified to the Commission that in order to avoid any bias, the caste status of the person who is being interviewed should not be revealed to the interview committee in any case. However, they accepted the suggestion that this will be followed in future.

**(iii) Speedy disposal of false caste certificate cases:—** On examining the reply to Q.No. 27, the Commission pointed out that there were 168 numbers of cases of false caste certificates pending for action by the management at various stages. The management was instructed that these cases be categorized into



3 types like (a) verification by the District Magistrate, (b) cases where vigilance action was already on, expeditious completion of the enquiry and imposition of penalty was required, and (c) cases where there was a court stay, an application be filed in the court for urgent hearing along with vacation of stay. Also in addition to the departmental action, necessary criminal action under the relevant provisions of IPC also to be initiated. The management accepted the suggestion of the Commission and assured that in a time-bound action, this task will be completed so that the ineligible persons who were enjoying the benefits are penalized appropriately.

## **10. Review of Union Bank of India at Mumbai on 3.2.09**

Dr. Buta Singh, Chairman, Shri Mahendra Boddh, Member and senior officers of the National Commission for Scheduled Castes conducted a review of the reservation policy being implemented in the Union Bank of India at Mumbai on 3.2.09.

**1. Discussion with the Association:—** Prior to review, a meeting was held with the office bearers of the SC/ST Employees Association. The Association was represented by its President and General Secretary. Hon'ble Chairman briefed about the set up, functioning and powers of the Commission. Thereafter, he asked the association people to bring their problems if any to the notice of the Commission so that the same could be discussed with the management in the subsequent meeting.

The association submitted that last review of the Bank was done in December, 2005. After the Commission's visit to this bank drastic change in the perception of the bank in dealing with the affairs pertaining to SCs had taken place. The administration was more sensitive to the demands of the association. As such they were asked by the Chairman to submit a written representation to the Commission. In the representation following demands were made:—

- (i) The association demanded that at least one member on the Board of Directors be nominated from SC/ST category. To this the Commission clarified that this being a policy matter will have to be appropriately taken up with the Ministry of Finance.
- (ii) The association demanded that in the various committees like P.F. Committee, Staff Welfare Committee and also the ex-gratia committee proper representation of the SC/ST category must be provided.
- (iii) There were 1200 part time sweepers in the various establishments. These persons were given proportional wages to the working hours. It was demanded that these people be given full wages and permanently absorbed in the bank. The commission assured that this issue will be suitably referred to the management for appropriate measures.
- (iv) It was demanded that they too be given special leave benefits and other travel benefits at par with the Union representatives. It was demanded that zone of consideration was available only up to the grade of scale III. It should be extended to the scale VII.
- (v) It was pointed out that there was, generally, discrimination by the management while deciding transfers or postings. They also victimize the SC employees severely during the course of vigilance action. The association was informed that they should come with specific cases rather than giving vague statements.
- (vi) It was demanded that in the clerical cadre the vacancies to the tune of 80% were filled by direct recruitment. Within the left out posts of 20% as per the DoPT rules, there is no reservation. They demanded that in this also reservation should be introduced. The Chairman said he will examine the issue in the light of the DoPT rules.
- (vii) As regards the cases of compassionate appointment of SCs, the Commission told that their names will be given to the CMD for his sympathetic consideration.

### **Meeting with the management of the bank**

Thereafter, the review meeting was held with the management. The bank was represented by the CMD along with ED, GMs and LO. At the outset, CMD apprised the commission that they were sensitive to the

welfare of the SCs working in the bank and were fulfilling the required percentage of reservation in all the grades. They were also sympathetic to the demands of the SCs, considering their background, and fulfil their requirements within the ambit of rules framed by the Ministry of Finance and also within the broad policy objectives of the bank.

CMD of the bank also assured that there was always scope for improvement and he will take all the observations and suggestions to be given by the Commission in the right spirit and will implement the same in a time bound manner.

The Hon'ble Chairman, NCSC then briefed the management about the role and powers of the Commission. He then mentioned that the association in the form of a memorandum had given certain points which may be examined by the management. The CMD assured the Commission that he will examine the representation within the ambit of rules and will give an ATR on all the issues raised therein. Then the reply to the questionnaire was discussed. The point-wise discussion is as under:—

- (i) The Commission pointed out to the CMD, in reply to Q. No. 8, regarding the backlog vacancies as on 2.7.97, as a sequel to the implementation of the post-based roster. It was observed that from a backlog of 24 on 1.7.97 it increased to 2346 of SC posts, as surplus on 2.7.97. He instructed the bank management to examine and recalculate the vacancies in the light of the DoPT directions so that there was no adverse effect on the SC vacancies. The management assured the Commission that it will be looked into.
- (ii) The Commission pointed out to the management that in reply to Q.No. 9 (a) there was shortfall in the recruitment in the various grades. He enquired about the action plan to fill up the same. The management clarified that next recruitment drive was likely to take place soon in May, 2009. The bank will try its earnest to wipe out all the backlog in a time bound manner and accordingly it will be intimated to the Commission.
- (iii) On examining the reply submitted to Q. No. 27 by the management, the commission pointed out that in case of false caste certificates where there was a court stay, an application be filed in the court for urgent hearing along with a petition for vacation of stay. The Commission also advised that in addition to the departmental action, necessary criminal action under the relevant provisions of IPC is also initiated. The CMD accepted the suggestion of the Commission and assured that the ineligible persons who were enjoying the benefits, are penalized appropriately.

## **11. Review of the Reserve Bank of India at Mumbai on 04.02.2009**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member and Joint Secretary of the National Commission for Scheduled Castes, New Delhi conducted a review of the reservation policy at Reserve Bank of India, Central Office, Mumbai on 04.02.2009.

Prior to review, a meeting was held with office bearers of All India Reserve Bank SC/ST Employees and Buddhist Employees Federation. Hon'ble Chairman briefed all about the present set up, functions and powers of the Commission. Thereafter, he enquired about their problems if any, so that the same could be discussed with the management in the subsequent meeting.

The association submitted that, it was an honour that, the SC Commission is visiting the Reserve Bank of India for the first time. They pointed out that, after the Parliamentary Committee's visit to this Bank in 2001 a drastic change in the perception of the Bank in dealing with the affairs pertaining to SC's has been noticed. The administration is sensitive to the demands of the Association and is adopting a positive approach so far SC employees are concerned. As such they do not have any specific caste based discrimination or complaints against the management. They also submitted before the Commission that the management is regularly conducting periodical meetings with the Association and follow up action is taken promptly. However, they demanded certain policy changes and also some more welfare measures to be taken in favour of SC employees in the Bank. The Commission asked them to submit a written representation in due course of time. The demands that were submitted are appended as under:—

**1. Provision of Financial Grants to the Association:** The representatives of the association demanded that some financial grants are being given to the Class IV trade unions for conducting educational camp for their members. Treating them also at par with trade union, the same must also be given to their Association.

**2. Making Availability of DoPT Circulars:** The representatives of the association demanded that the copies of the DoPT circulars pertaining to reservation or of the policy matters pertaining to the welfare of SC/STs be made available to them also. The Commission apprised the members about DoPT website. Further the Chairman also assured that, he would convey the same to the management.

**3. Reduction of age limit and qualifying service for class-I Exams:** The members of the association demanded that, there are large number of SC/ST employees who are eligible for the promotional test for the class-I post. However, they have crossed the Maximum age limit since most of the SC employees join the Bank at relatively higher age. This has resulted in wide spread stagnation at class III level. They requested the Commission that, the matter be referred to the Management for a relaxation in qualifying service, so that a large number of employees are benefited by appearing for the promotional exams. The Chairman conveyed to the association that they should produce all these demands in writing and submit it to the Commission. Further he also conveyed that during the discussion with the management, the points raised by them will be conveyed.

**4. Inclusion of permanent Members belonging to SC/ST community in the Recruitment Board:** The member of the association pointed out that the recruitment to the various posts in the Reserve Bank is conducted by a Recruitment Board within the Bank. This board conducts the entire selection process in the various grades after conducting written and oral examination. As of now one amongst the officers from the SC/ST community is being co-opted in the selection board. They demanded that in the Recruitment board, atleast one officer from this community permanently be nominated for a specific tenure. This will not only give impartiality to the selection process but also give freedom to the concerned member to look after the interests of the SC/ST. The Chairman assured that this will be conveyed to the Management.

### ***Meeting with the Governor and officials of RBI***

The Bank was represented by the Governor of the Reserve Bank Dr. Subba Rao along with Shri V.K. Sharma, Executive Director, Shri Prabhal Sen Principal Chief General Manager, Shri Deepak Singhal, Chief General Manager, Shri Ashok Sarangi, General Manager and Liaison Officer for SC/ST, Shri A.K.Mishra, Executive Assistant to the Governor, Dr. Pramod Kumar DGM Incharge of the SC/ST cell and Shri A.K. Mishra DGM (DAPM). Dr. Subba Rao apprised the commission that, they are sensitive to the welfare of the scheduled castes working in the bank. He also assured that there is always scope for improvement and will take all the observations and suggestions to be given by the Commission, in right spirit and will implement the same in a time bound manner. The Chairman briefed the governor and the officials about the points raised by the association, which was noted by the management. The governor assured the commission that he will examine and will give an action taken report on all the matters raised therein. Following issues were discussed:

#### **1. Change from vacancy based roster to post based roster**

The Commission observed that from a backlog of 246 posts as on 01.07.1997, it has resulted to 1207 SC posts as surplus on 02.07.1997 as a sequel to the implementation of the post based roster. He instructed the RBI management to examine and re-calculate the vacancies in the light of the DoPT directives. The Management assured the commission that it will look into the matter.

#### **2. Inclusion of permanent SC/ST member in the service recruitment board**

The Commission pointed out to the RBI that in the Reserve Bank recruitment and selection board which oversees selection to the various posts atleast one member belonging to this community should be appointed permanently for a specific tenure. The Governor RBI after ascertaining the composition and also the tenure of the existing board assured the commission that it will look into the issue and examine the same.

#### **3. Differential percentage within the State for selection in group C and D posts**

The Commission pointed out that for recruitment to group C and D posts, within the State of Maharashtra, a differential percentage between Mumbai and Nagpur is being followed. The Management mentioned that this differential percentage is due to coverage of more than one state in a recruitment Zone of the Bank and thus the recruitment is restricted to the local population of that area. Therefore, there is a difference in the percentage of Nagpur and Mumbai.



#### 4. Expeditious disposal of false caste certificate cases

There were large number of cases of false caste certificates pending for action by the management. The Commission suggested that these be categorized into 3 types viz. (i) verification by the District magistrate, (ii) cases where vigilance action is already on, where expeditious disposal of the enquiry and imposition of penalty is required, (iii) cases where there is a court stay, and application be filed in the court for urgent hearing along with vacation of stay. In addition to the departmental action, necessary criminal action under the relevant provisions of IPC also be initiated. The executive director accepted the suggestion of the Commission and assured that in a time bound action, this issue will be completed, so that the ineligible persons who are enjoying the benefits are penalized appropriately.

#### 5. Monitoring of the Social Welfare related programmers

The Commission then enquired about the institutional mechanisms and systematic checks that have been framed by the Bank for monitoring the welfare related programmers. This was enquired with an objective that the down trodden community at the village level get the benefit of the various schemes framed by the government and also easy credit is available for their sustainable development. Shri P.B. Vijayendra, Chief General Manager, Rural Planning & Credit Department explained the mechanism and also the various inspection methods adopted by the bank. Further it was also clarified that for improvement of the system and also to bring more transparency in to the system, a committee headed by the Deputy Governor of RBI along with the Chief Secretary of Gujarat and other economists and officials from the ministry of finance has already been constituted. This will look into the entire gamut of issues and will suggest ways and means for improvement.

The Commission suggested that the National Commission for Scheduled Castes can play a active role by participating in the State Level Banker's committee meetings which are held periodically. It was suggested that a conference of the Executives of the bank is held at New Delhi with the active participation of the Commission to suggest ways and means and the measures to improve the delivery system to the most neglected section of the society. The RBI management welcomed the suggestion and also assured that they will instruct all the coordinating banks regarding active participation of Commission in SLBC and also examine the feasibility of the latter to hold a conference in New Delhi as suggested by the Commission.

### 12. Review of the Life Insurance Corporation at Mumbai on 5.2.09

Prof. N.M. Kamble, Vice Chairman along with Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member and Shri Mrutyunjay Nayak, Member of the Commission conducted a review of the reservation policy in the Life Insurance Corporation of India Ltd at Mumbai on 5.2.09.

#### (1) Discussion with the Association

Prior to review, a meeting was held with the association of SC/ST of LIC. In LIC there were two factions. Both the factions refused to come together to submit their grievances before the Commission. Thus the meeting with the association was held separately. The first meeting took place with the members of All India SC/ST Employees Welfare Association. Hon'ble Vice-Chairman mentioned that the factionalism in the association was not a good sign and advised the association that they should come together. Thereafter he asked them to bring their problems if any to the notice of the Commission so that the same could be discussed with the management in the subsequent meeting. The following demands were submitted:

(i) **Appointment of Directors from SC/ST on the board:** Association demanded that atleast one member on the Board of Directors be nominated from the SC/ST community. Vice-Chairman clarified that this is a policy matter in which the LIC has no role. Thus it will have to be appropriately taken up with the Ministry of Finance.

(ii) **Filling up of backlog vacancies:** Association demanded that there were large number of backlog vacancies which remain unfilled. Commission's intervention was requested to impress upon the management to fill up the vacancies. Hon'ble Vice-Chairman mentioned that it will be conveyed to the management.

(iii) **Absorption of part time sweepers and to make full payment:** There were approx. 2000 part time sweepers in the various establishments. These persons were being given proportional wages for the working hours. Association demanded that these people be given full wages and permanently absorbed in the establishment. The Commission assured that the matter will be suitably referred to the management for necessary appropriate remedial measures.



**(iv) De-reservation:** The association demanded that management had de-reserved more than 900 posts in the years 2005 and 2006. This was in violation of rules. The Commission mentioned that this point will be discussed with the management.

**(v) Victimization and harassment on caste basis:** The association pointed out that there was, generally, discrimination by the management while deciding transfers and postings. They also victimize the employees during the course of vigilance action and while writing the ACRs too. The Commission mentioned that association should come up with specific cases rather than giving vague statement.

**(vi) Compassionate appointment:** There were few cases of compassionate appointment which required consideration. Vice-Chairman asked the association to give the names to the management rather than to the Commission. He will convey the management to examine these cases for their sympathetic consideration.

**(vii) Periodical meetings:** It was pointed out by the association that in certain zones the periodic meetings were not held regularly. The periodicities of the meetings were also reduced from 4 to 2. There were 4 cases of false SC caste certificates. Commission mentioned that management will be asked to expedite the action against them.

## **(2) Discussion with the second faction of SC/ST Association**

Thereafter the next meeting was held with the second faction i.e. LIC SC/ST Buddhist Employees/Officers Association. The Hon'ble Vice-Chairman conveyed his displeasure on this factionalism within the association and advised that they should unite together to fight for a common cause. He also advised that atleast in the next meeting this should not happen. The representatives of association assured that they will strive for the same. Thereafter the grievances were submitted to the Commission. Many of the points that were brought out were similar to that of the previous association. Hence a few of the other points that were different are given as below:—

- (i) The office accommodation provided to them was vacated and subsequently it was sealed too. One of the members of the association who had complained to the National Commission was subsequently chargesheeted for an offence to approach the Commission directly. The Vice-Chairman assured the association that the action of the management in this regard was not in order, this issue will be highlighted to the management and will ask them to initiate appropriate remedial action and also fix responsibility on the concerned officials who had violated the DoPT rules.
- (ii) The association demanded that the prescribed age limit for the posts of AAO is 37 years. There were large number of posts in the cadre which remained unfilled due to non-availability of candidates. They demanded that management should give 5 years relaxation to the SC/ST candidates in the promotion through examination. The VC mentioned that this will be conveyed to the management.

## **(3) Meeting with the management of LIC**

- (i) **Issue of de-reservation:** The commission pointed out that in reply to Q.No.22 of questionnaire regarding the procedure of de-reservation, it was observed that management was resorting to de-reservation in the event of non-availability of SC candidates, that too done by the appointing authorities themselves. This was in violation of the procedure for de-reservation. The Commission advised them to relook into the entire exercise as it was illegal and take appropriate remedial measures. De-reservation in the central Government without consulting the Commission should never be resorted to. The management agreed to re-examine the issue.
- (ii) **False Caste certificates:** On examining the reply submitted to Question No.27, Commission pointed out that in cases where there was a court stay, an application be filed in the court for urgent hearing along with a petition for vacation of the stay. It was advised that apart from the departmental action, necessary criminal action under the relevant provisions of IPC should also be initiated. The MD accepted the suggestions of the Commission and assured that the ineligible persons who were enjoying the undue benefits will be penalized appropriately.
- (iii) **Discrepancy in the strength :** The Commission pointed out that in reply to Q. No.9, that in the year 2006-07 the strength of Class-I (lowest rung) had increased. But the figure was not matching with the total DR and also the promotional exercise so done in the year. In promotions also the

required percentage of 15% was not being fulfilled. The management was asked to reconcile the figures and submit to the Commission. The management agreed for the same.

### **13. Review of the Container Corporation of India Ltd. (CONCOR), New Delhi on 26.2.2009**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice Chairman, Shri Mahendra Boddh, Member of the National Commission for Scheduled Castes conducted a review of reservation policy being implemented in the Container Corporation of India Ltd., New Delhi on 26.2.09. Since there is no SC/ST Employees Welfare Association in the CONCOR and there is one registered Trade Union, therefore a meeting was held with the Union.

The Commission noted that there was no representation of SC/ST in the Board of Directors and suggested the CONCOR to bring it to the notice of the Government that atleast one Director may be from SC category in Board of Directors of CONCOR.

When enquired about the appointment of Liaison Officer in the CONCOR, the MD reported that there was LO in the rank of Asstt. Manager in CONCOR because the DGM has been repatriated. The Commission advised that the Liaison Officer should be in the level of Deputy Secretary of the Government of India and should have thorough knowledge of the reservation policy.

When asked by the Commission regarding rosters maintained by the CONCOR it was informed that the rosters were maintained as per guidelines of the Government of India since the establishment of CONCOR i.e. in the year 1989 and there were two types of posts i.e. one is floating post and another is vacancy based.

It was reported that the SC employees who were appointed/promoted on their own merit are not shown against the reserved posts for SCs and they are treated as general candidates. Within cluster there was time bound promotion.

It was informed that there were no safai karamcharis in CONCOR and the work was done through outsourcing. On being asked by the Commission it was reported by the MD that Minimum Wages Act was implemented as per Labor Law. A copy of the agreement of contract labour in the organization was asked for and the MD assured for the same.

It was noticed that rosters were not checked and signed by the Liaison Officer and there was no summary in each group of posts in the roster. The organization was advised that all the rosters shall be checked and signed by the Liaison Officer after each recruitment year and there should be summary of persons in position and backlog/shortfall of SC posts if any. The MD CONCOR assured for the same.

The Commission asked for the number of SC officers/officials appointed on their own merit. The company informed that there was no backlog as special recruitment drives were conducted in the 1995-96 and 2005-06. It was advised by the Commission that the organization should set up SC/ST cell for resolving the grievances of SC/ST employees and to check the reservation policy being implemented in the organization.

It was noticed that only 8 SC employees out of total 78 employees were sent for foreign training during the year 2005, 2006 and 2007. Adequate No. of SC should have been sent for training. It was also impressed upon the organization that a separate chapter on reservation policy of CONCOR should be incorporated in the annual report of the organization.

Lastly the Commission discussed the case of one employee who was dismissed from service. It was advised that his case may be reviewed and he may be reinstated in service. The MD of the organization informed that the SC employee was dismissed from service on the basis of three charges which stood proved and his review appeal had already been rejected twice at the Minister level. There was no provision that his appeal could be reviewed in CONCOR. The Commission said that it will send a recommendation to the Ministry of Railways for the reinstatement of services of SC employee. The MD of the organization informed that the action will be taken as per Ministry of Railways instructions in the matter.

Subsequently the organization reported follow up action/compliance on the major observations made by the NCSC in May, 2009.

#### **14. Review of Oriental Bank of Commerce, New Delhi on 28.2.09**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice-Chairman and Shri Mahendra Boddh, Member of the National Commission for Scheduled Castes conducted a review of reservation policy being implemented in the Oriental Bank of Commerce, New Delhi on 28.2.09. Management of the OBC was represented by the CMD and other senior officers of the bank. It was informed that the bank was established in 1943 at Lahore and in 1980 it was nationalized. As on date it has 1395 branches all over India.

The Commission enquired about the various welfare schemes/activities adopted by the bank for the welfare (socio-economic development) of the SCs in rural area. The CMD of the bank informed that the bank was financing SC/ST persons under various schemes in the field of agriculture, micro and small enterprises, trade, housing, PMRY, Swarn Jayanti Gramin Swarajgar Yojana schemes for the upliftment of SC population. Each rural branch has been directed to adopt each village with a population of SC/ST persons. So far bank has adopted 505 villages through 279 rural branches. The Commission advised the CMD of the bank that the training for self help group should be imparted to the SC persons at par with the population of the State/area. The CMD of the bank assured the same.

Then the discussion was held on the basis of the reply to the questionnaire submitted by the bank. It was noticed that there was no member belonging to SC category in the Board of Directors. Therefore CMD of the bank was advised that one member should belong to the SC category and this recommendation of the NCSC should be sent to the Government of India. When asked, the CMD informed that reservation is applicable in promotion from subordinate staff to clerical cadre. A copy of the reservation policy in promotion in this cadre was asked for by the Commission.

It was noticed that the representation of SCs in the officers cadre was 13.13% as on 1.1.09. It seems that the bank has not cleared the backlog/shortfall of vacancies for SC under the special recruitment drive since there was a backlog in the officers cadre.

It was also observed that the bank had not given information about the shortfall of SCs after the switching over to the post-based roster since 2.7.97. The CMD of the bank assured that the information will be sent to the Commission. As regards the details about the no. of SC candidates who were recruited/promoted on their own merit it was assured that the information will be sent in due course of time. When the rosters maintained by the bank in promotion as well as recruitment it was observed that although the bank maintained the rosters properly but in each cadre the sanctioned strength had not been mentioned in the rosters. The CMD of the bank assured that the roster will be rectified as per advice of the NCSC.

It was noticed that the representative of SCs are included in the various recruitment committees/DPCs for the promotion up to the level of MMG scale III and no SC representative is included in the DPC for the post of scale IV and above. The CMD of the bank assured that the SC representative will be associated in future in all the DPCs.

It was observed by the Commission that bank had not sent a single SC officer out of total 68 candidates for the specialized training abroad for the last four years i.e. during the year 2005 to 2008. The CMD of the bank assured that the adequate no. of SC officers will be sent for the foreign training in future.

It was noticed that the bank had 4 cases of false caste certificates and out of these 4 cases 3 were pending in the court. CMD of bank was advised that action should be taken immediately in the false caste certificate cases so that the person/employee should not approach the court for the stay.

It was also observed that there was no separate chapter of reservation and welfare schemes for the SCs in the Annual Report of the bank. The CMD of the bank assured that in future a separate chapter on reservation and welfare schemes for the SCs will be incorporated in annual report of the bank.

#### **15. Review meeting with Airport Authority of India on 23.3.09**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice-Chairman and Shri Mahendra Boddh, Member conducted the review meeting of Airport Authority of India. The review meeting was conducted by the Commission in the Airport Authority of India at Rajiv Gandhi Bhavan, New Delhi on 23.3.09. The finding by Commission in the light of documents submitted by SC/ST Association and meeting with AAI Chairman and management has revealed that AAI was not following many Government instructions on rule of reservation for SCs.



## **Recommendations**

It was observed that Liaison Officer has not advised AAI on violation of reservation rules. The Chief Liaison Officer should be appointed exclusively for liaison job.

The management of AAI intimated that they are implementing own merit concept in promotion from 2007 onwards. It was clarified to the Authority that one DoPT order on the subject is from 2002, therefore, it is to be effective from 2002.

The roster should be inspected by the Liaison Officer as per the directives of the Government on the subject. It was noticed that one case of false caste certificate has not been decided by the AAI management. In similar circumstances one Shri Mallick was dismissed. It was suggested that the case of Shri Mallick need to be looked in view of fresh caste certificate submitted by him.

It came to the light that GOI directives on SC/ST reservation were being flouted in the name of AAI board decisions. It was clarified that Board decisions were not above the GOI directives as far as reservation policy is concerned.

The backlog vacancies of Sr. Supt. (Electronics) were filled at lower grade of Sr. Assistant (Electronics). It was clarified that backlog post cannot be filled at lower level. AAI may fill these posts in terms and conditions of advertisement.

The company should include one full chapter of SC/ST status in the annual report in accordance with Government directives.

Compliance report on recommendation of joint committee report submitted by AAI to NCSC in June, 2006 shall be submitted.

In the end it was advised that office bearers of SC/ST association may be exempted from transfer at par with other association and union in AAI.

## **16. Review of the Mumbai Port Trust on 22.5.09**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice-Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member, Shri Mrutyunjay Nayak, Member and Joint Secretary of the National Commission for Scheduled Castes conducted a review of the Mumbai Port Trust on 22.5.09. On a query it was clarified that the Chief Liaison Officer was a senior officer, a Dy. HoD and of comparable rank of Director in the Government. The Commission observed that the CLO is responsible for implementation of the reservation policy in the organization and should have thorough knowledge of the reservation orders and maintenance of rosters as the roster is lifeline and should have safeguarding interest of SC/ST employees. The Commission suggested that it should be ensured that necessary training be imparted to the CLO and all required assistance be rendered to him including having a cell under him to enable him to function effectively to protect the interest of SC employees. The Commission further suggested that CLO should hold regular meetings with the departmental liaison officers to discuss reservation issues and guide them.

Mumbai Port Trust was asked to furnish separate information about the sweepers/scavengers and it should not be clubbed with the Group D employees.

It was informed that during the past 4 years 4 posts reserved for SC had been dereserved with the approval of the Chairman, Port Trust. As per the prescribed procedure, copies of proposals were sent to the National Commission for SCs and the dereservation effected after expiry of the mandatory 15 days period. It was clarified by the Mumbai Port Trust that as per the orders received, the ban on dereservation is applicable to only posts filled by direct recruitment.

It was clarified to the Management of Mumbai Port Trust that as per the DoPT clarification there is no ban for filling backlog vacancies. It was clarified by the Port Trust authorities that as per orders backlog posts as on 1.7.2004 were allowed to be filled. Subsequent reservation/backlog can be filled on clearance of Annual Direct Recruitment Plan (ADR) which was already submitted to the administrative Ministry.



The Commission then took up the action taken on the following issues discussed at the last meeting on 15.3.08 with the Port Trust:—

- (i) It was informed that approval of the Ministry of Shipping to increase in percentage of reservation for SCs in direct recruitment from seven to ten had been received in November, 2008. It was clarified by the Port Trust that orders had been issued for recasting the rosters w.e.f. 2.5.2005 and the additional reservation would be filled in on approval of ADR. The Chairman, Port Trust clarified that as per orders only one third of the vacancies arising in a year with ceiling of 1% of the total strength can be filled by direct recruitment after approval of the Annual Direct Recruitment Plan. The ADRs for the years 2006-07 and 2007-08 had been approved by the Ministry of Shipping in principle and Ministry desired some information in respect of posts to be surrendered which was being furnished. The final approval of the Ministry of Shipping was expected shortly.
- (ii) As regards taking action against the two employees who were alleged to have submitted false caste certificates, the Commission had pointed out that submitting false caste certificates for availing employment is a criminal offence and had desired to obtain legal advice. It was informed by the Port Trust that the legal advice from the Ports Chief Law Officer and Advocate was that the case was barred by limitation.

The Chairman, Mumbai Port Trust explained that the two concerned employees were in fact the employees of the erstwhile Bombay Dock Labour Board which merged with the Port Trust in March 1994. They had produced caste certificates at the time of their appointment in Dock Labour Board. Both the employees retired in 2001 under the Special Voluntary Retirement Scheme. One of them expired on 27.9.06 and no criminal action could be initiated against a deadman. As regards the other employee the legal advice was that the period for initiating action against such offence is 3 years from the date of information. The aspect of the likelihood of the caste certificate being fake was brought in the year 2000 and hence the legal advice that the case was time barred. The Chief Law Officer and Advocate who was present in the meeting confirmed the position.

The NCSC observed that submitting false caste certificate is a serious offence as it amounts to getting employment otherwise not due and denial to another SC/ST person. Limitation cannot apply to such criminal charge. The Chairman, Mumbai Port Trust assured that the matter would be looked into afresh.

On the issue of representation of the reserved categories on the Board of Trustees of the Port of Mumbai, the Chairman, Mumbai Port Trust stated as explained earlier, this is within the power of the Government under the Mumbai Port Trust Act and the representation of the Association in this regard was already forwarded to the Ministry of Shipping. It was also assured by the Port Trust that all the information required by the Commission will be forwarded to the Commission and Commission will certainly be approached for any further help in addressing the issues related to SC employees.

The Commission highlighted the provision of the Constitution with regard to reservation for SC/ST and the need to implement the orders in letter and spirit.

## **17. Review of Bharat Petroleum Corporation at Mumbai on 23.5.09**

### ***Meeting with the Association***

Prior to review with the Management of Bharat Petroleum Corporation (BPCL) a meeting was held with the office bearers of BPCL SC/ST employees Welfare Association. The association people suggested certain policy change in dealing with the SC/ST and certain welfare measures which were to be taken by the management. The Hon'ble Chairman asked them to submit a written representation to the Commission. Accordingly they submitted a representation deliberating the following points:—

- (i) It was brought to the notice of the Chairman, NCSC that the quarterly meetings between the association and management were not being held at the regional level as well as corporate level. It was clarified by the Chairman that this point will be conveyed to the management and accordingly they would be advised to fix a specific day of the month in a quarter to conduct those meetings. He advised the association to come up with the clear agenda points for their discussion in advance so that the management is also prepared for the meetings.

- (ii) It was informed that BPCL management exceeds the normal zone of consideration and promotes officers of general category. Because of the violation of the zone of consideration rule, not only there were large scale supersession but many officers who did not even fall in the zone of consideration supersede the eligible SC/ST officers. The Chairman on examining this issue assured the members of the association that the issue would be conveyed to the management and they would be asked to re-examine the cases wherever required if there was a violation of the rules so the interests of the genuine SC/ST employees are not adversely affected by these large scale supersession. Further he also advised the association that they should take it up with the management and also with the Ministry to have a separate zone of consideration for the SC/ST in the light of the present situation.
- (iii) The association brought to the notice of the Commission that performance monitoring system was being used as a tool to harass the SC officer. The SC/ST officers are deliberately awarded fewer marks in the PMS so that automatically they are denied entry into the promotional eligibility. This resulted in large scale supersession. The Chairman mentioned that the issue will be discussed with the management to ensure that the PMS be used as not a tool for victimizing the individuals, but to correct his shortcomings in the due performance of his bonafide work. He also assured the association that he would convey to the management that a proper training and transparent appraisal system is enforced so that officers with genuine problem are able to correct their own mistakes and update their own knowledge so as to ensure the human resources are motivated towards the organizational interests.
- (iv) The association demanded that seniority lists of the various grades should be published as this is not being published. The Chairman was surprised by these remarks of the association. He mentioned that he would convey to the management that as per the DoPT rules the seniority lists of all the category of the employees need to be updated as on 1st of January of the current year and it should be displayed on the website of the BPCL so that all the employees of the BPCL, irrespective of the caste, can have the access to this vital information.
- (v) The members of the association demanded that there should not be any discrimination in sending the officers for training abroad. Adequate SC/ST needs to be deputed for training abroad so that this helps their outlook to be broadened and also help the organization as well. The Chairman assured them to convey the issue to the management.
- (vi) It was informed that while observing discrimination in posting and transfers with the SC/ST officers, they are deliberately posted in the supply location rather than in important departments. The chairman assured the association members that while posting and positioning of the officers and staff are exclusive prerogative of the management based on the administrative requirement, he assured that the management will be conveyed the views of the Commission that they should not discriminate officers on the caste basis on this issue.
- (vii) It was brought to the notice of the Commission that management was not giving them any grant or even assistance on the eve of Ambedkar Jayanti celebrations. In fact they wanted that some financial assistance be given by the management. The Chairman mentioned that their viewpoint on this issue would be conveyed to the management.

### ***Meeting with the Management***

The review meeting was held with the management. The management was represented by the CMD, Executive Director, HRD and other senior functionaries of BPCL. The CMD, BPCL apprised the Commission that they are sensitive to the welfare of the SCs working in their unit. He also assured there is always scope for improvement and will take all the observations and suggestions to be given by the Commission in right spirit and will implement the same in a time bound manner.

Hon'ble Chairman briefed the gathering about the role and the powers of the Commission and then apprised the management about the points raised by the representatives of the association pertaining to their organization. He instructed that the seniority lists and the updated rosters as on 1.1.2009 should be uploaded on the website of the BPCL expeditiously, within a month so that it brings transparency to the working of the administration. The management assured that they will look into these issues within the ambit of rules and regulations in a time bound manner and will give a reply in action taken report.

The Commission enquired about the various welfare schemes that were being undertaken by BPCL management. The company should now think on harvesting solar energy in places where the solar light is available for more than 300 odd days like in Rajasthan and Punjab. As suggested by the Chairman, they would explore this avenue and harvest this non-conventional energy source which is abundant and lies untapped. The BPCL should now participate in harvesting the recharging of subsoil water and water conservation and projects which will help in a long way to the community. The CMD assured that this issue will be examined.

The Commission discussed the issue of allotment of petrol pumps for the SCs and the action plan of the BPCL for its sustainability. The BPCL carried out checks to ensure that the poor SC allottees of the petrol pumps are made to sustain and do not land in to debt trap. These allottees were given special practical training.

At this juncture the Chairman, NCSC advised the BPCL management that HPCL was giving a training of day to day handling of the pumps, financial management tips, training on routine maintenance and also educating them on all the routine pitfalls. This training helped them in a long way to deal with the various practical problems and also devise methods to improve their productivity. Periodical and surprise inspections were also conducted by the Sales officers and other officers in regional office for smooth and proper functioning of these dealerships. This may be explored and a similar pattern of training, which will practically help the allottees be devised so that the poor SC/ST allottees do not land themselves in debt traps.

The Chairman, NCSC also mentioned that he would like the BPCL management to provide data as to how many pumps/agencies were allotted in the past two years and out of which how many of them were running profitably as per their norms vis-à-vis that of others. He also desired data of how many of these cases which had been allotted to SCs and landed into disputes vis-à-vis that of others. The CMD assured that the information would be given separately to the Commission.

The Commission also enquired about the various educational schemes including the computer training that were provided by the BPCL at the village level. He sought the details of the SC beneficiaries in those schools. The management assured to give a feedback to the Commission after collecting information.

## **18. Review of the Coach & Carriage Wagon Workshop, NR, Lucknow on 4.6.2009**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member and Joint Secretary of the National Commission for SCs conducted a review meeting on 04/6/09 and assessed the implementation of reservation policy for the Scheduled Castes in the Coach & Carriage wagon Workshop, Northern Railway, Lucknow.

The Commission first held a meeting with the Representatives of the SC/ST Employees Welfare Association of the Workshop and asked them to present their grievances. The following grievances/complaints were put up before the Commission.

1. It was complained that the photo of Dr. Ambedkar had been torn by the Chief Works Manager of Workshop, Lucknow.
2. 40 posts of Safai Karamchari were lying vacant and no efforts were being made to fill up these posts.
3. The Workshop authorities were filling up the posts through contractor-ship and no minimum wages as per Government rules were being paid to the workers appointed on contract basis. Therefore, the system of contractor in appointment should be banned.
4. Working condition of the workers in workshop was very poor. It should be improved.
5. The persons appointed on compassionate grounds were being harassed by way of giving dual duties.
6. The SC candidates promoted on their own merit were being counted against the reserved vacancies/ posts. As per the Govt's instructions, the candidates belonging to SC category promoted on their own merit should be treated against UR points of reservation roster and not to be counted against the reserved vacancies.
7. No Liaison Officer for SC/ST had been appointed in the Workshop.
8. No reservation roster for the posts is being maintained.



9. It was complained that those SC employees who were appointed as Safai Karamchari and their category was to change after promotion in higher cadre of post, were being treated as Safai Karamchari on promotional posts.
10. Denied installation of a statue of Dr. Bhim Rao Ambedkar in the Workshop.
11. No accommodation/facilities for SC/ST Employees Welfare Association had been provided.
12. Portrait of Dr. Baba Sahib Ambedkar may be placed at work place as well as in the Conference Hall of Workshop.
13. It was informed that there were huge back-log of vacancies/posts.

The Commission listened to the grievances placed before it and assured the association that the issues raised by them would be discussed with the Northern Railway authorities for taking necessary steps for redressal of the grievances.

Thereafter, the Commission discussed the implementation of reservation policy for SCs in Coach & Carriage wagon Workshop, Northern Railway. The Commission expressed its displeasure on non-submission of relevant data as desired by the Commission for review meeting. The Commission enquired about changing of the category of promoted SC employees of Workshop and their poor working condition.

The Chief Works Manager, Coach & Carriage Wagon Workshop, Northern Railway, Lucknow presented the activities carried out and functions of the Workshop. He also informed that the rules of the reservation issued by the Government of India and Railway Department were being followed in true manner and there was no lapse about its implementation. The Commission was also informed that the Railway had planned to modernize the Workshop, wherein the service condition and career prospect of the employees would be improved. However, it was clarified to the Commission that the information asked would be submitted in due course of time and the suggestions/recommendations, if any, would be implemented.

After the interaction with the Officers of the Railway Workshop, the Commission recommended that the issues raised by the SC/ST Railway Association may be looked into and necessary corrective steps may be taken to resolve the grievances of the SC employees. All information on the replies to the questionnaire may be furnished to the Commission so that a review meeting could be fixed. An action taken in this regard may also be submitted for the consideration of the Commission. The Chief Works Manager assured that he would do the needful and no opportunity for complaint against Railway would be given.

## **19. Review of Dr. Baba Saheb Dr. Bhim Rao Ambedkar University, Lucknow on 5.6.2009**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member and Joint Secretary of the National Commission for SCs conducted a meeting on 05/6/09 of the implementation of reservation policy for the Scheduled Castes in the Baba Saheb Dr. Bhim Rao Ambedkar University Lucknow. The Officers from the Ministry of Human Resources Development and University Grants Commission were also present in the meeting.

First, a meeting with the representatives of the SC/ST Employees Association of the University was to be held. However, it was told to the Commission that no SC/ST Employees Association was in existence in the University. Hence, the Commission interacted with the SC/ST Students of University and SC Officers of the University about the violation of rules of reservation policy and their personal grievances.

The SC/ST Students and SC Officers of the University presented their grievances before the Commission and requested for early redressal of the same. A memorandum from the SC/ST Teachers led by Dr. D.B. Malik was also submitted to the Commission. The Commission assured that the matter would be taken up with the University authorities.

The Vice Chancellor briefed about the activities and progress made in the University and explained the action taken on the decisions taken during the first visit of the Commission on 21/09/07. A presentation was also given by the Vice Chancellor highlighting the existing and future plans specifically emphasizing the percentage of representation of Scheduled Castes in admission, recruitment and in various committees and bodies of the University.



The Seniors Officers from the Ministry of HRD & UGC submitted before the Commission that the appropriate funds and facilities had already been provided to the University and if any additional requirement will occur, then the same would be made available to the University for the improvement and better future of the SC/ST students. The Commission expressed its happiness over the progress made by the University and stated that the condition of the University has improved compared to that in 2007. Thereafter, the Commission offered to use its power to raise the issues at various levels in the Government of India for adequate funds as the University has been set up in the name of Dr. Ambedkar. The Ministry of HRD and UGC have also helped for improvement and progress of the University.

The Commission also admired the efforts made by the University in the matter of implementation of reservation policy. The Commission also asked about the action taken report on the representations/complaints received from the Students/Research Scholars and the officials of the University. An action taken report regarding harassment of SC Students by Dr. Kamal Jaiwal was also sought. The Commission was informed that quick action was taken by way of instituting enquiry at the level of retired Judge of the High Court of Allahabad. The University will take further action against the culprit based on the enquiry report. The Joint Secretary, NCSC also raised an issue of redressal of grievances of Prof. D.R. Gadekar, former Vice Chancellor of the University regarding non payment of his P.F. amount. The Commission had accordingly, directed the University authorities to expedite the matter.

The Vice Chancellor of the University explained further and presented the facts and progress made on the implementation of reservation policy. He also informed that the University was taking care of interest of the SCs and assured that suggestions/recommendations of the Commission for better implementation of the reservation policy will be followed in true spirit.

After assessing the implementation of reservation policy, the Commission made the following suggestions for taking corrective steps by the University :—

### **Recommendations**

1. Expedite the pending recruitments through launching of special drive in the University.
2. A big statue of Dr, Ambedkar may be placed in front side of the University.
3. Proper plantation of trees drive should be taken in the Campus
4. Timely utilizations of funds should be ensured.
5. All Construction activities in the campus should be expedited so that the studies of SC/ST students could not suffer further.
6. Expedite the settlement of the grievances of the SC students and Officers.
7. Action taken report on the decision taken during the review meeting may be submitted before the Commission within 30 days.

At the end of the meeting, the Hon'ble Chairman thanked the university authorities for their support and cooperation in making the review meeting successful and hoped that the University authorities will take necessary steps for the betterment of the SC/ST students and for maintaining the true spirit for implementation of the reservation policy for SCs.

### **20. Review of Hindustan Life Care Ltd. on 30.6.09**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member and Joint Secretary of the Commission reviewed the implementation of Rule of Reservation in Hindustan Life Care Limited on 30th June 2009.

### **Meeting with the Association**

Although the participant group was very small from the SC Association, numbering only three the Commission detailed the process and constitutional protection with reference to the safeguards provided to Scheduled Castes in appointment and promotions.

The briefing was well received by the Scheduled Caste participants. The Commission was of the considered opinion that the first step to demand for the right is to be organized in the form of welfare Association. The participants from the Scheduled Caste in the name of so called Association, during the meeting also stressed upon the need of the SC and ST Association in the Hindustan Life Care Limited. The SC employees who had participated in the meeting had convincingly agreed to form an association.

### ***The Points Discussed***

- (1) In Hindustan Life Care Limited, there is no organized effort by SC and ST employees to spell out their legitimate right in the form of Association.
- (2) The present grievance of the SC and ST employees was that, 1% subsidy be given as an additive apart from 5% that was being extended to all the employees covered under housing loan scheme.

After briefing from the Association, the Commission had a meeting with the management of the organization.

After perusing the data provided by Hindustan Life Care Limited, the Commission wanted to know about the deficiency of the representation of SCs in Group A cadre.

The Commission drew the attention of the management that the Group A representation as in 2009 was only 14.89 %. The Commission stressed the importance of fulfilling the minimum requirement of 15% in all the groups including the Group A. As far as Group B is concerned, the Commission had expressed its displeasure, noting the percentage of representation was only 8.85%. The Commission had also expressed his concern about the shrinking of percentage in Group B from 12.9% to 8.8% from the year 2006 to 2009.

In response to the above observation, the Chairman and Managing Director of Hindustan Life Care said that, the organization was taking all out efforts to wipe out the Backlog Vacancies in all the cadres.

The Commission further mentioned that even after a special recruitment drive on filling up of the backlog Vacancies, 10 posts were being carried forward and requested the Chairman and Managing Director to furnish the entire report on Backlog Vacancies in Direct Recruitment and in promotion of all the cadres starting from Group D to Group A.

In addition to the above, the Commission directed the State Office NCSC to ask for the following clarification from the Management :—

- (1) The reason for keeping the Group B vacancies for many years as Backlog.
- (2) The reply in some of the points was very vague and without substantial proof.
- (3) The recruitment rules for entire groups in Direct Recruitment and in promotion did not surface anywhere in the data and hence the Recruitment Rule (RR) of each cadre is vital part of the reservation policy and asked for copy of the same.

The meeting concluded with the remark by the Chair that the observation of the Commission and its action points were to be attended and the compliance reports on this had to sent to the Headquarters, New Delhi.

### **21. Review of State Bank of Travancore on 1.7.2009**

Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice Chairman, Smt. Satya Bahin, Member, Shri Mahendra Boddh, Member and Joint Secretary conducted the review of State Bank of Travancore.

The review of implementation of Rule of Reservation of State Bank of Travancore, a subsidiary of State Bank of India headquartered at Thiruvananthapuram, was chosen by the headquarters of the Commission on the basis of the number of employees. The total number of employees as on 2009 comes to 10,954, that excluding the Sweeper strength of 469. Since the number of employees is crossing ten thousand, the Commission wanted empirically to see the present position of the Scheduled Caste employees and to recommend/suggest measures after the review. After a due care, an elaborate questionnaire was prepared at Headquarters New Delhi was sent to Headquarters of State Bank of Travancore, 15 days advance of the review. Since the review was to be conducted by the Hon'ble Chairman of the National Commission for Scheduled Castes himself, the entire team from Headquarters and State Office analyzed the questionnaire and submitted the flagged points in advance for the perusal of the Hon' ble Chairman. As per the programmes fixed by the Commission Headquarters

the meeting of the review was conducted on 01.07.2009 from 9.00 AM in two parts, firstly with the well organized SC/ST Association and with the management there after.

The meeting with the Association started at 9 a.m. on 1<sup>st</sup> July 2009 under the Chairmanship of Dr. Buta Singh, with the participation of Vice Chairman, Members the and the Joint Secretary of the commission.

### **Meeting with Association**

After introduction by the Commission with representatives of the SC/ST Employees Association, the Hon'ble Chairman had enlightened the Association members on various constitutional safeguards provided for SC/STs, in the Constitution due to the tireless effort of the Constitutional experts, especially by Dr. B.R. Ambedkar, being the Chairman of drafting Committee of Constitutional frame work. Thereafter the Hon'ble Chairman had taken keen interest in memorandum submitted by the Association and reviewed the every single grievances listed out by them one by one.

The grievances put up by the association, were as under:—

1. Reservation in promotion.
2. Zone of consideration in promotion.
3. Inclusion of SC/ST members in DPC of MMGS IV and above as well.
4. SC/ST representation in the Board of Directors.
5. Special Casual Leave to the Officers of Association.
6. Provision for an office room at Head Office Complex
7. Compassionate appointment.
8. Career path for subordinate staff.
9. Bogus Caste Certificates.
10. Meeting with representatives of SC/ST by the management.

The Hon'ble Chairman for National Commission for SCs noted all the grievances and assured the Association that, he would direct the concerned to take up with the management. The Bogus Caste Certificate holders and lenient view by the Bankers was also discussed at length and the Chairman had again assured for an urgent action in this regard.

### **Meeting with Management**

The Review Meeting on Implementation of Rule of Reservation was commenced with the introduction of management to the National Commission for Scheduled Castes and in turn the Hon'ble Chairman introduced all the Members present in the meeting. In his introductory remarks the Hon'ble Chairman had expressed his great pleasure in participating in the review and said that the Commission for Scheduled Castes is visiting first time to the State Bank of Travancore.

The Hon'ble Chairman had raised the issue of percentage of reservation in subordinate staff and clerical cadre. Only 10% of reservation was being extended to Scheduled Cates as against 15% stipulation. On this the Management had briefed the Commission that since the subordinate and clerical recruitment attracts only from locals and its percentage in Kerala is only 10%.

Thereafter, the Hon'ble Chairman wanted to know from the management about reservation policy in promotion from subordinate to clerical cadre. As the reply to this from the questionnaire stated as "No reservation in promotion from subordinate to clerical" as the direct recruitment exceeds 75% , the Hon'ble Chairman wanted the copy of the Recruitment Rules on promotion prior to 1992 and thereafter.

As far as promotion to JMGS I and above, the Hon'ble Chairman asked for the details about the raising of salary level from Rs.5700/- to Rs.18300/. in accordance with the circulars of Banks that was based on the DPT, Meaning that the Reservation in promotion was applicable only to those whose salary was less than Rs.5700 in the year 1986 and beyond which no reservation and salary limit was raised to Rs.18300 in 1996 on this the management had informed the Commission that they will inform after seeing the records.



On another question from the questionnaire, the Hon'ble Chairman had asked for the details of the Backlog Vacancies in Direct Recruitment and in promotion on Scheduled Castes and requested the Bank to provide details on Backlog Vacancies of both direct recruitment and promotion on cadre wise from 1997 to till date and prior to the implementation of the Post Based Recruitment also. Then on a reply to the question, about the officers and clerical vacancy of 25 and 10 carried forward of officers and clerks respectively from 2008 were not supported with recruitment thereafter. Hence the Hon'ble Chairman wanted the details of the 25 Backlog Vacancies in Officers and 10 Backlog Vacancies in Clerks cadre and its Recruitment process as on the year 2009.

The Hon'ble Chairman enquired about the number of Special Recruitment Drive by the Bank to fill the shortfall/ Backlog Vacancies in the Officer cadre during the last three years and its as on date position. Identification of Backlog Vacancies in Clerk cadre did not show any recruitment. The Hon'ble Chairman wanted the details on that. On another query the Hon'ble Chairman had expressed his concern for not sponsoring any Scheduled Caste candidate even though 20 general employees who were sponsored for abroad posting/ assignment for the last 3 years.

With regard to the false caste certificate, the Hon'ble Chairman wanted to know the status of 17 cases of false SC certificates. The Commission had expressed its view that the management was taking lenient view some times. In reply to that the General Manager had informed the Commission, the details of cases at every stage and in every State as well.

On a query on compassionate appointment the Hon'ble Chairman requested for a copy of the latest guidelines that stipulates ex-gratia payment in lieu of appointment.

On a random look at the maintenance of the Roster, the Hon'ble Chairman advised the Management to keep the Roster updated and its authenticated signatures including that of Chief Liaison Officer.

The Hon'ble Chairman took keen interest to see whether the grievances of Scheduled Castes are promptly attended and wanted to see the maintenance of the complaint register. In another query the details of the training given to Scheduled Castes were also asked by Hon'ble Chairman.

The Hon'ble Chairman asked for the details of Scheduled Castes representation at General Manager level and it was informed that the 2 SC Officers were at General Manager (GM) Level.

On Looking into the Annual Report, the Hon'ble Chairman told the management that a chapter on reservation policy should be incorporated in the endeavour of Scheduled Castes.

On Social Service Scheme of Public Sector Bank, the Hon'ble Chairman suggested the Bank to adopt a village or cluster of villages in Scheduled Caste dominated area and to address their issue including economic schemes for their total development instead of social service like books, pencils etc.

Before conclusion, the Managing Director Shri Jagnathan had expressed confidence in the system of safeguarding the interest of Scheduled Castes and the visit of the Commission was an encouraging step to introspect the position of Scheduled Castes. Further, the Managing Director said that this kind of visit by the Constitutional body will certainly confirm that there are things above us to control on wrong doings, if any. The Hon'ble Chairman appreciated the sentimental talk and then the meeting concluded.

## **22. Review of National Water Development Agency on 22.7.2009**

Prof. V.M. Kamble, Hon'ble Vice Chairman National Commission for SCs Accompanied by some officers conducted a review meeting on implementation of the reservation policy for SCs in National Water Development Agency (NWDA) at their Headquarters, New Delhi on 22.07.09.

At the outset, Shri A.D. Bhardwaj, Director General, NWDA, and other senior Officers of the NWDA, welcomed the Commission.

A meeting with the representatives of the SC/ST Employees Welfare Association of the NWDA with the Hon'ble Vice Chairman of the Commission was to be held. However, it was informed that the Organization did not have separate SC/ST Employees Welfare Association. Therefore, the Hon'ble Vice Chairman decided to hold discussion with the SC Officials working in Agency including representatives of NWDA Trade Union. During the meeting with the Association's representatives, Dr. A.K. Sharda, Director (MDU) & Liaison Officer for SC/ST, NWDA was also present.

During the interaction with SC Officials, it have been informed that the SC officials did not have grievances regarding violation of reservation policy. However, one grievance in respect of anomaly in the pay scale of Junior Engineers is to be resolved. The Hon'ble Vice Chairman observed that this grievance is general in nature and it could not be linked up with the discrimination with SCs or violation of reservation rules.

The Hon'ble Vice Chairman, thereafter, initiated discussion with the D.G. and other Senior Officers of the NWDA on the implementation of reservation policy for SCs and asked the D.G. to explain the reason about inadequate representation of SCs in group A, B, & C posts and non-filling up of such posts. The Vice Chairman also asked about non-maintenance of complaint register and setting up of monitoring cell for assessment of the reservation policy in Organization as per the DoP&T instructions. The comments/action taken on the issues raised by the SC Officials during the meeting were also discussed.

The Director General, NWDA first apprised about the functions/activities of the Organization. He submitted that the NWDA has been set up under Society Act in the year 1981. Therefore, recruitments in all cadre posts in NWDA were made at that period and thereafter, some recruitments made upto the year 1988. No recruitments have been made thereafter. Thus, due to this reasons, the NWDA inadequate SC representation in all cadre posts. However, in this regard, a proposal to fill up vacant posts have been sent to the administrative Ministry of Water Resources and reply is yet to be received. Regarding setting up of monitoring cell for SC/ST and maintenance of complaint register for SC grievances, the same has been noted and necessary action would be taken accordingly.

During the review meeting, some pending cases of grievances of SC employees viz. Smt. B.M. Nayak, Head Clerk, NWDA, Bhubneshwar regarding her transfer from Bhubneshwar to Gwalior and Smt. K. Geeta, Steno Grade-I, NWDA, Bangalore regarding her transfer from Bangalore to Gwalior were also discussed. The Hon'ble Vice Chairman was of the view that both SC officials belonged from weak and depressed communities and being a woman, they are not in position to handle the family matters. Accordingly, the Hon'ble Vice Chairman requested the D.G., NWDA to consider petitioner's request on humanitarian grounds and genuine problems being faced by them.

Further, while assessing the implementation of reservation policy for SCs the Hon'ble Vice Chairman observed that the NWDA did not make sincere efforts to implement the reservation policy in true spirit and as a result by there is a huge gap in representation of SC officials in all cadre posts. In this regard, the explanation given by the D.G. did not appear to be satisfactory. However, the NWDA may take necessary steps in the interest of the SCs. In this regard the following recommendations have been made.

Efforts may be made to fill up vacant SC vacancies in all cadre posts through taking up the matter with the administrative Ministry of Water Resources and launching of special recruitment drive.

Steps may be taken to set up the monitoring cell for SC/ST as per the instructions of DoP&T.

A complaint register for registering the grievances of the SCs may be maintained.

The Director General, NWDA assured the Commission that he will take positive and corrective steps in the interest of the SCs and will maintain true spirit on implementation rules of reservation in NWDA.

### **23. Review of Project Equipment Corporation (PEC) Ltd. on 23.7.2009**

Prof. N.M. Kamble, Hon'ble Vice Chairman National Commission for SCs accompanied by some officers conducted a review meeting on implementation of the reservation policy for SCs in Project Equipment Corporation Ltd., at their Headquarters, New Delhi on 23.07.09.

At the outset, Shri Arun Kumar Mirchandnani, Chairman-cum- Managing Director, and Other Senior Officers of the PEC Ltd., welcomed the Vice Chairman and Officers of the Commission.

The Hon'ble Vice Chairman of the Commission first held a meeting with the Representatives of the SC/ST Employees Welfare Association of the PEC Ltd., New Delhi and asked them to present their grievances. During the meeting with the Association's representatives, Shri R.S. Aggarwal, Liaison Officer for SC/ST, PEC was also present. The following grievances/complaints were put up before the Hon'ble Vice Chairman.

The vacancy position relating to SC category, recruitment made thereupon in various cadre, back-log position etc. in PEC Ltd. has not been communicated to the Association. Moreover, the vacancies have not been advertised in the Newspapers.

No reply on the letters written by the Association on the matter grievances of SC employees has been intimated by the PEC Management.

There is no transfer policy in the Corporation. Therefore, the employees belonging to SC category has been discriminated in the name of transfer.

There are some discrepancies in promotion of SCs. Though, there is time bound promotion policy in PEC Ltd. However, in the matter of promotion of SCs, the rules of time bound promotion policy did not follow.

The Liaison Officer for SC/ST did not help and cooperate with the SC/ST Employees Welfare Association.

The PEC Management did not call periodically meeting with the Association to hear the grievances of SC employees of Corporation.

Reservation Roster maintained for cadre wise were not shown to the Association.

No facilities like separate room, computer, furniture etc. have been provided to the SC/ST Employees Association.

Some individual cases pertaining to harassment of SC Officials of PEC Ltd., viz. cases of Shri S. N. Dongarwal, Shri Suresh Kumar, Shri Naresh Kumar, Shri Radhey Shyam, Shri Jai Prakash and Shri Gyan Chand were raised by the representatives of the Association and prayed to the Commission to redress the grievances of SC officials.

In the matter of individual cases, the Hon'ble Vice Chairman advised the representatives of the Association to put up all individual cases separately before the Commission for consideration. Thereafter, the Vice Chairman of the Commission asked the Liaison Officer for SC/ST to explain about the complaints made against him by the Association representatives. It was informed to the Commission that the complaints made against him by the Association are beyond the truth. Actually, the Association's representatives did not cooperate with him and ignoring him preferred to meet directly to the PEC Management to discuss their grievances.

After that, the Commission initiated discussion with the CMD and other senior Officers of the PEC Ltd. on implementation of reservation policy for SCs in the Corporation. The CMD, PEC Ltd. first introduced the Officers of the PEC Ltd. and himself and then appraised functions and activities of the Corporation. The Hon'ble Vice Chairman asked the CMD to explain their replies/comments on the issues raised by the PEC SC/ST Employees Welfare Association. The CMD stated that the PEC Ltd. has followed the rules of reservation as per the Govt. of India instructions and there is no lacuna in its implementation. The representation of SCs in all cadre posts (Group A, B, C & D) are higher than the prescribed percentage of reservation. There is time bound promotion policy for the employees of the PEC Ltd. and no employees including SC/ST are discriminated and SC employees get promotion in time. The PEC Ltd. has maintained reservation roster for all category/posts and the Liaison Officer for SC/ST periodically checked up the roster. Further, there are no restrictions for meeting with the CMD & Senior Officers on the employee's grievances. The matter of transfer policy in PEC Ltd. is presently sub-judice before the Hon'ble High Court of Delhi. Regarding recruitment position and filling up of the post, it was intimated that the PEC Ltd. initially recruited the persons as Management Trainee through campus selection and thereafter they were absorbed in the company's cadre post. All other posts excluding Management Trainee are promotional posts. The CMD also explained facts on each of the individual cases raised by the Association representatives. Further, during the meeting one pending case of Shri Manish Kumar Beniwal for his harassment was also discussed. The CMD presented full facts of the case before the Hon'ble Vice Chairman and shown the petitioner's ACRs and his personal file. The Hon'ble Vice Chairman was satisfied with the action taken on the part of the PEC Ltd. He had however, stated that there was no case of harassment with Shri Beniwal as the PEC Ltd. took corrective steps and tried to resolve his grievances.

The Hon'ble Vice Chairman, while reviewing the implementation reservation policy for SCs in PEC Ltd., observed that the efforts made for achieving the targets of SC representation in all cadre post are appreciable and admirable. There is no issue of non-implementation of rules of reservation. However, there are some points wherein corrective steps are need to be taken by the PEC Management.



No compliant register has been maintained. Hence, a compliant register may be maintained as per the DoP&T instructions.

The reservation roster may be shown to the SC/ST Employees Welfare Association on demand.

The PEC Ltd. may consider to grant some facilities to the SC/ST Association office bearers.

Action taken on the individual cases raised by the Association and others issues raised during the meeting may be submitted for the examination of the Commission.

The CMD, PEC Ltd. assured the Commission that he will take positive and corrective steps in the interest of the SCs and will maintain true spirit on implementation rules of reservation in PEC Ltd.

## **24. Review of Dr. Baba Saheb Ambedkar National Institute of Social Sciences at Mhow on 7.11.2009.**

Dr. Buta Singh, Hon'ble Chairman, Prof. N.M. Kamble, Hon'ble Vice Chairman & Shri Mahendra Boddh, Hon'ble Member, National Commission for SCs conducted a review meeting on implementation of reservation policy for SCs in Dr. Baba Saheb Ambedkar National Institute of Social Sciences, Mhow, (M.P.) at its Headquarters, Mhow on 07/11/09. Other Senior officers of the Commission accompanied the Commission.

At the outset the Director General Dr. Baba Saheb Ambedkar National Institute of Social Sciences, Mhow, (M.P.) welcomed the Commission. Thereafter, the review meeting started at the Conference Hall of the Institute.

1. Meeting with SC/ST Employees of Dr. Baba Saheb Ambedkar National Institute of Social Sciences, Mhow, (M.P.).

A meeting with the Office Bearers of the Dr. Baba Saheb Ambedkar National Institute of Social Sciences, Mhow, (M.P.) SC/ST Employees Welfare Association was scheduled to be held. However, it was told to the Commission that there is no Association as such, but the Institute has employees belonging to SC/ST category. Therefore, the Commission decided to hear the grievances of the SC Employees of the Institute. During the meeting, the following issues were raised by the employees.

1. The Institute did not recognize the SC/ST Employees Welfare Association. Moreover, the recognition of the Association, earlier granted, has been withdrawn by the Instituting Management.
2. Harassment of SC Employees: It was told by the SC employees that the management of the Institute is harassing the SC employees by way of instituting false departmental enquires, Court cases and by other means.
3. There is no promotion channel to SC Employees despite availability of eligible incumbents.
4. There has been no recruitment after inception of the Institute. Thus, there is shortage of staff.
5. The Institute does not have pension scheme and the benefits of the pension scheme of the Govt. of M.P. applicable prior to year 2003 has not been granted to the employee.
6. No reservation rules have been followed while considering the promotion of SCs. For instance the post of Registrar, reserved for SC has been filled up by ST incumbent.
7. There is heavy back-log of SC vacancies and no efforts have been made to fill up such vacancies. The Commission was told that recently 09 post of class III & IV employees were created and the same were filled under the back-log vacancies. This is clear cut violation of Govt. directives in respect of filling up of vacancies under back-log.
8. There are eligible Research Associates and they are not being considered for promotion to the post of Faculty Members. In this regard, one case of Dr. Deepak Karbhari (SC) was mentioned.
9. The services of daily wagers working in the institute from more than 15 years have not been regularized. Mostly daily wagers belong to weaker sections including SC/ST category.
10. No regular pay scales to the appointee on contract basis have been granted despite Court's order.

## **Meeting with Director General & Other Senior officers of DR. Baba Saheb Ambedkar National Institute of Social Sciences, Mhow, (M.P.)**

The Commission held a meeting with the Senior Officers of the Institute. Shri V.K. Batham, Secretary, Deptt. of SC Development, Govt. of Madhya Pradesh was also present as a representative of Govt. of M.P. The Baba Saheb Ambedkar National Institute of Social Science, Mhow, (M.P.) was represented by Shri R.N Berwa, Director General, Shri L.S. Solanki, Registrar Prof. R.D. Maurya, Dr. C.D. Naik, Prof. R.D. Garkar, Prof. Deepak Verma, Smt. Manisha Srivastave and Smt. Sweta Tripathi.

First, the Hon'ble Chairman gave welcome address and also mentioned that the National Commission for SCs was constituted under Article 338 of the Constitution. He felt that the Institute has been established at the National level in the name of Dr. Baba Saheb Ambedkar, however, either it is a National Institute or not the reservation policy of Central Govt. is to be applied therein. Moreover, no Liaison Officer for SC/ST has been appointed for taking care of the interests of the SCs and implementation of reservation policy. Thus, it shows poor condition of the implementation of reservation rules in the Institute. No rosters are also being maintained. At the same time, Hon'ble Chairman pointed out that there is no monitoring system for assessment of implementation of reservation policy in the Institute at the level of the Govt. of M.P. Therefore, he advised the Secretary, Deptt. of SC Welfare Govt. of Madhya Pradesh to review the activities of the Institute regarding implementation of reservation policy, regularly.

The Director General, Baba Saheb Ambedkar National Institute of Social Science apprised the Commission that this Institute was set up in the year 1988 under Society Act by the Govt. Madhya Pradesh. Therefore, the Institute is implementing the reservation policy as per the orders of the Govt. of M.P. The Institute is a prestigious Research Institute providing higher education to the SC/ST students. He stated that after initial recruitment, no further appointments were made which resulted in shortage of staff in all cadre posts. The promotions are being made as per the Government directives and no discrimination is made on caste ground. However, the directions of the Hon'ble Commission, if any will be complied. The D.G. further submitted that there is a piece of land out side the premises of the Institute. Therefore, he requested the Commission to discuss the matter with the District Administration for allotment of the land.

After detailed discussion, the Commission recommended the following:

No reservation rosters in all cadre posts have been maintained. Therefore, rosters should be maintained as per the DoPT orders.

The Liaison Officer for SC/ST in the Institute must be appointed in the Institute immediately as per the Govt. directives.

The SC/ST Cell for redressal of the grievances of the SC employees may be set up as per Govt. directives.

The Institute has un-filled vacancies and shortage of Faculty Members. Therefore, the Commission suggested that the Institute may prepare a detailed proposal for seeking more funds and extension of Faculty for onward submission before the Administrative Deptt. of Govt. of Madhya Pradesh under intimation to this Commission.

It was complained that the Institute has withdrawn the recognition of SC/ST Employees Welfare Association. Therefore, Institute may review the matter and take necessary corrective steps.

The individual complained made by the employees belonging to SC category may be redressed on priority basis.

The Director General of the Institute assured that the suggestion/directions made by the Hon'ble Commission would be complied and necessary corrective steps would be taken in the interest of SCs accordingly.

## **25. Review Meeting held under the Chairmanship of the Hon'ble Chairman, Vice-Chairman and all other Members of the National Commission for Scheduled Castes, Government of India, New Delhi with the Nalco Authorities, Orissa on Implementation of Reservation Policy on 09-10-2009**

Dr. Buta Singh, Hon'ble Chairman, Prof. N.M. Kamble, Hon'ble Vice-Chairman, Smt. Satya Bahin, Hon'ble Member, Shri Mahendra Boddh, Hon'ble Member and Shri Mrutyunjaya Nayak, Hon'ble Member, Shri T. Theethan,

Joint Secretary and other Sr. Officers of the National Commission for Scheduled Castes, Government of India, New Delhi and Kolkata visited Orissa and hold a Review Meeting with the National Aluminum Company Ltd. (NALCO), Bhubaneswar on the implementation of Reservation Policy. Meeting was held in two phases first meeting was with the NALCO SC/ST Employees Welfare Association and followed by 2nd meeting with the NALCO Management.

**(A) Meeting with the NALCO SC/ST Employees Welfare Association:**

Altogether 17 members including Secretary & President from all three units of NALCO including Corporate Office attended the meeting. The Secretary of Damanjodi unit has submitted a representation/Memorandum to the Hon'ble Chairman and informed the following problems which are being faced by the SC/ST Employees of NALCO.

- (1) Non-implementation of Reservation Policy.
- (2) After appointment of Graduate Trainee SC candidates leaving services of NALCO for better opportunity but Management is not filling up the vacant post by the SC candidates.
- (3) Management 1st recruited the General category candidates in the post of non-executive and executive cadre then after one year or so recruited SC candidates. Therefore, SC employees lost their seniority.
- (4) Management never considered merit criteria of recruitment of SC, as general as per the DoPT directives.
- (5) Junior Operative Trainee (JOT) examination held in 2008 but result has not been published yet.
- (6) In spite of having requisite qualification experience promotions are not given to reserve category from non-executive to executive even though there are vacancy.
- (7) There are two Schools running by the NALCO (i) DAV School and (ii) Swaraswati Vidya Mandir. But no reservation policy is maintained in both the Schools.
- (8) No SC members from SC/ST Association is included in the House allotment Committee even after several request though members of the General Association has been included in the House allotment Committee.
- (9) Promotion from Manager to Sr. Manager has not been given for last 8 years. Sometimes promotions given to General Caste employee by superseding SC employee. As an example Shri A. Halder, Chief Manager has got promotion by superseding 14 seniors to the post of DGM.
- (10) About 20 SC families have not been rehabilitated with employment under LDP scheme by the NALCO Management.

Meeting ended with vote of thanks.

**(B) Meeting with NALCO Management :**

Shri A. K. Srivastava, Chairman & MD and other Sr. Officers altogether 10 (ten) Officers were present in the meeting. CMD, NALCO welcome the Hon'ble Chairman, Vice-Chairman and other Members, Officers of the Commission and stated about the activities of the NALCO.

Hon'ble Chairman advised the CMD to include a separate chapter as regards to the matter of SC in the Annual Report of NALCO. The CMD assured the Hon'ble Chairman to adhere the advice in the coming year.

Hon'ble Chairman asked whether Reservation Roster is being maintaining in NALCO, if so, show the Roster Register. After verifying the Roster, the Hon'ble Chairman informed them that Roster have not been maintained properly. It should be maintained properly in a proper format. Format will be sent by the Commission to the NALCO authority.

Discussions were held as regards to point No.2, 3 & 4 with the SC/ST Association. The CMD assured that they will look into the matter and if found there are any discrepancies the same will be shorted out immediately. Further, the CMD assured that the result of JOT Examination will be published within 31-12-2009.



The Hon'ble Chairman and the Member (MN) asked the Management the reason for non maintenance of reservation policy in the schools where a sizeable portion of funds/facilities are given by the NALCO to both the Schools. The CMD agreed to follow the instruction of the Commission henceforth.

The Hon'ble Chairman annoyed with the Management for not sending any reply of the letter of the Commission regarding the case of Shri A. C. Mahanandia. CMD assured that reply will be sent to the Commission within 15 days.

The Hon'ble Chairman asked about the less percentage of SC in Group 'A', 'C' & 'D'. The Management informed as the implementation of reservation started from 1982 in the company, some percentage have not been covered up. However, they assured to fill up the SC employee for achieving the prescribed percentage.

The Hon'ble Chairman objected about the de-reservation made by the Management as per the DoPT directives. The Management assured not to de-reserve any direct recruitment post further.

The Commission asked the Management about developmental schemes taken for the welfare of SC. The CMD informed that 1% of the net profit of the company spends for various development schemes in every year.

The various schemes/activities undertaken by the Company are as follows :

- (1) Activities taken up for School level education of SC/ST children School Buildings have been constructed in 9 peripheral villages for ST children and 2 schools are running in rehabilitation colony.
- (2) Scholarships are given to the students of the NALCO employees for higher studies in professional institution. Out of total 160 scholarship 20% reserved for students of SC & ST employees.

#### **(C) Community Development Activities :**

NALCO has undertaken many community development programme like (a) Health care and immunization (b) Drinking Water facilities, (c) Roads etc. but those are for all community persons. The Hon'ble Chairman requested the NALCO Management to undertake some Developmental Programmes exclusively for SC persons not only the employees but also other SC dominated areas.

### **26. Review Meeting with the Mahanadi Coalfields Ltd. (MCL), Sambalpur, taken by the Hon'ble Vice-Chairman and other Members of National Commission for Scheduled Castes, Government of India, New Delhi on 09-10-2009 At Bhubaneswar**

Prof. N. M. Kumble, Hon'ble Vice-Chairman, Smt. Satya Bahen, Hon'ble Member, Shri Mahendra Boddh, Hon'ble Member, Shri T. Teethan, Joint Secretary, and other senior officer of National Commission for Sch. Castes, Government of India held a meeting with the office bearers of the Coal India SC/ST Employees Association (CISTEA), MCL Branch at 15 hrs. followed by meeting with the management of Mahanadi Coalfields Ltd. at 16-00 hrs. on 09-10-2009.

#### **A. The Meeting with the SC/ST Employees Association :**

The meeting was attended by altogether 21 office bearers including Secretary and President of the Unit. After a formal introduction the Secretary Shri Bramha Naik has submitted a Memorandum to the Hon'ble Vice-Chairman and other Members. The Secretary, President and other members of the Association raised the following important issues for taking up the matter with the Management:

- (1) SC/ST Employees Association has not been provided office accommodation by the Management. Though the MCL Management agreed to provide office accommodation in the meeting held by the Hon'ble Member of the Commission Shri M. Nayak on 25-02-2009. Accordingly, Director (Pers) issued a letter to the Management of Jagannath Area, Talcher to provide office accommodation but till date the Management of Jagannath Area has not provided the same.
- (2) Inspite of having 7000 SC/ST members of the Association no members has been included in the House Allotment Committee.
- (3) There is a welfare committee in the MCL but no SC member included in that committee.

- (4) Roster has not been maintained properly in the MCL.
- (5) No Quarterly Meeting held regularly with the Association.
- (6) Under the welfare scheme, 6 DAV Schools are being run in the operation area of MCL with the help of Grant-in-Aid of MCL. Those Schools do not follow any reservation policy in case of employment.
- (7) There is no SC/ST Cell in the Corporate Office of the MCL.
- (8) During the meeting following individual cases have been raised and it was requested to take up the matter with the Management :
  - (i) Shri Monoj Kr. Tanty, Clerk, CGMS Office has not been given promotion by the Management though his juniors got promotion.
  - (ii) Shri Suresh Ch. Mallick, Foreman Incharge, Belpahar OCP, Lakhanpur Area has not been provided 'B' Type Quarter.
  - (iii) Shri D. K. Majhi presently working as Foreman I/C, IB Valley area has lost his seniority in Foreman Gr.C due to which his junior superseded him.

Lastly the President of the Association requested the Commission to take up those few points which are mentioned in the Memorandum and are not discussed in the meeting with the Management.

### **B. Meeting with the Management**

After formal introduction with the Officers of MCL present in the meeting the Hon'ble Vice-Chairman desired to know about absence of the CMD in the meeting. Shri B. Mahapatra, Director (Finance) informed that due to urgent pre-occupied works, the CMD could not present and it was also informed to the Commission's Office, Kolkata earlier. However, he informed that he will represent the CMD. Altogether 3 Directors and two Sr. Officers were present in the meeting.

The Hon'ble Vice-Chairman and other Members of the Commission pointed out the matters as raised by the SC/ST Employees Association. Details are given below :

- (1) The Vice Chairman asked the Management the reason of not providing the office accommodation to the SC/ST Employees Association and directed to provide the same with all facilities, immediately.

**The Director (F) assured that the same will be given to the Association very soon.**

- (2) The Hon'ble Vice-Chairman and other Hon'ble Members advised the Management to include SC representative in the House Allotment Committee and Welfare Committee for the welfare of SC employees.

**Director (F) noted it for necessary action.**

- (3) The Hon'ble Vice-Chairman asked the Management about the maintenance of Roster Register and requested the Liaison Officer, Shri R. C. Samal to show the Roster Register. But the Liaison Officer was not able to show the roster as the same was kept in the MCL Hqrs., Sambalpur. The Hon'ble Vice-Chairman directed the Deputy Director, Kolkata State Office to inspect the Rosters maintained by the MCL at the earliest.
- (4) The Hon'ble Vice-Chairman desired to know the reason for not holding quarterly meeting regularly. Shri S. C. Padhy, Director (P) informed that quarterly meeting will be held on regular interval henceforth.
- (5) As regards setting up SC/ST Cell in the M.C.L. Corporate Office, it was assured by Director (P) that they will immediately set up Cell as per direction.
- (6) The Hon'ble Vice-Chairman asked for non-maintenance of reservation policy in the 6 DAV Schools running in the MCL area where a sizeable portion of funds and facilities are given to them by the MCL.

**The MCL Management assured that they will take immediate action on it.**

- (7) It was pointed out about the reason of low percentage of SC employees in all groups 'B', 'C' & 'D' and it is seen that there was huge back-log. But the Management has mentioned that there is only one back-log.

Further, it was pointed out by the Commission how it could be one back-log when there is less representation of SC employees in all the Groups.

The Director (P) informed that the same will be looked into and action will be taken after verifying the roster register. He requested the Commission to provide experts to give them knowledge about the implementation of post based reservation policy. Shri T. Teethan, Joint Secretary informed them to fix up date of workshop and the Commission will provide expert.

- (8) About the fake caste certificate and action taken thereon, the Director (P) informed that 5 candidates were dismissed from service for providing false SC certificates at the time of employment.
- (9) The Hon'ble Vice-Chairman asked about the welfare activities undertaken for SC people. The Director(F) informed that one hundred bedded Girls Hostel has been constructed absolutely for SC/ST Girls. He also informed that MCL has undertaken Community Development Works but the same are meant for all castes people.



## CHAPTER 6

### ON THE SPOT ENQUIRIES CONDUCTED BY THE COMMISSION IN ATROCITY CASES

#### 1. Visit of the Commission to Agra for Providing Relief to A SC Candidate

It was learnt through Print and Electronic media that lawyer in the Agra tonsured and beat up a Dalit youth in June, 2007 after tying him to a tree in the Court premises.

Since it was a serious atrocity on a SC candidate, two Members Smt. Satya Bahin and Shri Mrutyunjay Nayak of the Commission visited the spot to take stock of the incident in respect of a SC candidate Sh. Vinod Kumar, resident of Jai Nagar, New Agra, UP. The victim Sh. Vinod Kumar was tonsured. The Commission asked the police authorities to locate the barber who had done this act and record his statement under section 164 of IPC before the magistrate and recommended the strongest action against the culprits by invoking the provisions of section 3 (i) (iii) of SCs/STs (POA) Act, 1989. It was also impressed upon the authorities to provide him immediate financial relief.

Apart from this, the action against the concerned police personnel who did not take timely action, also be taken.

The Police authorities after taking the action informed this Commission that Sh. Vinod Kumar had been given a sum of Rs. 6,250/- as compensation and the main culprits were punished, including the SHO of the concerned P.S. Other six Police personnel were also suspended.

#### 2. Visit of the Commission to Kanti village, Bara tehsil, Distt. AILahabad

The President of Uttar Pradesh Congress Committee, Nehru Bhawan, Lucknow, Dr. Reeta Bahuguna Joshi informed this Commission and forwarded the representations of the affected people with regard to the blatant act of land grabbing. In this incident the land mafia in tandem with police raided a SC village, Kanti during night to grab their land for the construction of educational institution. On refusal to vacate the land the mafia and the police threatened them with dire consequences. They even went to the extent of destroying their property. They set the structures meant for animals on fire and also destroyed their house hold articles.

As the land mafia and the local police were in hand and gloves with each other, the police returned to the village the same night with huge force and created a mayhem. They brutally thrashed the men and women folks causing them grievous injuries. They dragged the villagers to the police station and had beaten them. Thirteen people were put behind the bars. Even the pregnant women, aged women, adolescent girls and children were not spared. There was not a single police woman present. The villagers sent a SOS message to this Commission for immediate action.

The whole Commission led by the Hon'ble Chairman visited the village in June, 2008 for on the spot assessment and gravity of the ghastly crime. The Commission inspected the troubled spot and had a meeting with the affected people of Kanti village. The villagers narrated the barbaric incident one by one and shown the injuries inflicted on them, damage to their property and other brutalities caused to them. The Commission apprised the concerned authorities of the gravity of the situation and recommended strongest action against the accused.

The police authorities informed that the District Magistrate had issued orders for giving back the grabbed land to the affected families. The land "Pattas" were also given to them on the spot and the culprit Dealer who used to sell and buy property fraudulently was framed and orders to take serious action against him were passed. The SHO of the concerned Police Station was also suspended.

### **3. Visit of the Commission in the matter of Mental harassment and torture which forced the SC officer of Uttar Pradesh, Vidhan Sabha Secretariat to commit suicide**

Acting on the press reports, the Commission learned that one subordinate SC Officer, Sh. Subedar Singh working in U.P. Vidhan Sabha committed suicide by consuming Sulphur tablets because of mental harassment and torture perpetrated by Sh. R.P. Pandey the then Principal Secretary, Vidhan Sabha Secretariat, along with other officials. Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice Chairman, Smt. Satya Bahin, Member and Shri Mahendra Boddh, Member of the Commission visited the village of the deceased in order to know the real picture of this incident. It was learnt that Sh. Subedar Singh requested the Principal Secretary to transfer him from heavy Section to other Section but the latter refused. Even the other higher officers were also requested for this consideration but every body refused. Instead, the deceased was given some pending work for completing it within a stipulated time failing which the department may initiate action against him. He was so much scared and under tension that he decided to commit suicide which was confirmed by his colleagues/senior officers. The relatives of the victim also stated that he was subjected to mental torture and tension.

The State Government, however, stated to have made payment of Rs. 2 lakh and also assured that the deceased's son who was studying in Engineering College at Ghaziabad, would be shifted to an Engineering college based at Lucknow.

After hearing the facts of this tragic case, the Commission asked for the following documents with a view to assessing the real picture of this case. Certified copy of FIR No. 655/0/8 dated 28/07/2009, dying declaration, Annual Confidential Reports, Doctor's certificate and copy of the Post Mortem report of the deceased.

However, the State Government provided only the certified copies of FIR and the Post Mortem Report. They could not provide other documents. As a result, no discussion could be held with the top functionaries of the U.P. State Government.

Due to timely intervention by NCSC, Mr. Pandey, Principal Secretary, in his resignation letter sent to the Vidhan Sabha Speaker, has claimed that the allegations leveled against him by Subedar Singh were baseless and the latter had become mentally unstable after he received head injuries during an accident last year. Mr. Pandey said that he was upset with the allegations leveled against him and had decided to resign.

### **4. Visit of the Commission to Panipat District, Haryana**

The Petitioner, Km. Rakhi, D/o Sh. Inderpal, Vill. Ramnagar, Panipat belonging to SC, informed in February, 2008 this Commission about her shameful rape by her neighbour. Smt. Satya Bahin, Member of the Commission visited the place to enquire into this matter. The matter was discussed with Dy. Commissioner, Panipat and Addl. Superintendent of Police.

With regard to the atrocities, perpetrated on Kumari Rakhi, a minor girl, who was victimized, the Commission learnt that section 3 (I) (XI) of SCs/STs (POA) Act, 1989 had been also applied in FIR. After discussing the matter with District Police and Civil Administration, the Commission recommended the following measures:—

1. As the culprit was bailed out in previous occasion, the accused should be arrested immediately by the police under SCs/STs (POA) Act, 1989.
2. Financial compensation available under SCs/STs (POA) Rule, 1995 should be provided to the victim.
3. After visiting the family at their place, it was learnt that the family was in great distress. It was therefore, recommended that the police should be vigilant so that such incident did not happen again.
4. As both the brothers of the victim were physically handicapped, the Dy. Commissioner, Panipat, was told to provide all medical assistance to them.
5. It was found that the role of local SHO was partial as he was trying to link up the present case with some other cases which had no bearings with the present case. The SHO, therefore, required to be shifted immediately from the present place of posting.

The Supdt. of Police, Panipat, Haryana informed that it had been suggested to the police personnel to immediately arrest the culprit. Subsequently, the culprit was arrested. The house as well as the colony of Rakhi

was continuously being visited by the police to avoid any reoccurrence of the incident. The SHO of P.S. City Panipat, had since been transferred from Panipat to Karnal District. The action taken report was also forwarded by District Magistrate/Deputy Commissioner, Panipat, Haryana.

#### **5. Visit of the Hon'ble Chairman, National Commission for SCs in the Village of Dhondhe Ka Pura, Tehsil and P.S. Bari, District Dholpur, Rajasthan on 12/07/2008**

Dr. Buta Singh, Hon'ble Chairman, National Commission for Scheduled Castes, visited the Village Dhondhe Ka Pura under Bari P.S., Dholpur District, Rajasthan, after reading a news report appeared in various national dailies namely Hindustan Times, The Hindu, Nav Bharat Times etc., dated 10/07/2008 regarding murder of 4 SCs as a consequence of caste hatred. The Hon'ble Chairman was accompanied by other officers of the Commission.

**The News Report:** The news report published in various News Papers read:—

"In a gruesome incident, four SCs were hacked to death allegedly by members of an upper caste community in **Dhondhe Ka Pura Village**, which falls in Rajasthan Chief Minister Vasundhara Raje's home district Dholpur.....

.....The incident took place at a Village road worksite where about 40 people were present. The deceased were employed as labourers at the site. About a dozen people attacked brothers Ratan Lal, Nathi Lal and Ram Swarup and their cousin Ramveer with firearms and sharp-edged weapons. According to the FIR lodged at Bari police station. Nine accused were from Rajput community of neighbouring Rewari Village while the other two were from Gujjar community" (Hindustan Times, dated 10/07/2008)

"Forward caste men gunned down four persons of SC community, three from a single family at Dhondhe Ka Pura in Bari Tehsil of Dholpur District on Wednesday. The Fourth victim was a six year old boy.

"While caste rivalry rampant in this Rajasthan's district bordering Uttar Pradesh is not being ruled out as the reason for the killings, some old enmity between Scheduled Caste Jatavs and Rajputs seemingly prompted the present carnage. The Gujjars are also among the accused."

(The Hindu, dated 10/07/2008)

Gist of the Report received from the District/State Civil and Police Administration:

1. Dead bodies of four SCs namely Ratanlal (50 years), Naththi (55 years), Ramswarup (45 years), and Rambir, S/o Late Swarup (25 years) all residents of Dhondhe ka Pura village, PS, were found in the village on 9/7/2008.
2. All the deceased were working under NREGA scheme for development of roads and at about 9.30 AM, the accused namely Kirti S/o Jalim, Suresh, Birma, Chandrabhan Uththa all S/o Kirti, Puran S/o Jalim, Bhagawan Singh and Raju S/o Puran Gujjar, all residents of Dhondhe ka Pura village, PS Bari, and Suresh, Bablu S/o Rambabu Thakur residents of Rewai, PS Bari, all gathered with lethal weapons including local guns, abused the deceased and later on attacked them with weapons and killed them, except one Dipendra who sustained firearm injuries.
3. The local PS Bari, thereafter, registered a case vide FIR No. 321/08 on the basis of complaint of Jaipal, S/o deceased Ratanlal, u/s 147, 148, 149, 307, 302 IPC and sections 3 (1)(x) and 3 (2)(v) of SCs/STs (POA) Act, 1989. The senior officers namely DIG Range, SP Dholpur, Addl. DC Dholpur, Add. SP Dholpur, SDM Bari and BDO Bari also visited the spot and got post mortem of the bodies done.
4. A sum of Rs. 8 lakh (Rs 2 lakh against each deceased) as financial assistance under POA Rule, 1995, and Rs 6 lakh (@ Rs 1.5 lakh per family) had already been distributed through the local elected Member of Parliament (Shri Visvendra Singh), Bharatpur, and Political Advisor to the Hon'ble Chief Minister of the State.
5. The reasons for brutal attack on the SCs was stated to be an old enmity and police reportedly constituted four teams to nab the culprits who had absconded from their respective villages.



**Spot Visit:** The Hon'ble Chairman visited the place of incident, Village Dhondhe Ka Pura, Teh. Bari, District Dholpur. The District Collector and the Supdt. of Police, Dholpur, Divisional Commissioner, Bharatpur, IGP Range, Bharatpur also met victims' family members who had informed that all the deceased were working under NAREGA Scheme for development of roads. At about 9.30 AM all the accused gathered with weapons including local guns, abused the deceased and later on attacked them with the carried weapons killing them except Sh. Dipender a boy of 6 years who sustained firearm injuries. The victim's family members also revealed that about 30 SC families having 700 bighas of agricultural land had already left the village due to harassment/robbery and pressure perpetrated by the upper castes who had grabbed the land deserted by SCs. The villagers had also confirmed that the reason behind killing four SCs was nothing but to grab their land measuring 70 bighas. The affected family members had also requested for proper police protection, adequate financial assistance and service in the government department as a part of compensation package. They also informed that they were receiving threatening calls every day since the incident happened and they were told to leave the village or else face dire consequences.

During the course of discussion, it was also revealed that a total number of about 30,000 SC members had already left the district Dholpur in the past 30 years as a consequence of persistent harassment. At this point, the Hon'ble Chairman desired that a fact finding study/survey be conducted by a reputed private agency to find out the veracity of incident.

After conclusion of spot visit, the Hon'ble Chairman held a meeting with the Divisional and District level officers. The Hon'ble Chairman initiating the discussion asked the IGP about 22 reported incidence of atrocity cases in the same Police Station since 1980 and whether the IGP or Divisional Commissioner was aware of it and asked the reason why the P.S. Bari had not been declared as atrocity prone area yet? The Hon'ble Chairman also expressed his displeasure when the police authority described the incident as an act of revenge. The Hon'ble Chairman reminded that before 1980, about 700 bighas of land was in the possession of SCs. But in subsequent years, all SC families were forced to leave either at gun point or they were eliminated systematically due to which only 70 bighas of land remained with the SCs.

The Hon'ble Chairman strongly recommended the following course of action:—

1. A police Chowki should be put up in village immediately.
2. Apart from financial assistance provided by the State under POA Rule, 1995, the State should find ways and means to provide further monetary assistance to the family of the victims who were pushed into extreme poverty.
3. All the culprits should be brought to book immediately and the police administration should ensure that they were not released on bail by the Courts.
4. The district civil/police administration should often call meetings at village level involving Panchayat bodies, local political representatives and NGOs to oversee the development of the village.
5. Arm license of the deceased should be transferred to his son for self protection.
6. Accessibility to the village was poor. Effort should be made to improve the connecting roads to the village.
7. The district civil administration should ensure proper treatment of the boy who received gun injuries during this incident.
8. A status report pertaining to SCs atrocities in the Division should be furnished to the Commission at the earliest.
9. Responsibility should be fixed on the officers who had not taken action in as many as 22 such incidents which had occurred in the PS bari since 1980.

The State Government of Rajasthan informed this Commission that a sum of Rs. 8 lakhs, 2 lakhs to the each, had since been given to the families of the deceased.

The District Collector, Dholpur District also visited the village to ensure full safety of the affected families.

## **6. Visit of the Commission on the incident of gangrape of an unmarried SC girl by local BJP leaders at Dehradun—News reports dated 22/06/2008 and 23/06/2008**

According to the News reports appeared in various News Papers including Dainik Jagran, Hindustan etc., two BJP leaders namely Ashok and Pramod Gupta (ex-Chairman of a cooperative Bank) gangraped a SC unmarried girl in Rajpur Resorts, Dehradun on 19/04/2008. Ashok, who happened to be a cousin brother of the victim, introduced the girl to Pramod Gupta who impersonated as an officer with the Uttarakhand Government Secretariat and assured her a job when they all met on 19/04/2008. Thereafter, as reported, both the accused took the girl to the Rajpur Resorts in an Ambassador Car owned by Gupta and committed heinous crime of rape repeatedly.

A case was reportedly registered at P.S. Rajpur, vide case No. 44/08 u/s 376/393/501 and 120 B IPC. The accused were taken into judicial custody for interrogation. The other persons allegedly involved in the crime were stated to be at large.

According to the report submitted by the IG, Garhwal Range/SSP, Dehradun, the complaint of rape of Ms. Sulekha was first received on 19/06/2008, i.e., exactly 2 months after the incidence of rape which allegedly occurred on 19/04/2008. As per the report, Ashok, cousin brother of the victim Sulekha, was the prime accused, besides Pramod Gupta who impersonated as a Government officer and other three unidentified rapist of the case. Police reported that a case had been registered vide FIR No. 44/08 u/s 376/377/323/504/120 B IPC and SCs/STs (POA) Act, 1989 and the accused namely Ashok and Pramod Gupta had been taken into judicial remand. A medical examination of the victim was done which expectedly reported that incident of rape could not be conclusively established. The police authority however, seized the mobiles of both the accused and decoded the call details.

Dr. Buta Singh, the Hon'ble Chairman of the Commission accompanied by Smt. Satya Bahin and Shri Mrutyunjay Nayak, Members of the Commission called a meeting with the concerned authorities before visiting the victim at 'Samadhan' to take stock of the situation and current progress made by the police authority in the case. The IG, Garhwal and SSP, Dehradun, apprised the Commission that the police would conduct an Identification Parade on 28/01/2008. They also agreed to add section 3(2) (v) of POA Act, 1989 in the FIR to give the case more teeth. They also assured the Commission that no political influence would be taken into consideration while deciding the case. Secretary, Social Welfare informed that an amount of Rs. 25,000/- had been given to Sulekha as per SCs/STs (POA) Act, 1995.

The Commission visited the NGO-'Samadhan' where the victim was lodged. First hand information was obtained from her and her father who was also present there. Smt. Renuk D. Singh of NGO "Samadhan" informed the Commission about the threat and pressures which they were constantly receiving from different quarters to hush up this case.

The Commission also held a discussion with the Chief Secretary, DGP and Social Welfare Secretary and expressed his unhappiness about tardy progress made by the police to nab other three 'unidentified' culprits. It also expressed the apprehension about the likelihood of dilution of the case by the police as the offenders were known to have personal connections with the present political regime. The participating officers, however, assured that criminals would not be allowed to take shelter under any political outfit and justice will be done. The Commission, however, warned that if there was even slightest indication about dilution of the case the Commission would not hesitate to refer the case to Central Agency for an impartial investigation.

The Authorities of the Uttarakhand State informed this Commission that the culprits had been arrested and on the basis of the statement of the witnesses, Pramod Kumar Gupta, Praveen Kumar and Ashok Kumar, the main accused, had since been framed under relevant sections of the SCs/STs (POA) Act.

## **7. Visit of the Commission to Patan, Gujarat to enquire into the Horrifying incident of the gang rape of a SC girl**

Dr. Buta Singh, Chairman of the Commission visited a place called Patan of Gujarat State in February, 2008 with regard to gang rape of a SC girl which shocked the conscience of the nation. The story was published in all the Daily Newspapers. Six teachers of the B.Ed College at Patan were involved in this shameful act which ruined the life of a SC girl, Anjula Makwana aged 18 years. She was a student of a First year.

It was learnt from various sources including the Newspapers that this ghastly act was committed by none other than the teachers of the training college. The Commission further got this report confirmed from the MLAs and MPs of Gujarat. It was revealed that Ms. Anandi Patel, a Minister of Education Deptt. had direct control over the affairs of the college and all the teachers were appointed by the said lady Minister. The main perpetrator, Mr. Atul Patel was the main campaigner of her election. He used to unleash a reign of terror in that college.

The main culprit, Sh. Patel along with six other accomplices (teachers) called the victim to the Education Technology room. As soon as the girl entered the room, they shut the door and committed this shameful act one by one. They threatened to kill her, if she told any one about the incident. The girl, Anjula Makwana had fainted during the school prayer. Then the victim was immediately taken to hospital for medical aid. The police was called by the doctor for recording her statement. The FIR was lodged. Police arrested all the six accused and they were produced before the Magistrate.

The Commission taking immediate cognizance of this horrifying incident visited the Patan where the incident had occurred and held a detailed meeting with Secretary and Heads of various Departments. The Commission, thereafter, visited the college, inspected the hostel and other rooms where the incident had taken place. They also met the parents of the girl. The victim was completely shattered, mute and looked like a figure of uncanny statue of total scare.

After meeting the victim and her parents, the Commission had detailed discussions with the DM, SSP, DEO, District Welfare Officer and Education Secretary. It was learnt that the six accused were working as teacher and their assessment of the examination papers carried a huge weightage while awarding marks to the students. This college used to impart training to the teachers and nurses in other districts of the State as well. It also came to notice that they would take the girls on outings as per their choice and spent many days.

The Commission also met the Press and Media people who informed that such incidents had taken place many times in some other districts of Gujarat State. They also told that Magisterial enquiry would not be the answer to this kind of brutal incident but the matter should be probed by CBI.

The Government of Gujarat informed that the Education Department had taken a number of steps. So far as the rehabilitation plan for the said girl is concerned, it was clarified that only after declaration of the results of PTC, the Education Department will try to accommodate her by providing a job as a teacher as per their prevailing rules. However, if she can not be accommodated by the Education Department, this department will consider to provide a job in any Ashram Shala of the department.

Regarding proper rehabilitation of the victim, to ensure a job and other social support, it was intimated that the State Government had taken various steps as mentioned in the above paragraphs, i.e., by Education Department and Home Department. However, the point for her rehabilitation and ensuing a job would be considered in due course of time. She was studying in the second year of PTC and hence a question of providing a job could be considered only after she will get a degree of PTC. After the declaration of the result of the final examination of PTC, State Government would consider to provide a job in any Government Primary School run by the State Education Department or any Ashram Shala run by Social Justice & Empowerment Department. Regarding her marriage, State Government would seek the help of a NGO. It was also informed that the State Government had also consulted a leading NGO for counseling the girl, but as per the court's order, she was under the custody of another NGO and hence no further action was required.

## **8. Visit of the commission to Bharoli Vill., Teh. Bandre, Distt. Datia to carry out a spot enquiry in respect of atrocity cases**

Acting on the reports published in various newspapers with regard to the ghastly incident which took place in Bharoli village of Datia District, Madhya Pradesh, the National Commission for SCs visited Datia District, Madhya Pradesh in April, 2008 under the Chairmanship of Dr. Buta Singh, Hon'ble Chairman along with the Members, Secretary and other concerned officers of the Commission to carry out on-the-spot enquiry on alleged rape and double murder of SC members : (1.) Rape & murder of Kumari Anjana, D/o Sh. Lallu Singh Parihar, Vill. Bharoli, Teh. Bhandre, Distt. Datia and (2.) death of Sh. Ram Singh Dhore, S/o Sh. Sari Dhore, Vill. Bharoli, Teh. Bhandre, Distt. Datia under police custody.



On reaching there, the Commission immediately held a meeting with the Chief Secretary, Secretary Home, Secretary, SC/ST Deptt., IG and DIG of the Madhya Pradesh Government

The Commission visited the residence of Kumari Anjana, the victim, and discussed the matter at length with her family members about this heinous crime. The Commission was also apprised of the incident of one Sh. Ram Singh Dhore who reportedly died in custody of police. It was alleged that he was murdered by police in Chowki and hanged at Chola tree about 2 Km. away from Bharoli Vill. by the policemen. The Commission also visited the site where the dead body of Shri Ram Singh Dhore was found by the Chowkidar of the village in hanged condition.

After having visited places of incident, both the atrocity cases were discussed in detail with the Addl. Chief Secretary, Home and Director General of Police, Government of Madhya Pradesh at Circuit House, Datia.

The Additional Chief Secretary (Home) and the Director General of Police, Government of Madhya Pradesh assured during the course of discussion that an appropriate action would be taken in both the atrocity cases and action taken report sent to the NCSC at the earliest. After having discussed with the officers of M.P. Government, the Hon'ble Chairman desired that the following information be provided to NCSC, New Delhi within 05 days.

1. The photograph of dead bodies and the site maps of the incident of both atrocity cases.
2. A detailed report along with action taken report by police authorities as well as by civil administration in respect of both atrocity cases.
3. Photocopy of FIRs of both atrocity cases.
4. Post Mortem reports of both the cases.
5. The compensation, if any, provided by administration to the victim's family.

The Commission decided that after receiving the required information Chief Secretary, Home Secretary and DGP would be called in person to NCSC to discuss the matter in the full Commission meeting. Accordingly, in June, 2008 the Chief Secretary, the Principal Secretary (Social Welfare Department), the Home Secretary, Director General of Police and Insp. General of Police, M.P. appeared before the Commission.

On the efforts and recommendations made by the National Commission for SCs, the Government of Madhya Pradesh assigned this case to the Central Bureau of Investigation. The final report was awaited.

## **9. Visit of the National Commission for Scheduled Castes in the matter of large scale violence against Scheduled Castes in Gohana, District Sonapat, Haryana**

The Commission learnt through media reports published in various News Papers about the shocking news of Dalit killing which triggered large scale violence in Gohana where one person of SC community was gunned down.

When the reports started pouring in through both electronic and print media, the Commission decided to visit the troubled spot at Gohana for an on-the-spot assessment of the situation. Accordingly a team comprising Dr. Buta Singh, Chairman, Prof. N.M. Kamble, Vice Chairman, Smt Satya Bahin, Member and other senior officers of the Commission visited Gohana on 28/08/2007 to take stock of the situation.

A massive sectarian violence erupted and continued to simmer in Gohana, a day after Rakesh, alias Lara was gunned down by three unidentified youths. Dozens of people were injured in the violence that gripped the town on 28/08/2007. Deceased Rakesh's body was brought to Gohana amid heavy deployment of security forces. However, the cremation had to be put off due to the absence of his wife.

However, the violence continued through next day as SCs alleged that cops who were supposed to hand over his body to the family, abandoned it on the tractor trolley near Balmiki Colony, Gohana. They also alleged that youth who had accompanied Rakesh to PGIMS, Rohtak, were detained by the police. The incident led to skirmishes with protesters pelting stones at cops. In retaliation, police resorted to lathi charge. Adi Dharam Samaj had called for Haryana & Punjab Bandh which stalled the normal life in many parts of Haryana and Punjab.

In the meeting held at Irrigation Guest House, Gohana, the Dy. Commissioner and the Supdt. of Police, District Sonapat were present. The district officials described the situation in detail and assured the Commission that the culprits responsible for killing Rakesh would be nabbed soon. Thereafter, a delegation of Balmiki Samaj met the Commission and aired their grievances against alleged malfunctioning of the district level administration. The district level officials viz., D.C. and S.P. though tried to see the incident as an 'isolated case', which has nothing to do with the earlier atrocity related incident occurred in Gohana in 2005.

The Commission held a Press Conference after the meeting and said that this is a very serious matter in which the State Government should seriously take effective steps to provide protection to the SCs. The local administration had failed to provide effective security for the protection of the SCs habitations, in spite of the event of 2005. It should have taken preventive steps after the discharge of Shri Rakesh in the CBI case and his return to his home. The local administration should now provide reliable security apparatus for protection to the SCs habitations.

The Commission strongly recommended that the findings/impressions of the NCSC may be brought to the notice of Hon'ble Prime Minister so that the investigation of the case is handed over to the CBI. As per the prescribed procedure this can be done by the Government of Haryana as Law and Order fell in the State list as per the Constitution and it was the duty of the State Government to provide safeguards to SCs, especially when the violence had erupted for the second time in Gohana just in a gap of only two years. The final outcome of the report was awaited.

**10. Visit of the Hon'ble Member (NCSC) Smt. Satya Bahin to Distt. Gautambudh Nagar, U.P. in connection with the case of Gang Rape of Dumb Lady of Village Mirzapur, P.S. Rabupura**

Acting on the newspaper clipping of Hindustan Times, dated 10/07/2009 an incident relating to gang rape of dumb lady and mother of three children took place in village Mirzapur, P.S. Rabupura, District Gautambudh Nagar. The Member and other officers of this Commission visited the spot to take an account of this incident.

The victim Smt. Raj Bala, W/o Sh. Sunder went to the house of Rajesh at about 12.00 Noon on 05/07/2009 where she used to work as a domestic help. Sh. Moola, S/o Sh. Jitram Sharma who had a Medical Store adjacent to the house of Sh. Rajesh grabbed the hand of the victim and dragged her to a Tin Shed where four other accomplices were also waiting. They first injected the woman with some sedatives and all of them raped her one by one. The victim lady then rushed to the Mohalla and weepingly told the crowd about this heinous act.

The victim was taken to the Rabupura Thana for registering an FIR, but the police did not registered it which was however, done when this incident appeared in the newspaper and through the efforts of the Member. The erring police personnel were suspended. The DGP visited the spot and gave a check of Rs. 25000/- to the victim as compensation.

The Member advised the SSP that police protection to the victim and her family be provided immediately and the fifth accused person who was absconding be caught. In addition to this, the Member impressed upon the SSP to prepare a charge sheet of this incident and the same be filed in the concerned Court.

At last the Member called the Press and narrated the whole story of this incident.

**11. Visit of the Hon'ble Member (NCSC) Smt. Satya Bahin to Modi Nagar, U.P. in connection with the Case of Murder of a SC Girl**

A sensational News appeared in the Newspaper that a ghastly incident took place Modi Nagar, U.P. on 11/05/2009 at about 4.00 PM where an SC girl was murdered by throttling.

Acting immediately, the Member and other officers of this Commission immediately rushed to the spot and enquired about this incident from the villagers and police. They told that the FIR had been lodged but the culprit was absconding.

The delegation of this Commission visited the parents of the victim and came to know through them that the victim's father used to live in the village where as the victim along with her sisters, brothers and mother lived in Modi Nagar. Her brothers had a part time job of boring.

The victim's mother narrated the whole story. She told that a group of six to seven young boys at about 3.00 to 4.00 PM parked their motorcycles outside the victim's house and barged into their house & asked about Sh. Rinku. The mother of the victim told them that he might be outside. In the meantime 3-4 boys caught hold of her and rest of others grabbed Ms. Komal, the victim. They kept on thrashing them mercilessly. They did call for help but none came. Realising it, the mother rushed outside and vehemently cried for help. Seeing this, the neighbours came for their help but the accused fled away from the scene. It was found that a dupatta was wrapped round the throat of the victim whom they shook with full force but she was motionless. The eldest daughter who was locked in the room told that she could identify two of the culprits whom she named as Purshotam, S/o Sh. Godi Gujar, R/o Seekri Khurd and the other one as Pummi Punjabi of Modi Nagar. While absconding, they gave the warning of dire consequences in case of disclosure of that incident.

The Member advised the SP that the culprits be nabbed at the earliest and monetary compensation be provided to the victim's family. The latter assured the Member that he would do it and send the report to the Commission.

## **12. Visit of the Hon'ble Member Smt. Satya Bahin to Village Nigoh Hassanpur, District Etah, U.P. regarding obstructing the procession of marriage party of SC by non SCs of the village**

An incident came to light through media wherein the upper caste people were trying to stall the solemnisation of an SC girl's marriage at village Nigoh Hassanpur, Block Skeet, District Etah, U.P.

Taking instant cognizance of this incident, the Member rushed to the village of incident. Reaching there, the Member held a meeting with the Sr. Officers of the Police and Civil Administration on 24/06/2009. They told that at about 9.00 to 10.00 PM, hardly the marriage party had entered the village of the victim girl when the people of the upper caste started firing in the air to stop the marriage party.

When the concerned Police Authorities were informed about this incident, the SHO visited the spot and took up the matter with the DM for the cancellation of the arms license of the accused. A meeting was arranged between the SCs and non SCs people to find a solution to this kind of bizarre incident. It was agreed that none of these groups would indulge in such kind of shameful act and would not hamper the movement of the marriage party. During this meeting it was also learnt that such kind of incidents are not new to their village. In the past, many such incidents had taken place despite the orders of the Police and Civil Administration.

The Member advised the Police and Civil Administration to constantly watch such incidents and take, when informed about, instant cognizance and provide adequate protection to the affected party.

## **13. Visit of the Hon'ble Member Smt. Satya Bahin to Village Kasna, Greater Noida in connection with beating of the SC youth by Savarnas of the village**

Taking cognizance of a Press Clipping relating to an incident which took place in village Kasna, Greater Noida, the concerned Member along with other officers of this Commission visited the spot. It was learnt that a SC boy was thrashed by the Police inside the Thana. When a group of ladies went to the said Thana to protest against this act, the Police instead lathi charged them.

The delegation of the Commission met the Police Authorities and held a meeting relating to the incidents. It was known that a person named Ballu Pandit had been staying in this village for the last so many years and used to run a Chemist Shop. The victim Sh. Rajender Kumar told that on 11/05/2009 at about 1.30 PM when he was passing through the shop of Sh. Ballu Pandit, Pandit asked him as to which political party he had cast his vote. When Sh. Rajender did not disclose it, Sh. Ballu Pandit started abusing him by caste name and threatened him that he would teach him a lesson. His supporters also joined him and they thrashed Sh. Rajender Kumar severely that he started bleeding from his nose and became unconscious. The Police did nothing but on the other hand they beaten the ladies who had complained against this.

The delegation of NCSC managed to get lodged an FIR against this incident and admitted the victim in the Kailash Hospital, Greater Noida and advised the police to handle such cases properly and in time. The SSP was also advised to order for inquiry of that incident and submit his findings to this Commission.



#### 14. Visit of the Hon'ble Member Smt. Satya Bahin to Village Lalpur, Thana Kheragarh Distt. Agra regarding rape case of a SC girl by non SCs

The incident took place in village Lalpur, Thana Kheragarh, District Agra on 05/06/2009 where Ku. Sapna, D/o Sh. G. lab Singh had gone to collect her wages to Kasba Kheragarh. The accused Munna Khan seeing the girl alone asked her to take her wages in kind i.e. Mustard Oil from his house. On her way to his house, the son of Munna Khan asked her as to what place she was going to. Km. Sapna told that she was going to his father's house. Hearing this he offered her that he would drop her on his motorcycle. On the way another person named Kissu, S/o Sh. Ashok joined him. They instead of taking her to the house, took her to a hotel where they offered her food and then took her to an orchard and Kissu raped her there. After this ghastly act, Kissu again offered her to drop her at her house. On the way, the Police nabbed him.

With the intervention of the Hon'ble Member of this Commission, the victim was given financial help of Rs. 25000/-. The DIG, Agra Range, was advised by the Member to immediately transfer the SHO of the Kheragarh Thana. During the visit, two more incidents of heinous crime were also came to light. In the first incident, a minor girl was killed after she had been raped. In the second incident, an SC woman used to run a Store of subsidized items. Some miscreants beaten her family members and in the mêlée they torn her clothes which rendered her in semi naked condition.

The DIG, Agra was also apprised about these incidents and it was impressed upon him that the Police Force should be vigilant for the protection of the down trodden people. He was also asked to order a proper inquiry into the whole incident and submit his findings to this Commission at the earliest.

#### **Review of implementation of SC/ST(POA) Act, 1989 in Uttar Pradesh**

**Subject :** Blatant attempt by U.P. State Government to dilute the provisions under SCs/STs (POA) Act, 1989 on two occasions i.e., in 2002 and 2007.

**Background :** Government of Uttar Pradesh had issued a G.O. No. 92 MS/Chh:-U-3/2002-25P/2002 (in Hindi) regarding maintenance of law & order machinery in Uttar Pradesh. The relevant portion is reproduced below:

*mentioned that "... few people taking advantage of SCs/STs (POA) Act, 1989 are defaming the Government of Uttar Pradesh. Therefore, the application of Act should be made carefully and the complaint should be registered only after conducting preliminary investigation and upon satisfaction of the fact that there was indeed occurrence of offences which attracts provisions under POA Act. Un-important complaints may be tried under IPC Acts and only serious nature of crimes like murder; rape etc. should be booked under POA Act and that too only after confirmation of rape after medical examination of victims (in Hindi)".*

Similarly the Government of Uttar Pradesh further issued two identical O.Ms

The Hon'ble Chairman, NCSC, took up this matter with DGP and Chief Secretary of Government of UP for an explanation and proper rectification.

This Commission led by the Hon'ble Chairman conducted the State Review of UP from 18/09/2007 to 20/09/2007 during which he expressed his views that the UP Government had no authority to dilute the provisions of SCs/STs POA Act, 1989.

Finally, the Government of UP rectified this mistake.

**SUCCESSFUL CASES****SERVICE MATTERS**

1. The Commission received a representation dated 17-01-07 from Shri Annadurai, SC/ST Welfare Association, Bharat Electronics Limited, requesting for filling up of E-I vacancy on All India basis thus enabling passed SC candidates to avail promotion. This was as of then treated on regional basis and there were excess number of SC candidates who had qualified for E-I in Bangalore region. On intervention of the Commission the vacant E-I posts were treated on All India Basis and SCs from Bangalore region were promoted against the resultant vacancies.

2. The Commission received a representation dated 28-04-07 from Shri T. Venkatesh Murthy, Minerva Mills, Bangalore stating that Minerva Mills has forcibly relieved him on MVRs and he had not applied for the same. He requested this office to take up with NTC and allow him to continue. On intervention by NCSC, Shri T. Venkatesh Murthy was taken back by the Minerva Mills and was allowed to continue working. This was communicated by NTC to this office vide its letter dated 03-08-07.

3. The Commission received a representation dated 08-08-07 from Sri Basavaraj Kapade and others, Assistant Executive Engineers of Bruhat Bangaore Mahanagara Palike regarding non-filling up of backlog vacancies to the cadre of AEEs. On intervention by NCSC, BBMP vide their letter dated 23-2-08 informed the Commission that modified order has been issued on 14-02-08 restoring the seniority in accordance with G.O.No.DPAR/10/SBC/97 dated 24-06-1997.

4. A representation dated 28-11-2008 was received from Sh. Mahtab Singh working as Manager in HAFED stating that in 2007 he was working as Storekeeper at Dhamtan Mandi, Storage point of HAFED, District Manager, Jind started sending paddy to one sunshine Nutrie Foods Pvt. Limited which was not registered as Miller for Milling of paddy with HAFED. The said Miller bungled paddy to the tune of Rs. 60 lakhs. Charge Sheet was issued to District Manager, Jind but no action was taken against him rather he was given further promotion. The said Miller accepted his fault in writing and assured to deposit the entire paddy/cost with HAFED. He was made a scapegoat in this matter and he was put under suspension after Charge Sheet and his probation period was extended. His case was taken up with the HAFED Management vide this office letter dated 26-11-2008. On the intervention of this office the suspension of Sh. Mehtab Singh was revoked by HAFED.

5. Smt. Anita Kumari working as Nursing Sister in Government Medical College & Hospital (GMCH), Sector 32, Chandigarh represented to the Commission about her non-promotion as Nursing Sister with retrospective date against reserved point. She also mentioned that even a order by CAT & High Court in her favour was not being implemented by the GMCH. The case being genuine was taken up in right earnest and officers of the GMCH were called for discussion in the office. As a result, retrospective promotion to Smt. Anita Kumari was granted and she was further promoted to the post of Assistant Nursing Superintendent in March, 2009.

6. Smt. Suresh Bala working as Staff Nurse, Civil Hospital, Ambala represented to this office alleging that her name was deliberately ignored in the promotion exercise in November 2007 to the post of Nursing Sister. Later on she was promoted but was transferred to a distant place whereas her juniors were all adjusted in or around Ambala. Matter was taken up with Director General, Health Services, Haryana. On non-receipt of a satisfactory reply, DGHS, Haryana was called for discussion and the case was got settled in her favour.

7. Sh. Vipin Kumar, Scientist, CSIO, Chandigarh and Sh. Hem Raj, Government Polytechnic, Sundernagar made a representation in June, 2008 regarding denial of admission in M.E. Course in National Institute of Technical Teacher's Training & Research (NITTTR), Chandigarh under reserved category despite of the reserved seats being vacant. Matter was taken up with the Director, NITTTR who informed that these candidates were not present at the time of counseling. Subsequently Director, NITTTR was called for discussion in this office. After discussion it was found that both the candidates were present at the time of counseling but due to some communication gap they were not able to make their attendance. During the discussion it was agreed that these candidates shall be admitted. Accordingly on the intervention of this office Sh. Vipin Kumar and Sh. Hem Raj were given admission by NITTTR on 13-6-2008 and 17-6-2008 respectively.

8. A complaint was received in April 2007 from Sh. Daljit Singh c/o Satluj Finance, Faridkot that one Ms. Neetu who did not belong to SC category by birth married to SC person and obtained a SC certificate on the basis of caste of her husband. She got employment in Cooperative Department, Government of Punjab on the basis of the said Caste Certificate. Her certificate was cancelled by the Competent Authority and yet she was allowed to continue her service with Government of Punjab. Matter was taken up with Financial Commissioner, Cooperation, Government of Punjab. After enquiry it was informed to this office that orders were passed to dispense with the services of the employee which have been complied with and Ms. Neetu had been relieved. It was further informed that Smt. Neetu had filed a writ in the Punjab & Haryana High Court against her termination and stay had been granted.

9. Ms. Sonia d/o Sh. Hari Singh r/o HE 323, Phase-I, Mohali made a representation in December 2006 stating that she applied for the post of Primary Teacher advertised by Zila Parishad, Ropar even though her percentage of merit was 124.91 and she was third topper, yet her name was not declared in the list of successful candidates. Matter was taken up with Deputy Commissioner, Ropar, who informed that in her application she did not mention her sub-caste for which she had now requested. Her request had been accepted and she had been given appointment.

10. Sh. Ramesh Kumar r/o Abohar made a representation on April 2006 that his mother Smt. Teeja who retired as Safai Sevika from the services of Municipal Council, Abohar in the month of December 2005 was not paid any retirement benefits. On the intervention of this office all the terminal benefits like DGRG & leave encashment were paid to Smt. Teeja.

11. Shri C. Perumal and seven other Superintendents working in the office of the Chief Commissioner of Central Excise, Chennai have represented for implementing the orders of CAT, Chennai and promote them as Superintendent w.e.f. 01/9/1997. The case was taken up with the Chief Commissioner of Central Excise, Chennai on 23-10-2007, 12-7-2007, 22-11-2007, 13-12-2007, 10-1-2008, 14-8-2008, 27-3-2008, 13-5-2008, 15-8-2008, 23-9-2008 and 12-11-2008. The case was also taken up simultaneously with the Central Board of Excise and Customs on 03-6-2008, 23-9-2008, 15-10-2008 and 12-11-2008. The Commissioner of Central Excise, Chennai Zone, Chennai vide his letter dated 13-11-2008 had informed that all the above affected SC employees were notionally promoted to the Grade of Inspector and Superintendent as per Court Judgements.

12. In Bharat Dynamics Limited several cases of non-promotion of candidates from Manager to Sr. Manager and Deputy Manager to Manager were brought to the notice of the Commission. This was mainly because the DOPT rules concerning zone of consideration or even the provision of selecting candidates who were within the number of vacancies for inclusion in the select list were not considered. For example, the case of (1) Shri J. Dhanraj, Manager who was dropped seven times in twelve years. (2) Shri P. Manikyal Rao, Manager, who was dropped six times in eleven years. (3) Shri Vijay Bhaskar Rao, Manager six times dropped in eleven years. (4) Shri D. Yadaiah, Deputy Manager to Manager who was two times dropped were all brought to the notice of the NCSC. All these Officers were very well "within the number of vacancies so as to be within the select list" but were dropped indiscriminately. As per DOPT guidelines only SC/STs and none else in the extended zone of consideration were to be called for consideration for selection. These were not being followed by BDL. Instead BDL choose to consider all who had completed the required number of three years irrespective of the zone of consideration. For example the order says that they are to be considered if they fall within the number of vacancies provided they are found fit but Shri Manikyal Rao who got five merit awards and one time Ministry of Defence award was six times dropped. Commission remarked that as per rules none of these candidates can be dropped unless they had adverse remarks in ACRs. But since none of the candidates got adverse remarks in their ACRs, it was told that R&P rules should not be violating DOPT orders and Constitutional Provisions meant for Scheduled Castes and Tribes.

13. A case of discrimination towards a Scheduled Caste Engineer from Osmania University was submitted to this office by Shri Devidas Jaijjar in 04/06. The University was asked to submit reasons for discriminating the Scheduled Caste petitioner who is a graduate Engineer for promoting him as University Engineer and for favouring a Diploma holder. In 2006 the reason given was that the Diploma holder was about to retire. Now there was no such reason as he had already retired. But the authorities were delaying the issue to promote another Diploma holder (OC) again discriminating the post Graduate Engineer even though both joined the post on the same day. Even after calling the Registrar and after discussions, which pursued, the University had accepted their



mistake but they were unwilling to correct and so were delaying the case. The case was followed up and he was promoted as Executive Engineer and given full charge of all new constructions and the OC candidate was given as Exe- Engineer (Maintenance). Selection of University Engineer however was kept pending.

14. Shri K. Sanjeeva Rao, General Secretary, Andhra Pradesh Grameena Vikas Bank SC&ST Staff Welfare Association, H. No. 4-7-25/8/3, Baijani Nagar, Medak District, Sanga Reddy regarding Injustice done to Scheduled Castes in promotions and maintenance of Roster etc. The case was taken up and since a tangible solution could not be evolved, the Chairman and the General Manager of the Andhra Pradesh Grameena Vikas Bank was called to State Office on 21<sup>st</sup> August, 2007 and the case was explained in detail and they agreed to follow the rosters and seniority as per date of joining /Rank. It was also agreed that meritorious Scheduled Castes candidates will not be adjusted against the Rosters but will be treated like OC candidates.

15. Representation received from Shri B. Kishore Kumar, PET, Navodaya Vidyalaya Samiti, Nellore District regarding transfer and caste based harassment. This was a case of extreme harassment of a Scheduled Castes innocent Physical Educational Teacher. The case was taken up and he was transferred back to his choice place of posting. Since the case was still pending, the case was further pursued and later vide letter dated 3-09-2007 it was informed that the Samiti's Regional office has dropped the vigilance case against him.

16. Representation received from Shri Peerulal Malviya and others, Ratlam District, Madhya Pradesh, regarding denial of promotion. Shri Peerulal Malviya represented that great injustice was done by not following the State directives, while filling up backlog reserved posts through Special Recruitment Drive. Instead of filling them up on regular basis, the petitioner and others were kept on daily wage basis for 5 years. Hence the case was taken up and the parties concerned were called to the State office and the case was discussed. Then orders were issued promoting Shri Peerulal Malviya as LDC with consequential benefits. He was paid arrears too.

17. Case of Shri Radhakrishna regarding removal from service by APSRTC due to taking leave frequently. The matter was studied in detail. The candidate gave proof to the effect that the leave was availed due to the serious illness and death of his wife. He also produced several details of cases of other un-reserved candidates who availed more leave and were not punished at all, so the case was taken up. The concerned officers were called and discussed in detail and then vigorously followed up till the petitioner was taken back to service. He called up and thanked NCSC for its continued persistent efforts.

18. S/Shri Raja Ram Jharia UDC, and Devendra Kumar Ram, Stenographer, O/o ALC (C), Shahdol, represented to the Commission that they were being continuously harassed and victimized by Shri D. S. Khoiwal, O/o ALC (C), Shahdol, Madhya Pradesh. So the case was taken up with O/o. Chief Labour Commissioner, Central, New Delhi (Ministry of Labour and Employment) and vigorously pursued. The Ministry of Labour & Employment was requested to transfer Shri Khoiwal to some other non-sensitive post keeping in view the nature of complaints received against him. Min. of Lab. & Emp. has acted accordingly and transferred Shri D. S. Khoiwal, ALC (C), Shahdol as ALWC(C), COD, Jabalpur vide their O/o. No. 01 of 2007. The copies of transfer orders issued were also send to us. So since the officer who harassed SC was transferred as per Commissions request, the file was closed after endorsing a copy to the Petitioner.

19. S. R. Gulbhanke, Assistant Grade III. Directorate of Panchayat and Social Service, Raipur has submitted a representation to the Commission dated 01.11.2008 for revision of allocation from Chhattisgarh to Madhya Pradesh on the basis that he himself received compensation of Rs. 50,000/- under Bhopal Gas Tragedy. The case was taken up and pursued for his transfer to Madhya Pradesh. Ministry of Personnel, P. G. and Pensions, (Department of Personnel and Training), New Delhi informed that it was decided to revise his allocation from Chhattisgarh to Madhya Pradesh as per the guidelines of allocation for the victims of Bhopal Gas Tragedy. Thus since his demand was met the file was closed after endorsing a copy to the petitioner.

20. Ever since Chhattisgarh was augmented to the jurisdiction of this office, no PSU was inspected so far. Hence, a brief study on implementation of Rule of Reservation was taken up at Bhilai Steel Plant, as it has got more than 30,000 employees in October 2007. Because of the visit, NCSC came to know that several posts were dereserved without the consent of NCSC or DOPT. These posts were asked to be carried forward and filled at the earliest. It was found that in several cases of false castes, stay was to be lifted from Courts and action was to be taken. This was asked to be done on war footing.

21. A representation was received from Shri A.K. Saha and Shri N. Sikdar, Senior Asstt., Kolkata Metropolitan Development Authority, Kolkata on 12-03-2007 alleging that they have been deprived of the promotion to the post of Head Assistant. It was found from the representation that both of them have really been deprived of the promotion. Accordingly, the matter was taken up with the Secretary, KMDA with the request to review the case and consider their promotion. On receipt of this office letter KMDA authority took quick action and gave promotion to both the petitioner.

22. A representation was received from the General Secretary, AAI SC & ST Employees Welfare Association, Kolkata on 16-08-2007 alleging that the Management of Airport Authority has violated the rules of reservation in recruitment of Sweepers. They sent requisition to the Employment Exchange for sponsoring names for recruitment of Sweepers.

On receipt of the representation a letter was issued to the Chairman, Airport Authority of India, New Delhi with a copy to the Airport Director, Kolkata. The Deputy General Manager (Personnel), Airport Authority of India, New Delhi informed that they have advised the Airport Director to follow the DOPT's directives in recruitment of Safaiwala.

Shri Pranab Kumar Mondal of North 24 Parganas District alleged that he appeared in the interview for the post of Librarian on 17-11-2006 in Mother Dighi High School(H.S.), Canning against reserved post for SC. He claimed that he ranked first in the interview and accordingly found enlisted his name in No.1 in the panel. But he was not offered any appointment letter, as enlisted. Panel was not approved by the District Inspector of Schools, 24 Parganas South without any reason.

On receipt of the petition the Commission took up the matter with the District Inspector of Schools. After several correspondences and meetings lastly, D.I. Schools of approved the panel vide letter No.11/470 dated 19-11-2007 and Shri Mondal has been appointed in the above School to the post of Librarian.

23. Smt. Sumati Naik, W/O. Late Dukhobandhu Naik, Vill.- Jilinda, Talcher, Orissa submitted a representation to the Commission on 06-02-2007 and alleged that all the landed properties including homestead land were acquired by the Mahanadi Coal Fields Ltd. for opening of Bhubaneswari Open Cast Project. She was paid money in lieu of homestead land, but the case of her employment did not take into consideration. On receipt of the representation the matter was taken up with the MCL Management on 21-02-2007. After a long correspondences with the Management finally the General Manager (L & R), MCL informed this Office that the Management have approved the employment of Smt. Sumati Naik in their meeting held on 16-01-2008.

24. A mass representation was received from the Ex-Apprentice, Coosipore Gun & Shell Factory, Kolkata with the allegation that the authority is filling up the backlog vacancies by general candidates. On receipt of the representation the Roster for the post of Gr. C & B category maintained by the Gun & Shell Factory authority were called for and verified and sent the inspection report to the authority with the advice to fill up 21 backlog vacancies from the SC category of Ex-Apprentice. On receipt of the report, the Coosipore Gun & Shell Factory authority has given appointment to 21 SC candidates and filled up backlog vacancies from Ex-Apprentice in the month of June, 2008.

25. A representation was received from Shri Bibekananda Biswas working as Assistant General Manager(officiating), Bharat Sanchar Nigam Ltd., Kolkata alleging that the BSNL authority has deprived him promotion to the post of Assistant General Manager though many juniors to him got promotion.

On receipt of representation a letter was sent to the Deputy Director General (Pers.), BSNL, New Delhi on 08.08.2008. A reminder was also sent to the DDG, BSNL on 23-09-2008. Meanwhile, the petitioner informed this office over telephone on 30-09-2009 that BSNL authority has considered his promotion to the post of Assistant General Manager with retrospective effect.

26. Shri G. P. Saha, Assistant Finance Manager, Hindustan Insecticides Ltd., Kolkata submitted a representation on 07-02-2008 alleging that he has been deprived from promotion from the post of Accounts Officer. His junior Gen. Caste candidate got promotion to the post of Accounts Officer first and subsequently got promotion up to the level of Deputy Finance Manager. But his case was not considered. Although Shri Saha got promotion to the post of Assistant Finance Manager much later than his juniors.

On receipt of the representation the matter was taken up with the Chairman-cum-Managing Director,



Hindustan Insecticides Ltd., New Delhi. After scrutiny of documents/discussion and as per advice of this office the management has given promotion with retrospective effect i.e. from the date his juniors got promotion to the post of Asstt. Finance Manager as well as to the post of Deputy Finance Manager. His seniority has been maintained properly and monetary benefit has also been given.

27. Shri Phakir Mohan Behera, Belugaon Khamar, Angul submitted a representation on 30-09-2008 alleging that residential house as well as landed properties of Lingaraj Area of Shri Behera has acquired by the Mahanadi Coalfields Ltd. Besides this another properties at Belugaon area was also acquired by the MCL Management. But no job rehabilitation was given to him. On receipt of the representation the matter was taken up with the MCL Management. After sending number of letters/reminders the General Manager (L/R&R), MCL informed this office on 06-11-2008 that job rehabilitation and other benefits will be provided to Shri Behera as per R&R policy of the Government of Orissa.

28. One Shri Susanta Biswas, LDC working in the Office of the Joint Director General of Foreign Trade, Kolkata has submitted a representation on 15-12-2008 wherein it is alleged that his Office has transferred him from Kolkata to Patna Office by an Office Order dated 11-12-2008 and in the same day he was relieved from his duty intentionally to harass a SC employee. It was unusual. Generally LDC's are not transferred outside Office of Kolkata.

On seeing justification of the case the matter was taken up with the Joint Director General of Foreign Trade, Kolkata. After long correspondences the matter was referred to the Director General of Foreign Trade on 14-01-2009. On 23-02-2009 the Joint Director General Foreign Trade transferred back Shri Biswas to Kolkata by an order dated 23-02-2009.

29. Shri Bhoori Singh, Retd. Asstt. Development Officer (Panchayat) R/o Ramnagar, Jagdishpura, Gali Banna wali, Agra in his representation dated 10.08.07 intimated that he was denied second ACP after completing 24 years service. The matter was taken up with the Director Panchayati Raj, UP Lucknow. It was intimated by him vide the letter dated 17.03.08 that Shri Bhoori Singh has been awarded second ACP w.e.f. 01.03.2000.

30. Shri Girish Chandra, Shiksha Mitra, Primary School Ajgain, PO Nawabganj, Unnao submitted his representation on 20.03.07 stating that he was not paid his 22 months' salary. The matter was taken up with the District Magistrate Unnao who vide his letter dated 08.02.08 intimated that salary for 22 months amounting to Rs. 52006/- had been paid to Shri Girish Chandra.

31. The working President, All India SC/ST Employees Welfare Association, Gorakhpur, Auraiya in his representation dated 22.02.08 demanded appointment of Shri Ram Dhani S/o Late Shri Santoo, R/o Bibhunpur, Jamunia, Gorakhpur on compassionate ground. The matter was taken up with the concerned Railway authority. It was intimated that Shri Ram Dhani had been appointed as Trackman (Group-D) on compassionate ground.

32. Shri Barjore Prasad Rawat, Retd. Accountant, Revenue Board, Lucknow submitted a representation on 19.05.08 in this State office. He alleged that he was not being paid full pension and gratuity amount by the Treasury Authorities. The matter was taken up with the Director Treasury, UP. After vigorous persuasion entire amount due to Shri Barjore Prasad was sanctioned. His pension payment had also been regularized.

33. A representation dated 16.01.08. was received from Smt. Tara Devi, Assistant Teacher, Primary School Basgawan, Khiron, Raebareilly alleging illegal suspension from service. The matter was taken up with the Director, Primary Education. Her suspension was revoked with all consequential benefits.

34. A representation from Shri Rakesh Bhushan, Surveyor Instructor, Industrial Training Institute, Munger regarding non-payment of salary was received in the Commission. The matter was taken up with the Director, Employment & Training, Labour Deptt., Government of Bihar, Patna and the Principal of the Institute. The matter was also discussed with the Principal, ITI, Munger personally by calling him at the State Office, Patna with all relevant records in the matter. As a result the grievance of petitioner was resolved. The Principal, ITI, Munger informed the State Office, Patna vide his letter No. 521 dated 27-6-2006 that due salary of the petitioner has already been paid.

35. A representation regarding payment of due salary in respect of Shri Suresh Prasad Prabhakar, Asstt. Engineer, Rural Engineering Organisation, Kharagpur was received in the Commission. The matter was taken up with the Rural Development Deptt. Government of Bihar, Patna and with the Executive Engineer, REO, Munger.



After issuing a number of letters and by making personal contacts the matter has now been informed settled in favour of the petitioner.

36. Smt. Anita Devi W/o Shri Harinandan Bansfor, Electricity Board Colony, Patna submitted a representation to the Commission stating therewith that her husband who is an employee (Routine Clerk) of the Bihar State Electricity Board, Patna was missing from 02-05-2007. But, she is not getting subsistence allowance although her husband is missing for the last one and half years and there is provision for payment of subsistence allowance after one year in such type of case. The State Office, Patna of the National Commission for Scheduled Castes took up the matter with the Chairman, Bihar State Electricity Board, Patna. As a result, the petitioner got the payment of Provident Fund and Leave Encashment and sanction of other benefits.

37. Smt. Minta Devi, W/o Shri Jagdish Prasad, Peon, Bihar State Minority Finance Corporation, Munger Division, Munger submitted a representation dated 21-12-2007 to the Commission telling therewith that her husband Shri Jagdish Prasad was abused and slapped by Sri Nehal Ashraf, PS to MD of the Corporation on 30-05-2005 in the office premises but no action was taken by the corporation against the accused. Further, he was put under suspension w.e.f. November, 2006 but did not receive suspension allowance, his increment was stopped since 1995 and he did not get promotion. The matter was taken up with the MD, Bihar State Minority Finance Corporation, Patna. Besides, the matter was also discussed with the concerned officers of the Corporation by calling them. As a result the increment of Shri Jagdish Prasad was released and the complaint of his harassment and abuse by Shri Nehal Ashraf was enquired. Further appropriate action was taken in respect of other issue of the petitioner.

38. Shri Anil Kumar, Assistant Engineer, Drinking Water and Sanitation Sub-division, Rajmahal, Jharkhand submitted a representation dated 06-02-2007 to the Commission telling therewith that he was subjected to discrimination in promotion to the post of Executive Engineer by the Department of Drinking Water and Sanitation, Government of Jharkhand. The matter was discussed with the concerned officers of the Department by calling them to the State Office, Patna of the National Commission for Scheduled Castes. The follow up action was also taken. As a result, Shri Anil Kumar was posted as Executive Engineer w.e.f. 30-06-2008.

39. The Commission had received a representation from Shri Sunil Motiram Rangari, Nagpur on 05-09-05 stating that he had passed the examination for the post of Tabalji in the State Government but the appointment order was not issued. The Commission had taken up this matter with the Secretary, Department of Education Government of Maharashtra. Due to Commission's intervention the Secretary Department of Education Government of Maharashtra replied to the Commission that appointment has been given to the petitioner, as per their letter dated 09-03-2007.

40. The Commission had received a representation from Shri. Mohan Sambhu Devkule Ex.-Mandal officer r/o Madha Sut Girni, Madha on 14-06-2004 regarding non issue of payment of his pension due to non-revision of his pay scale. The commission had taken up this matter with the collector Solapur on 29-02-2004. Due to Commission's immediate intervention collector Solapur vide its letter dated 03-09-07 informed that they had released the pension payment and other benefits for Rs. 18,083/-.

41. The Commission had received a representation from Shri Bharat Walde, JTO, MTNL, Mumbai regarding, correction of his recruitment year and subsequently including the name in seniority list in the correct position. The commission had taken up this matter with the Principal General Manager, Bharat Sanchar Nigam Limited, Mumbai on 21-05-2007. Due to Commission's intervention Principal General Manager, Bharat Sanchar Nigam Limited, Mumbai had replied to the Commission that petitioner's name had been placed as per his recruitment year, 2003 and also in the seniority list of JTO appropriately.

42. The Commission had received the representation from, Shri P.S.Patole, teacher, Middle School, Chalisgaon, Distt. Jalgaon, Maharashtra regarding his non-payment of pay scale as a trained teacher. On 03-10-2004 the matter was taken up with the Deputy Director, Education, Government of Maharashtra. Due to Commission's intervention, Education Officer, Zilla Parishad, Jalgaon had informed the Commission vide their letter dated 14-09-2007, that the difference of Pay and arrears had been paid to the petitioner with effect from 01-02-2004.

43. The Commission had received the representation dated 02-11-2006 from Shri K.P.Mani, Chief Engineer, Bharat Sanchar Nigam Limited, Mumbai regarding non-relieving him on the eve of his transfer and posting from

Amaravati to Mumbai. The matter was taken up with the Principal General Manager, Bharat Sanchar Nigam Limited, Mumbai who informed the Commission vide their letter No.CGMT/MH/G/6/Pune/Marah/2007(2) dated 24-02-2007 that the petitioner had been relieved.

44. The Commission received a representation dated 26-03-2007 from Shri Pralhad Tulashiram Suryawanshi, regarding not getting the validity/ Verification certificate from the Social Welfare Department, Latur. This certificate is an essential document for the State Government employees for promotion to next higher post under the reserved quota. The matter was taken up with the Director Social Welfare. On the intervention of the State Office of the commission, the Director Social Welfare informed that the Validity certificate had already been issued to the Petitioner.

45. The Commission had received a representation dated 03-05-2007 from Shri Rajendra Bhimaji Gaikwad, r/o Pune stating that his date of joining had been wrongly mentioned as 01-11-1980 in place of 11-11-1979. Thus it required correction in seniority list. The Commission had referred this matter to the forest department i.e. Conservator of Forest, Government of Maharashtra. Due to Commission's intervention the Chief Conservator of Forest, Government of Maharashtra replied to the Commission vide letter dated 04-12-2007 that the appointment date had been corrected and accordingly the seniority list had also been corrected and the Petitioner had been appropriately placed.

46. The Commission had received a representation from Shri R.M.Kamble, Life Insurance Corporation of India on 16-04-2007 regarding his non promotion to the post of Assistant Divisional Manager. The Commission took up this matter with the CMD, Life Insurance Corporation of India, Mumbai on 23-04-2007. Due to Commission's intervention, CMD, Life Insurance Corporation of India, Mumbai vide their letter dated 31-10-2007 informed that they had given promotion to the petitioner for the post of Assistant Divisional Manager (ADM) by their office order No. PER.ADMN/07-08/PO-19 dated 27-04-2007, retrospectively and all the benefits were also accorded to the Petitioner accordingly.

47. The Commission received a representation from K. Jagadeesh, Vice President, Federation of Central Government Scheduled Castes and Scheduled Tribes Employees (Kerala) regarding humiliation, suspension, harassment and intimidating towards Shri Manoj M.S., Mechanic, Lakshadweep Development Corporation Limited (LDCL) – an SC Member. The matter was taken up with the Administrator, Union Territory of Lakshadweep, Kavaratti vide this Office letter No.KL/12/27/06 dated 19-09-2006. On the basis of our letter, the Competent Authority has ordered to conduct a departmental enquiry and finally this Office received a reply from the General Manager, Lakshadweep Development Corporation Limited stating that on completion of enquiry Shri Manoj M.S. Mechanic, Canning Factory, Minicoy has been reinstated in services w.e.f. 14-02-2007.

48. The Commission had received a representation dated 07-03-2008 from Shri P. Vijayan, Ariyallur PO, Malappuram district regarding promotion and other benefits with retrospective effect. The matter was taken up with Shri S.M. Vijayanand, Principal Secretary to Government of Kerala, Rural Development Department, Government of Kerala vide this Office letter No.KL/E/12/9/06 dated 13-03-2006 for redressal of grievance. Since the Action Taken Report was not received even after sending 3 reminders, Commission's State Office was bound to call the appropriate officer to this Office for taking suitable action and accordingly the Deputy Secretary of the concerned department discussed with the Commission's State Office. He informed that vide letter dated 29-01-2008 from the Office of the Local Self government Department, Thiruvananthapuram Shri P. Vijayan has been given the Time bound promotion i.e. 1st time bound scale after completing 10 years service w.e.f. 8-5-1991 and the 2nd time bound promotion w.e.f. 8-5-1999 i.e. after completing 18 years service.

49. The Commission received a representation dated 22-09-2007 from Shri S. Gopakumar, General Secretary, All India National Textile Corporation SC/ST Employees Welfare Association, Thiruvananthapuram regarding reservation in appointment to the "C" Group in Clerical Staff Category. The matter was taken up with Shri M.M. Chockalingam, Chief General Manager (Tech.), National Textile Corporation Limited, NTC House, PO Box No.2409, 35-B, Somasundaram Mills Road, Coimbatore 641009 vide this Office letter No.KL/12/35/07 dated 22-11-2007 for redressal of grievance. The Deputy General Manager (Personnel & Admn.) visited this Office on 21-11-2007 at 2.30 PM and explained all the activities including the implementation of Rule of Reservation. After listening to him, the State Office of the Commission visited the Regional Office of National Textile Corporation to review the Rule of Reservation in the Organisation. Accordingly, the Deputy Director and the Assistant Director visited the Regional Office of the National Textile Corporation, Coimbatore on 28th and 29th of November 2007 and



conducted a Review Meeting with the Officers of the National Textile Corporation, Southern Regional Office, Coimbatore on 28-11-2007. After continuous follow up, we received a letter dated 25-03-2008 from the General Manager, Vijayan Mills (A Unit of National Textile Corporation Ltd), Trivandrum reporting the decision of the management to make appointment to the "C" Group in Clerical Staff since it is found that as per the reservation policy there is a shortage of 1 post to the SC category and 1 post to the ST category.

50. The Commission received a representation dated 7-3-06 from Shri P. Vijayan, Panniyankara Veedu, Ariyanallur, Malappuram District regarding promotion and other benefits with retrospective effect in the Rural Development Department, Government of Kerala. This matter was taken up with the Principal Secretary, Rural Development, Government of Kerala vide this Office letter No.KL/12/9/06 dated 13-3-2006 asking to furnish a detailed report along with para wise comments. After continuous follow up with the concerned by calling the official to the State Office for discussing the matter, a final reply dated 13-8-2008 received from the Commissioner of Rural Development, mentioning that the two pending grade promotions were sanctioned to Shri P. Vijayan w.e.f. 4-7-1997 and also time bound high grades were sanctioned to him.

### **A Brief Success Story of the promotion case of Shri K.J. Bhasy**

The State office of the Commission at Trivendrum received a representation from Shri M.J. Bhasy, Assistant Drug Controller regarding his promotion to Deputy Drugs Controller on 10-11-2008. This receipt of the petition was in person from the petitioner who had visited this office along with Shri Ramankutty, representing the All India Confederation of Scheduled Castes on the above mentioned date at about 2.30 p.m. After having marathon discussion with the petitioner and also with Shri Ramankutty on various strategies to arrive at an objective inference on the genuineness and the need for swift action, this State Office in the considered opinion decided to act on this case immediately as the time left for his retirement was only 40 days i.e. Shri Bhasy was to retire from the Government of Kerala service on 31st December, 2008 on Superannuation.

The representationist was working as Assistant Drug Controller in Health department at the time of submitting the petition at this Office, who was due for promotion for the post of Deputy Controller from March 2008 itself. The above promotion was deprived to the petitioner as there was no post of Deputy Controller existing as the present Deputy Controller was holding the additional charge of the Controller and the official information was that Shri K.J. Bhasy could not be promoted as there is no Deputy Drugs Controller post meaning that till the present Deputy Controller becomes regular controller Mr. K.J. Bhasy could not be promoted.

As stated earlier on exhaustive personal discussion with the petitioner and as the time left for his superannuation, all this things convinced this Office to take up this case immediately. Accordingly without loosing any time this Office had drafted a letter to the Secretary to Government of Kerala, Health and Family Welfare Department and that was made as final letter after vetting and revetting (after the receipt of the petition that was received on 10-11-2008) was sent, requesting the Health Secretary to take necessary action for the redressal of the only grievance of the petitioner at the end of his retirement (i.e. promotion within 31st December 2008) and the letter was sent in name of the Secretary to Government of Kerala, Health and Family Welfare for Action Taken Report within 10 days time.

The spirit of this above letter from the State Office of the Commission did not make any response from the Secretary and obviously no reply was received from the Secretary's Office even after 15 days of the lapse of the 1st letter. This non response from the Secretary's office constrained this State Office to write again to the Secretary asking him to depute the appropriate officer to discuss about the case on 3-12-2008 and in response to this letter, the Undersigned (Deputy Director) held a meeting with the Deputy Secretary, Health and Family Welfare, the Section Officer and the Assistant Director of the State Office. The above Officers from State Government had come with the written reply with unconvincing reasons for not promoting Shri K.J. Bhasy and the Commission's State Office had to coax the visiting officers from State Secretariat to understand the genuineness of the petitioner as like anybody else that too the Scheduled Caste Petitioner is safeguarded with various constitutions including service safeguard. The entire discourse with the Officers had eventually convinced them to take up this case with the Secretary again with letter and spirit. And accordingly these Officers had done a commendable job in following ways and finally the Petitioner Shri K.J. Bhasy could see the light of the day as he was promoted at least on the day of the retirement i.e. on 31-12-2008 that he could have dreamed had there been no proper and calculated steps from this state office by advocating above Government officers which resulted in various steps before promoting him are:



- (i) The Deputy Drugs Controller Post was created by promoting the present Deputy Drugs Controller as Drug Controller.
- (ii) The File was kept for CM's approval after all the procedural steps for promotion by Secretary himself.
- (iii) After Chief Minister's approval it was kept for cabinet approval and was approved after one deferment and finally the order was issued by the Government on 31-12-2008 that is before one hour of his retirement the petitioner was Blessed with post of The Deputy Controller that is a great unforgettable happening on the Scheduled Caste Petitioner.

The Assistant Controller Shri K.J. Bhasy was promoted to the Deputy Controller within 35 days that after creating the post is only the cause of the professional and the tireless effort of the Appraiser (Deputy Director) in the endeavor of the welfare of Scheduled Castes candidate with letter and spirit and also because of overly optimistic approach of the Appraiser (Deputy Director).

2. The Commission received a representation dated 2.8.2008 from Shri Thempamood Sahadeven, Convener, Human Rights Protection Forum, Venjaramood, Thiruvananthapuram regarding usage of word like "Harijan" by the Managing Director, Kerala Water Authority, Thiruvananthapuram. The matter was taken up with the Managing Director, Kerala Water Authority and copy also marked to the Principal Secretary, SC/ST Development Department requesting to take necessary action to rectify the alleged matter. In this connection the Principal Secretary, SC and ST Development Department issued one circular dated 5-11-2008 instructing all the departments not to use the terms like "Harijan" and "Dalit" in the official matters in respect of SCs.

3. A representation from Smt. Mamta Devi W/o Shri Mukesh Kumar Dohare, Village Visalpura, District Datiya regarding denial of appointment as Attendant in the Woman & Child Department, Government of M.P. was received. The matter was taken up with the District Collector, Datiya and on the intervention of the Commission the grievances of the petitioner regarding appointment as Attendant had been settled.

4. A representation from Shri Jyanti Lal Silawat, Ratlam regarding issuing of Caste certificate to the Members of the Silawat Community in the District was received and the same was taken up with the District Collector of Ratlam. The District Collector had reported the Commission that the District Administration had issued the Caste certificate to the SC members in the name of Silawat Community. Thus, on the intervention of the Commission, the grievances of the petitioner had been redressed.

5. A representation from Shri V. Selvakumar, Technical Assistant (PP), DAVP, M/o I&B, New Delhi regarding his promotion as Assistant Producer (PP) was received and the same was taken up with the M/o of I&B. It was reported by the Ministry that a review DPC for promotion against the vacancy reserved for SC was held and on the recommendation of the DPC, the petitioner was promoted with the retrospective effect from 13-4-2000. The benefit of notional seniority was given to him from the above date.

6. A representation from Shri Sat Pal, Director, M/o Water Resources, New Delhi was received for his empanelment in Joint Secretary's cadre. The matter was taken up with the Secretary, DoP&T and it was reported by them that the petitioner had been promoted by way of empanelment as Joint Secretary in the CSS cadre. Thus, on the intervention of the Commission, the grievances of the petitioner had been redressed.

7. A representation from Shri O.P. Tanwar, Commandant, 40, Bn, B.S.F. was received in the matter of his harassment by way of awarding punishment. The matter was taken up with the Director General of BSF and it was reported by the BSF that the grievances of the petitioner had been redressed and the punishment awarded to him on 4-8-08 was set aside.

8. A representation from Shri Kanta Prasad, Assistant Teacher in Railway Higher Secondary School, Bareilly (U.P.) was received regarding denial of promotion to the post of T.G.T. The Commission took up this matter with the General Manager Northern Railway and it was reported by them that the promotion of the petitioner had been regularized with effect from 25-4-1997 vide office order dated 13-3-08. Thus, on the intervention of the Commission, the grievances of the petitioner have been resolved.

9. A representation from Shri Madan Lal, SR. S.S.T., MTNL, Delhi Cantt. regarding harassment was received and the Commission took up this matter with the C.M.D. MTNL. It was reported by the MTNL that the harassment case of Shri Madan Lal has been resolved by way of transferring him as per his choice place of duty and the

suitable action had been taken against the Official who abused the petitioner. Thus, on the intervention of the Commission, the grievances of the petitioner have been redressed.

10. A representation from Shri S.S. Nahar, Supdt, Engineer, Deptt. of Road Transport & Highways, M/o Shipping, Road Transport & Highways, New Delhi regarding nomination to the post of Chief General Manager (Technical) was received and the matter was taken up with the Secretary M/o Shipping, Road Transport & Highways, New Delhi. It was reported that the Ministry had issued the order of Shri S.S. Nahar for appointment as Chief General Manager (Technical). Thus, on the intervention of the Commission, the grievances of the petitioner have been redressed.

11. A representation from Shri Chandra Kanta Moni S/o Late Shri Jago Dushadh, Dhanbad, Jharkhand regarding regularization of his appointment was received in the Commission and the same was taken with the General Manager, Bharat Coking Coal Ltd., Dhanbad, Jharkhand. It was reported by the Department that the services of the petitioner were regularized with effect from 5-5-07. Thus, on the intervention of the Commission, the grievances of the petitioner have been redressed.

12. A representation from Shri Jaideep Bhagat, Office Supdt-II (P), West Central Railway, Jabalpur regarding his promotion from the retrospective effect was received and the Commission took up this matter with the concerned Railway Authority in West Central Railway, Jabalpur. It was reported by the Railway that he had been promoted with retrospective effect i.e. from 26-2-1999. Thus, on the intervention of the Commission, the grievances of the petitioner have been redressed.

13. A representation from Shri Deepak Kumar, Manager (T), IPGCL, New Delhi regarding denial of promotion to the post of DGM (Civil) was received and the Commission took up this matter with the concerned authority in IPGCL. It was reported by the Department that the promotion order of Shri Deepak Kumar to the post of DGM had been issued on 8-12-08. Thus, on the intervention of the Commission, the grievances of the petitioner have been redressed.

14. A representation from Ms. Sunita, Steno, Grade-D., Department of Telecom, New Delhi regarding discrimination in transfer/posting of SC Official was received and the Commission took up this matter with the concerned Ministry. It was reported by the Department that she had been relieved of her duties from the Department to join in the promotional post. Thus, on the intervention of the Commission, the grievances of the petitioner have been redressed.

15. A representation from Smt. Kaushlya Devi, Ex, Member, SC/ST Welfare Council, Delhi regarding promotion of Shri Ramji Lal, Accounts Officer, (Ad-hoc) Finance Deptt. Delhi Government was received and the Commission took up this matter with the concerned Deptt. of Delhi Government. It was reported by the Deptt. that the ad-hoc promotion of the petitioner has been regularized with retrospective effect from 24/8/1998.

16. A representation from Shri Hem Raj, President Delhi Financial Corporation, SC/ST & OBC Employees Union, New Delhi regarding his promotion to the post of Manager against the backlog reserved post was received and the Commission took up this matter with the DFC Authorities. It was reported by the DFC that promotion from the retrospective effect i.e. 30/3/05 had been granted to the petitioner.

17. A representation from Shri Avtar Singh, PRO, O/o DGM (North), BSNL, Ludhiana regarding harassment by way of awarding punishment was received and the Commission took up this matter with the BSNL Authorities. It was reported by the BSNL that the punishment awarded to the petitioner had been withdrawn and the punishment order dated 5/5/08 was set aside.

18. A representation from Shri Rajan, Staff Car Driver, National Highway Authority of India, New Delhi regarding discrimination in promotion was received and the Commission took up this matter with the National Highway Authority of India. It was reported that the promotion to the post of Stenographer and change of the cadre from Staff Car Driver had been considered. The petitioner had been granted promotion to the post of Stenographer. Thus, on the intervention of the Commission, the grievances of the petitioner have been redressed.

19. Shri Rakesh Kumar, S/o Shri Ram Das R/o Devli Village, New Delhi represented to the Commission and reported that he appeared for the post of Management Trainee of Food Corporation of India under special recruitment Drive and he was placed in the panel at Sl. No. 1. Out of Sixteen Candidates, three Candidates did not join but FCI had not appointed him. The matter was taken up with CMD, Food Corporation of India and it



was discussed also on 24-09-2008 in the Commission. The Chairman-Cum-Managing Director, FCI agreed to give appointment to Shri Rakesh Kumar for the post of Management Trainee and he was appointed as Management Trainee w.e.f. 20-11-2008.

20. Shri Rajesh Kumar, Hon'ble Member of Parliament, Lok Sabha, Gaya Bihar, sent a letter to the Commission and intimated that Deptt. of Health, Government of Bihar, had not appointed Dr. Geeta Prasad, who was senior most Scheduled Caste Candidate, in the Post of Director. After the intervention of the Commission it was reported by the Health Deptt. that Petitioner Dr. Geeta Prasad had been appointed as incharge Director of Health Services and her name was sent to the Bihar Public Service Commission for the regularization.

21. On the basis of Complaint received from President, Baitarani Gramya Bank SC/ST welfare Association Baripada, Orissa regarding non-Promotion of four Scheduled Candidates, the matter was taken up with Chairman, Baitarani, Gramya Bank. The Chairman of the Bank had reported on 16-12-2008 that all the four Scheduled Caste Officers had been promoted from Scale – 1 to Scale-II in officers cadre.

22. On the basis of Complaint received from Shri Prem Chand, Senior Asstt. School of Open Learning, University of Delhi regarding his promotion and seniority. The Commission took up the matter with Executive Director, School of Open Learning, University of Delhi. On the intervention of this Commission the Deptt. had fixed his seniority and promotion retrospectively.

23. Smt. Lalita Kumari, Junior Supervisor, Educational Consultants India Ltd, NOIDA represented to the Commission alleging that on the basis of fake charges she was suspended by her Department. On the intervention of this Commission, the Deptt had revoked the suspension order of Ms. Lalita Kumari, with effect from 01.04.2008.

24. Shri Ram Swaroop, Member National Commission for Safai Karamcharis, New Delhi, had brought to the notice of this Commission regarding non-payment of Salary and Medical reimbursement to Shri Chandan Paswan, Ex- Employee of Gaya cotton mills, Gaya. The matter was taken up with Chairman-Cum-Managing Director, National Textile Corporation Ltd., New Delhi and the matter was settled between Shri Chandan Paswan, and Local Management of the Mill on 07-11-2007 and he was given VRS benefits and paid all the dues.

25. On the basis of the representation received from Shri M.R. Singh, Field Officer, process and product Development Centre, Government of India, Agra regarding his promotion to the post of Asstt. Director the matter was taken up with Joint Secretary, M/o of Small Scale Medium Enterprises on 03-04-2008. On the intervention of this Commission Shri M.R. Singh had been promoted to the post of Asstt. Director w.e.f 14-05-2008.

26. Shri Jitender Kumar Paswan, Additional Distt. Programme Coordinator, Sarva Shiksha Abhiyan, Katihar (Bihar) had sent a representation to the Commission for allegedly implicating him in a fake case and termination of his services. This case was taken up with the Director General of Police, Government of Bihar and Principal Secretary, Deptt. of Human Recourses Development, Government of Bihar. This case was also discussed with the concerned officers of the Government of Bihar. On the intervention of the Commission the case registered against the petitioner was closed for want of any proof against him. Further the Deptt. of Human Recourses Development, Government of Bihar had reinstated him in service and his due payment had also been released.

27. Shri Pritam Mitra, Advocate, Datia had represented to the Commission regarding his empanelment in the State Bank of India, Bhopal. The matter was taken with the Chief General Manager, State Bank of India, Bhopal. The SBI, Bhopal had informed that Shri Mitra had been included in the list of the Bank for Datia Distt.

### **Atrocities**

1. Smt. Gauriben Narsibhai of Bapa Nagar, Ahmedabad approached this Commission regarding negative approach and discrimination with her by other caste people on caste basis. The matter was taken up with the Police Commissioner, Ahmedabad, who took an immediate action and informed the Commission that all culprits were arrested and a case under Atrocity Act was also registered against them.

2. Sh. Ram Singh S/o Sh. Arjan Dass r/o Village Heera, Tehsil Raikot, District Ludhiana belonging to SC community made a representation to the Commission in September 2007 that he had been unnecessarily made accused in FIR No. 45/07 at P.S. Raikot which had been lodged in a land dispute between two private parties. He was working as a help with one of the parties who owned the land which was a matter of dispute between both the private parties. He also alleged that local police was also not helping him. Matter was taken up with Addl. Director General of Police, IVC-cum-Human Rights, Punjab Police. After enquiry into the matter ADGP



informed that the incident on which the said FIR was based was not proved. On the basis of enquiry report received it was recommended to the police authorities to take action as per the enquiry report. On the intervention of the Commission concerned District Police filed the cancellation report in the FIR No. 45/07.

3. The case of murder of Smt. Jesintha Pandian of Nandavanapatti Village, Dindigul District was reported telegraphically by her husband, Shri Pasupathi Pandian, requesting fair enquiry by police which was taken up by NCSC, State Office, Chennai immediately on 18/4/2006 with the State Government and District Collector/ Superintendent of Police, Dindigul District. On point of jurisdiction, the case was taken up with the District Collector, Thoothukudi on 15-5-2006. On 24-12-2006, the District Collector, Thoothukudi had reported the arrest of eight accused persons and further action taken in the case. Due to the intervention by this office, the victim's husband, Shri Pasupathi Pandian was paid monetary relief to the tune of Rs.1.5 lakhs on 16-10-2007.

4. Shri Malaiaidi, Kakkur Village, Ramanathapuram District had represented the Commission that SC people of his area were attacked by a group of non-SC people on 25-9-2007 and alleged that the police had not taken proper action in the case. The case was taken up by this office on 01-11-2007 with the Superintendent of Police, Ramanathapuram District who in turn informed that police had taken proper action by registering case under IPC sections and Sec. 3(1)(x) of SC/ST (PoA) Act, 1989. The case was followed up for sanction of monetary relief by this office on 11-2-2008, 04-3-2008 and 23-7-2008. The District Collector, Ramanathapuram vide his letter dated 31/7/2008 informed that Shri Malaiaidi was paid monetary relief of Rs.6250/- as per Rules on 18-3-2008.

5. A case of alleged rape and murder of two SC girls took place on 18-9-2008, who were residents of Karadapatti Village, Thiruvannamalai District, was taken up with the Superintendent of Police, Thiruvannamalai on 30-9-2008. The crime was allegedly committed by a lorry driver whose identity was not known. The Superintendent of Police, Thiruvannamalai vide his letter dated 06-11-2008 informed that a case was registered initially under IPC Sections and investigated by the police. A Special Squad was formed for the arrest of accused person. On 26-9-2008, the accused person (who belong to non-SC community) was arrested. Therefore, he was also booked under Sec. 3(2)(v) of the SC/ST (PoA) Act, 1989. Both the victims' families were paid Rs.1 lakh each as monetary relief.

6. A representation was received from Shri Bideshi Nayak and Shri Ramchandra Nayak, Vill. Gorceala, P.S. Puri Sadar, Orissa on 03-06-2007 alleging that 6 families belonging to "PANA" Caste were being tortured by the upper caste people of the same village and are forced to **beat drums daily without remuneration**. When they refused to do that the upper caste persons attacked their houses, assaulted them and looted their property. They lodged FIR at Puri Sadar P.S. and also informed the S.P., Puri. The victims left their houses for fear for further attack on them.

On receipt of the allegation, two letters were sent to the D.M. & S.P., Distt. Puri with the request to cause an on the spot enquiry and take necessary action into the matter accordingly. On 14-09-2007 the collector & District Magistrate, Puri informed this Office that the matter has been enquired jointly by the D.Y.S.P and the Tahasildar, Puri. The enquiry report recommended for monetary relief @ 25,000/- per head for three victims. After several meetings with the general caste persons of the village, the victims including the petitioners have returned back to their home. They need not beat drums in front of the village deity if they do not want to do so. Upper caste villagers promised that they will not give them any pressure to beat drums.

7. During the year 2007, the representations from the following SC persons were received by the State office of NCSC at Lucknow whereby representationists had alleged that they were the victims of atrocities by the upper caste people of their respective villages/mohllas, but the police was not taking any action against the accused :—

- (i) Smt. Binwa W/o Tikhua, R/o Pindkhar, PS Atarra, Banda.
- (ii) Shri Raj Kumar, R/o Shahbadia, Aurraiya.
- (iii) Smt. Rita W/o Sanjay, R/o village Padhai, PS Puwayan, Shahjahnpur.
- (iv) Shri Ram Naresh S/o B. Lal, R/o village Madhavganj, PS Rajapur, Chitrakoot.
- (v) Shri Vijay Pal Singh S/o Angad Ram R/o village Jamalpur, PS Sahawar, Eita.
- (vi) Shri Ramesh Sagar, S/o Shri Veer Sahai, R/o Khalilpur Road, C.B. Ganj, Bareilly.

- (vii) Shri Ram Swaroop S/o Hori Lal, Ram Vihar colony, Rajajipuram, Lucknow.
- (viii) Shri Ankit S/o Rajpal, R/o Indira Colony, PS Badaut, Bagpat.
- (ix) Shri Shiv Charan S/o Malikhan, Village Chandma, Bahadurpur, Jalalabad, Shahjahnpur.
- (x) Shri Indra Pal S/o Joginder, R/o Sarai Dastoor, PS Dataganj, Badaun.
- (xi) Shri Ram Das S/o Suder Lal, Village Rasulpur, Bilhati, PS Civil Lines, Badaun.
- (xii) Shri Budha Lal S/o Mula, R/o Village Mudigawan, PS Kanth, Shahjahnpur.
- (xiii) Shri Ram Het Pasi S/o Shri Lakshman, Village Rajpur, Futha, PS Loni Katra, Barabanki.
- (xiv) Shri Kishor Pal S/o Phool Singh, Sidhipur, Dadri, Gaziabad.
- (xv) Shri Rajesh S/o Nagina, R/o Matapokhra, PS Kotwali, Mau.

This State office took up the above cases with the respective Police authorities. On intervention each case was got registered and challaned. After inquiry by the Circle Officer, charge-sheet filed in the Court. Each victim was provided monetary relief.

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- (i) Shri Prakash S/o Satyajeet, Village Lakhnipur, PS Aaspur, Devsara, Pratapgarh.
- (ii) Shri Shiv Kumar S/o Shri Ram Dheeraj, Village Lala Purwa, PS Fakarpur, Behraich.
- (iii) Smt. Sonia w/o Shri Ram Lakhan, Village Rowadda, PS Ahiroli Bazar, Kushinagar.
- (iv) Shri Sadaphul S/o Shri Atiraj, Village Bandhani Sakrapar, PS Khurkad, Deroia.
- (v) Shri Ram Deen S/o Berwa, Village Mahewa, Kadrai, Mahoba.
- (vi) Shri Ram Jatan S/o Summer Singh, Khemkaranpur, Tundla, Firozabad.

This State office took up the above cases with the respective Police authorities. On intervention each case was got registered and challaned. After inquiry by the Circle Officer, charge-sheet filed in the Court. Each victim was provided monetary relief.

8. The Commission received a representation dated 16-04-2007 from Sri Gurugovind Paswan, Village-Bankipur Machriawan, PS- Fatuha, District- Patna alleged about harvesting the standing crops from his fields by the accused persons of his village. It was also informed that a case No. 82/2007 u/s 143/379/504 was registered by the Fatuha PS but no action under the sections of The Scheduled Castes and the Scheduled Tribes(Prevention of Atrocity) Act, 1989. The State Office, Patna took up the matter with the Senior Superintendent of Police, Patna for necessary action. As a result section 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocity)Act, 1989 was incorporated in the case and the case was found true. The charge-sheet against all accused was also submitted.

9. Sri Upendra Choudhary, Mir Gulabi Bag, P.S.- Kohajekalan, District- Patna submitted a petition dated 29-08-2007 to the Commission regarding beating him by Sandeep Yadav and other criminals as well as demolition of drainage because of his being a Scheduled Caste. Though the local police lodged a FIR in this connection but there was no action under the sections of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocity) Act, 1989. The State Office, Patna took up the matter with the Senior Superintendent of Police, Patna for necessary action. As a result section 3(1)(x) of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocity)Act, 1989 was added in the case and the case was found true during investigation. The charge-sheet against the accused was also submitted.

10. Smt. Rajmani Devi W/o Shri Bhagwan Das of Village Gonawa under Naubatpur P.S. in Patna District submitted a representation to the Commission telling therewith that the persons belonging to Non-SC/ST community had assaulted and abused her daughter named Rinki Kumari and a case vide Naubatpur P.S. case

No. 93/2007 dated 20-05-2007 was instituted but no relief had been given to the victim under the SC/ST(POA) Rules, 1995. It was observed that the sections of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocity) Act, 1989 was not added in the case. Thus the State Office took up the matter with the Senior Superintendent of Police, Patna for necessary action. As a result, police submitted the charge-sheet against three accused persons under section 341/323/504/34 IPC and 3(1)(x) and recommended for payment of financial relief to the victim.

11. Smt. Basmati Devi w/o Sanjay Mochi of Village Ahijan under Athmalgola in Patna district submitted a representation to the Commission telling therewith that she was beaten and assaulted alleging her witchcraft and a case vide Athmalgola P.S. case No. 137/2008 dated 11-10-2008 had been registered but the police was not taking hard action against the accused persons. The State Office, Patna of the National Commission for Scheduled Castes called the ASP, Barh and discussed the matter. It was found that no action was taken under the Scheduled Castes & Scheduled Tribes(Prevention of Atrocity) Act, 1989 against the accused of this case although the police had submitted the charge-sheet u/s 341/342/323/504/34 IPC and 3/4 Witch Craft Act. It was suggested for necessary action under the sections of Scheduled Castes & Scheduled Tribes(Prevention of Atrocity) Act, 1989 and to submit the Supplementary Charge-Sheet. As a result the police submitted the supplementary charge-sheet u/s 3(1)(x) and 3(1)(xi) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocity) Act, 1989 and recommended for payment of financial relief to the victim.

12. Sri Rampravesh Manjhi S/o Late Bindeshwari Manjhi of Village Gogawan, Babuchak Barki Mushari under Shahpur P.S. in Patna District submitted a representation stating therewith that he was beaten and abused in an incident of atrocity but the police was not taking action against the accused persons. The State Office, Patna of the National Commission for Scheduled Castes took up the matter with the Senior Superintendent of Police, Patna. As a result the police registered a case vide Shahpur P.S. case No. 120/2008 dated 12-09-2008 u/s 323/341/34 IPC and 3(1)(x) of Scheduled Castes and Scheduled Tribes(Prevention of Atrocity) Act, 1989 against the accused persons and submitted the charge-sheet after completing the investigation. The police also sent recommendation for payment of financial relief to the SC victim.

13. Sri Baleshwar Mochi S/o Late Ram Khelawan, Village- Fatehpur Jangliya Tola, P.S.- Didarganj, Distt.- Patna submitted a representation dated 30.04.2008 to the Commission regarding murder of his two sons for denying to do any unlawful work. It was also reported by the petitioner that a case No. 21/2008 dated 21.03.2008 u/s 364/302/34 of IPC and 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989 has been registered by the Didarganj P.S. But no any financial assistant was provided to victim's family. The State Office of the National Commission for Scheduled Castes, Patna took up the matter with the District Magistrate, Patna as well as the Senior Superintendent of Police, Patna for necessary action. As a result, the police submitted the charge-sheet u/s 302/201/34 of IPC and u/s 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989 and recommended for payment of financial relief to the victim's family.

14. The Commission got information regarding murder of a Sch. Caste old man of Tiwaridih Village under Piro P.S. of Bhojpur District through news paper report. From the report received from the Supdt. of Police, Arrah it was observed that the FIR in the matter was lodged under 302 IPC and 27 Arms Act only. The State Office, Patna took up the matter with the Supdt. of Police, Arrah for necessary action for payment of financial and other relief to the victim's family under the provision of SC & ST (POA) Rules, 1995. As a result the Supdt. of Police issued instruction to the Investigating Officer of the case to include the Section 3(2)(v) of POA Act, 1989 in the case and recommended for payment of financial and other relief to the victim's family.

15. The Commission got information regarding incidence of murder of a Scheduled Castes person in Hardia Village under Jagdishpur P.S. of Bhojpur District through newspaper report. In the incident wife of deceased was also reported to be assaulted. A FIR in the case was lodged with the Jagdishpur P.S. u/s 354/302/34 IPC, 27 Arms Act and 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocity) Act, 1989. Proper section of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocity) Act, 1989 was not found incorporated in the case. The State Office, Patna asked the Supdt. of Police, Bhojpur to incorporate the proper sections viz. 3(2)(v) and 3(1)(xi) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocity) Act, 1989 in the case and to take necessary action for payment of financial and other relief to the victims family. Accordingly action was taken by the Supdt. of Police, Bhojpur in the matter.



16. Smt. Devanti Devi W/o Shri Manu Paswan, Village Kathar, P.S. Krishnabrahma, District Buxar submitted a representation regarding beating and abusing of her family members by the accused. It was alleged that the local police was not taking any action in the matter. The State Office took up the matter with the Suptd. of Police, Buxar and suggested for necessary action under the sections 3(1)(x)/3(1)(xi) of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocity)Act, 1989 against the accused. As a result the police took action and submitted charge-sheet against 12 accused persons u/s 3(1)(xi) of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocity)Act, 1989 apart from sections of IPC.

17. Shri Naulakh Das, Village- Dorra, P.S.- Rampur Chauram, District- Arwal submitted a representation to the Commission regarding incidence of attempt to rape with a scheduled caste girl. A case was instituted with the Rampur Chauram P.S. u/s 376/511/34 IPC. It was alleged that police was not taking any action against the accused. The State Office, Patna of the National Commission for Scheduled Castes took up the matter with the Suptd. of Police, Arwal and asked him to take proper action under the sections of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocity)Act, 1989 against the accused. As a result the police took necessary action accordingly. The case was found true under the sections of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocity)Act, 1989 as well as IPC.

18. The Commission received a representation dated 21.9.2006 from Shri E.G.Babu, Koorali PO, Elangulam, Kottayam District regarding pathway for his house. The matter was taken up with the District Superintendent of Police, Kottayam and the Revenue Divisional Officer, Kottayam vide this Office letter No.15/13/06 dated 3.10.2006 for redressal of grievances. On continuous follow up this Office received a favorable reply from the Superintendent of Police stating that the grievances has been settled by giving footway to the Petitioner viz. Shri E.G. Babu.

19. The Commission on the basis of a news item in Kerala Kaumudi Malayalam Daily dated 14.12.2005 (Thrissur) took up the alleged suicide of Scheduled Caste Girl student due to humiliation with the District Superintendent of Police, Thrissur for furnishing the present position/facts of the case to this Office at the earliest. On continuous follow up, we received a reply from the District Collector, Thrissur stating that the District level Vigilance Monitoring Committee, Thrissur has allotted an amount of Rs.75,000/- in the name of the mother and two sisters of the deceased and the amount has been given to them from the District Scheduled Caste Development Office.

20. The Commission had received a representation dated 22.03.2007 from the residents of Chellanam Ambedkar SC Colony people, Ernakulam regarding atrocities against Scheduled Castes in connection with the temple festival. The matter was taken up with the District Collector/District Development Officer for SCs, Ernakulam vide this Office letter No.KL/31/07 dated 14.11.2007 for redressal of grievance. After continuous follow up we received a letter dated 29.11.2007 from the District Development Officer for Scheduled Castes, Ernakulam reporting that on the basis of the report of the Tahsildar, Kochi for the damages in the temple caused during the unfortunate incident, the District Level Vigilance Monitoring Committee under the Chairmanship of District Collector, Ernakulam held on 27.11.2007 have decided to release a relief amount of Rs.25000/- for the damages caused to the lights, microphone, curtain etc. and an amount of Rs.9000 has been sanctioned by the Committee to the three injured persons belonging to Scheduled Castes.

21. The Commission received a representation dated 27.7.2004 from Shri N.T. Prabhakaran, Dalit Human Rights Protection Service, Alleppey regarding financial aid to victimized family of Kum. Rajani, who committed suicide. The matter was taken up with the Secretary, SC and ST Development Department, Government of Kerala vide this Office letter No.31/42/04-G dated 4.08.2004 for redressal of grievance. After continuous follow up we received a letter dated 31.3.2008 from the Secretary to Government of Kerala, SC and ST Development Department, Trivandrum reporting that employment assistance was given to brother of the deceased and an amount of Rs.1 lakh has been sanctioned to the victims family.

22. The Commission received a representation dated 13.9.2006 from Smt. Priya V. Karikkuzhi, Chenpakamangalam, Trivandrum district regarding request to conduct enquiry about the death of her husband. The matter was taken up with the Superintendent of Police, Trivandrum vide this Office letter No.KI/311/37/06 dated 15.9.2006 for redressal of grievance. After continuous follow up we received a letter dated 3.2.08 from the District Development Officer for SCs, Trivandrum reporting that the case was booked under SC and ST POA

Act 1989 and enquired into and action has been initiated to give employment assistance to the wife of the deceased and an amount of Rs.1 Lakhs has been sanctioned as mandatory monetary relief as per the provisions of Atrocity Act.

23. The Commission received a representation dated 19.6.2008 from Smt. K. Santha, Dr. B.R. Ambedkar Colony, Kallar PO, Nedumangad, Trivandrum District regarding Atrocity due to encroachment of property. This matter was taken up with the Police Department and the Revenue Department *vide* this Office letter No.KL/31/28/08 dated 23.6.2008 for investigation into the alleged matter and for investigation. In the meanwhile, the Commission decided to visit the spot and to see the reality empirically. It is learned that the petitioner did have the problem with neighbour on demarcation of housing land boundary as the whole area was not surveyed properly and hence the Commission advised that the Tahsildar, Nedumangad to demark the property of the petitioner by surveying the land. Accordingly, Tahsildar, Nedumangad along with the Survey Officials surveyed the housing land of Smt. Santha on 21.8.2008. After surveying the petitioner got 11/4 cent of land and it is demarked by adjacent property and dispute solved amicably.

24. The Commission received a representation dated 03.06.2008 from Smt. Janatha, Althara, Venjaramoodu, Trivandrum District regarding atrocity on SC woman. Considering the seriousness of the matter, the Deputy Director and Assistant Director visited the Venjaramoodu Police Station and then to the spot and it was seen empirically that this SC family is being troubled in many fold. This matter was taken up with the Superintendent of Police (Rural) Trivandrum, *vide* this Office letter No.KL/31/26/08 dated 5.6.2008 with a request to take necessary steps to solve the problem either by calling them for joint meeting or any other appropriate action and also requested to book the case under SC/ST POA Act, 1989. The Superintendent of Police (Rural) *vide* their letter dated 25.8.2008 intimated that the case is booked under relevant section of SC/ST POA Act.

25. The Commission received a representation dated 3.6.2008 from Smt. Janatha, Althara, Venjaramoodu, Thiruvananthapuram District regarding atrocity on SC women. Considering the seriousness of the matter, the Deputy Director accompanied with Assistant Director visited the Venjaramoodu Police Station and then to the spot along with the Assistant Sub. Inspector of police and it was seen empirically that the Scheduled Caste family is being troubled in many fold. Immediately the matter was taken up with the Superintendent of Police (Rural) and also a copy marked to the ADGP (PCR) requesting to take appropriate action and to book the case under Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act 1989. The Superintendent of Police, furnished a reply mentioning that the case is booked under Section 3(i)(x)(xi) (xi) of SC/ST POA Act 1989.

26. This Commission learnt through media reports and other social forums that the Feature Film entitled "Aaja Nachle" contains objectionable lyrics in a song which hurts the sentiments of a particular community of the society. This cause was taken up immediately and the Chairperson, CBFC, Producer, Director, Lyricist and Actress of the film were called through summons for discussions in this Commission. The line in question seen in the context of the film relates to two words "Mochi" and "Sonar" which were highly objectionable as it hurt the feelings of the people belonging to this caste. Accordingly, the matter was taken up with the concerned authorities of the film makers. They pleaded that these words were treated as connecting two different sets of professions or trade without intentionally correlating them with any particular caste. It may also be mentioned that the word "mochi" is the translation of the word "Cobbler" in Hindi and "Sonar" that of a gold smith. Through the intervention and efforts made by NCSC, later on the film authorities removed these objectionable words from the sequence of the songs.

27. A representation was received from Smt. Malti Devi, R/o Vill. Jalalpur Chirgauna, District Jalaun, U.P saying that her husband was alleged to have been forcibly taken by the police to the Thana and he was stated to have been killed in a fake encounter. The petitioner had tried her level best to lodge a report against this with the Thana and higher officers, but none listened to her. Instead, she was intimidated and threatened by them. At last, she approached this Commission and narrated her tale of woes through her application. Accordingly, the NCSC immediately took the cognizance and seeing the seriousness of this case sent a letter to the Sr. Supdt. of Police, Jalaun District, U.P. to enquire into the whole matter and submit the action taken report. A report from the police authority was received in this regard which stated that Sr. Officer of the police had conducted a detailed enquiry to know the truth of this case. They stated that as per the enquiry report, the Petitioner's husband was killed in an encounter in which the police were trying to release two persons from the kidnappers. Accordingly, section 364, 302, 452 of IPC and 3(2) 5 of SC/ST Act was applied in this case through the intervention of this Commission and case was challaned in the Hon'ble Court.



28. This case relates to one SC person Sh. Kali Charan, R/o Vill. Gulmowh, Teh. & Distt. Datia, M.P. The Petitioner, a farmer by profession, lives in his ancestral House in Gulmowh. His co-villagers belonging to higher caste, nursed a grudge against him. The dispute arose when the villagers and, especially the President of the Primary School Management, tried to widen the boundary wall of the school by pulling down the structure and encroaching upon the land of the Petitioner. They passed caste based remarks against Sh. Kali Charan and also threatened him to frame in a false case. The Petitioner lodged a complaint with this Commission for immediate redressal of his grievances. Accordingly, the matter was taken up with the concerned Supdt. of Police and District Collector of Datia Distt. who in turn took up this matter with the land department of that area and got an enquiry conducted through the Patwari and other officers of the department. Finally, with the intervention of this Commission, a report from the Collector, Distt. Datia was received in this Commission. He informed that the matter had been settled and there was no dispute of any kind now.

29. A complaint from Sh. Amar Singh Dhanuk, Vill. Armapur State, Kanpur Nagar, U.P. was received in this Commission. He was employed in the Ministry of Defence. An incident took place in June, 2007 where by his colleagues, on the pretext of carrying out a search on him, locked him in a room and thrashed him very badly. They had also hatched a conspiracy against him to frame him in a false case of possessing smack purported to have been hidden in his motorcycle. Consequently, the opposite party got a case registered against him due to which he was suspended. This Commission acting immediately, as per his complaint, took up the matter with the concerned police authorities for urgent and appropriate action against the accused. Finally, the report of the Sr. Supdt. of Police, Kanpur Nagar, was received in the Commission. It was learnt that an FIR had been lodged (case No. 63/07) against the culprits under section 147/342 after applying sections 323/504/506 IPC & 3(1)10 of SCs/STs (POA) Act, 1989. The case was challaned in the Hon'ble Court.

30. On the basis of a complaint received from Sh. Lokesh, S/o Sh. Sateshwar, Vill. Tatiri, Balmiki Mohalla, Tehsil and Distt. Bagpat U.P., this Commission took up the matter with the Sr. Supdt. of Police, Distt. Bagpat, U.P. The complaint related to his neighbour's son who had snatched a sum of Rs. 100/- from other person. When he requested him to pay back his money, he flatly refused and slapped him. Seeing this incident, the Petitioner also joined them and enquired about the incident. All of a sudden, the accused started abusing him and threatened to teach him a bitter lesson. He snatched a Lathi from other person and banged at him on his back. As a result, the blood oozed out from his body. The accused not satisfied with this, took out a knife and hurt the Petitioner very badly. In the meantime, the other villagers were also gathered at the spot. The villagers along with the Petitioner went to the Police Station for lodging a report against the accused but the police authorities did not registered an FIR. On the day of Deepawali, the accused and his brother served wine to his neighbours and made them attack the family of the Petitioner who were badly beaten with Lathies and fists. In the melee, a person from the Petitioner side received a serious eye injury due to which he became blind of one eye. The report of the police authorities with regard to this case had been received in this Commission which stated that a case had been registered against the accused and he had been put in jail. A case had also been got registered under section 416, 107/116 against the accused and he was produced in the Hon'ble Court.

31. This Commission received a complaint from Sh. Ghirrau Parsad belonging to SC of Vill. Taal Gaon, District Barabanki, U.P. The case related to the murder of his brother who was employed in State Bank of India, Lucknow. He was kidnapped by one Sh. Krishan Chander Shukla who later on murdered him and his dead body was thrown in the Jungle. They tried to lodge a complaint with the police authority but under the influence of the accused being a rich person and belonging to Brahmin caste, the police did not registered an FIR. At last, the Petitioner approached this Commission with his complaint and prayed for immediate action against the accused. Accordingly, the NCSC took up the matter with the Sr. Supdt. of Police, Distt. Barabanki, U.P., and requested him to immediately probe the case and inform the Commission. Accordingly, the concerned police authorities swung into action and after proper investigation into the circumstances of the case sent a reply to this Commission. It was informed that Sh. Motilal, the brother of the Petitioner, was kidnapped at the behest of his wife. The weapon which was used to hack Sh. Motilal was recovered from the Jungle and the charges against his wife were proved and she was lodged in the Jail. Against the main accused Krishan Chander (under case No.308/05) section 301, 302 & 120 of IPC was applied and he was produced in the Hon'ble Court. This all happened through the efforts made by this Commission.

32. A complaint from Smt. Kela, W/o Sh. Karan Singh, Vill. Atariya, District Muradabad, U.P. was received in this Commission regarding murder of her husband by Sh. Nanhe, S/o Sh. Totaram a non-SC who used to



prepare and sell liquor illegally. The Petitioner had many times requested the accused to stop this illegal act of bootlegging in the village. Peeved by this complaint, Sh. Nanhe, the accused, took her husband to unknown place and hacked him to death. The complainant, Smt. Kela tried to lodge a complaint of her husband's death in the police station but could not succeed. She made rounds of police station for one year but of no avail. Instead, the police tried to settle this case by offering money to the Petitioner. The hapless lady at last knocked the doors of this Commission and lodged the complaint. The Commission immediately took cognizance of this heinous crime and took up the matter with the Sr. Supdt. of Police, District Muradabad, U.P. and asked him to carry out investigation on priority basis and submit his findings to this Commission. The police authorities finally submitted their reply to this Commission. It was informed that a case No. 342/07 against the accused was registered & section 364 of IPC and 3(1)10 of SC/ST Act. was applied. The crime committed by Nanhe was proved beyond doubt and accordingly the chargesheet number 179/07 was filed. Smt. Kela, the Petitioner was given a sum of Rs. 6250/- by the Welfare Department and another sum of Rs. 19000/- was to be given to her after the pronouncement of punishment to the accused.

33. This Commission received a complaint from Sh. Naathi Ram, S/o Sh. Kanturam, Vill. Nunabadi, District Saharanpur, U.P. As per this report, the daughter of the Petitioner, nine years old, was playing outside the school. In November, 2007, a person named Saalib, S/o Sh. Gaffar of the same village coxed the little girl and took her to the sugar cane field and tried to commit an act of rape. Hearing the cries of the girl, the people who were near by that site rushed to the spot but before they could have nabbed the culprit, he managed to flee from the scene. The little girl was lying unconscious. When she regained her consciousness, she narrated the whole story to the people. Her mouth was also bleeding. As the father of girl was a poor person, he could not get any support from anyone. He at last approached this Commission with his tale of woes. The Commission taking a serious note of this incident took up the matter with the Sr. Supdt. of Police, District Saharanpur, U.P. to immediately investigate the case and submit his report to this Commission expeditiously. Responding to the intervention of this Commission, the Sr. Supdt. of Police, Saharanpur, submitted his report intimating that as per case No. 77/07, the accused had been booked under section 376, 511 of IPC & under section 3(1)10 of SCs/STs (POA) Act. He also told that the concerned Department had been requested to provide monetary relief to the victim. It was also learnt that a charge sheet No. 141, dated 12/12/2007 against the accused had been filed in the Hon'ble Court & the concerned Department had also been requested to provide monetary assistance to the victim's family.

34. A Petitioner, Smt. Draupati Devi, W/o Sh. Balwant Singh, Vill. Jaamunka, District Aligarh, U.P. sent a petition to this Commission for immediate help regarding persecution by one person named Muzayad Khan of the same village. One day, during midnight they barged into her house and threatened them with dire consequences if a complaint against the accused was lodged. They looted all the belongings and damaged the house of Smt. Draupati Devi. They also fraudulently made her husband to sign the paper and got transferred one holding of land in his name. The accused party had close links with the higher authorities and on this strength they used to unleash a reign of terror in the village. The lady Petitioner prayed this Commission for her rescue. Acting immediately on her complaint, the matter was taken up with the Police Supdt. by this Commission and he was requested to probe the case on priority basis and submit the findings to this Commission. When the Commission observed that no headway was being made by the police authorities, the SSP, Aligarh, was summoned to this Commission for a meeting and to know the actual status of the case on the basis of the records which the SSP was requested to bring along. In this meeting, he was requested to speed up the case to provide immediate relief to the Petitioner. At last, the Supdt. of Police submitted his findings where by he told that the accused had been booked under section 147, 302, 376 and SCs/STs (POA) Act's section 3(2)5. Thus, with the intervention of this Commission, the case finally got settled.

### *Economic and Educational Development*

1. Shri Subhraneelya Das a student of Ramakrishna Mission, Amtali, Viveknagar, Tripura (W) was selected for National Talent Search (NTS) Scholarship from NCERT, New Delhi in 2007. Shri Das was the only SC awardee of 2007 from Tripura State, out of other 3 awardees. On 11th November, 2008 Shri Das submitted a complaint to the Commission that till date he has not received the 1st stroke of NTS scholarship from the NCERT, New Delhi although other awardees got their scholarship by April, 2008. The Commission took up the matter with the NCERT, New Delhi and ultimately Shri Das got 1st stroke of NTS scholarship of Rs. 6000/- in the month of March, 2009 for the period 2007-08. Moreover, he has also received scholarship for the period 2008-09 in March, 2009.

2. Shri Hiralal S/o Magna Raiger, resident of Fatehpura (Ajmer) Rajasthan represented to the Commission in August, 2007 regarding encroachment on his land at Rampura (Raj.) and inaction on the part of Distt. Administration in spite of repeated requestes. The case was taken up with the Collector and S.P. Ajmer who after doing needful in the matter, informed this office vide letter dated 27.10.07 that the land was freed from encroachment.

3. The Commission received a representation dated 15.06.07 from Smt. Gangamma. V, Bangalore about illegal occupation by unauthorised persons of the site allotted to her husband located at Anandapuram slum, Jeevanbhima Nagar, Bangalore. On intervention by NCSC, Bangalore, the Bangalore Development Authority vide its letter dated 2.5.08 informed that the land had been handed over to original allottee.

4. The Commission received a representation dated 29.06.07 from North Karnataka SC/ST Small Scale Industries Association, Hubli requesting for allotment of sheds for SC beneficiaries in Hubli. On intervention by NCSC, Bangalore, the KSSIDC vide their letter dated 21.10.08 informed that all the 14 applicants were allotted sheds.

5. Ms. Manpreet Kaur D/o Sh. Ashok Kumar Gotra R/o Naya Gaon, Mohali made a representation to the Commission in October 2007. She alleged that She Applied for admission to General Nursing Course in Government Multi-Speciality Hospital (GMSH) Sector-16, Chandigarh under SC quota. GMSH gave admission to those SC category candidates under reserved quota who were more meritorious in comparison to other general category candidates. She submitted that candidates of SC category who were high in merit in comparison to general category candidates were not to be adjusted against reserved quota rather they were to be admitted in general quota. GMSH did not follow this rule and she was deprived of admission in SC quota. Matter was taken up with Health Department, Chandigarh Administration. Matter was subsequently discussed with the officers of the GMSH and Director, Health, UT Administration, Chandigarh. During the discussion following issues were raised.

- (a) Why more meritorious SC candidates not placed in General Merit.
- (b) Why the Cost of prospectus is same for the SC candidates.
- (c) Instead of asking for 'Category under which applied' the same should be changed to 'Whether belong to SC.
- (d) Why not mention relaxation in marks in qualifying examination for admission to GNM Course.

After the intervention of the Commission Ms. Manpreet Kaur was granted admission and it was assured that rest of the issues at S.No. (ii) (iii) and (iv) shall be ensured from the next session.

6. Shri P. Suresh, Periyar Nagar, Perambalur District had represented that his case was refused for sanctioning PMRY loan on caste considerations by Union Bank of India. The case was taken up by the Commission with the Regional Manager, Union Bank of India, Regional Office, Chennai on 17-5-2007 for immediate action. The General Manager, District Industrial Centre (DIC), Ariyalur was also addressed for follow-up in the case. The General Manager, DIC, Perambalur himself visited Union Bank of India, Padalur Branch and conducted an enquiry by also calling the applicant. The Branch Manager, who was also a member of SC, agreed to process the PMRY application of Shri Suresh. On further persuasion, the Branch Manager, Padalur Branch, Union Bank of India, has informed sanction of PMRY loan of Rs.50000/- to Shri P. Suresh on 23-8-2007 for purchase of accessories of goods for starting an Audio Musical Centre.

7. The case of Kum. Abinaya Bhavatharani, Pallavaram, Chennai regarding refusal of educational loan during second year B.Tech by Indian Bank was taken up with the Chairman and Managing Director, Indian Bank, Head Office, Chennai on 08-10-2007. On 11-10-2007, the Indian Bank authorities had called for a copy of mark sheet of first year course from the petitioner. She had informed that her mark sheet had already been submitted to the Bank authorities. The case was further taken up vigorously with the Indian Bank authorities on 13-7-2007 and 20-11-2007 since the petitioner had alleged that even the sanctioned education loan had been kept in the Hold Account and her education had been getting affected. On 23-11-2007, the Indian Bank authorities had informed that the Co-Borrower, Shri Muthu, father of Kum. Abinaya who is also an employee of the Bank was continuously absenting himself from attending duties due to which all his loan accounts were kept pending due to non-payment of loan instalments. However, due to the efforts taken by the Commission, the Bank had



sympathetically permitted to release the second year loan instalments as a special case considering the future career of the student for continuing her studies.

8. A representation had been received from Shri K. Karunanidhi, President, "Bharatha Rathna Annal Ambedkar Auto Drivers Association", Chennai-9 requesting for guarantee letter for sanction of loan from Indian Overseas Bank in the case of one of the Association Members, Shri N. Selvakumar. The case was taken up with the IOB authorities on 06-11-2007. The Chief Manager, IOB, Regional Office, Chennai-2 vide his letter dated 20-11-2007 informed that they have taken up the matter with the Central Bank of India authorities for further action. This office had followed up the case with the Central Bank of India vide letter dated 23-11-2007 and 01-1-2008. The delay in sanctioning the loan was due to the delay in releasing the subsidy by Government of Tamil Nadu. Finally, Shri N. Selvakumar was sanctioned the loan of Rs.1,08,000/- for purchase of Auto Rickshaw.

9. Shri P. Stalin, Keezhaiyur village, Nagapattinam District had alleged that there was inordinate delay in sanction of TAHDCO (SC Development Corporation) loan by Canara Bank, Keezhaiyur. The case was taken up with the Canara Bank, Circle Office, Tiruchirapalli and the Branch on 14-2-2008 for early sanction of loan. Due to the efforts made by the Commission, the petitioner had been sanctioned the loan of Rs.1.97 lakhs for purchase of Minidor/Load Auto, which was informed by Canara Bank, Circle Office, Trichy on 20-3-2008.

10. Two cases of non-receipt of Rajiv Gandhi Fellowship were received from Kum. D. Bhuvana, Namakkal District and Kum. Suguna, Dharmapuri District who were studying in Vivekananda College of Arts and Science for Women, Elayampalayam, Namakkal District was taken up with the Principal of the College on 13-5-2008 who in turn replied that the delay in payment of Fellowship was due to non-release of grant by UGC vide his letter dated 16-5-2008. The Commission had taken up the matter with UGC, New Delhi continuously on 22-5-2008, 08-7-2008, 31-7-2008 and 30-9-2008. UGC, New Delhi vide its order dated 08-11-2008 had sanctioned Rs.2 lakhs each for the above candidates.

11. The case of Kum. K. Nandhini, Pudupalayam, Thiruvannamalai District for award of Ph.D., on full time basis with Rajiv Gandhi Fellowship was taken up with the Registrar, Periyar University, Salem on 16-10-2007 and with the UGC, New Delhi on 13-11-2007. The UGC, New Delhi had intimated on 18-11-2008 that Kum. Nandhini had been awarded Rajiv Gandhi National Fellowship and due to clerical mistake, her Department's name was mentioned as Chemistry instead of Bio-Chemistry. Necessary corrections were made in the records on 23-10-2008 and finally the petitioner had intimated sanction of Fellowship to Kum. Nandhini.

12. Smt. Janaki, Gangapuram Village, Thiruvannamalai District had represented on the undue delay in sanction of TAHDCO loan for Land Development. The case was taken up with the State Bank of India, Local Head Office, Chennai on 27-7-2007, 11-3-2008 and 01-4-2008. The SBI authorities vide their letter dated 29-7-2008 informed that Smt. Janaki was sanctioned Rs.1 lakhs by SBI, Periya Kolappalur Branch on 25-7-2008.

13. Shri Sangram Mallick, Ambedkar Lohia Vihar Manch, Orissa submitted a representation alleging that 26 fisherman of Rajkanika Block were selected to get loan amounting to Rs. 42,000/- each, under Motorisation Programme. In the first stage subsidy was released for 16 beneficiaries. The beneficiaries had deposited Rs.22,500/- each. But the same was not disbursed due to negligence of the then Branch Manager, Baradia Branch, Union Bank of India. On receipt of the representation the matter was taken up with the Deputy General Manager, Union Bank of India, Bhubaneswar. In reply D.G.M. informed that all the 16 fishermen have got the loan for Motorization of Boats.

14. A representation received from Smt. Swapna Mondal, Vill. Kastadanga, P.S. Bhangor, Distt. South-24 Parganas on 25-06-2008 alleging that one Smt. Ranibala Mondal contested the recent Grampanchayat Election against reserve SC seat by submitting false SC certificate. In this connection the petitioner submitted a copy of land deed of the paternal land of Smt. Rani Bala Mondal wherein it is mentioned that they are not belonging to SC but they are "Satchashi" by caste belonging to O.B.C category.

On receipt of the same the matter was taken up with the concerned S.D.O. After long correspondence, discussions over telephone the S.D.O. has cancelled the caste certificate as well as candidature of Smt. Rani Bala Mondal of the Constituency and informed this Office on 26-02-2009.

15. The Commission received representations from the following SC persons alleging that they have been dispossessed from their land by the upper caste people. They demanded the restoration of their land:—



- (i) Shri Bahadur S/o Cheda, village Garhi Majre Kursi, Teh. Fatehpur, Barabanki.
- (ii) Shri Parvesi S/o Jangli, R/o Yusufpur, Khandwa, PS Shadiapur, Gazipur.
- (iii) Shri Miloki Ram S/o Late Shri Shivsarat, R/o Deroia, Teh. Jamunia, Gazipur.

The grievances of the petitioners were redressed by way of restoration of their land.

16. During a visit of Director of this State office in September, 2008 in two villages Purena and Karanda in Gazipur Distt., it was informed by the 13 SC residents that during rains when Ganga crossed danger mark, their basti got submerged by its waters and they remained cut off from rest of the villages. Even their houses also got submerged. The matter was discussed with the then Collector and it was suggested to him that some land may be got purchased elsewhere near by village and allotted to SCs. The Collector informed that 0.221 Hect. land had been offered for sale by a non-SC farmer. The paper work got completed and a proposal had been sent to Revenue Department, Government of UP for sanction of money (02.278 Lakhs) for payment to the said land owner. The proposal was accepted and all the SC families had been shifted to new side.

17. The Commission received representations from the following SC persons alleging that they had been dispossessed from their land by the upper caste people. They demanded the restoration of their land:—

- (i) Shri Baljeet S/o Shri Chhajju, village Dhyana, Teh. Devband, Saharanpur.
- (ii) Smt. Chandrawati Devi W/o Shri Sriram, village Achkari, PO Kushmaul, PS Sujanganj, Jaunpur.
- (iii) Shri Ram Dulare & Babu Ram S/o Shri Katri, village Janera, PO Lalbagh, PS Kotwali Nagar, Faizabad.

In all cases lands were demarcated and restored to the petitioners.

18. Shri Rajnish Ranjan S/o Shri Raja Ram Paswan, Class- ISc(math), Roll No.- 136, Session 2006-07 of Oriental College, Patna informed the NCSC at Patna through his representation dated 20-06-2007 was not getting benefit of scholarship while proper application for it was submitted to the District Welfare Officer, Patna through the College. The State Office took up the matter with the DWO as well as Principal Secretary, SC/ST Welfare Deptt., Government of Bihar, Patna for necessary action. As a result the petitioner got the payment of scholarship.

19. Shri Rajeev Kumar, Maulabag, Arrah submitted a petition to the Commission regarding irregularity in the appointment of Peon as well as not allowing him for Telephone Booth within the premises of the Collectorate, Bhojpur, Arrah. The State Office, Patna addressed a letter to the DM, Bhojpur, Arrah in this connection and also discussed the case with the officers by inviting them to this office. As a result the petitioner got the permission to open Telephone Booth in the said Collectorate premises and his name was included in the panel list for appointment to the post of peon.

20. Smt. Neelima Devi W/o Shri Ramnath Paswan of village Bakharapur under Pirpanti Block in Bhagalpur district (Bihar) submitted a representation dated 25-06-2007 to the Commission stating therewith that her License No. 3/96 of the PDS was cancelled on allegation of non-payment of renewal amount. She informed that she could not deposit the renewal amount due to her serious illness. The matter was discussed with the District Magistrate, Bhagalpur as well as the officers of the Food, Supply and Commerce Department, Government of Bihar. As a result the petitioner's license was renewed and she was allowed to pay renewal amount with late fine.

21. The Commission had received the representation dated 3/10/2004 from Shri Veerswami Rangappa Tupdale, resident of Sangli regarding delay in sanctioning of loan for the purpose of Purchase of Vehicle, by the Lokshahir Annabhau Sathe Development Corporation, a Government of Maharashtra organization, in Sangli District. The matter was taken up with the CMD, Lokshahir Annabhau Sathe Development Corporation, Mumbai on 07-01-2006. Due to Commission's intervention CMD, Lokshahir Annabhau Sathe Development Corporation had informed vide their letter dated 03-07-2007 that loan had been disbursed to the petitioner in the month of June, 2007.

22. The Commission received a representation dated 10.9.2007 from Shri Kunhiraman, Erur PO, Kozhikode regarding educational assistance for his son Shri Jijin T.M. studying for BSc Physics. The matter was taken up with the District Development Officer for SCs, Kozhikode vide this Office letter No.KL/E/12/4/05 dated 17.09.2007 with copy endorsed to the Director, Scheduled Caste Development Department, Government of Kerala,

Thiruvananthapuram for redressal of grievance. After continuous follow up we received a letter dated 17.12.2007 from the District Development Officer for Scheduled Castes, Kozhikode reporting that the educational assistance for the period from 27.7.2005 to 31.3.2006 as per existing Government Order has been sanctioned to Shri Jijin, S/o Kunhiraman.

23. The Commission on the basis of a news item appearing in the Rashtra Deepika daily dated 15.03.2007, regarding denial of Pattatyam/Water Supply to 10 poor Scheduled Castes colonies of Andoorkonam Grama Panchayat in Thiruvananthapuram district, had taken up the matter with the Director of Scheduled Development Department, Trivandrum vide this Office letter No.16-01-2007-Res. dated 19.03.2007 for redressal of grievance. After continuous follow up we received a letter dated 16.1.2008 from the Directorate of Scheduled Caste Development, Thiruvananthapuram stating that Rs.1 lakh has been spend for the drinking water project and Rs.55,291 has been spent for cleaning the tank situated near the colony.

24. The Commission received a representation dated 22.7.2008 from Shri M.T. Thankachan, President, All Kerala SC/ST Petroleum Dealers and Workers Welfare Association regarding rejection of the renewal of the license for retail outlet of Bharat Petroleum by the Panchayat Authorities. This Office visited the place on 24.7.2008 to see empirically the reality and solve the problem amicably. We discussed the matter with Deputy Director of Panchayats, DDO for SCs and Territory Manager. Deputy Director of Panchayat agreed to renew the license and furnished the renewal copy.

25. The Commission received a representation dated 4.10.2007 from Smt. C. Devi, W/o K. Ambu, Kannakai West, Aravanchal PO, Payyannoor, Kannur regarding housing grant. The matter was taken up with the District Development Officer for Scheduled Castes, Kannur and copy also marked to the Director, SC Development Department, Thiruvananthapuram requesting to take necessary action and furnish the Action Taken Report. A final reply received from the District Development Officer for SCs, mentioning that the housing grant has been sanctioned to the petitioner.

26. This Commission received a representation dated 4.11.2008 from Shri Raja T, Hostel Secretary, Post Matric Hostel, Vellayambalam regarding discrepancies in the fund allotted considering the seriousness of the matter, the Deputy Director and Assistant Director, visited the hostel on 5.11.2008 and enquired about the discrepancies. Also the matter was taken up with the District Development Officer for SCs and copy marked to the Director, Scheduled Caste Development Department for appropriate action. A final reply received from the District Development Officer for Scheduled Castes mentioning as they have taken steps to utilise the fund allotted for the hostel effectively.

27. A Press news appeared in the Indian Express dated 16.10.2008 mentioning that some of the children of the Pre Matric Hostel at Makkankonam, Nedar Venjaramoodu suffered stomach cramps and incessant vomiting considering the seriousness of the situation, the Investigator visited the hostel on 24.10.2008 to see the reality empirically. It is learnt that the well from which they are drawing water for cooking is nearby septic tank. During the rainy season Chances of mixing up of the water is possible due to leakage. Also there is no proper drainage facility for flow of water from kitchen and bathroom. The matter was taken up with the Principal Secretary SC/ST Development Department requesting to rectify the problems by laying a proper drainage system in the hostel so as to ensure the hygienic requirements for not affecting the health of the inmates by contaminated water. A final reply received from the Principal Secretary, SC and ST Development Department and the Directorate of SC Development on 19.3.2009 mentioning that precautionary measures have been taken to supply potable water for drinking and cooking and to improve the hostel facilities.

28. A complaint was received from Shri Kailasi Jatav S/o Shri Mahar Jatav R/o Village Santhoshpur alleging that a piece of land belonging to him was encroached by dominant people of the village and his complaints to local authorities had not yielded any result. He approached the Commission through his complaint received in the Commission on 18.9.2008. The matter was taken up with the D.M. and S.P District Morena, Madhya Pradesh vide Commission's letter No. 14/9/2008/MP/ESDW dated 18.11.08 and followed by a subsequent reminder dated 24.12.2008. The matter was also referred to Divisional Commissioner, Chambal Division, Gwalior on 13.01.2009. NCSC received replies from SP and DM, Morena vide their letters dated 2.01.2009. Stating that the possession of the land was handed over to petitioner and the encroachment was removed from the petitioner's property.

29. A representation dated 25.6.2008 was received from Shri M. Sengodan R/o Village Naduvaneri, Taluk Sangagiri, District Salem, Tamil Nadu mentioning that they were cultivating the land in the said village since the

time of their ancestors. The land was allotted to other dominant community people of the village. Matter was taken up with the Collector & S.P. Salem District vide Commission letter dated 25.6.2008 to initiate necessary action. NCSC received a detailed report from Collector, Salem vide his letter No. ROC 34022/08(KJ) dated 18.7.2008 stating that the order issued in the name of other persons was cancelled and the new order was issued allotting the land to petitioner. Due to the timely intervention of the Commission petitioner got his land back.

30. A complaint was received from Shri Jayendra Singh in the Commission on 13.2.2008 alleging that the Principal of Government Degree College Datiya was demanding caste certificates every year from scheduled castes students. The matter was taken up with the D.M, Datiya vide Commission's letter dated 13.2.2008. After due correspondence with the District Administration, a hearing was held on 6.6.2008 before the Hon'ble Member Shri Mahendra Boddh and the Principal was advised to accept caste certificate only once at the time of admission and not every year. Accordingly Principal was agreed for it and matter was closed. Due to the intervention of the Commission matter got settled.

31. A complaint dated 10.11.2008 was received from Shri Pravesh that he was denied admission for Ph.D. Though he was the only SC candidate available for admission. Matter was taken up with the VC & Registrar University of Delhi vide this Commission's letter dated 12.11.08 and followed by a subsequent reminder dated 2.12.2008. A report was received from Delhi University. The case was examined in detail and a hearing was held before the Hon'ble Chairman NCSC. The Commission recommended to admit Shri Pravesh to Ph.D. Accordingly NCSC received an action taken report from HOD Deptt. of Political Science vide letter No. F 85/ Pol. Sc/09/3322 dated 8th April 2009 that Shri Pravesh was admitted in the Ph.D programme in the Deptt. of Political Science.

32. Smt V.M. Rajalakshmi, proprietor of Kairuli Gas Agencies, dealer code- 512550 Raramparam bath house, Arrs College (PO) Calicut., Kerala represented to the Commission through a written complaint dated 26th March 2009 alleging that she was allotted a LPG dealership by the Palakkad LPG Regional Office of HPCL under SC Women category in the year 2003, the same had been suspended and her continuous approach to HPCL regional office had also not received any response. NCSC took up the matter with one CMD HPCL vide Commission letter No. 19/08/09 Ker/ESDW dated 5.5.2009 to furnish action taken report. The HPCL vide their letter No. LPG/VSM dated 1st July 2009 informed the Commission that HPCL has agreed to resume LPG supplies to Kairuli Gas Agencies Calicut, Kerala with effect from 27.6.2009. Petitioner got justice due to intervention of the Commission.